

SENATE BILL 382

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11r1783
CF 11r1534

By: **Senator Conway**

Introduced and read first time: February 3, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City Board of School Commissioners – Selection of Members –**
3 **Local Referendum**
4 **(Democracy in Education Act of 2011)**

5 FOR the purpose of increasing the number of members of the Baltimore City Board of
6 School Commissioners; requiring a certain number of members of the board to
7 be elected at-large by the voters of Baltimore City; altering the length of a term
8 of the members of the board; requiring certain members of the board to be
9 elected at a certain election and in accordance with certain provisions of law;
10 providing for the termination of the term of certain elected members of the
11 board; providing for the application of this Act; submitting this Act to a
12 referendum of the qualified voters of Baltimore City; making conforming
13 changes; and generally relating to the Baltimore City Board of School
14 Commissioners and the selection of members.

15 BY repealing and reenacting, with amendments,
16 Article – Education
17 Section 3–108.1 and 3–114
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2010 Supplement)

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

22 **Article – Education**

23 3–108.1.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (c) The board consists of:

4 (1) Nine voting members jointly appointed by the Mayor of Baltimore
5 City and the Governor from a list of qualified individuals submitted to the Mayor and
6 the Governor by the State Board; [and]

7 **(2) TWO ELECTED VOTING MEMBERS; AND**

8 **[(2)] (3)** One voting student member appointed as provided in
9 subsection (o) of this section.

10 (d) Each member of the board shall be a resident of Baltimore City.

11 **(E) THE TWO ELECTED VOTING MEMBERS OF THE BOARD SHALL BE**
12 **ELECTED AT-LARGE BY THE REGISTERED VOTERS OF BALTIMORE CITY.**

13 **[(e)] (F)** To the extent practicable, the [membership] **APPOINTED**
14 **MEMBERS** of the board shall reflect the demographic composition of Baltimore City.

15 **[(f)] (G) (1)** At least four of the **APPOINTED** voting members shall
16 possess a high level of knowledge and expertise concerning the successful
17 administration of a large business, nonprofit, or governmental entity and shall have
18 served in a high level management position within such an entity.

19 **[(g)] (2)** At least three of the **APPOINTED** voting members shall possess a
20 high level of knowledge and expertise concerning education.

21 **[(h)] (3)** At least one **APPOINTED** voting member shall be a parent of a
22 student enrolled in the Baltimore City Public School System as of the date of
23 appointment of the member.

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

27 **[(2)] (II)** The knowledge or experience may be derived from being the
28 parent of a child with a disability.

29 **[(j)] (H) (1)** The term of a voting member is **[3] 4** years.

30 **(2) (I)** The terms of the **APPOINTED** voting members are staggered
31 as required by the terms provided for **THE APPOINTED** members of the board on June
32 1, 1997.

1 **(II) THE TERMS OF THE ELECTED VOTING MEMBERS ARE**
2 **STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR ELECTED MEMBERS**
3 **OF THE BOARD ON JULY 1, 2014.**

4 (3) At the end of a term, a voting member continues to serve until a
5 successor is **ELECTED OR** appointed and qualifies.

6 (4) A voting member who is appointed after a term has begun serves
7 only for the remainder of the term and until a successor is **ELECTED OR** appointed
8 and qualifies.

9 (5) A voting member may not serve more than two consecutive full
10 terms.

11 (6) To the extent practicable, the Governor and the Mayor **OF**
12 **BALTIMORE CITY** shall fill any vacancy on the board within 60 days of the date of the
13 vacancy from a list of qualified individuals submitted to the Mayor and the Governor
14 by the State Board.

15 **(7) THE ELECTED MEMBERS OF THE BOARD SHALL BE ELECTED:**

16 **(I) AT THE GENERAL ELECTION IN NOVEMBER 2014 AND**
17 **EVERY 4 YEARS THEREAFTER; AND**

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

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

23 [(l)] **(J)** Each member of the board serves without compensation.

24 [(m)] **(K)** On appointment of the board, the Governor and the Mayor shall
25 jointly select one of the voting members to serve as the chairman of the board who
26 shall serve through June 30, 1999.

27 [(n)] **(L)** Beginning on July 1, 1999 and every 2 years thereafter, from
28 among its voting members the board shall elect a chairman.

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

32 (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)] (N)** 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 3–114.

19 (a) **[In] EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IN** the
20 following counties, the members of the county board shall be elected:

21 (1) Allegany;

22 (2) Calvert;

23 (3) Carroll;

24 (4) Cecil;

25 (5) Charles;

26 (6) Dorchester;

- 1 (7) Frederick;
- 2 (8) Garrett;
- 3 (9) Howard;
- 4 (10) Kent;
- 5 (11) Prince George's;
- 6 (12) Montgomery;
- 7 (13) Queen Anne's;
- 8 (14) St. Mary's;
- 9 (15) Somerset;
- 10 (16) Talbot;
- 11 (17) Washington; and
- 12 (18) Worcester.

13 (b) **IN BALTIMORE CITY, IN ACCORDANCE WITH § 3-108.1 OF THIS**
14 **SUBTITLE, THE MEMBERS OF THE BALTIMORE CITY BOARD OF SCHOOL**
15 **COMMISSIONERS SHALL BE A COMBINATION OF MEMBERS WHO ARE ELECTED**
16 **AND APPOINTED.**

17 (c) In Caroline County, in accordance with Subtitle 3A of this title, the
18 members of the county board shall be a combination of members who are elected and
19 appointed.

20 [(c)] (D) In Harford County, in accordance with Subtitle 6A of this title, the
21 members of the county board shall be a combination of members who are elected and
22 appointed.

23 [(d)] (E) An individual subject to the authority of the county board may not
24 serve as a member of the county board. At the time of filing a certificate of candidacy
25 for election to a county board, a person shall certify to the local board of supervisors of
26 election whether or not he is subject to the authority of the county board. The
27 Governor shall not issue a commission of election to a person who has certified
28 affirmatively and who is elected to a county board until the member-elect offers proof
29 that he is no longer subject to the authority of the county board.

30 [(e)] (F) The election of the county boards shall be held as provided in
31 Subtitles 2 through 14 of this title and the Election Law Article.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the initial terms of the
2 elected members of the Baltimore City Board of School Commissioners shall expire as
3 follows:

4 (1) one member in 2016; and

5 (2) one member in 2018.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be
7 construed to apply only prospectively and may not be applied or interpreted to have
8 any effect on or application to the terms of any member of the Baltimore City Board of
9 School Commissioners appointed to the board on or before July 1, 2014.

10 SECTION 4. AND BE IT FURTHER ENACTED, That before this Act becomes
11 effective it shall first be submitted to a referendum of the qualified voters of Baltimore
12 City at the general election to be held in November of 2011. The Mayor of Baltimore
13 City and the Baltimore City Board of Elections shall do those things necessary and
14 proper to provide for and hold the referendum required by this section. If a majority of
15 the votes cast on the question are "For the referred law" the provisions of this Act shall
16 become effective July 1, 2014, but if a majority of the votes cast on the question are
17 "Against the referred law" the provisions of this Act are of no effect and null and void.

18 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions
19 of Section 4 of this Act and for the sole purpose of providing for the referendum
20 required by Section 4 of this Act, this Act shall take effect July 1, 2011.