

UNOFFICIAL COPY OF SENATE BILL 1106  
EMERGENCY BILL

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6lr3740  
CF 6lr3741

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By: **Senator McFadden**

Constitutional Requirements Complied with for Introduction in the last 35 Days of  
Session

Introduced and read first time: March 29, 2006

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

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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  
28 Article - Education

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

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

6 **Article - Education**

7 2-205.

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

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

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

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

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

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

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

23 4-309.

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

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

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

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

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

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

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