

HOUSE BILL 346

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9lr0808

By: **Delegates Glenn, Anderson, Conaway, R. Lewis, Mosby, Smith, and Wells**

Introduced and read first time: January 28, 2019

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City Board of School Commissioners – Elected Voting Members**

3 FOR the purpose of increasing the number of elected voting members on the Baltimore City
4 Board of School Commissioners; requiring each elected voting member of the board
5 to be elected from certain districts of Baltimore City; establishing the terms of the
6 elected voting members of the board; prohibiting a certain individual who has filed
7 a certain certificate of candidacy from seeking appointment to the board or being
8 appointed to the board by the Mayor of Baltimore City; requiring certain elected
9 members to be a resident of a certain district; prohibiting a certain elected member
10 from continuing to serve as a member under certain circumstances; requiring the
11 Baltimore City Council to appoint an individual to fill a certain vacancy on the board;
12 providing that the terms of certain elected members are staggered as provided by a
13 certain provision of law on a certain date; providing for the initial terms of certain
14 elected members; defining a certain term; and generally relating to membership of
15 the Baltimore City Board of School Commissioners.

16 BY repealing and reenacting, with amendments,
17 Article – Education
18 Section 3–108.1(a), (d), (f), and (i)
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2018 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – Education
23 Section 3–108.1(c) and (e)
24 Annotated Code of Maryland
25 (2018 Replacement Volume and 2018 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
27 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

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3–108.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “Board” means the Baltimore City Board of School Commissioners of the Baltimore City Public School System.

(3) “ELECTED VOTING MEMBER” MEANS A VOTING MEMBER OF THE BOARD:

(I) ELECTED UNDER SUBSECTION (F) OF THIS SECTION; OR

(II) APPOINTED TO FILL A VACANCY OF AN ELECTED MEMBER OF THE BOARD UNDER SUBSECTION (I)(6) OF THIS SECTION.

~~[(3)]~~ (4) “Mayor” means the Mayor of Baltimore City.

~~[(4)]~~ (5) “Panel” means the Baltimore City Public School Board Community Panel.

(c) There is a Baltimore City Board of School Commissioners of the Baltimore City Public School System.

(d) (1) The board consists of:

(i) Except as provided in paragraph ~~[(2)]~~ (3) of this subsection, nine voting members appointed by the Mayor from a list of qualified individuals submitted to the Mayor by the panel;

(ii) ~~[Two]~~ **SIX** elected voting members, **ONE FROM EACH OF THE SIX LEGISLATIVE DISTRICTS OF BALTIMORE CITY**; and

(iii) One voting student member appointed as provided in subsection (m) of this section.

(2) DURING AN ELECTION YEAR, AN INDIVIDUAL WHO HAS FILED A CERTIFICATE OF CANDIDACY FOR ELECTION TO THE BOARD FROM ONE OF THE SIX LEGISLATIVE DISTRICTS OF BALTIMORE CITY MAY NOT:

(I) SEEK APPOINTMENT TO THE BOARD BY THE MAYOR THROUGH NOMINATION BY THE PANEL; OR

(II) BE APPOINTED TO THE BOARD BY THE MAYOR.

1 ~~[(2)]~~ **(3)** If the Mayor elects not to appoint a member from a list submitted
2 by the panel under paragraph (1)(i) of this subsection, the Mayor shall reconvene the panel
3 to submit additional names of qualified candidates.

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

5 (f) **(1)** ~~[The two]~~ **OF THE SIX** elected voting members [shall be elected at large
6 by the voters of Baltimore City], **ONE SHALL BE ELECTED FROM EACH OF THE SIX**
7 **LEGISLATIVE DISTRICTS OF BALTIMORE CITY ONLY BY THE VOTERS OF THAT**
8 **LEGISLATIVE DISTRICT.**

9 **(2)** **EACH ELECTED VOTING MEMBER FROM A LEGISLATIVE DISTRICT**
10 **SHALL BE A RESIDENT OF THAT LEGISLATIVE DISTRICT.**

11 **(3)** **EACH ELECTED VOTING MEMBER FROM A LEGISLATIVE DISTRICT**
12 **WHO NO LONGER RESIDES IN THAT DISTRICT MAY NOT CONTINUE AS AN ELECTED**
13 **VOTING MEMBER FOR THAT DISTRICT.**

14 **(4)** **THE BALTIMORE CITY COUNCIL SHALL APPOINT A QUALIFIED**
15 **INDIVIDUAL TO FILL A VACANCY OF AN ELECTED VOTING MEMBER FOR THE**
16 **REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.**

17 (i) (1) (i) The term of an appointed voting member is 3 years.

18 (ii) The term of an elected **VOTING** member is 4 years.

19 (2) **(I)** The terms of the appointed voting members are staggered as
20 required by the terms provided for the appointed members of the board on June 1, 1997.

21 **(II)** **THE TERMS OF ELECTED VOTING MEMBERS ARE**
22 **STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR ELECTED VOTING**
23 **MEMBERS OF THE BOARD ON OCTOBER 1, 2019.**

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

26 (4) A voting member who is appointed after a term has begun serves only
27 for the remainder of the term and until a successor is elected or appointed and qualifies.

28 (5) A voting member may not serve more than two consecutive full terms.

29 (6) (i) Except as provided in subparagraph (ii) of this paragraph, to the
30 extent practicable, the Mayor shall fill any vacancy for an appointed or elected member on
31 the board within 60 days of the date of the vacancy from a list of qualified individuals

1 submitted to the Mayor by the panel.

2 (ii) If the Mayor elects not to appoint a member from a list submitted
3 by the panel under subparagraph (i) of this paragraph, the Mayor shall reconvene the panel
4 to submit additional names of qualified candidates.

5 (7) The elected members of the board shall be elected:

6 (i) At the general election in November 2022 and every 4 years
7 thereafter; and

8 (ii) In accordance with Title 8, Subtitle 8 of the Election Law Article.

9 SECTION 2. AND BE IT FURTHER ENACTED, That:

10 (a) The initial terms of the six elected voting members of the Board of School
11 Commissioners of Baltimore City elected at the general election in November 2022 shall be
12 determined as follows:

13 (1) the three elected voting members who receive the highest number of
14 votes among the elected voting members elected from the six legislative districts of
15 Baltimore City shall each serve a term of 4 years; and

16 (2) the three remaining elected voting members elected from the six
17 legislative districts of Baltimore City shall each serve a term of 2 years.

18 (b) After the initial term, each elected voting member shall serve a term of 4
19 years.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2019.