

HOUSE BILL 524

F3

8lr1767
CF SB 303

By: **Delegates Glenn, Carter, Robinson, and Stukes**

Introduced and read first time: January 30, 2008

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Board of Education – Election of Members**

3 FOR the purpose of altering the membership of the Baltimore City Board of School
4 Commissioners; providing for the appointment of certain members of the Board
5 by the Governor and by the Mayor of Baltimore City; providing for the election
6 of certain members of the Board; providing for the reimbursement of a
7 member's expenses under certain circumstances; specifying qualifications and
8 requirements for members of the Board; specifying the term of members;
9 providing for the removal of members of the Board under certain circumstances;
10 specifying certain powers and duties of the Board; providing for the termination
11 of the term of certain members of the Board; and generally relating to the
12 Baltimore City Board of School Commissioners.

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 3–108.1, 3–114(a), and 4–303
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2007 Supplement)

18 BY adding to
19 Article – Education
20 Section 3–114(d)
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2007 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article – Education
25 Section 4–306.1
26 Annotated Code of Maryland
27 (2006 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – Election Law
3 Section 8–802
4 Annotated Code of Maryland
5 (2003 Volume and 2007 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 3–108.1.

10 (a) In this section, “Board” means the Baltimore City Board of School
11 Commissioners of the Baltimore City Public School System.

12 (b) There is a Baltimore City Board of School Commissioners of the
13 Baltimore City Public School System.

14 (c) The Board consists of:

15 (1) [Nine] **FOUR** voting members [jointly] appointed [by the Mayor of
16 Baltimore City and the Governor from a list of qualified individuals submitted to the
17 Mayor and the Governor by the State Board; and

18 (2) One voting student member appointed as provided in subsection (o)
19 of this section] **AS FOLLOWS:**

20 (I) **TWO VOTING MEMBERS APPOINTED BY THE MAYOR OF**
21 **BALTIMORE CITY; AND**

22 (II) **TWO VOTING MEMBERS APPOINTED BY THE GOVERNOR;**

23 (2) **EIGHT VOTING MEMBERS:**

24 (I) **ONE OF WHOM SHALL BE ELECTED FROM EACH OF THE**
25 **SIX STATE LEGISLATIVE DISTRICTS IN BALTIMORE CITY BY THE RESIDENTS OF**
26 **THAT DISTRICT;**

27 (II) **ONE OF WHOM SHALL BE ELECTED AT-LARGE BY THE**
28 **VOTERS OF BALTIMORE CITY AND SERVE AS CHAIR OF THE BOARD; AND**

29 (III) **ONE VOTING STUDENT MEMBER APPOINTED AS**
30 **PROVIDED IN SUBSECTION (N) OF THIS SECTION.**

31 (d) Each member of the Board shall be a resident of Baltimore City.

1 (e) To the extent practicable, the [membership] **APPOINTED MEMBERS** of
2 the Board shall reflect the demographic composition of Baltimore City.

3 (f) At least [four] **ONE** of the **APPOINTED** voting members shall possess a
4 high level of knowledge and expertise concerning the successful administration of a
5 large business, nonprofit, or governmental entity and shall have served in a high level
6 management position within such an entity.

7 (g) At least [three] **ONE** of the **APPOINTED** voting members shall possess a
8 high level of knowledge and expertise concerning education.

9 (h) At least one **OF THE APPOINTED** voting [member] **MEMBERS** shall be a
10 parent of a student enrolled in the Baltimore City Public School System as of the date
11 of appointment of the member.

12 (i) (1) Among the [nine] **FOUR APPOINTED** voting members, at least one
13 member shall also possess knowledge or experience in the education of children with
14 disabilities.

15 (2) The knowledge or experience may be derived from being the parent
16 of a child with a disability.

17 (j) (1) The term of a voting member is [3] **4 years BEGINNING ON THE**
18 **FIRST MONDAY IN DECEMBER AFTER THE MEMBER'S ELECTION OR**
19 **APPOINTMENT AND UNTIL A SUCCESSOR IS ELECTED OR APPOINTED AND**
20 **QUALIFIES.**

21 (2) [The terms of the voting members are staggered as required by the
22 terms provided for members of the Board on June 1, 1997.

23 (3)] At the end of a term, a voting member continues to serve until a
24 successor is appointed and qualifies.

25 [(4)] **(3)** A voting member who is appointed after a term has begun
26 serves only for the remainder of the term and until a successor is appointed and
27 qualifies.

28 [(5)] **(4)** A voting member may not serve more than two consecutive
29 full terms.

30 [(6)] **(5)** To the extent practicable, the Governor and the Mayor shall
31 fill any vacancy on the Board within 60 days of the date of the vacancy from a list of
32 qualified individuals submitted to the Mayor and the Governor by the State Board.

1 **(6) THE GOVERNOR AND THE MAYOR SHALL APPOINT THE**
2 **MEMBERS OF THE BOARD AS PROVIDED IN SUBSECTION (C)(1) OF THIS SECTION**
3 **ON OR BEFORE NOVEMBER 15, 2010, AND EVERY 4 YEARS THEREAFTER, TO**
4 **COMMENCE SERVICE ON THE BOARD ON THE FIRST MONDAY IN DECEMBER IN**
5 **2010, AND EVERY 4 YEARS THEREAFTER.**

6 (k) **(1)** On the joint approval of the Mayor of Baltimore City and the
7 Governor, a member may be removed only for cause in accordance with § 3-108 of this
8 subtitle.

9 **(2) FOLLOWING SUBSTANTIAL INVESTIGATION AND ON A**
10 **UNANIMOUS VOTE, A MEMBER MAY BE REMOVED BY THE BALTIMORE CITY**
11 **COUNCIL AS A RESULT OF:**

12 **(I) AN ETHICAL VIOLATION;**

13 **(II) FRAUD;**

14 **(III) MALFEASANCE;**

15 **(IV) MISFEASANCE;**

16 **(V) NEGLIGENCE; OR**

17 **(VI) OMISSION OF DUTY.**

18 (1) Each member of the Board serves without compensation.

19 [(m) On appointment of the Board, the Governor and the Mayor shall jointly
20 select one of the voting members to serve as the Chairman of the Board who shall
21 serve through June 30, 1999.

22 (n) Beginning on July 1, 1999 and every 2 years thereafter, from among its
23 voting members the Board shall elect a chairman.]

24 **(M) EACH MEMBER OF THE BOARD IS ENTITLED TO RECEIVE**
25 **REIMBURSEMENT, AFTER SUBMITTING EXPENSE VOUCHERS, FOR TRAVEL AND**
26 **OTHER EXPENSES.**

27 [(o)] **(N) (1) [One] THE** student member shall be a student enrolled in
28 the Baltimore City Public School System who shall be selected by the Associated
29 Student Congress of Baltimore City.

30 (2) The term of a student member is 1 year.

1 (3) A student member may not serve more than two consecutive full
2 terms.

3 (4) The student member may vote on all matters before the Board
4 except those relating to:

5 (i) Personnel;

6 (ii) Capital and operating budgets;

7 (iii) School closings, reopenings, and boundaries;

8 (iv) Collective bargaining decisions;

9 (v) Student disciplinary matters; and

10 (vi) Appeals to the Board as provided under §§ 4-205 and 6-202
11 of this article.

12 (5) The student member may not attend or participate in an executive
13 or special session of the Board.

14 [(p)] (O) Any action by the Board shall require:

15 (1) A quorum of a majority of the voting members then serving; and

16 (2) The affirmative vote of a majority of the voting members then
17 serving.

18 (P) EACH MEMBER APPOINTED TO THE BOARD BY THE MAYOR OF
19 BALTIMORE CITY AND BY THE GOVERNOR SHALL:

20 (1) SHOW PROOF OF RESIDENCE IN BALTIMORE CITY FOR AT
21 LEAST 1 YEAR BEFORE APPOINTMENT; AND

22 (2) MAINTAIN RESIDENCY IN BALTIMORE CITY THROUGHOUT
23 THE MEMBER'S TERM OF OFFICE.

24 (Q) (1) THE ELECTED MEMBERS OF THE BOARD SHALL BE ELECTED:

25 (I) AT THE GENERAL ELECTION IN NOVEMBER 2010 AND
26 EVERY 4 YEARS THEREAFTER; AND

27 (II) IN ACCORDANCE WITH TITLE 8, SUBTITLE 8 OF THE
28 ELECTION LAW ARTICLE.

1 **(2) (I) EACH ELECTED MEMBER AND EACH CANDIDATE FOR**
2 **ELECTION TO THE BOARD SHALL:**

3 **1. SHOW PROOF OF RESIDENCY IN BALTIMORE CITY**
4 **FOR AT LEAST 1 YEAR; AND**

5 **2. MAINTAIN RESIDENCY IN BALTIMORE CITY**
6 **THROUGHOUT THE MEMBER'S TERM OF OFFICE OR CANDIDACY.**

7 **(II) A MEMBER ELECTED FROM A DISTRICT WHO NO**
8 **LONGER RESIDES IN THAT DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE**
9 **BOARD.**

10 3-114.

11 (a) **[In] EXCEPT AS PROVIDED IN PARAGRAPH (D) OF THIS SECTION, IN**
12 **the following counties, the members of the county board shall be elected:**

13 (1) Allegany;

14 (2) Calvert;

15 (3) Carroll;

16 (4) Cecil;

17 (5) Charles;

18 (6) Dorchester;

19 (7) Frederick;

20 (8) Garrett;

21 (9) Howard;

22 (10) Kent;

23 (11) Prince George's;

24 (12) Montgomery;

25 (13) Queen Anne's;

26 (14) St. Mary's;

27 (15) Somerset;

- 1 (16) Talbot;
2 (17) Washington; and
3 (18) Worcester.

4 (D) IN BALTIMORE CITY, TWO VOTING MEMBERS OF THE BALTIMORE
5 CITY BOARD OF SCHOOL COMMISSIONERS SHALL BE APPOINTED BY THE
6 GOVERNOR, TWO VOTING MEMBERS SHALL BE APPOINTED BY THE MAYOR OF
7 BALTIMORE CITY, SEVEN VOTING MEMBERS SHALL BE ELECTED BY THE
8 VOTERS OF BALTIMORE CITY, AND ONE STUDENT MEMBER SHALL BE
9 SELECTED, AS PROVIDED IN § 3-108.1 OF THIS SUBTITLE.

10 4-303.

11 (a) In order to establish a new partnership between the City of Baltimore
12 and the State to improve the quality of public education in Baltimore City and to
13 encourage more efficient use of the resources of the State and Baltimore City, the
14 Baltimore City Board of School Commissioners is established in accordance with the
15 provisions of this subtitle.

16 (b) The purpose of the Board is to:

17 (1) Raise the level of academic achievement of the students in the
18 Baltimore City Public School System; and

19 (2) Improve the management and administration of the public school
20 system in Baltimore City.

21 (c) The Board shall be held accountable for the academic achievement of the
22 public school students in Baltimore City.

23 (d) (1) The Board shall have the authority and be responsible for all
24 functions relating to the Baltimore City Public School System, **INCLUDING:**

25 (I) **DETERMINING AND SETTING EDUCATIONAL POLICIES**
26 **FOR THE BALTIMORE CITY PUBIC SCHOOL SYSTEM;**

27 (II) **ON A VACANCY OR PENDING VACANCY IN THE OFFICE**
28 **OF CHIEF EXECUTIVE OFFICER, ESTABLISHING A SEARCH COMMITTEE TO**
29 **ASSIST IN THE RECRUITMENT OF CANDIDATES FOR THE POSITION;**

30 (III) **HIRING, MANAGING, AND FIRING ANY EMPLOYEE OR**
31 **VENDOR OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM;**

1 (IV) ESTABLISHING SALARIES, BENEFITS, AND PERSONNEL
2 POLICIES FOR EMPLOYEES OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM;

3 (V) OVERSEEING EMPLOYEE LABOR CONTRACTS AND
4 NEGOTIATIONS;

5 (VI) OVERSEEING PROCUREMENT ACTIVITIES FOR THE
6 BALTIMORE CITY PUBLIC SCHOOL SYSTEM; AND

7 (VII) COLLABORATING WITH THE BALTIMORE CITY PARENT
8 COMMUNITY ADVISORY BOARD ON MATTERS RELATING TO THE BALTIMORE
9 CITY PUBLIC SCHOOL SYSTEM.

10 (2) Notwithstanding any provision of local law governing the
11 Baltimore City Public School System, the Board may adopt rules and regulations and
12 prescribe policies and procedures for the management, maintenance, operation, and
13 control of the Baltimore City Public School System.

14 (3) The Board shall assume responsibility for all of the functions
15 formerly performed by the Superintendent of Public Instruction of Baltimore City and
16 the Board of School Commissioners of Baltimore City.

17 (4) The Board may not be deemed an agency of the State.

18 4-306.1.

19 (a) In order to provide public school facilities, the Board may:

20 (1) Acquire, construct, reconstruct, equip, maintain, repair, or
21 renovate facilities at any location in the City of Baltimore, now existing or hereafter
22 acquired;

23 (2) Issue bonds in accordance with § 4-306.2 of this subtitle;

24 (3) In accordance with State law and the June 24, 1998, memorandum
25 of understanding between the Board and the Mayor and City Council of Baltimore,
26 acquire, hold, and dispose of real and personal property in the exercise of its powers
27 and the performance of its duties under this subtitle;

28 (4) Enter into all contracts and agreements necessary or incidental to
29 the performance of its duties and the execution of its powers under this subtitle,
30 employ consulting engineers, architects, attorneys, construction and financial experts,
31 and other employees and agents, and determine their compensation;

32 (5) Receive and accept from the United States of America or any
33 agency of the federal government grants and loans for the purpose of financing or
34 refinancing all or any part of the costs of any project;

1 (6) Receive and accept aid or contributions from any sources of money,
2 property, labor, or other things of value, to be held, used, and applied for the purposes
3 for which the grants and contributions were made; and

4 (7) Perform all acts and things necessary to carry out the powers
5 expressly granted by the provisions of this subtitle.

6 (b) The Board shall maintain records identifying the sources and amounts of
7 payments used to support the costs of any project authorized under the provisions of
8 this subtitle.

9 **Article - Election Law**

10 8-802.

11 (a) (1) (i) Members of boards of education shall be elected on a
12 nonpartisan basis.

13 (ii) In a primary election to nominate board of education
14 candidates, any registered voter of the county, regardless of party affiliation or lack of
15 party affiliation, is eligible to vote in those contests for nomination.

16 (2) Candidates for election to boards of education shall, without party
17 designation or regard to party affiliation:

18 (i) file certificates of candidacy;

19 (ii) be certified to the ballot;

20 (iii) appear on the ballot;

21 (iv) be voted on; and

22 (v) be nominated and elected.

23 (b) This section does not apply to candidates for nomination or election to a
24 board of education if Title 3 of the Education Article requires a partisan election.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the
26 appointed members of the Baltimore City Board of School Commissioners who are
27 serving on the effective date of this Act shall terminate at the end of December 5,
28 2010.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2008.