

# HOUSE BILL 954

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By: **Delegates Carter and Anderson**

Introduced and read first time: February 9, 2007

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City Board of School Commissioners – Membership**

3 FOR the purpose of altering the membership of the Baltimore City Board of School  
4 Commissioners; providing for the appointment of certain members of the Board  
5 by the Governor and by the Mayor of Baltimore City, subject to the approval of a  
6 certain organization; providing for the election of certain members of the Board;  
7 providing for a certain nonvoting member of the Board; altering the student  
8 membership of the Board; providing for the reimbursement of a member's  
9 expenses under certain circumstances; specifying qualifications and  
10 requirements for members of the Board; specifying the term of members,  
11 including a probationary term; providing for the removal of members of the  
12 Board under certain circumstances; requiring the Mayor and City Council of  
13 Baltimore City to establish certain Board of Education districts; specifying  
14 certain powers and duties of the Board; specifying the use of certain funds for  
15 the payment of salaries, expenses, and other benefits of the members of the  
16 Board; providing for the termination of the terms of certain members of the  
17 Board; and generally relating to the Baltimore City Board of School  
18 Commissioners.

19 BY repealing and reenacting, with amendments,  
20 Article – Education  
21 Section 3–108.1, 3–114(a), and 4–303  
22 Annotated Code of Maryland  
23 (2006 Replacement Volume)

24 BY adding to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Education  
 2 Section 3–114(d)  
 3 Annotated Code of Maryland  
 4 (2006 Replacement Volume)

5 BY repealing and reenacting, without amendments,  
 6 Article – Education  
 7 Section 4–306.1  
 8 Annotated Code of Maryland  
 9 (2006 Replacement Volume)

10 BY repealing and reenacting, without amendments,  
 11 Article – Election Law  
 12 Section 8–802  
 13 Annotated Code of Maryland  
 14 (2003 Volume and 2006 Supplement)

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

17 **Article – Education**

18 3–108.1.

19 (a) In this section, “Board” means the Baltimore City Board of School  
 20 Commissioners of the Baltimore City Public School System.

21 (b) There is a Baltimore City Board of School Commissioners of the  
 22 Baltimore City Public School System.

23 (c) The Board consists of:

24 (1) [Nine] **FOUR** voting members [jointly] appointed [by the Mayor of  
 25 Baltimore City and the Governor from a list of qualified individuals submitted to the  
 26 Mayor and the Governor by the State Board; and

27 (2) One voting student member appointed as provided in subsection (o)  
 28 of this section] **AS FOLLOWS:**

29 (I) **TWO VOTING MEMBERS APPOINTED BY THE MAYOR OF**  
 30 **BALTIMORE CITY, SUBJECT TO THE APPROVAL OF THE BALTIMORE CITY**  
 31 **PARENT COMMUNITY ADVISORY BOARD; AND**

1                   **(II) TWO VOTING MEMBERS APPOINTED BY THE GOVERNOR,**  
2 **SUBJECT TO THE APPROVAL OF THE BALTIMORE CITY PARENT COMMUNITY**  
3 **ADVISORY BOARD;**

4                   **(2) NINE VOTING MEMBERS:**

5                   **(I) ONE OF WHOM SHALL BE ELECTED FROM EACH OF THE**  
6 **EIGHT BOARD OF EDUCATION DISTRICTS ESTABLISHED IN BALTIMORE CITY;**  
7 **AND**

8                   **(II) ONE OF WHOM SHALL BE ELECTED AT-LARGE BY THE**  
9 **VOTERS OF BALTIMORE CITY;**

10                  **(3) TWO VOTING STUDENT MEMBERS APPOINTED AS PROVIDED**  
11 **IN SUBSECTION (O) OF THIS SECTION; AND**

12                  **(4) ONE NONVOTING MEMBER, WHO SHALL BE THE CHAIR OF THE**  
13 **BALTIMORE CITY PARENT COMMUNITY ADVISORY BOARD AND APPOINTED AS**  
14 **PROVIDED IN SUBSECTION (T) OF THIS SECTION.**

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

16           (e) To the extent practicable, the [membership] **APPOINTED MEMBERS** of  
17 the Board shall reflect the demographic composition of Baltimore City.

18           (f) At least [four] **ONE** of the **APPOINTED** voting members shall possess a  
19 high level of knowledge and expertise concerning the successful administration of a  
20 large business, nonprofit, or governmental entity and shall have served in a high level  
21 management position within such an entity.

22           (g) At least [three] **ONE** of the **APPOINTED** voting members shall possess a  
23 high level of knowledge and expertise concerning education.

24           (h) At least one **OF THE APPOINTED** voting [member] **MEMBERS** shall be a  
25 parent of a student enrolled in the Baltimore City Public School System as of the date  
26 of appointment of the member.

1           **(I) AT LEAST ONE OF THE APPOINTED VOTING MEMBERS SHALL**  
 2 **POSSESS A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING BUDGET**  
 3 **AND FINANCE.**

4           [(i)] **(J) (1)** Among the [nine] **FOUR APPOINTED** voting members, at  
 5 least one member shall also possess knowledge or experience in the education of  
 6 children with disabilities.

7                   (2) The knowledge or experience may be derived from being the parent  
 8 of a child with a disability.

9           [(j)] **(K) (1)** The term of a voting member is [3] **4 years BEGINNING ON**  
 10 **THE FIRST MONDAY IN DECEMBER AFTER THE MEMBER'S ELECTION OR**  
 11 **APPOINTMENT AND UNTIL A SUCCESSOR IS ELECTED OR APPOINTED AND**  
 12 **QUALIFIES.**

13                   (2) [The terms of the voting members are staggered as required by the  
 14 terms provided for members of the Board on June 1, 1997.

15                   (3)] At the end of a term, a voting member continues to serve until a  
 16 successor is appointed and qualifies.

17                   [(4)] **(3)** A voting member who is appointed after a term has begun  
 18 serves only for the remainder of the term and until a successor is appointed and  
 19 qualifies.

20                   [(5)] **(4)** A voting member may not serve more than two consecutive  
 21 full terms.

22                   [(6)] **(5)** To the extent practicable, the Governor and the Mayor shall  
 23 fill any vacancy on the Board within 60 days of the date of the vacancy from a list of  
 24 qualified individuals submitted to the Mayor and the Governor by the State Board.

25                   **(6) (I) SUBJECT TO SUBSECTION (S) OF THIS SECTION, THE**  
 26 **GOVERNOR AND THE MAYOR SHALL APPOINT THE MEMBERS OF THE BOARD AS**  
 27 **PROVIDED IN SUBSECTION (C)(1) OF THIS SECTION ON OR BEFORE NOVEMBER**  
 28 **15, 2008, AND EVERY 4 YEARS THEREAFTER.**

29                                   **(II) A MEMBER WHO IS REAPPOINTED BY THE GOVERNOR**  
 30 **OR THE MAYOR IS SUBJECT TO APPROVAL BY THE BALTIMORE CITY PARENT**  
 31 **COMMUNITY ADVISORY BOARD.**

1            [(k)] (L) (1) On the joint approval of the Mayor of Baltimore City and the  
2 Governor, a member may be removed only for cause in accordance with § 3-108 of this  
3 subtitle.

4            **(2) FOLLOWING SUBSTANTIAL INVESTIGATION AND ON A**  
5 **UNANIMOUS VOTE, A MEMBER MAY BE REMOVED BY THE BALTIMORE CITY**  
6 **COUNCIL ON ACCOUNT OF:**

7                    (I)    **ETHICAL VIOLATION;**

8                    (II)   **FRAUD;**

9                    (III)   **MALFEASANCE;**

10                   (IV)   **MISFEASANCE;**

11                   (V)    **NEGLIGENCE; OR**

12                   (VI)   **OMISSION OF DUTY.**

13            [(l)    Each member of the Board serves without compensation.

14            (m)    On appointment of the Board, the Governor and the Mayor shall jointly  
15 select one of the voting members to serve as the Chairman of the Board who shall  
16 serve through June 30, 1999.

17            (n)    Beginning on July 1, 1999 and every 2 years thereafter, from among its  
18 voting members the Board shall elect a chairman.]

19            **(M) EACH MEMBER OF THE BOARD IS ENTITLED TO RECEIVE**  
20 **REIMBURSEMENT, AFTER SUBMITTING EXPENSE VOUCHERS, FOR TRAVEL AND**  
21 **OTHER EXPENSES.**

22            **(N) THE CHAIR OF THE BOARD SHALL BE THE MEMBER ELECTED FROM**  
23 **BALTIMORE CITY AT-LARGE.**

24            (o)    (1)    [One] A student member shall be a student enrolled in the  
25 Baltimore City Public School System who shall be selected by the Associated Student  
26 Congress of Baltimore City.

1 (2) The term of a student member is 1 year.

2 (3) A student member may not serve more than two consecutive full  
3 terms.

4 (4) [The] A student member may vote on all matters before the Board  
5 except those relating to:

6 (i) Personnel;

7 (ii) Capital and operating budgets;

8 (iii) School closings, reopenings, and boundaries;

9 (iv) Collective bargaining decisions;

10 (v) Student disciplinary matters; and

11 (vi) Appeals to the Board as provided under §§ 4–205 and 6–202  
12 of this article.

13 (5) [The] A student member may not attend or participate in an  
14 executive or special session of the Board.

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

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

17 (2) The affirmative vote of a majority of the voting members then  
18 serving.

19 **(Q) EACH MEMBER APPOINTED TO THE BOARD BY THE MAYOR OF**  
20 **BALTIMORE CITY AND BY THE GOVERNOR SHALL:**

21 **(1) SHOW PROOF OF RESIDENCE IN BALTIMORE CITY FOR AT**  
22 **LEAST 1 YEAR BEFORE APPOINTMENT;**

23 **(2) MAINTAIN RESIDENCY IN BALTIMORE CITY THROUGHOUT**  
24 **THE MEMBER’S TERM OF OFFICE.**

25 **(R) (1) THE ELECTED MEMBERS OF THE BOARD SHALL BE ELECTED:**

1                   **(I) AT THE GENERAL ELECTION; AND**

2                   **(II) IN ACCORDANCE WITH TITLE 8, SUBTITLE 8 OF THE**  
3 **ELECTION LAW ARTICLE.**

4                   **(2) THE DESCRIPTIONS OF BOARD OF EDUCATION DISTRICTS IN**  
5 **THIS SECTION SHALL:**

6                   **(I) BE ESTABLISHED BY THE MAYOR AND CITY COUNCIL**  
7 **OF BALTIMORE CITY; AND**

8                   **(II) BE DRAWN TO FAIRLY AND REASONABLY REPRESENT**  
9 **AN EQUAL DISTRIBUTION OF ELEMENTARY, MIDDLE, AND HIGH SCHOOL**  
10 **STUDENTS IN THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM AS TO:**

11                           **1. ACADEMIC PERFORMANCE; AND**

12                           **2. FAMILY SOCIOECONOMIC CHARACTERISTICS.**

13                   **(3) (I) EACH ELECTED MEMBER AND EACH CANDIDATE FOR**  
14 **ELECTION FROM A BOARD OF EDUCATION DISTRICT SHALL:**

15                           **1. SHOW PROOF OF RESIDENCY IN BALTIMORE CITY**  
16 **FOR AT LEAST 1 YEAR;**

17                           **2. MAINTAIN RESIDENCY IN BALTIMORE CITY**  
18 **THROUGHOUT THE MEMBER'S TERM OF OFFICE OR CANDIDACY; AND**

19                           **3. BE A PARENT OR EDUCATION SURROGATE OF A**  
20 **CHILD ENROLLED IN THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.**

21                   **(II) A MEMBER ELECTED FROM A BOARD OF EDUCATION**  
22 **DISTRICT WHO NO LONGER RESIDES IN THAT DISTRICT MAY NOT CONTINUE AS A**  
23 **MEMBER OF THE BOARD.**

24                   **(S) (1) THIS SUBSECTION DOES NOT APPLY TO THE STUDENT**  
25 **MEMBER OF THE BOARD.**

1           **(2) EACH APPOINTED OR ELECTED VOTING MEMBER:**

2                   **(I) SHALL FIRST SERVE A PROBATIONARY TERM OF 2**  
3 **YEARS;**

4                   **(II) FOLLOWING THE PROBATIONARY TERM, MAY SERVE**  
5 **FOR A TERM OF 4 YEARS;**

6                   **(III) MAY NOT SERVE AS A MEMBER OF THE BOARD FOR**  
7 **MORE THAN 10 YEARS;**

8                   **(IV) SHALL BE DEEMED A FULL-TIME EMPLOYEE OF THE**  
9 **BALTIMORE CITY GOVERNMENT AND MAY NOT BE SUBJECT TO LAYOFF OR**  
10 **OTHER EMPLOYEE REDUCTION ACTION.**

11           **(T) (1) THE CHAIR OF THE BALTIMORE CITY PARENT COMMUNITY**  
12 **ADVISORY BOARD WHO SERVES AS A NONVOTING MEMBER OF THE BOARD:**

13                   **(I) MAY NOT RECEIVE COMPENSATION, BUT MAY RECEIVE**  
14 **REIMBURSEMENT FOR EXPENSES IN ACCORDANCE WITH THE POLICIES OF THE**  
15 **BOARD;**

16                   **(II) ACTS IN AN ADVISORY CAPACITY ONLY;**

17                   **(III) IS ENTITLED TO ACCESS TO THE SAME INFORMATION AS**  
18 **A VOTING MEMBER;**

19                   **(IV) MAY PARTICIPATE IN ALL DISCUSSIONS AND**  
20 **DELIBERATIONS OF THE BOARD; AND**

21                   **(V) SHALL BE HELD TO THE SAME STANDARDS AND**  
22 **OBLIGATIONS AS ANY OTHER ELECTED OR APPOINTED MEMBER.**

23           **(2) THE CHAIR OF THE BALTIMORE CITY PARENT COMMUNITY**  
24 **ADVISORY BOARD MAY SERVE AS THE NONVOTING ADVISORY MEMBER OF THE**  
25 **BOARD ONLY DURING THE INDIVIDUAL'S TENURE AS CHAIR OF THE ADVISORY**  
26 **BOARD.**



1           **(U) (1) THE NET PROCEEDS OF THE REVENUE FROM ANY**  
2 **TELECOMMUNICATIONS TAX IMPOSED BY THE MAYOR AND CITY COUNCIL OF**  
3 **BALTIMORE CITY SHALL BE USED TO PAY THE OPERATING EXPENDITURES FOR**  
4 **SALARIES, EXPENSES, AND OTHER BENEFITS FOR THE MEMBERS OF THE**  
5 **BOARD.**

6           **(2) ANY PORTION OF THE NET PROCEEDS FROM THE REVENUE**  
7 **FROM ANY TELECOMMUNICATIONS TAX IMPOSED BY THE MAYOR AND CITY**  
8 **COUNCIL OF BALTIMORE CITY THAT IS NOT REQUIRED FOR THE PURPOSES OF**  
9 **PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DEPOSITED IN THE GENERAL**  
10 **FUND OF BALTIMORE CITY OR USED FOR PURPOSES OTHERWISE SPECIFIED BY**  
11 **LAW.**

12 3-114.

13           **(a) [In] EXCEPT AS PROVIDED IN PARAGRAPH (D) OF THIS SECTION, IN**  
14 **the following counties, the members of the county board shall be elected:**

- 15           (1) Allegany;
- 16           (2) Calvert;
- 17           (3) Carroll;
- 18           (4) Cecil;
- 19           (5) Charles;
- 20           (6) Dorchester;
- 21           (7) Frederick;
- 22           (8) Garrett;
- 23           (9) Howard;
- 24           (10) Kent;
- 25           (11) Prince George's;
- 26           (12) Montgomery;

- 1 (13) Queen Anne's;  
2 (14) St. Mary's;  
3 (15) Somerset;  
4 (16) Talbot;  
5 (17) Washington; and  
6 (18) Worcester.

7 **(D) IN BALTIMORE CITY, TWO VOTING MEMBERS OF THE BALTIMORE**  
8 **CITY BOARD OF SCHOOL COMMISSIONERS SHALL BE APPOINTED BY THE**  
9 **GOVERNOR, TWO VOTING MEMBERS SHALL BE APPOINTED BY THE MAYOR OF**  
10 **BALTIMORE CITY, NINE VOTING MEMBERS SHALL BE ELECTED, TWO STUDENT**  
11 **MEMBERS SHALL BE SELECTED, AND ONE NONVOTING MEMBER WHO SHALL BE**  
12 **THE CHAIR OF THE BALTIMORE CITY PARENT COMMUNITY ADVISORY BOARD**  
13 **SHALL BE APPOINTED, AS PROVIDED IN § 3-108.1 OF THIS SUBTITLE.**

14 4-303.

15 (a) In order to establish a new partnership between the City of Baltimore  
16 and the State to improve the quality of public education in Baltimore City and to  
17 encourage more efficient use of the resources of the State and Baltimore City, the  
18 Baltimore City Board of School Commissioners is established in accordance with the  
19 provisions of this subtitle.

20 (b) The purpose of the Board is to:

21 (1) Raise the level of academic achievement of the students in the  
22 Baltimore City Public School System; and

23 (2) Improve the management and administration of the public school  
24 system in Baltimore City.

25 (c) The Board shall be held accountable for the academic achievement of the  
26 public school students in Baltimore City.

27 (d) (1) The Board shall have the authority and be responsible for all  
28 functions relating to the Baltimore City Public School System, **INCLUDING:**

1                   **(I) DETERMINING AND SETTING EDUCATIONAL POLICIES**  
2 **FOR THE BALTIMORE CITY PUBIC SCHOOL SYSTEM;**

3                   **(II) ON A VACANCY OR PENDING VACANCY IN THE OFFICE**  
4 **OF CHIEF EXECUTIVE OFFICER, ESTABLISHING A SEARCH COMMITTEE TO**  
5 **ASSIST IN THE RECRUITMENT OF CANDIDATES FOR THE POSITION;**

6                   **(III) HIRING, MANAGING, AND FIRING ANY EMPLOYEE OR**  
7 **VENDOR OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM;**

8                   **(IV) ESTABLISHING SALARIES, BENEFITS, AND PERSONNEL**  
9 **POLICIES FOR EMPLOYEES OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM;**

10                   **(V) OVERSEEING EMPLOYEE LABOR CONTRACTS AND**  
11 **NEGOTIATIONS;**

12                   **(VI) OVERSEEING PROCUREMENT ACTIVITIES FOR THE**  
13 **BALTIMORE CITY PUBLIC SCHOOL SYSTEM; AND**

14                   **(VII) COLLABORATING WITH THE BALTIMORE CITY PARENT**  
15 **COMMUNITY ADVISORY BOARD ON MATTERS PERTAINING TO THE BALTIMORE**  
16 **CITY PUBLIC SCHOOL SYSTEM.**

17                   (2) Notwithstanding any provision of local law governing the  
18 Baltimore City Public School System, the Board may adopt rules and regulations and  
19 prescribe policies and procedures for the management, maintenance, operation, and  
20 control of the Baltimore City Public School System.

21                   (3) The Board shall assume responsibility for all of the functions  
22 formerly performed by the Superintendent of Public Instruction of Baltimore City and  
23 the Board of School Commissioners of Baltimore City.

24                   (4) The Board may not be deemed an agency of the State.

25 4-306.1.

26                   (a) In order to provide public school facilities, the Board may:

1 (1) Acquire, construct, reconstruct, equip, maintain, repair, or  
2 renovate facilities at any location in the City of Baltimore, now existing or hereafter  
3 acquired;

4 (2) Issue bonds in accordance with § 4–306.2 of this subtitle;

5 (3) In accordance with State law and the June 24, 1998, memorandum  
6 of understanding between the Board and the Mayor and City Council of Baltimore,  
7 acquire, hold, and dispose of real and personal property in the exercise of its powers  
8 and the performance of its duties under this subtitle;

9 (4) Enter into all contracts and agreements necessary or incidental to  
10 the performance of its duties and the execution of its powers under this subtitle,  
11 employ consulting engineers, architects, attorneys, construction and financial experts,  
12 and other employees and agents, and determine their compensation;

13 (5) Receive and accept from the United States of America or any  
14 agency of the federal government grants and loans for the purpose of financing or  
15 refinancing all or any part of the costs of any project;

16 (6) Receive and accept aid or contributions from any sources of money,  
17 property, labor, or other things of value, to be held, used, and applied for the purposes  
18 for which the grants and contributions were made; and

19 (7) Perform all acts and things necessary to carry out the powers  
20 expressly granted by the provisions of this subtitle.

21 (b) The Board shall maintain records identifying the sources and amounts of  
22 payments used to support the costs of any project authorized under the provisions of  
23 this subtitle.

#### 24 **Article – Election Law**

25 8–802.

26 (a) (1) (i) Members of boards of education shall be elected on a  
27 nonpartisan basis.

28 (ii) In a primary election to nominate board of education  
29 candidates, any registered voter of the county, regardless of party affiliation or lack of  
30 party affiliation, is eligible to vote in those contests for nomination.

1                   (2)   Candidates for election to boards of education shall, without party  
2 designation or regard to party affiliation:

- 3                   (i)   file certificates of candidacy;
- 4                   (ii)   be certified to the ballot;
- 5                   (iii)   appear on the ballot;
- 6                   (iv)   be voted on; and
- 7                   (v)   be nominated and elected.

8                   (b)   This section does not apply to candidates for nomination or election to a  
9 board of education if Title 3 of the Education Article requires a partisan election.

10                   SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the  
11 appointed members of the Baltimore City Board of School Commissioners who are  
12 serving on the effective date of this Act shall terminate at the end of November 30,  
13 2008.

14                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2007.