

HOUSE BILL 792

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CF SB 449

By: **Delegates Rosenberg, Anderson, Branch, Carter, George, Oaks,
B. Robinson, Tarrant, and Walker**

Introduced and read first time: February 10, 2011

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City Public School System – Charter Management Organizations –**
3 **Amendments to Collective Bargaining Agreements**

4 FOR the purpose of authorizing in Baltimore City certain charter management
5 organizations and certain employees to amend the provisions of certain
6 collective bargaining agreements under certain circumstances; requiring certain
7 charter management organizations to propose, present, and inform certain
8 public school personnel of certain amendments; requiring a certain election to
9 be conducted by secret ballot on certain premises during certain hours;
10 requiring implementation of certain amendments under certain circumstances;
11 providing for the expiration, enforcement, and availability of certain
12 amendments; requiring the adoption of certain regulations; providing for the
13 construction of this Act; defining a certain term; and generally relating to
14 authorizing in Baltimore City charter management organizations to propose
15 amendments to existing collective bargaining agreements in public charter
16 schools.

17 BY repealing and reenacting, without amendments,
18 Article – Education
19 Section 9–108
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2010 Supplement)

22 BY adding to
23 Article – Education
24 Section 9–108.1
25 Annotated Code of Maryland
26 (2008 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 9–108.

5 (a) Employees of a public charter school:

6 (1) Are public school employees, as defined in §§ 6–401(e) and 6–501(g)
7 of this article;

8 (2) Are employees of a public school employer, as defined in §§
9 6–401(f) and 6–501(h) of this article, in the county in which the public charter school is
10 located; and

11 (3) Shall have the rights granted under Title 6, Subtitles 4 and 5 of
12 this article.

13 (b) If a collective bargaining agreement under Title 6, Subtitle 4 or Subtitle 5
14 of this article is already in existence in the county where a public charter school is
15 located, the employee organization and the public charter school may mutually agree
16 to negotiate amendments to the existing agreement to address the needs of the
17 particular public charter school.

18 **9–108.1.**

19 (A) IN THIS SECTION, “CHARTER MANAGEMENT ORGANIZATION” MEANS
20 A NONPROFIT ORGANIZATION THAT CREATES, OPERATES, MANAGES, OR
21 SUPPORTS PUBLIC CHARTER SCHOOLS:

22 (1) UNDER A LICENSING AGREEMENT WITH AN ENTITY THAT IS
23 ESTABLISHED TO CREATE AND SUPPORT SCHOOLS THAT PROVIDE A
24 COLLEGE–PREPARATORY EDUCATION PRIMARILY FOR STUDENTS WHO ARE
25 ELIGIBLE TO RECEIVE SERVICES FUNDED UNDER TITLE I OF THE FEDERAL
26 ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, 20 U.S.C. 6301 ET
27 SEQ.; AND

28 (2) BY CENTRALIZING OR SHARING SPECIFIED FUNCTIONS AND
29 RESOURCES AMONG PUBLIC CHARTER SCHOOLS.

30 (B) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.

31 (C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, IF A COLLECTIVE
32 BARGAINING AGREEMENT UNDER TITLE 6, SUBTITLE 4 OR SUBTITLE 5 OF THIS
33 ARTICLE IS ALREADY IN EXISTENCE, A CHARTER MANAGEMENT ORGANIZATION

1 AND THE EMPLOYEES WHO WORK AT A PUBLIC CHARTER SCHOOL OPERATED BY
2 A CHARTER MANAGEMENT ORGANIZATION MAY AMEND THE PROVISIONS OF THE
3 EXISTING AGREEMENT TO ADDRESS THE NEEDS OF THE PARTICULAR PUBLIC
4 CHARTER SCHOOL OPERATED BY THE CHARTER MANAGEMENT ORGANIZATION.

5 (D) (1) AN AMENDMENT TO A COLLECTIVE BARGAINING AGREEMENT
6 PROPOSED UNDER SUBSECTION (C) OF THIS SECTION SHALL BE PROPOSED BY
7 THE CHARTER MANAGEMENT ORGANIZATION AND PRESENTED TO THE
8 EMPLOYEES WHO WORK AT THE PUBLIC CHARTER SCHOOL.

9 (2) AFTER PRESENTING AN AMENDMENT TO THE EMPLOYEES,
10 THE CHARTER MANAGEMENT ORGANIZATION SHALL INFORM THE PUBLIC
11 SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION OF THE PROPOSED
12 AMENDMENT.

13 (E) (1) THE CHARTER MANAGEMENT ORGANIZATION SHALL
14 CONDUCT AN ELECTION FOR THE APPROVAL OR DISAPPROVAL OF THE
15 PROPOSED AMENDMENT BY THE EMPLOYEES WHO WORK AT THE PUBLIC
16 CHARTER SCHOOL.

17 (2) THE ELECTION REQUIRED UNDER PARAGRAPH (1) OF THIS
18 SUBSECTION SHALL BE:

19 (I) BY SECRET BALLOT;

20 (II) ON THE PREMISES OF THE PUBLIC CHARTER SCHOOL;
21 AND

22 (III) DURING A REGULAR WORKDAY.

23 (3) THE PROPOSED AMENDMENT SHALL BE IMPLEMENTED IF
24 80% OR MORE OF THE EMPLOYEES WHO WORK AT THE PUBLIC CHARTER
25 SCHOOL VOTE IN THE ELECTION TO APPROVE THE AMENDMENT.

26 (F) THE PUBLIC SCHOOL EMPLOYER SHALL ADOPT REGULATIONS THAT
27 GOVERN ELECTIONS HELD UNDER THIS SECTION AND THAT INCLUDE:

28 (1) A REQUIREMENT THAT THE PUBLIC SCHOOL EMPLOYER
29 SUPERVISE THE ELECTION; AND

30 (2) A PROCESS BY WHICH THE RESULTS SHALL BE CERTIFIED.

31 (G) AN AMENDMENT THAT IS APPROVED UNDER SUBSECTION (E)(3) OF
32 THIS SECTION SHALL:

1 **(1) EXPIRE WHEN THE COLLECTIVE BARGAINING AGREEMENT TO**
2 **WHICH THE AMENDMENT IS PROPOSED EXPIRES;**

3 **(2) BE ENFORCEABLE IN THE SAME MANNER AS THE COLLECTIVE**
4 **BARGAINING AGREEMENT ALREADY IN EXISTENCE IN THE COUNTY; AND**

5 **(3) BE MADE AVAILABLE ON REQUEST.**

6 **(H) THIS SECTION MAY NOT BE CONSTRUED TO AUTHORIZE A CHARTER**
7 **MANAGEMENT ORGANIZATION TO PROPOSE AN AMENDMENT TO A COLLECTIVE**
8 **BARGAINING AGREEMENT THAT IS OTHERWISE PROHIBITED FROM**
9 **NEGOTIATION UNDER §§ 6-408(B)(3) AND 6-510(B)(3) OF THIS ARTICLE.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 June 1, 2011.