

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: April 22, 2003
TO: BOARD OF EDUCATION
FROM: Dr. Joe A. Hairston, Superintendent
SUBJECT: Wrap-Up, Key School Legislation

ORIGINATOR: Dr. George P. Poff, Jr., Assistant to the Superintendent
Governmental Relations

FOR YOUR INFORMATION

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That the Board consider the attached Wrap-Up of Key
School Legislation

Baltimore County Public Schools

WRAP-UP KEY SCHOOL LEGISLATION APRIL 22, 2003

SB 75 Public Charter School Act of 2003

Although several Charter School Bills were introduced this Session including one by the Governor, this Bill, which had passed the Senate in 2002, was significantly amended and passed the legislature this year. Meeting the Federal requirement for a State Bill, in order to access Federal funding, this Bill establishes local boards of education as primary chartering entities and clarifies the State Board's role in acting in its appeal review capacity. The Bill also states that the State Board may function as a chartering authority for restructured schools. Each county board is required to develop a public charter school policy and submit by November 1, 2003. Model language will be disseminated to local boards.

HB 22 Public Schools – Specialists – Stipends

This Bill would have authorized the State Board of Education (SBE) to expand eligibility for State stipends that are paid to employees of local school boards who hold certification from the National Board for Professional Teaching Standards. Subject to the availability of funds, eligibility would have been expanded to library media specialists, speech-language pathologists, audiologists, and other professionally certified education specialists, in that order. The State stipend is equal to the county grant for national certification, up to a maximum of \$2,000 per qualifying individual.

The Teacher Quality Incentive Act of 1999 established the original State stipend for “classroom teachers.”

The Board of Education has consistently supported this proposal as an incentive for the demonstration of an exceptional level of professional standing reflected in national certification by the National Board for Professional Teaching Standards.

HB 22 received an unfavorable report in the House Ways and Means Committee.

SB 32 Education – Children in Out-of-County Living Arrangements – Informal Kinship Care

This year's legislation is the outcome of staff collaboration with Senator Delores Kelley to expedite the provision of educational services to children experiencing “hardships” and as a result of living in a “kinship care” arrangement.

This Bill requires a county school superintendent to allow a student whose parent or guardian resides in another school district to attend the local public school system if the student is living with a relative within the school district due to a serious family hardship. The student's relative must be providing informal kinship care to the student. The student's relative must sign a sworn affidavit that includes the student's old and new addresses and defines the family hardship and provide supporting documentation verifying the serious family hardship. The affidavit must be filed annually, and if a change in the care of the student occurs, the relative must notify the local school system in writing within 30 days of the change. Unless a court appoints a different guardian for the student, the student's relative providing informal kinship care shall make educational decisions for the student.

The Bill also allows the county receiving the student to collect payments from the county transferring the student.

The Board supported SB 32 with amendments. The amended Bill passed.

SB 66 Sales and Use Tax – Annual Back-to-School Tax-Free Week

This legislation, sponsored by Baltimore County Senators Brochin and Klausmeier, would have added specified “school supplies” to the exemption from sales taxes during the “tax-free week for back-to-school shopping” in Maryland.

The Board supported SB 66 with an amendment that would include the purchase of electronic devices to be exempt from taxation as a “school supply.”

The Bill was withdrawn by its sponsor.

SB 81 Education – County School Board – Authority to Remove County Superintendents

Following the action of the State Superintendent of Schools to block the dismissal of their Superintendent by the Prince George's County Board of Education, several local boards have sought a change in State law to allow a local board authority to dismiss a Superintendent exclusive of any actions by the State Superintendent or Board.

This legislation would have made that statutory clarification and allowed removal subject to the terms of the contract between the Superintendent and the County Board or for cause.

The Board supported SB 81. SB 81 received an unfavorable report on February 21, 2003.

SB 395 Commercialism in Schools Act of 2003 – Policy

This legislation, which has been unsuccessful in 2001 and 2002, would have statutorily mandate local school board policies regarding the prohibition of certain advertising and/or contracts between Boards and vendors.

While the stated intention of the sponsors of this Bill has been the protection of students, this law would supersede the role and responsibilities of local boards of education to consider and implement school policy in this area.

The Board opposed SB 395.

SB 395 received an unfavorable report in the Senate Education, Health, and Environmental Affairs Committee.

HB 245 (SB 178) Residential Child Care Programs – State-Funded Operators – Licensing Provisions

Speaker Pro Tem Jones and Senator Kelley introduced this legislation to strengthen the standards for licensure of residential childcare programs by the addition of a new subsection to the Education Article. The operator must expeditiously obtain the academic records of a child from the transferring school and send the records to the school that the child will be attending while living in the operator's care. The licensed operator must also meet with the child's teacher at the time of enrollment and at any other time the school or teacher requests, and sign and return the student's report card to the school. The state agency that licenses the operator must notify the operator of these requirements. A residential childcare program includes group homes, alternative living units, and emergency shelter care.

The Board supported this legislation with an amendment to achieve improved cooperation between the school and caregivers. This was accepted by the Bill's sponsors.

Both Bills were passed.

HB 611 (SB 27) Teachers' Retirement and Pension Systems – Reemployment of Retired Speech-Language Pathologists and Audiologists

These pension Bills would have exempted from the reemployment earnings limitations retirees of the Teachers' Retirement System (TRS) or Teachers' Pension System (TPS), who are reemployed as speech-language pathologists or audiologists. This legislation would have added these two categories of employees to the laws of 1999 and 2000 dealing with classroom teachers and principals.

The Board has consistently supported these efforts, which expand their hiring options in needed employment categories.

The Board supports HB 611.

This legislation failed.

SB 620 State Board of Education – Graduation Requirements – Student Service

This legislation would have statutorily amended the powers and duties of the State Board of Education, as specified in State Law, concerning “policy and guidelines for programs of instruction.” Specifically, the State Board would have been disallowed from requiring student service as a condition of graduation.

Local boards of education of Maryland historically have supported the role of the State Board of Education in the establishment of educational policy and standards for graduation.

The Board opposed SB 620.

This Bill failed.

HB 778 Education – Baltimore County – Public School Employees

This legislation clarifies unit membership eligibility for supervisory employees whose jobs do not require educational certification. Language also clarifies that Baltimore County may have three non-supervisory units under the subtitle governing organizations of certificated employees.

The Board supported the new language proposed but suggested a minor amendment.

HB 778 passed.

HB 1087 Teachers’ Retirement and Pension Systems – Reemployment of Retired Teachers – Sunset Extension

This legislation was designed to extend the sunset date of existing law, which is designed to allow teachers and principals, who meet certain conditions, to retire and be rehired without an actuarial penalty to their retirement benefit.

This proposal would have extended the option to local superintendents and boards in meeting staffing needs.

The Board supported HB 1087.

HB 1087 failed, thus leaving the Sunset date in the law June 30, 2004. Summer study of this proposal is expected.

State Aid to Education – Operating Budget

As you may be aware from media accounts, we have achieved the funding of the Thornton Commission's recommendation for FY 2004, as set in place by last year's legislation. This year's state expenditure sets the base for a planned major increase in state support for local education beginning the 2005 fiscal year's budget. Pending amendments to the law, it is this base upon which future funding is developed. If the legislature does not affirm by resolution next Session that Thornton can be "afforded" in 2005, it is upon this base that the automatic 5% growth figure is calculated. A significant turn around in the economy or some structural changes in state revenue may be necessary to realize our expectations of 2005 Thornton projections.

On the negative side of our education balance sheet was the removal of state support of the "Teacher Salary Grant" funds originated several years ago by the Governor, whereby a local board of education that granted a 4% teacher salary increase, received a 1% "match" from the state. This state 1% was scheduled to be phased out over three years. The legislature, however, in this year of revenue shortfall, accelerated the plan and removed 100% support in the upcoming fiscal year—a \$3.5 million loss to Baltimore County. When taking this loss into account, the Baltimore County Public Schools will receive a projected \$306,785,927 in state aid—a \$20.7 million increase over FY 2003.

State Aid to Education – Capital Budget

As we await the final action of the Board of Public Works, it is encouraging to note that the General Assembly added \$33 million to the available revenue for school construction funding.

Of our request for \$30,928,000, we currently have received approval for \$6,639,000 worth of projects. At their meeting of April 30, it is hoped that we will be granted additional funds.

SENATE BILL 32

Unofficial Copy
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SB 186/02 - EHE

2003 Regular Session
3lr0441

By: **Senators Kelley, Hollinger, Britt, Colburn, Conway, Della, Giannetti, Gladden, Grosfeld, Hooper, Jacobs, Jones, Lawlah, Mooney, Stoltzfus, and Teitelbaum**

Introduced and read first time: January 13, 2003
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 24, 2003

CHAPTER _____

1 AN ACT concerning

2 **Education - Children in ~~Out-of-County Living Arrangements~~ - Informal**
3 **Kinship Care Relationships**

4 FOR the purpose of providing for the funding of the education of a child in an informal
5 kinship care relationship due to a serious family hardship under certain
6 circumstances; requiring a child in an informal kinship care relationship to
7 receive an appropriate education; providing that a certain child shall be
8 included in a certain enrollment count; requiring a certain agency to notify the
9 State Superintendent of Schools of the name of each child in an informal kinship
10 care relationship in that county; requiring a certain agency to notify the State
11 Superintendent of a certain preliminary determination regarding the financially
12 responsible local education agency for a certain child; establishing certain notice
13 requirements; authorizing a certain agency to appeal a certain determination;
14 requiring the State Superintendent to decide certain appeals and to make a
15 certain determination; requiring each county board of education to provide
16 certain data to the State Superintendent; requiring the State Superintendent to
17 deduct a certain payment to a certain agency under certain circumstances;
18 requiring the State Board of Education to adopt certain regulations; requiring a
19 superintendent of schools of a county to allow a child to attend a public school in
20 a county other than where the child was previously domiciled in Maryland with
21 the child's parent or legal guardian if the child lives with a relative in the county
22 in an informal kinship care relationship due to a serious family hardship;
23 ~~altering a certain definition~~; defining certain terms; requiring certain relatives
24 of a child to file certain affidavits and certain supporting documentation under
25 certain circumstances; requiring certain supporting documentation to be
26 consistent with certain privacy and confidentiality policies and statutes;

1 establishing the contents and form of certain affidavits; requiring certain
 2 affidavits to be provided free of charge at certain offices; authorizing certain
 3 relatives to make educational decisions for children in their custody; requiring
 4 each county board of education to report certain information to the Maryland
 5 State Department of Education on or before certain dates; requiring the
 6 Department to compile and submit certain information to certain legislative
 7 committees; and generally relating to children in out of county living
 8 arrangements who live with relatives who provide informal kinship care due to
 9 a serious family hardship.

10 BY renumbering
 11 Article - Education
 12 Section 7-101(c)
 13 to be Section ~~7-101(d)~~ 7-101(e)
 14 Annotated Code of Maryland
 15 (2001 Replacement Volume and 2002 Supplement)

16 BY repealing and reenacting, with amendments,
 17 Article - Education
 18 Section ~~4-122(a)~~ and 7-101(b)
 19 Annotated Code of Maryland
 20 (2001 Replacement Volume and 2002 Supplement)

21 BY adding to
 22 Article - Education
 23 Section 4-122.1 and 7-101(c) and (d)
 24 Annotated Code of Maryland
 25 (2001 Replacement Volume and 2002 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 27 MARYLAND, That Section(s) 7-101(c) of Article - Education of the Annotated Code of
 28 Maryland be renumbered to be Section(s) ~~7-101(d)~~ 7-101(e).

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 30 read as follows:

31 **Article - Education**

32 ~~4-122.~~

33 (a) (1) ~~In this section the following words shall have the meanings indicated.~~

34 (2) ~~"Local current expense per student" means all expenditures made by~~
 35 ~~a county from county appropriations, except State, federal, and other aid, for public~~
 36 ~~elementary and secondary education in the prior fiscal year, divided by the full time~~
 37 ~~equivalent enrollment, as defined in § 5-202(a) of this article.~~

1 (3) "Child in an out-of-county living arrangement" means a child who is:

2 (I) ~~[placed] PLACED~~ by a State agency, a licensed child placement
3 agency as provided by § 5-507 of the Family Law Article, or a court in a county other
4 than where the child's parent or legal guardian ~~[resides. Child in an out-of-county~~
5 ~~living arrangement does not include a child] RESIDES; OR~~

6 (II) ~~[living] DOMICILED~~ with a ~~[relative, stepparent or a person~~
7 ~~exercising temporary care, custody or control over a child at the request of a parent or~~
8 ~~guardian of the child] RELATIVE WHO EXERCISES CARE, CUSTODY, AND CONTROL~~
9 ~~OVER THE CHILD 24 HOURS A DAY AND 7 DAYS A WEEK AND WHO PROVIDES~~
10 ~~INFORMAL KINSHIP CARE, AS DEFINED IN § 7-101 OF THIS ARTICLE, FOR THE CHILD.~~

11 (4) "Service providing local education agency" means the local education
12 agency for the county where a child in an out-of-county living arrangement is placed.

13 (5) "Financially responsible county" means the county where the parent
14 or legal guardian of a child in an out-of-county living arrangement resides. If the
15 parents of the child live apart, the financially responsible county is:

16 (i) The county where the parent who has been awarded custody of
17 the child resides;

18 (ii) If custody has not been awarded, the county where the parent
19 with whom the child lives when not in a foster care ~~[home] HOME, IN THE HOME OF~~
20 ~~AN INFORMAL KINSHIP CARE PROVIDER, or residential facility resides;~~

21 (iii) If custody has been awarded to both parents and the parents
22 reside in different counties, both counties shall be considered financially responsible
23 and shall pay one-half the amount as computed in accordance with subsection (c) of
24 this section, except that if the child receives a public education in a county where a
25 parent resides, this subparagraph shall not apply; or

26 (iv) If custody has been awarded to both parents and one parent
27 resides in a county and the other resides out-of-state, the county shall be considered
28 the financially responsible county.

29 4-122.1.

30 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
31 INDICATED.

32 (2) "INFORMAL KINSHIP CARE" MEANS A LIVING ARRANGEMENT IN
33 WHICH A RELATIVE OF A CHILD, WHO IS NOT IN THE CARE, CUSTODY, OR
34 GUARDIANSHIP OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES, PROVIDES FOR
35 THE CARE AND CUSTODY OF THE CHILD DUE TO A SERIOUS FAMILY HARDSHIP.

36 (3) "LOCAL CURRENT EXPENSE PER STUDENT" MEANS ALL
37 EXPENDITURES MADE BY A COUNTY FROM COUNTY APPROPRIATIONS, EXCEPT
38 STATE, FEDERAL, AND OTHER AID, FOR PUBLIC ELEMENTARY AND SECONDARY

1 EDUCATION IN THE PRIOR FISCAL YEAR, DIVIDED BY THE FULL-TIME EQUIVALENT
2 ENROLLMENT, AS DEFINED IN § 5-202(A) OF THIS ARTICLE.

3 (4) "RECEIVING AGENCY" MEANS THE LOCAL EDUCATION AGENCY FOR
4 THE COUNTY WHERE THE RELATIVE OF A CHILD IN AN INFORMAL KINSHIP CARE
5 RELATIONSHIP RESIDES.

6 (5) "RELATIVE" MEANS AN ADULT RELATED TO THE CHILD BY BLOOD OR
7 MARRIAGE WITHIN THE FIFTH DEGREE OF CONSANGUINITY.

8 (6) "SENDING AGENCY" MEANS THE LOCAL EDUCATION AGENCY FOR A
9 COUNTY WHERE THE PARENT OR LEGAL GUARDIAN OF A CHILD IN AN INFORMAL
10 KINSHIP CARE RELATIONSHIP RESIDES, SUBJECT TO THE FOLLOWING CONDITIONS:

11 (I) IF THE PARENTS OR LEGAL GUARDIANS OF THE CHILD LIVE
12 APART, THE SENDING AGENCY IS THE LOCAL EDUCATION AGENCY IN THE COUNTY
13 WHERE THE PARENT OR LEGAL GUARDIAN WHO HAS BEEN AWARDED CUSTODY OF
14 THE CHILD RESIDES;

15 (II) IF CUSTODY HAS NOT BEEN AWARDED TO A PARENT OR LEGAL
16 GUARDIAN, THE SENDING AGENCY IS THE LOCAL EDUCATION AGENCY OF THE
17 COUNTY WHERE THE PARENT OR LEGAL GUARDIAN WITH WHOM THE CHILD LIVES
18 WHEN NOT IN AN INFORMAL KINSHIP CARE RELATIONSHIP RESIDES;

19 (III) IF CUSTODY HAS BEEN AWARDED TO BOTH PARENTS OR LEGAL
20 GUARDIANS, AND THE PARENTS OR LEGAL GUARDIANS RESIDE IN DIFFERENT
21 COUNTIES, THE LOCAL EDUCATION AGENCIES OF BOTH COUNTIES SHALL BE
22 CONSIDERED A SENDING AGENCY AND SHALL PAY ONE-HALF THE AMOUNT AS
23 COMPUTED IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION, EXCEPT THAT
24 IF A CHILD RECEIVES A PUBLIC EDUCATION IN A COUNTY WHERE A PARENT
25 RESIDES, THIS SUBPARAGRAPH SHALL NOT APPLY; AND

26 (IV) IF CUSTODY HAS BEEN AWARDED TO BOTH PARENTS OR LEGAL
27 GUARDIANS, AND ONE PARENT RESIDES IN A COUNTY AND THE OTHER RESIDES
28 OUT-OF-STATE, THE LOCAL EDUCATION AGENCY OF THE COUNTY SHALL BE
29 CONSIDERED THE SENDING AGENCY.

30 (7) "SERIOUS FAMILY HARDSHIP" MEANS:

31 (I) DEATH OF A PARENT OR LEGAL GUARDIAN OF THE CHILD;

32 (II) SERIOUS ILLNESS OF A PARENT OR LEGAL GUARDIAN OF THE
33 CHILD;

34 (III) DRUG ADDICTION OF A PARENT OR LEGAL GUARDIAN OF THE
35 CHILD;

36 (IV) INCARCERATION OF A PARENT OR LEGAL GUARDIAN OF THE
37 CHILD;

1 (V) ABANDONMENT BY A PARENT OR LEGAL GUARDIAN OF A
2 CHILD; OR

3 (VI) ASSIGNMENT OF A PARENT OR LEGAL GUARDIAN OF A CHILD
4 TO ACTIVE MILITARY DUTY.

5 (B) SUBSECTION (D) OF THIS SECTION SHALL APPLY TO THE EDUCATION
6 FUNDING OF A CHILD IN AN INFORMAL KINSHIP CARE RELATIONSHIP IF THE FISCAL
7 IMPACT OF THE REQUIREMENTS OF § 7-101(C) OF THIS ARTICLE TO A COUNTY
8 EXCEEDS 0.1% OF A COUNTY BOARD'S TOTAL OPERATING BUDGET FOR A FISCAL
9 YEAR.

10 (C) (1) A CHILD IN AN INFORMAL KINSHIP CARE RELATIONSHIP SHALL
11 RECEIVE AN APPROPRIATE EDUCATION FROM THE RECEIVING AGENCY.

12 (2) THE RECEIVING AGENCY SHALL INCLUDE A CHILD ENROLLED AS
13 THE RESULT OF AN INFORMAL KINSHIP CARE RELATIONSHIP IN ITS FULL-TIME
14 EQUIVALENT ENROLLMENT AS PROVIDED BY § 5-202(A) OF THIS ARTICLE.

15 (D) (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, AND EXCEPT AS
16 PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, FOR EACH CHILD IN AN
17 INFORMAL KINSHIP CARE RELATIONSHIP ENROLLED IN A PUBLIC SCHOOL
18 PROGRAM, THE SENDING AGENCY SHALL PAY THE RECEIVING AGENCY AN AMOUNT
19 EQUAL TO THE LESSER OF:

20 (I) THE LOCAL CURRENT EXPENSE PER STUDENT UNDER THE
21 JURISDICTION OF THE SENDING AGENCY; OR

22 (II) THE LOCAL CURRENT EXPENSE PER STUDENT UNDER THE
23 JURISDICTION OF THE RECEIVING AGENCY.

24 (2) IF THE RECEIVING AGENCY DETERMINES THAT A CHILD IN AN
25 INFORMAL KINSHIP CARE RELATIONSHIP IS DISABLED AND NEEDS PUBLIC SCHOOL
26 INTENSITY IV OR V SPECIAL EDUCATION SERVICES, THE SENDING AGENCY SHALL
27 PAY THE RECEIVING AGENCY FOR EACH SUCH CHILD AN AMOUNT EQUAL TO THE
28 LESSER OF:

29 (I) THREE TIMES THE LOCAL CURRENT EXPENSE PER STUDENT
30 UNDER THE JURISDICTION OF THE SENDING AGENCY; OR

31 (II) THREE TIMES THE LOCAL CURRENT EXPENSE PER STUDENT
32 UNDER THE JURISDICTION OF THE RECEIVING AGENCY.

33 (3) IF THE RECEIVING AGENCY DETERMINES THAT A CHILD IN AN
34 INFORMAL KINSHIP CARE RELATIONSHIP IS DISABLED AND NEEDS A NONPUBLIC
35 EDUCATIONAL PROGRAM AS PROVIDED BY § 8-406 OF THIS ARTICLE, THE SENDING
36 AGENCY SHALL PAY FOR EACH SUCH CHILD THE AMOUNT PROVIDED BY § 8-415(D)(3)
37 OF THIS ARTICLE.

38 (E) (1) EACH RECEIVING AGENCY SHALL:

1 (I) NOTIFY THE STATE SUPERINTENDENT OF THE NAME OF EACH
2 CHILD IN AN INFORMAL KINSHIP CARE RELATIONSHIP AS OF DECEMBER 31 OF EACH
3 YEAR; AND

4 (II) SUBJECT TO SUBSECTION (B) OF THIS SECTION, MAKE A
5 PRELIMINARY DETERMINATION OF THE SENDING AGENCY THAT IS FINANCIALLY
6 RESPONSIBLE FOR EACH CHILD UNDER SUBSECTION (D) OF THIS SECTION.

7 (2) THE RECEIVING AGENCY SHALL SEND A COPY OF THE NOTICE
8 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE SENDING AGENCY
9 BY JANUARY 31, AND, AT THE SAME TIME, SHALL SEND NOTICE TO THE STATE
10 SUPERINTENDENT.

11 (3) THE SENDING AGENCY THAT WAS DETERMINED TO BE FINANCIALLY
12 RESPONSIBLE UNDER THIS SUBSECTION MAY APPEAL THAT DETERMINATION TO
13 THE STATE SUPERINTENDENT WITHIN 30 DAYS OF THE DATE ON WHICH THE NOTICE
14 WAS MAILED.

15 (4) THE STATE SUPERINTENDENT SHALL DECIDE ALL APPEALS THAT
16 ARE MADE UNDER PARAGRAPH (3) OF THIS SUBSECTION AND MAKE A FINAL
17 DETERMINATION REGARDING THE SENDING AGENCY'S FINANCIAL RESPONSIBILITY
18 FOR EACH CHILD IN AN INFORMAL KINSHIP CARE RELATIONSHIP UNDER THE
19 JURISDICTION OF THE RECEIVING AGENCY.

20 (5) BY JANUARY 15 OF EACH YEAR, EACH COUNTY BOARD SHALL
21 PROVIDE THE STATE SUPERINTENDENT THE DATA NECESSARY TO COMPUTE THE
22 LOCAL CURRENT EXPENSE PER STUDENT UNDER THIS SECTION.

23 (6) IF BY MAY 15 A SENDING AGENCY HAS FAILED TO MAKE THE
24 REQUIRED PAYMENT TO A RECEIVING AGENCY, THE STATE SUPERINTENDENT SHALL
25 DEDUCT FROM THE NEXT PAYMENT OF STATE AID TO THE SENDING AGENCY AN
26 AMOUNT EQUAL TO THE AMOUNT OWED UNDER THIS SECTION AND SHALL PAY
27 THOSE FUNDS TO THE RECEIVING AGENCY.

28 (F) THE STATE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
29 SECTION.

30 7-101.

31 (b) (1) Except as provided in § 7-301 of this title and in paragraph (2) of this
32 subsection, each child shall attend a public school in the county where the child is
33 domiciled with the child's [parent or guardian] PARENT, GUARDIAN, OR RELATIVE
34 PROVIDING INFORMAL KINSHIP CARE, AS DEFINED IN SUBSECTION (C) OF THIS
35 SECTION.

36 (2) Upon request and in accordance with a county board's policies
37 concerning residency, a county superintendent may allow a child to attend school in
38 the county even if the child is not domiciled in that county with the child's parent or
39 guardian.

1 (3) If a child fraudulently attends a public school in a county where the
 2 child is not domiciled with the child's parent or guardian, the child's parent or
 3 guardian shall be subject to a penalty payable to the county for the pro rata share of
 4 tuition for the time the child fraudulently attends a public school in the county.

5 ~~{(4) Nothing in this section alters the requirements for out-of-county~~
 6 ~~placements contained in § 4-122 and Title 8, Subtitles 3 and 4 of this article or in any~~
 7 ~~other State or federal law.}~~

8 (C) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
 9 MEANINGS INDICATED.

10 (II) "INFORMAL KINSHIP CARE" MEANS A LIVING ARRANGEMENT IN
 11 WHICH A RELATIVE OF A CHILD, WHO IS NOT IN THE CARE, CUSTODY, OR
 12 GUARDIANSHIP OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES, PROVIDES FOR
 13 THE CARE AND CUSTODY OF THE CHILD DUE TO A SERIOUS FAMILY HARDSHIP.

14 (III) "RELATIVE" MEANS AN ADULT RELATED TO THE CHILD BY
 15 BLOOD OR MARRIAGE WITHIN THE FIFTH DEGREE OF CONSANGUINITY.

16 (IV) "SERIOUS FAMILY HARDSHIP" MEANS:

- 17 1. DEATH OF A PARENT OR LEGAL GUARDIAN OF THE CHILD;
- 18 2. SERIOUS ILLNESS OF A PARENT OR LEGAL GUARDIAN OF
 19 THE CHILD;
- 20 3. DRUG ADDICTION OF A PARENT OR LEGAL GUARDIAN OF
 21 THE CHILD;
- 22 4. INCARCERATION OF A PARENT OR LEGAL GUARDIAN OF
 23 THE CHILD;
- 24 5. ABANDONMENT BY A PARENT OR LEGAL GUARDIAN OF
 25 THE CHILD; OR
- 26 6. ASSIGNMENT OF A PARENT OR LEGAL GUARDIAN OF A
 27 CHILD TO ACTIVE MILITARY DUTY.

28 (2) (I) A COUNTY SUPERINTENDENT SHALL ALLOW A CHILD WHO IS A
 29 RESIDENT OF THIS STATE TO ATTEND A PUBLIC SCHOOL IN A COUNTY OTHER THAN
 30 THE COUNTY WHERE THE CHILD IS DOMICILED WITH THE CHILD'S PARENT OR
 31 LEGAL GUARDIAN IF THE CHILD LIVES WITH A RELATIVE PROVIDING INFORMAL
 32 KINSHIP CARE IN THE COUNTY AND THE RELATIVE VERIFIES THE INFORMAL
 33 KINSHIP CARE RELATIONSHIP THROUGH A SWORN AFFIDAVIT.

34 (II) 1. THE AFFIDAVIT SHALL BE ACCOMPANIED BY
 35 SUPPORTING DOCUMENTATION OF ONE OR MORE SERIOUS FAMILY HARDSHIPS AND,
 36 WHERE POSSIBLE, THE TELEPHONE NUMBER AND ADDRESS OF ANY AUTHORITY

1
2
3
4

SIGNATURE OF AFFIANT

(DAY/MONTH/YEAR)

5 (X) ANY PERSON WHO WILLFULLY MAKES A MATERIAL
6 MISREPRESENTATION IN THIS AFFIDAVIT SHALL BE SUBJECT TO A PENALTY
7 PAYABLE TO THE COUNTY FOR THREE TIMES THE PRO RATA SHARE OF TUITION FOR
8 THE TIME THE CHILD FRAUDULENTLY ATTENDS A PUBLIC SCHOOL IN THE COUNTY.

9 (5) (I) INSTRUCTIONS THAT EXPLAIN THE NECESSITY FOR BOTH AN
10 AFFIDAVIT AND SUPPORTING DOCUMENTATION OF THE SERIOUS FAMILY HARDSHIP
11 RESULTING IN INFORMAL KINSHIP CARE SHALL:

12 1. BE ATTACHED TO AFFIDAVIT FORMS THAT COMPLY WITH
13 SUBSECTION (C)(4) OF THIS SECTION PARAGRAPH (4) OF THIS SUBSECTION; AND

14 2. INCLUDE LANGUAGE ENCOURAGING THE RELATIVE
15 PROVIDING INFORMAL KINSHIP CARE TO SUBMIT THE AFFIDAVIT AND SUPPORTING
16 DOCUMENTATION PRIOR TO SEPTEMBER 30 OF EACH YEAR.

17 (II) THE AFFIDAVIT FORMS, WITH ATTACHED INSTRUCTIONS,
18 SHALL BE MADE AVAILABLE FREE OF CHARGE AT THE OFFICES OF EACH COUNTY
19 BOARD OF EDUCATION, EACH LOCAL DEPARTMENT OF SOCIAL SERVICES, AND EACH
20 LOCAL AREA AGENCY ON AGING.

21 (6) IF A CHANGE OCCURS IN THE CARE OR IN THE SERIOUS FAMILY
22 HARDSHIP OF THE CHILD, THE RELATIVE PROVIDING INFORMAL KINSHIP CARE FOR
23 THE CHILD SHALL NOTIFY THE LOCAL SCHOOL SYSTEM IN WRITING WITHIN 30 DAYS
24 AFTER THE CHANGE OCCURS.

25 (7) (I) AN INFORMAL KINSHIP CARE AFFIDAVIT MAY BE FILED
26 DURING A SCHOOL YEAR.

27 (II) THE RELATIVE PROVIDING INFORMAL KINSHIP CARE SHALL
28 FILE AN AFFIDAVIT ANNUALLY AT LEAST 2 WEEKS PRIOR TO THE BEGINNING OF THE
29 SCHOOL YEAR FOR EACH YEAR THE CHILD CONTINUES TO LIVE WITH THE RELATIVE
30 BECAUSE OF A SERIOUS FAMILY HARDSHIP.

31 (8) UNLESS THE COURT APPOINTS A GUARDIAN FOR THE CHILD OR
32 AWARDS CUSTODY OF THE CHILD TO SOMEONE OTHER THAN THE RELATIVE
33 PROVIDING INFORMAL KINSHIP CARE, THE RELATIVE PROVIDING INFORMAL
34 KINSHIP CARE SHALL MAKE THE FULL RANGE OF EDUCATIONAL DECISIONS FOR
35 THE CHILD.

36 (9) THE RELATIVE PROVIDING INFORMAL KINSHIP CARE SHALL MAKE
37 REASONABLE EFFORTS TO INFORM THE PARENT OR LEGAL GUARDIAN OF THE CHILD
38 OF THE INFORMAL KINSHIP CARE RELATIONSHIP.

1 (10) THE PARENT OR LEGAL GUARDIAN OF A CHILD IN AN
2 ~~OUT-OF-COUNTY LIVING ARRANGEMENT~~ INFORMAL KINSHIP CARE RELATIONSHIP
3 SHALL HAVE FINAL DECISION MAKING AUTHORITY REGARDING THE EDUCATIONAL
4 NEEDS OF THE CHILD.

5 (D) SECTION 4-122.1 OF THIS ARTICLE SHALL APPLY TO THE EDUCATION
6 FUNDING OF A CHILD IN AN INFORMAL KINSHIP CARE RELATIONSHIP IF THE FISCAL
7 IMPACT OF THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION EXCEED 0.1%
8 OF A COUNTY BOARD'S TOTAL OPERATING BUDGET FOR A FISCAL YEAR.

9 SECTION 3. AND BE IT FURTHER ENACTED, That each county board of
10 education, including the Baltimore City Board of School Commissioners, shall report
11 to the Maryland State Department of Education on or before September 1, 2003,
12 regarding:

13 (1) the number of family hardship waivers that were granted during the
14 2001-2002 and 2002-2003 school years;

15 (2) the number of family hardship waivers that were granted under subsection
16 (1) of this section that were for out-of-state/out-of-country students;

17 (3) the number of family hardship waivers that were granted under subsection
18 (1) of this section that were for out-of-county/in-state students;

19 (4) the number of family hardship waivers that were denied and why they
20 were denied;

21 (5) the fiscal impact on the local education agency of granting these family
22 hardship waivers including both a dollar amount and an assessment of future
23 implications of this dollar amount on the local education agency; and

24 (6) the amount of money that a local education agency received from other
25 sources (i.e. other counties, other states) for a child placed in that county as the result
26 of an informal kinship care relationship.

27 The Maryland State Department of Education shall compile the reports from
28 the county boards of education and the Baltimore City Board of School
29 Commissioners and, subject to § 2-1246 of the State Government Article, shall
30 submit a report that presents all of the data collected from the county boards in a
31 comprehensive manner to the Senate Education, Health, and Environmental Affairs
32 Committee and the House Ways and Means Committee on or before December 31,
33 2003.

34 SECTION 4. AND BE IT FURTHER ENACTED, That each county board of
35 education, including the Baltimore City Board of School Commissioners, shall report
36 to the Maryland State Department of Education on or before October 1 of each year
37 regarding:

38 (1) the number of family hardship waivers that have been granted as a result
39 of this Act;

1 (2) the fiscal impact on the local education agency of this Act including both a
2 dollar amount and an assessment of future implications of this dollar amount on the
3 local education agency; and

4 (3) the amount of money that a local education agency received from other
5 sources (i.e. other states, other counties) for a child placed in that county as the result
6 of an informal kinship care relationship.

7 The Maryland State Department of Education shall compile the reports from
8 the county boards of education and the Baltimore City Board of School
9 Commissioners and, subject to § 2-1246 of the State Government Article, shall
10 submit a report that presents all of the data collected from the county boards in a
11 comprehensive manner to the Senate Education, Health, and Environmental Affairs
12 Committee and the House Ways and Means Committee on or before December 31 of
13 each year.

14 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 July 1, 2003.

SENATE BILL 75

Unofficial Copy
F1

2003 Regular Session
(31r0658)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Ways and Means --

Introduced by **Senators Dyson, Hollinger, Colburn, DeGrange, Frosh,
Giannetti, Harris, Hooper, Kittleman, Lawlah, Mooney, and Stone**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2

Public Charter School Act of 2003

3 FOR the purpose of establishing the Maryland Public Charter School Program;
4 adding a certain definition; establishing certain authority in certain boards;
5 specifying certain charter school application requirements; prohibiting a ~~county~~
6 ~~board~~ public chartering authority from granting a charter to certain schools;
7 requiring a county board to review an application to establish a charter school
8 and render a decision within a certain time period; establishing a certain
9 appeals process; requiring the State Board of Education to render a certain
10 decision within a certain time period; authorizing the State Board of Education
11 to direct a county board to grant a charter under certain circumstances and
12 requiring the State Board to mediate a certain decision; establishing a certain
13 certification requirement; requiring a public charter school to comply with
14 certain provisions of law; authorizing a public charter school to apply for a
15 certain waiver; prohibiting the granting of a waiver from certain provisions of
16 law; providing for certain bargaining rights for certain employees; providing for

1 the negotiation of certain amendments to certain collective bargaining
 2 agreements; requiring a county board to disburse a certain amount of money to
 3 a public charter school; authorizing certain boards to give educational materials,
 4 supplies, furniture, and other equipment to a public charter school; requiring
 5 county boards to develop a certain policy; establishing a certain liaison for the
 6 Program; requiring the State Department of Education to create and
 7 disseminate to each local board of education a certain model public charter
 8 school policy by a certain date; requiring the State Board of Education to submit
 9 a certain report on or before a certain date; defining certain terms; authorizing
 10 the State Board to act as the public chartering authority for restructured schools
 11 under certain circumstances; specifying certain procedures and requirements
 12 governing an application for a restructured school that seeks to become a charter
 13 school; specifying certain limitations and requirements for charter schools with
 14 regard to educational services for children with disabilities; requiring the State
 15 Board of Education to provide certain technical assistance to certain operators of
 16 charter schools; and generally relating to the Maryland Public Charter School
 17 Program.

18 BY repealing and reenacting, with without amendments,
 19 Article - Education
 20 Section 6-401(e) and 6-501(g)
 21 Annotated Code of Maryland
 22 (2001 Replacement Volume and 2002 Supplement)

23 BY adding to
 24 Article - Education
 25 Section 9-101 through ~~9-106~~ ~~9-109~~ 9-110, inclusive, to be under the new title
 26 "Title 9. Maryland Public Charter School Program"
 27 Annotated Code of Maryland
 28 (2001 Replacement Volume and 2002 Supplement)

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

31 **Article - Education**

32 6-401.

33 (e) "Public school employer" means a county board of education for; the
 34 Baltimore City Board of School Commissioners; OR A PUBLIC CHARTER SCHOOL, AS
 35 DEFINED IN TITLE 9 OF THIS ARTICLE.

36 6-501.

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

1 (2) "Public school employer" includes the Baltimore City Board of School
2 Commissioners.

3 TITLE 9. MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.

4 9-101.

5 (A) THERE IS A MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.

6 (B) THE GENERAL PURPOSE OF THE PROGRAM IS TO ESTABLISH AN
7 ALTERNATIVE MEANS WITHIN THE EXISTING PUBLIC SCHOOL SYSTEM IN ORDER TO
8 PROVIDE INNOVATIVE LEARNING OPPORTUNITIES AND CREATIVE EDUCATIONAL
9 APPROACHES TO IMPROVE THE EDUCATION OF STUDENTS.

10 9-102.

11 IN THIS TITLE, "PUBLIC CHARTER SCHOOL" MEANS A PUBLIC SCHOOL THAT:

12 (1) IS NONSECTARIAN IN ALL ITS PROGRAMS, POLICIES, AND
13 OPERATIONS;

14 (2) IS A SCHOOL TO WHICH PARENTS CHOOSE TO SEND THEIR
15 CHILDREN;

16 (3) IS OPEN TO ALL STUDENTS ON A SPACE-AVAILABLE BASIS AND
17 ADMITS STUDENTS ON A LOTTERY BASIS IF MORE STUDENTS APPLY THAN CAN BE
18 ACCOMMODATED;

19 (4) IS A NEW PUBLIC SCHOOL OR A CONVERSION OF AN EXISTING
20 PUBLIC SCHOOL;

21 (5) PROVIDES A PROGRAM OF ELEMENTARY OR SECONDARY
22 EDUCATION OR BOTH;

23 (6) OPERATES IN PURSUIT OF A SPECIFIC SET OF EDUCATIONAL
24 OBJECTIVES;

25 (7) IS TUITION-FREE;

26 (8) IS SUBJECT TO FEDERAL AND STATE LAWS PROHIBITING
27 DISCRIMINATION;

28 (9) IS IN COMPLIANCE WITH ALL APPLICABLE HEALTH AND SAFETY
29 LAWS; ~~AND~~

30 (10) IS IN COMPLIANCE WITH THE REQUIREMENTS OF THE INDIVIDUALS
31 WITH DISABILITIES ACT, 20 U.S.C. 1400 ET SEQ. § 9-107 OF THIS TITLE;

32 (11) OPERATES UNDER THE SUPERVISION OF THE PUBLIC CHARTERING
33 AUTHORITY FROM WHICH ITS CHARTER IS GRANTED AND IN ACCORDANCE WITH ITS

1 CHARTER AND, EXCEPT AS PROVIDED IN § 9-106 OF THIS SUBTITLE, THE PROVISIONS
 2 OF LAW AND REGULATION GOVERNING OTHER PUBLIC SCHOOLS;

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

6 (13) IS CREATED IN ACCORDANCE WITH THIS TITLE AND THE
 7 APPROPRIATE COUNTY BOARD POLICY.

8 9-103.

9 (A) THE PRIMARY PUBLIC CHARTERING AUTHORITY FOR THE GRANTING OF
 10 ~~CHARTERS~~ A CHARTER SHALL BE ~~THE A COUNTY BOARDS~~ BOARD OF EDUCATION.

11 (B) THE SECONDARY PUBLIC CHARTERING AUTHORITY FOR THE GRANTING
 12 OF ~~CHARTERS~~ A CHARTER SHALL BE THE STATE BOARD ACTING IN ITS APPEAL
 13 REVIEW CAPACITY OR AS THE PUBLIC CHARTERING AUTHORITY FOR A
 14 RESTRUCTURED SCHOOL IN ACCORDANCE WITH § 9-104(A) OF THIS SUBTITLE.

15 (C) ~~THE STATE BOARD MAY CREATE ADDITIONAL PUBLIC CHARTERING~~
 16 ~~AUTHORITIES.~~

17 9-104.

18 (A) (1) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL SHALL
 19 BE SUBMITTED TO THE COUNTY BOARD OF THE COUNTY IN WHICH THE CHARTER
 20 SCHOOL WILL BE LOCATED.

21 (2) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL MAY BE
 22 SUBMITTED TO A COUNTY BOARD BY:

23 (I) THE STAFF OF A PUBLIC SCHOOL;

24 (II) A PARENT OR GUARDIAN OF A STUDENT WHO ATTENDS A
 25 PUBLIC SCHOOL IN THE COUNTY;

26 (III) A NONSECTARIAN NONPROFIT ENTITY;

27 (IV) ~~AN~~ A NONSECTARIAN INSTITUTION OF HIGHER EDUCATION IN
 28 THE STATE; OR

29 (V) ANY COMBINATION OF PERSONS SPECIFIED IN ITEMS (I)
 30 THROUGH (IV) OF THIS PARAGRAPH.

31 (3) ~~A COUNTY BOARD~~ PUBLIC CHARTERING AUTHORITY MAY NOT
 32 GRANT A CHARTER UNDER THIS TITLE TO:

33 (I) A PRIVATE SCHOOL;

34 (II) A PAROCHIAL SCHOOL; OR

1 (III) A HOME SCHOOL.

2 (4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
3 PARAGRAPH, THE COUNTY BOARD SHALL REVIEW THE APPLICATION AND RENDER A
4 DECISION WITHIN 120 DAYS OF RECEIPT OF THE APPLICATION.

5 (II) FOR A RESTRUCTURED SCHOOL:

6 1. THE COUNTY BOARD SHALL REVIEW THE APPLICATION
7 AND RENDER A DECISION WITHIN 30 DAYS OF RECEIPT OF THE APPLICATION;

8 2. THE COUNTY BOARD MAY APPLY TO THE STATE BOARD
9 FOR AN EXTENSION OF UP TO 15 DAYS FROM THE TIME LIMIT IMPOSED UNDER ITEM
10 1 OF THIS SUBPARAGRAPH;

11 3. IF AN EXTENSION IS NOT GRANTED, AND 30 DAYS HAVE
12 ELAPSED, THE STATE BOARD MAY BECOME A CHARTERING AUTHORITY; AND

13 4. IF AN EXTENSION HAS BEEN GRANTED, AND 45 DAYS
14 HAVE ELAPSED, THE STATE BOARD MAY BECOME A CHARTERING AUTHORITY.

15 (B) (1) IF THE COUNTY BOARD DENIES AN APPLICATION TO ESTABLISH A
16 PUBLIC CHARTER SCHOOL, THE APPLICANT MAY APPEAL THE DECISION TO THE
17 STATE BOARD, IN ACCORDANCE WITH § 4-205(C) OF THIS ARTICLE.

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

20 (3) IF THE COUNTY BOARD DENIES AN APPLICATION TO ESTABLISH A
21 PUBLIC CHARTER SCHOOL AND THE STATE BOARD REVERSES THE DECISION, THE
22 STATE BOARD MAY DIRECT THE COUNTY BOARD TO GRANT A CHARTER AND SHALL
23 MEDIATE WITH THE COUNTY BOARD AND THE APPLICANT TO IMPLEMENT THE
24 CHARTER.

25 9-105.

26 A MEMBER OF THE PROFESSIONAL STAFF OF A PUBLIC CHARTER SCHOOL
27 SHALL HOLD THE APPROPRIATE MARYLAND CERTIFICATION.

28 9-106.

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

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

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

1 (1) AUDIT REQUIREMENTS;

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

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

8 9-107.

9 (A) A PUBLIC CHARTERING AUTHORITY MAY NOT GRANT A CHARTER TO A
10 PUBLIC CHARTER SCHOOL WHOSE OPERATION WOULD BE INCONSISTENT WITH ANY
11 PUBLIC POLICY INITIATIVE, COURT ORDER, OR FEDERAL IMPROVEMENT PLAN
12 GOVERNING SPECIAL EDUCATION THAT IS APPLICABLE TO THE STATE.

13 (B) A PUBLIC CHARTERING AUTHORITY SHALL ENSURE THAT THE
14 AUTHORIZING PROCESS FOR A PUBLIC CHARTER SCHOOL AND THE CHARTER
15 APPLICATION ADDRESS THE ROLES AND RESPONSIBILITIES OF THE COUNTY BOARD
16 AND THE APPLICANTS AND OPERATORS OF THE PUBLIC CHARTER SCHOOL WITH
17 RESPECT TO CHILDREN WITH DISABILITIES.

18 (C) THE PUBLIC CHARTERING AUTHORITY SHALL ENSURE THAT, PRIOR TO
19 OPENING A PUBLIC CHARTER SCHOOL, THE OPERATORS OF THE SCHOOL ARE
20 INFORMED OF THE HUMAN, FISCAL, AND ORGANIZATIONAL CAPACITY NEEDED TO
21 FULFILL THE SCHOOL'S RESPONSIBILITIES RELATED TO CHILDREN WITH
22 DISABILITIES.

23 (D) THE STATE BOARD SHALL PROVIDE TECHNICAL ASSISTANCE TO THE
24 OPERATORS OF A PUBLIC CHARTER SCHOOL TO HELP THE SCHOOL MEET THE
25 REQUIREMENTS OF FEDERAL AND STATE LAWS, INCLUDING 20 U.S.C. § 1400, ET SEQ.
26 AND § 504 OF THE REHABILITATION ACT OF 1973, 29 U.S.C. § 794.

27 9-107. 9-108.

28 (A) EMPLOYEES OF A PUBLIC CHARTER SCHOOL:

29 (1) ARE PUBLIC SCHOOL EMPLOYEES, AS DEFINED IN §§ 6-401(D) AND
30 6-501(F) OF THIS ARTICLE;

31 (2) ARE EMPLOYEES OF A PUBLIC SCHOOL EMPLOYER, AS DEFINED IN §§
32 6-401(E) AND 6-501(G) OF THIS ARTICLE, IN THE COUNTY IN WHICH THE PUBLIC
33 CHARTER SCHOOL IS LOCATED; AND

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

36 (B) IF A COLLECTIVE BARGAINING AGREEMENT UNDER TITLE 6, SUBTITLE 4
37 OR 5 OF THIS ARTICLE IS ALREADY IN EXISTENCE IN THE COUNTY WHERE A PUBLIC

1 CHARTER SCHOOL IS LOCATED, THE EMPLOYEE ORGANIZATION AND THE PUBLIC
2 CHARTER SCHOOL MAY MUTUALLY AGREE TO NEGOTIATE AMENDMENTS TO THE
3 EXISTING AGREEMENT TO ADDRESS THE NEEDS OF THE PARTICULAR PUBLIC
4 CHARTER SCHOOL.

5 ~~9-108. 9-109.~~

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

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

13 ~~9-109. 9-110.~~

14 (A) (1) EACH COUNTY BOARD SHALL DEVELOP A PUBLIC CHARTER SCHOOL
15 POLICY AND SUBMIT IT TO THE STATE BOARD.

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

18 (I) EVALUATION OF PUBLIC CHARTER SCHOOLS;

19 (II) REVOCATION OF A CHARTER;

20 (III) REPORTING REQUIREMENTS; AND

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

23 (B) THE DEPARTMENT SHALL DESIGNATE A STAFF PERSON TO FUNCTION AS
24 A CONTACT PERSON FOR THE MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the State Department
26 of Education shall create and disseminate to each local board of education model
27 public charter school policy language which can be used to create a public charter
28 school policy as required by this Act. Each local board of education shall submit its
29 public charter school policy to the State Board of Education by November 1, 2003.

30 SECTION 3. AND BE IT FURTHER ENACTED, That on or before October 1,
31 2006, based on information gathered from each local board of education, the Board of
32 School Commissioners of Baltimore City, and the public, the State Board of Education
33 shall submit to the General Assembly, in accordance with § 2-1246 of the State
34 Government Article, a report including an evaluation of the public charter school
35 program. The report shall address the advisability of the continuation, modification,
36 expansion, or termination of the program.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~October~~ July 1, 2003.

HOUSE BILL 245

Unofficial Copy
F1

2003 Regular Session
(3r1511)

ENROLLED BILL

-- Ways and Means/Education, Health, and Environmental Affairs --

Introduced by **Delegates Jones, Bobo, Boschert, Cane, Howard, Kirk,
Madaleno, and Nathan-Pulliam**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Residential Child Care Programs - State-Funded Operators - Licensing**
3 **Provisions**

4 FOR the purpose of requiring a licensed operator of a residential child care program
5 who receives State funding to meet certain academic needs of a child in the
6 operator's care; exempting certain licensed operators from certain requirements;
7 requiring certain group homes to comply with certain provisions of law;
8 requiring the department that licenses the group home to notify certain group
9 homes of certain provisions of law; and generally relating to certain licensing
10 provisions for State-funded operators of residential child care programs.

11 BY adding to
12 Article - Education
13 Section 7-309
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2002 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - Family Law
3 Section 5-526
4 Annotated Code of Maryland
5 (1999 Replacement Volume and 2002 Supplement)

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

8 **Article - Education**

9 7-309.

10 (A) (1) IN THIS SECTION, "RESIDENTIAL CHILD CARE PROGRAM" MEANS A
11 PROGRAM THAT:

12 (I) PROVIDES CARE FOR CHILDREN 24 HOURS A DAY WITHIN A
13 STRUCTURED SET OF SERVICES AND ACTIVITIES DESIGNED TO ACHIEVE
14 OBJECTIVES RELATED TO THE NEEDS OF THE CHILDREN SERVED; AND

15 (II) IS LICENSED BY THE DEPARTMENT OF HEALTH AND MENTAL
16 HYGIENE, THE DEPARTMENT OF HUMAN RESOURCES, OR THE DEPARTMENT OF
17 JUVENILE JUSTICE.

18 (2) A "RESIDENTIAL CHILD CARE PROGRAM" INCLUDES:

19 (I) GROUP HOMES;

20 (II) ALTERNATIVE LIVING UNITS; AND

21 (III) EMERGENCY SHELTER CARE.

22 (B) EACH LICENSED OPERATOR OF A RESIDENTIAL CHILD CARE PROGRAM
23 WHO HAS LEGAL CUSTODY OR CARE AND CONTROL OF A CHILD WHO IS AT LEAST 5
24 YEARS OLD AND UNDER THE AGE OF 16 YEARS AND RECEIVES STATE FUNDING AS
25 PROVIDED IN § 5-526 OF THE FAMILY LAW ARTICLE ~~SHALL~~:

26 (1) SHALL ENROLL THE CHILD IN THE LOCAL SCHOOL SYSTEM WHERE
27 THE RESIDENTIAL CHILD CARE PROGRAM IS LOCATED UNLESS THE RESIDENTIAL
28 CHILD CARE PROGRAM OPERATES AN APPROVED EDUCATIONAL PROGRAM IN
29 ACCORDANCE WITH THE LICENSING REGULATIONS THAT GOVERN THE
30 RESIDENTIAL CHILD CARE PROGRAM;

31 (2) SHALL EXPEDITIOUSLY ~~RETRIEVE~~ INITIATE AND MONITOR THE
32 TRANSFER OF THE ACADEMIC RECORDS OF A CHILD IN THE OPERATOR'S CARE FROM
33 THE TRANSFERRING SCHOOL AND SEND THE ACADEMIC RECORDS TO INSURE THAT
34 THE ACADEMIC RECORDS ARE TRANSFERRED TO THE SCHOOL THAT THE CHILD WILL
35 BE ATTENDING WHILE LIVING IN THE OPERATOR'S CARE;

1 (⇒) (3) (I) MAY REQUEST A MEETING WITH THE CHILD'S TEACHERS;

2 AND

3 (II) SHALL MEET THE CHILD'S TEACHERS AT THE TIME OF
4 ENROLLMENT AND AT ANY OTHER TIME THE SCHOOL OR A TEACHER REQUESTS;

5 AND

6 (⇒) (4) SHALL SIGN THE CHILD'S REPORT CARD AND, INSURE THAT

7 THE REPORT CARD IS RETURNED TO SCHOOL, AND INCLUDE A COPY OF THE REPORT

8 CARD IN THE CHILD'S CASE RECORD.

9

Article - Family Law

10 5-526.

11 (a) (1) The Department shall provide for the care, diagnosis, training,
12 education, and rehabilitation of children by placing them in group homes and
13 institutions that are operated by for-profit or nonprofit charitable corporations.

14 (2) Any group home utilized under the provisions of this section shall
15 comply with the provisions of §§ 5-507 through 5-509 of this subtitle AND § 7-309 OF
16 THE EDUCATION ARTICLE.

17 (3) THE DEPARTMENT THAT LICENSES THE GROUP HOME SHALL
18 NOTIFY ANY GROUP HOME UTILIZED UNDER THE PROVISIONS OF THIS SECTION OF
19 THE REQUIREMENTS OF § 7-309 OF THE EDUCATION ARTICLE.

20 (b) (1) The Department shall reimburse these corporations for the cost of
21 these services at appropriate monthly rates that the Department determines, as
22 provided in the State budget.

23 (2) The reimbursement rate may differ between homes and institutions
24 that provide intermediate services, as defined by the Department, and homes and
25 institutions that provide full services.

26 (c) The Department, or the Department's designee, may not place a child in a
27 residential group home or other facility that is not operating in compliance with
28 applicable State licensing laws.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
30 effect July 1, 2003.

By: **Delegate Minnick**
Introduced and read first time: February 7, 2003
Assigned to: Appropriations
Reassigned: Ways and Means, February 14, 2003

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 18, 2003

CHAPTER _____

1 AN ACT concerning

2 **Education - Baltimore County - Public School Employees**

3 FOR the purpose of altering the definition of "public school employee" as it applies to
4 provisions that relate to organizations of employees in Baltimore County;
5 establishing a certain unit of certain employees in Baltimore County;
6 authorizing only a certain number of units in Baltimore County; providing that
7 a certain unit shall be deemed the designated representative for a certain unit of
8 employees; providing that this Act may not be construed to modify, amend, or
9 supercede certain provisions of law; providing that this Act may not be
10 construed to confer certain rights of certification on certain noncertified
11 employees; and generally relating to organizations for public school employees
12 in Baltimore County.

13 BY repealing and reenacting, with amendments,
14 Article - Education
15 Section 6-401, 6-404, and 6-505
16 Annotated Code of Maryland
17 (2001 Replacement Volume and 2002 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article - Education
20 Section 6-501
21 Annotated Code of Maryland
22 (2001 Replacement Volume and 2002 Supplement)

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

3 **Article - Education**

4 6-401.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) "Employee organization" means an organization that:

7 (1) Includes certificated employees of a public school employer or
8 individuals of equivalent status in Baltimore City; and

9 (2) Has as one of its main purposes the representation of the employees
10 in their relations with that public school employer.

11 (c) (1) "Home and hospital teacher" means a teacher employed by a public
12 school employer to provide instructional services to a public school student who is
13 unable to function effectively in the classroom setting due to the student's medical,
14 physical, or emotional condition.

15 (2) A home and hospital teacher may teach in:

16 (i) A private home;

17 (ii) A hospital;

18 (iii) A therapeutic center;

19 (iv) A school; or

20 (v) Any other appropriate site.

21 (d) (1) "Public school employee" means a certificated professional individual
22 who is employed by a public school employer or an individual of equivalent status in
23 Baltimore City, except for a county superintendent or an individual designated by the
24 public school employer to act in a negotiating capacity as provided in § 6-408(b) of
25 this subtitle.

26 (2) In Montgomery County, "public school employees" include:

27 (i) Certificated and noncertificated substitute teachers employed
28 by the public school employer for at least 7 days before March 1 of the school fiscal
29 year ending June 30, 1978, and each year after; and

30 (ii) Home and hospital teachers employed by the public school
31 employer for at least 7 days before March 1 of the school fiscal year ending June 30,
32 2000, and each year after.

33 (3) In Baltimore County, "public school employee" includes:

1 (I) [a] A secondary school nurse, an elementary school nurse, and
2 a special school nurse; AND

3 (II) SUPERVISORY NONCERTIFICATED EMPLOYEES AS DEFINED
4 UNDER § 6-501(H) OF THIS TITLE.

5 (4) In Frederick County, "public school employee" includes a social
6 worker employed by a public school employer.

7 (5) In Prince George's County, "public school employee" includes home
8 and hospital teachers and junior reserve officer training (JROTC) instructors.

9 (e) "Public school employer" means a county board of education or the
10 Baltimore City Board of School Commissioners.

11 6-404.

12 (a) Each public school employer shall designate, as provided in this subtitle,
13 which employee organization, if any, shall be the exclusive representative of all public
14 school employees in a specified unit in the county.

15 (b) (1) Except as provided in paragraph (2) of this subsection, the public
16 school employer shall determine the composition of the unit in negotiation with any
17 employee organization that requests negotiation concerning the composition of the
18 unit.

19 (2) In Baltimore County, the public school employer may designate a
20 separate unit comprised of all registered nurses employed by the county in
21 elementary schools or special schools.

22 (c) (1) Except as provided in paragraph (2) of this subsection, there may not
23 be more than two units in a county.

24 (2) In Baltimore County, there may not be more than three units,
25 provided that one unit consists of elementary and special school nurses AND ONE
26 UNIT CONSISTS OF EMPLOYEES WHOSE POSITION REQUIRES AN ADMINISTRATIVE
27 AND SUPERVISORY CERTIFICATE AND SUPERVISORY NONCERTIFICATED
28 EMPLOYEES AS DEFINED UNDER § 6-501(H) OF THIS TITLE.

29 (d) All eligible public school employees shall:

30 (1) Be included in one of these units; and

31 (2) Have the rights granted in this subtitle.

32 6-501.

33 (a) In this subtitle the following words have the meanings indicated.

34 (b) "Confidential employee" includes an individual whose employment
35 responsibilities require knowledge of the public school employer's posture in the

1 collective negotiation process, as determined by the public school employer in
2 negotiations with an employee organization that requests negotiation on this issue.

3 (c) "Employee organization" means an organization that:

4 (1) Includes noncertificated employees of a public school employer; and

5 (2) Has as one of its main purposes the representation of the employees
6 in their relations with that public school employer.

7 (d) "Management personnel" includes an individual who is engaged mainly in
8 executive and managerial functions, as determined by the public school employer in
9 negotiation with an employee organization that requests negotiation on this issue.

10 (e) "Noncertificated employee", in Montgomery County, means only a
11 full-time employee.

12 (f) (1) "Public school employee" means a noncertificated individual who is
13 employed for at least 9 months a year on a full-time basis by a public school employer.

14 (2) "Public school employee" includes a noncertificated employee in
15 Baltimore City notwithstanding that the noncertificated employee does not work for
16 at least 9 months a year on a full-time basis.

17 (3) "Public school employee" does not include:

18 (i) Management personnel;

19 (ii) A confidential employee; or

20 (iii) Any individual designated by the public school employer to act
21 in a negotiating capacity as provided in § 6-510(b) of this subtitle.

22 (g) (1) "Public school employer" means the county board in each county.

23 (2) "Public school employer" includes the Baltimore City Board of School
24 Commissioners.

25 (h) "Supervisory employee" includes any individual who responsibly directs
26 the work of other employees, as determined by the public school employer in
27 negotiation with an employee organization that requests negotiation on this issue.

28 6-505.

29 (a) (1) Each public school employer may designate, as provided in this
30 subtitle, which employee organization, if any, shall be the exclusive representative of
31 all public school employees in a specified unit in the county.

32 (2) In Baltimore City, Garrett County, and Frederick County, the public
33 school employer shall designate, as provided in this subtitle, which employee

1 organization, if any, shall be the exclusive representative of all public school
2 employees in a specified unit in the county.

3 (b) The public school employer shall determine the composition of the unit in
4 negotiation with any employee organization that requests negotiation concerning the
5 composition of the unit.

6 (c) (1) There may not be more than three units in a county and a unit may
7 not include both supervisory and nonsupervisory employees.

8 (2) If a county has more than three recognized units and, as of July 1,
9 1974, the units have exclusive representation for collective negotiations, these units
10 may continue as negotiating units.

11 (3) IN BALTIMORE COUNTY, THERE SHALL ONLY BE THREE
12 NONSUPERVISORY UNITS IN ADDITION TO THE SUPERVISORY UNIT DEFINED UNDER
13 § 6-404(C)(2) OF THIS TITLE.

14 (d) (1) All eligible public school employees shall:

15 (i) Be included in one of these units; and

16 (ii) Have the rights granted in this subtitle.

17 (2) Except for an individual who is designated as management personnel
18 or a confidential employee under this subtitle, each public school employee is eligible
19 for membership in one of the negotiating units.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the organization for
21 administrative and supervisory positions currently recognized under § 6-404 of the
22 Education Article shall be deemed the designated representative for the unit created
23 in § 6-404(c)(3) § 6-404(c)(2) of the Education Article and shall be subject to the
24 provisions of Subtitle 6 of the Education Article, as enacted by Section 1 of this Act.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be
26 construed to modify, amend, or supercede the provisions of the Education Article
27 relating to changes in representation for the unit.

28 SECTION 3- 4. AND BE IT FURTHER ENACTED, That this Act may not be
29 construed to confer rights arising from certification on noncertificated employees.

30 SECTION 4- 5. AND BE IT FURTHER ENACTED, That this Act shall take
31 effect October 1, 2003.

