HOUSE BILL 853

Unofficial Copy 2002 Regular Session
F3 (2lr2164)

ENROLLED BILL

-- Ways and Means and Appropriations/Budget and Taxation and Education, Health, and Environmental Affairs --

Introduced by **Delegates Rawlings, Branch, Burns, Campbell, Cole, Dobson, Doory, Dypski, Fulton, Gladden, Hammen, Harrison, A. Jones, V. Jones, Kirk, Klausmeier, Krysiak, Marriott, McHale, McIntosh, Montague, Nathan-Pulliam, Oaks, Paige, Phillips, Ports, Redmer, and Rosenberg**

Read and Examined by Proofreaders:

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Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____M.

_____
Speaker.

CHAPTER 545

AN ACT concerning

Primary and Secondary Education - Baltimore City-State Partnership

FOR the purpose of altering the name of the New Baltimore City Board of School Commissioners to be the Baltimore City Board of School Commissioners; increasing a certain limit on the aggregate principal amount of certain bonds of the Baltimore City Board of School Commissioners; providing for increased community involvement and outreach in the Baltimore City Public School System; ~~establishing~~ requiring the Department and the Baltimore City Public School System to design a certain principal development initiative; altering certain required components of the Baltimore City Public School System Master Plan; requiring a certain evaluation within a certain period of time; requiring certain officials of the State Department of Education and the Baltimore City Public School System to meet with a certain federal court special master to

address certain special education and general education issues; requiring the State Department of Education, the Interagency Committee on Public School Construction, and the Baltimore City Public School System to develop a mechanism for addressing certain facilities issues within a certain period of time; requiring that Baltimore City complete the transfer of certain real property assets including certain title transfers to the Board of School Commissioners by certain dates; requiring Baltimore City and the Baltimore City Public School System to prepare a plan for the transfer of certain real property assets to be submitted to the State Department of Education for approval by a certain date; requiring that a copy of a certain plan for the transfer of certain real property assets be submitted to certain committees of the General Assembly; providing that for a certain period of time the Board of Public Works may approve funding for certain improvements on certain school buildings and may only provide certain funds for the construction of certain schools; requiring that the cost of certain title transfers be borne by Baltimore City; requiring Baltimore City and the Baltimore City Public School System to eliminate certain environmental hazards within the school system; requiring the City and the Board to develop a certain memorandum of understanding; authorizing the use of certain funds for a certain principal development initiative; declaring the intent of the General Assembly that this Act constitutes a certain further action for the purpose of meeting certain requirements; altering certain definitions; declaring the intent of the General Assembly with respect to certain educational funding; requiring the Governor to include certain amounts in certain State budgets subject to ~~a~~ certain ~~contingency~~ *contingencies*; and generally relating to the Baltimore City-State Partnership and the management of the Baltimore City Public School System.

BY repealing and reenacting, with amendments,
Article - Education
Section 1-101(d) and (e), 3-108(a), 3-108.1(a) and (b), 4-102(a)(2)(i), 4-103(b), 4-301(b) and (d), 4-303(a), 4-306.2(b) and (m)(1), 4-308(b), 4-316(a) and (b)(1), 4-317, 4-318(c), (d)(2)(i), (f), and (g), 4-319(c)(1), 5-106, 6-201(c)(3), 6-202(a)(5), 6-401(e), and 6-501(g)
Annotated Code of Maryland
(2001 Replacement Volume)

BY repealing and reenacting, without amendments,
Article - Education
Section 3-108.1(c)
Annotated Code of Maryland
(2001 Replacement Volume)

BY repealing
Article - Education
Section 4-309
Annotated Code of Maryland

(2001 Replacement Volume)

BY adding to
Article - Education
Section 4-309 and 4-309.1
Annotated Code of Maryland
(2001 Replacement Volume)

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

Article - Education

1-101.

(d) "County board" means the board of education of a county and includes the [New] Baltimore City Board of School Commissioners.

(e) "County superintendent" means the county superintendent of schools of a county and includes the Chief Executive Officer of the [New] Baltimore City Board of School Commissioners.

3-108.

(a) Except for the [New] Baltimore City Board of School Commissioners established under § 3-108.1 of this subtitle and counties listed in § 3-114 of this subtitle, the Governor shall appoint the members of each county board from the residents of that county.

3-108.1.

(a) In this section, "Board" means the [New] Baltimore City Board of School Commissioners of the Baltimore City Public School System.

(b) There is a [New] Baltimore City Board of School Commissioners of the Baltimore City Public School System.

(c) The Board consists of:

(1) Nine voting members jointly appointed by the Mayor of Baltimore City and the Governor from a list of qualified individuals submitted to the Mayor and the Governor by the State Board; and

(2) One voting student member appointed as provided in subsection (o) of this section.

4-102.

(a) (2) (i) In Baltimore City, the Chief Executive Officer of the [New] Baltimore City Board of School Commissioners is the executive officer, secretary, and treasurer of the [New] Board of School Commissioners.

4-103.

(b) In Baltimore City, the [New] Board of School Commissioners shall exercise the authority granted in this section.

4-301.

(b) "Board" means the [New] Baltimore City Board of School Commissioners of the Baltimore City Public School System.

(d) "Chief Executive Officer" means the Chief Executive Officer of the [New] Baltimore City Board of School Commissioners.

4-303.

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

4-306.2.

(b) The aggregate principal amount of bonds outstanding, including the amount of any reserve fund requirement established for the bonds, may not exceed, as of the date that the bonds are issued, [$25,000,000]$75,000,000.

(m) (1) Any bond issued under this subtitle shall state on its face that the bond does not create or constitute any indebtedness or obligation of the State, of the Mayor and City Council of Baltimore, or of any other political subdivision of the State, except the [New] Baltimore City Board of School Commissioners.

4-308.

(b) The Board and the Chief Executive Officer shall:

(1) Regularly consult with the Advisory Board; [and]

(2) Ensure parental involvement in the development and implementation of the education policies and procedures in the Baltimore City Public School System; AND

(3) ENSURE INCREASED COMMUNITY INVOLVEMENT AND OUTREACH IN SUPPORT OF THE PUBLIC SCHOOLS IN THE CITY.

[4-309.

(a) (1) On or before September 1, 1997, after opportunity for public comment, the Board shall adopt and commence implementation of a transition plan.

(2) The transition plan shall identify the actions needed to implement:

(i) The key recommendations of the 1992 Towers Perrin/Cresap Management Study report and the 1994 and 1995 MGT of America, Inc. reports, as proposed by the Board and agreed upon by the State Board of Education; and

(ii) Any educational reform initiatives to be undertaken during the first year.

(3) The transition plan shall specify indicators by which to measure progress in achieving implementation of management and educational reform initiatives and shall include appropriate time lines, including progress expected to be achieved by February 1, 1998.

(b) (1) On or before March 1, 1998, the Chief Executive Officer shall develop a comprehensive master plan and submit the plan to the Board for its review, modification, and final approval.

(2) On or before May 1, 1998, the Board shall approve and commence implementation of the master plan.

(3) Following approval of the master plan by the Board, or by March 15, 1998, whichever is earlier, the master plan shall be submitted to the members of the State Board of Education and the State Superintendent of Schools for their review and approval.

(4) The General Assembly shall receive and consider both the transition plan and the master plan, and the comments of the State Board of Education and State Superintendent of Schools regarding both plans and the achievements of the Board towards meeting the goals of this Act, before approving the fiscal year 1999 budget.

(5) The Chief Executive Officer or a designee of the Chief Executive Officer may consult with parents, teachers, students, representatives of the business community, and educational instruction and administration experts during the course of development of the master plan.

(c) The master plan shall provide for the improvement of:

(1) Student achievement in the Baltimore City public schools; and

(2) The management and accountability of the Baltimore City Public School System.

(d) The master plan shall identify the actions necessary to:

(1) Complete incorporation of the key recommendations of the 1992 Towers Perrin/Cresap Management Study report and the 1994 and 1995 MGT of America, Inc. reports;

(2) Incorporate the requirements of the long-term compliance plan and goals in Vaughn G. v. Amprey, et al, case no. MJG-84-1911, United States District Court for the District of Maryland, concerning the delivery of education services to students with disabilities;

(3) Provide for the reorganization of the central office of the Baltimore City Public School System;

(4) Provide effective curriculum and instructional programs for the Baltimore City Public School System, including the development and dissemination of:

(i) A citywide curriculum framework reflecting State learning outcomes, including Maryland School Performance Program standards, and an appropriate developmental sequence for students;

(ii) An effective program of professional development and training for the staff of the Baltimore City Public School System including development and implementation of a performance-based system-wide personnel evaluation system for teachers, principals and administrators; and

(iii) An effective educational program for meeting the needs of students at risk of educational failure;

(5) Provide effective management information systems for the Baltimore City Public School System, including the capacity to accurately track student enrollment, attendance, academic records, discipline records, and compliance with the provisions of the federal Individuals with Disabilities Education Act;

(6) Provide an effective financial management and budgeting system for the Baltimore City Public School System to ensure the maximization and appropriate utilization of all available resources;

(7) Provide effective staff hiring and assignment;

(8) Develop an effective system of providing instructional materials and support services;

(9) Develop model school reform initiatives;

(10) Provide appropriate methods for student assessment and remediation;

(11) Develop and implement a student code of discipline as required in § 7-306 of this article;

(12) Develop an effective system for planning and providing for construction, repair, and maintenance services for school buildings which shall include a review by the Board to assure the most efficient and productive use of the system's resources, including examination and reduction of the cost of underutilized schools and proposals for school mergers or closures if appropriate;

(13) Increase parental participation;

(14) Include measurable outcomes and time lines for the implementation and evaluation of the reforms made in accordance with the master plan and the reporting of this information to the Governor, the Mayor of Baltimore City, and, in accordance with § 2-1246 of the State Government Article, the General Assembly;

(15) Improve the status of schools that are subject to a State reconstitution notice; and

(16) Develop an effective system of teacher input regarding implementation of school reform initiatives, that includes active and ongoing consultation with classroom teachers at the elementary, middle, and high school levels.]

4-309.

(A) (1) ON OR BEFORE JUNE 1, 2002, THE CHIEF EXECUTIVE OFFICER SHALL SUBMIT A 5-YEAR COMPREHENSIVE MASTER PLAN TO THE BOARD FOR ITS REVIEW, MODIFICATION, AND FINAL APPROVAL.

(2) ON OR BEFORE AUGUST 30, 2002, THE BOARD SHALL APPROVE AND COMMENCE IMPLEMENTATION OF THE MASTER PLAN.

(3) FOLLOWING APPROVAL OF THE MASTER PLAN OR BY JULY 30, 2002, WHICHEVER IS EARLIER, THE MASTER PLAN SHALL BE SUBMITTED TO THE STATE BOARD AND TO THE STATE SUPERINTENDENT FOR THEIR REVIEW AND APPROVAL.

(4) THE CHIEF EXECUTIVE OFFICER OR DESIGNEE ~~MAY~~ SHALL CONSULT WITH PARENTS, TEACHERS, STUDENTS, REPRESENTATIVES OF THE BUSINESS COMMUNITY, AND EDUCATIONAL INSTRUCTION AND ADMINISTRATION EXPERTS DURING THE COURSE OF THE DEVELOPMENT OF THE MASTER PLAN.

(5) THE MASTER PLAN SHALL BE UPDATED ANNUALLY AND SUBMITTED TO THE STATE BOARD AND THE STATE SUPERINTENDENT FOR REVIEW AND APPROVAL ON OR BEFORE JULY 1 OF EACH YEAR.

(6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR REGULATION, THE MASTER PLAN REQUIREMENT SHALL BE THE SOLE MASTER PLAN REQUIRED OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

(B) THE MASTER PLAN SHALL PROVIDE FOR THE IMPROVEMENT OF:

(1) STUDENT ACHIEVEMENT IN THE BALTIMORE CITY PUBLIC SCHOOLS; AND

(2) THE MANAGEMENT AND ACCOUNTABILITY OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

(C) THE MASTER PLAN SHALL IDENTIFY THE ACTIONS NECESSARY TO:

(1) INCORPORATE THE KEY RECOMMENDATIONS OF THE 1992 TOWERS PERRIN/CRESAP MANAGEMENT STUDY REPORT, THE 1994 AND 1995 MGT OF AMERICA, INC. REPORTS, AND THE REPORT ON THE DECEMBER, 2001 FINAL EVALUATION OF THE CITY-STATE PARTNERSHIP PREPARED BY WESTAT;

(2) ADDRESS BOTH THE COMPLIANCE EFFORTS AS WELL AS THE SYSTEM'S EFFORTS TO ACHIEVE FULL ORGANIZATIONAL AND INSTRUCTIONAL INTEGRATION OF SPECIAL EDUCATION AND GENERAL EDUCATION INCLUDING THE QUALITY INDICATORS THAT WILL BE USED TO EVALUATE THE EXTENT OF INTEGRATION AND ITS IMPACT ON STUDENT PERFORMANCE;

(3) PROVIDE A BALANCED AND EFFICIENT ALLOCATION OF QUALIFIED STAFF TO SUPPORT THE NECESSARY EDUCATIONAL AND MANAGERIAL FUNCTIONS OF THE SCHOOL SYSTEM AND INCLUDE IN ~~THE QUARTERLY STATUS REPORTS~~ AN ANNUAL STATUS REPORT ON THE IMPLEMENTATION OF THE MASTER PLAN A QUALITATIVE AND FISCAL ANALYSIS OF THE STAFFING OF KEY CENTRAL AND AREA OFFICE FUNCTIONS;

(4) PROVIDE EFFECTIVE CURRICULUM AND INSTRUCTIONAL PROGRAMS FOR THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM INCLUDING THE DEVELOPMENT AND DISSEMINATION OF:

(I) A CITYWIDE CURRICULUM FRAMEWORK REFLECTING STATE LEARNING OUTCOMES, INCLUDING MARYLAND SCHOOL PERFORMANCE PROGRAM STANDARDS, AND AN APPROPRIATE DEVELOPMENTAL SEQUENCE FOR STUDENTS;

(II) AN EFFECTIVE PROGRAM THAT INVOLVES SCHOOL-BASED PRACTITIONERS INCLUDING TEACHERS, MENTORS, MASTER TEACHERS, AND INSTRUCTIONAL SUPPORT TEACHERS, AS WELL AS THE EXCLUSIVE EMPLOYEE ORGANIZATION REPRESENTATIVES IN THE DESIGN AND IMPLEMENTATION OF HIGH QUALITY, DIFFERENTIATED PROFESSIONAL DEVELOPMENT ACTIVITIES DERIVED FROM ANALYSIS OF STUDENT PERFORMANCE NEEDS AND THAT COMPLIES WITH THE NATIONAL STAFF DEVELOPMENT COUNCIL STANDARDS FOR CONTENT, CONTEXT, AND PROCESS; AND

(III) AN EFFECTIVE EDUCATIONAL PROGRAM FOR MEETING THE NEEDS OF STUDENTS AT RISK OF EDUCATIONAL FAILURE;

(5) REVIEW THE REQUIREMENT OF A DEMONSTRATED STUDENT ACHIEVEMENT PORTFOLIO FOR THE PERFORMANCE-BASED EVALUATION SYSTEM FOR TEACHERS AND PRINCIPALS AND INCORPORATE DESIGN MODIFICATIONS THAT

WILL ENHANCE TEACHER AND PRINCIPAL INVESTMENT IN THE EVALUATION INSTRUMENT;

(6) PROVIDE EFFECTIVE MANAGEMENT INFORMATION SYSTEMS FOR THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM, INCLUDING THE CAPACITY TO ACCURATELY TRACK STUDENT ENROLLMENT, ATTENDANCE, ACADEMIC RECORDS, DISCIPLINE RECORDS, AND COMPLIANCE WITH THE PROVISIONS OF THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT;

(7) PROVIDE AN EFFECTIVE FINANCIAL MANAGEMENT AND BUDGETING SYSTEM FOR THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM TO ENSURE THE MAXIMIZATION AND APPROPRIATE UTILIZATION OF ALL AVAILABLE RESOURCES;

(8) PROVIDE EFFECTIVE HIRING AND ASSIGNMENT OF TEACHERS AND STAFF;

(9) DEVELOP AN EFFECTIVE SYSTEM OF PROVIDING INSTRUCTIONAL MATERIALS AND SUPPORT SERVICES;

(10) DEVELOP AND EVALUATE MODEL SCHOOL REFORM INITIATIVES;

(11) DEVELOP A PROCESS WITH TIMELINES TO GOVERN THE DISTRIBUTION OF STUDENT TEST DATA TO AREA EXECUTIVE OFFICERS AND TO PRINCIPALS, AS WELL AS THE CENTRAL OFFICE RESOURCES THAT WILL BE PROVIDED TO SCHOOL LEVEL PRACTITIONERS TO VALIDATE AND ANALYZE THE STUDENT TEST DATA;

(12) PROVIDE APPROPRIATE METHODS FOR STUDENT ASSESSMENT AND REMEDIATION;

(13) DEVELOP AND IMPLEMENT A STUDENT CODE OF DISCIPLINE AS REQUIRED IN § 7-306 OF THIS ARTICLE;

(14) INCORPORATE THE SCHOOL SYSTEM'S FACILITIES MASTER PLAN INCLUDING INFORMATION ABOUT PROJECTS CURRENTLY UNDERWAY AS WELL AS THOSE PLANNED PURSUANT TO THE CAPITAL IMPROVEMENT PROGRAM AND UPDATE THIS INFORMATION ANNUALLY AS THE MASTER PLAN IS UPDATED;

(15) DEVELOP A PROGRAM TO TRAIN PRINCIPALS AND ASSISTANT PRINCIPALS IN METHODS OF INCREASING PARENTAL INVOLVEMENT AT THE SCHOOL LEVEL, INCLUDING STRATEGIES FOR CONNECTING PARENTS TO THE INSTRUCTIONAL PROGRAM OF THE SCHOOL AND FOR MEASURING THE LEVEL OF PARENTAL INVOLVEMENT THROUGH MEANINGFUL INDICATORS;

(16) INCLUDE MEASURABLE OUTCOMES AND TIME LINES FOR THE IMPLEMENTATION AND EVALUATION OF THE REFORMS MADE IN ACCORDANCE WITH THE MASTER PLAN AND THE REPORTING OF THIS INFORMATION TO THE GOVERNOR, THE MAYOR OF BALTIMORE CITY, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY;

(17) IMPROVE THE STATUS OF SCHOOLS THAT ARE SUBJECT TO A STATE RECONSTITUTION NOTICE;

(18) DEVELOP AN EFFECTIVE SYSTEM OF TEACHER INPUT REGARDING IMPLEMENTATION OF SCHOOL REFORM INITIATIVES, CURRICULUM, INSTRUCTION, AND PROFESSIONAL DEVELOPMENT THAT INCLUDES ACTIVE AND ONGOING CONSULTATION WITH CLASSROOM TEACHERS AT THE ELEMENTARY, MIDDLE, AND HIGH SCHOOL LEVELS; AND

(19) INSTITUTE A FORMAL PROCEDURE BY WHICH THE DIRECTORS OF EACH OF THE SCHOOL SYSTEM'S MENTORING PROGRAMS, INCLUDING REACT, BLUM, AND PEER MENTORING, WILL PROVIDE ~~AT A MINIMUM, QUARTERLY ORAL SEMIANNUAL~~ *SEMI-ANNUAL* REPORTS TO THE BOARD AND SENIOR MANAGEMENT CONCERNING THE PERSPECTIVES OF ~~CLASSROOM TEACHERS~~ THE MENTORING PROGRAMS.

4-309.1.

THE DEPARTMENT, IN CONSULTATION WITH THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM, SHALL DESIGN A PRINCIPAL DEVELOPMENT INITIATIVE THAT WILL MATCH DISTINGUISHED PRINCIPALS FROM OUTSIDE THE SYSTEM AND ACTION SUPPORT TEAMS WITH PRINCIPALS IN TRAINING IN THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

4-316.

(a) Notwithstanding any provision of local law and subject to the applicable provisions of this article, the [New] Baltimore City Board of School Commissioners may:

(1) Examine, appoint, and remove teachers;

(2) Set teacher qualifications;

(3) Set teacher salaries; and

(4) Select textbooks for the public schools in Baltimore City, except that the textbooks may not contain anything of a sectarian or partisan character.

(b) (1) The [New] Baltimore City Board of School Commissioners shall report annually to the State Board on the condition of the schools under its jurisdiction.

4-317.

After a study has been completed to determine whether to close a public school in Baltimore City, the Chief Executive Officer shall inform the Mayor of Baltimore City and the members of the General Assembly who represent Baltimore City regarding the completed study at the same time that the study is submitted to the [New] Baltimore City Board of School Commissioners.

4-318.

(c) The members of the Baltimore City School Police Force shall be employees of and be appointed by the [New] Baltimore City Board of School Commissioners.

(d) (2) (i) A Baltimore City school police officer may act in an official capacity only on the premises of schools and any other property used for educational purposes owned, leased, or operated by, or under the control of the [New] Baltimore City Board of School Commissioners.

(f) The [New] Baltimore City Board of School Commissioners shall adopt regulations governing the:

(1) Operation of the Baltimore City School Police Force; and

(2) Conduct of each Baltimore City school police officer.

(g) This section does not:

(1) Make a Baltimore City school police officer a member of the Baltimore City Police Department; or

(2) Affect the salary, benefits, or retirement program of an employee of Baltimore City or the [New] Baltimore City Board of School Commissioners.

4-319.

(c) (1) The Chief Executive Officer of the [New] Baltimore City Board of School Commissioners shall appoint a Director of the Center.

5-106.

On or before November 1 and March 1 of each fiscal year, the Anne Arundel County Board shall submit to the Anne Arundel County Council, and the [New] Baltimore City Board of School Commissioners shall submit to the Mayor and City Council of Baltimore a report detailing all expenditures within the major categories of its annual budget. The report also shall detail any action of the County Board that would commit the County Board to spend more in any major category in the annual budget for the current fiscal year than the amount approved in the annual budget for that category.

6-201.

(c) (3) Notwithstanding any provision of local law, in Baltimore City, the appointment, tenure, and compensation of clerical and other nonprofessional personnel shall be determined in accordance with the personnel system established by the [New] Baltimore City Board of School Commissioners under § 4-313 of this article.

6-202.

(a) (5) Notwithstanding any provision of local law, in Baltimore City the suspension and removal of assistant superintendents and higher levels shall be as provided by the personnel system established by the [New] Baltimore City Board of School Commissioners under § 4-313 of this article.

6-401.

(e) "Public school employer" means a county board of education or the [New] Baltimore City Board of School Commissioners.

6-501.

(g) (1) "Public school employer" means the county board in each county except:

(i) Somerset;

(ii) Wicomico; and

(iii) Worcester.

(2) "Public school employer" includes the [New] Baltimore City Board of School Commissioners.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that if the Governor does not include in the State budget for fiscal year 2003 an appropriation for the Baltimore City ~~public schools~~ *Public School System* in an amount sufficient to fund the ~~recommendations in the 2002 Final Report of the Commission on Education Finance, Equity, and Excellence as applicable to Baltimore City, then the Governor shall include in the State budget for fiscal year 2003, if funds are available, an appropriation for the Baltimore City public schools of at least $50,000,000 for the Baltimore City-State Partnership, as provided in Section 7 of Chapter 105 of the Acts of 1997, as amended by Chapter 420 of the Acts of 2001, and $55,000,000 toward the Remedy Plan of the Baltimore City Public School System, including $20,465,079 as provided in Section 4 of Chapter 493 of the Acts of 2000, as amended by Chapter 420 of the Acts of 2001~~ *requirements of Chapter (S.B. 856) of the Acts of the General Assembly of 2002 as applicable to Baltimore City, the Governor shall include in the State budget for fiscal year 2003 an appropriation for the Baltimore City Public School System that includes at least: (1) $50,000,000 for the Baltimore City-State Partnership as required by Section 7 of Chapter 105 of the Acts of the General Assembly of 1997, as amended by Chapter 420 of the Acts of the General Assembly of 2001; (2) $20,465,079 for the Remedy Plan for the Baltimore City Public School System as required by Section 4 of Chapter 493 of the Acts of the General Assembly of 2000, as amended by Chapter 420 of the Acts of the General Assembly of 2001; and (3) an additional $31,380,534 for the Remedy Plan for the Baltimore City Public School System*.

SECTION 3. AND BE IT FURTHER ENACTED, That if the Governor does not include in the State budget for fiscal years 2004 through ~~2007~~ *2008* an appropriation for the Baltimore City Public ~~Schools~~ *School System* in an amount sufficient to fund the ~~recommendations in the 2002 Final Report of the Commission on Education Finance, Equity, and Excellence as applicable to Baltimore City, then the Governor shall include in the State budget for fiscal years 2004 through 2007, in each year if funds are available, an appropriation for the Baltimore City Public Schools of at least $50,000,000 for the Baltimore City-State Partnership and $55,000,000 toward the Remedy Plan of the Baltimore City Public School System~~ *requirements of Chapter ___ (S.B. 856) of the Acts of the General Assembly of 2002 as applicable to Baltimore City, the Governor shall include in the State budgets for fiscal years 2004 through 2008, in each year, an appropriation for the Baltimore City Public School System that includes at least: (1) $50,000,000 for the Baltimore City-State Partnership; and (2) $55,000,000 for the Remedy Plan for the Baltimore City Public School System*.

SECTION 4. AND BE IT FURTHER ENACTED, That if the Governor does not include in the State budget for fiscal years 2003 through ~~2007~~ *2008* an appropriation for the Baltimore City ~~public schools~~ *Public School System* in an amount sufficient to fund the ~~recommendations in the 2002 Final Report of the Commission on Education Finance, Equity, and Excellence~~ *requirements of Chapter (S.B. 856) of the Acts of the General Assembly of 2002* as applicable to Baltimore City, then if any new source of revenue becomes available to the State during fiscal years 2003 through ~~2007~~ *2008*, and such revenue is dedicated in whole or in part to education generally, the Baltimore City public schools shall receive its designated share of those revenues without reduction of the additional funds provided under ~~Sections 3 and 4~~ Sections 2 and 3 of this Act. Nothing in this Act, however, shall prevent the Governor or the General Assembly from reducing local aid to Baltimore City as part of any general statewide reduction in local aid for a special project or purpose.

SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December 1, 2006, a consultant shall conduct a comprehensive review and evaluation of the Baltimore City-State Partnership and the reform initiatives of the Baltimore City Public School System. The Board of School Commissioners and the Maryland State Board of Education shall jointly select and equally share the cost of the consultant and determine the scope of the review. The Board of School Commissioners and the State Board shall review the findings of the comprehensive review and shall conduct four public hearings throughout Baltimore City. On or before January 15, 2007, the Board of School Commissioners and the State Board shall report to the General Assembly the results of the public hearings and the review of the comprehensive evaluation and propose to the General Assembly any changes appropriate in the management structure and levels of funding of the Baltimore City Public ~~Schools~~ *School System*.

SECTION 6. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Chief Executive Officer, Chief Academic Officer, Chief Operating Officer, and the Special Education Officer for the Baltimore City Public School System, with the State Superintendent of Schools and the Assistant State Superintendent for Special Education, shall meet at a minimum on a quarterly basis with the Special Master assigned to the case, Vaughn G., et al v. Mayor and City

Council, et al, case no. MJG-84-1911, United States District Court for the District of Maryland. After conducting six quarterly meetings, the State Superintendent and the Chief Executive Officer shall have the discretion, acting jointly, to modify the communication schedule upon providing the basis for any modification to the General Assembly.

SECTION 7. AND BE IT FURTHER ENACTED, That the State Department of Education, the Interagency Committee on Public School Construction, and the Baltimore City Public School System shall develop a mechanism for communication at a minimum on a quarterly basis among key executive level representatives of each entity to address issues relating to facilities planning in the Baltimore City Public School System, including the capital improvement program issues. After a minimum of six quarterly meetings, the State Superintendent shall have the discretion to modify the communication arrangement upon providing the basis for any modification to the General Assembly.

~~SECTION 8. AND BE IT FURTHER ENACTED, That on or before June 30, 2003, Baltimore City shall bear the costs and complete the transfer of clear and merchantable title of any real property assets associated with the operations of the Baltimore City Public School System to the legal possession of the Board of School Commissioners. By June 30, 2002, the Baltimore City Public School System shall submit to the State Department of Education for its approval a written plan to accomplish the required property transfer by June 30, 2003.~~

SECTION 8. AND BE IT FURTHER ENACTED, That on or before June 30, 2003, Baltimore City shall transfer real property assets associated with the operations of the Baltimore City Public School System, part or all of which were funded by at least $1 million in debt issued by Baltimore City after July 1, 1997, to the legal possession of the Baltimore City Board of School Commissioners. The remaining real property assets associated with the operations of the Baltimore City Public School System shall be transferred by Baltimore City to the legal possession of the Baltimore City Board of School Commissioners in approximately equal annual portions by June 30, 2009. Baltimore City shall bear the costs of the transfers by clear and merchantable title. By June 30, 2002, Baltimore City and the Baltimore City Public School System shall prepare a written plan to accomplish the property transfers. The plan may provide for the transfer of additional real property assets by June 30, 2003 if there is no Baltimore City debt outstanding for improvements or modifications to the real property assets. The written plan shall be submitted to the State Department of Education for its approval. Subject to § 2-1246 of the State Government Article, a copy of the written plan shall be submitted to the Senate Budget and Taxation Committee, the Senate Education, Health, and Environmental Affairs Committee, the House Appropriations Committee, and the House Ways and Means Committee.

SECTION 9. AND BE IT FURTHER ENACTED, That, notwithstanding §§ 4-114 and 4-115 of the Education Article as amended by Chapter 105 of the Acts of 1997, the Board of Public Works, for the period from July 1, 1997 through June 30, 2009, may approve State funding for capital improvements to public school buildings in Baltimore City on property held under a clear deed and title by either the

Baltimore City Board of School Commissioners or the Mayor and City Council of Baltimore. However, State funds for the construction of new schools in Baltimore City may only be approved on sites with clear deed and title held by the Baltimore City Board of School Commissioners.

SECTION ~~9.~~ 10. AND BE IT FURTHER ENACTED, That Baltimore City shall continue to work with the Baltimore City Public School System to eliminate environmental hazards within the school system and develop a memorandum of understanding to provide funding for the elimination of these environmental hazards after the transfer of title of real property assets to the Baltimore City Public School System.

SECTION ~~10.~~ 11. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that this Act constitutes further action by the General Assembly regarding consideration of the provisions of § 3-108.1 of the Education Article for the purpose of meeting the requirements of Section 28 of Chapter 105 of the Acts of the General Assembly of 1997.

SECTION ~~11.~~ 12. AND BE IT FURTHER ENACTED, That funds appropriated for ~~schools under local reconstitution in Baltimore City~~ the Baltimore City-State Partnership may be used to support the principal development initiative enacted by this Act.

SECTION ~~12.~~ 13. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2002.