

CF 7r2356

By: Delegates C. Mitchell, Watson, Kirk, and Oaks

Introduced and read first time: February 5, 1997

Assigned to: Appropriations and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 Primary and Secondary Education - Baltimore City Education First School Board

3 FOR the purpose of establishing the Baltimore City Education First School Board;
4 transferring responsibility for the functions formerly performed by the Board of
5 School Commissioners of Baltimore City to the Baltimore City Education First
6 School Board (hereinafter, "the Board"); providing for the appointment of
7 members to the Board; specifying the powers and duties of the Board; requiring the
8 Board to appoint a Superintendent of Public Instruction of Baltimore City;
9 requiring the Board to establish a certain personnel system; requiring the Board to
10 enter into certain collective bargaining agreements; providing that all existing
11 collective bargaining agreements for Baltimore City public school employees shall
12 remain in full force and effect; providing for a referendum on whether the Board
13 should be converted to an elected board; providing for the conversion of the Board
14 to an elected board if the referendum passes; altering a certain provision of the
15 Charter of Baltimore City relating to the establishment, maintenance, and control
16 of the Baltimore City Public School System; defining certain terms; transferring the
17 functions, powers, duties, equipment, assets, liabilities, and employees of the Board
18 of School Commissioners of Baltimore City to the Baltimore City Education First
19 School Board on a certain date; requiring certain employees of the Baltimore City
20 Public School System to become members of a certain personnel system on a certain
21 date; requiring certain employees to apply for continued employment; requiring the
22 Governor to include in the Governor's annual budget submission certain amounts of
23 General Fund State support for the Baltimore City public schools in certain fiscal
24 years; requiring the State to provide a certain amount to the Baltimore City public
25 schools through the Maryland School Construction Program in certain fiscal years;
26 requiring the Governor to appoint a Statewide Education Commission to study a
27 certain question; providing effective dates for this Act; providing for the termination
28 of this Act; and generally relating to the establishment of the Baltimore City
29 Education First School Board, the management of the Baltimore City Public School
30 System, and the education of students in the Baltimore City public schools.

31 BY repealing and reenacting, with amendments,

32 The Charter of Baltimore City
33 Article II - General Powers
34 Section (30)
35 (1996 Edition, as amended)

2

1 BY repealing and reenacting, with amendments,
2 Article - Education
3 Section 1-101(d), 4-102(a)(2), 4-103, 4-301 through 4-307, 5-112(a), 6-201(c),
4 6-202, 6-203(b) and (d), 6-401(d), and 6-501(g)
5 Annotated Code of Maryland
6 (1997 Replacement Volume)

7 BY repealing and reenacting, without amendments,
8 Article - Education
9 Section 5-112(b), (c), and (e)
10 Annotated Code of Maryland
11 (1997 Replacement Volume)

12 BY adding to
13 Article - Education
14 Section 4-301, 4-304, 4-305, 4-307, 4-312, and 4-313
15 Annotated Code of Maryland
16 (1997 Replacement Volume)

17 BY repealing and reenacting, with amendments,
18 Article - Education
19 Section 4-304
20 Annotated Code of Maryland
21 (1997 Replacement Volume)
22 (As enacted by Section 1 of this Act)

23 Preamble

24 We believe in the talent, abilities, and wisdom of the people of Baltimore City. We
25 also believe in a future that reflects their worth. We are committed both to the people of
26 Baltimore City and to their greatest resource - their children.

27 In our commitment to the children of Baltimore City, we are committed to a public
28 school system that can spark, sustain, and support the accomplishment of the children of
29 Baltimore City. For that system to serve the children of Baltimore City:

30 (a) The people of Baltimore City must retain ownership of their public school
31 system to act as owners to make the system work by empowering themselves:

32 (1) to serve as active participants in the education of their children;

33 (2) to state and advocate for the results they require from their system to
34 serve their children;

35 (3) to select the people they entrust to do the job of educating their
36 children; and

3

1 (4) to hold these people accountable to do the job of educating their
2 children.

3 (b) The schools of Baltimore City must be governed in a way that accords
4 ownership of the schools to the people whose children the schools educate, by:

5 (1) recognizing no authority other than the people of Baltimore City to
6 appoint and remove, if necessary, the officials charged with overseeing the education of
7 their children; and

8 (2) accepting that those persons charged by the people of Baltimore City to
9 be accountable to them for educating their children should have full authority to do the
10 job that the people of Baltimore City have authorized them to do.

11 We understand that the most powerful resource to assure the education and
12 productive development of children in Baltimore City is the commitment of the people of
13 Baltimore City to the education and development of their children. Money can only
14 guarantee failure when it is absent. It cannot assure success in educating children. What
15 is needed for education to work, money aside, is the commitment of people to educating
16 their children.

17 If we need people to act as owners to take charge of their children's education, they
18 must then be respected as owners. Any initiative that undermines that stake of ownership
19 in any way does not then serve the best interests of the children of Baltimore City and, for
20 that reason, jeopardizes the future interests of the State of Maryland.

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

23 **The Charter of Baltimore City**

24 Article II - General Powers

25 The Mayor and City Council of Baltimore shall have full power and authority to
26 exercise all of the powers heretofore or hereafter granted to it by the Constitution of
27 Maryland or by any Public General or Public Local Laws of the State of Maryland; and in
28 particular, without limitation upon the foregoing, shall have power by ordinance, or such
29 other method as may be provided for in its Charter, subject to the provisions of said
30 Constitution and Public General Laws:

31 (30) [To] SUBJECT TO THE APPLICABLE PROVISIONS OF THE EDUCATION
32 ARTICLE OF THE ANNOTATED CODE OF MARYLAND, TO ESTABLISH [establish,] AND
33 maintain [and control] a system of free public schools.

34 **Article - Education**

35 1-101.

36 (d) "County board" means the board of education of a county and includes the
37 [Board of School Commissioners of] Baltimore City EDUCATION FIRST SCHOOL
38 BOARD.

4

1 4-102.

2 (a) (2) In Baltimore City, the Superintendent of Public Instruction is the
3 executive officer and secretary of the [Board of School Commissioners] BALTIMORE
4 CITY EDUCATION FIRST SCHOOL BOARD.

5 4-103.

6 (a) On the written recommendation of the county superintendent and subject to
7 the provisions of this article, each county board shall:

8 (1) Appoint all principals, teachers, and other certificated and
9 noncertificated personnel; and

10 (2) Set their salaries.

11 (b) [(1)] In Baltimore City, the [Board of School Commissioners] BALTIMORE
12 CITY EDUCATION FIRST SCHOOL BOARD shall exercise the authority granted in this
13 SECTION [section, except as to noncertificated personnel].

14 [(2) The appointment and salary of noncertificated personnel shall be
15 determined in accordance with the Baltimore City charter.]

16 4-301.

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

19 (B) "BOARD" MEANS THE BALTIMORE CITY EDUCATION FIRST SCHOOL
20 BOARD.

21 (C) "CITY COUNCIL" MEANS THE CITY COUNCIL OF BALTIMORE CITY.

22 (D) "MAYOR" MEANS THE MAYOR OF BALTIMORE CITY.

23 (E) "SUPERINTENDENT" MEANS THE SUPERINTENDENT OF PUBLIC
24 INSTRUCTION FOR BALTIMORE CITY.

25 [4-301.] 4-302.

26 Subject to the applicable provisions of this article, the Mayor and City Council of
27 Baltimore City shall establish and maintain a system of free public schools in Baltimore
28 CITY [City, as provided in the Baltimore City charter].

29 [4-302.] 4-303.

30 The geographical boundary of the Baltimore City School System is the same as the
31 geographical boundary of Baltimore City.

32 4-304.

33 (A) THE IS A BALTIMORE CITY EDUCATION FIRST SCHOOL BOARD.

34 (B) (1) THE BOARD CONSISTS OF NINE MEMBERS.

35 (2) THE GOVERNOR AND MAYOR JOINTLY SHALL APPOINT THE
36 MEMBERS.

5

1 (C) EACH MEMBER OF THE BOARD SHALL BE A RESIDENT OF BALTIMORE
2 CITY.

3 (D) TO THE EXTENT PRACTICABLE, THE MEMBERS SHALL:

4 (1) REFLECT THE DEMOGRAPHIC COMPOSITION OF BALTIMORE CITY;
5 AND

6 (2) BE PARENTS WHO ARE EDUCATORS OR LAY PERSONS.

7 4-305.

8 (A) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD IS A
9 QUORUM.

10 (B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS
11 MEETINGS AND HEARINGS.

12 (C) A MEMBER OF THE BOARD:

13 (1) MAY NOT RECEIVE COMPENSATION; BUT

14 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
15 STANDARD STATE TRAVEL REGULATIONS.

16 [4-304.] 4-306.

17 (a) Subject to the applicable provisions of this article, the Board [of School
18 Commissioners of Baltimore City] may:

19 (1) Examine, appoint, and remove teachers;

20 (2) Set teacher qualifications;

21 (3) Subject to the approval of the Mayor and City Council, set teacher
22 salaries; and

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

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

27 (2) The report shall include a statement of:

28 (i) Expenditures;

29 (ii) The number of children taught; and

30 (iii) Any other statistical information the State Board requires.

31 4-307.

32 (A) THE BOARD SHALL APPOINT A SUPERINTENDENT OF PUBLIC
33 INSTRUCTION OF BALTIMORE CITY.

34 (B) THE SUPERINTENDENT SERVES AT THE PLEASURE OF THE BOARD.

6

1 [4-303.] 4-308.

2 (a) (1) The Mayor and City Council of Baltimore City may levy and collect taxes
3 on the assessable property in Baltimore City necessary to pay all the expenses they incur
4 for educational purposes.

5 (2) These taxes shall be levied and collected as are other taxes.

6 (b) The Mayor and City Council of Baltimore City may adopt ordinances:

7 (1) For the protection of public school buildings and other school property;
8 and

9 (2) To punish any person who disturbs the sessions of the public schools.

10 [4-305.] 4-309.

11 After a study has been completed to determine whether to close a public school in
12 Baltimore City, the Superintendent [of Public Instruction] shall inform the members of
13 the General Assembly who represent Baltimore City regarding the completed study at the
14 same time that the study is submitted to the Board [of School Commissioners of
15 Baltimore City].

16 [4-306.] 4-310.

17 (a) In this section, "Baltimore City school police officer" means any person who,
18 when acting in an official capacity, is authorized by law to make arrests and who is a
19 member of the Baltimore City School Police Force.

20 (b) There is a Baltimore City School Police Force.

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

23 (d) (1) Except as provided in paragraph (3) of this subsection, a Baltimore City
24 school police officer has all the powers of a law enforcement officer in the State.

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

29 (ii) A Baltimore City school police officer may not act in an official
30 capacity on any other property unless:

31 1. Engaged in fresh pursuit of a suspected offender;

32 2. Requested or authorized to do so by the Police
33 Commissioner of Baltimore City;

34 3. The exercise of power is necessary to facilitate the orderly
35 flow of traffic to and from property owned, leased, operated by, or under the control of
36 the Baltimore City school system; or

37 4. Ordered to do so by the Mayor of Baltimore City.

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1 (3) Notwithstanding any other provision of law, a Baltimore City school
 2 police officer whose permanent or temporary assignment is at a school or on school
 3 property may not carry a rifle, gun, or other deadly weapon of any kind from 7 a.m. to 4
 4 p.m. on school days on the premises of schools.

5 (e) (1) In consultation with the Maryland Police Training Commission, the Civil
 6 Service Commission of Baltimore City shall adopt:

7 (i) Requirements for education, training, human and public relations
 8 skills, and moral character that an applicant must meet to qualify for employment as a
 9 Baltimore City school police officer; and

10 (ii) Standards for the performance of duties.

11 (2) Any requirements adopted by the Civil Service Commission on or after
 12 July 1, 1991 may not affect the status of any individual who is a qualified Baltimore City
 13 school police officer on that date.

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

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

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

17 (g) This section does not:

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

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

22 [4-307.] 4-311.

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

24 (2) "Baltimore City School System" means the system of free public schools
 25 in Baltimore City.

26 (3) "Center" means the Baltimore City Alternative Learning Center.

27 (b) There is a Baltimore City Alternative Learning Center in the Baltimore City
 28 School System.

29 (c) (1) The Superintendent [of Public Instruction] shall appoint a Director of
 30 the Center.

31 (2) The Director may employ a staff or retain consultants, including
 32 psychologists, social workers, guidance counselors, and teachers.

33 (d) (1) Except as otherwise provided in § 7-305(f) of this article, a student in
 34 the Baltimore City School System may be transferred to the Center if the student:

35 (i) Assaults a teacher, teacher's aide, student teacher, other
 36 professional or paraprofessional school employee, or other student;

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1 (ii) Carries a gun, rifle, knife, or other deadly weapon onto school
2 property; or

3 (iii) Commits any other act that would be a crime if committed by an
4 adult.

5 (2) The Director shall review recommendations for admission of students to
6 the Center and admit or deny admission for each student based on an assessment of the
7 student's amenability to the services, programs, and treatment available in the Center.

8 (e) (1) Subject to paragraph (2) of this subsection, a student who is admitted to
9 the Center shall attend classes at the Center until the Director orders the student to be
10 transferred to another school in the Baltimore City School System.

11 (2) A student may not attend the Center for more than one calendar year.

12 (f) The Director shall develop and provide the following programs within the
13 Center:

14 (1) Elementary and secondary education programs;

15 (2) Special education programs that meet the social and emotional needs of
16 the students at the Center and that require the participation of the parents or guardians
17 of the students; and

18 (3) Vocational and rehabilitative training programs.

19 (g) The Superintendent [of Public Instruction] shall report annually to the
20 members of the Baltimore City Delegation in the General Assembly on the progress of
21 the students in the Center.

22 4-312.

23 (A) (1) NOTWITHSTANDING ANY PROVISION OF LOCAL LAW, THE BOARD
24 SHALL ESTABLISH A PERSONNEL SYSTEM GOVERNING CERTIFIED AND
25 NONCERTIFIED EMPLOYEES, INCLUDING A PERFORMANCE-BASED SYSTEM WIDE
26 PERSONNEL EVALUATION SYSTEM FOR TEACHERS, PRINCIPALS, AND
27 ADMINISTRATORS.

28 (2) TO CARRY OUT THE REQUIREMENTS OF THIS SECTION, THE BOARD
29 MAY:

30 (I) ESTABLISH AND ABOLISH POSITIONS;

31 (II) DETERMINE EMPLOYEE QUALIFICATIONS;

32 (III) ESTABLISH TERMS OF EMPLOYMENT, INCLUDING
33 COMPENSATION, BENEFITS, HOLIDAY SCHEDULES, AND LEAVE POLICIES; AND

34 (IV) DETERMINE ANY OTHER MATTERS CONCERNING EMPLOYEES.

35 (B) THE PERSONNEL SYSTEM SHALL PROVIDE FAIR AND EQUITABLE
36 PROCEDURES FOR:

37 (1) THE REDRESS OF EMPLOYEE GRIEVANCES; AND

9

1 (2) THE HIRING, PROMOTION, AND TERMINATION OF EMPLOYEES IN
2 ACCORDANCE WITH LAW.

3 4-313.

4 (A) THE BOARD SHALL ENTER INTO COLLECTIVE BARGAINING AGREEMENTS
5 WITH THE APPROPRIATE EMPLOYEE ORGANIZATIONS AS PROVIDED UNDER TITLE 6,
6 SUBTITLES 4 AND 5 OF THIS ARTICLE.

7 (B) ALL EXISTING COLLECTIVE BARGAINING AGREEMENTS FOR BALTIMORE
8 CITY PUBLIC SCHOOL EMPLOYEES SHALL REMAIN IN FULL FORCE AND EFFECT.

9 5-112.

10 (a) This section does not apply to:

11 (1) [Baltimore City;

12 (2)] Contracts for the purchase of books and other materials of instruction as
13 defined in the State Department of Education Financial Reporting Manual; and

14 [(3)] (2) Emergency repairs.

15 (b) (1) If the cost of any school building, improvement, supplies, or equipment
16 is more than \$15,000, the county board, at least 2 weeks before bids are to be filed, shall
17 advertise for bids in at least one newspaper of general circulation in the county.

18 (2) The county board may name in the specifications and advertisements for
19 bids the particular make, kind, or brand of article to be contracted for or purchased.

20 (c) (1) A contract for the school building, improvements, supplies, or other
21 equipment shall be awarded to the lowest responsible bidder who conforms to
22 specifications with consideration given to:

23 (i) The quantities involved;

24 (ii) The time required for delivery;

25 (iii) The purpose for which required;

26 (iv) The competency and responsibility of the bidder; and

27 (v) The ability of the bidder to perform satisfactory service.

28 (2) The county board may reject any and all bids and readvertise for other
29 bids.

30 (e) A contract entered into or purchase made in violation of this section is void.

31 6-201.

32 (c) (1) Except in Worcester County and Baltimore City, the county
33 superintendent shall appoint clerical and other nonprofessional personnel.

34 (2) In Worcester County, the county superintendent shall appoint clerical
35 and other nonprofessional personnel with the advice and consent of the county board.

10

1 (3) [In] NOTWITHSTANDING ANY PROVISION OF LOCAL LAW, IN
2 Baltimore City, the appointment, tenure, and compensation of clerical and other
3 nonprofessional personnel shall be determined in accordance with the [Baltimore City
4 charter] PERSONNEL SYSTEM ESTABLISHED BY THE BALTIMORE CITY EDUCATION
5 FIRST SCHOOL BOARD UNDER § 4-312 OF THIS ARTICLE.

6 6-202.

7 (a) (1) On the recommendation of the county superintendent, a county board
8 may suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other
9 professional assistant for:

10 (i) Immorality;

11 (ii) Misconduct in office, including knowingly failing to report
12 suspected child abuse in violation of § 5-704 of the Family Law Article;

13 (iii) Insubordination;

14 (iv) Incompetency; or

15 (v) Willful neglect of duty.

16 (2) Before removing an individual, the county board shall send the
17 individual a copy of the charges against him and give him an opportunity within 10 days to
18 request a hearing.

19 (3) If the individual requests a hearing within the 10 day period:

20 (i) The county board promptly shall hold a hearing, but a hearing may
21 not be set within 10 days after the county board sends the individual a notice of the
22 hearing; and

23 (ii) The individual shall have an opportunity to be heard before the
24 county board, in person or by counsel, and to bring witnesses to the hearing.

25 (4) The individual may appeal from the decision of the county board to the
26 State Board. [In Baltimore City, this paragraph does not apply to the suspension and
27 removal of assistant superintendents and higher levels.]

28 (5) [In] NOTWITHSTANDING ANY PROVISION OF LOCAL LAW, IN
29 Baltimore City the suspension and removal of assistant superintendents and higher levels
30 shall be as provided by the [city charter] PERSONNEL SYSTEM ESTABLISHED BY THE
31 BALTIMORE CITY EDUCATION FIRST SCHOOL BOARD.

32 (b) [Except for personnel of the Baltimore City public schools at the level of
33 assistant superintendent or above, this] THIS section does not prohibit the State Board
34 from adopting bylaws to provide for a probationary period of employment of 2 years or
35 less.

11

1 6-203.

2 (b) (1) For all proceedings before a county board under §§ 4-205(c) and 6-202
3 of this article, the county board may have the proceedings heard first by a hearing
4 examiner.

5 (2) [In] NOTWITHSTANDING ANY PROVISION OF LOCAL LAW, IN
6 Baltimore City the [Board of School Commissioners] BALTIMORE CITY EDUCATION
7 FIRST SCHOOL BOARD [may] SHALL have proceedings under §§ 4-205(C) AND 6-202 OF
8 THIS ARTICLE heard first by a hearing examiner [except as otherwise provided by the
9 city charter].

10 (d) The hearing examiner shall submit to the county board and appellant:

11 (1) A transcript of the proceedings and exhibits; and

12 (2) [His] THE HEARING EXAMINER'S findings of fact, conclusions of law,
13 and [his] recommendation.

14 6-401.

15 (d) "Public school employer" means a county board of education or the [Board of
16 School Commissioners of Baltimore City]BALTIMORE CITY EDUCATION FIRST SCHOOL
17 BOARD.

18 6-501.

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

20 (i) Somerset;

21 (ii) Wicomico; and

22 (iii) Worcester.

23 (2) "Public school employer" [does not include the Board of School
24 Commissioners of Baltimore City or the Mayor and City Council of Baltimore City]
25 INCLUDES THE BALTIMORE CITY EDUCATION FIRST SCHOOL BOARD.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
27 read as follows:

28 **Article - Education**

29 4-304.

30 (a) There is a Baltimore City Education First School Board.

31 (b) (1) The Board consists of nine members.

32 (2) [The Governor and Mayor jointly shall appoint the members] THE
33 MEMBERS SHALL BE ELECTED AT A GENERAL ELECTION AS REQUIRED BY
34 SUBSECTION (D) OF THIS SECTION.

35 (c) (1) Each member of the Board shall be a resident of Baltimore City.

12

1 (2) OF THE NINE MEMBERS OF THE BOARD:

2 (I) ONE SHALL BE ELECTED FROM EACH OF THE SIX CITY
3 COUNCIL DISTRICTS; AND

4 (II) THREE SHALL BE ELECTED FROM BALTIMORE CITY AT LARGE.

5 (3) A MEMBER WHO IS ELECTED FROM A CITY COUNCIL DISTRICT MUST
6 BE A RESIDENT OF THAT DISTRICT.

7 (d) [To the extent practicable, the members shall:

8 (1) Reflect the demographic composition of Baltimore City; and

9 (2) Be parents who are educators or lay persons.]

10 (1) A MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING THE FIRST
11 TUESDAY IN DECEMBER AFTER THE ELECTION AND UNTIL A SUCCESSOR IS
12 ELECTED AND QUALIFIES.

13 (2) MEMBERS OF THE BOARD SHALL BE ELECTED AS FOLLOWS:

14 (I) THE MEMBERS OF THE BOARD WHO REPRESENT THE FIRST
15 THROUGH FOURTH CITY COUNCIL DISTRICTS AND ONE OF THE AT-LARGE
16 MEMBERS OF THE BOARD SHALL BE ELECTED IN THE NOVEMBER GENERAL
17 ELECTION OF 2000 AND EVERY 4 YEARS THEREAFTER; AND

18 (II) THE MEMBERS OF THE BOARD WHO REPRESENT THE FIFTH
19 AND SIXTH CITY COUNCIL DISTRICTS AND THE REMAINING TWO AT-LARGE
20 MEMBERS OF THE BOARD SHALL BE ELECTED IN THE NOVEMBER GENERAL
21 ELECTION OF 2002 AND EVERY 4 YEARS THEREAFTER.

22 (E) (1) THE TERMS OF MEMBERS ARE STAGGERED AS PROVIDED IN
23 SUBSECTION (D) OF THIS SECTION.

24 (2) THE CITY COUNCIL SHALL APPOINT A QUALIFIED INDIVIDUAL TO
25 FILL A VACANCY ON THE BOARD FOR THE REMAINDER OF A TERM AND UNTIL A
26 SUCCESSOR IS ELECTED AND QUALIFIES.

27 (F) (1) THE STATE BOARD MAY REMOVE A MEMBER OF THE BOARD FOR:

28 (I) IMMORALITY;

29 (II) MISCONDUCT IN OFFICE;

30 (III) INCOMPETENCY; OR

31 (IV) WILLFUL NEGLECT OF DUTY.

32 (2) BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL SEND
33 THE MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE
34 MEMBER AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.

35 (3) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY
36 PERIOD:

13

1 (I) THE STATE BOARD PROMPTLY SHALL HOLD A HEARING, BUT A
2 HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS THE
3 MEMBER A NOTICE OF THE HEARING; AND

4 (II) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD
5 PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE, IN PERSON
6 OR BY COUNSEL.

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

10 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
11 members appointed to the Baltimore City Education First School Board begin on June 1,
12 1997 and shall expire in accordance with the following guidelines:

13 (1) if a majority of the votes cast in the referendum on making the Baltimore
14 City Education First School Board an elected board under Section 13 of this Act are "For
15 the referred law," the terms of the members expire as follows:

16 (i) 5 members on the first Tuesday in December 2000; and

17 (ii) 4 members on the first Tuesday in December 2002; or

18 (2) if a majority of the votes cast in the referendum on making the Baltimore
19 City Education First School Board an elected board under Section 13 of this Act are
20 "Against the referred law," the terms of all of the members expire on May 1, 2000, unless
21 this Act is extended by action of the General Assembly.

22 SECTION 4. AND BE IT FURTHER ENACTED, That, on June 1, 1997 all the
23 functions, powers, duties, equipment, assets, liabilities, and employees of the Board of
24 School Commissioners of Baltimore City shall be transferred to the Baltimore City
25 Education First School Board.

26 SECTION 5. AND BE IT FURTHER ENACTED, That on June 1, 1997 each
27 employee of the Baltimore City Public School System shall become a member of the
28 personnel system established by the Baltimore City Education First School Board in
29 accordance with § 4-312 of this Act, except that noninstructional senior staff of the
30 central administration shall apply to the Board for continued employment on the
31 reorganization.

32 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to Section 7 of
33 this Act, the Governor shall include in the annual budget submission for Fiscal Years
34 1998 through 2002 an amount of General Fund State support for the Baltimore City
35 public schools in at least the following amounts:

36 (1) for Fiscal Year 1998, \$30 million; and

37 (2) for Fiscal Years 1999 through 2002, \$20 million.

38 SECTION 7. AND BE IT FURTHER ENACTED, That if, during the academic
39 year of 1998/1999, the Baltimore City public schools improve in 10 or more of the 18
40 MSPAP scores, the amount of General Fund State support for the Baltimore City public

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1 schools required to be included in the Governor's annual budget submission for the Fiscal
2 Years 1999 through 2002 under Section 6 of this Act shall be in the following amounts:

3 (1) for improvement in 10 of 18 MSPAP scores, \$40 million;

4 (2) for improvement in 11 of 18 MSPAP scores, \$50 million;

5 (3) for improvement in 12 of 18 MSPAP scores, \$60 million; and

6 (4) for improvement in 13 or more of 18 MSPAP scores, \$70 million.

7 SECTION 8. AND BE IT FURTHER ENACTED, That the financial commitment
8 enumerated in Sections 6 and 7 of this Act shall be separate from established State
9 funding under APEX and other current or additional State funds provided to the
10 Baltimore City public schools. If new revenue becomes available to the State during Fiscal
11 Years 1998 through 2002, and the revenue is dedicated in whole or in part to education
12 generally, the Baltimore City public schools shall receive their designated share of those
13 revenues without reduction of the additional funds under Sections 6 and 7 of this Act.
14 Further, the additional State funds required under Sections 6 and 7 of this Act may not be
15 provided by reducing any other State funds provided to Baltimore City. Nothing in this
16 Act, however, shall prevent the Governor or the General Assembly from reducing local
17 aid to Baltimore City as part of any general statewide reduction in local aid for a special
18 project or purpose. Baltimore City may not use any of this additional funding to meet any
19 statutory obligation to maintain levels of local funding for education.

20 SECTION 9. AND BE IT FURTHER ENACTED, That in each fiscal year from
21 Fiscal Year 1998 through and including 2002, the State shall provide at least \$10 million
22 to the Baltimore City public schools through the Maryland School Construction Program,
23 in the proportion of 90% State funds to 10% Baltimore City funds for the first \$10
24 million.

25 SECTION 10. AND BE IT FURTHER ENACTED, That, if the Baltimore City
26 public schools' actual audited enrollment for any fiscal year from Fiscal Year 1998
27 through and including 2002 is less than the Baltimore City public schools' current
28 enrollment projections for those years as established within the consent decree, the
29 Baltimore City public schools may not be required to return to the State APEX funds for
30 the difference between the current projections and the actual enrollment.

31 SECTION 11. AND BE IT FURTHER ENACTED, That the Governor shall
32 appoint a Statewide Education Commission to study the following question: whether 1
33 cent should be added to the State's sales tax to create revenue that will be dedicated to
34 education? The Commission shall consist of 4 members from each of the State's
35 legislative districts. The Commission shall report its findings to the Governor by January
36 1, 1999.

37 SECTION 12. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
38 take effect June 1, 1997. If a majority of the voters in the referendum on converting the
39 Baltimore City Education First School Board to an elected board under Section 13 of this
40 Act are "Against the referred law," on May 1, 2000 Section 1 of this Act shall be
41 abrogated and of no further force and effect, with no further action required by the
42 General Assembly.

1 SECTION 13. AND BE IT FURTHER ENACTED, That before Section 2 of this
2 Act becomes legally effective it shall first be submitted to a referendum of the legally
3 qualified voters of Baltimore City at the general election to be held in November of 1998.
4 The cost of the special election, if any, shall be paid by the Mayor and City Council of
5 Baltimore. The Mayor and City Council of Baltimore and the Board of Supervisors of
6 Elections of Baltimore City shall do those things necessary and proper to provide for and
7 hold the referendum required by this section. If a majority of the votes cast on the
8 question are "For the referred law," the provisions of Section 2 of this Act shall become
9 effective on December 1, 1998, but if a majority of the votes cast on the question are
10 "Against the referred law," the provisions of Section 2 of this Act are of no effect and null
11 and void.

12 SECTION 14. AND BE IT FURTHER ENACTED, That Sections 3 through 11 of
13 this Act shall take effect June 1, 1997.