

EMERGENCY BILL

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CF HB 312

**By: Chairman, Budget and Taxation Committee (Departmental - Education) and
Senators Hoffman and Blount**

Introduced and read first time: January 31, 1997

Rule 32 suspended

Assigned to: Budget and Taxation and Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of establishing the New Baltimore City Board of School
4 Commissioners; altering a certain provision of the Charter of Baltimore City
5 relating to the establishment, maintenance, and control of the Baltimore City Public
6 School System; altering a certain provision of law relating to the appointment and
7 salary of noncertificated personnel; repealing a certain exception for Baltimore City
8 relating to the interpretation of certain laws and bylaws and the resolution of
9 certain controversies; requiring the Mayor and City Council of Baltimore City to
10 maintain the public school system subject to a certain master plan; transferring
11 responsibility for the functions formerly performed by the Superintendent of Public
12 Instruction of Baltimore City and the Board of School Commissioners of Baltimore
13 City to the New Baltimore City Board of School Commissioners (Board); specifying
14 the membership of the Board and certain qualifications of certain members;
15 specifying the powers and duties of the Board; specifying the powers and duties of
16 the Chief Executive Officer, the Chief Academic Officer, and the Chief Financial
17 Officer of the Board; establishing a Research and Evaluation Unit and a Parent and
18 Community Advisory Board in the Baltimore City Public School System;
19 establishing certain time frames for the adoption and implementation of certain
20 plans; requiring the Board to adopt certain rules and regulations governing the
21 procurement of goods and services; requiring the Board to establish a certain
22 personnel system; requiring the Board to enter into certain collective bargaining
23 agreements; requiring in Baltimore City the public school employer to designate a
24 certain employee organization under specified circumstances; defining certain
25 terms; altering certain definitions; specifying the terms of the initial members of the
26 Board; transferring the functions, powers, duties, equipment, assets, liabilities, and
27 employees of the Superintendent of Public Instruction for Baltimore City and the
28 Board of School Commissioners of Baltimore City to the Board and the Chief
29 Executive Officer of the Board on a certain date; requiring certain employees of the
30 Baltimore City Public School System to become members of a certain personnel
31 system on a certain date; requiring certain employees to reapply for continued
32 employment; requiring certain consultants to conduct certain evaluations by certain
33 dates; requiring the reporting of certain evaluations to the Governor, the Mayor,
34 and the General Assembly; specifying that the provisions of this Act reflect certain

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1 consent decrees and a certain commitment to appropriate additional funds for the
2 Baltimore City Public Schools; specifying a commitment of the State to appropriate
3 additional funds to Baltimore City under certain circumstances relating to the
4 enrollment of students; requiring a certain financial commitment to be separate
5 from other State funding; prohibiting the reduction of certain State funds under
6 specified circumstances; prohibiting Baltimore City from using certain funds to
7 meet certain statutory obligations; requiring certain collective bargaining
8 agreements to remain in effect for a specified time period; authorizing the Board to
9 negotiate certain changes to certain collective bargaining agreements; requiring that
10 certain appeals be made directly to the Court of Appeals; making this Act subject to
11 a certain contingency; providing for the effective date of this Act; providing for the
12 termination of this Act; making this Act an emergency measure; and generally
13 relating to the establishment of the New Baltimore City Board of School
14 Commissioners and the management of the Baltimore City Public School System.

15 BY repealing and reenacting, with amendments,

16 The Charter of Baltimore City
17 Article II - General Powers
18 Section (30)
19 (1996 Edition, as amended)

20 BY repealing and reenacting, with amendments,

21 Article - Education
22 Section 1-101(d) and (e), 4-102, 4-103, 4-205(c), 4-301 through 4-307, 5-112(a),
23 6-201(c), 6-202, 6-203(b) and (d), 6-401(d), 6-501(g), and 6-505(a)
24 Annotated Code of Maryland
25 (1997 Replacement Volume)

26 BY repealing and reenacting, without amendments,

27 Article - Education
28 Section 5-112(b), (c), and (e)
29 Annotated Code of Maryland
30 (1997 Replacement Volume)

31 BY adding to

32 Article - Education
33 Section 4-301 and 4-303 through 4-317
34 Annotated Code of Maryland
35 (1997 Replacement Volume)

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

3

1 **The Charter of Baltimore City**

2 Article II - General Powers

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

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

12 **Article - Education**

13 1-101.

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

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

19 4-102.

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

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

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

28 (III) THE CHIEF EXECUTIVE OFFICER IS NOT A PUBLIC OFFICER
29 UNDER THE CONSTITUTION OR THE LAWS OF THE STATE.

30 (3) A county superintendent is not a public officer under the Constitution or
31 the laws of [this] THE State.

32 (b) Unless [his] THE tenure or salary or the administration of [his] THE office
33 OF THE COUNTY SUPERINTENDENT is under consideration, the county superintendent
34 or [his] THE COUNTY SUPERINTENDENT'S designee shall attend all meetings of the
35 county board and its committees.

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

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1 4-103.

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

4 (1) Appoint all principals, teachers, and other certificated and
5 noncertificated personnel; and

6 (2) Set their salaries.

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

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

11 4-205.

12 (c) (1) [This subsection does not apply to Baltimore City.

13 (2)] Subject to the authority of the State Board under § 2-205(e) of this
14 article, each county superintendent shall explain the true intent and meaning of:

15 (i) The school law; and

16 (ii) The applicable bylaws of the State Board.

17 [(3)] (2) Subject to the provisions of § 6-203 and Subtitle 4 of Title 6 of this
18 article and without charge to the parties concerned, each county superintendent shall
19 decide all controversies and disputes that involve:

20 (i) The rules and regulations of the county board; and

21 (ii) The proper administration of the county public school system.

22 [(4)] (3) A decision of a county superintendent may be appealed to the
23 county board if taken in writing within 30 days after the decision of the county
24 superintendent. The decision may be further appealed to the State Board if taken in
25 writing within 30 days after the decision of the county board.

26 4-301.

27 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

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

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

33 [4-301.] 4-302.

34 Subject to the applicable provisions of this article AND THE MASTER PLAN
35 ADOPTED BY THE BOARD UNDER § 4-311 OF THIS SUBTITLE, the Mayor and City

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1 Council of Baltimore City shall establish and maintain a system of free public schools in
2 Baltimore City [, as provided in the Baltimore City charter].

3 4-303.

4 (A) IN ORDER TO ESTABLISH A PARTNERSHIP BETWEEN THE CITY OF
5 BALTIMORE AND THE STATE TO IMPROVE THE QUALITY OF PUBLIC EDUCATION IN
6 BALTIMORE CITY AND TO ENCOURAGE THE EFFICIENT USE OF THE RESOURCES OF
7 THE STATE AND BALTIMORE CITY, THE NEW BALTIMORE CITY BOARD OF SCHOOL
8 COMMISSIONERS IS ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THIS
9 SUBTITLE.

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

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

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

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

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

19 (2) NOTWITHSTANDING ANY PROVISION OF LOCAL LAW GOVERNING
20 THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM, THE BOARD MAY ADOPT RULES
21 AND REGULATIONS AND PRESCRIBE POLICIES AND PROCEDURES FOR THE
22 MANAGEMENT, MAINTENANCE, OPERATION, AND CONTROL OF THE BALTIMORE
23 CITY PUBLIC SCHOOL SYSTEM.

24 (3) THE BOARD SHALL ASSUME RESPONSIBILITY FOR ALL OF THE
25 FUNCTIONS FORMERLY PERFORMED BY THE SUPERINTENDENT OF PUBLIC
26 INSTRUCTION OF BALTIMORE CITY AND THE BOARD OF SCHOOL COMMISSIONERS
27 OF BALTIMORE CITY.

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

29 4-304.

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

32 (B) THE BOARD CONSISTS OF:

33 (1) NINE VOTING MEMBERS JOINTLY APPOINTED BY THE MAYOR OF
34 BALTIMORE CITY AND THE GOVERNOR FROM A LIST OF QUALIFIED INDIVIDUALS
35 SUBMITTED TO THE MAYOR AND THE GOVERNOR BY THE STATE BOARD; AND

36 (2) ONE NONVOTING STUDENT MEMBER APPOINTED AS PROVIDED IN
37 SUBSECTION (I) OF THIS SECTION.

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

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

5 (E) AT LEAST FOUR OF THE VOTING MEMBERS SHALL POSSESS A HIGH LEVEL
6 OF KNOWLEDGE AND EXPERTISE CONCERNING THE SUCCESSFUL ADMINISTRATION
7 OF A LARGE BUSINESS, NONPROFIT, OR GOVERNMENTAL ENTITY AND SHALL HAVE
8 SERVED IN A HIGH LEVEL MANAGEMENT POSITION WITHIN SUCH AN ENTITY.

9 (F) AT LEAST THREE OF THE VOTING MEMBERS SHALL POSSESS A HIGH
10 LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING EDUCATION.

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

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

17 (2) THE KNOWLEDGE OR EXPERIENCE MAY BE DERIVED FROM BEING
18 THE PARENT OF A CHILD WITH A DISABILITY.

19 (I) (1) ONE NONVOTING STUDENT MEMBER SHALL BE A STUDENT
20 ENROLLED IN THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM WHO SHALL BE
21 SELECTED IN THE SAME MANNER AS ARE THE STUDENT MEMBERS OF THE
22 APPOINTED COUNTY BOARDS.

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

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

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

27 (2) THE TERMS OF THE VOTING MEMBERS ARE STAGGERED AS
28 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON THE
29 EFFECTIVE DATE OF THIS ACT.

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

32 (4) A VOTING MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
33 SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS
34 APPOINTED AND QUALIFIES.

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

37 (6) TO THE EXTENT PRACTICABLE, THE GOVERNOR AND THE MAYOR
38 SHALL FILL ANY VACANCY ON THE BOARD WITHIN 60 DAYS OF THE DATE OF THE

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1 VACANCY FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED TO THE MAYOR
2 AND THE GOVERNOR BY THE STATE BOARD.

3 (K) ON THE JOINT APPROVAL OF THE MAYOR OF BALTIMORE CITY AND THE
4 GOVERNOR, A MEMBER MAY BE REMOVED ONLY FOR CAUSE IN ACCORDANCE
5 WITH § 3-108 OF THIS ARTICLE.

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

7 4-305.

8 (A) ON APPOINTMENT OF THE BOARD, THE GOVERNOR AND THE MAYOR
9 SHALL JOINTLY SELECT ONE OF THE VOTING MEMBERS TO SERVE AS THE
10 CHAIRMAN OF THE BOARD WHO SHALL SERVE THROUGH JUNE 30, 1999.

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

13 (C) ANY ACTION BY THE BOARD SHALL REQUIRE:

14 (1) A QUORUM OF A MAJORITY OF THE VOTING MEMBERS THEN
15 SERVING; AND

16 (2) THE AFFIRMATIVE VOTE OF A MAJORITY OF THE VOTING MEMBERS
17 THEN SERVING.

18 4-306.

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

20 (B) THE CHIEF EXECUTIVE OFFICER SHALL:

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

23 (2) REPORT DIRECTLY TO THE BOARD;

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

25 (4) DESIGNATE INDIVIDUALS WITH PRIMARY RESPONSIBILITY FOR
26 EACH OF THE FOLLOWING FUNCTIONS:

27 (I) MANAGEMENT AND ADMINISTRATION OF THE BALTIMORE
28 CITY PUBLIC SCHOOL SYSTEM;

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

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

34 (IV) DEVELOPMENT AND IMPLEMENTATION OF INITIATIVES FOR
35 EDUCATIONAL REFORM; AND

36 (V) PROFESSIONAL HIRING AND DEVELOPMENT.

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

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

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

13 4-307.

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

16 (1) BE RESPONSIBLE FOR THE DEVELOPMENT AND IMPLEMENTATION
17 OF THE CURRICULUM TAUGHT AND THE INSTRUCTION PROVIDED IN THE
18 BALTIMORE CITY PUBLIC SCHOOL SYSTEM; AND

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

20 (B) THE CHIEF EXECUTIVE OFFICER SHALL, SUBJECT TO THE APPROVAL OF
21 THE BOARD:

22 (1) SELECT THE CHIEF ACADEMIC OFFICER; AND

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

24 (C) THE EMPLOYMENT CONTRACT OF THE CHIEF ACADEMIC OFFICER SHALL
25 PROVIDE THAT CONTINUED EMPLOYMENT IS CONTINGENT ON DEMONSTRABLE
26 IMPROVEMENT IN THE ACADEMIC PERFORMANCE OF THE STUDENTS IN THE
27 BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

28 (D) THE CHIEF ACADEMIC OFFICER IS NOT A PUBLIC OFFICER UNDER THE
29 CONSTITUTION OR THE LAWS OF THE STATE.

30 4-308.

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

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

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

36 (B) THE CHIEF EXECUTIVE OFFICER SHALL, SUBJECT TO THE APPROVAL OF
37 THE BOARD:

38 (1) SELECT THE CHIEF FINANCIAL OFFICER; AND

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

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

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

7 4-309.

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

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

12 (C) THE DIRECTOR OF THE UNIT SHALL REPORT DIRECTLY TO THE CHIEF
13 EXECUTIVE OFFICER.

14 (D) THE DIRECTOR OF THE UNIT IS NOT A PUBLIC OFFICER UNDER THE
15 CONSTITUTION OR THE LAWS OF THE STATE.

16 (E) THE UNIT SHALL PERFORM ONGOING RESEARCH AND EVALUATION
17 REGARDING SYSTEMIC REFORM AND STUDENT ACHIEVEMENT.

18 4-310.

19 (A) (1) THERE IS A PARENT AND COMMUNITY ADVISORY BOARD IN THE
20 BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

21 (2) (I) THE ADVISORY BOARD CONSISTS OF 14 MEMBERS, A MAJORITY
22 OF WHOM SHALL BE A PARENT OF A STUDENT ENROLLED IN A BALTIMORE CITY
23 PUBLIC SCHOOL.

24 (II) AT LEAST ONE MEMBER OF THE BOARD SHALL BE A PARENT
25 OF A STUDENT WITH DISABILITIES.

26 (3) (I) THE PLAINTIFFS IN VAUGHN G., ET AL V. MAYOR AND CITY
27 COUNCIL, ET AL, CASE NO. MJG-84-1911, UNITED STATES DISTRICT COURT FOR THE
28 DISTRICT OF MARYLAND SHALL APPOINT THREE MEMBERS OF THE ADVISORY
29 BOARD.

30 (II) THE PLAINTIFFS IN BRADFORD, ET AL V. MARYLAND STATE
31 BOARD OF EDUCATION, ET AL, CASE NO. 94340058/CE189672, CIRCUIT COURT FOR
32 BALTIMORE CITY SHALL APPOINT TWO MEMBERS OF THE ADVISORY BOARD.

33 (III) SUBJECT TO THE APPROVAL OF THE BOARD, THE CHIEF
34 EXECUTIVE OFFICER SHALL APPOINT SEVEN MEMBERS OF THE ADVISORY BOARD
35 AS FOLLOWS:

36 1. THREE SHALL BE APPOINTED FROM A LIST SUBMITTED
37 BY THE BALTIMORE CITY COUNCIL OF PARENT-TEACHER ASSOCIATIONS;

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1 2. TWO SHALL BE APPOINTED FROM A LIST SUBMITTED BY
2 THE AREA-BASED PARENT NETWORKS; AND

3 3. TWO SHALL BE APPOINTED FROM A LIST SUBMITTED BY
4 THE TITLE I LIAISONS.

5 (IV) THE CHIEF EXECUTIVE OFFICER SHALL APPOINT TWO
6 MEMBERS OF THE ADVISORY BOARD FROM OTHER PARENT AND COMMUNITY
7 GROUPS IN BALTIMORE CITY.

8 (4) IF ONE OF THE GROUPS SPECIFIED IN PARAGRAPH (3)(III) OF THIS
9 SUBSECTION FAILS TO SUBMIT A LIST WITH A SUFFICIENT NUMBER OF NOMINEES TO
10 FILL A POSITION, THE BOARD SHALL APPOINT AN INDIVIDUAL FROM OTHER
11 PARENT AND COMMUNITY GROUPS IN BALTIMORE CITY.

12 (B) THE BOARD AND THE CHIEF EXECUTIVE OFFICER SHALL:

13 (1) REGULARLY CONSULT WITH THE ADVISORY BOARD; AND

14 (2) ENSURE PARENTAL INVOLVEMENT IN THE DEVELOPMENT AND
15 IMPLEMENTATION OF THE EDUCATION POLICIES AND PROCEDURES IN THE
16 BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

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

19 (D) (1) EACH MEMBER SERVES FOR A TERM OF 2 YEARS.

20 (2) A MEMBER MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE
21 TERMS.

22 (3) A MEMBER WHOSE TERM HAS EXPIRED SHALL REMAIN IN OFFICE
23 UNTIL A SUCCESSOR IS APPOINTED.

24 4-311.

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

28 (2) THE TRANSITION PLAN SHALL IDENTIFY THE ACTIONS NEEDED TO
29 IMPLEMENT:

30 (I) THE RECOMMENDATIONS OF THE 1992 TOWERS
31 PERRIN/CRESAP MANAGEMENT STUDY REPORT AND THE 1994 AND 1995 MGT OF
32 AMERICA, INC. REPORTS; AND

33 (II) ANY EDUCATIONAL REFORM INITIATIVES TO BE
34 UNDERTAKEN DURING THE FIRST YEAR.

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

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1 (2) ON OR BEFORE MARCH 1, 1998, THE BOARD SHALL APPROVE AND
2 COMMENCE IMPLEMENTATION OF THE MASTER PLAN.

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

8 (C) THE MASTER PLAN SHALL PROVIDE FOR THE IMPROVEMENT OF:

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

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

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

14 (1) COMPLETE INCORPORATION OF THE RECOMMENDATIONS OF THE
15 1992 TOWERS PERRIN/CRESAP MANAGEMENT STUDY REPORT AND THE 1994 AND 1995
16 MGT OF AMERICA, INC. REPORTS;

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

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

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

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

30 (II) AN EFFECTIVE PROGRAM OF PROFESSIONAL DEVELOPMENT
31 AND TRAINING FOR THE STAFF OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM;
32 AND

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

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

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

5 (7) PROVIDE EFFECTIVE STAFF HIRING AND ASSIGNMENT;

6 (8) DEVELOP AN EFFECTIVE SYSTEM OF PROVIDING INSTRUCTIONAL
7 MATERIALS AND SUPPORT SERVICES;

8 (9) DEVELOP MODEL SCHOOL REFORM INITIATIVES;

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

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

13 (12) INCREASE PARENTAL PARTICIPATION;

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

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

21 4-312.

22 (A) NOTWITHSTANDING ANY PROVISION OF LOCAL LAW, THE BOARD SHALL
23 ADOPT RULES AND REGULATIONS GOVERNING THE PROCUREMENT OF GOODS AND
24 SERVICES BY THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM IN ACCORDANCE WITH
25 § 5-112 OF THIS ARTICLE.

26 (B) THE BOARD SHALL ADOPT THE MINORITY BUSINESS ENTERPRISE AND
27 WOMEN BUSINESS ENTERPRISE GOALS OF BALTIMORE CITY RELATING TO
28 PROCUREMENT.

29 4-313.

30 (A) (1) NOTWITHSTANDING ANY PROVISION OF LOCAL LAW, THE BOARD
31 SHALL ESTABLISH A PERSONNEL SYSTEM GOVERNING CERTIFICATED AND
32 NONCERTIFICATED EMPLOYEES, INCLUDING A PERFORMANCE-BASED SYSTEM
33 WIDE PERSONNEL EVALUATION SYSTEM FOR TEACHERS, PRINCIPALS, AND
34 ADMINISTRATORS.

35 (2) TO CARRY OUT THE REQUIREMENTS OF THIS SECTION, THE BOARD
36 MAY:

37 (I) ESTABLISH AND ABOLISH POSITIONS;

38 (II) DETERMINE EMPLOYEE QUALIFICATIONS;

13

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

3 (IV) DETERMINE ANY OTHER MATTERS CONCERNING EMPLOYEES.

4 (B) THE PERSONNEL SYSTEM SHALL PROVIDE FAIR AND EQUITABLE
5 PROCEDURES FOR:

6 (1) THE REDRESS OF EMPLOYEE GRIEVANCES; AND

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

9 4-314.

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

13 4-315.

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

18 (B) THE CHIEF EXECUTIVE OFFICER AND THE BOARD SHALL SUBMIT THE
19 ANNUAL BUDGET TO THE MAYOR AND CITY COUNCIL OF BALTIMORE.

20 4-316.

21 THE CHIEF EXECUTIVE OFFICER AND THE BOARD SHALL SUBMIT QUARTERLY
22 REPORTS TO THE BALTIMORE CITY BOARD OF ESTIMATES ON THE FISCAL
23 CONDITION OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

24 4-317.

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

27 (1) A FINANCIAL STATEMENT; AND

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

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

31 [4-302.] 4-318.

32 The geographical boundary of the Baltimore City School System is the same as the
33 geographical boundary of Baltimore City.

14

1 [4-303.] 4-319.

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 [4-304.] 4-320.

11 (a) [Subject] NOTWITHSTANDING ANY PROVISION OF LOCAL LAW AND
12 SUBJECT to the applicable provisions of this article, the NEW BALTIMORE CITY Board of
13 School Commissioners [of Baltimore City] may:

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

15 (2) Set teacher qualifications;

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

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

20 (b) (1) The NEW BALTIMORE CITY Board of School Commissioners shall
21 report annually to the State Board on the condition of the schools under its jurisdiction.

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

23 (i) Expenditures;

24 (ii) The number of children taught; and

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

26 [4-305.] 4-321.

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

33 [4-306.] 4-322.

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

15

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

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

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

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

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

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

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

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

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

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

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

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

29 (ii) Standards for the performance of duties.

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

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

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

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

37 (g) This section does not:

16

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

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

6 [4-307.] 4-323.

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (f) The Director shall develop and provide the following programs within the
34 Center:

35 (1) Elementary and secondary education programs;

17

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

4 (3) Vocational and rehabilitative training programs.

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

8 5-112.

9 (a) This section does not apply to:

10 (1) [Baltimore City;

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

13 [(3)] (2) Emergency repairs.

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

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

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

22 (i) The quantities involved;

23 (ii) The time required for delivery;

24 (iii) The purpose for which required;

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

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

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

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

30 6-201.

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

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

18

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 NEW BALTIMORE CITY BOARD
5 OF SCHOOL COMMISSIONERS UNDER § 4-313 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] 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 NEW BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS UNDER § 4-313 OF THIS
32 ARTICLE.

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

19

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 NEW BALTIMORE CITY Board of School Commissioners may have
7 proceedings under § 6-202 OF THIS SUBTITLE heard first by a hearing examiner [except
8 as otherwise provided by the city charter].

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

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

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

13 6-401.

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

16 6-501.

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

18 (i) Somerset;

19 (ii) Wicomico; and

20 (iii) Worcester.

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

24 6-505.

25 (a) (1) Each public school employer may designate, as provided in this subtitle,
26 which employee organization, if any, shall be the exclusive representative of all public
27 school employees in a specified unit in the county.

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

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

33 (a) The terms of the initial voting members of the New Baltimore City Board of
34 School Commissioners begin on the effective date of this Act and shall expire as follows:

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

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

20

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

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

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

9 SECTION 4. AND BE IT FURTHER ENACTED, That, as of the effective date of
10 this Act, each certificated and noncertificated employee of the Baltimore City Public
11 School System shall become a member of the personnel system established by the New
12 Baltimore City Board of School Commissioners in accordance with § 4-313 of the
13 Education Article, as enacted by this Act, except that noninstructional senior level staff of
14 the central administration shall reapply to the Board for continued employment upon the
15 reorganization.

16 SECTION 5. AND BE IT FURTHER ENACTED, That, on or before April 30,
17 2000, a consultant shall complete an interim review of the Baltimore City Public School
18 System and report the findings of the evaluation to the Governor, the Mayor, and, in
19 accordance with § 2-1312 of the State Government Article, the General Assembly. The
20 New Baltimore City Board of School Commissioners and the Maryland State Department
21 of Education shall jointly select and equally share the cost of the consultant and
22 determine the scope of the interim review. At a minimum, the interim review shall
23 evaluate both the educational and management reforms made by the New Baltimore City
24 Board of School Commissioners. The review may include recommendations to the
25 General Assembly concerning changes to the structure and power of the Board, in
26 addition to recommendations to the Board concerning modifications to the Master Plan
27 adopted in accordance with this Act. On or before December 1, 2001, a consultant shall
28 conduct a final comprehensive review and evaluation of the New Baltimore City Board of
29 School Commissioners. The Board and the Maryland State Department of Education
30 shall jointly select and equally share the cost of the consultant and determine the scope of
31 the final comprehensive review. At a minimum, the comprehensive review and evaluation
32 shall determine whether there has been improvement in the management of and student
33 achievement in the public schools in Baltimore City. The consultant shall report the
34 findings of the evaluation to the Governor, the Mayor, and, in accordance with § 2-1312
35 of the State Government Article, the General Assembly. The consultant may make
36 recommendations concerning the continuation, modification, or termination of the New
37 Baltimore City Board of School Commissioners.

38 SECTION 6. AND BE IT FURTHER ENACTED, That the provisions of this Act
39 reflect the terms of the consent decrees entered in the cases "Bradford, et al v. Maryland
40 State Board of Education, et al", case no. 94340058/CE189672; "Board of School
41 Commissioners, et al v. Maryland State Board of Education, et al", case no.
42 9528055/CL2002151, Baltimore City Circuit Court; and "Vaughn G., et al v. Mayor and
43 City Council, et al", case no. MJG-84-1911, United States District Court for the District
44 of Maryland and reflect a commitment to appropriate additional funds for the Baltimore

21

1 City public schools in the following amounts: \$30 million in Fiscal Year 1998 and \$50
2 million in each of Fiscal Years 1999 through 2002, inclusive.

3 SECTION 7. AND BE IT FURTHER ENACTED, That, consistent with the
4 consent decrees described in Section 6 of this Act, the State is committed to
5 appropriating additional funds to Baltimore City if the City's full-time equivalent
6 enrollment, as determined under § 5-202(a)(7) of the Education Article, for purposes of
7 calculating the State share of basic current expenses under § 5-202(b) of the Education
8 Article in Fiscal Years 1998 through 2002, is less than Baltimore City's current enrollment
9 projections for those fiscal years. For any fiscal year in which the enrollment utilized in
10 calculating the State share of basic current expenses is less than the current enrollment
11 projection, the additional funds appropriated to Baltimore City shall equal the difference
12 between the projected enrollment for Baltimore City and the full-time equivalent
13 enrollment for Baltimore City, as determined under § 5-202(a)(7) of the Education
14 Article, multiplied times Baltimore City's State share of basic current expenses per
15 full-time equivalent student for that fiscal year. For purposes of this section, "Baltimore
16 City's current enrollment projections" means the following:

17 101,648.0 for Fiscal Year 1998 aid;

18 97,842.5 for Fiscal Year 1999 aid;

19 94,616.5 for Fiscal Year 2000 aid;

20 91,479.0 for Fiscal Year 2001 aid; and

21 89,197.5 for Fiscal Year 2002 aid.

22 SECTION 8. AND BE IT FURTHER ENACTED, That the financial commitment
23 enumerated in Section 6 of this Act shall be separate from established State funding
24 pursuant to APEX and other current or additional State funds provided to the Baltimore
25 City public schools. If new revenue becomes available to the State during Fiscal Year
26 1998 through Fiscal Year 2002, and such revenue is dedicated in whole or in part to
27 education generally, the Baltimore City public schools shall receive its designated share of
28 those revenues without reduction of the additional funds detailed in the consent decrees
29 referenced in Section 6 of this Act. Furthermore, the additional State funds described in
30 Section 6 of this Act and the consent decrees may not be provided by reducing any other
31 State funds provided to Baltimore City. Nothing in this Act, however, shall prevent the
32 Governor or the General Assembly from reducing local aid to Baltimore City as part of
33 any general statewide reduction in local aid for a special project or purpose. Baltimore
34 City may not use any of this additional funding to meet any statutory obligation to
35 maintain levels of local funding for education.

36 SECTION 9. AND BE IT FURTHER ENACTED, That each collective bargaining
37 agreement that is in effect on the effective date of this Act shall remain in force and
38 effect through June 30, 1997. The New Baltimore City Board of School Commissioners
39 shall review each of these agreements to determine if the provisions of the agreement are
40 consistent with the purposes of the Master Plan and may negotiate changes to an
41 agreement.

42 SECTION 10. AND BE IT FURTHER ENACTED, That an appeal from a ruling
43 of the Circuit Court for Baltimore City regarding requests for funding for Fiscal Years

22

1 2001 and 2002 in amounts greater than that described in Section 6 of this Act pursuant to
2 the terms of the consent decrees described in Section 6 of this Act shall be directed to the
3 Court of Appeals on an expedited basis, with the Court of Appeals decision issued within
4 60 days after the written briefing is completed.

5 SECTION 11. AND BE IT FURTHER ENACTED, That this Act may not take
6 effect until the passage of the State Budget Bill by the General Assembly, which includes
7 an appropriation of \$30 million in additional funds as described in Section 6 of this Act
8 for the following purposes: (1) to have a direct and substantial impact on improving
9 academic achievement; (2) to improve the educational performance of schools having a
10 high percentage of students living in poverty; (3) to improve the educational performance
11 of reconstitution eligible schools and other schools that are both failing to meet Maryland
12 School Performance Program standards and failing to show progress toward meeting
13 those standards; (4) to make progress toward meeting teacher salary parity with
14 Baltimore County; and (5) to implement other improvements that directly support
15 improved classroom instruction, including technology enhancements, individual
16 professional development, and curriculum development.

17 SECTION 12. AND BE IT FURTHER ENACTED, That, if the General Assembly
18 fails to appropriate the funds for any of the fiscal years described in Section 6 of this Act,
19 this Act shall be abrogated effective on the last day of the last fiscal year for which funds
20 were appropriated.

21 SECTION 13. AND BE IT FURTHER ENACTED, That, subject to Sections 11
22 and 12 of this Act, this Act shall take effect upon the later of the date of its signing by the
23 Governor or the date of passage of the State Budget Bill. It shall remain effective until
24 July 1, 2002, and at the end of June 30, 2002, with no further action required by the
25 General Assembly, this Act shall be abrogated and of no further force and effect.

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