

EMERGENCY BILL

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7lr0570

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

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 27, 1997

CHAPTER _____

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; providing for the
25 payment of certain fees for certain employee organizations for certain
26 representation; repealing certain exemptions of Baltimore City from certain

1 provisions of the Education Article; defining certain terms; altering certain
2 definitions; specifying the terms of the initial members of the Board; transferring
3 the functions, powers, duties, equipment, assets, liabilities, and employees of the
4 Superintendent of Public Instruction for Baltimore City and the Board of School
5 Commissioners of Baltimore City to the Board and the Chief Executive Officer of
6 the Board on a certain date and subject to certain restrictions; providing for the
7 continuation of certain services provided to the Baltimore City Public School System
8 by other units of the Baltimore City Government; prohibiting the Baltimore City
9 Council from restoring or denying certain budget items under certain
10 circumstances; requiring the Board to submit to the Mayor and City Council of
11 Baltimore City and the Baltimore City Board of Estimates a certain report on
12 expenditures in its budget; repealing certain provisions relating to the budget of the
13 Board of School Commissioners of Baltimore City; requiring certain employees of
14 the Baltimore City Public School System to become members of a certain personnel
15 system on a certain date; requiring certain employees to reapply for continued
16 employment; requiring certain consultants to conduct certain evaluations by certain
17 dates; requiring the reporting of certain evaluations to the Governor, the Mayor,
18 and the General Assembly; specifying that the provisions of this Act reflect certain
19 consent decrees and a certain commitment to appropriate additional funds for the
20 Baltimore City Public Schools; specifying a commitment of the State to appropriate
21 additional funds to Baltimore City under certain circumstances relating to the
22 enrollment of students; requiring a certain financial commitment to be separate
23 from other State funding; prohibiting the reduction of certain State funds under
24 specified circumstances; prohibiting Baltimore City from using certain funds to
25 meet certain statutory obligations; requiring certain collective bargaining
26 agreements to remain in effect for a specified time period; authorizing the Board to
27 negotiate certain changes to certain collective bargaining agreements; requiring the
28 Board to recognize and bargain with certain employee organizations; requiring
29 certain collective bargaining agreements for certain employees to be separate
30 agreements from the collective bargaining agreements for the employees of the City
31 of Baltimore; providing for the rights of certain employees to be dismissed only for
32 cause; providing for certain rights and benefits of certain employees through a
33 certain date; providing for the retention of sick leave for certain employees;
34 providing for certain health and retirement benefits for certain employees;
35 providing for the retention and assumption of certain liabilities; requiring a certain
36 agreement to be submitted to certain committees of the General Assembly;
37 providing for payment of certain employer and employee contributions to certain
38 pension and retirement systems; providing for disbursement of certain funds in a
39 certain manner; requiring the Board to initiate a certain search process by a certain
40 date; requiring that certain appeals be made directly to the Court of Appeals;
41 making this Act subject to a certain contingency; requiring the Board to establish a
42 certain system of financial reporting by a certain date; requiring a certain financial
43 audit by a certain date; providing for the appointment of members to a certain
44 advisory board; requiring the Board to submit a certain report in a certain manner;
45 providing for the repeal of law inconsistent with this Act; providing for the effective
46 date of this Act; providing for the termination of this Act; making it a misdemeanor
47 to knowingly and willfully falsify or conceal a material fact or make a false statement
48 in the preparation of any report required under this Act; providing for certain

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1 penalties; making this Act an emergency measure; and generally relating to the
 2 establishment of the New Baltimore City Board of School Commissioners and the
 3 management of the Baltimore City Public School System.

4 BY repealing and reenacting, with amendments,
 5 The Charter of Baltimore City
 6 Article II - General Powers
 7 Section (30)
 8 (1996 Edition, as amended)

9 BY repealing and reenacting, with amendments,
 10 Article - Education
 11 Section 1-101(d) and (e), ~~2-205(m)(1)~~, ~~2-303(f)~~, ~~3-101~~, ~~3-108(a)~~, 4-102, 4-103,
 12 ~~4-104(a)~~, ~~4-107~~, ~~4-114 through 4-119~~, 4-205(c) and (d), 4-301 through 4-307,
 13 ~~5-102 through 5-107~~, 5-112(a), ~~6-109~~, 6-201(c), 6-202, 6-203(b) and (d),
 14 6-401(d), ~~6-501(g)~~, ~~6-501(f) and (g)~~, and 6-505(a)
 15 Annotated Code of Maryland
 16 (1997 Replacement Volume)

17 BY repealing and reenacting, without amendments,
 18 Article - Education
 19 Section 5-112(b), (c), and (e)
 20 Annotated Code of Maryland
 21 (1997 Replacement Volume)

22 BY adding to
 23 Article - Education
 24 Section ~~3-108.1~~, 4-301 ~~and~~, 4-303 through ~~4-317~~ 4-313, and 6-504(e)
 25 Annotated Code of Maryland
 26 (1997 Replacement Volume)

27 BY repealing
 28 Article - Education
 29 Section 5-108
 30 Annotated Code of Maryland
 31 (1997 Replacement Volume)

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

34 **The Charter of Baltimore City**

35 Article II - General Powers

36 The Mayor and City Council of Baltimore shall have full power and authority to
 37 exercise all of the powers heretofore or hereafter granted to it by the Constitution of
 38 Maryland or by any Public General or Public Local Laws of the State of Maryland; and in

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1 particular, without limitation upon the foregoing, shall have power by ordinance, or such
2 other method as may be provided for in its Charter, subject to the provisions of said
3 Constitution and Public General Laws:

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

7 **Article - Education**

8 1-101.

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

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

14 2-205.

15 (m) (1) In this subsection, "professional employee" means an employee:

16 (i) For whom a certificate has been issued by the State
17 Superintendent [or, in Baltimore City, who has equivalent status as determined by the
18 Department]; and

19 (ii) For whom a salary scale has been established by law for the
20 position or who meets or exceeds the qualifications required for an established salary
21 scale.

22 2-303.

23 (f) (1) [This subsection does not apply to Baltimore City.

24 (2)] Subject to the bylaws, rules, and regulations of the State Board, the
25 State Superintendent shall approve or disapprove each:

26 (i) Proposal for the purchase or sale of any ground, school site, or
27 building;

28 (ii) Plan or specification for the remodeling of a school building if the
29 remodeling costs more than \$350,000;

30 (iii) Plan or specification for the construction of a new school building;
31 and

32 (iv) Change order that costs more than \$25,000 for the remodeling,
33 restoration, or construction of a school building.

34 [(3)] (2) If the State Superintendent disapproves any plan, specification,
35 proposal, or change order, he shall state in writing the reasons for his disapproval.

1 [(4)] (3) If the construction is to be done by a county board, the board may
2 not begin until the plans and specifications are approved in writing by the State
3 Superintendent.

4 [(5)] (4) If the construction is to be done by contract, the contract is invalid
5 without the written approval of the State Superintendent.

6 3-101.

7 This title [does not apply to] APPLIES TO ALL COUNTY BOARDS INCLUDING
8 Baltimore City.

9 3-108.

10 (a) Except for the NEW BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS
11 ESTABLISHED UNDER § 3-108.1 OF THIS SUBTITLE AND counties listed in § 3-114 of this
12 subtitle, the Governor shall appoint the members of each county board from the residents
13 of that county.

14 3-108.1.

15 (A) IN THIS SECTION "BOARD" MEANS THE NEW BALTIMORE CITY BOARD OF
16 SCHOOL COMMISSIONERS OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

17 (B) THERE IS A NEW BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS
18 OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

19 (C) THE BOARD CONSISTS OF:

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

23 (2) ONE VOTING STUDENT MEMBER APPOINTED AS PROVIDED IN
24 SUBSECTION (O) OF THIS SECTION.

25 (D) EACH MEMBER OF THE BOARD SHALL BE A RESIDENT OF BALTIMORE
26 CITY.

27 (E) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE BOARD SHALL
28 REFLECT THE DEMOGRAPHIC COMPOSITION OF BALTIMORE CITY.

29 (F) AT LEAST FOUR OF THE VOTING MEMBERS SHALL POSSESS A HIGH LEVEL
30 OF KNOWLEDGE AND EXPERTISE CONCERNING THE SUCCESSFUL ADMINISTRATION
31 OF A LARGE BUSINESS, NONPROFIT, OR GOVERNMENTAL ENTITY AND SHALL HAVE
32 SERVED IN A HIGH LEVEL MANAGEMENT POSITION WITHIN SUCH AN ENTITY.

33 (G) AT LEAST THREE OF THE VOTING MEMBERS SHALL POSSESS A HIGH
34 LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING EDUCATION.

35 (H) AT LEAST ONE VOTING MEMBER SHALL BE A PARENT OF A STUDENT
36 ENROLLED IN THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM AS OF THE DATE OF
37 APPOINTMENT OF THE MEMBER.

1 (I) (1) AMONG THE NINE VOTING MEMBERS, AT LEAST ONE MEMBER
2 SHALL ALSO POSSESS KNOWLEDGE OR EXPERIENCE IN THE EDUCATION OF
3 CHILDREN WITH DISABILITIES.

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

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

7 (2) THE TERMS OF THE VOTING MEMBERS ARE STAGGERED AS
8 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON THE
9 EFFECTIVE DATE OF THIS ACT.

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

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

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

17 (6) TO THE EXTENT PRACTICABLE, THE GOVERNOR AND THE MAYOR
18 SHALL FILL ANY VACANCY ON THE BOARD WITHIN 60 DAYS OF THE DATE OF THE
19 VACANCY FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED TO THE MAYOR
20 AND THE GOVERNOR BY THE STATE BOARD.

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

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

25 (M) ON APPOINTMENT OF THE BOARD, THE GOVERNOR AND THE MAYOR
26 SHALL JOINTLY SELECT ONE OF THE VOTING MEMBERS TO SERVE AS THE
27 CHAIRMAN OF THE BOARD WHO SHALL SERVE THROUGH JUNE 30, 1999.

28 (N) BEGINNING ON JULY 1, 1999 AND EVERY 2 YEARS THEREAFTER, FROM
29 AMONG ITS VOTING MEMBERS THE BOARD SHALL ELECT A CHAIRMAN.

30 (O) (1) ONE STUDENT MEMBER SHALL BE A STUDENT ENROLLED IN THE
31 BALTIMORE CITY PUBLIC SCHOOL SYSTEM WHO SHALL BE SELECTED BY THE
32 ASSOCIATED STUDENT CONGRESS OF BALTIMORE CITY.

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

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

36 (4) THE STUDENT MEMBER MAY NOT VOTE ON ANY MATTER THAT
37 RELATES TO:

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1 (I) THE DISMISSAL OF OR OTHER DISCIPLINARY ACTION
2 INVOLVING PERSONNEL;

3 (II) BUDGET, INCLUDING ALL PROCUREMENT;

4 (III) ALL COLLECTIVE BARGAINING MATTERS; AND

5 (IV) APPEALS TO THE NEW BALTIMORE CITY BOARD OF SCHOOL
6 COMMISSIONERS.

7 (P) ANY ACTION BY THE BOARD SHALL REQUIRE:

8 (1) A QUORUM OF A MAJORITY OF THE VOTING MEMBERS THEN
9 SERVING; AND

10 (2) THE AFFIRMATIVE VOTE OF A MAJORITY OF THE VOTING MEMBERS
11 THEN SERVING.

12 4-102.

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

15 (2) (I) In Baltimore City, the [Superintendent of Public Instruction]
16 CHIEF EXECUTIVE OFFICER OF THE NEW BALTIMORE CITY BOARD OF SCHOOL
17 COMMISSIONERS is the executive officer ~~and~~ secretary, AND TREASURER of the NEW
18 Board of School Commissioners.

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

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

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

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

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

31 4-103.

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

34 (1) Appoint all principals, teachers, and other certificated and
35 noncertificated personnel; and

36 (2) Set their salaries.

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

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

5 4-104.

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

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

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

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

12 4-107.

13 (a) [This section does not apply to Baltimore City.

14 (b) Each county board shall hold an annual meeting on or as near as possible to
15 the second Tuesday in July, except that:

16 (1) In Allegany County, the annual meeting shall be held on the second
17 Tuesday of January;

18 (2) In Montgomery County, the annual meeting shall be held on or before
19 January 10;

20 (3) In Prince George's County, the annual meeting shall be held on the first
21 Monday in December;

22 (4) In St. Mary's County, the annual meeting shall be held following the first
23 Monday in December; and

24 (5) In Washington County, the annual meeting shall be held in December,
25 on or before the 16th day.

26 [(c)] (B) A county board may hold any other meetings that its duties and business
27 require.

28 [(d)] (C) Except as provided in Title 3 of this article, each county board, at its
29 annual meeting, shall elect a president and a vice-president from among its members by
30 means of an individually recorded vote.

31 [(e)] (D) (1) All final actions of a county board shall be taken at a public
32 meeting. The minutes of the meeting shall be available to the public.

33 (2) A county board may meet and deliberate in executive session if the
34 matter under consideration is:

35 (i) Land and site acquisitions; or

36 (ii) Personnel and labor relations.

1 [(f)] (E) (1) Except as otherwise provided in this article, a member of a county
2 board may not receive compensation.

3 (2) Each member shall be reimbursed for traveling and other expenses
4 incurred in the performance of his duties.

5 (3) Each member of the county board of the counties specified in this
6 paragraph shall receive the enumerated amounts annually for traveling and other
7 expenses.

8 (i) Calvert County:

9 1. Member.....\$2,000; and

10 2. President.....\$2,200.

11 (ii) Caroline County:

12 1. Member.....\$3,000; and

13 2. President.....\$3,500.

14 (iii) Cecil County:

15 1. Member.....\$1,400; and

16 2. Chairman.....\$1,600.

17 (iv) Charles County:

18 1. Member.....\$600;

19 2. Vice-chairman.....\$600; and

20 3. Chairman.....\$800.

21 (v) Dorchester County:

22 1. Member.....\$3,000; and

23 2. Chairman.....\$3,200.

24 (vi) Frederick County:

25 1. Member.....\$2,500; and

26 2. President.....\$2,500.

27 (vii) Queen Anne's County:

28 1. Member.....\$1,000; and

29 2. Chairman.....\$1,200.

30 (viii) Talbot County:

1. Member.....\$1,200:

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- 1 2. Chairman.....\$1,500;
- 2 3. Travel.....\$300; and
- 3 4. Other expenses for each meeting, other than the annual
- 4 meeting attended on behalf of the County.....\$25.

5 (4) Each member of the Charles County Board shall receive the following
6 amounts annually as compensation:

- 7 (i) Member:
- 8 1. \$3,090 for the calendar year 1995; and
- 9 2. \$3,185 for the calendar years 1996, 1997, and 1998;
- 10 (ii) Vice-chairman:
- 11 1. \$3,400 for the calendar year 1995; and
- 12 2. \$3,500 for the calendar years 1996, 1997, and 1998; and
- 13 (iii) Chairman:
- 14 1. \$3,710 for the calendar year 1995; and
- 15 2. \$3,820 for calendar years 1996, 1997, and 1998.

16 (5) Each member of the St. Mary's County Board shall receive the following
17 amounts annually as compensation:

- 18 (i) Member.....\$4,000; and
- 19 (ii) Chairman.....\$4,300.

20 (6) Each member of the Wicomico County Board shall receive the following
21 amounts annually as compensation:

- 22 (i) Member.....\$3,700; and
- 23 (ii) Chairman.....\$4,000.

24 (7) Each member of the Worcester County Board shall receive an amount
25 annually for traveling and other expenses as determined by the County Commissioners,
26 but in the amount of at least:

- 27 (i) Member.....\$2,000; and
- 28 (ii) Chairman.....\$2,400.

29 4-114.

30 (a) All property granted, conveyed, devised, or bequeathed for the use of a
31 particular public school or school system:

32 (1) Shall be held in trust for the benefit of the school or school system by the

33 appropriate county board [or, in Baltimore City, by the Mayor and City Council]; and

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1 (2) Is exempt from all State and local taxes.

2 (b) Money invested in trust for the benefit of the public schools for any county or
3 city is exempt from all State and local taxes.

4 4-115.

5 (a) [This section does not apply to Baltimore City.] IN THIS SUBTITLE,
6 "COUNTY COUNCIL" MEANS, IN BALTIMORE CITY, THE MAYOR AND CITY COUNCIL
7 OF BALTIMORE.

8 (b) With the approval of the State Superintendent, each county board may:

9 (1) Buy or otherwise acquire land, school sites, or buildings; and

10 (2) Rent, repair, improve, and build school buildings or approve contracts
11 for doing so, if the plans conform to the bylaws, rules, and regulations of the State Board.

12 (c) (1) If, with the approval of the State Superintendent, a county board finds
13 that any land, school site, or building no longer is needed for school purposes, it shall be
14 transferred by the county board to the county commissioners or county council and may
15 be used, sold, leased, or otherwise disposed of, except by gift, by the county
16 commissioners or county council.

17 (2) With the approval of the State Superintendent, the Cecil County Board
18 may transfer, with or without charge, any of its property to the board of trustees of a
19 public community college.

20 (d) In Baltimore County, the Baltimore County Board of Education must notify
21 the Baltimore County Office of Planning and Zoning of any schools it is considering for
22 closure and request from that Office a written recommendation on the proposed action.
23 If the Office of Planning and Zoning wishes to make a recommendation, it must be
24 submitted to the Board no later than November 1 of the calendar year preceding the
25 proposed closure. The Board of Education shall consider these recommendations at least
26 3 months before taking final action. These provisions may be waived by mutual
27 agreement.

28 4-116.

29 (a) [This section does not apply to Baltimore City.

30 (b)] (1) If there is a commission or agency with legal responsibility for county
31 planning for land use, the county board shall:

32 (i) Consult with the commission or agency; and

33 (ii) Ask its advice in choosing land for a school site.

34 (2) The site shall conform as far as practicable to development plans for
35 land use in the county.

36 [(c)] (B) (1) If a county board gives preliminary approval of a school site, the
37 county board shall hold a public hearing if:

38 (i) It considers it desirable;

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1 (ii) 100 or more adult residents of the county petition in writing for a
2 hearing; or

3 (iii) The county commissioners or county council asks for a hearing.

4 (2) The hearing shall be held on at least 10 [days] DAYS' notice, published
5 at least once in a newspaper of general circulation in the county, to give all interested
6 persons an opportunity to present their views.

7 (3) Any petition by residents of the county shall be filed at the office of the
8 county board within 15 days after the board gives preliminary approval of the site.

9 (4) If a hearing is held, minutes shall be kept and, after deliberation, the
10 county board shall send the minutes of the hearing and its recommendation to the State
11 Superintendent for use in making a decision on his approval of the site.

12 (5) A request for site approval may not be made to the State Superintendent
13 by a county board until 15 days pass after its action recommending the site or, if a hearing
14 is held, until after the hearing, whichever occurs last.

15 4-117.

16 (a) [This section does not apply to Baltimore City.

17 (b) On the recommendation of the county superintendent, a county board may
18 employ architects to assist in preparing plans and specifications for constructing or
19 remodeling a building.

20 [(c)] (B) The construction or remodeling of a building shall conform to all
21 applicable State and county building, electrical, fire, and plumbing regulations and codes.
22 A fee may not be charged for any permit required pursuant to these regulations or codes
23 for construction or remodeling, but a fee may be charged for water or sewer permits, or
24 for connection and service charges for water and sewerage.

25 4-118.

26 (a) [This section does not apply to Baltimore City.

27 (b) Each county board may receive a donation of any:

28 (1) School land;

29 (2) School site; or

30 (3) Suitably located house adapted to school purposes.

31 [(c)] (B) A county board may not improve any site or occupy any house donated
32 under this section until it has acquired either a valid title to the property or a leasehold
33 interest in it for a term longer than the probable useful life of the proposed improvement
34 to the site or of the house donated.

35 4-119.

36 (a) [This section does not apply to Baltimore City.

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1 (b) A county board may bring condemnation proceedings to acquire land under
2 Title 12 of the Real Property Article if:

3 (1) Land is required for any school purpose; and

4 (2) The county board is unable to contract with the owner of the land for
5 what the board considers to be a fair valuation.

6 [(c)] (B) The county board may ask the county commissioners or county council
7 to assist it in bringing condemnation proceedings.

8 4-205.

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

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

12 (i) The school law; and

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

14 [(3)] (2) Subject to the provisions of § 6-203 and Subtitle 4 of Title 6 of this
15 article and without charge to the parties concerned, each county superintendent shall
16 decide all controversies and disputes that involve:

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

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

19 [(4)] (3) A decision of a county superintendent may be appealed to the
20 county board if taken in writing within 30 days after the decision of the county
21 superintendent. The decision may be further appealed to the State Board if taken in
22 writing within 30 days after the decision of the county board.

23 (d) [(1) This subsection does not apply to Baltimore City.

24 (2) A contract made by a county board is not valid without the written
25 approval of the county superintendent.

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~~ § 4-309 OF THIS SUBTITLE, the Mayor and

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

3 4-303.

4 (A) IN ORDER TO ESTABLISH A NEW 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 MORE~~ EFFICIENT USE OF THE
7 RESOURCES OF THE STATE AND BALTIMORE CITY, THE NEW BALTIMORE CITY
8 BOARD OF SCHOOL COMMISSIONERS IS ESTABLISHED IN ACCORDANCE WITH THE
9 PROVISIONS OF THIS 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 HAVE THE AUTHORITY AND BE RESPONSIBLE
18 FOR ALL FUNCTIONS 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 (1) 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~~

16

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; AND

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

25 ~~(4)~~ (3) DESIGNATE INDIVIDUALS WITH PRIMARY RESPONSIBILITY
26 FOR 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.

17

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, AT A MINIMUM, THAT CONTINUED EMPLOYMENT IS CONTINGENT ON
10 DEMONSTRABLE IMPROVEMENT IN THE ACADEMIC PERFORMANCE OF THE
11 STUDENTS IN THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM AND THE SUCCESSFUL
12 MANAGEMENT OF THE BALTIMORE CITY PUBLIC SCHOOLS.

13 (F) THE INITIAL CONTRACT AND ANY RENEWAL MAY NOT EXCEED 4 YEARS.

14 ~~4-307~~, 4-305.

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

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

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

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

23 (1) SELECT THE CHIEF ACADEMIC OFFICER; AND

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

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

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

31 ~~4-308~~, 4-306.

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

34 (1) BE RESPONSIBLE FOR THE DAY-TO-DAY MANAGEMENT AND
35 OVERSIGHT OF THE FISCAL AFFAIRS OF THE BALTIMORE CITY PUBLIC SCHOOL
36 SYSTEM; AND

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

18

1 (B) THE CHIEF EXECUTIVE OFFICER SHALL, SUBJECT TO THE APPROVAL OF
2 THE BOARD:

3 (1) SELECT THE CHIEF FINANCIAL OFFICER; AND

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

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

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

10 ~~4-309. 4-307.~~

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

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

15 (C) THE DIRECTOR OF THE UNIT SHALL REPORT DIRECTLY TO THE CHIEF
16 EXECUTIVE OFFICER AND SHALL BE HELD ACCOUNTABLE FOR THE EFFECTIVE AND
17 EFFICIENT MANAGEMENT OF THE UNIT.

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

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

22 ~~4-310. 4-308.~~

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

25 (2) ~~(H)~~ THE ADVISORY BOARD CONSISTS OF 14 MEMBERS, A MAJORITY
26 OF WHOM SHALL BE ~~A PARENT OF A STUDENT~~ PARENTS OF STUDENTS ENROLLED IN
27 ~~A THE~~ BALTIMORE CITY PUBLIC ~~SCHOOL~~ SCHOOLS.

28 ~~(H) AT LEAST ONE MEMBER OF THE BOARD SHALL BE A PARENT~~
29 ~~OF A STUDENT WITH DISABILITIES.~~

30 ~~(3) (I) THE PLAINTIFFS IN VAUGHN G., ET AL V. MAYOR AND CITY~~
31 ~~COUNCIL, ET AL, CASE NO. MJG 84 1911, UNITED STATES DISTRICT COURT FOR THE~~
32 ~~DISTRICT OF MARYLAND SHALL APPOINT THREE MEMBERS OF THE ADVISORY~~
33 ~~BOARD.~~

34 ~~(H) THE PLAINTIFFS IN BRADFORD, ET AL V. MARYLAND STATE~~
35 ~~BOARD OF EDUCATION, ET AL, CASE NO. 94340058/CE189672, CIRCUIT COURT FOR~~
36 ~~BALTIMORE CITY SHALL APPOINT TWO MEMBERS OF THE ADVISORY BOARD.~~

19

1 ~~(III) SUBJECT TO THE APPROVAL OF THE BOARD, THE CHIEF~~
2 ~~EXECUTIVE OFFICER SHALL APPOINT SEVEN MEMBERS OF THE ADVISORY BOARD~~
3 ~~AS FOLLOWS:~~

4 ~~1. THREE SHALL BE APPOINTED FROM A LIST SUBMITTED~~
5 ~~BY THE BALTIMORE CITY COUNCIL OF PARENT TEACHER ASSOCIATIONS;~~

6 ~~2. TWO SHALL BE APPOINTED FROM A LIST SUBMITTED BY~~
7 ~~THE AREA BASED PARENT NETWORKS; AND~~

8 ~~3. TWO SHALL BE APPOINTED FROM A LIST SUBMITTED BY~~
9 ~~THE TITLE I LIAISONS.~~

10 ~~(IV) THE CHIEF EXECUTIVE OFFICER SHALL APPOINT TWO~~
11 ~~MEMBERS OF THE ADVISORY BOARD FROM OTHER PARENT AND COMMUNITY~~
12 ~~GROUPS IN BALTIMORE CITY.~~

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

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

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

19 (2) ENSURE PARENTAL INVOLVEMENT IN THE DEVELOPMENT AND
20 IMPLEMENTATION OF THE EDUCATION POLICIES AND PROCEDURES IN THE
21 BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

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

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

25 (2) A MEMBER MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE
26 TERMS.

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

29 ~~4-311. 4-309.~~

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

33 (2) THE TRANSITION PLAN SHALL IDENTIFY THE ACTIONS NEEDED TO
34 IMPLEMENT:

35 (I) THE KEY RECOMMENDATIONS OF THE 1992 TOWERS
36 PERRIN/CRESAP MANAGEMENT STUDY REPORT AND THE 1994 AND 1995 MGT OF
37 AMERICA, INC. REPORTS, AS PROPOSED BY THE BOARD AND AGREED UPON BY THE
38 STATE BOARD OF EDUCATION; AND

20

1 (II) ANY EDUCATIONAL REFORM INITIATIVES TO BE
2 UNDERTAKEN DURING THE FIRST YEAR.

3 (3) THE TRANSITION PLAN SHALL SPECIFY INDICATORS BY WHICH TO
4 MEASURE PROGRESS IN ACHIEVING IMPLEMENTATION OF MANAGEMENT AND
5 EDUCATIONAL REFORM INITIATIVES AND SHALL INCLUDE APPROPRIATE TIME
6 LINES, INCLUDING PROGRESS EXPECTED TO BE ACHIEVED BY FEBRUARY 1, 1998.

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

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

12 (3) FOLLOWING APPROVAL OF THE MASTER PLAN BY THE BOARD, OR
13 BY FEBRUARY 15, 1998, WHICHEVER IS EARLIER, THE MASTER PLAN SHALL BE
14 SUBMITTED TO THE MEMBERS OF THE STATE BOARD OF EDUCATION AND THE
15 STATE SUPERINTENDENT OF SCHOOLS FOR THEIR REVIEW AND APPROVAL.

16 (4) THE GENERAL ASSEMBLY SHALL RECEIVE AND CONSIDER BOTH
17 THE TRANSITION PLAN AND THE MASTER PLAN, AND THE COMMENTS OF THE STATE
18 BOARD OF EDUCATION AND STATE SUPERINTENDENT OF SCHOOLS REGARDING
19 BOTH PLANS AND THE ACHIEVEMENTS OF THE BOARD TOWARDS MEETING THE
20 GOALS OF THIS ACT, BEFORE APPROVING THE FISCAL YEAR 1999 BUDGET.

21 ~~(4)~~ (5) THE CHIEF EXECUTIVE OFFICER OR A DESIGNEE OF THE
22 CHIEF EXECUTIVE OFFICER MAY CONSULT WITH PARENTS, TEACHERS, STUDENTS,
23 REPRESENTATIVES OF THE BUSINESS COMMUNITY, AND EDUCATIONAL
24 INSTRUCTION AND ADMINISTRATION EXPERTS DURING THE COURSE OF
25 DEVELOPMENT OF THE MASTER PLAN.

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

27 (1) STUDENT ACHIEVEMENT IN THE BALTIMORE CITY PUBLIC SCHOOLS;
28 AND

29 (2) THE MANAGEMENT AND ACCOUNTABILITY OF THE BALTIMORE
30 CITY PUBLIC SCHOOL SYSTEM.

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

32 (1) COMPLETE INCORPORATION OF THE KEY RECOMMENDATIONS OF
33 THE 1992 TOWERS PERRIN/CRESAP MANAGEMENT STUDY REPORT AND THE 1994 AND
34 1995 MGT OF AMERICA, INC. REPORTS;

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

21

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

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

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

9 (II) AN EFFECTIVE PROGRAM OF PROFESSIONAL DEVELOPMENT
10 AND TRAINING FOR THE STAFF OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM
11 INCLUDING DEVELOPMENT AND IMPLEMENTATION OF A PERFORMANCE-BASED
12 SYSTEM-WIDE PERSONNEL EVALUATION SYSTEM FOR TEACHERS, PRINCIPALS AND
13 ADMINISTRATORS; AND

14 (III) AN EFFECTIVE EDUCATIONAL PROGRAM FOR MEETING THE
15 NEEDS OF STUDENTS AT RISK OF EDUCATIONAL FAILURE; AND

16 (IV) AN ASSESSMENT BY THE BALTIMORE CITY HEALTH
17 DEPARTMENT OF THE HEALTH NEEDS OF THE STUDENTS, INCLUDING THE NUMBER
18 OF STUDENTS AFFECTED BY LEAD POISONING AND THE NUMBER OF STUDENTS
19 BORN TO DRUG ADDICTED MOTHERS;

20 (5) PROVIDE EFFECTIVE MANAGEMENT INFORMATION SYSTEMS FOR
21 THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM, INCLUDING THE CAPACITY TO
22 ACCURATELY TRACK STUDENT ENROLLMENT, ATTENDANCE, ACADEMIC RECORDS,
23 DISCIPLINE RECORDS, AND COMPLIANCE WITH THE PROVISIONS OF THE FEDERAL
24 INDIVIDUALS WITH DISABILITIES EDUCATION ACT;

25 (6) PROVIDE AN EFFECTIVE FINANCIAL MANAGEMENT AND
26 BUDGETING SYSTEM FOR THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM TO
27 ENSURE THE MAXIMIZATION AND APPROPRIATE UTILIZATION OF ALL AVAILABLE
28 RESOURCES;

29 (7) PROVIDE EFFECTIVE STAFF HIRING AND ASSIGNMENT;

30 (8) DEVELOP AN EFFECTIVE SYSTEM OF PROVIDING INSTRUCTIONAL
31 MATERIALS AND SUPPORT SERVICES;

32 (9) DEVELOP MODEL SCHOOL REFORM INITIATIVES;

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

35 (11) DEVELOP AND IMPLEMENT A STUDENT CODE OF DISCIPLINE AS
36 REQUIRED IN § 7-306 OF THIS ARTICLE;

37 ~~(11)~~ (12) DEVELOP AN EFFECTIVE SYSTEM FOR PLANNING AND
38 PROVIDING FOR CONSTRUCTION, REPAIR, AND MAINTENANCE SERVICES FOR
39 SCHOOL BUILDINGS WHICH SHALL INCLUDE A REVIEW BY THE BOARD TO ASSURE
40 THE MOST EFFICIENT AND PRODUCTIVE USE OF THE SYSTEM'S RESOURCES.

22

1 INCLUDING EXAMINATION AND REDUCTION OF THE COST OF UNDERUTILIZED
2 SCHOOLS AND PROPOSALS FOR SCHOOL MERGERS OR CLOSURES IF APPROPRIATE;

3 ~~(12)~~ (13) INCREASE PARENTAL PARTICIPATION;

4 ~~(13)~~ (14) INCLUDE MEASURABLE OUTCOMES AND TIME LINES FOR THE
5 IMPLEMENTATION AND EVALUATION OF THE REFORMS MADE IN ACCORDANCE
6 WITH THE MASTER PLAN AND THE REPORTING OF THIS INFORMATION TO THE
7 GOVERNOR, THE MAYOR OF BALTIMORE CITY, AND, IN ACCORDANCE WITH § 2-1312
8 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY; ~~AND~~

9 ~~(14)~~ (15) IMPROVE THE STATUS OF SCHOOLS THAT ARE SUBJECT TO A
10 STATE RECONSTITUTION ~~NOTICE~~; NOTICE; AND

11 (16) DEVELOP AN EFFECTIVE SYSTEM OF TEACHER INPUT REGARDING
12 IMPLEMENTATION OF SCHOOL REFORM INITIATIVES, THAT INCLUDES ACTIVE AND
13 ONGOING CONSULTATION WITH CLASSROOM TEACHERS AT THE ELEMENTARY,
14 MIDDLE, AND HIGH SCHOOL LEVELS.

15 ~~4-312~~; 4-310.

16 (A) NOTWITHSTANDING ANY PROVISION OF LOCAL LAW, THE BOARD SHALL
17 ADOPT RULES AND REGULATIONS GOVERNING THE PROCUREMENT OF GOODS AND
18 SERVICES BY THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM IN ACCORDANCE WITH
19 § 5-112 OF THIS ARTICLE.

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

23 ~~4-313~~; 4-311.

24 (A) (1) NOTWITHSTANDING ANY PROVISION OF LOCAL LAW, ON OR
25 BEFORE JANUARY 1, 1998, THE BOARD SHALL ESTABLISH A PERSONNEL SYSTEM
26 GOVERNING CERTIFICATED AND NONCERTIFICATED EMPLOYEES, INCLUDING A
27 PERFORMANCE-BASED ~~SYSTEM-WIDE~~ SYSTEM-WIDE PERSONNEL EVALUATION
28 SYSTEM FOR TEACHERS, PRINCIPALS, AND ADMINISTRATORS.

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

31 (I) ESTABLISH AND ABOLISH POSITIONS;

32 (II) DETERMINE EMPLOYEE QUALIFICATIONS;

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

35 (IV) DETERMINE ANY OTHER MATTERS CONCERNING EMPLOYEES.

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

38 (1) THE REDRESS OF EMPLOYEE GRIEVANCES; AND

23

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

3 ~~4-314. 4-312.~~

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

7 ~~4-315.~~

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

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

14 ~~4-316.~~

15 ~~THE CHIEF EXECUTIVE OFFICER AND THE BOARD SHALL SUBMIT QUARTERLY
16 REPORTS TO THE BALTIMORE CITY BOARD OF ESTIMATES ON THE FISCAL
17 CONDITION OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.~~

18 ~~4-317. 4-313.~~

19 (A) BY DECEMBER 31 OF EACH YEAR AND ON JUNE 30, 2002, THE CHIEF
20 EXECUTIVE OFFICER AND THE BOARD SHALL ISSUE AN ANNUAL REPORT COVERING
21 THE PRIOR SCHOOL YEAR THAT INCLUDES:

22 (1) A FINANCIAL STATEMENT; ~~AND~~

23 (2) A COMPREHENSIVE ACCOUNTING OF PROGRESS IN THE
24 IMPLEMENTATION OF THE TRANSITION PLAN OR MASTER PLAN INCLUDING:

25 (I) ASSESSMENT OF STUDENT PERFORMANCE BY THE
26 CATEGORIES REQUIRED BY THE MARYLAND SCHOOL PERFORMANCE PROGRAM
27 STANDARDS; AND

28 (II) SPECIFIC ASSESSMENT OF THE EXTENT OF IMPLEMENTATION
29 OF EACH ITEM INCLUDED IN § 4-309 OF THIS SUBTITLE, AND ANY CHANGES
30 NECESSARY IN PREVIOUSLY ESTABLISHED TIME LINES; AND

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

32 (B) (1) THE STATE BOARD OF EDUCATION AND STATE SUPERINTENDENT
33 OF SCHOOLS SHALL REVIEW EACH ANNUAL REPORT AND COMMENT ON THE
34 PROGRESS MADE TOWARDS ACHIEVING BOTH MANAGERIAL AND EDUCATIONAL
35 GOALS.

36 (2) THE GENERAL ASSEMBLY SHALL CONSIDER THE REPORTS AND THE
37 COMMENTS OR RECOMMENDATIONS OF THE STATE BOARD AND SUPERINTENDENT
38 BEFORE APPROVING THE STATE BUDGET EACH YEAR.

24

1 ~~[4-302.] 4-318. 4-314.~~

2 The geographical boundary of the Baltimore City School System is the same as the
3 geographical boundary of Baltimore City.

4 ~~[4-303.] 4-319. 4-315.~~

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

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

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

10 (1) For the protection of public school buildings and other school property;
11 and

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

13 ~~[4-304.] 4-320. 4-316.~~

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

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

18 (2) Set teacher qualifications;

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

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

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

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

26 (i) Expenditures;

27 (ii) The number of children taught; and

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

29 ~~[4-305.] 4-321. 4-317.~~

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

1 [4-306.] ~~4-322.~~ 4-318.

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

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

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

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

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

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

- 17 1. Engaged in fresh pursuit of a suspected offender;
- 18 2. Requested or authorized to do so by the Police
 19 Commissioner of Baltimore City;
- 20 3. The exercise of power is necessary to facilitate the orderly
 21 flow of traffic to and from property owned, leased, operated by, or under the control of
 22 the Baltimore City school system; or
- 23 4. Ordered to do so by the Mayor of Baltimore City.

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

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

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

33 (ii) Standards for the performance of duties.

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

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

26

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

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

3 (g) This section does not:

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

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

9 [4-307.] ~~4-323.~~ 4-319.

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

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

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

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

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

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

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

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

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

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

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

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

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

27

1 (f) The Director shall develop and provide the following programs within the
2 Center:

3 (1) Elementary and secondary education programs;

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

7 (3) Vocational and rehabilitative training programs.

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

11 5-102.

12 (a) [This section does not apply to Baltimore City.] IN THIS SUBTITLE,
13 "COUNTY COUNCIL" MEANS, IN BALTIMORE CITY, THE MAYOR AND CITY COUNCIL
14 OF BALTIMORE.

15 (b) (1) Each county board shall submit an annual school budget in writing to the
16 county commissioners, county council, or the county executive.

17 (2) The budget shall be submitted not less than 45 days before the date for
18 levying local taxes or on an earlier date on or after March 1 as may be requested by the
19 county fiscal authority.

20 (c) (1) This subsection applies only to a county that has a county governing
21 body that consists of a county executive and county council.

22 (2) The county executive shall indicate in writing which major categories of
23 the annual budget of the county board have been denied in whole or reduced in part and
24 the reason for the denial or reduction.

25 (3) The county council may restore any denial or reduction made by the
26 county executive in the annual budget submitted by the county board.

27 (4) In Baltimore County, the County Council may not restore any denial or
28 reduction made by the County Executive.

29 (5) This item applies to Baltimore County and supersedes item (4) of this
30 subsection only if the voters of Baltimore County approve an amendment to the
31 Baltimore County charter that grants the County Council the authority to restore any
32 denial or reduction made by the County Executive in the budget submitted by the county
33 board. The Baltimore County Council may restore any denial or reduction made by the
34 County Executive if it publicly states the amount the restoration represents in the county
35 tax rate.

36 (D) (1) IN BALTIMORE CITY, THE CITY COUNCIL MAY NOT RESTORE ANY
37 DENIAL OR REDUCTION MADE BY THE MAYOR.

38 (2) (I) THIS PARAGRAPH APPLIES TO BALTIMORE CITY AND
39 SUPERSEDES PARAGRAPH (1) OF THIS SUBSECTION ONLY IF THE VOTERS OF

28

1 BALTIMORE CITY APPROVE AN AMENDMENT TO THE BALTIMORE CITY CHARTER
 2 THAT GRANTS THE CITY COUNCIL THE AUTHORITY TO RESTORE ANY DENIAL OR
 3 REDUCTION MADE BY THE MAYOR IN THE BUDGET SUBMITTED BY THE COUNTY
 4 BOARD.

5 (II) THE BALTIMORE CITY COUNCIL MAY RESTORE ANY DENIAL
 6 OR REDUCTION MADE BY THE MAYOR IF IT PUBLICLY STATES THE AMOUNT THE
 7 RESTORATION REPRESENTS IN THE CITY TAX RATE.

8 [(d)] (E) (1) Copies of the budget shall be made available to the public, on
 9 request, at the time it is submitted by the county board.

10 (2) A copy of the budget as approved by the county commissioners or county
 11 council shall be sent to the State Superintendent within 30 days after approval.

12 5-103.

13 (a) [This section does not apply to Baltimore City.

14 (b)] The amount requested in the annual budget of each county board for current
 15 expenses for the next school year and that is to be raised by revenue from local sources
 16 may not be less than the minimum amount required to be levied under § 5-202 of this
 17 title.

18 [(c)] (B) The county commissioners or county council may provide funds that are
 19 more than the amount required by § 5-202 of this title to support improved and
 20 additional programs.

21 [(d)] (C) If a county council or board of county commissioners does not approve
 22 the amount requested in the budget that is more than the amount required by § 5-202 of
 23 this title:

24 (1) The county council or board of county commissioners shall indicate in
 25 writing, within 15 days after the adoption of the budget, which major categories of the
 26 annual budget have been reduced and the reason for the reduction; and

27 (2) The county board shall submit to the county governing body, within 30
 28 days after the adoption of the budget, a report indicating how the alterations to the
 29 budget will be implemented, accompanied by reasonable supporting detail and analysis.

30 5-104.

31 (a) [This section does not apply to Baltimore City.

32 (b)] Each county council or board of county commissioners shall levy and collect a
 33 tax on the assessable property of the county which, together with other local revenue
 34 available, including income tax revenues and bond money, and together with estimated
 35 revenues and funds from all sources, will produce the amounts necessary to meet the
 36 appropriations made in the approved annual budget of the county board.

37 [(c)] (B) (1) Local funds provided for appropriations shall be paid in
 38 accordance with the expenditure requirements, as certified by the county board, to the
 39 treasurer of the county board on a monthly basis.

1 (2) Appropriations for school construction, permanent improvements, and
 2 repairs for special purposes may be required to be paid more frequently on the order of
 3 the president and secretary of the county board to the county commissioners, county
 4 council, or the county executive.

5 [(d)] (C) (1) Notwithstanding any other provision in this article, this subsection
 6 applies to Wicomico County.

7 (2) The Wicomico County Council annually shall pay to the Wicomico
 8 County Board the amount of the budget of the County Board that has been approved by
 9 the County Council:

10 (i) In 12 equal monthly installments; or

11 (ii) At the times on which the County Council and County Board
 12 mutually agree.

13 (3) Taxes levied under this section shall be retained by the county and any
 14 annual deficiencies in the tax are the responsibility of Wicomico County.

15 5-105.

16 (a) [This section does not apply to Baltimore City.

17 (b)] All revenues received by a county board shall be spent by the board in
 18 accordance with the major categories of its annual budget as provided under § 5-101 of
 19 this subtitle.

20 [(c)] (B) (1) (i) A transfer may be made within the major categories without
 21 recourse to the county commissioners or county council except that a report of the
 22 transfer shall be submitted to the county commissioners or county council within 15 days
 23 after the end of each month.

24 (ii) A report under subparagraph (i) of this paragraph shall include a
 25 narrative summary that clearly indicates each transfer.

26 (2) A transfer between major categories shall be made only with the
 27 approval of the county commissioners or county council.

28 (3) If the county commissioners or county council fail to take action on a
 29 request for transfer between major categories within 30 days after the receipt of a written
 30 request substantiating the transfer, the failure to take action constitutes approval.

31 (4) A county board shall submit to the county governing body a report
 32 within 15 days after the end of each month if during that month the county board takes
 33 any action that would commit the county board to spend more for the current fiscal year
 34 in any major category than the amount approved in the annual budget for that category.

35 (5) A report under paragraph (4) of this subsection shall include a narrative
 36 explanation of the action taken, indicating any request for transfer between categories
 37 that may become necessary for the fiscal year as a result of the action.

30

1 [(d)] (C) Nonlocal funds received by a county board after the adoption of the
2 annual budget by the county fiscal authority may be spent by the county board if the
3 county fiscal authority is notified and approves of:

4 (1) The source and amount of the funds; and

5 (2) The manner of spending the funds.

6 5-106.

7 On or before November 1 and March 1 of each fiscal year, the Anne Arundel
8 County Board shall submit to the Anne Arundel County Council, AND THE NEW
9 BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS SHALL SUBMIT TO THE
10 MAYOR AND CITY COUNCIL OF BALTIMORE AND TO THE BALTIMORE CITY BOARD
11 OF ESTIMATES a report detailing all expenditures within the major categories of its
12 annual budget. The report also shall detail any action of the County Board that would
13 commit the County Board to spend more in any major category in the annual budget for
14 the current fiscal year than the amount approved in the annual budget for that category.

15 5-107.

16 (a) [This section does not apply to Baltimore City.

17 (b)] If the county commissioners or county council does not appropriate the
18 amount requested by the county board for capital projects, it shall indicate in writing
19 which projects have been reduced, deferred, or eliminated and the reason for the
20 reduction, deferral, or elimination.

21 [(c)] (B) (1) The expenditure for school building construction shall be made in
22 accordance with the cost approved by the county commissioners or county council for
23 each project.

24 (2) A transfer between major categories or of unexpended project balances
25 is subject to the approval of the county commissioners or county council.

26 (3) If the county commissioners or county council does not take action on a
27 transfer within 30 days after the receipt of a written request substantiating the transfer,
28 the failure to take action constitutes approval.

29 [5-108.

30 (a) A copy of the budget as approved by the Mayor and City Council of Baltimore
31 City shall be submitted to the State Superintendent within 30 days after approval.

32 (b) (1) The amount requested in the annual budget of the Board of School
33 Commissioners of Baltimore City for current expenses for the next school year and that is
34 to be raised by revenue from local sources may not be less than the minimum amount
35 required to be levied under § 5-202 of this title.

36 (2) The Mayor and City Council of Baltimore City may provide funds that
37 are more than the amount required by § 5-202 of this title to support improved and
38 additional programs.

31

1 (c) The Mayor and City Council of Baltimore City shall levy and collect a tax on
 2 the assessable property of the city which, together with other local revenue available,
 3 including income tax revenues and local money, and together with estimated reserves and
 4 funds from all sources, will produce the amounts necessary to meet the appropriations
 5 made in the approved annual budget of the Board of School Commissioners.]

6 5-112.

7 (a) This section does not apply to:

8 (1) [Baltimore City;

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

11 [(3)] (2) Emergency repairs.

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

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

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

20 (i) The quantities involved;

21 (ii) The time required for delivery;

22 (iii) The purpose for which required;

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

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

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

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

28 6-109.

29 (a) [This section does not apply to Baltimore City.

30 (b)] A county superintendent and any other employee of a county board who
 31 handles funds of the school system shall give bond to secure the interests of the State and
 32 the county board as their interests may appear in the penal sum required by the county
 33 board.

34 [(c)] (B) (1) The bond shall have the security of any guaranty, deposit, trust, or
 35 other similar company authorized under the laws of this State to act in this capacity.

36 (2) The cost or fee for this security shall be paid by the county board.

1 (3) The executed bond shall be filed with the State Comptroller.

2 [(d)] (C) The bond shall contain provisions that the employee shall perform
3 faithfully the duties of the employee's office and pay over and apply all money that comes
4 into the employee's possession or control to the person and in the manner that the county
5 board, under the provisions of this article, directs.

6 [(e)] (D) (1) The requirements in subsection [(b)] (A) of this section may be
7 satisfied by the purchase of surety insurance or surety self-insurance provided by a pool
8 established under Article 48A, § 482B of the Code.

9 (2) The surety insurance or self-insurance shall be in an amount required by
10 the county board.

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

25 (i) Immorality;

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

28 (iii) Insubordination;

29 (iv) Incompetency; or

30 (v) Willful neglect of duty.

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

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

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

33

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

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

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

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

15 6-203.

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

19 (2) [In] NOTWITHSTANDING ANY PROVISION OF LOCAL LAW, IN
20 Baltimore City the NEW BALTIMORE CITY Board of School Commissioners may have
21 proceedings under § 6-202 OF THIS SUBTITLE heard first by a hearing examiner [except
22 as otherwise provided by the city charter].

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

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

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

27 6-401.

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

30 6-501.

31 (f) (1) "Public school employee" means a noncertificated individual who is
32 employed for at least 9 months a year on a full-time basis by a public school employer.

33 (2) "PUBLIC SCHOOL EMPLOYEE" INCLUDES A NONCERTIFICATED
34 EMPLOYEE IN BALTIMORE CITY NOTWITHSTANDING THAT THE NONCERTIFICATED
35 EMPLOYEE DOES NOT WORK FOR AT LEAST 9 MONTHS A YEAR ON A FULL-TIME
36 BASIS.

37 (3) "Public school employee" does not include:

38 (i) Management personnel;

34

1 (ii) A confidential employee; or

2 (iii) Any individual designated by the public school employer to act in a
3 negotiating capacity as provided in § 6-510(b) of this subtitle.

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

5 (i) Somerset;

6 (ii) Wicomico; and

7 (iii) Worcester.

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

11 6-504.

12 (E) IN BALTIMORE CITY, THE PUBLIC SCHOOL EMPLOYER SHALL NEGOTIATE
13 WITH THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE
14 REPRESENTATIVE FOR THE PUBLIC SCHOOL EMPLOYEES IN A UNIT, A REASONABLE
15 SERVICE OR REPRESENTATION FEE TO BE CHARGED TO NONMEMBERS FOR
16 REPRESENTING THEM IN NEGOTIATIONS IN THE SAME MANNER THAT ANY SUCH
17 FEE WAS PERMITTED UNDER LAW AND BARGAINED FOR PRIOR TO JANUARY 1, 1997.

18 6-505.

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

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

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

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

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

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

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

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

34 SECTION 3. AND BE IT FURTHER ENACTED, That on the effective date of
35 this Act, all the functions, powers, duties, equipment, assets, liabilities, and all the
36 certificated and noncertificated employees of the Baltimore City Public School System
37 shall be transferred to the New Baltimore City Board of School Commissioners and to the

35

1 Chief Executive Officer of the Board. If assets are not sufficient to fund liabilities
 2 transferred, the liabilities shall be retained by the Mayor and City Council. Additionally,
 3 during any fiscal year after Fiscal Year 1997, liability for payments at separation or
 4 retirement of employees from the Board for leave accumulated and unused prior to June
 5 30, 1997, on terms applicable as of that date, shall be shared as follows: (1) liability up to
 6 \$3,500,000 shall be borne by the New Baltimore City Board of School Commissioners
 7 provided that such amount is transferred annually to the Board as part of the Education
 8 Budget; (2) liability exceeding \$3,500,000 shall be shared equally by the New Baltimore
 9 City Board of School Commissioners and the Mayor and City Council, provided that the
 10 total aggregate liability of the Board under this subsection (2) for all fiscal years
 11 combined may not exceed \$10,500,000; and (3) liability in excess of \$10,500,000 shall be
 12 borne by the Mayor and City Council.

13 SECTION 4. AND BE IT FURTHER ENACTED, That all services provided to the
 14 Baltimore City Public School System by other units of the Baltimore City Government as
 15 of the effective date of this Act that are not otherwise specifically altered by this Act,
 16 including but not limited to public works and transportation services, shall continue to be
 17 provided to the New Baltimore City Board of School Commissioners without diminution
 18 on the same basis and without an increase in any rate of compensation, unless and until
 19 otherwise provided by agreement between the Mayor and City Council and the New
 20 Baltimore City Board of School Commissioners; however, any agreement shall be
 21 submitted for review and comment to the House Appropriations and Ways and Means
 22 Committees and the Senate Budget and Taxation and Economic and Environmental
 23 Affairs Committees of the General Assembly on or before March 1 of the calendar year
 24 in which the agreement would take effect.

25 SECTION 4. 5. AND BE IT FURTHER ENACTED, That, as of the effective date
 26 of this Act, each certificated and noncertificated employee of the Baltimore City Public
 27 School System shall become a member of the personnel system established by the New
 28 Baltimore City Board of School Commissioners in accordance with § 4-313 § 4-311 of the
 29 Education Article, as enacted by this Act, except that noninstructional senior level staff of
 30 the central administration shall reapply to the Board for continued employment upon the
 31 reorganization. Upon the reorganization, noninstructional supervisory personnel of the
 32 central administration, shall reapply to the Board for continued employment in positions
 33 in central administration. Such personnel include: Directors I, II, and III, Assistant
 34 Superintendents, Area Assistant Superintendents, Deputy Superintendents, and Chief
 35 Aides to the Superintendent, but exclude principals and school-based staff. All
 36 certificated employees who held tenure under §§ 6-201(f) and 6-202(b) of the Education
 37 Article before the effective date of this Act shall continue to hold tenure in the Baltimore
 38 City Public School System subject to removal as provided in § 6-202 of the Education
 39 Article. For the purposes of this section, the fifteen noninstructional supervisory
 40 noncertificated employees shall remain employed by the Board subject to removal for
 41 cause in accordance with the provisions of § 4-205(c) of the Education Article.

42 SECTION 5. 6. AND BE IT FURTHER ENACTED, That, on or before ~~April 30,~~
 43 February 1, 2000, a consultant shall complete an interim review of the Baltimore City
 44 Public School System and report the findings of the evaluation to the Governor, the
 45 Mayor, and, in accordance with § 2-1312 of the State Government Article, the General
 46 Assembly. The New Baltimore City Board of School Commissioners and the Maryland

36

1 State Department of Education shall jointly select and equally share the cost of the
 2 consultant and determine the scope of the interim review. At a minimum, the interim
 3 review shall evaluate both the educational and management reforms made by the New
 4 Baltimore City Board of School Commissioners. The review may include
 5 recommendations to the General Assembly concerning changes to the structure and
 6 power of the Board, in addition to recommendations to the Board concerning
 7 modifications to the Master Plan adopted in accordance with this Act. On or before
 8 December 1, 2001, a consultant shall conduct a final comprehensive review and
 9 evaluation of the New Baltimore City Board of School Commissioners. The Board and the
 10 Maryland State Department of Education shall jointly select and equally share the cost of
 11 the consultant and determine the scope of the final comprehensive review. At a minimum,
 12 the comprehensive review and evaluation shall determine whether there has been
 13 improvement in the management of and student achievement in the public schools in
 14 Baltimore City. The consultant shall report the findings of the evaluation to the
 15 Governor, the Mayor, and, in accordance with § 2-1312 of the State Government Article,
 16 the General Assembly. The consultant ~~may~~ shall make recommendations, if any,
 17 concerning the continuation, modification, or termination of the New Baltimore City
 18 Board of School Commissioners and governance system established by this Act.

19 SECTION ~~6.~~ 7. AND BE IT FURTHER ENACTED, That the provisions of this
 20 Act reflect the terms of the consent decrees entered in the cases "Bradford, et al v.
 21 Maryland State Board of Education, et al", case no. 94340058/CE189672; "Board of
 22 School Commissioners, et al v. Maryland State Board of Education, et al", case no.
 23 9528055/CL2002151, Baltimore City Circuit Court; and "Vaughn G., et al v. Mayor and
 24 City Council, et al", case no. MJG-84-1911, United States District Court for the District
 25 of Maryland and reflect a commitment to appropriate additional funds for the Baltimore
 26 City public schools in the following amounts: \$30 million in Fiscal Year 1998 and \$50
 27 million in each of Fiscal Years 1999 through 2002, inclusive.

28 SECTION ~~7.~~ 8. AND BE IT FURTHER ENACTED, That, consistent with the
 29 consent decrees described in Section ~~6~~ 7 of this Act, the State is committed to
 30 appropriating additional funds to Baltimore City if the City's full-time equivalent
 31 enrollment, as determined under § 5-202(a)(7) of the Education Article, for purposes of
 32 calculating the State share of basic current expenses under § 5-202(b) of the Education
 33 Article in Fiscal Years 1998 through ~~2002~~ 2001, is less than Baltimore City's current
 34 enrollment projections for those fiscal years. For any fiscal year in which the enrollment
 35 utilized in calculating the State share of basic current expenses is less than the current
 36 enrollment projection, the additional funds appropriated to Baltimore City shall equal the
 37 difference between the projected enrollment for Baltimore City and the full-time
 38 equivalent enrollment for Baltimore City, as determined under § 5-202(a)(7) of the
 39 Education Article, multiplied times Baltimore City's State share of basic current expenses
 40 per full-time equivalent student for that fiscal year. For purposes of this section,
 41 "Baltimore City's current enrollment projections" means the following:

42 101,648.0 for Fiscal Year 1998 aid;

43 97,842.5 for Fiscal Year 1999 aid;

44 94,616.5 for Fiscal Year 2000 aid; and

45 91,479.0 for Fiscal Year 2001 aid; ~~and~~

1 ~~89,197.5 for Fiscal Year 2002 aid.~~

2 SECTION 8. 9. AND BE IT FURTHER ENACTED, That the financial
3 commitment enumerated in Section 6 7 of this Act shall be separate from established
4 State funding pursuant to APEX and other current or additional State funds provided to
5 the Baltimore City public schools. If ~~new~~ any new source of revenue becomes available to
6 the State during Fiscal Year 1998 through Fiscal Year 2002, and such revenue is
7 dedicated in whole or in part to education generally, the Baltimore City public schools
8 shall receive its designated share of those revenues without reduction of the additional
9 funds detailed in the consent decrees referenced in Section 6 7 of this Act. Furthermore,
10 the additional State funds described in Section 6 7 of this Act and the consent decrees
11 may not be provided by reducing any other State funds provided to Baltimore City.
12 Nothing in this Act, however, shall prevent the Governor or the General Assembly from
13 reducing local aid to Baltimore City as part of any general statewide reduction in local aid
14 for a special project or purpose. Baltimore City may not use any of this additional funding
15 to meet any statutory obligation to maintain levels of local funding for education.

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

22 SECTION 10. AND BE IT FURTHER ENACTED, That each existing extended
23 or continued collective bargaining agreement including all memoranda of understanding
24 for Baltimore City public school employees that is in effect on the effective date of this
25 Act shall remain in full force and effect through June 30, 1997. These agreements
26 including memoranda of understanding shall remain in full force and effect thereafter,
27 except as otherwise modified by this Act, until the New Baltimore City Board of School
28 Commissioners negotiates changes to the agreements. Additionally, the New Baltimore
29 City Board of School Commissioners shall review each of these agreements to determine
30 if the provisions of the agreement are consistent with the purposes of the Master Plan and
31 may negotiate changes to an agreement.

32 SECTION 11. AND BE IT FURTHER ENACTED, That the New Baltimore City
33 Board of School Commissioners shall initially recognize and bargain with each employee
34 organization that, prior to the effective date of this Act, was recognized as a bargaining
35 agent for a unit that included any Baltimore City public school employee as defined by
36 either § 6-501(f) of the Education Article, as amended by this Act, or the Baltimore City
37 Municipal Employee Relations Ordinance. Subsequently, the designation of the exclusive
38 representative employee organization and the determination of the composition of the
39 units shall be in accordance with Title 6, Subtitles 4 and 5 of the Education Article. All
40 collective bargaining agreements for the certificated and noncertificated employees of the
41 New Baltimore City Board of School Commissioners shall be separate agreements from
42 the collective bargaining agreements for the employees of the City of Baltimore.

43 SECTION 12. AND BE IT FURTHER ENACTED, That, pending establishment
44 of the personnel system under § 4-311 of the Education Article, as enacted by this Act, all
45 nonprobationary, noncertificated employees of the Baltimore City Public School System

1 may be dismissed only for cause in accordance with the provisions of § 4-205(c) of the
 2 Education Article.

3 SECTION 13. AND BE IT FURTHER ENACTED, That the personnel system
 4 under § 4-311 of the Education Article, as enacted by this Act, shall include a cause
 5 standard for dismissal of noncertificated employees.

6 SECTION 14. AND BE IT FURTHER ENACTED, That the Chief Academic
 7 Officer shall develop a mechanism or plan for effective teacher participation in the
 8 development of the curriculum, instruction, and professional staff development.

9 SECTION 15. AND BE IT FURTHER ENACTED, That as of the effective date
 10 of this Act, all noncertificated employees of the Baltimore City Public School System who
 11 are employed by the New Baltimore City Board of School Commissioners and who were
 12 covered as civil service employees under the Charter of Baltimore City shall through June
 13 30, 1998;

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

15 (2) Continue to hold and accrue service credit within the City civil service
 16 while employed by the Board as if the employee remained an employee of the Mayor and
 17 City Council;

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

19 (4) Remain fully qualified for placement on the reemployment list for his or
 20 her former classification and for any other classification for which the employee qualifies;

21 (5) Remain eligible, to the extent qualified, to be placed on any promotion
 22 or transfer list issued or maintained under the Charter; and

23 (6) Remain eligible for employment by the Mayor and City Council of
 24 Baltimore should the employee be displaced or laid off by the Board by no fault of the
 25 employee.

26 SECTION 16. AND BE IT FURTHER ENACTED, That, as of the effective date
 27 of this Act, all noncertificated employees of the Baltimore City Public School System who
 28 are employed by the New Baltimore City Board of School Commissioners and who were
 29 covered as civil service employees under the Baltimore City Charter shall retain, as long
 30 as the New Baltimore City Board of School Commissioners is in place, their eligibility,
 31 seniority, and continuous service status for the sole purpose of application for
 32 reemployment by the Mayor and City Council of Baltimore should the employee be
 33 displaced or laid off by the Board through no fault of the employee. This provision applies
 34 only to displacement of employees of the New Baltimore City Board of School
 35 Commissioners and does not provide for transfer rights of employees between the New
 36 Baltimore City Board of School Commissioners and City employment.

37 SECTION 17. AND BE IT FURTHER ENACTED, That, as of the effective date
 38 of this Act, each employee of the Baltimore City Public School System shall retain all sick
 39 leave, personal leave, and vacation leave to the extent earned and unused as a City
 40 employee. Each employee of the Baltimore City Public School System shall retain the
 41 right, upon leaving employment with the New Baltimore City Board of School

39

1 Commissioners, to convert to cash one day of unused sick leave for each 4 days of sick
 2 leave accrued prior to the effective date of this Act. Conversion of sick leave accrued after
 3 the effective date of this Act shall be subject to negotiation between the New Baltimore
 4 City Board of School Commissioners and the employee organization. For the purposes of
 5 this section, neither employment with the Board nor transfer between employment with
 6 Baltimore City and the Board constitutes separation from employment with Baltimore
 7 City.

8 SECTION 18. AND BE IT FURTHER ENACTED, That through December 31,
 9 1998, the New Baltimore City Board of School Commissioners shall provide to each
 10 employee of the Baltimore City Public School System the same health care benefits at the
 11 same employee or participant costs as available through the Mayor and City Council of
 12 Baltimore to the civil service employees of the City under the health insurance program of
 13 Baltimore City. Thereafter, the Board may opt to continue with the Baltimore City health
 14 care benefits program or select another benefits program.

15 SECTION 19. AND BE IT FURTHER ENACTED, That:

16 (1) An individual who is an employee of the Baltimore City Public School
 17 System on or before the effective date of this Act shall continue as a member of the:

18 (i) Teachers' Retirement System or Teachers' Pension System as a
 19 condition of employment, if the individual is a member of the State system; and

20 (ii) Employees' Retirement System of Baltimore City as a condition of
 21 employment, if the individual is a member of the City system;

22 (2) Except as provided in paragraph (3) of this section, an individual who
 23 becomes an employee of the Baltimore City Public School System after the effective date
 24 of this Act shall become a member of the Teachers' Pension System as a condition of
 25 employment if the Board of Trustees of the State Retirement and Pension System
 26 determines that the individual is eligible for membership in the State system by applying
 27 the criteria set forth in § 23-206 of the State Personnel and Pensions Article and
 28 COMAR 22.04.03; and

29 (3) An individual shall become a member of the Employees' Retirement
 30 System of Baltimore City subject to Article 22, Section 9(a)(1) of the Baltimore City Code
 31 if:

32 (i) The individual becomes an employee of the Baltimore Public
 33 School System after the effective date of this Act; and

34 (ii) The Board of Trustees of the State Retirement and Pension
 35 System determines that the individual is not eligible for membership in the Teachers'
 36 Pension System.

37 SECTION 20. AND BE IT FURTHER ENACTED, That on or after the effective
 38 date of this Act, the New Baltimore City Board of School Commissioners shall pay:

39 (1) To the Board of Trustees of the State Retirement and Pension System,
 40 for each employee of the Baltimore City Public School System who is a member of the

1 Teachers' Retirement System or Teachers' Pension System, any penalty or interest as
 2 prescribed by law if member contributions are not paid when and as due; and

3 (2) To the Board of Trustees of the Employees' Retirement System of
 4 Baltimore City, for each employee who is a member of the Employees' Retirement
 5 System of Baltimore City, employer and employee contributions at the rate and in the
 6 manner required by the Board of Trustees.

7 ~~SECTION 10. AND BE IT FURTHER ENACTED, That an appeal from a ruling~~
 8 ~~of the Circuit Court for Baltimore City regarding requests for funding for Fiscal Years~~
 9 ~~2001 and 2002 in amounts greater than that described in Section 6 of this Act pursuant to~~
 10 ~~the terms of the consent decrees described in Section 6 of this Act shall be directed to the~~
 11 ~~Court of Appeals on an expedited basis, with the Court of Appeals decision issued within~~
 12 ~~60 days after the written briefing is completed.~~

13 SECTION 21. AND BE IT FURTHER ENACTED, That the General Assembly
 14 does not concede that the students of the Baltimore City Public School System were
 15 receiving a constitutionally inadequate education, but does wish to improve the
 16 educational achievements of students in Baltimore City by reforming the management of
 17 the Baltimore City Public School System and assuring available funds to implement this
 18 management reform and to improve student achievement.

19 ~~SECTION 4- 22.~~ AND BE IT FURTHER ENACTED, That this Act may not
 20 take effect until the passage of the State Budget Bill by the General Assembly, which
 21 includes an appropriation of \$30 million in additional funds as described in Section 6 7 of
 22 this Act for the following purposes: (1) to have a direct and substantial impact on
 23 improving academic achievement; (2) to improve the educational performance of schools
 24 having a high percentage of students living in poverty; (3) to improve the educational
 25 performance of reconstitution eligible schools and other schools that are both failing to
 26 meet Maryland School Performance Program standards and failing to show progress
 27 toward meeting those standards; (4) to begin implementation of a new
 28 performance-based system-wide evaluation system for teachers, principals, and
 29 administrators; (4) (5) to make progress toward meeting teacher salary parity with
 30 Baltimore County; (6) to begin implementation of a comprehensive system for accurately
 31 tracking student enrollment and attendance in accordance with the requirements of the
 32 Maryland Student Records System Manual with full implementation by January 1, 1999;
 33 and (5) (7) to implement other improvements that directly support improved classroom
 34 instruction, including technology enhancements, individual professional development,
 35 and curriculum development; except that no portion of the \$30 million may be spent to
 36 make progress toward teacher salary parity with Baltimore County until a
 37 performance-based system-wide personnel evaluation system has been developed by the
 38 New Baltimore City Board of School Commissioners and reviewed and commented on by
 39 the State Board of Education.

40 SECTION 23. AND BE IT FURTHER ENACTED, That the \$30 million
 41 appropriation in Fiscal Year 1998 as described in Section 7 of this Act shall be disbursed
 42 to the New Baltimore City Board of School Commissioners as follows: (1) \$15 million on
 43 July 1, 1997; and (2) \$15 million after adoption by the Board of the Transition Plan as
 44 required by § 4-311 of the Education Article as amended by this Act, which includes the

41

1 specific purposes for which the \$30 million will be used, as described in Section 22 of this
 2 Act.

3 ~~SECTION 24.~~ AND BE IT FURTHER ENACTED, That, if the General
 4 Assembly fails to appropriate the funds for any of the fiscal years described in Section 6
 5 7 of this Act, this Act shall be abrogated effective on the last day of the last fiscal year for
 6 which funds were appropriated.

7 SECTION 25. AND BE IT FURTHER ENACTED, That upon appointment, the
 8 New Baltimore City Board of School Commissioners shall expeditiously establish a new
 9 financial reporting system which adequately tracks and reports school and system
 10 expenditures by function and by program for each school site and for the total system
 11 using an established financial model that can apply to all school systems. The financial
 12 reporting system should enhance the Board's ability to make informed decisions and the
 13 public's awareness of how public funds are spent. Reports using this model should be in
 14 place by July 1, 1998, in order to provide for public reporting of Fiscal Year 1999
 15 expenditures.

16 SECTION 26. AND BE IT FURTHER ENACTED, That by November 1, 1997, a
 17 financial audit of the Baltimore City Public School System shall be performed by an
 18 independent auditor to reconcile the financial accounts of the school system.

19 SECTION 27. AND BE IT FURTHER ENACTED, That the Baltimore City Board
 20 of School Commissioners shall initiate a search process for a permanent Chief Executive
 21 Officer (CEO) no later than 30 days after appointment. The Board may appoint an
 22 interim CEO if it is not feasible to hire a permanent CEO immediately, and must appoint
 23 an interim CEO no later than June 15, 1997. The interim CEO shall not be eligible for
 24 appointment as the permanent CEO. The Board must appoint a permanent CEO no later
 25 than October 30, 1997, unless extenuating circumstances exist as determined by the
 26 Board, in consultation with the State Board of Education. In this event, the Board must
 27 appoint a permanent CEO no later than December 31, 1997.

28 SECTION 28. AND BE IT FURTHER ENACTED, That: (1) the appointment of
 29 the members of the Parent and Community Advisory Board described in § 4-308 of the
 30 Education Article, as enacted by this Act, shall be as follows:

31 (i) The Plaintiffs (parents of students with disabilities) in Vaughn G.,
 32 et al v. Mayor and City Council, et al Case No. MJG-84-1911, United States District
 33 Court for the District of Maryland shall appoint three members of the Advisory Board;

34 (ii) The Plaintiffs (parents of students in general education) in
 35 Bradford, et al v. Maryland State Board of Education, et al, Case No.
 36 94340058/CE189672, Circuit Court for Baltimore City shall appoint two members of the
 37 Advisory Board;

38 (iii) Subject to the approval of the Board, the Chief Executive Officer
 39 shall appoint seven members of the Advisory Board as follows:

40 1. Three shall be appointed from a list submitted by the
 41 Baltimore City Council of Parent-Teacher Associations;

1 (b) A person who violates this section is guilty of a misdemeanor and on
2 conviction is subject to a fine of not more than \$1,000 or imprisonment for not more than
3 1 year or both.

4 SECTION 44. ~~32.~~ 33. AND BE IT FURTHER ENACTED, That this Act is an
5 emergency measure, is necessary for the immediate preservation of the public health and
6 safety, has been passed by a ye and nay vote supported by three-fifths of all the members
7 elected to each of the two Houses of the General Assembly, and shall take effect from the
8 date it is enacted.