

# HOUSE BILL 146

F1, B5

3lr1498  
CF SB 174

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By: **Delegate Kipke (By Request – Anne Arundel County Administration) and  
Delegates Dwyer, Hough, McDonough, and Szeliga**

Introduced and read first time: January 17, 2013

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Public Charter Schools – Capital Improvement Requests**

3 FOR the purpose of making public charter schools eligible to receive State funds for  
4 school construction subject to certain requirements; requiring the public charter  
5 school to submit a certain request for a capital improvement project to the  
6 county board of education; requiring the county board to establish a deadline for  
7 request submission; requiring the county board to make a certain evaluation of  
8 the request; requiring the county board to provide the public charter school with  
9 certain notice by a certain date; requiring the county board to allow the public  
10 charter school to make certain corrections in a reasonable time; requiring the  
11 Interagency Committee on School Construction and the Board of Public Works  
12 to make a certain evaluation of the request; providing for the disbursement of  
13 State funds; prohibiting the disbursement of State funds until a certain  
14 agreement is made; authorizing the county board and the public charter school  
15 to enter into a certain agreement to use alternative financing methods; stating a  
16 certain intent of the General Assembly; and generally relating to the capital  
17 improvement projects of public charter schools.

18 BY adding to

19 Article – Education

20 Section 9–113

21 Annotated Code of Maryland

22 (2008 Replacement Volume and 2012 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Education**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **9-113.**

2 (A) (1) A PUBLIC CHARTER SCHOOL IS ELIGIBLE TO RECEIVE STATE  
3 FUNDS FOR SCHOOL CONSTRUCTION PROVIDED UNDER TITLE 5, SUBTITLE 3 OF  
4 THIS ARTICLE.

5 (2) TO BE ELIGIBLE TO RECEIVE STATE FUNDS UNDER  
6 PARAGRAPH (1) OF THIS SUBSECTION, THE PUBLIC CHARTER SCHOOL IS  
7 SUBJECT TO ALL REQUIREMENTS IN STATE LAW AND AS ADOPTED IN  
8 REGULATION UNLESS OTHERWISE PROVIDED IN THIS SECTION.

9 (B) (1) IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY THE  
10 STATE OR BY THE COUNTY BOARD, THE PUBLIC CHARTER SCHOOL SHALL  
11 SUBMIT TO THE COUNTY BOARD A CAPITAL IMPROVEMENT PROJECT REQUEST  
12 INCLUDING:

13 (I) A DESCRIPTION OF THE REQUESTED CAPITAL  
14 IMPROVEMENT PROJECT;

15 (II) AN ESTIMATED COST OF COMPLETING THE CAPITAL  
16 IMPROVEMENT PROJECT;

17 (III) A CONSTRUCTION TIMELINE; AND

18 (IV) EVIDENCE JUSTIFYING THE NEED FOR THE CAPITAL  
19 IMPROVEMENT PROJECT.

20 (2) THE COUNTY BOARD SHALL ESTABLISH A SUBMISSION  
21 DEADLINE FOR THE REQUEST.

22 (3) WHEN CONSIDERING WHETHER OR NOT TO INCLUDE THE  
23 PUBLIC CHARTER SCHOOL'S REQUEST IN THE LOCAL CAPITAL IMPROVEMENT  
24 PROGRAM, THE COUNTY BOARD SHALL EVALUATE THE NEED FOR THE PROJECT  
25 IN RELATION TO THE NEEDS OF OTHER PROJECTS WITHIN THE COUNTY.

26 (4) THE COUNTY BOARD SHALL:

27 (I) PROVIDE WRITTEN NOTICE TO THE PUBLIC CHARTER  
28 SCHOOL AS TO WHETHER THE REQUEST WILL BE INCLUDED IN THE LOCAL  
29 CAPITAL IMPROVEMENT PROGRAM WITHIN 30 DAYS OF SUBMISSION OF THE  
30 REQUEST; AND

1                   **(II) IF THE COUNTY BOARD DOES NOT INCLUDE THE**  
2 **REQUEST IN THE LOCAL CAPITAL IMPROVEMENT PROGRAM, THE COUNTY**  
3 **BOARD SHALL PROVIDE THE PUBLIC CHARTER SCHOOL WITH A REASONABLE**  
4 **OPPORTUNITY TO RESPOND TO AND CORRECT DEFICIENCIES IN THE REQUEST.**

5                   **(C) THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION AND**  
6 **THE BOARD OF PUBLIC WORKS SHALL APPLY THE SAME REVIEW AND**  
7 **APPROVAL CRITERIA TO THE PUBLIC CHARTER SCHOOL REQUEST THAT ARE**  
8 **USED FOR OTHER PUBLIC SCHOOL CONSTRUCTION PROJECTS.**

9                   **(D) (1) STATE FUNDS ALLOCATED TO A PUBLIC CHARTER SCHOOL**  
10 **CAPITAL IMPROVEMENT PROJECT SHALL BE DISBURSED TO THE COUNTY**  
11 **BOARD.**

12                   **(2) NO STATE FUNDS SHALL BE DISBURSED UNTIL THE PUBLIC**  
13 **CHARTER SCHOOL AND THE COUNTY BOARD HAVE AGREED TO A PROPERTY**  
14 **DISPOSAL PLAN AND FINANCING REIMBURSEMENT PLAN THAT INCLUDES**  
15 **CONTINGENCIES FOR THE FOLLOWING:**

16                   **(I) THE PUBLIC CHARTER SCHOOL'S CHARTER IS REVOKED**  
17 **OR NOT RENEWED;**

18                   **(II) THE PUBLIC CHARTER SCHOOL BECOMES INSOLVENT;**

19                   **(III) THE PUBLIC CHARTER SCHOOL DISCONTINUES**  
20 **OPERATION; AND**

21                   **(IV) ANY OTHER PROVISIONS THAT THE COUNTY BOARD AND**  
22 **THE PUBLIC CHARTER SCHOOL DETERMINE TO BE NECESSARY.**

23                   **(E) A PUBLIC CHARTER SCHOOL AND THE COUNTY BOARD MAY ENTER**  
24 **INTO AN AGREEMENT AUTHORIZING THE PUBLIC CHARTER SCHOOL TO USE AN**  
25 **ALTERNATIVE FINANCING METHOD UNDER § 4-126 OF THIS ARTICLE TO FUND A**  
26 **CAPITAL IMPROVEMENT PROJECT.**

27                   SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
28 General Assembly that each county board of education work with the public charter  
29 schools in its jurisdiction to ensure that the capital construction needs of the public  
30 charter schools are addressed.

31                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 June 1, 2013.