

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 75

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “county” in line 5 down through the first “board” in line 6 and substitute “public chartering authority”; in line 8, after “process;” insert “requiring the State Board of Education to render a certain decision within a certain time period;”; in line 9, after “requirement;” insert “requiring a public charter school to comply with certain provisions of law; authorizing a public charter school to apply for a certain waiver; prohibiting the granting of a waiver from certain provisions of law; providing for certain bargaining rights for certain employees; providing for the negotiation of certain amendments to certain collective bargaining agreements; requiring a county board to disburse a certain amount of money to a public charter school; authorizing certain boards to give educational materials, supplies, furniture, and other equipment to a public charter school;”; in line 10, after “Program;” insert “requiring the State Department of Education to create and disseminate to each local board of education a certain model public charter school policy by a certain date; requiring the State Board to submit a certain report on or before a certain date; defining certain terms;”; after line 11, insert:

“BY repealing and reenacting, with amendments,

Article - Education

Section 6-401(e) and 6-501(g)

Annotated Code of Maryland

(2001 Replacement Volume and 2002 Supplement)”;

and in line 14, strike “9-106” and substitute “9-109”.

AMENDMENT NO. 2

On page 1, after line 20, insert:

“6-401.

(Over)

(e) “Public school employer” means a county board of education [or], the Baltimore City Board of School Commissioners, OR A PUBLIC CHARTER SCHOOL, AS DEFINED IN TITLE 9 OF THIS ARTICLE.

6-501.

(g) (1) “Public school employer” means the county board in each county, OR A PUBLIC CHARTER SCHOOL, AS DEFINED IN TITLE 9 OF THIS ARTICLE.

(2) “Public school employer” includes the Baltimore City Board of School Commissioners.”.

AMENDMENT NO. 3

On page 2, in line 20, strike “AND”; in line 21, after “(10)” insert “IS IN COMPLIANCE WITH THE REQUIREMENTS OF THE INDIVIDUALS WITH DISABILITIES ACT, 20 U.S.C. 1400 ET SEQ.;

(11) OPERATES UNDER THE SUPERVISION OF THE PUBLIC CHARTERING AUTHORITY FROM WHICH ITS CHARTER IS GRANTED AND IN ACCORDANCE WITH ITS CHARTER AND, EXCEPT AS PROVIDED IN § 9-106 OF THIS SUBTITLE, THE PROVISIONS OF LAW AND REGULATION GOVERNING OTHER PUBLIC SCHOOLS;

(12) REQUIRES STUDENTS TO BE PHYSICALLY PRESENT ON SCHOOL PREMISES FOR A PERIOD OF TIME SUBSTANTIALLY SIMILAR TO THAT WHICH OTHER PUBLIC SCHOOL STUDENTS SPEND ON SCHOOL PREMISES; AND

(13)”.

AMENDMENT NO. 4

On page 2, in line 25, strike “CHARTERS” and substitute “A CHARTER”; in the same line, strike “THE” and substitute “A”; in the same line, strike “BOARDS” and substitute “BOARD”; in line 27, strike “CHARTERS” and substitute “A CHARTER”; and strike lines 29 and 30 in their entirety.

AMENDMENT NO. 5

On page 3, in line 6, after “A” insert “NONSECTARIAN”; in line 7, strike “AN” and

substitute “A NONSECTARIAN”; and in line 10, strike “COUNTY BOARD” and substitute “PUBLIC CHARTERING AUTHORITY”.

AMENDMENT NO. 6

On page 3, in line 17, after “(B)” insert “(1)”; and after line 19, insert:

“(2) THE STATE BOARD SHALL RENDER A DECISION WITHIN 120 DAYS OF THE FILING OF AN APPEAL UNDER THIS SUBSECTION.”.

AMENDMENT NO. 7

On page 3, after line 23, insert:

“(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PUBLIC CHARTER SCHOOL SHALL COMPLY WITH THE PROVISIONS OF LAW AND REGULATION GOVERNING OTHER PUBLIC SCHOOLS.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A WAIVER OF THE REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION MAY BE SOUGHT THROUGH AN APPEAL TO THE STATE BOARD.

(C) A WAIVER MAY NOT BE GRANTED FROM PROVISIONS OF LAW OR REGULATION RELATING TO:

(1) AUDIT REQUIREMENTS;

(2) THE MEASUREMENT OF STUDENT ACADEMIC ACHIEVEMENT, INCLUDING ALL ASSESSMENTS REQUIRED FOR OTHER PUBLIC SCHOOLS AND OTHER ASSESSMENTS MUTUALLY AGREED UPON BY THE PUBLIC CHARTERING AUTHORITY AND THE SCHOOL; OR

(3) THE HEALTH, SAFETY, OR CIVIL RIGHTS OF A STUDENT OR AN EMPLOYEE OF THE CHARTER SCHOOL.

(Over)

9-107.

(A) EMPLOYEES OF A PUBLIC CHARTER SCHOOL:

(1) ARE PUBLIC SCHOOL EMPLOYEES, AS DEFINED IN §§ 6-401(D) AND 6-501(F) OF THIS ARTICLE;

(2) ARE EMPLOYEES OF A PUBLIC SCHOOL EMPLOYER, AS DEFINED IN §§ 6-401(E) AND 6-501(G) OF THIS ARTICLE, IN THE COUNTY IN WHICH THE PUBLIC CHARTER SCHOOL IS LOCATED; AND

(3) SHALL HAVE THE RIGHTS GRANTED UNDER TITLE 6, SUBTITLES 4 AND 5 OF THIS ARTICLE.

(B) IF A COLLECTIVE BARGAINING AGREEMENT UNDER TITLE 6, SUBTITLE 4 OR 5 OF THIS ARTICLE IS ALREADY IN EXISTENCE IN THE COUNTY WHERE A PUBLIC CHARTER SCHOOL IS LOCATED, THE EMPLOYEE ORGANIZATION AND THE PUBLIC CHARTER SCHOOL MAY MUTUALLY AGREE TO NEGOTIATE AMENDMENTS TO THE EXISTING AGREEMENT TO ADDRESS THE NEEDS OF THE PARTICULAR PUBLIC CHARTER SCHOOL.

9-108.

(A) A COUNTY BOARD SHALL DISBURSE TO A PUBLIC CHARTER SCHOOL AN AMOUNT OF COUNTY, STATE, AND FEDERAL MONEY FOR ELEMENTARY, MIDDLE, AND SECONDARY STUDENTS THAT IS COMMENSURATE WITH THE AMOUNT DISBURSED TO OTHER PUBLIC SCHOOLS IN THE LOCAL JURISDICTION.

(B) THE STATE BOARD OR THE COUNTY BOARD MAY GIVE SURPLUS EDUCATIONAL MATERIALS, SUPPLIES, FURNITURE, AND OTHER EQUIPMENT TO A PUBLIC CHARTER SCHOOL.

9-109.”.

AMENDMENT NO. 8

On page 3, in line 24, after “(A)” insert “(1)”; and after line 25, insert:

“(2) THE POLICY REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE GUIDELINES AND PROCEDURES REGARDING:

(I) EVALUATION OF PUBLIC CHARTER SCHOOLS;

(II) REVOCATION OF A CHARTER;

(III) REPORTING REQUIREMENTS; AND

(IV) FINANCIAL, PROGRAMMATIC, OR COMPLIANCE AUDITS OF PUBLIC CHARTER SCHOOLS.”.

AMENDMENT NO. 9

On page 3, in line 28, after “That” insert “the State Department of Education shall create and disseminate to each local board of education model public charter school policy language which can be used to create a public charter school policy as required by this Act. Each local board of education shall submit its public charter school policy to the State Board of Education by November 1, 2003.”

SECTION 3. AND BE IT FURTHER ENACTED, That on or before October 1, 2006, based on information gathered from each local board of education, the Board of School Commissioners of Baltimore City, and the public, the State Board of Education shall submit to the General Assembly, in accordance with § 2-1246 of the State Government Article, a report including an evaluation of the public charter school program. The report shall address the advisability of the continuation, modification, expansion, or termination of the program.

SECTION 4. AND BE IT FURTHER ENACTED, That”.

AMENDMENT NO. 10

On page 3, in line 29, strike “October” and substitute “July”.

(Over)