

EMERGENCY BILL

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7lr2497

**By: Delegates Marriott, Boston, T. Murphy, C. Davis, Watson, Kirk, Parker,
Nathan-Pulliam, E. Burns, and Fulton**

Introduced and read first time: February 10, 1997

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Primary and Secondary Education - New Baltimore City Board of School Commissioners**

3 FOR the purpose of ensuring that all students enrolled in the Baltimore City Public
4 Schools receive a thorough and efficient education as provided for in Article VIII of
5 the Maryland Constitution; altering a certain provision of the Charter of Baltimore
6 City relating to the establishment, maintenance, and control of the Baltimore City
7 Public School System; establishing the New Baltimore City Board of School
8 Commissioners; requiring the Mayor and City Council of Baltimore City to maintain
9 the public school system subject to a certain Master Plan; transferring responsibility
10 for the functions formerly performed by the Superintendent of Public Instruction of
11 Baltimore City and the Board of School Commissioners of Baltimore City to the
12 New Baltimore City Board of School Commissioners (Board); specifying the
13 membership of the Board and certain qualifications of certain members; specifying
14 the powers and duties of the Board; specifying the powers and duties of the Chief
15 Executive Officer, the Chief Academic Officer, and the Chief Financial Officer of
16 the Board; establishing a Research and Evaluation Unit and a Parent and
17 Community Advisory Board in the Baltimore City Public School System;
18 establishing certain time frames for the adoption and implementation of certain
19 plans; requiring the Board to adopt certain regulations; authorizing the Board to
20 enter into procurement contracts; requiring the Board to establish a certain
21 personnel system; requiring the Board to enter into certain collective bargaining
22 agreements; defining certain terms; altering certain definitions; specifying the terms
23 of the initial members of the Board; transferring the functions, powers, duties,
24 equipment, assets, liabilities, and employees of the Superintendent of Public
25 Instruction for Baltimore City and the Board of School Commissioners of Baltimore
26 City to the Chief Executive Officer of the Board and the New Baltimore City Board
27 of School Commissioners on a certain date; requiring certain employees of the
28 Baltimore City Public School System to become members of a certain personnel
29 system on a certain date; requiring certain employees to apply for continued
30 employment; requiring certain consultants to conduct certain evaluations by certain
31 dates; requiring the reporting of certain evaluations to the Governor, the Mayor,
32 and the General Assembly and the Maryland State Board of Education; making this
33 Act subject to a certain contingency; providing for the termination of this Act;
34 making this Act an emergency measure; and generally relating to the establishment
35 of the New Baltimore City Board of School Commissioners, the management of the

2

1 Baltimore City Public School System, and the education of students in the
2 Baltimore City public schools.

3 BY repealing and reenacting, with amendments,

4 The Charter of Baltimore City
5 Article II - General Powers
6 Section (30)
7 (1996 Edition, as amended)

8 BY repealing and reenacting, with amendments,

9 Article - Education
10 Section 1-101(d) and (e), 4-102, 4-103, 4-104(a), 4-123(a)(1)(iii), 4-301, 4-302,
11 4-303, 4-304, 4-305, 4-306, 4-307, 5-112, 6-201(c), 6-202, 6-203(b) and (d),
12 6-401(d), 6-501(g), and 6-505(a)(2)
13 Annotated Code of Maryland
14 (1997 Replacement Volume)

15 BY adding to

16 Article - Education
17 Section 4-301, 4-303 through 4-317, 6-407(c)(5), 6-501(f)(3), 6-504(e), and
18 6-505(c)(3)
19 Annotated Code of Maryland
20 (1997 Replacement Volume)

21 BY adding to

22 Article - State Personnel and Pensions
23 Section 20-208
24 Annotated Code of Maryland
25 (1994 Volume and 1996 Supplement)

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

28 **The Charter of Baltimore City**

29 Article II - General Powers

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

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

3

1 **Article - Education**

2 1-101.

3 (d) "County board" means the board of education of a county and includes the
4 NEW BALTIMORE CITY Board of School Commissioners [of Baltimore City].

5 (e) "County superintendent" means the county superintendent of schools of a
6 county and includes the [Superintendent of Public Instruction for] CHIEF EXECUTIVE
7 OFFICER OF THE NEW Baltimore City BOARD OF SCHOOL COMMISSIONERS.

8 4-102.

9 (a) (1) Except in Baltimore City, the county superintendent is the executive
10 officer, secretary, and treasurer of the county board.

11 (2) (I) In Baltimore City, the [Superintendent of Public Instruction]
12 CHIEF EXECUTIVE OFFICER OF THE NEW BALTIMORE CITY BOARD OF SCHOOL
13 COMMISSIONERS is the executive officer and secretary of the Board of School
14 Commissioners.

15 (II) THE CHIEF EXECUTIVE OFFICER SHALL HAVE THE POWERS
16 AND DUTIES IMPOSED UNDER THIS ARTICLE.

17 (III) THE CHIEF EXECUTIVE OFFICER IS NOT A PUBLIC OFFICER
18 UNDER THE CONSTITUTION OR THE LAWS OF THIS STATE.

19 (3) A county superintendent is not a public officer under the Constitution or
20 the laws of this State.

21 (b) Unless his tenure or salary or the administration of his office is under
22 consideration, the county superintendent or his designee shall attend all meetings of the
23 county board and its committees.

24 (c) The county superintendent may advise on any question under consideration
25 but may not vote.

26 4-103.

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

29 (1) Appoint all principals, teachers, and other certificated and
30 noncertificated personnel; and

31 (2) Set their salaries.

32 (b) [(1)] In Baltimore City, the NEW Board of School Commissioners shall
33 exercise the authority granted in this section[, except as to noncertificated personnel.]

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

4

1 4-104.

2 (a) (1) Except in Baltimore County [and Baltimore City,] each county board
3 may:

4 (i) Retain counsel to represent it in legal matters that affect the
5 board; and

6 (ii) Contract for the payment of a reasonable fee to the counsel.

7 (2) Funds for these fees shall be included in the annual budget.

8 4-123.

9 (a) (1) A county board may enter into an agreement for the cooperative or joint
10 administration of programs with one or more:

11 (iii) Boards of county commissioners [or], county councils, THE
12 MAYOR OF BALTIMORE, OR CITY COUNCIL OF BALTIMORE.

13 4-301.

14 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (B) "BOARD" MEANS THE NEW BALTIMORE CITY BOARD OF SCHOOL
17 COMMISSIONERS OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

18 (C) "CHIEF EXECUTIVE OFFICER" MEANS THE CHIEF EXECUTIVE OFFICER OF
19 THE NEW BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.

20 [4-301.] 4-302.

21 Subject to the applicable provisions of this article AND THE MASTER PLAN
22 ADOPTED BY THE BOARD UNDER § 4-311 OF THIS SUBTITLE, the Mayor and City
23 Council of Baltimore City shall establish and maintain a system of free public schools in
24 Baltimore City[, as provided in the Baltimore City charter].

25 4-303.

26 (A) IN ORDER TO ESTABLISH A PARTNERSHIP BETWEEN THE CITY OF
27 BALTIMORE AND THE STATE TO IMPROVE THE QUALITY OF PUBLIC EDUCATION IN
28 BALTIMORE CITY AND TO ENCOURAGE THE EFFICIENT USE OF THE RESOURCES OF
29 THE STATE AND BALTIMORE CITY, THE NEW BALTIMORE CITY BOARD OF SCHOOL
30 COMMISSIONERS IS ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THIS
31 SUBTITLE.

32 (B) THE PURPOSE OF THE BOARD IS TO:

33 (1) RAISE THE LEVEL OF ACADEMIC ACHIEVEMENT OF THE STUDENTS
34 IN THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM; AND

35 (2) IMPROVE THE MANAGEMENT AND ADMINISTRATION OF THE
36 PUBLIC SCHOOL SYSTEM IN BALTIMORE CITY.

5

1 (C) THE BOARD SHALL BE HELD ACCOUNTABLE FOR THE ACADEMIC
2 ACHIEVEMENT OF THE PUBLIC SCHOOL STUDENTS IN BALTIMORE CITY.

3 (D) (1) THE BOARD SHALL BE RESPONSIBLE FOR ALL FUNCTIONS
4 RELATING TO THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

5 (2) NOTWITHSTANDING ANY PROVISION OF LOCAL LAW GOVERNING
6 THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM, THE BOARD MAY ADOPT RULES
7 AND REGULATIONS AND PRESCRIBE POLICIES AND PROCEDURES FOR THE
8 MANAGEMENT, MAINTENANCE, OPERATION, AND CONTROL OF THE BALTIMORE
9 CITY PUBLIC SCHOOL SYSTEM.

10 (3) THE BOARD SHALL ASSUME RESPONSIBILITY FOR ALL OF THE
11 FUNCTIONS FORMERLY PERFORMED BY THE SUPERINTENDENT OF PUBLIC
12 INSTRUCTION OF BALTIMORE CITY AND THE BOARD OF SCHOOL COMMISSIONERS
13 OF BALTIMORE CITY.

14 (4) THE BOARD MAY NOT BE DEEMED AN AGENCY OF THE STATE.

15 (5) THE BOARD SHALL BE A BODY POLITIC AND CORPORATE, AND MAY
16 NOT BE DEEMED AN AGENCY OR DEPARTMENT OF THE MAYOR AND CITY COUNCIL
17 OF BALTIMORE.

18 (6) THE BOARD MAY SUE AND BE SUED IN ITS OWN RIGHT.

19 (7) THE BOARD MAY HAVE, USE, ALTER, OR ABANDON A COMMON
20 SEAL.

21 4-304.

22 (A) THERE IS A NEW BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS
23 OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

24 (B) THE BOARD CONSISTS OF NINE VOTING MEMBERS JOINTLY APPOINTED
25 BY THE MAYOR OF BALTIMORE CITY AND THE GOVERNOR FROM A LIST OF
26 QUALIFIED INDIVIDUALS SUBMITTED TO THE MAYOR AND THE GOVERNOR BY THE
27 STATE BOARD,

28 (C) EACH MEMBER OF THE BOARD SHALL BE A RESIDENT OF BALTIMORE
29 CITY.

30 (D) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE BOARD SHALL
31 REFLECT THE DEMOGRAPHIC COMPOSITION OF BALTIMORE CITY.

32 (E) AT LEAST FOUR OF THE VOTING MEMBERS SHALL POSSESS A HIGH LEVEL
33 OF KNOWLEDGE AND EXPERTISE CONCERNING THE SUCCESSFUL ADMINISTRATION
34 OF A LARGE BUSINESS, NONPROFIT, OR GOVERNMENTAL ENTITY AND SHALL HAVE
35 SERVED IN A HIGH LEVEL MANAGEMENT POSITION WITHIN SUCH AN ENTITY;
36 HOWEVER, AT LEAST ONE MEMBER SHALL ALSO POSSESS A HIGH LEVEL OF
37 KNOWLEDGE AND EXPERTISE IN THE SUCCESSFUL AND COOPERATIVE
38 ADMINISTRATION OF PERSONNEL MATTERS AND COLLECTIVE BARGAINING ON
39 BEHALF OF EMPLOYEES AND THEIR BARGAINING AGENTS.

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1 (F) AT LEAST THREE OF THE VOTING MEMBERS SHALL POSSESS A HIGH
2 LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING EDUCATION; HOWEVER, AT
3 LEAST ONE MEMBER SHALL HAVE EXPERIENCE AS A TEACHER RATHER THAN AS AN
4 ADMINISTRATOR OR MANAGER.

5 (G) AT LEAST ONE VOTING MEMBER SHALL BE A PARENT OF A STUDENT
6 ENROLLED IN THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM AS OF THE DATE OF
7 APPOINTMENT OF THE MEMBER.

8 (H) (1) AMONG THE NINE VOTING MEMBERS, AT LEAST ONE MEMBER
9 SHALL ALSO POSSESS KNOWLEDGE OR EXPERIENCE IN THE EDUCATION OF
10 CHILDREN WITH DISABILITIES.

11 (2) THIS KNOWLEDGE OR EXPERIENCE MAY BE DERIVED FROM BEING
12 THE PARENT OF A CHILD WITH A DISABILITY.

13 (I) (1) ONE NONVOTING MEMBER SHALL BE A STUDENT ENROLLED IN THE
14 BALTIMORE CITY PUBLIC SCHOOL SYSTEM WHO SHALL BE SELECTED IN THE SAME
15 MANNER AS ARE THE STUDENT MEMBERS OF THE OTHER APPOINTED COUNTY
16 BOARDS.

17 (2) THE TERM OF A STUDENT MEMBER IS 1 YEAR.

18 (3) A STUDENT MEMBER MAY NOT SERVE MORE THAN TWO
19 CONSECUTIVE FULL TERMS.

20 (J) (1) THE TERM OF A VOTING MEMBER OF THE BOARD IS 3 YEARS.

21 (2) THE TERMS OF THE VOTING MEMBERS ARE STAGGERED AS
22 REQUIRED BY THE TERMS PROVIDED FOR INITIAL MEMBERS OF THE BOARD.

23 (3) AT THE END OF A TERM, A VOTING MEMBER CONTINUES TO SERVE
24 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

25 (4) 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
27 APPOINTED AND QUALIFIES.

28 (5) A VOTING MEMBER MAY NOT SERVE MORE THAN TWO
29 CONSECUTIVE FULL TERMS.

30 (6) TO THE EXTENT PRACTICABLE, THE GOVERNOR AND THE MAYOR
31 SHALL FILL ANY VACANCY ON THE BOARD WITHIN 60 DAYS OF THE DATE OF THE
32 VACANCY FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED TO THE MAYOR
33 AND THE GOVERNOR BY THE STATE BOARD.

34 (K) A MEMBER MAY BE REMOVED ONLY IN ACCORDANCE WITH § 3-108(D) OF
35 THIS ARTICLE UPON THE JOINT APPROVAL OF THE MAYOR AND THE GOVERNOR.

36 (L) EACH MEMBER OF THE BOARD SERVES WITHOUT COMPENSATION.

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1 4-305.

2 (A) UPON APPOINTMENT OF THE BOARD, THE GOVERNOR AND THE MAYOR
3 SHALL JOINTLY SELECT ONE OF THE VOTING MEMBERS TO SERVE AS THE
4 CHAIRMAN OF THE BOARD WHO SHALL SERVE AS THE CHAIRMAN THROUGH JUNE
5 30, 1999.

6 (B) BEGINNING ON JULY 1, 1999 AND EVERY 2 YEARS AFTER, FROM AMONG
7 ITS VOTING MEMBERS THE BOARD SHALL ELECT A CHAIRMAN.

8 (C) (1) ACTION BY THE BOARD SHALL REQUIRE A QUORUM OF A
9 MAJORITY OF THE VOTING MEMBERS THEN SERVING.

10 (2) ANY BOARD ACTION SHALL REQUIRE THE AFFIRMATIVE VOTE OF A
11 MAJORITY OF THE VOTING MEMBERS THEN SERVING.

12 (3) ALL FINAL ACTIONS OF THE BOARD SHALL BE TAKEN AT A PUBLIC
13 MEETING. THE MINUTES OF ALL MEETINGS OF THE BOARD SHALL BE AVAILABLE TO
14 THE PUBLIC. THE BOARD MAY MEET AND DELIBERATE IN EXECUTIVE SESSION ON
15 PERSONNEL AND LABOR RELATIONS MATTERS.

16 4-306.

17 (A) THERE IS A CHIEF EXECUTIVE OFFICER OF THE BOARD.

18 (B) THE CHIEF EXECUTIVE OFFICER SHALL:

19 (1) BE RESPONSIBLE FOR THE OVERALL ADMINISTRATION OF THE
20 BALTIMORE CITY PUBLIC SCHOOL SYSTEM;

21 (2) REPORT DIRECTLY TO THE BOARD;

22 (3) BE A MEMBER OF THE CABINET OF THE MAYOR; AND

23 (4) DESIGNATE INDIVIDUALS WITH PRIMARY RESPONSIBILITY FOR
24 EACH OF THE FOLLOWING FUNCTIONS:

25 (I) MANAGEMENT AND ADMINISTRATION OF THE BALTIMORE
26 CITY PUBLIC SCHOOL SYSTEM;

27 (II) ASSESSMENT AND ACCOUNTABILITY OF THE ACADEMIC
28 PERFORMANCE OF THE STUDENTS IN THE BALTIMORE CITY PUBLIC SCHOOL
29 SYSTEM;

30 (III) PROVISION OF SERVICES TO STUDENTS WITH DISABILITIES IN
31 ACCORDANCE WITH FEDERAL AND STATE LAW;

32 (IV) DEVELOPMENT AND IMPLEMENTATION OF INITIATIVES FOR
33 EDUCATIONAL REFORM; AND

34 (V) PROFESSIONAL HIRING AND DEVELOPMENT.

35 (C) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B)(4) OF THIS
36 SECTION, THE CHIEF EXECUTIVE OFFICER AND THE BOARD SHALL BE HELD
37 ACCOUNTABLE FOR THE DELEGATED FUNCTIONS.

1 (D) THE BOARD SHALL EMPLOY THE CHIEF EXECUTIVE OFFICER AND
2 ESTABLISH THE SALARY OF THE CHIEF EXECUTIVE OFFICER AT AN AMOUNT
3 COMMENSURATE WITH THE CREDENTIALS, EXPERIENCE, AND PRIOR POSITIONS OF
4 RESPONSIBILITY OF THE CHIEF EXECUTIVE OFFICER.

5 (E) THE EMPLOYMENT CONTRACT OF THE CHIEF EXECUTIVE OFFICER SHALL
6 PROVIDE THAT CONTINUED EMPLOYMENT IS CONTINGENT ON DEMONSTRABLE
7 IMPROVEMENT IN THE ACADEMIC PERFORMANCE OF THE STUDENTS IN THE
8 BALTIMORE CITY PUBLIC SCHOOL SYSTEM AND THE SUCCESSFUL MANAGEMENT OF
9 THE BALTIMORE CITY PUBLIC SCHOOLS.

10 (F) (1) SUBJECT TO THE AUTHORITY OF THE STATE BOARD UNDER §
11 2-205(E) OF THIS ARTICLE, WITHOUT UNREASONABLE DELAY AND WITHOUT
12 CHARGE TO THE PARTIES CONCERNED, THE CHIEF EXECUTIVE OFFICER SHALL
13 EXPLAIN THE TRUE INTENT AND MEANING OF:

14 (I) THE SCHOOL LAW;

15 (II) THE APPLICABLE BYLAWS OF THE BOARD; AND

16 (III) ANY TRANSITION OR MASTER PLAN ADOPTED BY THE BOARD
17 UNDER THIS SUBTITLE.

18 (2) SUBJECT TO THE PROVISIONS OF § 6-203 AND TITLE 6, SUBTITLE 4 OF
19 THIS ARTICLE, WITHOUT UNREASONABLE DELAY AND WITHOUT CHARGE TO THE
20 PARTIES CONCERNED, THE CHIEF EXECUTIVE OFFICER SHALL DECIDE ALL
21 CONTROVERSIES AND DISPUTES THAT INVOLVE:

22 (I) THE RULES AND REGULATIONS OF THE BOARD;

23 (II) THE PROPER ADMINISTRATION OF THE BALTIMORE CITY
24 PUBLIC SCHOOLS; AND

25 (III) ANY TRANSITION OR MASTER PLAN ADOPTED BY THE BOARD
26 UNDER THIS SUBTITLE.

27 (3) THE CHIEF EXECUTIVE OFFICER MAY ON A CASE BY CASE BASIS
28 DELEGATE HIS RESPONSIBILITY TO DECIDE ANY QUESTION THAT IS PRESENTED
29 UNDER § 4-306(F)(1) AND (2) OF THIS ARTICLE TO EITHER THE CHIEF ACADEMIC
30 OFFICER OR CHIEF FINANCIAL OFFICER OF THE BALTIMORE CITY PUBLIC SCHOOL
31 SYSTEM WHICH ACTION SHALL PRECLUDE ALL FURTHER ACTION BY THE CHIEF
32 EXECUTIVE OFFICER ON THE MATTER.

33 (4) ANY DECISION OF THE CHIEF EXECUTIVE OFFICER, CHIEF
34 ACADEMIC OFFICER, OR CHIEF FINANCIAL OFFICER ON A QUESTION PRESENTED
35 UNDER § 4-306(F)(1) AND (2) OF THIS ARTICLE MAY BE APPEALED TO THE BOARD IF
36 TAKEN IN WRITING WITHIN 30 DAYS AFTER THE DECISION WAS ISSUED. THE
37 DECISION MAY BE FURTHER APPEALED TO THE STATE BOARD IF TAKEN IN WRITING
38 WITHIN 30 DAYS AFTER THE DECISION OF THE COUNTY BOARD.

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1 4-307.

2 (A) THERE IS A CHIEF ACADEMIC OFFICER IN THE BALTIMORE CITY PUBLIC
3 SCHOOL SYSTEM WHO SHALL:

4 (1) BE RESPONSIBLE FOR THE DEVELOPMENT AND IMPLEMENTATION
5 OF THE CURRICULUM TAUGHT AND THE INSTRUCTION PROVIDED IN THE
6 BALTIMORE CITY PUBLIC SCHOOL SYSTEM; AND

7 (2) REPORT DIRECTLY TO THE CHIEF EXECUTIVE OFFICER.

8 (B) THE CHIEF EXECUTIVE OFFICER SHALL, SUBJECT TO THE APPROVAL OF
9 THE BOARD:

10 (1) SELECT THE CHIEF ACADEMIC OFFICER; AND

11 (2) ESTABLISH THE SALARY OF THE CHIEF ACADEMIC OFFICER.

12 (C) THE EMPLOYMENT CONTRACT OF THE CHIEF ACADEMIC OFFICER SHALL
13 PROVIDE THAT CONTINUED EMPLOYMENT IS CONTINGENT ON DEMONSTRABLE
14 IMPROVEMENT IN THE ACADEMIC PERFORMANCE OF THE STUDENTS IN THE
15 BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

16 (D) THE CHIEF ACADEMIC OFFICER IS NOT A PUBLIC OFFICER UNDER THE
17 CONSTITUTION OR THE LAWS OF THIS STATE.

18 4-308.

19 (A) THERE IS A CHIEF FINANCIAL OFFICER IN THE BALTIMORE CITY PUBLIC
20 SCHOOL SYSTEM WHO SHALL:

21 (1) BE RESPONSIBLE FOR THE OVERSIGHT OF THE FISCAL AFFAIRS OF
22 THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM; AND

23 (2) REPORT DIRECTLY TO THE CHIEF EXECUTIVE OFFICER.

24 (B) THE CHIEF EXECUTIVE OFFICER SHALL, SUBJECT TO THE APPROVAL OF
25 THE BOARD:

26 (1) SELECT THE CHIEF FINANCIAL OFFICER; AND

27 (2) ESTABLISH THE SALARY OF THE CHIEF FINANCIAL OFFICER.

28 (C) THE EMPLOYMENT CONTRACT OF THE CHIEF FINANCIAL OFFICER SHALL
29 PROVIDE THAT CONTINUED EMPLOYMENT IS CONTINGENT ON THE EFFECTIVE
30 FISCAL MANAGEMENT OF THE BALTIMORE CITY PUBLIC SCHOOLS.

31 (D) THE CHIEF FINANCIAL OFFICER IS NOT A PUBLIC OFFICER UNDER THE
32 CONSTITUTION OR THE LAWS OF THE STATE.

33 4-309.

34 (A) THERE IS A RESEARCH AND EVALUATION UNIT IN THE BALTIMORE CITY
35 PUBLIC SCHOOL SYSTEM.

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1 (B) THE CHIEF EXECUTIVE OFFICER SHALL APPOINT THE DIRECTOR OF THE
2 UNIT, SUBJECT TO THE APPROVAL OF THE BOARD.

3 (C) THE DIRECTOR OF THE UNIT WHO IS NOT A PUBLIC OFFICER UNDER THE
4 CONSTITUTION OR THE LAWS OF THIS STATE, SHALL REPORT DIRECTLY TO THE
5 CHIEF EXECUTIVE OFFICER.

6 (D) THE UNIT SHALL PERFORM ONGOING RESEARCH AND EVALUATION
7 REGARDING SYSTEMIC REFORM AND STUDENT ACHIEVEMENT.

8 4-310.

9 (A) (1) THERE IS A PARENT, TEACHER, AND COMMUNITY ADVISORY
10 BOARD IN THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

11 (2) THE ADVISORY BOARD SHALL CONSIST OF 14 MEMBERS, A
12 MAJORITY OF WHOM SHALL BE PARENTS OF STUDENTS ENROLLED IN BALTIMORE
13 CITY PUBLIC SCHOOLS AND AT LEAST ONE MEMBER SHALL BE A PARENT OF A
14 STUDENT WITH DISABILITIES.

15 (3) (I) THREE MEMBERS SHALL BE SELECTED BY THE PLAINTIFFS IN
16 VAUGHN G., ET AL. V. MAYOR AND CITY COUNCIL, ET AL., CASE NO. MJG-84-1911,
17 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND; TWO MEMBERS
18 SHALL BE SELECTED BY THE PLAINTIFFS IN BRADFORD, ET AL. V. MARYLAND STATE
19 BOARD OF EDUCATION, ET AL., CASE NO. 94340058/CE189672, CIRCUIT COURT FOR
20 BALTIMORE CITY.

21 (II) THE REMAINING MEMBERS SHALL BE APPOINTED BY THE
22 CHIEF EXECUTIVE OFFICER SUBJECT TO BOARD APPROVAL AS FOLLOWS: THREE
23 SHALL BE FROM A LIST PROPOSED BY THE BALTIMORE CITY COUNCIL OF
24 PARENT-TEACHER ASSOCIATIONS; TWO SHALL BE FROM A LIST PROPOSED BY THE
25 AREA-BASED PARENT NETWORKS; TWO SHALL BE FROM A LIST PROPOSED BY THE
26 TITLE I LIAISONS, AND TWO SHALL BE SELECTED BY THE CHIEF EXECUTIVE
27 OFFICER FROM A LIST OF CURRENT PUBLIC SCHOOL EMPLOYEES PROPOSED BY THE
28 CERTIFIED BARGAINING AGENTS OF EMPLOYEES OF THE PUBLIC SCHOOLS.

29 (III) IN THE EVENT THAT ONE OF THE ENUMERATED GROUPS FAILS
30 TO PROPOSE A SUFFICIENT NUMBER OF NOMINEES TO FILL ITS ALLOTTED
31 POSITIONS, THE BOARD SHALL FILL THE POSITIONS FROM OTHER EMPLOYEE,
32 PARENT, AND COMMUNITY GROUPS.

33 (B) THE BOARD AND THE CHIEF EXECUTIVE OFFICER SHALL CONSULT
34 REGULARLY WITH THE ADVISORY BOARD AND SHALL ENSURE PARENTAL
35 INVOLVEMENT IN THE DEVELOPMENT AND IMPLEMENTATION OF THE EDUCATION
36 POLICIES AND PROCEDURES IN THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

37 (C) THE CHIEF EXECUTIVE OFFICER SHALL MEET WITH THE PARENT AND
38 COMMUNITY ADVISORY BOARD ON AT LEAST A QUARTERLY BASIS.

39 (D) ALL MEMBERS SERVE 2-YEAR TERMS. NO MEMBER SHALL SERVE FOR
40 MORE THAN TWO TERMS. A MEMBER WHOSE TERM HAS EXPIRED SHALL REMAIN IN
41 OFFICE FOR ALL PURPOSES UNTIL A SUCCESSOR MEMBER IS APPOINTED.

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1 4-311.

2 (A) (1) ON OR BEFORE SEPTEMBER 1, 1997, AFTER OPPORTUNITY FOR
3 PUBLIC COMMENT, THE BOARD SHALL ADOPT AND COMMENCE IMPLEMENTATION
4 OF A TRANSITION PLAN.

5 (2) THE TRANSITION PLAN SHALL IDENTIFY THE ACTIONS NEEDED TO
6 IMPLEMENT THE RECOMMENDATIONS THAT THE NEW BOARD ELECTS TO ADOPT
7 FROM THE 1992 TOWERS PERRIN/CRESAP MANAGEMENT STUDY REPORT AND THE
8 1994 AND 1995 MGT OF AMERICA, INC. REPORTS, AND ANY EDUCATIONAL REFORM
9 INITIATIVES TO BE UNDERTAKEN DURING THE FIRST YEAR. THE NEW BOARD IS
10 NOT OBLIGATED TO ADOPT ANY SPECIFIC RECOMMENDATION OF THE 1992 TOWERS
11 PERRIN/CRESAP MANAGEMENT STUDY REPORT AND THE 1994 AND 1995 MGT OF
12 AMERICA, INC. REPORTS.

13 (3) THE OPPORTUNITY FOR PUBLIC COMMENT SHALL BE FOR A PERIOD
14 OF AT LEAST 30 DAYS AFTER COPIES OF THE PROPOSED TRANSITION PLAN ARE
15 MADE AVAILABLE TO THE PUBLIC. THE BOARD SHALL PUBLISH THE PROPOSED
16 TRANSITION PLAN IN AT LEAST TWO NEWSPAPERS OF GENERAL CIRCULATION IN
17 BALTIMORE CITY.

18 (4) THE BOARD SHALL CONDUCT PUBLIC HEARINGS ON THE CONTENTS
19 OF THE TRANSITION PLAN BEFORE IT IS ADOPTED.

20 (B) (1) ON OR BEFORE JANUARY 1, 1998, THE CHIEF EXECUTIVE OFFICER
21 SHALL DEVELOP A COMPREHENSIVE MASTER PLAN AND SUBMIT THE PLAN TO THE
22 BOARD FOR ITS REVIEW, MODIFICATION, AND FINAL APPROVAL.

23 (2) ON OR BEFORE MARCH 1, 1998, BUT AFTER AN OPPORTUNITY FOR
24 PUBLIC COMMENT, THE BOARD SHALL APPROVE AND COMMENCE
25 IMPLEMENTATION OF THE MASTER PLAN.

26 (3) THE CHIEF EXECUTIVE OFFICER OR A DESIGNEE OF THE CHIEF
27 EXECUTIVE OFFICER SHALL CONSULT WITH PARENTS, TEACHERS, STUDENTS,
28 REPRESENTATIVES OF THE BUSINESS COMMUNITY, AND EDUCATIONAL
29 INSTRUCTION AND ADMINISTRATION EXPERTS DURING THE COURSE OF
30 DEVELOPMENT OF THE MASTER PLAN.

31 (4) THE OPPORTUNITY FOR PUBLIC COMMENT SHALL BE FOR A PERIOD
32 OF AT LEAST 30 DAYS AFTER COPIES OF THE PROPOSED MASTER PLAN ARE MADE
33 AVAILABLE TO THE PUBLIC. THE BOARD SHALL PUBLISH THE PROPOSED
34 TRANSITION PLAN IN AT LEAST TWO NEWSPAPERS OF GENERAL CIRCULATION IN
35 BALTIMORE CITY.

36 (5) THE BOARD SHALL CONDUCT PUBLIC HEARINGS ON THE CONTENTS
37 OF THE MASTER PLAN BEFORE IT IS ADOPTED.

38 (C) THE MASTER PLAN SHALL PROVIDE FOR THE IMPROVEMENT OF THE
39 MANAGEMENT AND ACCOUNTABILITY OF THE BALTIMORE CITY PUBLIC SCHOOL
40 SYSTEM AND THE IMPROVEMENT OF STUDENT ACHIEVEMENT IN THE BALTIMORE
41 CITY PUBLIC SCHOOLS.

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1 (D) THE MASTER PLAN SHALL IDENTIFY THE ACTIONS NECESSARY TO:

2 (1) COMPLETE INCORPORATION OF THE RECOMMENDATIONS THAT
3 THE NEW BOARD ELECTS TO ADOPT FROM THE 1992 TOWERS PERRIN/CRESAP
4 MANAGEMENT STUDY REPORT AND THE 1994 AND 1995 MGT OF AMERICA, INC.
5 REPORTS; HOWEVER, THE BOARD IS NOT OBLIGATED TO ADOPT ANY SPECIFIC
6 RECOMMENDATION OF THE 1992 TOWERS PERRIN/CRESAP MANAGEMENT STUDY
7 REPORT AND THE 1994 AND 1995 MGT OF AMERICA, INC. REPORTS;

8 (2) INCORPORATE THE REQUIREMENTS OF THE LONG-TERM
9 COMPLIANCE PLAN AND GOALS IN VAUGHN G. V. AMPREY, ET AL., CASE NO.
10 MJG-84-1911, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND,
11 CONCERNING THE DELIVERY OF EDUCATION SERVICES TO STUDENTS WITH
12 DISABILITIES;

13 (3) PROVIDE FOR THE REORGANIZATION OF THE CENTRAL OFFICE OF
14 THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM;

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

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

21 (II) AN EFFECTIVE PROGRAM OF PROFESSIONAL DEVELOPMENT
22 AND TRAINING FOR THE STAFF OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM;
23 AND

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

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

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

35 (7) PROVIDE EFFECTIVE STAFF HIRING AND ASSIGNMENT;

36 (8) DEVELOP AN EFFECTIVE SYSTEM OF PROVIDING ADEQUATE AND
37 SUFFICIENT INSTRUCTIONAL MATERIALS AND SUPPORT SERVICES TO ALL FACULTY,
38 STAFF, AND STUDENTS;

39 (9) DEVELOP MODEL SCHOOL REFORM INITIATIVES;

13

1 (10) PROVIDE APPROPRIATE METHODS FOR STUDENT ASSESSMENT AND
2 REMEDIATION;

3 (11) DEVELOP AN EFFECTIVE SYSTEM FOR PLANNING AND PROVIDING
4 FOR CONSTRUCTION, REPAIR, AND MAINTENANCE SERVICES;

5 (12) INCREASE PARENTAL PARTICIPATION;

6 (13) INCLUDE MEASURABLE OUTCOMES AND TIME LINES FOR THE
7 IMPLEMENTATION AND EVALUATION OF THE REFORMS MADE IN ACCORDANCE
8 WITH THE MASTER PLAN AND THE REPORTING OF THIS INFORMATION TO THE
9 GOVERNOR, THE MAYOR OF BALTIMORE CITY, AND THE GENERAL ASSEMBLY, IN
10 ACCORDANCE WITH § 2-1312 OF THE STATE GOVERNMENT ARTICLE; AND

11 (14) IMPROVE THE STATUS OF SCHOOLS THAT ARE SUBJECT TO A STATE
12 RECONSTITUTION NOTICE.

13 4-312.

14 (A) NOTWITHSTANDING ANY PROVISION OF LOCAL LAW, THE BOARD SHALL
15 ADOPT RULES AND REGULATIONS GOVERNING THE PROCUREMENT OF GOODS AND
16 SERVICES BY THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM IN ACCORDANCE WITH
17 § 5-110 OF THIS ARTICLE.

18 (B) THE BOARD SHALL ADOPT THE MINORITY BUSINESS ENTERPRISE AND
19 WOMEN BUSINESS ENTERPRISE GOALS OF BALTIMORE CITY RELATING TO
20 PROCUREMENT.

21 4-313.

22 (A) (1) NOTWITHSTANDING ANY PROVISION OF LOCAL LAW, AND ONLY
23 AFTER AN OPPORTUNITY FOR PUBLIC COMMENT, THE BOARD SHALL FORMALLY
24 ESTABLISH A PERSONNEL SYSTEM GOVERNING CERTIFICATED AND
25 NONCERTIFICATED EMPLOYEES, INCLUDING A FAIR AND REASONABLE
26 PERFORMANCE-BASED SYSTEM WIDE PERSONNEL EVALUATION SYSTEM FOR
27 TEACHERS, PRINCIPALS, AND 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

14

1 (2) THE HIRING, PROMOTION, AND TERMINATION OF EMPLOYEES IN
2 ACCORDANCE WITH LAW, WHICH SHALL INCLUDE PROCEDURES FOR THE
3 SUSPENSION AND TERMINATION OF CERTIFICATED AND NONCERTIFICATED
4 EMPLOYEES THAT CONFORM TO THE STANDARDS AND PROCEDURES THAT APPEAR
5 IN §§ 6-202 AND 6-203 OF THIS ARTICLE.

6 (C) THE OPPORTUNITY FOR PUBLIC COMMENT ON THE NEW PERSONNEL
7 SYSTEM SHALL BE FOR A PERIOD OF AT LEAST 30 DAYS AFTER COPIES OF THE
8 PROPOSED PERSONNEL SYSTEM ARE MADE AVAILABLE TO THE PUBLIC. THE BOARD
9 SHALL PUBLISH THE PROPOSED NEW PERSONNEL SYSTEM IN AT LEAST TWO
10 NEWSPAPERS OF GENERAL CIRCULATION IN BALTIMORE CITY.

11 (D) THE BOARD SHALL CONDUCT PUBLIC HEARINGS ON THE CONTENTS OF
12 THE NEW PERSONNEL SYSTEM BEFORE IT IS ADOPTED. THE PERSONNEL SYSTEM
13 SHALL BE ADOPTED IN THE FORM OF FORMAL RULES OR REGULATIONS OF THE
14 BOARD.

15 (E) THE PERSONNEL SYSTEM ADOPTED BY THE BOARD SHALL CONTAIN NO
16 PROVISION THAT REDUCES THE BENEFITS IN THE FOLLOWING AREAS THAT ANY
17 PERSON WHO WAS EMPLOYED IN THE BALTIMORE CITY PUBLIC SCHOOLS WAS TO
18 RECEIVE FROM THE MAYOR AND CITY COUNCIL OF BALTIMORE PRIOR TO JANUARY
19 1, 1997:

20 (1) TOTAL ANNUAL SALARY;

21 (2) HEALTH BENEFITS OR HEALTH BENEFIT PROGRAMS;

22 (3) RETIREMENT BENEFITS;

23 (4) ACCRUED AND UNUSED SICK LEAVE;

24 (5) ACCRUED AND UNUSED PERSONAL AND VACATION LEAVE;

25 (6) LONGEVITY OR SENIORITY RIGHTS; OR

26 (7) NUMBER OF ANNUAL PAID HOLIDAYS.

27 (F) TO THE EXTENT THAT ANY SUBJECT MATTER OF THE PERSONNEL
28 SYSTEM IS A MANDATORY SUBJECT OF COLLECTIVE BARGAINING UNDER THIS
29 ARTICLE, NO PLAN OR POLICY ADOPTED BY THE NEW BOARD SHALL IMPAIR THE
30 RIGHT TO ENGAGE IN COLLECTIVE BARGAINING.

31 4-314.

32 (A) THE BOARD SHALL RECOGNIZE AND BARGAIN WITH EACH EMPLOYEE
33 ORGANIZATION THAT WAS RECOGNIZED AS A BARGAINING AGENT FOR A UNIT
34 THAT INCLUDED ANY BALTIMORE CITY SCHOOLS EMPLOYEES EITHER UNDER THIS
35 ARTICLE OR UNDER THE CITY'S MUNICIPAL EMPLOYEE RELATIONS ORDINANCE
36 PRIOR TO JANUARY 1, 1997. COLLECTIVE BARGAINING AND GRIEVANCE
37 ADJUSTMENT BETWEEN THE BOARD AND THE EMPLOYEE ORGANIZATIONS SHALL
38 BE CONDUCTED UNDER TITLE 6, SUBTITLES 4 AND 5 OF THIS ARTICLE.

39 (B) THE INITIAL BOARD SHALL REVIEW ALL EXISTING COLLECTIVE
40 BARGAINING AGREEMENTS AND MEMORANDA OF UNDERSTANDING TO

15

1 DETERMINE IF PROVISIONS OF THE AGREEMENTS ARE CONSISTENT WITH THE
2 PURPOSES OF THE MASTER PLAN AND THE BOARD MAY ATTEMPT TO NEGOTIATE
3 CHANGES.

4 (C) THE FACT THAT THE INITIAL BOARD MAY ASSERT THAT A PARTICULAR
5 PROVISION OF A COLLECTIVE BARGAINING AGREEMENT OR MEMORANDUM OF
6 UNDERSTANDING IS INCONSISTENT WITH THE PURPOSES OF THE MASTER PLAN
7 SHALL NOT RENDER THE PROVISION ILLEGAL OR OTHERWISE MAKE IT A
8 PROHIBITED SUBJECT OF BARGAINING.

9 (D) THE NEW BOARD SHALL BE DEEMED THE SUCCESSOR IN INTEREST TO
10 THE BOARD OF SCHOOL COMMISSIONERS WHEN ATTEMPTING TO BARGAIN
11 CHANGES IN THE EXISTING AGREEMENTS AND MEMORANDA. THE BOARD SHALL
12 GIVE DUE CONSIDERATION TO PAST BARGAINING HISTORY AND THE CONTEXT IN
13 WHICH PRIOR AGREEMENTS WERE REACHED.

14 (E) ALL EXISTING EXTENDED OR CONTINUED COLLECTIVE BARGAINING
15 AGREEMENTS AND ALL MEMORANDA OF UNDERSTANDING FOR BALTIMORE CITY
16 PUBLIC SCHOOLS EMPLOYEES ARE IN FORCE AND EFFECT THROUGH JUNE 30, 1997.
17 FOLLOWING JUNE 30, 1997, THE NEW BOARD SHALL ASSUME ALL COLLECTIVE
18 BARGAINING AGREEMENTS AND ALL MEMORANDA OF UNDERSTANDING THAT
19 AFFECT BALTIMORE CITY PUBLIC SCHOOLS EMPLOYEES AS ITS OWN, AND THE
20 AGREEMENTS SHALL REMAIN IN FULL FORCE AND EFFECT. NO TERMS OR
21 CONDITIONS OF EMPLOYMENT WHICH ARE INCORPORATED IN AN AGREEMENT OR
22 MEMORANDUM MAY BE UNILATERALLY ALTERED BY THE BOARD UNLESS THE
23 PARTIES COMPLETE IMPASSE PROCEEDINGS THAT ARE AVAILABLE UNDER §
24 6-408(D) OR § 6-510(D) OF THIS ARTICLE.

25 4-315.

26 (A) IN ACCORDANCE WITH § 5-101 OF THIS ARTICLE, THE CHIEF EXECUTIVE
27 OFFICER SHALL PREPARE AND THE BOARD SHALL REVIEW, MODIFY AS NECESSARY,
28 AND APPROVE AN ANNUAL BUDGET FOR THE BALTIMORE CITY PUBLIC SCHOOL
29 SYSTEM.

30 (B) THE CHIEF EXECUTIVE OFFICER AND THE BOARD SHALL SUBMIT THE
31 ANNUAL BUDGET TO THE MAYOR AND CITY COUNCIL OF BALTIMORE IN
32 SEASONABLE FASHION SO AS TO TIMELY SATISFY THE CITY'S ANNUAL
33 APPROPRIATIONS CYCLE TO PREPARE THE ORDINANCE OF ESTIMATES.

34 4-316.

35 THE CHIEF EXECUTIVE OFFICER AND THE BOARD SHALL SUBMIT QUARTERLY
36 REPORTS TO THE BALTIMORE CITY BOARD OF ESTIMATES ON THE FISCAL
37 CONDITION OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

38 4-317.

39 BY DECEMBER 31 OF EACH YEAR AND ON JUNE 30, 2002, THE CHIEF EXECUTIVE
40 OFFICER AND THE BOARD SHALL ISSUE AN ANNUAL REPORT THAT INCLUDES:

41 (1) A FINANCIAL STATEMENT;

16

1 (2) A COMPREHENSIVE ACCOUNTING OF PROGRESS IN THE
2 IMPLEMENTATION OF THE TRANSITION PLAN OR THE MASTER PLAN; AND

3 (3) ANY OTHER INFORMATION AS REQUIRED BY STATE LAW.

4 [4-302.] 4-318.

5 The geographical boundary of the Baltimore City School System is the same as the
6 geographical boundary of Baltimore City.

7 [4-303.] 4-319.

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

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

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

13 (1) For the protection of public school buildings and other school property;
14 and

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

16 [4-304.] 4-320.

17 (a) [Subject] NOTWITHSTANDING ANY PROVISIONS OF LOCAL LAW AND
18 SUBJECT to the applicable provisions of this article, the NEW BALTIMORE CITY Board of
19 School Commissioners [of Baltimore City] may:

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

21 (2) Set teacher qualifications;

22 (3) [Subject to the approval of the Mayor and City Council, set] SET
23 teacher salaries; and

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

26 (b) THE NEW BOARD OF SCHOOL COMMISSIONERS SHALL NOT ALTER THE
27 TENURE RIGHTS OF ALL CERTIFICATED EMPLOYEES WHO PRIOR TO JANUARY 1, 1997
28 HELD TENURE UNDER § 6-201(F) OF THIS ARTICLE.

29 (C) (1) The NEW BALTIMORE CITY Board of School Commissioners shall
30 report annually to the State Board AND THE MAYOR, on the condition of the schools
31 under its jurisdiction.

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

33 (i) Expenditures;

34 (ii) The number of children taught; and

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

17

1 [4-305.] 4-321.

2 After a study has been completed to determine whether to close a public school in
3 Baltimore City, the [Superintendent of Public Instruction] CHIEF EXECUTIVE OFFICER
4 shall inform THE MAYOR OF BALTIMORE CITY AND the members of the General
5 Assembly who represent Baltimore City regarding the completed study at the same time
6 that the study is submitted to the NEW BALTIMORE CITY Board of School
7 Commissioners [of Baltimore City].

8 [4-306.] 4-322.

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

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

13 (c) The members of the Baltimore City School Police Force shall be employees of
14 and be appointed by the NEW BALTIMORE CITY Board of School Commissioners [of
15 Baltimore City].

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

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

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

- 24 1. Engaged in fresh pursuit of a suspected offender;
- 25 2. Requested or authorized to do so by the Police
26 Commissioner of Baltimore City;
- 27 3. The exercise of power is necessary to facilitate the orderly
28 flow of traffic to and from property owned, leased, operated by, or under the control of
29 the Baltimore City school system; or
- 30 4. Ordered to do so by the Mayor of Baltimore City.

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

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

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

18

1 (ii) Standards for the performance of duties.

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

5 (f) The NEW BALTIMORE CITY Board of School Commissioners shall adopt
6 regulations governing the:

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

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

9 (g) This section does not:

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

12 (2) Affect the salary, benefits, or retirement program of an employee of
13 Baltimore City or the NEW BALTIMORE CITY Board of School Commissioners [of
14 Baltimore City].

15 [4-307.] 4-323.

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

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

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

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

22 (c) (1) The [Superintendent of Public Instruction] CHIEF EXECUTIVE
23 OFFICER OF THE NEW BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS shall
24 appoint a Director of the Center.

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

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

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

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

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

19

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

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

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

8 (f) The Director shall develop and provide the following programs within the
9 Center:

10 (1) Elementary and secondary education programs;

11 (2) Special education programs that meet the social and emotional needs of
12 the students at the Center and that require the participation of the parents or guardians
13 of the students; and

14 (3) Vocational and rehabilitative training programs.

15 (g) The [Superintendent of Public Instruction] CHIEF EXECUTIVE OFFICER
16 shall report annually to the members of the Baltimore City Delegation in the General
17 Assembly on the progress of the students in the Center.

18 5-112.

19 (a) This section does not apply to:

20 (1) [Baltimore City;

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

23 [(3)] (2) Emergency repairs.

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

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

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

32 (i) The quantities involved;

33 (ii) The time required for delivery;

34 (iii) The purpose for which required;

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

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

20

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

3 (d) (1) In this subsection, the term "minority business enterprise" has the
4 meaning stated in § 14-301 of the State Finance and Procurement Article.

5 (2) In Montgomery County, by resolution and by implementing regulations,
6 the Montgomery County Board of Education shall establish a minority business utilization
7 program to facilitate the participation of responsible certified minority business
8 enterprises in contracts awarded by the Montgomery County Board of Education in
9 accordance with competitive bidding procedures.

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

11 6-201.

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

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

16 (3) [In] NOTWITHSTANDING ANY PROVISION OF LOCAL LAW, IN
17 Baltimore City, the appointment, tenure, and compensation of clerical and other
18 nonprofessional personnel shall be determined in accordance with the [Baltimore City
19 charter] PERSONNEL SYSTEM ESTABLISHED BY THE NEW BALTIMORE CITY BOARD
20 OF SCHOOL COMMISSIONERS UNDER § 4-313 OF THIS ARTICLE.

21 6-202.

22 (a) (1) (I) On the recommendation of the county superintendent, a county
23 board may suspend or dismiss a teacher, principal, supervisor, assistant superintendent,
24 or other professional assistant for:

25 [(i)] 1. Immorality;

26 [(ii)] 2. Misconduct in office, including knowingly failing to report
27 suspected child abuse in violation of § 5-704 of the Family Law Article;

28 [(iii)] 3. Insubordination;

29 [(iv)] 4. Incompetency; or

30 [(v)] 5. Willful neglect of duty.

31 (II) IN BALTIMORE CITY, ON THE RECOMMENDATION OF THE
32 CHIEF EXECUTIVE OFFICER, THE NEW BALTIMORE CITY BOARD OF SCHOOL
33 COMMISSIONERS MAY ALSO DISMISS ANY NONCERTIFICATED EMPLOYEE FOR:

34 1. IMMORALITY;

35 2. MISCONDUCT IN OFFICE, INCLUDING KNOWINGLY
36 FAILING TO REPORT SUSPECTED CHILD ABUSE IN VIOLATION OF § 5-704 OF THE
37 FAMILY LAW ARTICLE;

21

1 3. INSUBORDINATION;

2 4. INCOMPETENCY; OR

3 5. WILLFUL NEGLIGENCE OF DUTY.

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

7 (3) If the individual requests a hearing within the [10 day] 10-DAY period:

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

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

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

16 (5) [In] NOTWITHSTANDING ANY PROVISION OF LOCAL LAW, IN
17 Baltimore City the suspension and removal of assistant superintendents and higher levels
18 shall be as provided by the [city charter] PERSONNEL SYSTEM ESTABLISHED BY THE
19 NEW BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS UNDER § 4-313 OF THIS
20 ARTICLE.

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

25 6-203.

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

29 (2) [In] NOTWITHSTANDING ANY PROVISION OF LOCAL LAW, IN
30 Baltimore City the NEW BALTIMORE CITY Board of School Commissioners [may]
31 SHALL have proceedings under [§ 6-202] §§ 4-306 AND 6-202 OF THIS ARTICLE heard
32 first by a hearing examiner [except as otherwise provided by the city charter].

33 (3) IN BALTIMORE CITY, THE HEARING EXAMINER MAY NOT BE:

34 (I) A CURRENT OR FORMER EMPLOYEE OF THE MAYOR AND CITY
35 COUNCIL OF BALTIMORE;

36 (II) AN EMPLOYEE OR PARTNER OF ANY LAW FIRM WHICH HAS
37 SERVED OR CURRENTLY SERVES ON ANY MATTERS AS COUNSEL TO EITHER THE
38 MAYOR AND CITY COUNSEL OF BALTIMORE; OR

22

1 (III) AN EMPLOYEE OR PARTNER OF ANY LAW FIRM WHICH HAS
2 SERVED OR CURRENTLY SERVES ON ANY MATTERS AS COUNSEL TO EITHER THE
3 BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE CITY, OR THE NEW BALTIMORE
4 CITY BOARD OF SCHOOL COMMISSIONERS.

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

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

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

9 6-401.

10 (d) "Public school employer" means a county board of education or the NEW
11 BALTIMORE CITY Board of School Commissioners [of Baltimore City].

12 6-407.

13 (c) (5) THE NEW BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS
14 SHALL AUTHORIZE A SERVICE OR REPRESENTATION FEE TO BE CHARGED TO
15 NONMEMBERS TO THE SAME EXTENT ANY SUCH FEE WAS PERMITTED UNDER LAW
16 AND BARGAINED PRIOR TO JANUARY 1, 1997.

17 6-501.

18 (f) (3) "PUBLIC SCHOOL EMPLOYEE" SHALL INCLUDE ALL
19 NONCERTIFICATED PERSONNEL EMPLOYED BY THE NEW BALTIMORE CITY BOARD
20 OF SCHOOL COMMISSIONERS WHO WERE REPRESENTED BY AN EMPLOYEE
21 ORGANIZATION THAT WAS CERTIFIED AS A BARGAINING AGENT UNDER THE CITY'S
22 MUNICIPAL EMPLOYEE RELATIONS ORDINANCE PRIOR TO JANUARY 1, 1997,
23 NOTWITHSTANDING THE FACT THAT ANY SUCH EMPLOYEE MAY NOT WORK FOR AT
24 LEAST 9 MONTHS A YEAR ON A FULL-TIME BASIS.

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

26 (i) Somerset;

27 (ii) Wicomico; and

28 (iii) Worcester.

29 (2) "Public school employer" [does not include] INCLUDES the NEW
30 BALTIMORE CITY Board of School Commissioners [of Baltimore City or the Mayor and
31 City Council of Baltimore City].

32 6-504.

33 (E) THE NEW BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS SHALL
34 AUTHORIZE A SERVICE OR REPRESENTATION FEE TO BE CHARGED TO
35 NONMEMBERS TO THE SAME EXTENT ANY SUCH FEE WAS PERMITTED UNDER LAW
36 AND BARGAINED PRIOR TO JANUARY 1, 1997.

23

1 6-505.

2 (a) (2) In BALTIMORE CITY, Garrett County, and Frederick County, the public
3 school employer shall designate, as provided in this subtitle, which employee
4 organization, if any, shall be the exclusive representative of all public school employees in
5 a specified unit in the county.

6 (c) (3) IF PRIOR TO JANUARY 1, 1997 MORE THAN THREE RECOGNIZED
7 UNITS HAVE EXCLUSIVE REPRESENTATION FOR COLLECTIVE BARGAINING, THESE
8 UNITS SHALL CONTINUE TO EXIST AND THEY SHALL BE RECOGNIZED BY THE NEW
9 BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.

10 **Article - State Personnel and Pensions**

11 20-208.

12 (A) IN THIS SECTION, "FORMER M AND CC EMPLOYEE" MEANS A PERSON
13 WHO:

14 (1) WAS AN EMPLOYEE OF THE MAYOR AND CITY COUNCIL OF
15 BALTIMORE;

16 (2) WAS ASSIGNED TO WORK AS A CERTIFICATED OR
17 NONCERTIFICATED EMPLOYEE OF THE BALTIMORE CITY PUBLIC SCHOOLS DURING
18 THE 1996-1997 PUBLIC SCHOOL YEAR; AND

19 (3) WAS SUBSEQUENTLY EMPLOYED BY THE NEW BALTIMORE CITY
20 BOARD OF SCHOOL COMMISSIONERS.

21 (B) (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS
22 SUBSECTION, EACH EMPLOYEE OF THE NEW BALTIMORE CITY BOARD OF SCHOOL
23 COMMISSIONERS WHO IS ELIGIBLE SHALL REMAIN OR BECOME A MEMBER OF THE
24 TEACHERS' PENSION SYSTEM AS A CONDITION OF EMPLOYMENT UNLESS THE
25 EMPLOYEE, IF OTHERWISE ELIGIBLE, ELECTS TO PARTICIPATE IN AN OPTIONAL
26 RETIREMENT PROGRAM PROVIDED IN ACCORDANCE WITH THIS ARTICLE.

27 (2) A FORMER M AND CC EMPLOYEE, INCLUDING ANY CERTIFICATED
28 EMPLOYEE OF THE BALTIMORE CITY PUBLIC SCHOOLS, WHO AT THE TIME OF
29 EMPLOYMENT BY THE NEW BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS
30 IS A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM SHALL REMAIN A MEMBER
31 OF THAT RETIREMENT SYSTEM UNLESS AND UNTIL THE EMPLOYEE FILES WITH THE
32 BOARD OF TRUSTEES FOR THE STATE RETIREMENT AND PENSION SYSTEM AN
33 EXECUTED WAIVER OF ALL BENEFITS THAT MIGHT INURE TO THE EMPLOYEE
34 UNDER THE TEACHERS' RETIREMENT SYSTEM. ANY NEW CERTIFICATED EMPLOYEE
35 OF THE NEW BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS , WHO WAS NOT
36 A PARTICIPANT IN THE TEACHERS' RETIREMENT SYSTEM SHALL AT THE TIME OF
37 EMPLOYMENT BY THE NEW BOARD BECOME A MEMBER OF THE TEACHERS'
38 PENSION SYSTEM AS A CONDITION OF EMPLOYMENT. THE NEW BOARD SHALL
39 REMIT CONTRIBUTIONS AND DO ALL OTHER THINGS NECESSARY TO INITIATE OR
40 CONTINUE PARTICIPATION BY EACH CERTIFICATED EMPLOYEE.

24

1 (3) EACH NONCERTIFICATED FORMER M AND CC EMPLOYEE SHALL
 2 RECEIVE SERVICE CREDIT AS A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM
 3 FOR PRIOR SERVICE AS A MEMBER OF A BALTIMORE CITY RETIREMENT OR
 4 PENSION SYSTEM. THIS CREDIT SHALL BE APPLIED UPON TRANSFER OF
 5 CONTRIBUTIONS IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

6 (4) (I) WHEN A NONCERTIFICATED FORMER M AND CC EMPLOYEE IS
 7 EMPLOYED BY THE NEW BOARD, THE EMPLOYER CONTRIBUTIONS TO THE
 8 BALTIMORE CITY PENSION AND RETIREMENT SYSTEMS FOR THE BENEFIT OF THE
 9 EMPLOYEE SHALL BE TRANSFERRED, WITH INTEREST, TO THE TEACHERS'
 10 RETIREMENT SYSTEM FOR PRIOR SERVICE CREDIT.

11 (II) THE AMOUNT TO BE TRANSFERRED SHALL BE DETERMINED
 12 BY ACTUARIAL VALUATION, PERFORMED BY THE ACTUARY UNDER CONTRACT
 13 WITH THE BOARD OF TRUSTEES FOR THE STATE RETIREMENT AND PENSION
 14 SYSTEM.

15 (III) THE EMPLOYEE'S ACCUMULATED CONTRIBUTIONS TO THE
 16 BALTIMORE CITY PENSION AND RETIREMENT SYSTEMS, IF ANY, SHALL BE
 17 REFUNDED TO THE EMPLOYEE UPON REQUEST.

18 (C) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (D) OF THIS SECTION,
 19 EACH NONCERTIFICATED EMPLOYEE OF THE NEW BALTIMORE CITY BOARD OF
 20 SCHOOL COMMISSIONERS WHO IS NOT ELIGIBLE TO BECOME A MEMBER OF THE
 21 TEACHERS' PENSION SYSTEM SHALL INSTEAD REMAIN OR BECOME A MEMBER OF
 22 THE PENSION AND RETIREMENT SYSTEM ESTABLISHED BY THE MAYOR AND CITY
 23 COUNCIL OF BALTIMORE FOR ITS CIVIL SERVICE EMPLOYEES.

24 (D) (1) A NONCLERICAL AND NONPROFESSIONAL FORMER M AND CC
 25 EMPLOYEE WHO, AT THE TIME OF EMPLOYMENT BY THE NEW BALTIMORE CITY
 26 BOARD OF SCHOOL COMMISSIONERS IS A "CLASS A" MEMBER OF THE BALTIMORE
 27 CITY RETIREMENT PLAN MAY, AT THE EMPLOYEE'S OPTION, REMAIN A MEMBER OF
 28 THAT PLAN INSTEAD OF JOINING THE TEACHERS' RETIREMENT SYSTEM.

29 (2) FOR EACH EMPLOYEE WHO CHOOSES TO REMAIN A MEMBER OF
 30 THE BALTIMORE CITY RETIREMENT PLAN IN ACCORDANCE WITH THIS PARAGRAPH,
 31 THE NEW BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS SHALL
 32 CONTRIBUTE ANNUALLY TO THE BALTIMORE CITY RETIREMENT PLAN ON BEHALF
 33 OF THE EMPLOYEE AN AMOUNT EQUAL TO THE RATE REQUIRED FOR THE
 34 BALTIMORE CITY RETIREMENT PLAN.

35 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
 36 voting members of the New Baltimore City Board of School Commissioners begin on the
 37 effective date of this Act and shall expire as follows:

38 (1) three members on June 30, 1998;

39 (2) three members on June 30, 1999; and

40 (3) three members on June 30, 2000.

1 The terms of all the members shall expire on June 30, 2002 unless this Act is
2 extended by action of the General Assembly.

3 SECTION 3. AND BE IT FURTHER ENACTED, That on the effective date of
4 this Act, all the functions, powers, duties, equipment, assets, liabilities, and employees of
5 the Superintendent of Public Instruction for Baltimore City and the Board of School
6 Commissioners of Baltimore City shall be transferred to the New Baltimore City Board of
7 School Commissioners and to the Chief Executive Officer of the Board.

8 SECTION 4. AND BE IT FURTHER ENACTED, That, as of the effective date of
9 this Act, each employee of the Baltimore City Public School System shall become a
10 member of the personnel system established by the New Baltimore City Board of School
11 Commissioners in accordance with § 4-313 of the Education Article, except that
12 noninstructional senior level staff of the central administration shall reapply to the New
13 Board for continued employment upon the reorganization. Any employment conditions
14 that are offered by the New Board in accordance with § 4-313 of the Education Article
15 shall provide (i) that all certificated employees who held tenure under § 6-201 of the
16 Education Article before the date on which this Act is enacted shall continue to hold
17 tenure subject to removal only under § 6-202 of the Education Article, and (ii) that all
18 noncertificated employees who held permanent employment in the Baltimore City civil
19 service before the date on which this Act is enacted shall continue to hold permanent
20 employment subject to removal only under § 6-202 of the Education Article.

21 SECTION 5. AND BE IT FURTHER ENACTED, That as of the effective date of
22 this Act, the New Baltimore City Board of School Commissioners shall provide to each
23 employee of the Baltimore City Public School System full credit for all sick leave,
24 personal leave, and vacation leave to the extent earned and unused as a city employee.
25 The credit for past accrued leave shall include the option to convert or liquidate as wages
26 all leave earned and unused prior to the effective date of this Act upon termination of
27 employment or retirement from the Baltimore City public schools whenever that may
28 occur.

29 SECTION 6. AND BE IT FURTHER ENACTED, That as of the effective date of
30 this Act, all noncertificated employees of the Baltimore City public schools who are
31 employed by the New Baltimore City Board of School Commissioners and who are
32 covered as civil service employees under the charter of the City shall nonetheless for any
33 period of time that they remain employed by the New Board:

34 (1) Continue to be carried on the official roster of the civil service;

35 (2) Continue to hold and accrue service credit within the City civil service
36 while they are employed by the New Baltimore City Board of School Commissioners as if
37 they remained employees of the Mayor and City Council;

38 (3) Suffer no break in seniority or service for leaving City employment;

39 (4) Remain fully qualified for placement on the reemployment list for his or
40 her former classification, and for any other classifications for which the employee
41 qualifies;

42 (5) Remain eligible to the extent qualified to be placed on any promotion or
43 transfer list issued or maintained under the charter; and

1 (6) Remain eligible for employment by the Mayor and City Council of
2 Baltimore should the employee be displaced or laid off by the New Baltimore City Board
3 of School Commissioners through no fault of his own or her own.

4 SECTION 7. AND BE IT FURTHER ENACTED, That for the period that this
5 Act is to remain in effect, as provided in Section 13 of this Act, the New Baltimore City
6 Board of School Commissioners shall provide to each employee of the Baltimore City
7 public schools the same health care benefits at the same employee (or participant) costs
8 as available through the Mayor and City Council of Baltimore to the City's civil service
9 employees under the City's health insurance program.

10 SECTION 8. AND BE IT FURTHER ENACTED, That, on or before April 30,
11 2000, a consultant shall complete an interim review of the Baltimore City Public School
12 System and report the findings of the evaluation to the Governor, the Mayor, and, in
13 accordance with § 2-1312 of the State Government Article, the General Assembly. The
14 New Baltimore City Board of School Commissioners and the Maryland State Department
15 of Education shall jointly select and share equally the cost of the consultant and
16 determine the scope of the interim review. At a minimum, the interim review shall
17 evaluate both the educational and management reforms made by the New Baltimore City
18 Board of School Commissioners. The review may include recommendations to the
19 General Assembly concerning changes to the structure and power of the New Baltimore
20 City Board of School Commissioners, in addition to recommendations to the Board
21 concerning modifications to the Master Plan adopted in accordance with this Act. On or
22 before December 1, 2001, a consultant shall conduct a final comprehensive review and
23 evaluation of the Baltimore City Board of School Commissioners. The New Baltimore
24 City Board of School Commissioners and the Maryland State Department of Education
25 shall jointly select and share equally the cost of the consultant and determine the scope of
26 the final comprehensive review. At a minimum, the comprehensive review and evaluation
27 shall determine whether there has been improvement in the management of and student
28 achievement in the public schools in Baltimore City. The consultant shall report the
29 findings of the evaluation to the Governor, the Mayor, and, in accordance with § 2-1312
30 of the State Government Article, the General Assembly. The consultant may make
31 recommendations concerning the continuation, modification, or termination of the New
32 Baltimore City Board of School Commissioners.

33 SECTION 9. AND BE IT FURTHER ENACTED, That the provisions of this Act
34 reflect the terms of the Consent Decrees entered in the cases "Bradford, et al. v.
35 Maryland State Board of Education, et al.", case no. 94340058/CE189672; "Board of
36 School Commissioners, et al. v. Maryland State Board of Education, et al.", case no.
37 9528055/CL2002151, Baltimore City Circuit Court; and "Vaughn G., et al. v. Mayor and
38 City Council, et al.", case no. MJG-84-1911, United States District Court for the District
39 of Maryland and reflect a commitment to appropriate additional funds for the Baltimore
40 City public schools in the following amounts: \$30 million in Fiscal Year 1998 and \$50
41 million in each of Fiscal Years 1999 through and including 2002.

42 SECTION 10. AND BE IT FURTHER ENACTED, That the financial
43 commitment enumerated in Section 9 of this Act shall be separate from established State
44 funding pursuant to APEX and other current or additional State funds provided to the
45 Baltimore City public schools. If new revenue becomes available to the State during Fiscal
46 Year 1998 through Fiscal Year 2002, and such revenue is dedicated in whole or in part to

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1 education generally, the Baltimore City public schools shall receive their designated share
2 of those revenues without reduction of the additional funds detailed in the Consent
3 Decrees referenced in Section 9 of this Act. Furthermore, the additional State funds
4 described in Section 9 of this Act and the Consent Decrees shall not be provided by
5 reducing any other State funds provided to Baltimore City. Nothing in this Act, however,
6 shall prevent the Governor or the General Assembly from reducing local aid to Baltimore
7 City as part of any general statewide reduction in local aid for a special project or
8 purpose. Baltimore City may not use any of this additional funding to meet any statutory
9 obligation to maintain levels of local funding for education.

10 SECTION 11. AND BE IT FURTHER ENACTED, That an appeal from a ruling
11 of the Circuit Court for Baltimore City regarding requests for funding for Fiscal Years
12 2001 and 2002 in amounts greater than that described in Section 9 of this Act pursuant to
13 the terms of the Consent Decrees described in Section 9 of this Act shall be directed to
14 the Court of Appeals on an expedited basis, with the Court of Appeals decision issued
15 within 60 days after the written briefing is completed.

16 SECTION 12. AND BE IT FURTHER ENACTED, That this Act may not take
17 effect until the passage of the State Budget Bill by the General Assembly, which includes
18 an appropriation of \$30 million additional funds as described in Section 9 of this Act for
19 the following purposes: (1) to have a direct and substantial impact on improving academic
20 achievement; (2) to improve the educational performance of schools having a high
21 percentage of students living in poverty; (3) to improve the educational performance of
22 reconstitution eligible schools and other schools that are both failing to meet Maryland
23 School Performance Program standards and failing to show progress toward meeting
24 those standards; (4) to teacher salary parity with Baltimore County; and (5) to implement
25 other improvements that directly support improved classroom instruction, including
26 technology enhancements, individual professional development, and curriculum
27 development.

28 SECTION 13. AND BE IT FURTHER ENACTED, That, subject to Section 12 of
29 this Act, this Act shall take effect upon the later of the date of its signing by the Governor
30 or the date of passage of the State Budget Bill. It shall remain effective for a period of 5
31 years unless the General Assembly fails to appropriate the funds for any of the fiscal
32 years described in Section 9 of this Act, in which case this Act shall be abrogated effective
33 on the last day of the last fiscal year for which funds were appropriated. On June 30, 2002,
34 with no further action required by the General Assembly, this Act shall be abrogated and
35 of no further force and effect.

36 SECTION 14. AND BE IT FURTHER ENACTED, That this Act is an
37 emergency measure, is necessary for the immediate preservation of the public health and
38 safety, has been passed by a yea and nay vote supported by three-fifths of all the members
39 elected to each of the two Houses of the General Assembly, and shall take effect from the
40 date it is enacted.