

SENATE BILL 683

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By: **Senator Ferguson**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Education – Next Generation Schools – Established**

3 FOR the purpose of requiring certain Next Generation Schools to be operated under the
4 supervision of the State Board of Education; requiring the State Board to submit a
5 certain request for proposals (RFP) for a certain number of operators of Next
6 Generation Schools on or before a certain date; requiring certain operators to meet
7 certain qualifications; requiring a certain RFP to include certain information;
8 authorizing certain operators to request certain waivers subject to certain
9 limitations; requiring certain teachers and personnel to be paid a certain salary and
10 authorizing them to form certain bargaining units for certain purposes; requiring the
11 State Board to determine the funding of a Next Generation School; authorizing the
12 State Board to include certain students in certain enrollment counts for certain
13 purposes under certain circumstances; requiring certain county boards of education
14 to pay certain amounts of money to the State Department of Education under certain
15 circumstances; requiring certain county governing bodies to include certain students
16 in certain calculations under certain circumstances; requiring the Department to
17 disburse certain funds to Next Generation Schools under certain circumstances;
18 establishing a certain fund for a certain purpose; requiring the Department to
19 administer the fund; providing for the composition of the fund; specifying the uses of
20 the fund; requiring the State Treasurer to invest the money of the fund in a certain
21 manner; defining certain terms; and generally relating to the establishment of Next
22 Generation Schools in the State.

23 BY adding to

24 Article – Education

25 Section 7–1701 through 7–1707 to be under the new subtitle “Subtitle 17. Next
26 Generation Schools”

27 Annotated Code of Maryland

28 (2014 Replacement Volume and 2014 Supplement)

29 Preamble

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Schools with freedom of curriculum and structure will innovate
2 Maryland's education system and allow partnerships with outside businesses and social
3 organizations to educate all students for the modern workforce; and

4 WHEREAS, Increasing socioeconomic diversity in schools will prepare all students
5 to work with people from different social and cultural backgrounds; and

6 WHEREAS, Research demonstrates that children from low-income families who
7 attend economically diverse schools achieve significantly better academic outcomes
8 compared with their peers who attend majority low-income schools; and

9 WHEREAS, 86% of Maryland's black students and 78% of Maryland's Latino
10 students are enrolled in majority minority schools, and almost 25% of Maryland's black
11 students attend a school that is 99% minority; and

12 WHEREAS, The benefits of a public school education should extend to all students'
13 needs and interests; now, therefore,

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

16 **Article - Education**

17 **SUBTITLE 17. NEXT GENERATION SCHOOLS.**

18 **7-1701.**

19 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (B) "NEXT GENERATION SCHOOL" MEANS A SCHOOL THAT:

22 (1) IS OPEN TO ALL STUDENTS, STATEWIDE, ON A SPACE-AVAILABLE
23 BASIS AND ADMITS STUDENTS ON A LOTTERY BASIS IF MORE STUDENTS APPLY THAN
24 CAN BE ACCOMMODATED;

25 (2) HAS AN INNOVATIVE TEACHING AND LEARNING MODEL SUCH AS A
26 RESEARCH- OR EXPERIENCE-BASED LEARNING MODEL;

27 (3) HAS AT LEAST 35% OF ITS STUDENTS ELIGIBLE FOR FREE OR
28 REDUCED PRICE MEALS; AND

29 (4) HAS NO MORE THAN 55% OF ITS STUDENTS ELIGIBLE FOR FREE
30 OR REDUCED PRICE MEALS.

1 (C) "OPERATOR" MEANS A PRIVATE NONPROFIT OR PUBLIC ENTITY THAT
2 DEVELOPS AND INTENDS TO MANAGE A NEXT GENERATION SCHOOL.

3 7-1702.

4 A NEXT GENERATION SCHOOL SHALL BE OPERATED UNDER THE
5 SUPERVISION OF THE STATE BOARD.

6 7-1703.

7 (A) ON OR BEFORE AUGUST 1, 2016, THE STATE BOARD SHALL SUBMIT A
8 REQUEST FOR PROPOSALS (RFP) FOR UP TO FIVE OPERATORS WHO WILL PROVIDE
9 STUDENTS IN THE STATE WITH A NEXT GENERATION SCHOOL.

10 (B) THE OPERATOR SHALL MEET THE QUALIFICATIONS ESTABLISHED BY
11 THE STATE BOARD.

12 (C) THE RFP SHALL INCLUDE INFORMATION REGARDING:

13 (1) ACADEMIC CRITERIA AND STANDARDS THAT STUDENTS AT A
14 NEXT GENERATION SCHOOL WILL BE EXPECTED TO MEET ON AN ANNUAL BASIS,
15 INCLUDING THE COMPREHENSIVE ASSESSMENT TOOLS THAT WILL BE USED TO
16 MEASURE WHETHER ACADEMIC STANDARDS HAVE BEEN MET, DISAGGREGATED BY
17 INDIVIDUAL STUDENT AND BY SCHOOL;

18 (2) HOW THE OPERATOR WILL ATTRACT THE SOCIOECONOMIC
19 DEMOGRAPHIC THAT IS REQUIRED IN A NEXT GENERATION SCHOOL;

20 (3) HOW THE OPERATOR WILL INTEGRATE STUDENTS FROM
21 DIFFERENT SOCIOECONOMIC BACKGROUNDS WITHIN THE SCHOOL TO ACHIEVE ITS
22 NEXT GENERATION LEARNING OBJECTIVES; AND

23 (4) ANY OTHER REQUIREMENTS THAT THE STATE BOARD
24 DETERMINES.

25 7-1704.

26 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, AN OPERATOR OF A
27 NEXT GENERATION SCHOOL MAY REQUEST A WAIVER FROM ALL PROVISIONS OF
28 LAW AND REGULATION GOVERNING OTHER PUBLIC SCHOOLS.

29 (B) A NEXT GENERATION SCHOOL SHALL BE SUBJECT TO:

1 **(1) THE SAME ACCOUNTABILITY MANDATES OF THE FEDERAL**
2 **ELEMENTARY AND SECONDARY EDUCATION ACT AS OTHER PUBLIC SCHOOLS IN**
3 **THE STATE; AND**

4 **(2) THE REQUIREMENTS OF 20 U.S.C. § 1400, ET SEQ. AND § 504 OF**
5 **THE REHABILITATION ACT OF 1973, 29 U.S.C. § 794.**

6 **7-1705.**

7 **TEACHERS AND ANY OTHER PROFESSIONAL PERSONNEL AT A NEXT**
8 **GENERATION SCHOOL:**

9 **(1) SHALL BE PAID AN ANNUAL SALARY THAT IS AT LEAST EQUAL TO**
10 **THE SALARY RECEIVED BY PUBLIC SCHOOL TEACHERS AND PROFESSIONAL**
11 **PERSONNEL OF SIMILAR TRAINING AND EXPERIENCE IN THE COUNTY IN WHICH THE**
12 **SCHOOL IS LOCATED; AND**

13 **(2) MAY FORM AN EXCLUSIVE EMPLOYEE BARGAINING UNIT FOR THE**
14 **PURPOSE OF COLLECTIVE BARGAINING UNDER TITLE 6, SUBTITLES 4 AND 5 OF THIS**
15 **ARTICLE.**

16 **7-1706.**

17 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
18 **INDICATED.**

19 **(2) “COST PER PUPIL” MEANS THE AMOUNT OF MONEY SPENT BY A**
20 **COUNTY BOARD FOR THE OPERATING EXPENSES OF PUBLIC EDUCATION IN THE**
21 **COUNTY FROM COUNTY AND STATE SOURCES DIVIDED BY THE FULL-TIME**
22 **EQUIVALENT ENROLLMENT OF THE COUNTY AS DEFINED IN § 5-202(A) OF THIS**
23 **ARTICLE.**

24 **(3) “STATE SOURCES” MEANS FUNDS PROVIDED TO A COUNTY BOARD**
25 **IN ACCORDANCE WITH §§ 5-202, 5-207, 5-208, 5-209, AND 5-210 OF THIS ARTICLE.**

26 **(B) FUNDING FOR A NEXT GENERATION SCHOOL SHALL BE DETERMINED**
27 **BY THE STATE BOARD.**

28 **(C) THE STATE BOARD MAY INCLUDE STUDENTS PARTICIPATING IN A NEXT**
29 **GENERATION SCHOOL IN THE ENROLLMENT OF THE COUNTY IN WHICH THE**
30 **STUDENT IS DOMICILED FOR THE PURPOSES OF CALCULATING STATE AID UNDER §§**
31 **5-202, 5-207, 5-208, 5-209, AND 5-210 OF THIS ARTICLE.**

1 (D) IF THE STATE BOARD DETERMINES THAT STUDENTS PARTICIPATING IN
2 A NEXT GENERATION SCHOOL SHOULD BE INCLUDED IN THE ENROLLMENT OF THE
3 COUNTY UNDER SUBSECTION (C) OF THIS SECTION, THEN:

4 (1) TO SUPPORT THE COST OF INSTRUCTIONAL PROGRAMMING FOR A
5 NEXT GENERATION SCHOOL, EACH COUNTY BOARD SHALL PAY TO THE
6 DEPARTMENT AN AMOUNT COMMENSURATE WITH THE COST PER PUPIL FOR EACH
7 STUDENT WHO PARTICIPATES IN A NEXT GENERATION SCHOOL BUT IS DOMICILED
8 IN THE COUNTY; AND

9 (2) EACH COUNTY GOVERNING BODY SHALL INCLUDE A STUDENT
10 PARTICIPATING IN A NEXT GENERATION SCHOOL IN THE FULL-TIME EQUIVALENT
11 ENROLLMENT USED FOR CALCULATING THE REQUIRED LOCAL FUNDS
12 APPROPRIATED UNDER § 5-202(D) OF THIS ARTICLE.

13 (E) THE DEPARTMENT SHALL DISBURSE THE FUNDS RECEIVED IN
14 ACCORDANCE WITH THIS SECTION TO THE NEXT GENERATION SCHOOL.

15 7-1707.

16 (A) THERE IS A NEXT GENERATION SCHOOLS SUPPLEMENTAL FUND.

17 (B) THE PURPOSE OF THE FUND IS TO PROVIDE SUPPLEMENTAL FUNDS TO
18 NEXT GENERATION SCHOOLS.

19 (C) THE DEPARTMENT SHALL ADMINISTER THE FUND.

20 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
21 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

22 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
23 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

24 (E) THE FUND CONSISTS OF:

25 (1) ANY MONEY FROM ANY SOURCE, INCLUDING DONATIONS,
26 ACCEPTED FOR THE BENEFIT OF THE FUND; AND

27 (2) INVESTMENT EARNINGS OF THE FUND.

28 (F) THE FUND MAY BE USED ONLY FOR GRANTS MADE BY THE
29 DEPARTMENT FOR NEXT GENERATION SCHOOLS.

1 **(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
2 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

3 **(2) INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO THE**
4 **FUND.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2015.