

SENATE BILL 618

F1

7lr3044

By: **Senator Serafini**

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Achievement School District – Establishment**

3 FOR the purpose of establishing the Achievement School District in the State Department
4 of Education; specifying the purpose of the Achievement School District; requiring
5 the State Board of Education to establish an Achievement School Board to oversee
6 the Achievement School District; providing for the membership, qualifications, and
7 duties of the Achievement School Board; specifying the selection, qualifications, and
8 duties of the Headmaster; specifying certain criteria for the absorption of certain
9 public schools into the Achievement School District; requiring a local school system
10 to cooperate with the Achievement School District during the transfer of a public
11 school to the Achievement School District; establishing a process for the reversion of
12 a public school to a local school system; providing for the transfer of certain property
13 and facilities to the Achievement School District for certain purposes; requiring the
14 Achievement School District to submit a certain annual report to the State Board;
15 requiring a county board and the State to make certain payments each year to the
16 Achievement School District; specifying that the Achievement School District may
17 receive certain donations and other funds; requiring the Governor to include certain
18 funds in the annual budget for the Achievement School District; requiring the State
19 Board to adopt certain regulations; defining certain terms; and generally relating to
20 the Achievement School District.

21 BY adding to
22 Article – Education
23 Section 2–401 through 2–415 to be under the new subtitle “Subtitle 4. Achievement
24 School District”
25 Annotated Code of Maryland
26 (2014 Replacement Volume and 2016 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Education

SUBTITLE 4. ACHIEVEMENT SCHOOL DISTRICT.

2-401.

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

(B) “ACHIEVEMENT SCHOOL BOARD” MEANS THE BOARD THAT OVERSEES THE ACHIEVEMENT SCHOOL DISTRICT.

(C) “ACHIEVEMENT SCHOOL DISTRICT” MEANS A STATEWIDE SCHOOL DISTRICT IN THE DEPARTMENT THAT:

(1) IS SEPARATE AND DISTINCT FROM A LOCAL SCHOOL DISTRICT IN THE STATE;

(2) IS NOT CONFINED TO A SPECIFIC GEOGRAPHIC BOUNDARY; AND

(3) MAY BE COMPOSED OF ANY PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT IN THE STATE FOR WHICH STUDENT ACHIEVEMENT RANKS IN THE LOWEST 5% OF PUBLIC SCHOOLS IN THE STATE.

(D) “HEADMASTER” MEANS THE HEAD OF THE ACHIEVEMENT SCHOOL DISTRICT.

2-402.

THERE IS THE ACHIEVEMENT SCHOOL DISTRICT IN THE DEPARTMENT.

2-403.

THE PURPOSE OF THE ACHIEVEMENT SCHOOL DISTRICT IS TO TRANSFORM INTO HIGH QUALITY PUBLIC SCHOOLS ALL PUBLIC SCHOOLS FROM THROUGHOUT THE STATE THAT HAVE BEEN DETERMINED BY THE DEPARTMENT TO ENROLL STUDENTS WHOSE AGGREGATE ACADEMIC PERFORMANCE RANKS IN THE LOWEST 5% OF THE PUBLIC SCHOOLS IN THE STATE.

2-404.

1 (A) THE STATE BOARD SHALL APPOINT A NINE-MEMBER ACHIEVEMENT
2 SCHOOL BOARD TO OVERSEE AND ADMINISTER THE ACHIEVEMENT SCHOOL
3 DISTRICT.

4 (B) THE MEMBERS OF THE ACHIEVEMENT SCHOOL BOARD SHALL BE
5 APPOINTED FROM THE GENERAL PUBLIC FROM THROUGHOUT THE STATE AND
6 SHALL POSSESS DEMONSTRATED RECORDS OF CIVIC AND PROFESSIONAL
7 ENGAGEMENT.

8 2-405.

9 (A) THE ACHIEVEMENT SCHOOL BOARD SHALL SELECT AN INDIVIDUAL TO
10 SERVE AS HEADMASTER OF THE ACHIEVEMENT SCHOOL DISTRICT.

11 (B) THE HEADMASTER SHALL BE AN INDIVIDUAL THE ACHIEVEMENT
12 SCHOOL BOARD DEEMS TO BE HIGHLY QUALIFIED AND TO POSSESS A
13 DEMONSTRATED TRACK RECORD FOR PRODUCING RESULTS IN A CONTEXT THAT IS
14 COMPARABLE AND RELEVANT TO THE PURPOSES OF THE ACHIEVEMENT SCHOOL
15 DISTRICT.

16 (C) THE HEADMASTER SHALL BE AFFORDED SIGNIFICANT AUTONOMY TO
17 ADMINISTER THE ACHIEVEMENT SCHOOL DISTRICT BUT IS SUBJECT TO THE
18 OVERSIGHT OF THE ACHIEVEMENT SCHOOL BOARD.

19 2-406.

20 (A) EACH PUBLIC SCHOOL IN THE STATE FOR WHICH, DURING EACH OF 2
21 CONSECUTIVE SCHOOL YEARS OR DURING 2 OF 3 CONSECUTIVE SCHOOL YEARS, THE
22 STATE BOARD HAS DETERMINED THAT THE AGGREGATE STUDENT ACHIEVEMENT
23 OF THE STUDENTS ENROLLED IN THE SCHOOL RANKS IN THE LOWEST 5% OF PUBLIC
24 SCHOOLS IN THE STATE MAY BE ABSORBED INTO AND BECOME A PART OF THE
25 ACHIEVEMENT SCHOOL DISTRICT.

26 (B) ALL PUBLIC SCHOOLS THAT ARE DEEMED ELIGIBLE FOR INCLUSION IN
27 THE ACHIEVEMENT SCHOOL DISTRICT UNDER SUBSECTION (A) OF THIS SECTION
28 SHALL BE ABSORBED INTO THE ACHIEVEMENT SCHOOL DISTRICT.

29 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON APPROVAL
30 OF THE STATE BOARD, THE LOCAL SCHOOL SYSTEM SHALL TRANSFER THE
31 GOVERNANCE OF THE PUBLIC SCHOOL FROM THE LOCAL SCHOOL SYSTEM TO THE
32 ACHIEVEMENT SCHOOL DISTRICT IN THE MANNER AND DURING THE TIME PERIOD
33 PRESCRIBED BY THE ACHIEVEMENT SCHOOL DISTRICT.

(2) IN NO EVENT MAY THE ACHIEVEMENT SCHOOL DISTRICT DELAY THE TRANSFER OF A PUBLIC SCHOOL TO THE ACHIEVEMENT SCHOOL DISTRICT LONGER THAN THE BEGINNING OF THE SCHOOL YEAR NEXT SUCCEEDING THE YEAR DURING WHICH THE SCHOOL IS ACCEPTED FOR TRANSFER TO THE ACHIEVEMENT SCHOOL DISTRICT.

2-407.

(A) A LOCAL SCHOOL SYSTEM SHALL COOPERATE FULLY WITH THE STATE BOARD AND THE ACHIEVEMENT SCHOOL DISTRICT TO FACILITATE A SMOOTH TRANSITION OF A PUBLIC SCHOOL INTO THE ACHIEVEMENT SCHOOL DISTRICT.

(B) AFTER THE TRANSFER OF A PUBLIC SCHOOL INTO THE ACHIEVEMENT SCHOOL DISTRICT:

(1) THE PUBLIC SCHOOL SHALL BE GOVERNED BY THE REGULATIONS, POLICIES, AND PROCEDURES ESTABLISHED BY THE ACHIEVEMENT SCHOOL BOARD; AND

(2) THE HEADMASTER SHALL BE RESPONSIBLE FOR THE ADMINISTRATION, MANAGEMENT, AND OPERATION OF THE PUBLIC SCHOOL, INCLUDING:

(I) MANAGING ALL FINANCIAL OBLIGATIONS OF THE PUBLIC SCHOOL;

(II) MANAGING THE EMPLOYMENT, TERMINATION, NONRENEWAL, AND REASSIGNMENT OF ALL LICENSED AND NONLICENSED PERSONNEL OF THE PUBLIC SCHOOL;

(III) MANAGING ALL PROCUREMENT FOR THE PUBLIC SCHOOL;

(IV) SUPERVISING THE DAY-TO-DAY ACTIVITIES OF THE STAFF OF THE PUBLIC SCHOOL;

(V) MANAGING ALL ATHLETIC, BAND, AND OTHER EXTRACURRICULAR ACTIVITIES FOR THE PUBLIC SCHOOL, AND ALL MATTERS RELATED TO THOSE ACTIVITIES;

(VI) HONORING ANY REASONABLE FINANCIAL COMMITMENT OF THE PUBLIC SCHOOL BEING ABSORBED; AND

(VII) REPORTING PERIODICALLY TO THE STATE BOARD ON THE PROGRESS OR LACK OF PROGRESS TO IMPROVE ANY PREVIOUSLY IDENTIFIED IMPAIRMENT FOR THE PUBLIC SCHOOL.

2-408.

(A) ON THE ATTAINMENT AND MAINTENANCE OF A SATISFACTORY ACHIEVEMENT RATING BY A PUBLIC SCHOOL FOR 5 CONSECUTIVE YEARS, THE STATE BOARD, AFTER SOLICITING INPUT FROM CITIZENS IN THE AFFECTED JURISDICTION, MAY:

(1) REVERT THE PUBLIC SCHOOL BACK TO THE LOCAL SCHOOL SYSTEM, PROVIDED THE PUBLIC SCHOOL IS NOT DEEMED A CHARTER SCHOOL; OR

(2) REVERT THE PUBLIC SCHOOL TO ANOTHER FORM OF GOVERNANCE DETERMINED BY THE STATE BOARD.

(B) THE REVERSION OF A PUBLIC SCHOOL BY THE STATE BOARD UNDER THIS SECTION MAY NOT EXCEED 5 YEARS.

2-409.

(A) THE HEADMASTER SHALL EMPLOY AS PRINCIPALS, TEACHERS, AND NONINSTRUCTIONAL PERSONNEL TO STAFF THE ACHIEVEMENT SCHOOL DISTRICT ONLY INDIVIDUALS THAT ARE DEEMED HIGHLY QUALIFIED.

(B) THE HEADMASTER IS NOT PRECLUDED FROM HIRING PRINCIPALS, TEACHERS, AND INSTRUCTIONAL PERSONNEL THAT FORMERLY WERE EMPLOYED AT A PUBLIC SCHOOL THAT IS ABSORBED INTO THE ACHIEVEMENT SCHOOL DISTRICT.

2-410.

(A) THE ACHIEVEMENT SCHOOL DISTRICT MAY USE A PUBLIC SCHOOL BUILDING AND ALL FACILITIES AND PROPERTY THAT ARE PART OF A PUBLIC SCHOOL AND RECOGNIZED AS PART OF THE FACILITIES OR ASSETS OF THE PUBLIC SCHOOL BEFORE IT IS ABSORBED INTO THE ACHIEVEMENT SCHOOL DISTRICT.

(B) THE ACHIEVEMENT SCHOOL DISTRICT SHALL HAVE ACCESS TO ANY ADDITIONAL FACILITIES THAT TYPICALLY WERE AVAILABLE TO A PUBLIC SCHOOL AND ITS STUDENTS, FACULTY, AND STAFF BEFORE ITS ABSORPTION BY THE ACHIEVEMENT SCHOOL DISTRICT.

(C) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE USE OF THE FACILITIES BY A PUBLIC SCHOOL IN THE ACHIEVEMENT SCHOOL DISTRICT SHALL BE UNRESTRICTED AND FREE OF CHARGE.

(2) THE ACHIEVEMENT SCHOOL DISTRICT SHALL BE RESPONSIBLE FOR ROUTINE MAINTENANCE AND REPAIRS NECESSARY TO MAINTAIN THE FACILITIES IN AS GOOD CONDITION AS WHEN THE RIGHT OF USE WAS ACQUIRED BY THE ACHIEVEMENT SCHOOL DISTRICT.

(3) (I) THE ACHIEVEMENT SCHOOL DISTRICT SHALL BE RESPONSIBLE FOR PAYING ALL UTILITIES AT THE FACILITIES USED FOR THE ABSORBED SCHOOL.

(II) ANY FIXTURES, IMPROVEMENTS, AND TANGIBLE ASSETS ADDED TO A PUBLIC SCHOOL BUILDING OR FACILITY BY THE ACHIEVEMENT SCHOOL DISTRICT SHALL REMAIN AT THE PUBLIC SCHOOL BUILDING OR FACILITY IF THE PUBLIC SCHOOL IS RETURNED TO LOCAL GOVERNANCE.

2-411.

(A) ON OR BEFORE NOVEMBER 1 EACH YEAR, THE ACHIEVEMENT SCHOOL DISTRICT SHALL CERTIFY AND SUBMIT A REPORT TO THE STATE BOARD THAT IDENTIFIES:

(1) THE LOCAL JURISDICTIONS FROM WHICH THE ACHIEVEMENT SCHOOL DISTRICT HAS ABSORBED PUBLIC SCHOOLS; AND

(2) THE NUMBER OF STUDENTS FROM EACH LOCAL SCHOOL SYSTEM THAT HAVE BEEN ABSORBED BY THE ACHIEVEMENT SCHOOL DISTRICT.

(B) FOR EACH STUDENT FROM A LOCAL JURISDICTION ENROLLED IN THE ACHIEVEMENT SCHOOL DISTRICT:

(1) THE COUNTY BOARD SHALL PAY DIRECTLY TO THE ACHIEVEMENT SCHOOL DISTRICT THE AMOUNT ESTABLISHED UNDER § 5-202 OF THIS ARTICLE AS THE LOCAL SHARE OF THE FOUNDATION PROGRAM; AND

(2) THE STATE SHALL PAY DIRECTLY TO THE ACHIEVEMENT SCHOOL DISTRICT THE AMOUNT ESTABLISHED UNDER § 5-202 OF THIS ARTICLE AS THE STATE SHARE OF THE FOUNDATION PROGRAM.

(C) PAYMENTS MADE IN ACCORDANCE WITH THIS SECTION BY A LOCAL EDUCATION AGENCY OR THE STATE SHALL BE PAID IN THE SAME MANNER AND AT

1 THE SAME TIME STATE EDUCATION FUNDING PROGRAM PAYMENTS ARE MADE TO
2 LOCAL SCHOOL SYSTEMS.

3 2-412.

4 THE ACHIEVEMENT SCHOOL DISTRICT SHALL BE CONSIDERED A LOCAL
5 EDUCATIONAL AGENCY FOR THE SAME PURPOSES AND TO THE SAME EXTENT AS ALL
6 OTHER LOCAL SCHOOL SYSTEMS IN THE STATE.

7 2-413.

8 THE ACHIEVEMENT SCHOOL DISTRICT MAY RECEIVE DONATIONS OR GRANTS
9 FROM ANY PUBLIC OR PRIVATE SOURCE, INCLUDING ANY AVAILABLE FEDERAL
10 FUNDING.

11 2-414.

12 THE GOVERNOR SHALL INCLUDE SUFFICIENT FUNDS IN THE ANNUAL STATE
13 BUDGET TO SUPPORT THE OPERATIONS OF THE ACHIEVEMENT SCHOOL DISTRICT.

14 2-415.

15 (A) THE STATE BOARD SHALL ADOPT REGULATIONS GOVERNING THE
16 OPERATION OF THE ACHIEVEMENT SCHOOL DISTRICT.

17 (B) THE REGULATIONS SHALL INCLUDE PROVISIONS THAT ADDRESS THE
18 RIGHTS AND RESPONSIBILITIES OF THE ACHIEVEMENT SCHOOL DISTRICT
19 CONCERNING THE REAL AND PERSONAL PROPERTY OF A PUBLIC SCHOOL THAT IS
20 ABSORBED BY THE ACHIEVEMENT SCHOOL DISTRICT.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2017.