

# SENATE BILL 303

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CF 8lr1767

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By: **Senator Conway**

Introduced and read first time: January 28, 2008

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – School Board – Election of Members**

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; providing for the election  
6 of certain members of the Board; providing for the reimbursement of a  
7 member's expenses under certain circumstances; specifying qualifications and  
8 requirements for members of the Board; specifying the term of members;  
9 providing for the removal of members of the Board under certain circumstances;  
10 specifying certain powers and duties of the Board; providing for the termination  
11 of the term of certain members of the Board; and generally relating to the  
12 Baltimore City Board of School Commissioners.

13 BY repealing and reenacting, with amendments,  
14 Article – Education  
15 Section 3–108.1, 3–114(a), and 4–303  
16 Annotated Code of Maryland  
17 (2006 Replacement Volume and 2007 Supplement)

18 BY adding to  
19 Article – Education  
20 Section 3–114(d)  
21 Annotated Code of Maryland  
22 (2006 Replacement Volume and 2007 Supplement)

23 BY repealing and reenacting, without amendments,  
24 Article – Education  
25 Section 4–306.1  
26 Annotated Code of Maryland  
27 (2006 Replacement Volume and 2007 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,  
2 Article – Election Law  
3 Section 8–802  
4 Annotated Code of Maryland  
5 (2003 Volume and 2007 Supplement)

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

8 **Article – Education**

9 3–108.1.

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

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

14 (c) The Board consists of:

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

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

20 (I) **TWO VOTING MEMBERS APPOINTED BY THE MAYOR OF**  
21 **BALTIMORE CITY; AND**

22 (II) **TWO VOTING MEMBERS APPOINTED BY THE GOVERNOR;**

23 (2) **EIGHT VOTING MEMBERS:**

24 (I) **ONE OF WHOM SHALL BE ELECTED FROM EACH OF THE**  
25 **SIX STATE LEGISLATIVE DISTRICTS IN BALTIMORE CITY BY THE RESIDENTS OF**  
26 **THAT DISTRICT;**

27 (II) **ONE OF WHOM SHALL BE ELECTED AT-LARGE BY THE**  
28 **VOTERS OF BALTIMORE CITY AND SERVE AS CHAIR OF THE BOARD; AND**

29 (III) **ONE VOTING STUDENT MEMBER APPOINTED AS**  
30 **PROVIDED IN SUBSECTION (N) OF THIS SECTION.**

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

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

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

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

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

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

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

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

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

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

25 [(4)] **(3)** A voting member who is appointed after a term has begun  
26 serves only for the remainder of the term and until a successor is appointed and  
27 qualifies.

28 [(5)] **(4)** A voting member may not serve more than two consecutive  
29 full terms.

30 [(6)] **(5)** To the extent practicable, the Governor and the Mayor shall  
31 fill any vacancy on the Board within 60 days of the date of the vacancy from a list of  
32 qualified individuals submitted to the Mayor and the Governor by the State Board.

1           **(6) THE GOVERNOR AND THE MAYOR SHALL APPOINT THE**  
 2 **MEMBERS OF THE BOARD AS PROVIDED IN SUBSECTION (C)(1) OF THIS SECTION**  
 3 **ON OR BEFORE NOVEMBER 15, 2010, AND EVERY 4 YEARS THEREAFTER, TO**  
 4 **COMMENCE SERVICE ON THE BOARD ON THE FIRST MONDAY IN DECEMBER IN**  
 5 **2010, AND EVERY 4 YEARS THEREAFTER.**

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

9           **(2) FOLLOWING SUBSTANTIAL INVESTIGATION AND ON A**  
 10 **UNANIMOUS VOTE, A MEMBER MAY BE REMOVED BY THE BALTIMORE CITY**  
 11 **COUNCIL AS A RESULT OF:**

12                           **(I) AN ETHICAL VIOLATION;**

13                           **(II) FRAUD;**

14                           **(III) MALFEASANCE;**

15                           **(IV) MISFEASANCE;**

16                           **(V) NEGLIGENCE; OR**

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

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

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

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

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

27           [(o)] **(N) (1) [One] THE** student member shall be a student enrolled in  
 28 the Baltimore City Public School System who shall be selected by the Associated  
 29 Student Congress of Baltimore City.

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

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

3 (4) The student member may vote on all matters before the Board  
 4 except those relating to:

- 5 (i) Personnel;
- 6 (ii) Capital and operating budgets;
- 7 (iii) School closings, reopenings, and boundaries;
- 8 (iv) Collective bargaining decisions;
- 9 (v) Student disciplinary matters; and
- 10 (vi) Appeals to the Board as provided under §§ 4–205 and 6–202  
 11 of this article.

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

14 [(p)] (O) Any action by the Board shall require:

- 15 (1) A quorum of a majority of the voting members then serving; and
- 16 (2) The affirmative vote of a majority of the voting members then  
 17 serving.

18 (P) EACH MEMBER APPOINTED TO THE BOARD BY THE MAYOR OF  
 19 BALTIMORE CITY AND BY THE GOVERNOR SHALL:

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

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

24 (Q) (1) THE ELECTED MEMBERS OF THE BOARD SHALL BE ELECTED:

25 (I) AT THE GENERAL ELECTION IN NOVEMBER 2010 AND  
 26 EVERY 4 YEARS THEREAFTER; AND

27 (II) IN ACCORDANCE WITH TITLE 8, SUBTITLE 8 OF THE  
 28 ELECTION LAW ARTICLE.

1                   **(2) (I) EACH ELECTED MEMBER AND EACH CANDIDATE FOR**  
2 **ELECTION TO THE BOARD SHALL:**

3                               **1. SHOW PROOF OF RESIDENCY IN BALTIMORE CITY**  
4 **FOR AT LEAST 1 YEAR; AND**

5                               **2. MAINTAIN RESIDENCY IN BALTIMORE CITY**  
6 **THROUGHOUT THE MEMBER'S TERM OF OFFICE OR CANDIDACY.**

7                               **(II) A MEMBER ELECTED FROM A DISTRICT WHO NO**  
8 **LONGER RESIDES IN THAT DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE**  
9 **BOARD.**

10 3-114.

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

13                   (1) Allegany;

14                   (2) Calvert;

15                   (3) Carroll;

16                   (4) Cecil;

17                   (5) Charles;

18                   (6) Dorchester;

19                   (7) Frederick;

20                   (8) Garrett;

21                   (9) Howard;

22                   (10) Kent;

23                   (11) Prince George's;

24                   (12) Montgomery;

25                   (13) Queen Anne's;

26                   (14) St. Mary's;

27                   (15) Somerset;

- 1 (16) Talbot;
- 2 (17) Washington; and
- 3 (18) Worcester.

4 (D) IN BALTIMORE CITY, TWO VOTING MEMBERS OF THE BALTIMORE  
5 CITY BOARD OF SCHOOL COMMISSIONERS SHALL BE APPOINTED BY THE  
6 GOVERNOR, TWO VOTING MEMBERS SHALL BE APPOINTED BY THE MAYOR OF  
7 BALTIMORE CITY, SEVEN VOTING MEMBERS SHALL BE ELECTED BY THE  
8 VOTERS OF BALTIMORE CITY, AND ONE STUDENT MEMBER SHALL BE  
9 SELECTED, AS PROVIDED IN § 3-108.1 OF THIS SUBTITLE.

10 4-303.

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

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

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

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

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

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

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

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

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

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

3                   (V) **OVERSEEING EMPLOYEE LABOR CONTRACTS AND**  
4 **NEGOTIATIONS;**

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

7                   (VII) **COLLABORATING WITH THE BALTIMORE CITY PARENT**  
8 **COMMUNITY ADVISORY BOARD ON MATTERS RELATING TO THE BALTIMORE**  
9 **CITY PUBLIC SCHOOL SYSTEM.**

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

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

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

18 4–306.1.

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

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

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

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

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

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

