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By: **Delegate Fulton**

Introduced and read first time: January 23, 2004

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Baltimore City School Board**

3 FOR the purpose of abolishing the Baltimore City and State Partnership for the  
4 Baltimore City Public School System; establishing the Board of School  
5 Commissioners of Baltimore City; altering a certain provision of the Charter of  
6 Baltimore City relating to the establishment, maintenance, and control of the  
7 Baltimore City Public School System; transferring responsibility for the  
8 functions formerly performed by the Chief Executive Officer of the Baltimore  
9 City Board of School Commissioners and the Baltimore City Board of School  
10 Commissioners to the Superintendent of Public Instruction of Baltimore City  
11 and the Board of School Commissioners of Baltimore City; repealing certain  
12 provisions regarding powers and duties of the Baltimore City Board of School  
13 Commissioners, the Chief Executive Officer, the Chief Academic Officer, and the  
14 Chief Financial Officer of the Board; abolishing the Research and Evaluation  
15 Unit and the Parent and Community Advisory Board in the Baltimore City  
16 Public School System; repealing a certain provision requiring the Mayor and  
17 City Council of Baltimore City to maintain the public school system subject to a  
18 certain master plan; repealing a certain provision requiring the Board to adopt  
19 rules and regulations governing the procurement of goods and services;  
20 repealing a certain provision requiring the Board to establish a certain  
21 personnel system; repealing a certain provision requiring the Board to enter into  
22 a certain collective bargaining agreement; repealing a certain provision  
23 requiring the Board to issue a certain annual report; specifying the membership  
24 of the Board; specifying certain qualifications and compensation of certain  
25 members; authorizing the Board to set teacher salaries subject to the approval  
26 of the Mayor and City Council; repealing a certain provision requiring the Board  
27 to submit a certain report to the Mayor and City Council by a certain time;  
28 requiring the Board to submit a certain budget report to the State  
29 Superintendent within a certain time; requiring the Board to request a certain  
30 minimum amount in the annual budget; authorizing the Mayor and City  
31 Council to provide additional funds for certain purposes; requiring the Mayor  
32 and City Council to levy and collect a tax on certain property for a certain  
33 purpose; altering a certain provision of law relating to the appointment and  
34 salary of noncertificated personnel; defining certain terms; altering certain  
35 definitions; authorizing the publisher of the Annotated Code, in consultation

1 with and subject to the approval of the Department of Legislative Services, to  
2 correct certain cross-references and terminology; providing for the effective date  
3 of certain provisions of this Act; providing for the termination of certain  
4 provisions of this Act; and generally relating to the establishment of the Board of  
5 School Commissioners of Baltimore City and the management of the Baltimore  
6 City Public School System.

7 BY repealing

8 Article - Education  
9 Section 4-303 through 4-306, inclusive, 4-307 through 4-309, inclusive, and  
10 4-310 through 4-313, inclusive  
11 Annotated Code of Maryland  
12 (2001 Replacement Volume and 2003 Supplement)

13 BY repealing and reenacting, with amendments,

14 The Charter of Baltimore City  
15 Article II - General Powers  
16 Section (30)  
17 (1996 Edition and 2000 Supplement, as amended)

18 BY repealing and reenacting, with amendments,

19 Article - Education  
20 Section 1-101(d) and (e), 3-108(a), 3-108.1, 4-102(a)(2), 4-301, 4-302,  
21 4-306.2(g) and (m)(1), 4-316, 4-317, 4-318, 4-319, 5-106, 6-201(c),  
22 6-202(a)(5), 6-401(e), and 6-501(g)  
23 Annotated Code of Maryland  
24 (2001 Replacement Volume and 2003 Supplement)

25 BY repealing and reenacting, without amendments,

26 Article - Education  
27 Section 4-306.2(a)  
28 Annotated Code of Maryland  
29 (2001 Replacement Volume and 2003 Supplement)

30 BY adding to

31 Article - Education  
32 Section 5-108  
33 Annotated Code of Maryland  
34 (2001 Replacement Volume and 2003 Supplement)

35 BY repealing and reenacting, with amendments,

36 Article - State Government  
37 Section 6-102, 12-301, and 12-401  
38 Annotated Code of Maryland

1 (1999 Replacement Volume and 2003 Supplement)

2 BY repealing and reenacting, with amendments,  
 3 Article - State Personnel and Pensions  
 4 Section 22-205(a), 22-216(a) and (c), 23-206(a), and 23-214(a) and (c)  
 5 Annotated Code of Maryland  
 6 (1997 Replacement Volume and 2003 Supplement)

7 BY repealing and reenacting, with amendments,  
 8 Article - Education  
 9 Section 1-101(e) and 3-108(a)  
 10 Annotated Code of Maryland  
 11 (2001 Replacement Volume and 2003 Supplement)  
 12 (As enacted by Chapter 289 of the Acts of the General Assembly of 2002)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 14 MARYLAND, That Section(s) 4-303 through 4-306, inclusive, 4-307 through 4-309,  
 15 inclusive, and 4-310 through 4-313, inclusive, of Article - Education of the Annotated  
 16 Code of Maryland be repealed.

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

19 **The Charter of Baltimore City**

20 Article II - General Powers

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

27 (30)

28 [Subject to the applicable provisions of the Education Article of the Annotated  
 29 Code of Maryland, to establish and] TO ESTABLISH, maintain, AND CONTROL a  
 30 system of free public schools.

31 **Article - Education**

32 1-101.

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

1 (e) (1) "County superintendent" means the county superintendent of schools  
2 of a county.

3 (2) "County superintendent" includes the [Chief Executive Officer of  
4 the] SUPERINTENDENT OF PUBLIC INSTRUCTION FOR Baltimore City [Board of  
5 School Commissioners] and the Chief Executive Officer of the New Prince George's  
6 County Board of Education.

7 3-108.

8 (a) Except for the [Baltimore City] Board of School Commissioners OF  
9 BALTIMORE CITY established under § 3-108.1 of this subtitle, the New Prince  
10 George's County Board of Education established under § 3-108.2 of this subtitle, and  
11 counties listed in § 3-114 of this subtitle, the Governor shall appoint the members of  
12 each county board from the residents of that county.

13 3-108.1.

14 (a) In this section, "Board" means the [Baltimore City] Board of School  
15 Commissioners of the Baltimore City Public School System.

16 (b) There is a [Baltimore City] Board of School Commissioners of the  
17 Baltimore City Public School System.

18 (c) The Board consists of[:

19 (1) Nine] NINE voting members [jointly] appointed by the Mayor of  
20 Baltimore City [and the Governor from a list of qualified individuals submitted to the  
21 Mayor and the Governor by the State Board; and

22 (2) One voting student member appointed as provided in subsection (o) of  
23 this section].

24 (d) Each member of the Board shall be a resident of Baltimore City.

25 [(e) To the extent practicable, the membership of the Board shall reflect the  
26 demographic composition of Baltimore City.

27 (f) At least four of the voting members shall possess a high level of knowledge  
28 and expertise concerning the successful administration of a large business, nonprofit,  
29 or governmental entity and shall have served in a high level management position  
30 within such an entity.

31 (g) At least three of the voting members shall possess a high level of  
32 knowledge and expertise concerning education.

33 (h) At least one voting member shall be a parent of a student enrolled in the  
34 Baltimore City Public School System as of the date of appointment of the member.

35 (i) (1) Among the nine voting members, at least one member shall also  
36 possess knowledge or experience in the education of children with disabilities.

- 1           (2)     The knowledge or experience may be derived from being the parent of  
2 a child with a disability.
- 3       (j)     (1)     The term of a voting member is 3 years.
- 4           (2)     The terms of the voting members are staggered as required by the  
5 terms provided for members of the Board on June 1, 1997.
- 6           (3)     At the end of a term, a voting member continues to serve until a  
7 successor is appointed and qualifies.
- 8           (4)     A voting member who is appointed after a term has begun serves only  
9 for the remainder of the term and until a successor is appointed and qualifies.
- 10          (5)     A voting member may not serve more than two consecutive full  
11 terms.
- 12          (6)     To the extent practicable, the Governor and the Mayor shall fill any  
13 vacancy on the Board within 60 days of the date of the vacancy from a list of qualified  
14 individuals submitted to the Mayor and the Governor by the State Board.
- 15       (k)     On the joint approval of the Mayor of Baltimore City and the Governor, a  
16 member may be removed only for cause in accordance with § 3-108 of this subtitle.]
- 17       [(l)]    (E)     Each member of the Board serves without compensation.
- 18       [(m)]    On appointment of the Board, the Governor and the Mayor shall jointly  
19 select one of the voting members to serve as the Chairman of the Board who shall  
20 serve through June 30, 1999.
- 21       (n)     Beginning on July 1, 1999 and every 2 years thereafter, from among its  
22 voting members the Board shall elect a chairman.
- 23       (o)     (1)     One student member shall be a student enrolled in the Baltimore  
24 City Public School System who shall be selected by the Associated Student Congress  
25 of Baltimore City.
- 26           (2)     The term of a student member is 1 year.
- 27           (3)     A student member may not serve more than two consecutive full  
28 terms.
- 29           (4)     The student member may vote on all matters before the Board except  
30 those relating to:
- 31               (i)     Personnel;
- 32               (ii)    Capital and operating budgets;
- 33               (iii)   School closings, reopenings, and boundaries;

- 1 (iv) Collective bargaining decisions;  
2 (v) Student disciplinary matters; and  
3 (vi) Appeals to the Board as provided under §§ 4-205 and 6-202 of  
4 this article.

5 (5) The student member may not attend or participate in an executive or  
6 special session of the Board.

7 (p) Any action by the Board shall require:

8 (1) A quorum of a majority of the voting members then serving; and

9 (2) The affirmative vote of a majority of the voting members then  
10 serving.]

11 4-102.

12 (a) (2) [(i)] In Baltimore City, the [Chief Executive Officer of the  
13 Baltimore City Board of School Commissioners] SUPERINTENDENT OF PUBLIC  
14 INSTRUCTION is the executive officer[, and secretary[, and treasurer] of the Board  
15 of School Commissioners.

16 [(ii)] The Chief Executive Officer shall have the powers and duties  
17 imposed under this article.

18 [(iii)] The Chief Executive Officer is not a public officer under the  
19 Constitution or the laws of the State.]

20 4-301.

21 (a) In this subtitle the following words have the meanings indicated.

22 (b) "Board" means the [Baltimore City] Board of School Commissioners of the  
23 Baltimore City Public School System.

24 (c) "Bonds" means revenue bonds, refunding bonds, certificates, notes,  
25 demand notes, commercial paper, other evidence of indebtedness, and, where  
26 applicable, bond anticipation notes.

27 [(d)] "Chief Executive Officer" means the Chief Executive Officer of the  
28 Baltimore City Board of School Commissioners.]

29 [(e)] (D) "Costs" as applied to any project means all costs of the project,  
30 including:

31 (1) The cost of acquisition, construction, reconstruction, equipping,  
32 maintenance, repair, and renovation;

1           (2)     The cost of acquisition of all land, rights-of-way, property rights,  
2 easements, and interests acquired by the Board;

3           (3)     Finance charges and interest prior to and during construction and for  
4 1 year after completion of construction;

5           (4)     The cost of architectural, engineering, and legal expenses, plans,  
6 specifications, feasibility studies, surveys, estimates of costs and revenue, and other  
7 expenses necessary or desirable for determining the feasibility or practicability of  
8 construction of any project;

9           (5)     Reserves for the payment of debt service, operating reserves, and  
10 repair and replacement funds; and

11          (6)     Administrative expenses and other expenses necessary or allocable to  
12 any project, the financing or refinancing of any project, the issuance of bonds, and the  
13 placing of any project in operation.

14   [(f)]     (E)     "Project" means the acquisition, construction, reconstruction,  
15 equipping, maintenance, repair, or renovation of any public school facility.

16   [(g)]     (F)     "Public school facility" means a building, parking facility, athletic  
17 facility, testing facility, or other facility in the City of Baltimore, now existing or  
18 hereafter acquired or constructed, that is used by the Board in relation to the  
19 education of students in the Baltimore City Public School System.

20   (G)     "SUPERINTENDENT" MEANS THE SUPERINTENDENT OF PUBLIC  
21 INSTRUCTION FOR BALTIMORE CITY.

22 4-302.

23     Subject to the applicable provisions of this article [and the master plan adopted  
24 by the Board under § 4-309 of this subtitle], the Mayor and City Council of Baltimore  
25 City shall establish and maintain a system of free public schools in Baltimore City, AS  
26 PROVIDED IN THE BALTIMORE CITY CHARTER.

27 4-306.2.

28   (a)     The Board may issue bonds for the purpose of financing or refinancing all  
29 or any part of the costs of any project.

30   (g)     The bonds shall:

31           (1)     Be dated and bear interest at the fixed or variable rate or rates  
32 determined by the method provided in the resolution of the Board authorizing the  
33 issuance of the bonds;

34           (2)     Mature at a time or times not exceeding the useful life of the projects  
35 for which the bonds are issued, but in no event shall the maturity of the bonds exceed  
36 15 years from their date or dates of issue, as may be determined by the Board;

1 (3) Be issued at, above, or below par value, for cash or other valuable  
2 consideration;

3 (4) Be payable at a time or times, in the denominations and form, either  
4 coupon or registered or both, and carry the registration and privileges as to  
5 conversion and for the replacement of mutilated, lost, or destroyed bonds as the  
6 resolution of the Board may provide;

7 (5) Bear the manual or facsimile signature of the [Chief Executive  
8 Officer] SUPERINTENDENT OF PUBLIC INSTRUCTION or one of the other members of  
9 the Board. In case any officer whose manual or facsimile signature appears on any  
10 bonds or coupons ceases to be an officer before the delivery of the bonds, the signature  
11 or facsimile of the former officer is valid and sufficient for all purposes as if the officer  
12 had remained in office until delivery;

13 (6) Bear the official seal of the Board or a facsimile of the seal affixed to  
14 the bonds and attested by the manual or facsimile signature of the secretary of the  
15 Board;

16 (7) Be payable in lawful money of the United States of America at a  
17 designated place;

18 (8) Be subject to the terms of purchase, payment, redemption, refunding,  
19 or refinancing that the resolution of the Board provides; and

20 (9) Be sold in the manner and upon the terms determined by the Board  
21 including private or negotiated sale.

22 (m) (1) Any bond issued under this subtitle shall state on its face that the  
23 bond does not create or constitute any indebtedness or obligation of the State, of the  
24 Mayor and City Council of Baltimore, or of any other political subdivision of the State,  
25 except the [Baltimore City] Board of School Commissioners OF BALTIMORE CITY.

26 4-316.

27 (a) [Notwithstanding any provision of local law and subject] SUBJECT to the  
28 applicable provisions of this article, the [Baltimore City] Board of School  
29 Commissioners OF BALTIMORE CITY may:

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

31 (2) Set teacher qualifications;

32 (3) [Set] SUBJECT TO THE APPROVAL OF THE MAYOR AND CITY  
33 COUNCIL, SET teacher salaries; and

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

1 (b) (1) The [Baltimore City] Board of School Commissioners OF BALTIMORE  
2 CITY shall report annually to the State Board on the condition of the schools under its  
3 jurisdiction.

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

5 (i) Expenditures;

6 (ii) The number of children taught; and

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

8 4-317.

9 After a study has been completed to determine whether to close a public school  
10 in Baltimore City, the [Chief Executive Officer] SUPERINTENDENT OF PUBLIC  
11 INSTRUCTION shall inform the Mayor of Baltimore City and the members of the  
12 General Assembly who represent Baltimore City regarding the completed study at the  
13 same time that the study is submitted to the [Baltimore City] Board of School  
14 Commissioners OF BALTIMORE CITY.

15 4-318.

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

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

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

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

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

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

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

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



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

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

4 (c) (1) The [Chief Executive Officer of the Baltimore City Board of School  
5 Commissioners] SUPERINTENDENT OF PUBLIC INSTRUCTION shall appoint a  
6 Director of the Center.

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

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

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

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

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

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

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

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

25 (f) The Director shall develop and provide the following programs within the  
26 Center:

27 (1) Elementary and secondary education programs;

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

31 (3) Vocational and rehabilitative training programs.

32 (g) The [Chief Executive Officer] SUPERINTENDENT OF PUBLIC  
33 INSTRUCTION shall report annually to the members of the Baltimore City Delegation  
34 in the General Assembly on the progress of the students in the Center.

1 5-106.

2 On or before November 1 and March 1 of each fiscal year, the Anne Arundel  
3 County Board shall submit to the Anne Arundel County Council[, and the Baltimore  
4 City Board of School Commissioners shall submit to the Mayor and City Council of  
5 Baltimore] a report detailing all expenditures within the major categories of its  
6 annual budget. The report also shall detail any action of the County Board that would  
7 commit the County Board to spend more in any major category in the annual budget  
8 for the current fiscal year than the amount approved in the annual budget for that  
9 category.

10 5-108.

11 (A) A COPY OF THE BUDGET AS APPROVED BY THE MAYOR AND CITY COUNCIL  
12 OF BALTIMORE CITY SHALL BE SUBMITTED TO THE STATE SUPERINTENDENT  
13 WITHIN 30 DAYS AFTER APPROVAL.

14 (B) (1) THE AMOUNT REQUESTED IN THE ANNUAL BUDGET OF THE BOARD  
15 OF SCHOOL COMMISSIONERS OF BALTIMORE CITY FOR CURRENT EXPENSES FOR THE  
16 NEXT SCHOOL YEAR AND THAT IS TO BE RAISED BY REVENUE FROM LOCAL SOURCES  
17 MAY NOT BE LESS THAN THE MINIMUM AMOUNT REQUIRED TO BE LEVIED UNDER §  
18 5-202 OF THIS TITLE.

19 (2) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY PROVIDE  
20 FUNDS THAT ARE MORE THAN THE AMOUNT REQUIRED UNDER § 5-202 OF THIS TITLE  
21 TO SUPPORT IMPROVED AND ADDITIONAL PROGRAMS.

22 (C) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL LEVY AND  
23 COLLECT A TAX ON THE ASSESSABLE PROPERTY OF THE CITY WHICH, TOGETHER  
24 WITH OTHER LOCAL REVENUE AVAILABLE, INCLUDING INCOME TAX REVENUES AND  
25 LOCAL MONEY, AND TOGETHER WITH ESTIMATED RESERVES AND FUNDS FROM ALL  
26 SOURCES, WILL PRODUCE THE AMOUNTS NECESSARY TO MEET THE  
27 APPROPRIATIONS MADE IN THE APPROVED ANNUAL BUDGET OF THE BOARD OF  
28 SCHOOL COMMISSIONERS.

29 6-201.

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

32 (2) In Worcester County, the County Superintendent shall appoint  
33 clerical and other nonprofessional personnel with the advice and consent of the  
34 County Board.

35 (3) [Notwithstanding any provision of local law, in] IN Baltimore City,  
36 the appointment, tenure, and compensation of clerical and other nonprofessional  
37 personnel shall be determined in accordance with the [personnel system established  
38 by the Baltimore City Board of School Commissioners under § 4-313 of this article]  
39 BALTIMORE CITY CHARTER.

1 6-202.

2 (a) (5) [Notwithstanding any provision of local law, in] IN Baltimore City  
3 the suspension and removal of assistant superintendents and higher levels shall be as  
4 provided by the [personnel system established by the Baltimore City Board of School  
5 Commissioners under § 4-313 of this article] BALTIMORE CITY CHARTER.

6 6-401.

7 (e) "Public school employer" means a county board of education or the  
8 [Baltimore City] Board of School Commissioners OF BALTIMORE CITY.

9 6-501.

10 (g) (1) "Public school employer" means the county board in each county.

11 (2) "Public school employer" includes the [Baltimore City] Board of  
12 School Commissioners OF BALTIMORE CITY OR THE MAYOR AND CITY COUNCIL OF  
13 BALTIMORE CITY.

14 **Article - State Government**

15 6-102.

16 Except as otherwise provided by law, this title does not apply to:

17 (1) the Public Service Commission;

18 (2) a board of supervisors of elections of a county;

19 (3) the [Baltimore City] Board of School Commissioners OF BALTIMORE  
20 CITY or a county board of education; or

21 (4) any other county officer or unit.

22 12-301.

23 This subtitle does not apply to:

24 (1) the Public Service Commission;

25 (2) a board of supervisors of elections of a county;

26 (3) the [Baltimore City] Board of School Commissioners OF BALTIMORE  
27 CITY or a county board of education; or

28 (4) any other county officer or unit.

1 12-401.

2 In this subtitle, "State personnel" means:

3 (1) a regular employee of the State whose compensation:

4 (i) is provided by a State appropriation; or

5 (ii) is paid wholly or partly from State funds;

6 (2) an employee who is under the jurisdiction of the Department of  
7 Budget and Management;

8 (3) an officer, warrant officer, or enlisted member of the organized  
9 militia;

10 (4) an employee of the Maryland Port Administration, as described in §  
11 6-204(n) of the Transportation Article;

12 (5) a member or employee of a board of trustees for a community college;

13 (6) except in Montgomery County, an employee of a county health  
14 department;

15 (7) a member or employee of the [Baltimore City] Board of School  
16 Commissioners OF BALTIMORE CITY or of a county board of education;

17 (8) a member of the Board of Visitors of the Maryland School for the  
18 Deaf;

19 (9) a member or employee of a board of supervisors for a soil  
20 conservation district;

21 (10) a person who, as a volunteer, is providing a service to or for the State;

22 (11) a person who, for or under contract with a unit of the State or a local  
23 government, performs an emergency service during a state of emergency under Title  
24 14 of the Public Safety Article;

25 (12) any other individual who, with or without compensation, holds a  
26 position that requires the exercise of discretion and of a part of the sovereignty of the  
27 State;

28 (13) any other State officer or State employee; and

29 (14) a Montgomery County employee who administers a State program  
30 under Article 88A, § 13A(b) of the Code.

**Article - State Personnel and Pensions**

2 22-205.

3 (a) Except as provided in subsection (b) of this section, §§ 22-206 through  
4 22-208 of this subtitle apply only to:

5 (1) an employee of a day school in the State under the authority and  
6 supervision of a county board of education or the [Baltimore City] Board of School  
7 Commissioners OF BALTIMORE CITY, employed as:

8 (i) an attendance officer;

9 (ii) a clerk;

10 (iii) a helping teacher;

11 (iv) a principal;

12 (v) a superintendent;

13 (vi) a supervisor; or

14 (vii) a teacher;

15 (2) a faculty employee of an educational institution supported by and  
16 under the control of the State;

17 (3) a librarian or clerical employee of any library that is established or  
18 operates under the Education Article;

19 (4) a professional or clerical employee of a community college that is  
20 established or operates under the Education Article; or

21 (5) a staff employee of the University System of Maryland, Morgan State  
22 University, or St. Mary's College who is a member of the Teachers' Retirement System  
23 as of January 1, 1998.

24 22-216.

25 (a) This section applies to an individual who is:

26 (1) a member of the Teachers' Retirement System;

27 (2) an employee of the [Baltimore City] Board of School Commissioners  
28 OF BALTIMORE CITY or another county board of education; and

29 (3) hired by a third party contractor to work in a school that is  
30 reconstituted by order of the Maryland State Board of Education.

1 (c) An individual who is hired by a third party contractor and subsequently  
2 becomes employed by the [Baltimore City] Board of School Commissioners OF  
3 BALTIMORE CITY or another county board of education at any time while the order of  
4 reconstitution is in effect and on termination of the contract with the third party  
5 contractor:

6 (1) is not subject to the provisions of § 22-217 of this subtitle;

7 (2) shall be reinstated as a member of the Teachers' Retirement System;

8 (3) shall be entitled to restoration of any service credit to which the  
9 individual was entitled before employment by the third party contractor whether or  
10 not the individual was vested; and

11 (4) shall redeposit any of the amounts withdrawn under subsection (b) of  
12 this section with regular interest to the date of redeposit or, on retirement, the  
13 individual's retirement allowance shall be reduced by the actuarial equivalent of the  
14 accumulated contributions withdrawn with regular interest to the date of retirement.  
15 23-206.

16 (a) Except as provided in subsection (b) of this section, §§ 23-207 through  
17 23-210 of this subtitle apply only to:

18 (1) an employee of a day school in the State under the authority and  
19 supervision of a county board of education or the [Baltimore City] Board of School  
20 Commissioners OF BALTIMORE CITY, employed as:

21 (i) a clerk;

22 (ii) a helping teacher;

23 (iii) a principal;

24 (iv) a superintendent;

25 (v) a supervisor; or

26 (vi) a teacher;

27 (2) a faculty employee of an educational institution supported by and  
28 under the control of the State;

29 (3) a librarian or clerical employee of a library that is established or  
30 operates under the Education Article;

31 (4) a professional or clerical employee of a community college that is  
32 established or operates under the Education Article;

33 (5) a staff employee of the University System of Maryland, Morgan State  
34 University, or St. Mary's College who is a member of the Teachers' Pension System as

1 of January 1, 1998, or who transfers from the Teachers' Retirement System on or  
2 after January 1, 1998; or

3 (6) a nonfaculty employee of the Baltimore City Community College who:

4 (i) is a member of the Teachers' Pension System as of October 1,  
5 2002 and does not transfer to the Employees' Pension System in accordance with §  
6 23-202.1 of this subtitle; or

7 (ii) transfers from the Teachers' Retirement System on or after  
8 October 1, 2002.

9 23-214.

10 (a) This section applies to an individual who is:

11 (1) a member of the Teachers' Pension System;

12 (2) an employee of the [Baltimore City] Board of School Commissioners  
13 OF BALTIMORE CITY or another county board of education; and

14 (3) hired by a third party contractor to work in a school that is  
15 reconstituted by order of the Maryland State Board of Education.

16 (c) An individual who is hired by a third party contractor and subsequently  
17 becomes employed by the [Baltimore City] Board of School Commissioners OF  
18 BALTIMORE CITY or another county board of education at any time while the order of  
19 reconstitution is in effect and on termination of the contract with the third party  
20 contractor:

21 (1) is not subject to the provisions of § 23-215 of this subtitle;

22 (2) shall be reinstated as a member of the Teachers' Pension System;

23 (3) shall be entitled to restoration of any service credit to which the  
24 individual was entitled before employment by the third party contractor whether or  
25 not the individual was vested; and

26 (4) shall redeposit any of the amounts withdrawn under subsection (b) of  
27 this section with regular interest to the date of redeposit or, on retirement, the  
28 individual's retirement allowance shall be reduced by the actuarial equivalent of the  
29 accumulated contributions withdrawn with regular interest to the date of retirement.

30 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
31 read as follows:

1

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2 1-101.

3 (e) "County superintendent" means the county superintendent of schools of a  
4 county and includes the [Chief Executive Officer of the] SUPERINTENDENT OF  
5 PUBLIC INSTRUCTION FOR Baltimore City [Board of School Commissioners].

6 3-108.

7 (a) Except for the [Baltimore City] Board of School Commissioners OF  
8 BALTIMORE CITY established under § 3-108.1 of this subtitle and counties listed in §  
9 3-114 of this subtitle, the Governor shall appoint the members of each county board  
10 from the residents of that county.

11 SECTION 4. AND BE IT FURTHER ENACTED, That the publisher of the  
12 Annotated Code of Maryland, in consultation with and subject to the approval of the  
13 Department of Legislative Services, shall correct, with no further action required by  
14 the General Assembly, cross-references and terminology rendered incorrect by this  
15 Act or by any other Act of the General Assembly of 2004 that affects provisions  
16 enacted by this Act. The publisher shall adequately describe any such correction in an  
17 editor's note following the section affected.

18 SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act  
19 shall take effect on the taking effect of the termination provision specified in Section  
20 20 of Chapter 289 of the Acts of the General Assembly of 2002. If that termination  
21 provision takes effect, Section 2 of this Act shall be abrogated and of no further force  
22 and effect. This Act may not be interpreted to have any effect on that termination  
23 provision.

24 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the  
25 provisions of Section 5 of this Act, this Act shall take effect July 1, 2004.