

HOUSE BILL 208

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2lr0333

By: **Delegate Mitchell**

Introduced and read first time: January 25, 2012

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City Public School System – Governance**

3 FOR the purpose of altering the appointment process of certain members of the
4 Baltimore City Board of School Commissioners; altering the composition of the
5 board; altering a certain procedure to fill a certain vacancy on the board;
6 altering a certain procedure to remove a member from the board; altering a
7 certain procedure for the selection of the chairman of the board; altering the
8 purpose of the board; making the board responsible for certain functions
9 assigned to it by the Chief Executive Officer of the board; repealing certain
10 powers and functions of the board; requiring the Chief Executive Officer to
11 report to the Mayor of Baltimore City; requiring the Chief Executive Officer to
12 designate certain individuals with certain advisory responsibilities; requiring
13 the Mayor to employ the Chief Executive Officer and establish a certain salary;
14 requiring the Chief Executive Officer to select certain officers, directors, and
15 advisory board members subject to the approval of the Mayor; authorizing the
16 board to exercise certain advisory powers under certain circumstances;
17 requiring the Chief Executive Officer annually to update and submit a certain
18 master plan to the board for its review and to the Mayor for final approval;
19 requiring the board to adopt certain regulations proposed by the Chief
20 Executive Officer governing the procurement of certain goods and services;
21 requiring the board to establish a certain personnel system proposed by the
22 Chief Executive Officer; authorizing the Chief Executive Officer to make certain
23 determinations relating to the personnel system; requiring the board to enter
24 into certain collective bargaining agreements with the approval of the Mayor
25 and the Chief Executive Officer; authorizing the board to make certain
26 determinations relating to the appointment and removal of teachers, teacher
27 qualifications, and textbooks selection with the approval of the Chief Executive
28 Officer; requiring the Chief Executive Officer to make a certain annual report to
29 the State Board of Education; requiring the board to establish certain policies
30 proposed by the Chief Executive Officer relating to firearms carried by certain
31 police officers; requiring the board to adopt certain regulations proposed by the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Chief Executive Officer governing the operation of a certain police force;
 2 requiring the Chief Executive Officer to submit an annual school budget;
 3 requiring the Chief Executive Officer to submit a certain report relating to
 4 certain budget alterations; requiring the Chief Executive Officer to spend
 5 certain revenues in accordance with certain budget categories; requiring the
 6 Chief Executive Officer to make a certain report relating to actions that would
 7 commit the Chief Executive Officer to spend more for a certain fiscal year in a
 8 certain category than the amount approved in a certain budget; authorizing the
 9 Chief Executive Officer to spend certain nonlocal funds under certain
 10 circumstances; requiring the Chief Executive Officer to advertise certain bids in
 11 a certain manner; making a certain exception; authorizing the Chief Executive
 12 Officer to reject certain bids; requiring the Chief Executive Officer to procure
 13 certain green product cleaning supplies under certain circumstances; specifying
 14 the terms of the members of the Baltimore City Board of School Commissioners
 15 appointed by the Mayor of Baltimore City; submitting this Act to a referendum
 16 of the qualified voters of Baltimore City; and generally relating to the
 17 governance of the Baltimore City Public School System.

18 BY repealing and reenacting, with amendments,

19 Article – Education

20 Section 3–108.1, 4–303, 4–304(b), (c), and (d), 4–305, 4–306, 4–306.1(a),
 21 4–306.3(a), 4–307, 4–308(a), 4–309(a) and (c)(17), 4–310(a), 4–311(a),
 22 4–312, 4–316, 4–318(d) and (f), 5–102(b), 5–103, 5–105, 5–112(a), (b), (c),
 23 (e), and (f), 6–201(c), and 6–202(a) and (c)

24 Annotated Code of Maryland

25 (2008 Replacement Volume and 2011 Supplement)

26 BY repealing and reenacting, without amendments,

27 Article – Education

28 Section 5–102(a)

29 Annotated Code of Maryland

30 (2008 Replacement Volume and 2011 Supplement)

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

33 **Article – Education**

34 3–108.1.

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

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

39 (c) The board consists of:

1 (1) [~~Nine~~] **ELEVEN** voting members [~~jointly~~] appointed by the Mayor
2 of Baltimore City [and the Governor from a list of qualified individuals submitted to
3 the Mayor and the Governor by the State Board]; and

4 (2) One voting student member appointed as provided in subsection (o)
5 of this section.

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

7 (e) To the extent practicable, the membership of the board shall reflect the
8 demographic composition of Baltimore City.

9 (f) At least four of the voting members shall possess a high level of
10 knowledge and expertise concerning the successful administration of a large business,
11 nonprofit, or governmental entity and shall have served in a high level management
12 position within such an entity.

13 (g) At least three of the voting members shall possess a high level of
14 knowledge and expertise concerning education.

15 (h) At least one voting member shall be a parent of a student enrolled in the
16 Baltimore City Public School System as of the date of appointment of the member.

17 (i) (1) Among the nine voting members, at least one member shall also
18 possess knowledge or experience in the education of children with disabilities.

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

21 **(J) ONE VOTING MEMBER SHALL BE A TEACHER WHO HAS TAUGHT IN**
22 **THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.**

23 **(K) ONE VOTING MEMBER SHALL BE A MEMBER OF THE BALTIMORE**
24 **CITY COUNCIL, APPROVED BY THE PRESIDENT OF THE COUNCIL.**

25 [~~(j)~~] **(L)** (1) The term of a voting member is 3 years.

26 (2) The terms of the voting members are staggered as required by the
27 terms provided for members of the board on [~~June 1, 1997~~] **JULY 1, 2012.**

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

30 (4) A voting member who is appointed after a term has begun serves
31 only for the remainder of the term and until a successor is appointed and qualifies.

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

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

6 [(k)] (M) 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
8 this subtitle.

9 [(l)] (N) Each member of the board serves without compensation.

10 [(m)] (O) On appointment of the board, [the Governor and] the Mayor shall
11 [jointly] select one of the voting members to serve as the chairman of the board who
12 shall serve through June 30, [1999] **2014**.

13 [(n)] (P) Beginning on July 1, [1999] **2014** and every 2 years thereafter,
14 from among its voting members the board shall elect a chairman.

15 [(o)] (Q) (1) One student member shall be a student enrolled in the
16 Baltimore City Public School System who shall be selected by the Associated Student
17 Congress of Baltimore City.

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

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

21 (4) The student member may vote on all matters before the board
22 except those relating to:

23 (i) Personnel;

24 (ii) Capital and operating budgets;

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

26 (iv) Collective bargaining decisions;

27 (v) Student disciplinary matters; and

28 (vi) Appeals to the board as provided under §§ 4–205 and 6–202
29 of this article.

1 (5) The student member may not attend or participate in an executive
2 or special session of the board.

3 **[(p)] (R)** Any action by the board shall require:

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

5 (2) The affirmative vote of a majority of the voting members then
6 serving.

7 4-303.

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

13 (b) The purpose of the board is to **ADVISE THE MAYOR AND THE CHIEF**
14 **EXECUTIVE OFFICER ON MATTERS OF POLICY AFFECTING THE BALTIMORE**
15 **CITY PUBLIC SCHOOL SYSTEM, INCLUDING:**

16 (1) **[Raise] RAISING** the level of academic achievement of the students
17 in the Baltimore City Public School System; and

18 (2) **[Improve] IMPROVING** the management and administration of the
19 public school system in Baltimore City.

20 (c) The **CHIEF EXECUTIVE OFFICER AND THE** board shall be held
21 accountable for the academic achievement of the public school students in Baltimore
22 City.

23 (d) (1) The board shall have the authority and be responsible for **[all] ANY**
24 functions relating to the Baltimore City Public School System **ASSIGNED TO THE**
25 **BOARD BY THE CHIEF EXECUTIVE OFFICER.**

26 (2) Notwithstanding any provision of local law governing the
27 Baltimore City Public School System, the board may adopt rules and regulations
28 **PROPOSED BY THE CHIEF EXECUTIVE OFFICER** and prescribe policies and
29 procedures **PROPOSED BY THE CHIEF EXECUTIVE OFFICER** for the management,
30 maintenance, operation, and control of the Baltimore City Public School System.

31 (3) **[The board shall assume responsibility for all of the functions**
32 **formerly performed by the Superintendent of Public Instruction of Baltimore City and**
33 **the Board of School Commissioners of Baltimore City.**

1 (4)] The board may not be deemed an agency of the State.

2 4–304.

3 (b) The Chief Executive Officer shall:

4 (1) Be responsible for the overall administration of the Baltimore City
5 Public School System;

6 (2) Report directly to the [board] **MAYOR**;

7 (3) Be a member of the cabinet of the Mayor; and

8 (4) Designate individuals with primary **ADVISORY** responsibility for
9 each of the following functions:

10 (i) Management and administration of the Baltimore City
11 Public School System;

12 (ii) Assessment and accountability of the academic performance
13 of the students in the Baltimore City Public School System;

14 (iii) Provision of services to students with disabilities in
15 accordance with federal and State law;

16 (iv) Development and implementation of initiatives for
17 educational reform; and

18 (v) Professional hiring and development.

19 (c) Notwithstanding the provisions of subsection (b)(4) of this section, the
20 Chief Executive Officer [and the board] shall be held accountable for the delegated
21 functions.

22 (d) The [board] **MAYOR** shall employ the Chief Executive Officer and
23 establish the salary of the Chief Executive Officer at an amount commensurate with
24 the credentials, experience, and prior positions of responsibility of the Chief Executive
25 Officer.

26 4–305.

27 (a) There is a Chief Academic Officer in the Baltimore City Public School
28 System who shall:

29 (1) Be responsible for the development and implementation of the
30 curriculum taught and the instruction provided in the Baltimore City Public School
31 System; and

1 (2) Report directly to the Chief Executive Officer.

2 (b) The Chief Executive Officer shall, subject to the approval of the [board]

3 **MAYOR:**

4 (1) Select the Chief Academic Officer; and

5 (2) Establish the salary of the Chief Academic Officer.

6 (c) The employment contract of the Chief Academic Officer shall provide, at
7 a minimum, that continued employment is contingent on demonstrable improvement
8 in the academic performance of the students in the Baltimore City Public School
9 System.

10 (d) The Chief Academic Officer is not a public officer under the Constitution
11 or the laws of the State.

12 4-306.

13 (a) There is a Chief Financial Officer in the Baltimore City Public School
14 System who shall:

15 (1) Be responsible for the day-to-day management and oversight of
16 the fiscal affairs of the Baltimore City Public School System; and

17 (2) Report directly to the Chief Executive Officer.

18 (b) The Chief Executive Officer shall, subject to the approval of the [board]

19 **MAYOR:**

20 (1) Select the Chief Financial Officer; and

21 (2) Establish the salary of the Chief Financial Officer.

22 (c) The employment contract of the Chief Financial Officer shall provide that
23 continued employment is contingent on the effective fiscal management of the
24 Baltimore City public schools.

25 (d) The Chief Financial Officer is not a public officer under the Constitution
26 or the laws of the State.

27 4-306.1.

28 (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 **ADVISORY** powers under this
11 subtitle, employ consulting engineers, architects, attorneys, construction and financial
12 experts, 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 **ADVISORY**
20 powers expressly granted by the provisions of this subtitle.

21 4–306.3.

22 (a) The exercise of the **ADVISORY** powers granted by the provisions of this
23 subtitle shall be for the benefit of the students who attend the public schools under the
24 board and for the improvement of their education, prosperity, health, living conditions,
25 and general welfare.

26 4–307.

27 (a) There is a Research and Evaluation Unit in the Baltimore City Public
28 School System.

29 (b) Subject to the approval of the [board] **MAYOR**, the Chief Executive
30 Officer shall appoint the Director of the Unit.

31 (c) The Director of the Unit shall report directly to the Chief Executive
32 Officer and shall be held accountable for the effective and efficient management of the
33 Unit.

1 (d) The Director of the Unit is not a public officer under the Constitution or
2 the laws of the State.

3 (e) The Unit shall perform ongoing research and evaluation regarding
4 systemic reform and student achievement.

5 4–308.

6 (a) (1) There is a Parent and Community Advisory Board in the Baltimore
7 City Public School System.

8 (2) The Advisory Board consists of 14 members, a majority of whom
9 shall be parents of students enrolled in the Baltimore City public schools.

10 (3) (i) The plaintiffs (parents of students with disabilities) in
11 Vaughn G., et al v. Mayor and City Council, et al case no. MJG–84–1911, United
12 States District Court for the District of Maryland shall appoint three members of the
13 Advisory Board.

14 (ii) The plaintiffs (parents of students in general education) in
15 Bradford, et al v. Maryland State Board of Education, et al, case no.
16 94340058/CE189672, Circuit Court for Baltimore City shall appoint two members of
17 the Advisory Board.

18 (iii) Subject to the approval of the [board] **MAYOR**, the Chief
19 Executive Officer shall appoint seven members of the Advisory Board as follows:

20 1. Three shall be appointed from a list submitted by the
21 Baltimore City Council of Parent–Teacher Associations;

22 2. Two shall be appointed from a list submitted by
23 area–based parent networks; and

24 3. Two shall be appointed from a list submitted by the
25 Title I liaisons.

26 (iv) The Chief Executive Officer shall appoint two members of
27 the Advisory Board from other parent and community groups in Baltimore City.

28 (4) If one of the groups specified in paragraph (3)(iii) of this subsection
29 fails to submit a list with a sufficient number of nominees to fill a position, the [board]
30 **CHIEF EXECUTIVE OFFICER** shall appoint an individual from other parent and
31 community groups in Baltimore City.

32 4–309.

1 (a) (1) [On or before June 1, 2002, the] **THE** Chief Executive Officer shall
2 **ANNUALLY UPDATE AND** submit a [5-year] comprehensive master plan to the board
3 for its review[, modification,] and **TO THE MAYOR FOR** final approval.

4 [(2) On or before August 30, 2002, the board shall approve and
5 commence implementation of the master plan.

6 (3) Following approval of the master plan or by July 30, 2002,
7 whichever is earlier, the master plan shall be submitted to the State Board and to the
8 State Superintendent for their review and approval.

9 (4) **(2)** The Chief Executive Officer or designee shall consult with
10 parents, teachers, students, representatives of the business community, and
11 educational instruction and administration experts during the course of the
12 development of the master plan.

13 **[(5) (3) (i)]** The master plan shall be updated annually and
14 submitted to the State Board and the State Superintendent for review and approval
15 [on or before August 15 of each year] **IN ACCORDANCE WITH § 5-401 OF THIS**
16 **ARTICLE.**

17 **[(ii)]** The Chief Executive Officer shall submit with the update
18 required under subparagraph (i) of this paragraph a detailed summary of how the
19 Baltimore City Public School System's current year approved budget and increases in
20 expenditures over the prior year are consistent with the master plan.

21 **(iii)** By October 1 of each year, the Chief Executive Officer shall
22 supplement the update with a summary of how the Baltimore City Public School
23 System's actual prior year budget and additional expenditures in the prior year's
24 budget aligned with the master plan.]

25 **[(6) (4)]** Notwithstanding any other provision of law or regulation,
26 the master plan requirement shall be the sole master plan required of the Baltimore
27 City Public School System.

28 (c) The master plan shall identify the actions necessary to:

29 (17) Improve the status of schools that [are subject to a State
30 reconstitution notice] **HAVE BEEN IDENTIFIED FOR SCHOOL IMPROVEMENT**
31 **UNDER THE ELEMENTARY AND SECONDARY EDUCATION ACT (20 U.S.C. 6301**
32 **ET SEQ.);**

33 4-310.

34 (a) Notwithstanding any provision of local law, the board shall adopt rules
35 and regulations **PROPOSED BY THE CHIEF EXECUTIVE OFFICER** governing the

1 procurement of goods and services by the Baltimore City Public School System in
2 accordance with § 5–112 of this article.

3 4–311.

4 (a) (1) Notwithstanding any provision of local law, the board shall
5 establish a personnel system **PROPOSED BY THE CHIEF EXECUTIVE OFFICER**
6 governing certificated and noncertificated employees, including a performance–based
7 system–wide personnel evaluation system for teachers, principals, and administrators.

8 (2) To carry out the requirements of this section, the [board] **CHIEF**
9 **EXECUTIVE OFFICER** may:

10 (i) Establish and abolish positions;

11 (ii) Determine employee qualifications;

12 (iii) Establish terms of employment, including compensation,
13 benefits, holiday schedules, and leave policies; and

14 (iv) Determine any other matters concerning employees.

15 4–312.

16 [The] **NOTWITHSTANDING ANY PROVISION OF LOCAL LAW, WITH THE**
17 **APPROVAL OF THE MAYOR AND THE CHIEF EXECUTIVE OFFICER, THE** board
18 shall enter into collective bargaining agreements with the appropriate employee
19 organizations as provided under Title 6, Subtitles 4 and 5 of this article.

20 4–316.

21 (a) Notwithstanding any provision of local law and subject to the applicable
22 provisions of this article **AND THE APPROVAL OF THE CHIEF EXECUTIVE**
23 **OFFICER**, the Baltimore City Board of School Commissioners may:

24 (1) Examine, appoint, and remove teachers;

25 (2) Set teacher qualifications;

26 (3) Set teacher salaries; and

27 (4) Select textbooks for the public schools in Baltimore City, except
28 that the textbooks may not contain anything of a sectarian or partisan character.

1 (b) (1) The [Baltimore City Board of School Commissioners] **CHIEF**
2 **EXECUTIVE OFFICER** shall report annually to the State Board on the condition of the
3 schools [under its jurisdiction] **IN BALTIMORE CITY**.

4 (2) The report shall include a statement of:

5 (i) Expenditures;

6 (ii) The number of children taught; and

7 (iii) Any other statistical information the State Board requires.

8 4-318.

9 (d) (1) Except as provided in paragraph (3) of this subsection, a Baltimore
10 City school police officer has all the powers of a law enforcement officer in the State.

11 (2) (i) A Baltimore City school police officer may act in an official
12 capacity only on the premises of schools and any other property used for educational
13 purposes owned, leased, or operated by, or under the control of the Baltimore City
14 Board of School Commissioners.

15 (ii) A Baltimore City school police officer may not act in an
16 official capacity on any other property unless:

17 1. Engaged in fresh pursuit of a suspected offender;

18 2. Requested or authorized to do so by the Police
19 Commissioner of Baltimore City;

20 3. The exercise of power is necessary to facilitate the
21 orderly flow of traffic to and from property owned, leased, operated by, or under the
22 control of the Baltimore City School System; or

23 4. Ordered to do so by the Mayor of Baltimore City.

24 (3) (i) Notwithstanding any other provision of law, a Baltimore
25 City school police officer whose permanent or temporary assignment is at a school or
26 on school property may carry a firearm on the premises of the school to which the
27 officer is assigned before or after regular school hours on school days and on days other
28 than school days.

29 (ii) The Baltimore City Board of School Commissioners shall
30 establish policies **PROPOSED BY THE CHIEF EXECUTIVE OFFICER** to implement
31 the provisions of subparagraph (i) of this paragraph.

1 (f) The Baltimore City Board of School Commissioners shall adopt
2 regulations **PROPOSED BY THE CHIEF EXECUTIVE OFFICER** governing the:

3 (1) Operation of the Baltimore City School Police Force; and

4 (2) Conduct of each Baltimore City school police officer.

5 5–102.

6 (a) In this subtitle, “county council” means, in Baltimore City, the Mayor and
7 City Council of Baltimore.

8 (b) (1) Each county board, **AND IN BALTIMORE CITY, THE CHIEF**
9 **EXECUTIVE OFFICER**, shall submit an annual school budget in writing to the county
10 commissioners, county council, or the county executive.

11 (2) The budget shall be submitted not less than 45 days before the
12 date for levying local taxes or on an earlier date on or after March 1 as may be
13 requested by the county fiscal authority.

14 5–103.

15 (a) The amount requested in the annual budget of each county board, **AND**
16 **IN BALTIMORE CITY, THE CHIEF EXECUTIVE OFFICER**, for current expenses for
17 the next school year and that is to be raised by revenue from local sources may not be
18 less than the minimum amount required to be levied under § 5–202(d)(1)(i) of this
19 title.

20 (b) The county commissioners or county council may provide funds that are
21 more than the amount required by § 5–202(d)(1)(i) of this title to support improved
22 and additional programs.

23 (c) If a county council or board of county commissioners does not approve the
24 amount requested in the budget that is more than the amount required by §
25 5–202(d)(1)(i) of this title:

26 (1) The county council or board of county commissioners shall indicate
27 in writing, within 15 days after the adoption of the budget, which major categories of
28 the annual budget have been reduced and the reason for the reduction; and

29 (2) The county board, **AND IN BALTIMORE CITY, THE CHIEF**
30 **EXECUTIVE OFFICER**, shall submit to the county governing body, within 30 days
31 after the adoption of the budget, a report indicating how the alterations to the budget
32 will be implemented, accompanied by reasonable supporting detail and analysis.

33 5–105.

1 (a) All revenues received by a county board, **AND IN BALTIMORE CITY, THE**
2 **CHIEF EXECUTIVE OFFICER**, shall be spent by the board, **AND IN BALTIMORE**
3 **CITY, THE CHIEF EXECUTIVE OFFICER**, in accordance with the major categories of
4 its annual budget as provided under § 5–101 of this subtitle.

5 (b) (1) (i) A transfer may be made within the major categories without
6 recourse to the county commissioners or county council except that a report of the
7 transfer shall be submitted to the county commissioners or county council within 15
8 days after the end of each month.

9 (ii) A report under subparagraph (i) of this paragraph shall
10 include a narrative summary that clearly indicates each transfer.

11 (2) A transfer between major categories shall be made only with the
12 approval of the county commissioners or county council.

13 (3) If the county commissioners or county council fail to take action on
14 a request for transfer between major categories within 30 days after the receipt of a
15 written request substantiating the transfer, the failure to take action constitutes
16 approval.

17 (4) A county board, **AND IN BALTIMORE CITY, THE CHIEF**
18 **EXECUTIVE OFFICER**, shall submit to the county governing body a report within 15
19 days after the end of each month if during that month the county board, **AND IN**
20 **BALTIMORE CITY, THE CHIEF EXECUTIVE OFFICER**, takes any action that would
21 commit the county board, **AND IN BALTIMORE CITY, THE CHIEF EXECUTIVE**
22 **OFFICER**, to spend more for the current fiscal year in any major category than the
23 amount approved in the annual budget for that category.

24 (5) A report under paragraph (4) of this subsection shall include a
25 narrative explanation of the action taken, indicating any request for transfer between
26 categories that may become necessary for the fiscal year as a result of the action.

27 (c) Nonlocal funds received by a county board, **AND IN BALTIMORE CITY,**
28 **THE CHIEF EXECUTIVE OFFICER**, after the adoption of the annual budget by the
29 county fiscal authority may be spent by the county board, **AND IN BALTIMORE CITY,**
30 **THE CHIEF EXECUTIVE OFFICER**, if the county fiscal authority is notified and
31 approves of:

32 (1) The source and amount of the funds; and

33 (2) The manner of spending the funds.

1 (a) This section does not apply to:

2 (1) Contracts for the purchase of books and other materials of
3 instruction as defined in the State Department of Education Financial Reporting
4 Manual;

5 (2) Emergency repairs; and

6 (3) Except as provided in subsection (e) of this section, a county
7 board's, **AND IN BALTIMORE CITY, THE CHIEF EXECUTIVE OFFICER'S**,
8 participation in contracts for goods or commodities that are awarded by other public
9 agencies or by intergovernmental purchasing organizations if the lead agency for the
10 contract follows public bidding procedures.

11 (b) (1) Except as provided in paragraph (2) of this subsection, if the cost of
12 any school building, improvement, supplies, or equipment is more than \$25,000, the
13 county board, **AND IN BALTIMORE CITY, THE CHIEF EXECUTIVE OFFICER**, at
14 least 2 weeks before bids are to be filed, shall advertise for bids in a medium accessible
15 to the general public, which includes:

16 (i) A newspaper of general circulation in the region;

17 (ii) The Maryland Contract Weekly or comparable State
18 publication; or

19 (iii) An electronic posting on a bid board and physical posting on
20 the local school system bid board.

21 (2) If the amount specified in paragraph (1) of this subsection differs
22 from the amount in § 13–109(a) of the State Finance and Procurement Article, the
23 amount in § 13–109(a) of the State Finance and Procurement Article shall apply under
24 paragraph (1) of this subsection.

25 (3) (i) The county board, **AND IN BALTIMORE CITY, THE CHIEF**
26 **EXECUTIVE OFFICER**, shall draft specifications that provide a clear and accurate
27 description of the functional characteristics or the nature of an item to be procured,
28 without modifying the county board's **OR THE CHIEF EXECUTIVE OFFICER'S**
29 requirements.

30 (ii) The specifications may:

31 1. Include a statement of any of the county board's
32 requirements; and

33 2. Provide for the submission of samples, inspection, or
34 testing of the item before procurement.

1 (4) (i) Except as provided in subparagraph (ii) of this paragraph,
2 specifications that use one or more manufacturer's product to describe the standard of
3 quality, performance, or other characteristics needed to meet the county board's **OR**
4 **THE CHIEF EXECUTIVE OFFICER'S** requirements, must allow for the submission of
5 equivalent products.

6 (ii) Subparagraph (i) of this paragraph does not apply if the
7 county board **OR THE CHIEF EXECUTIVE OFFICER** determines in the written
8 specification that:

9 1. A particular manufacturer's product is required to
10 maintain compatibility of service or equipment;

11 2. A particular manufacturer's product is required to
12 meet the health needs of students;

13 3. Replacement parts or maintenance are a paramount
14 consideration; or

15 4. A product is purchased for resale.

16 (c) (1) A contract for the school building, improvements, supplies, or other
17 equipment shall be awarded to the lowest responsible bidder who conforms to
18 specifications with consideration given to:

19 (i) The quantities involved;

20 (ii) The time required for delivery;

21 (iii) The purpose for which required;

22 (iv) The competency and responsibility of the bidder;

23 (v) The ability of the bidder to perform satisfactory service; and

24 (vi) The plan for utilization of minority contractors.

25 (2) The county board **OR THE CHIEF EXECUTIVE OFFICER** may
26 reject any and all bids and readvertise for other bids.

27 (e) (1) In this subsection, "green product cleaning supplies" means
28 cleaning and sanitizing supplies that perform well and that have positive
29 environmental attributes, including:

30 (i) Biodegradability;

31 (ii) Low toxicity;

1 (iii) Low volatile organic compound content;

2 (iv) Reduced packaging; and

3 (v) Low life cycle energy use.

4 (2) (i) To the extent practicable, and economically feasible, a
5 county board, **AND IN BALTIMORE CITY, THE CHIEF EXECUTIVE OFFICER**, shall
6 procure green product cleaning supplies for use in its schools.

7 (ii) In accordance with subsection (b)(3) of this section, a county
8 board, **AND IN BALTIMORE CITY, THE CHIEF EXECUTIVE OFFICER**, shall draft
9 specifications that provide a clear and accurate description of the functional
10 characteristics or nature of the green product cleaning supplies that are to be
11 procured.

12 (iii) The specifications drafted by a county board, **AND IN**
13 **BALTIMORE CITY, THE CHIEF EXECUTIVE OFFICER**, under subparagraph (ii) of
14 this paragraph:

15 1. May not preclude the use when necessary of a
16 disinfectant, disinfecting cleaner, sanitizer, or other antimicrobial product regulated
17 by the Federal Insecticide, Fungicide, and Rodenticide Act under 7 U.S.C. § 136 et
18 seq.; and

19 2. Shall allow for multiple avenues to obtain green
20 product cleaning supplies certification, including:

21 A. The United States Environmental Protection Agency's
22 Design for the Environment Program (DfE);

23 B. Green Seal, Green Label, Environmental Choice, or
24 U.S. Green Building Council; and

25 C. Any other accreditation the county board determines
26 to be appropriate.

27 (f) Nonpublic schools may participate under any contracts for goods or
28 commodities that are awarded by county boards, **IN BALTIMORE CITY, THE CHIEF**
29 **EXECUTIVE OFFICER**, other public agencies, or intergovernmental purchasing
30 organizations, if the lead agency for the contract award follows public bidding
31 procedures.

32 6-201.

1 (c) (1) Except in Worcester County and Baltimore City, the county
2 superintendent shall appoint clerical and other nonprofessional personnel.

3 (2) In Worcester County, the County Superintendent shall appoint
4 clerical and other nonprofessional personnel with the advice and consent of the county
5 board.

6 (3) Notwithstanding any provision of local law, in Baltimore City, the
7 appointment, tenure, and compensation of clerical and other nonprofessional
8 personnel shall be determined in accordance with the personnel system **PROPOSED**
9 **BY THE CHIEF EXECUTIVE OFFICER AND** established by the Baltimore City Board
10 of School Commissioners under § 4–311 of this article.

11 6–202.

12 (a) (1) On the recommendation of the county superintendent, a county
13 board may suspend or dismiss a teacher, principal, supervisor, assistant
14 superintendent, or other professional assistant for:

15 (i) Immorality;

16 (ii) Misconduct in office, including knowingly failing to report
17 suspected child abuse in violation of § 5–704 of the Family Law Article;

18 (iii) Insubordination;

19 (iv) Incompetency; or

20 (v) Willful neglect of duty.

21 (2) Before removing an individual, the county board shall send the
22 individual a copy of the charges against him and give him an opportunity within 10
23 days to request a hearing.

24 (3) If the individual requests a hearing within the 10–day period:

25 (i) The county board promptly shall hold a hearing, but a
26 hearing may not be set within 10 days after the county board sends the individual a
27 notice of the hearing; and

28 (ii) The individual shall have an opportunity to be heard before
29 the county board, in person or by counsel, and to bring witnesses to the hearing.

30 (4) The individual may appeal from the decision of the county board to
31 the State Board.

1 (5) Notwithstanding any provision of local law, in Baltimore City the
2 suspension and removal of assistant superintendents and higher levels shall be as
3 provided by the personnel system **PROPOSED BY THE CHIEF EXECUTIVE OFFICER**
4 **AND** established by the Baltimore City Board of School Commissioners under § 4-311
5 of this article.

6 (c) (1) In this subsection, “student growth” means student progress
7 assessed by multiple measures and from a clearly articulated baseline to one or more
8 points in time.

9 (2) (i) Subject to subparagraph (iii) of this paragraph, the State
10 Board shall adopt regulations that establish general standards for performance
11 evaluations for certificated teachers and principals that include observations, clear
12 standards, rigor, and claims and evidence of observed instruction.

13 (ii) The regulations adopted under subparagraph (i) of this
14 paragraph shall include model performance evaluation criteria.

15 (iii) Before the proposal of the regulations required under this
16 paragraph, the State Board shall solicit information and recommendations from each
17 local school system and convene a meeting wherein this information and these
18 recommendations are discussed and considered.

19 (3) Subject to paragraph (6) of this subsection:

20 (i) A county board, **AND IN BALTIMORE CITY, THE CHIEF**
21 **EXECUTIVE OFFICER**, shall establish performance evaluation criteria for certificated
22 teachers and principals in the local school system based on the general standards
23 adopted under paragraph (2) of this subsection that are mutually agreed on by the
24 local school system and the exclusive employee representative.

25 (ii) Nothing in this paragraph shall be construed to require
26 mutual agreement under subparagraph (i) of this paragraph to be governed by
27 Subtitles 4 and 5 of this title.

28 (4) The performance evaluation criteria developed under paragraph
29 (3) of this subsection:

30 (i) Shall include data on student growth as a significant
31 component of the evaluation and as one of multiple measures; and

32 (ii) May not be based solely on an existing or newly created
33 single examination or assessment.

34 (5) (i) An existing or newly created single examination or
35 assessment may be used as one of the multiple measures.

1 (ii) No single criterion shall account for more than 35% of the
2 total performance evaluation criteria.

3 (6) If a local school system and the exclusive employee representative
4 fail to mutually agree under paragraph (3) of this subsection, the model performance
5 evaluation criteria adopted by the State Board under paragraph (2)(ii) of this
6 subsection shall take effect in the local jurisdiction 6 months following the final
7 adoption of the regulations.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
9 members of the Baltimore City Board of School Commissioners appointed by the
10 Mayor of Baltimore City shall expire as follows:

11 (1) three members in 2013;

12 (2) four members in 2014; and

13 (3) four members in 2015.

14 SECTION 3. AND BE IT FURTHER ENACTED, That before this Act becomes
15 effective it shall first be submitted to a referendum of the qualified voters of Baltimore
16 City at the general election to be held in November of 2012. The City governing body
17 and the Baltimore City Board of Elections shall do those things necessary and proper
18 to provide for and hold the referendum required by this section. If a majority of the
19 votes cast on the question are “For the referred law” the provisions of this Act shall
20 become effective on the 30th day following the official canvass of voters for the
21 referendum, but if a majority of the votes cast on the question are “Against the
22 referred law” the provisions of this Act are of no effect and null and void.

23 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
24 of Section 3 of this Act and for the sole purpose of providing for the referendum
25 required by Section 3 of this Act, this Act shall take effect July 1, 2012.