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

Attachment I – Wrap-Up, Key School Legislation
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

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

   Education - Children in Out-of-County Living Arrangements - Informal Kinship Care Relationships

4  FOR the purpose of providing for the funding of the education of a child in an informal kinship care relationship due to a serious family hardship under certain circumstances; requiring a child in an informal kinship care relationship to receive an appropriate education; providing that a certain child shall be included in a certain enrollment count; requiring a certain agency to notify the State Superintendent of Schools of the name of each child in an informal kinship care relationship in that county; requiring a certain agency to notify the State Superintendent of a certain preliminary determination regarding the financially responsible local education agency for a certain child; establishing certain notice requirements; authorizing a certain agency to appeal a certain determination; requiring the State Superintendent to decide certain appeals and to make a certain determination; requiring each county board of education to provide certain data to the State Superintendent; requiring the State Superintendent to deduct a certain payment to a certain agency under certain circumstances; requiring the State Board of Education to adopt certain regulations; requiring a superintendent of schools of a county to allow a child to attend a public school in a county other than where the child was previously domiciled in Maryland with the child's parent or legal guardian if the child lives with a relative in the county in an informal kinship care relationship due to a serious family hardship; altering a certain definition; defining certain terms; requiring certain relatives of a child to file certain affidavits and certain supporting documentation under certain circumstances; requiring certain supporting documentation to be consistent with certain privacy and confidentiality policies and statutes;
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establishing the contents and form of certain affidavits; requiring certain affidavits to be provided free of charge at certain offices; authorizing certain relatives to make educational decisions for children in their custody; requiring each county board of education to report certain information to the Maryland State Department of Education on or before certain dates; requiring the Department to compile and submit certain information to certain legislative committees; and generally relating to children in out-of-county living arrangements who live with relatives who provide informal kinship care due to a serious family hardship.

BY renumbering Article - Education Section 7-101(c) to be Section 7-101(d), 7-101(e) Annotated Code of Maryland (2001 Replacement Volume and 2002 Supplement)

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

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

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

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

Article - Education

4-122.

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

(2) "Local current expense per student" means all expenditures made by a county from county appropriations, except State, federal, and other aid, for public elementary and secondary education in the prior fiscal year, divided by the full-time equivalent enrollment, as defined in § 5-202(a) of this article.
"Child in an out-of-county living arrangement" means a child who is:

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

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

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

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

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

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

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

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

4-122.1.

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

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

(3) "LOCAL CURRENT EXPENSE PER STUDENT" MEANS ALL EXPENDITURES MADE BY A COUNTY FROM COUNTY APPROPRIATIONS, EXCEPT STATE, FEDERAL, AND OTHER AID, FOR PUBLIC ELEMENTARY AND SECONDARY
EDUCATION IN THE PRIOR FISCAL YEAR, DIVIDED BY THE FULL-TIME EQUIVALENT ENROLLMENT, AS DEFINED IN § 5-202(A) OF THIS ARTICLE.

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

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

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

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

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

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

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

(7) "SERIOUS FAMILY HARDSHIP" MEANS:

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

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

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

(IV) INCARCERATION OF A PARENT OR LEGAL GUARDIAN OF THE CHILD;
(V) Abandonment by a parent or legal guardian of a child; or

(VI) Assignment of a parent or legal guardian of a child to active military duty.

(B) Subsection (D) of this section shall apply to the education funding of a child in an informal kinship care relationship if the fiscal impact of the requirements of § 7-101(C) of this article to a county exceeds 0.1% of a county board's total operating budget for a fiscal year.

(C) (1) A child in an informal kinship care relationship shall receive an appropriate education from the receiving agency.

(2) The receiving agency shall include a child enrolled as the result of an informal kinship care relationship in its full-time equivalent enrollment as provided by § 5-202(A) of this article.

(D) (1) Subject to subsection (B) of this section, and except as provided in paragraph (3) of this subsection, for each child in an informal kinship care relationship enrolled in a public school program, the sending agency shall pay the receiving agency an amount equal to the lesser of:

(I) the local current expense per student under the jurisdiction of the sending agency; or

(II) the local current expense per student under the jurisdiction of the receiving agency.

(2) If the receiving agency determines that a child in an informal kinship care relationship is disabled and needs public school intensity IV or V special education services, the sending agency shall pay the receiving agency for each such child an amount equal to the lesser of:

(I) three times the local current expense per student under the jurisdiction of the sending agency; or

(II) three times the local current expense per student under the jurisdiction of the receiving agency.

(3) If the receiving agency determines that a child in an informal kinship care relationship is disabled and needs a nonpublic educational program as provided by § 8-406 of this article, the sending agency shall pay for each such child the amount provided by § 8-415(D)(3) of this article.

(E) (1) Each receiving agency shall:
(I) NOTIFY THE STATE SUPERINTENDENT OF THE NAME OF EACH CHILD IN AN INFORMAL KINSHIP CARE RELATIONSHIP AS OF DECEMBER 31 OF EACH YEAR; AND

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

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

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

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

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

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

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

7-101.

(b) (1) Except as provided in § 7-301 of this title and in paragraph (2) of this subsection, each child shall attend a public school in the county where the child is domiciled with the child's parent or guardian, providing informal kinship care, as defined in subsection (c) of this section.

(2) Upon request and in accordance with a county board's policies concerning residency, a county superintendent may allow a child to attend school in the county even if the child is not domiciled in that county with the child's parent or guardian.
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(3) If a child fraudulently attends a public school in a county where the
care of the child is not domiciled with the child's parent or guardian, the child's parent or
guardian shall be subject to a penalty payable to the county for the pro rata share of
tuition for the time the child fraudulently attends a public school in the county.

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

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

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

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

(IV) "SERIOUS FAMILY HARDSHIP" MEANS:

1. DEATH OF A PARENT OR LEGAL GUARDIAN OF THE CHILD;

2. SERIOUS ILLNESS OF A PARENT OR LEGAL GUARDIAN OF
THE CHILD;

3. DRUG ADDICTION OF A PARENT OR LEGAL GUARDIAN OF
THE CHILD;

4. INCARCERATION OF A PARENT OR LEGAL GUARDIAN OF
THE CHILD;

5. ABANDONMENT BY A PARENT OR LEGAL GUARDIAN OF
THE CHILD; OR

6. ASSIGNMENT OF A PARENT OR LEGAL GUARDIAN OF A
CHILD TO ACTIVE MILITARY DUTY.

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

(II) THE AFFIDAVIT SHALL BE ACCOMPANIED BY
SUPPORTING DOCUMENTATION OF ONE OR MORE SERIOUS FAMILY HARDSHIPS AND,
WHERE POSSIBLE, THE TELEPHONE NUMBER AND ADDRESS OF ANY AUTHORITY
WHO IS LEGALLY AUTHORIZED TO REVEAL INFORMATION WHICH CAN VERIFY THE
ASSERTIONS IN THE AFFIDAVIT.

THE SUPPORTING DOCUMENTATION REQUIRED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL BE CONSISTENT WITH LOCAL,
STATE, AND FEDERAL PRIVACY AND CONFIDENTIALITY POLICIES AND STATUTES.

THE AFFIDAVIT SHALL INCLUDE:

(I) THE NAME AND DATE OF BIRTH OF THE CHILD;

(II) THE NAME AND ADDRESS OF THE CHILD'S PARENT OR LEGAL
GUARDIAN;

(III) THE NAME AND ADDRESS OF THE RELATIVE PROVIDING
INFORMAL KINSHIP CARE;

(IV) THE DATE THE RELATIVE ASSUMED INFORMAL KINSHIP CARE;

(V) THE NATURE OF THE SERIOUS FAMILY HARDSHIP AND WHY IT
RESULTED IN INFORMAL KINSHIP CARE;

(VI) THE KINSHIP RELATION TO THE CHILD OF THE RELATIVE
PROVIDING INFORMAL KINSHIP CARE;

(VII) THE NAME AND ADDRESS OF THE SCHOOL THE CHILD
PREVIOUSLY ATTENDED;

(VIII) NOTICE THAT THE COUNTY SUPERINTENDENT MAY VERIFY
THE FACTS GIVEN BY THE RELATIVE PROVIDING INFORMAL KINSHIP CARE IN THE
AFFIDAVIT AND CONDUCT AN AUDIT OF THE CASE AFTER THE CHILD HAS BEEN
ENROLLED IN THE COUNTY PUBLIC SCHOOL SYSTEM;

(IX) NOTICE THAT IF FRAUD OR MISREPRESENTATION IS
DISCOVERED DURING AN AUDIT, THE COUNTY SUPERINTENDENT SHALL REMOVE
THE CHILD FROM THE COUNTY PUBLIC SCHOOL SYSTEM; AND

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

THE AFFIDAVIT SHALL BE IN THE FOLLOWING FORM:

(I) I, THE UNDERSIGNED, AM OVER EIGHTEEN (18) YEARS OF AGE
AND COMPETENT TO TESTIFY TO THE FACTS AND MATTERS SET FORTH HEREIN.

(II) _______________ (NAME OF CHILD), WHOSE DATE OF BIRTH IS
______________, IS LIVING WITH ME BECAUSE OF THE FOLLOWING SERIOUS FAMILY
HARDSHIP: (CHECK EACH THAT IS APPLICABLE)
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1      _____DEATH OF FATHER/MOTHER/LEGAL GUARDIAN
2      _____SERIOUS ILLNESS OF FATHER/MOTHER/LEGAL GUARDIAN
3      _____DRUG ADDICTION OF FATHER/MOTHER/LEGAL GUARDIAN
4      _____INCARCERATION OF FATHER/MOTHER/LEGAL GUARDIAN
5      _____ABANDONMENT BY FATHER/MOTHER/LEGAL GUARDIAN
6      _____ASSIGNMENT OF A PARENT OR LEGAL GUARDIAN OF A
7    CHILD TO ACTIVE MILITARY DUTY
8
9     (III) THE NAME AND LAST KNOWN ADDRESS OF THE CHILD'S
10    PARENT(S) OR LEGAL GUARDIAN IS:
11
12
13    ____________________________
14    ____________________________
15    ____________________________

16     (IV) MY KINSHIP RELATION TO THE CHILD IS _____________
17
18     (V) MY ADDRESS IS:
19
20    _________________________________________________________
21    STREET                               APT. NO.
22
23    _________________________________________________________
24    CITY                  STATE             ZIP CODE
25
26     (VI) I ASSUMED INFORMAL KINSHIP CARE OF THIS CHILD FOR 24
27    HOURS A DAY AND 7 DAYS A WEEK ON __________________(DAY/MONTH/YEAR).
28
29     (VII) THE NAME AND ADDRESS OF THE LAST SCHOOL THAT THE
30    CHILD ATTENDED IS: _________________________________
31
32
33     (VIII) THE COUNTY SUPERINTENDENT MAY VERIFY THE FACTS
34    CONTAINED IN THE FOREGOING AFFIDAVIT AND CONDUCT AN AUDIT ON A
35    CASE-BY-CASE BASIS AFTER THE CHILD HAS BEEN ENROLLED IN THE COUNTY
36    PUBLIC SCHOOL SYSTEM. IF THE COUNTY SUPERINTENDENT DISCOVERS FRAUD OR
37    MISREPRESENTATION, THE CHILD SHALL BE REMOVED FROM THE COUNTY PUBLIC
38    SCHOOL SYSTEM ROLL.
39
40     (IX) I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY
41    THAT THE CONTENTS OF THE FOREGOING ARE TRUE TO THE BEST OF MY
42    KNOWLEDGE, INFORMATION, AND BELIEF.
SIGNATURE OF AFFIANT

(DAY/MONTH/YEAR)

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

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

1. BE ATTACHED TO AFFIDAVIT FORMS THAT COMPLY WITH
   SUBSECTION (C)(4) OF THIS SECTION PARAGRAPH (4) OF THIS SUBSECTION; AND
2. INCLUDE LANGUAGE ENCOURAGING THE RELATIVE
   PROVIDING INFORMAL KINSHIP CARE TO SUBMIT THE AFFIDAVIT AND SUPPORTING
   DOCUMENTATION PRIOR TO SEPTEMBER 30 OF EACH YEAR.

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

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

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

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

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

(9) THE RELATIVE PROVIDING INFORMAL KINSHIP CARE SHALL MAKE
REASONABLE EFFORTS TO INFORM THE PARENT OR LEGAL GUARDIAN OF THE CHILD
OF THE INFORMAL KINSHIP CARE RELATIONSHIP.
SENATE BILL 32

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

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

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

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

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

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

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

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

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

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

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

(1) the number of family hardship waivers that have been granted as a result of this Act:
(2) the fiscal impact on the local education agency of this Act including both a dollar amount and an assessment of future implications of this dollar amount on the local education agency; and

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

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

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

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
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; requiring
county boards to develop a certain policy; establishing a certain liaison for the
Program; 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 of Education to submit
a certain report on or before a certain date; defining certain terms; authorizing
the State Board to act as the public chartering authority for restructured schools
under certain circumstances; specifying certain procedures and requirements
governing an application for a restructured school that seeks to become a charter
school; specifying certain limitations and requirements for charter schools with
regard to educational services for children with disabilities; requiring the State
Board of Education to provide certain technical assistance to certain operators of
charter schools; and generally relating to the Maryland Public Charter School
Program.

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

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

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

Article - Education

6-401.

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

6-501.

"Public school employer" means the county board in each county, OR
A PUBLIC CHARTER SCHOOL, AS DEFINED IN TITLE 9 OF THIS ARTICLE.
"Public school employer" includes the Baltimore City Board of School Commissioners.

TITLE 9. MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.

9-101.

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

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

9-102.

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

1. IS NONSECTARIAN IN ALL ITS PROGRAMS, POLICIES, AND OPERATIONS;
2. IS A SCHOOL TO WHICH PARENTS CHOOSE TO SEND THEIR CHILDREN;
3. IS OPEN TO ALL STUDENTS ON A SPACE-AVAILABLE BASIS AND ADMITS STUDENTS ON A LOTTERY BASIS IF MORE STUDENTS APPLY THAN CAN BE ACCOMMODATED;
4. IS A NEW PUBLIC SCHOOL OR A CONVERSION OF AN EXISTING PUBLIC SCHOOL;
5. PROVIDES A PROGRAM OF ELEMENTARY OR SECONDARY EDUCATION OR BOTH;
6. OPERATES IN PURSUIT OF A SPECIFIC SET OF EDUCATIONAL OBJECTIVES;
7. IS TUITION-FREE;
8. IS SUBJECT TO FEDERAL AND STATE LAWS PROHIBITING DISCRIMINATION;
9. IS IN COMPLIANCE WITH ALL APPLICABLE HEALTH AND SAFETY LAWS; AND
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) Is created in accordance with this title and the appropriate county board policy.

9-103.

(A) The primary public chartering authority for the granting of charters a charter shall be the county boards board of education.

(B) The secondary public chartering authority for the granting of charters a charter shall be the state board acting in its appeal review capacity or as the public chartering authority for a restructured school in accordance with § 9-104(a) of this subtitle.

(C) The state board may create additional public chartering authorities.

9-104.

(A) (1) An application to establish a public charter school shall be submitted to the county board of the county in which the charter school will be located.

(2) An application to establish a public charter school may be submitted to a county board by:

(I) the staff of a public school;

(II) a parent or guardian of a student who attends a public school in the county;

(III) a nonsectarian nonprofit entity;

(IV) an nonsectarian institution of higher education in the state; or

(V) any combination of persons specified in items (I) through (IV) of this paragraph.

(3) A county board public chartering authority may not grant a charter under this title to:

(I) a private school;

(II) a parochial school; or
SENATE BILL 75

(III) A HOME SCHOOL.

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

(II) FOR A RESTRUCTURED SCHOOL:

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

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

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

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

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

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

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

9-105.

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

9-106.

(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:
SENATE BILL 75

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

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
SENATE BILL 75

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.


(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, 9-110.

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

(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.

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

SECTION 2. AND BE IT FURTHER ENACTED, That 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 this Act shall take effect October July 1, 2003.
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
BY repealing and reenacting, with amendments,

Article - Family Law
Section 5-526
Annotated Code of Maryland
(1999 Replacement Volume and 2002 Supplement)

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

Article - Education

7-309.

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

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

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

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

(I) GROUP HOMES;

(II) ALTERNATIVE LIVING UNITS; AND

(III) EMERGENCY SHELTER CARE.

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

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

(2) SHALL EXPEDITIOUSLY RETRIEVE INITIATE AND MONITOR THE TRANSFER OF THE ACADEMIC RECORDS OF A CHILD IN THE OPERATOR'S CARE FROM THE TRANSFERRING SCHOOL AND SEND THE ACADEMIC RECORDS TO INSURE THAT THE ACADEMIC RECORDS ARE TRANSFERRED TO THE SCHOOL THAT THE CHILD WILL BE ATTENDING WHILE LIVING IN THE OPERATOR'S CARE;
MAY REQUEST A MEETING WITH THE CHILD'S TEACHERS;

AND

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

AND

SHALL SIGN THE CHILD'S REPORT CARD AND, INSURE THAT
THE REPORT CARD IS RETURNED TO SCHOOL, AND INCLUDE A COPY OF THE REPORT
CARD IN THE CHILD'S CASE RECORD.

Article - Family Law

5-526.

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

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

THE DEPARTMENT THAT LICENSES THE GROUP HOME SHALL
NOTIFY ANY GROUP HOME UTILIZED UNDER THE PROVISIONS OF THIS SECTION OF
THE REQUIREMENTS OF § 7-309 OF THE EDUCATION ARTICLE.

The Department shall reimburse these corporations for the cost of
these services at appropriate monthly rates that the Department determines, as
provided in the State budget.

The reimbursement rate may differ between homes and institutions
that provide intermediate services, as defined by the Department, and homes and
institutions that provide full services.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
effect July 1, 2003.
HOUSE BILL 778

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

Education - Baltimore County - Public School Employees

3 FOR the purpose of altering the definition of "public school employee" as it applies to
provisions that relate to organizations of employees in Baltimore County;
establishing a certain unit of certain employees in Baltimore County;
authorizing only a certain number of units in Baltimore County; providing that
a certain unit shall be deemed the designated representative for a certain unit of
employees; providing that this Act may not be construed to modify, amend, or
supercede certain provisions of law; providing that this Act may not be
construed to confer certain rights of certification on certain noncertified
employees; and generally relating to organizations for public school employees
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)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
MARYLAND, That the Laws of Maryland read as follows:

Article - Education

6-401.

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

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

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

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

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

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

      (i) A private home;

      (ii) A hospital;

      (iii) A therapeutic center;

      (iv) A school; or

   (v) Any other appropriate site.

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

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

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

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

(3) In Baltimore County, "public school employee" includes:
HOUSE BILL 778

(1) A secondary school nurse, an elementary school nurse, and a special school nurse; AND

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

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

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

"Public school employer" means a county board of education or the Baltimore City Board of School Commissioners.

6-404.

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

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

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

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

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

(d) All eligible public school employees shall:

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

(2) Have the rights granted in this subtitle.

6-501.

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

(b) "Confidential employee" includes an individual whose employment responsibilities require knowledge of the public school employer's posture in the
collective negotiation process, as determined by the public school employer in negotiations with an employee organization that requests negotiation on this issue.

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

1. Includes noncertificated employees of a public school employer; and
2. Has as one of its main purposes the representation of the employees in their relations with that public school employer.

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

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

(f) (1) "Public school employee" means a noncertificated individual who is employed for at least 9 months a year on a full-time basis by a public school employer.
2. "Public school employee" includes a noncertificated employee in Baltimore City notwithstanding that the noncertificated employee does not work for at least 9 months a year on a full-time basis.
3. "Public school employee" does not include:
   (i) Management personnel;
   (ii) A confidential employee; or
   (iii) Any individual designated by the public school employer to act in a negotiating capacity as provided in § 6-510(b) of this subtitle.

(g) (1) "Public school employer" means the county board in each county.
2. "Public school employer" includes the Baltimore City Board of School Commissioners.

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

6-505.

(a) (1) Each public school employer may designate, as provided in this subtitle, which employee organization, if any, shall be the exclusive representative of all public school employees in a specified unit in the county.
2. In Baltimore City, Garrett County, and Frederick County, the public school employer shall designate, as provided in this subtitle, which employee
organization, if any, shall be the exclusive representative of all public school employees in a specified unit in the county.

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

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

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

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

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

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

(ii) Have the rights granted in this subtitle.

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

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

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

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

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