

HOUSE BILL 1430

F1

(6lr3297)

ENROLLED BILL

— Appropriations/Budget and Taxation —

Introduced by ~~Delegate Chang~~ Delegates Chang and Stonko

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 **Maryland Public Charter School Program – School Facilities – Funding**

3 FOR the purpose of requiring the Interagency Commission on School Construction to
4 distribute certain funds to public charter schools for ~~the maintenance and operation~~
5 ~~of~~ capital improvements to public charter school facilities, debt service, or rent or lease
6 payments; requiring certain public charter schools to report to the Interagency
7 Commission on School Construction on the status of certain projects; and generally
8 relating to the funding of public charter school facilities in the Maryland Public
9 Charter School Program.

10 BY adding to

11 Article – Education

12 Section 9–109(c)

13 Annotated Code of Maryland

14 (2022 Replacement Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



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

3 **Article – Education**

4 9–109.

5 (c) (1) ~~(I)~~ IN THIS SUBSECTION, ~~“PUBLIC THE FOLLOWING WORDS~~
6 ~~HAVE THE MEANINGS INDICATED.~~

7 ~~(II)~~ ~~“PUBLIC~~ “PUBLIC CHARTER SCHOOL FACILITIES” MEANS
8 PREMISES THAT ARE:

9 ~~(I)~~ ~~1. (I)~~ OWNED OR LEASED BY A PUBLIC CHARTER SCHOOL;
10 OR

11 ~~(II)~~ ~~2. (II)~~ OCCUPIED AND UTILIZED BY A PUBLIC CHARTER
12 SCHOOL TO PROVIDE A PROGRAM OF PRIMARY OR SECONDARY EDUCATION TO ITS
13 STUDENTS.

14 ~~(III)~~ ~~“TOTAL AGGREGATE STUDENT ENROLLMENT” DOES NOT~~
15 ~~INCLUDE STUDENT ENROLLMENT IN LOCAL SCHOOL SYSTEMS THAT:~~

16 ~~1. HAVE CLOSED OVER 50 SCHOOLS SINCE 2010; AND~~

17 ~~2. MADE SURPLUS FACILITIES AVAILABLE TO CHARTER~~
18 ~~SCHOOLS.~~

19 (2) (i) ~~1. THE SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS~~
20 ~~SUBPARAGRAPH, THE~~ INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION
21 SHALL DISTRIBUTE FUNDS TO PUBLIC CHARTER SCHOOLS ~~FOR THE MAINTENANCE~~
22 ~~AND OPERATION OF~~ IN ACCORDANCE WITH THIS SUBSECTION FOR CAPITAL
23 IMPROVEMENTS TO PUBLIC CHARTER SCHOOL FACILITIES, DEBT SERVICE, OR RENT
24 OR LEASE PAYMENTS.

25 ~~2. A PUBLIC CHARTER SCHOOL MAY RECEIVE FUNDS~~
26 UNDER THIS SUBSECTION ONLY IF THE OPERATOR’S MOST RECENT REQUIRED
27 CERTIFIED FINANCIAL AUDIT IS UNQUALIFIED.

28 (ii) FUNDS DISBURSED UNDER SUBPARAGRAPH (i) OF THIS
29 PARAGRAPH SHALL BE PAID DIRECTLY TO THE PUBLIC CHARTER SCHOOL AND MAY
30 NOT BE PAID TO A LOCAL GOVERNING BODY OR COUNTY BOARD.

1 **(3) IF A PUBLIC CHARTER SCHOOL IS LOCATED IN A BUILDING OWNED**
2 **BY THE LOCAL SCHOOL SYSTEM, THE INTERAGENCY COMMISSION ON SCHOOL**
3 **CONSTRUCTION MAY NOT DISTRIBUTE FUNDS TO THE PUBLIC CHARTER SCHOOL**
4 **FOR CAPITAL IMPROVEMENTS TO THE SCHOOL FACILITY, DEBT SERVICE, OR RENT**
5 **OR LEASE PAYMENTS UNDER THIS SUBSECTION IN FISCAL YEARS DURING WHICH THE**
6 **SCHOOL FACILITY IS UNDERGOING A PROJECT THAT IS RECEIVING STATE FUNDING**
7 **THROUGH THE CAPITAL IMPROVEMENT PROGRAM.**

8 **(4) IF THE TOTAL AMOUNT OF THE CAPITAL IMPROVEMENT PROGRAM**
9 **IN A FISCAL YEAR IS LESS THAN THE TOTAL AMOUNT IN THE PRIOR FISCAL YEAR, THE**
10 **AMOUNT OF FUNDS DISTRIBUTED TO PUBLIC CHARTER SCHOOLS UNDER THIS**
11 **SUBSECTION FOR THE FISCAL YEAR SHALL BE PROPORTIONATELY REDUCED.**

12 **(5) THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION**
13 **MAY NOT USE FUNDS DISTRIBUTED TO A PUBLIC CHARTER SCHOOL UNDER THIS**
14 **SUBSECTION AS JUSTIFICATION TO REDUCE THE AMOUNT PROVIDED TO A LOCAL**
15 **SCHOOL SYSTEM THROUGH THE CAPITAL IMPROVEMENT PROGRAM.**

16 **(6) A PUBLIC CHARTER SCHOOL THAT RECEIVES FUNDS UNDER THIS**
17 **SUBSECTION DURING A FISCAL YEAR SHALL REPORT TO THE INTERAGENCY**
18 **COMMISSION ON SCHOOL CONSTRUCTION ON THE STATUS OF ANY PROJECT FOR**
19 **CAPITAL IMPROVEMENTS TO PUBLIC CHARTER SCHOOL FACILITIES, DEBT SERVICE,**
20 **OR RENT OR LEASE PAYMENTS BEFORE THE PUBLIC CHARTER SCHOOL MAY RECEIVE**
21 **FUNDS FOR THE FOLLOWING FISCAL YEAR.**

22 ~~**(3) (7)**~~ **(7)** FOR FISCAL YEAR 2028 AND EACH FISCAL YEAR
23 THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN
24 APPROPRIATION FOR ~~**THE MAINTENANCE AND OPERATION OF CAPITAL**~~
25 **IMPROVEMENTS TO PUBLIC CHARTER SCHOOL FACILITIES, DEBT SERVICE, OR RENT**
26 **OR LEASE PAYMENTS** THAT IS EQUAL TO THE TOTAL AGGREGATE STUDENT
27 ENROLLMENT IN THE MARYLAND PUBLIC CHARTER SCHOOL PROGRAM FOR THE
28 PRIOR FISCAL YEAR MULTIPLIED BY ~~**\$1,600**~~ **\$200.**

29 ~~**(4) (8)**~~ **(1)** THE INTERAGENCY COMMISSION ON SCHOOL
30 CONSTRUCTION SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.

31 **(II) IN THE REGULATIONS ADOPTED UNDER SUBPARAGRAPH (I)**
32 **OF THIS PARAGRAPH, THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION**
33 **SHALL INCLUDE REGULATIONS THAT:**

34 **1. ESTABLISH THE PROCEDURES TO COMPLY WITH**
35 **PARAGRAPH (3) OF THIS SUBSECTION IF A LOCAL SCHOOL SYSTEM SUBMITS A**
36 **MID-YEAR CAPITAL PROJECT FUNDING REQUEST; AND**

