

HOUSE BILL 558

F3
HB 310/15 – W&M

6lr2204

By: **Delegates Glenn, Anderson, Carter, Clippinger, Conaway, Hammen, Hayes, Haynes, Lierman, McCray, McIntosh, Oaks, B. Robinson, and M. Washington**

Introduced and read first time: February 3, 2016
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 14, 2016

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Partially Elected School Board**

3 FOR the purpose of increasing the number of members of the Baltimore City Board of
4 School Commissioners; requiring a certain number of members of the board to be
5 elected at large by the voters of ~~certain districts in~~ Baltimore City; ~~requiring the~~
6 ~~Department of Legislative Services to establish the districts in collaboration with the~~
7 ~~Baltimore City Board of Elections;~~ requiring certain members of the board to be
8 elected at a certain election and in accordance with certain provisions of law;
9 ~~providing for the staggering of the terms of certain members and for the termination~~
10 ~~of the terms of certain members of the board;~~ providing for the removal of, ~~and~~
11 ~~hearings and appeal procedures for,~~ the elected members of the board; providing for
12 the application of this Act; making conforming changes; ~~requiring that the Act be~~
13 ~~submitted to a referendum of the legally qualified voters of Baltimore City;~~ and
14 generally relating to the Baltimore City Board of School Commissioners and the
15 selection of members.

16 BY repealing and reenacting, with amendments,
17 Article – Education
18 Section 3–108.1 and 3–114
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2015 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.



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

Article – Education

3–108.1.

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

(b) There is a 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) ~~FOUR~~ TWO ELECTED VOTING MEMBERS; AND

[(2)] (3) One voting student member appointed as provided in subsection **[(o)] (L)** of this section.

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

(E) ~~(1) OF THE FOUR ELECTED VOTING MEMBERS, ONE MEMBER SHALL BE ELECTED FROM EACH OF THE FOUR BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS DISTRICTS ESTABLISHED BY THE CITY, BY THE VOTERS OF THAT DISTRICT.~~

~~(2) IN COLLABORATION WITH THE BALTIMORE CITY BOARD OF ELECTIONS, FOLLOWING EACH DECENNIAL CENSUS THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL ESTABLISH THE BOUNDARIES FOR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS DISTRICTS. THE TWO ELECTED VOTING MEMBERS SHALL BE ELECTED AT LARGE BY THE VOTERS OF BALTIMORE CITY.~~

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

[(f)] (G) (1) At least four of the **APPOINTED** voting members shall possess a high level of knowledge and expertise concerning the successful administration of a large business, nonprofit, or governmental entity and shall have served in a high level management position within such an entity.

1 ~~(H) THE TERMS OF THE ELECTED VOTING MEMBERS ARE~~
 2 ~~STAGGERED AS FOLLOWS:~~

3 ~~1. THE TWO ELECTED VOTING MEMBERS WHO RECEIVED~~
 4 ~~THE LOWEST PERCENTAGE OF VOTES, AS DETERMINED BY THE FINAL VOTE COUNT~~
 5 ~~OF THE 2018 GENERAL ELECTION AS CERTIFIED BY THE BOARD OF ELECTIONS,~~
 6 ~~SHALL SERVE FOR A TERM OF 2 YEARS, AND THE ELECTION FOR THAT OFFICE SHALL~~
 7 ~~BE HELD EVERY 4 YEARS THEREAFTER.~~

8 ~~2. THE TWO ELECTED VOTING MEMBERS WHO RECEIVED~~
 9 ~~THE HIGHEST PERCENTAGE OF VOTES, AS DETERMINED BY THE FINAL VOTE COUNT~~
 10 ~~OF THE 2018 GENERAL ELECTION AS CERTIFIED BY THE BOARD OF ELECTIONS,~~
 11 ~~SHALL SERVE FOR A TERM OF 4 YEARS, AND THE ELECTION FOR THOSE OFFICES~~
 12 ~~SHALL BE HELD EVERY 4 YEARS THEREAFTER.~~

13 [(k)] (I) (1) On the joint approval of the Mayor of Baltimore City and the
 14 Governor, [a] AN APPOINTED member may be removed only for cause in accordance with
 15 § 3-108 of this subtitle.

16 (2) ~~(H)~~ THE STATE BOARD MAY REMOVE AN ELECTED VOTING
 17 MEMBER FOR:

18 ~~1. (I)~~ IMMORALITY;

19 ~~2. (II)~~ MISCONDUCT IN OFFICE;

20 ~~3. (III)~~ INCOMPETENCY; OR

21 ~~4. (IV)~~ WILLFUL NEGLECT OF DUTY.

22 ~~(H) BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL~~
 23 ~~SEND THE MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE~~
 24 ~~MEMBER AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.~~

25 ~~(H) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10 DAY~~
 26 ~~PERIOD:~~

27 ~~1. THE STATE BOARD PROMPTLY SHALL HOLD A~~
 28 ~~HEARING, BUT A HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE~~
 29 ~~BOARD SENDS THE MEMBER A NOTICE OF THE HEARING; AND~~

~~2. THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE, IN PERSON OR BY COUNSEL.~~

~~(IV) A MEMBER REMOVED UNDER THIS SUBSECTION HAS THE RIGHT TO A DE NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR BALTIMORE CITY.~~

[(l)] (J) Each member of the board serves without compensation.

[(m)] On appointment of the board, the Governor and the Mayor shall jointly select one of the voting members to serve as the chairman of the board who shall serve through June 30, 1999.]

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

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

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

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

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

(i) Personnel;

(ii) Capital and operating budgets;

(iii) School closings, reopenings, and boundaries;

(iv) Collective bargaining decisions;

(v) Student disciplinary matters; and

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

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

[(p)] (M) Any action by the board shall require:

- 1 (1) A quorum of a majority of the voting members then serving; and
- 2 (2) The affirmative vote of a majority of the voting members then serving.
- 3 3-114.
- 4 (a) In the following counties, the members of the county board shall be elected:
- 5 (1) Allegany;
- 6 (2) Calvert;
- 7 (3) Carroll;
- 8 (4) Cecil;
- 9 (5) Charles;
- 10 (6) Dorchester;
- 11 (7) Frederick;
- 12 (8) Garrett;
- 13 (9) Howard;
- 14 (10) Kent;
- 15 (11) Montgomery;
- 16 (12) Queen Anne's;
- 17 (13) St. Mary's;
- 18 (14) Somerset;
- 19 (15) Talbot;
- 20 (16) Washington; and
- 21 (17) Worcester.

22 (B) IN BALTIMORE CITY, IN ACCORDANCE WITH § 3-108.1 OF THIS
23 SUBTITLE, THE MEMBERS OF THE BALTIMORE CITY BOARD OF SCHOOL
24 COMMISSIONERS SHALL BE A COMBINATION OF MEMBERS WHO ARE ELECTED AND
25 APPOINTED.

1 **[(b)] (C)** In Baltimore County, in accordance with Subtitle 2A of this title, the
2 members of the county board shall be a combination of members who are elected and
3 appointed.

4 **[(c)] (D)** In Caroline County, in accordance with Subtitle 3A of this title, the
5 members of the county board shall be a combination of members who are elected and
6 appointed.

7 **[(d)] (E)** In Harford County, in accordance with Subtitle 6A of this title, the
8 members of the county board shall be a combination of members who are elected and
9 appointed.

10 **[(e)] (F)** In Prince George's County, in accordance with Subtitle 10 of this title,
11 the members of the county board shall be a combination of members who are elected and
12 appointed.

13 **[(f)] (G)** An individual subject to the authority of the county board may not serve
14 as a member of the county board. At the time of filing a certificate of candidacy for election
15 to a county board, a person shall certify to the local board of supervisors of elections whether
16 or not the person is subject to the authority of the county board. The Governor may not
17 issue a commission of election to a person who has certified affirmatively and who is elected
18 to a county board until the member-elect offers proof that the member-elect is no longer
19 subject to the authority of the county board.

20 **[(g)] (H)** The election of the county boards shall be held as provided in Subtitles
21 2 through 14 of this title and the Election Law Article.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
23 apply only prospectively and may not be applied or interpreted to have any effect on or
24 application to the terms of any member of the Baltimore City Board of School
25 Commissioners appointed to the board on or before July 1, 2016.

26 ~~SECTION 3. AND BE IT FURTHER ENACTED, That, in collaboration with the~~
27 ~~Baltimore City Board of Elections, the Department of Legislative Services shall:~~

28 ~~(1) on or before June 1, 2017, establish the boundaries for the initial~~
29 ~~districts for the election of the four members of the Baltimore City Board of School~~
30 ~~Commissioners to be elected at the general election to be held in November 2018; and~~

31 ~~(2) on or before June 1 in the year after the State receives the population~~
32 ~~count of each decennial census from the United State Census Bureau, establish the~~
33 ~~boundaries for the districts for the election of the four members of the Baltimore City Board~~
34 ~~of School Commissioners to be elected by the voters of Baltimore City.~~

35 ~~SECTION 4. AND BE IT FURTHER ENACTED, That before this Act becomes~~
36 ~~effective it shall first be submitted to a referendum of the legally qualified voters of~~

1 ~~Baltimore City at the general election to be held in November 2016. The Mayor of Baltimore~~
 2 ~~City and the Baltimore City Board of Elections shall do those things necessary and proper~~
 3 ~~to provide for and hold the referendum required by this section. If a majority of the votes~~
 4 ~~cast on the question are "For the referred law" the provisions of this Act shall become~~
 5 ~~effective on the 30th day following the official canvass of votes for the referendum, but if a~~
 6 ~~majority of the votes cast on the question are "Against the referred law" the provisions of~~
 7 ~~this Act are of no effect and null and void.~~

8 SECTION ~~5.~~ 3. AND BE IT FURTHER ENACTED, That, ~~subject to the provisions~~
 9 ~~of Section 4 of this Act and for the sole purpose of providing for the referendum required by~~
 10 ~~Section 4 of this Act,~~ this Act shall take effect July 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.