

UNOFFICIAL COPY OF HOUSE BILL 1748
EMERGENCY BILL

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6lr3741
CF 6lr3740

By: **Delegates Marriott, Anderson, Branch, Brown, C. Davis, Doory,
Goodwin, Hammen, Harrison, Haynes, Kirk, Krysiak, McHale,
McIntosh, Oaks, Paige, Pugh, and Rosenberg**

Rules suspended

Introduced and read first time: March 27, 2006

Rules suspended

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Public School System - Restructuring - Legislative**
3 **Approval**

4 FOR the purpose of prohibiting the State Board of Education and the State
5 Superintendent of Schools from implementing a certain restructuring of a
6 governance arrangement of certain schools in Baltimore City or removing a
7 public school from the direct control of the Baltimore City Board of School
8 Commissioners until the State Board and the State Superintendent submit a
9 certain notice and proposal to the General Assembly for review and approval of
10 the proposal; requiring the State Board and the State Superintendent to send a
11 copy of a certain notice and proposal to the Baltimore City Board of School
12 Commissioners; requiring the General Assembly to allow for a certain
13 opportunity for public comment on a certain proposal before approving or
14 disapproving the proposal; providing for the application of this Act; making this
15 Act an emergency measure; and generally relating to the legislative approval for
16 the restructuring of schools in the Baltimore City Public School System.

17 BY repealing and reenacting, without amendments,
18 Article - Education
19 Section 2-205(a) and (c)
20 Annotated Code of Maryland
21 (2004 Replacement Volume and 2005 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Education
24 Section 2-205(b)
25 Annotated Code of Maryland
26 (2004 Replacement Volume and 2005 Supplement)

27 BY adding to

1 Article - Education
2 Section 4-309(d)
3 Annotated Code of Maryland
4 (2004 Replacement Volume and 2005 Supplement)

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

7 **Article - Education**

8 2-205.

9 (a) In addition to the other powers granted and duties imposed under this
10 article, the State Board has the powers and duties set forth in this section.

11 (b) [The] EXCEPT AS PROVIDED IN § 4-309 OF THIS ARTICLE, THE State Board
12 shall:

13 (1) Determine the elementary and secondary educational policies of this
14 State; and

15 (2) Cause to be carried out those provisions of this article that are within
16 its jurisdiction.

17 (c) (1) The State Board shall adopt bylaws, rules, and regulations for the
18 administration of the public schools.

19 (2) These bylaws, rules, and regulations have the force of law when
20 adopted and published.

21 (3) The bylaws, rules, and regulations apply to each county. However,
22 they do not apply to Baltimore City to the extent that they relate to matters that are
23 the subject of other provisions of this article that do not apply to Baltimore City.

24 4-309.

25 (D) (1) THE STATE BOARD AND THE STATE SUPERINTENDENT MAY NOT
26 IMPLEMENT A MAJOR RESTRUCTURING OF A GOVERNANCE ARRANGEMENT OF A
27 PUBLIC SCHOOL IN THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM OR REMOVE A
28 PUBLIC SCHOOL FROM THE DIRECT CONTROL OF THE BOARD UNTIL:

29 (I) THE STATE BOARD AND STATE SUPERINTENDENT SUBMIT A
30 NOTICE AND PROPOSAL OF THE SCHOOL'S RESTRUCTURING TO THE GENERAL
31 ASSEMBLY; AND

32 (II) THE GENERAL ASSEMBLY REVIEWS AND APPROVES THE
33 PROPOSAL.

1 (2) THE STATE BOARD AND THE STATE SUPERINTENDENT SHALL SEND
2 THE BOARD A COPY OF THE NOTICE AND PROPOSAL SUBMITTED TO THE GENERAL
3 ASSEMBLY UNDER PARAGRAPH (1) OF THIS SUBSECTION.

4 (3) THE GENERAL ASSEMBLY SHALL ALLOW A SUFFICIENT
5 OPPORTUNITY FOR PUBLIC COMMENT ON A PROPOSAL FOR THE RESTRUCTURING
6 SUBMITTED BY THE STATE BOARD AND THE STATE SUPERINTENDENT BEFORE
7 APPROVING OR DISAPPROVING THE PROPOSAL.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
9 construed to apply retroactively and shall be applied to and interpreted to affect any
10 action of the State Board of Education and the State Superintendent of Schools taken
11 on or after March 28, 2006.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
13 measure, is necessary for the immediate preservation of the public health or safety,
14 has been passed by a ye and nay vote supported by three-fifths of all the members
15 elected to each of the two Houses of the General Assembly, and shall take effect from
16 the date it is enacted.