

HOUSE BILL 512

F1

7lr1883

By: **Delegate Hornberger**

Introduced and read first time: January 27, 2017

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **The James Samuel Coleman Act of 2017**

3 FOR the purpose of requiring the geographical boundary of each school district to be
4 determined on a certain cycle; requiring each school district to be composed of a
5 certain number of contiguous legislative districts subject to certain criteria under a
6 certain circumstance; requiring Baltimore City to be one school district; requiring
7 certain departments to determine school districts; establishing the membership of a
8 school district board of education; requiring certain school district board members to
9 be elected according to a certain schedule; requiring student board members to be
10 appointed by the elected board members subject to certain considerations;
11 authorizing each school district to establish the voting rights of student school
12 district board members; establishing the term of a student member of the school
13 district board; requiring the election of certain school district board members to
14 comply with certain laws; repealing certain provisions of law relating to county
15 boards of education; requiring certain State education funds to be annually
16 distributed to each school district; requiring certain State and local education funds
17 to be annually distributed to certain schools; requiring certain departments to report
18 to the General Assembly on or before certain dates; requiring the publisher of the
19 Annotated Code of Maryland, in consultation with and subject to the approval of the
20 Department of Legislative Services, to correct any cross-references and terminology
21 rendered incorrect by this Act and to describe any corrections made in an editor's
22 note following the section affected; providing for delayed effective dates for certain
23 provisions of this Act; providing for the application of a certain provision of this Act;
24 terminating the terms of certain members of county boards of education; defining
25 certain terms; and generally relating to school districts.

26 BY repealing

27 Article – Education

28 Section 3–105 through 3–108, 3–108.1, and 3–109 through 3–1405

29 Annotated Code of Maryland

30 (2014 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Education
3 Section 1–101 and 3–101 through 3–104
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2016 Supplement)

6 BY adding to
7 Article – Education
8 Section 5–202.1
9 Annotated Code of Maryland
10 (2014 Replacement Volume and 2016 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That Section(s) 3–105 through 3–108, 3–108.1, and 3–109 through 3–1405 of Article –
13 Education of the Annotated Code of Maryland be repealed.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
15 as follows:

16 **Article – Education**

17 1–101.

18 (a) In this article, unless the context requires otherwise, the following words have
19 the meanings indicated.

20 (b) “Any state” means:

21 (1) Any state, possession, or territory of the United States;

22 (2) The District of Columbia; and

23 (3) The Commonwealth of Puerto Rico.

24 (c) “County” means a county of this State and includes Baltimore City.

25 [(d) “County board” means the board of education of a county and includes the
26 Baltimore City Board of School Commissioners.

27 (e) “County superintendent” means the county superintendent of schools of a
28 county and includes the Chief Executive Officer of the Baltimore City Board of School
29 Commissioners.]

30 [(f) (D) “Department” means the State Department of Education.

1 [(g)] (E) “Elementary and secondary education” means education and programs
2 of education from and including preschool through the end of high school and their
3 equivalent.

4 [(h)] (F) “Includes” or “including” means includes or including by way of
5 illustration and not by way of limitation.

6 [(i)] (G) “Person” includes:

7 (1) An individual, receiver, trustee, guardian, executor, administrator,
8 fiduciary, or representative of any kind and any partnership, firm, association, public or
9 private corporation, or other entity; and

10 (2) The State, any county, municipal corporation, or other political
11 subdivision of this State, and any of their agencies or units.

12 [(j)] (H) “Property” means any real or personal property or any interest in real
13 or personal property.

14 [(k)] (I) “Public schools” means the schools in the public elementary and
15 secondary education system of this State.

16 (J) **“SCHOOL DISTRICT” MEANS THE GEOGRAPHICAL AREA ESTABLISHED**
17 **UNDER TITLE 3, SUBTITLE 1 OF THIS ARTICLE.**

18 (K) **“SCHOOL DISTRICT BOARD” MEANS THE BOARD OF EDUCATION OF A**
19 **SCHOOL DISTRICT ESTABLISHED UNDER TITLE 3, SUBTITLE 1 OF THIS ARTICLE.**

20 (L) **“SCHOOL DISTRICT SUPERINTENDENT” MEANS THE SUPERINTENDENT**
21 **OF SCHOOLS OF A SCHOOL DISTRICT.**

22 [(l)] (M) “State Board” means the State Board of Education.

23 [(m)] (N) “State Superintendent” means the State Superintendent of Schools.

24 3–101.

25 This title applies to all [county] SCHOOL DISTRICT boards including Baltimore City.

26 3–102.

27 (A) The geographical boundary of each [county] school [system is the same as the
28 geographical boundary of the county] **DISTRICT SHALL BE DETERMINED ON THE SAME**
29 **10–YEAR CYCLE AS LEGISLATIVE DISTRICTS ARE DETERMINED UNDER ARTICLE III,**

1 **§ 5 OF THE MARYLAND CONSTITUTION AND SHALL MEET THE CRITERIA**
 2 **ESTABLISHED IN THIS SECTION.**

3 **(B) (1) EACH SCHOOL DISTRICT SHALL BE COMPOSED OF TWO**
 4 **CONTIGUOUS LEGISLATIVE DISTRICTS ESTABLISHED UNDER § 2-202 OF THE STATE**
 5 **GOVERNMENT ARTICLE.**

6 **(2) IF THERE IS MORE THAN ONE CONTIGUOUS LEGISLATIVE**
 7 **DISTRICT, THEN THE SCHOOL DISTRICT SHALL BE COMPOSED OF THE TWO**
 8 **CONTIGUOUS LEGISLATIVE DISTRICTS THAT RESULT IN THE LARGEST DIVERSITY OF**
 9 **INCOME OF THE RESIDENTS OF THE DISTRICT.**

10 **(3) BALTIMORE CITY SHALL BE ONE SCHOOL DISTRICT.**

11 **(C) THE DEPARTMENT AND THE DEPARTMENT OF PLANNING SHALL**
 12 **JOINTLY DETERMINE SCHOOL DISTRICTS IN ACCORDANCE WITH THIS SECTION.**

13 3-103.

14 There is a [county] board of education for each [county school system] **SCHOOL**
 15 **DISTRICT.**

16 3-104.

17 (a) Each [county board] **SCHOOL DISTRICT BOARD** is a body politic and
 18 corporate by the name of the Board of Education of [County] **SCHOOL DISTRICT.**

19 (b) A [county] **SCHOOL DISTRICT** board:

20 (1) Has perpetual existence;

21 (2) May sue and be sued; and

22 (3) May have, use, alter, or abandon a common seal.

23 **(C) A SCHOOL DISTRICT BOARD CONSISTS OF THE FOLLOWING NINE**
 24 **MEMBERS:**

25 **(1) ONE FROM EACH OF THE SIX DELEGATE DISTRICTS ESTABLISHED**
 26 **UNDER § 2-202 OF THE STATE GOVERNMENT ARTICLE THAT ARE LOCATED IN THE**
 27 **SCHOOL DISTRICT;**

28 **(2) ONE FROM THE SCHOOL DISTRICT AT LARGE; AND**

1 **(3) TWO STUDENT MEMBERS FROM THE SCHOOL DISTRICT AT LARGE.**

2 **(D) (1) EXCEPT FOR THE STUDENT MEMBERS, ALL MEMBERS SHALL BE**
3 **ELECTED.**

4 **(2) THE ELECTION OF A MEMBER SHALL OCCUR IN A GENERAL**
5 **ELECTION EVERY 4 YEARS BEGINNING WITH THE 2020 GENERAL ELECTION.**

6 **(3) THE TERM OF A MEMBER SHALL BE 4 YEARS BEGINNING ON**
7 **JANUARY 2 AFTER THE MEMBER'S ELECTION AND UNTIL A SUCCESSOR IS ELECTED**
8 **AND QUALIFIES.**

9 **(E) (1) THE STUDENT MEMBERS SHALL BE APPOINTED BY THE ELECTED**
10 **BOARD MEMBERS BASED ON AN APPLICATION MADE BY A STUDENT.**

11 **(2) GENDER DIVERSITY SHALL BE CONSIDERED IN THE**
12 **APPOINTMENT OF THE STUDENT MEMBERS.**

13 **(3) EACH SCHOOL DISTRICT MAY DETERMINE THE VOTING RIGHTS OF**
14 **THE STUDENT MEMBERS.**

15 **(4) THE TERM OF A STUDENT MEMBER SHALL BE 1 YEAR.**

16 **(F) THE ELECTION OF SCHOOL DISTRICT BOARD MEMBERS SHALL BE HELD**
17 **AS PROVIDED IN THE ELECTION LAW ARTICLE.**

18 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
19 as follows:

20 **Article – Education**

21 **5–202.1.**

22 **(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH YEAR THE**
23 **STATE SHALL DISTRIBUTE THE STATE SHARE OF THE FOUNDATION PROGRAM AND**
24 **THE STATE GRANTS CALCULATED UNDER THIS SUBTITLE TO EACH SCHOOL**
25 **DISTRICT.**

26 **(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH SCHOOL**
27 **DISTRICT SHALL DISTRIBUTE THE STATE AND LOCAL FUNDS FOR EDUCATION TO**
28 **THE SCHOOL OF ATTENDANCE OF EACH STUDENT WHO WAS COUNTED IN THE**
29 **FULL–TIME EQUIVALENT ENROLLMENT USED TO CALCULATE STATE AND LOCAL**
30 **FUNDS FOR EDUCATION.**

1 SECTION 4. AND BE IT FURTHER ENACTED, That, on or before September 1,
2 2018, the State Department of Education and the Department of Planning shall report to
3 the General Assembly, in accordance with § 2–1246 of the State Government Article, on
4 school districts established in accordance with this Act.

5 SECTION 5. AND BE IT FURTHER ENACTED, That, on or before September 1,
6 2018, the State Department of Education shall report to the General Assembly, in
7 accordance with § 2–1246 of the State Government Article, on any changes to Title 5,
8 Subtitle 2 of the Education Article that may be necessary to implement this Act including
9 the calculation of the wealth of a school district established under this Act.

10 SECTION 6. AND BE IT FURTHER ENACTED, That, on or before September 1,
11 2018, the State Department of Education shall report to the General Assembly, in
12 accordance with § 2–1246 of the State Government Article, on any other changes to the
13 Education Article that may be necessary to implement this Act.

14 SECTION 7. AND BE IT FURTHER ENACTED, That the publisher of the
15 Annotated Code of Maryland, in consultation with and subject to the approval of the
16 Department of Legislative Services, shall correct, with no further action required by the
17 General Assembly, cross–references and terminology rendered incorrect by this Act. The
18 publisher shall adequately describe any correction that is made in an editor’s note following
19 the section affected.

20 SECTION 8. AND BE IT FURTHER ENACTED, That the term of any individual
21 who is a member of any county board of education on or before January 1, 2021, shall be
22 terminated.

23 SECTION 9. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
24 effect January 1, 2021.

25 SECTION 10. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
26 take effect July 1, 2020.

27 SECTION 11. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
28 take effect July 1, 2020, and shall be applicable beginning in fiscal year 2021.

29 SECTION 12. AND BE IT FURTHER ENACTED, That, except as provided in
30 Sections 9, 10, and 11 of this Act, this Act shall take effect October 1, 2017.