

# HOUSE BILL 562

F3

(7lr2104)

## ENROLLED BILL

— *Ways and Means/Education, Health, and Environmental Affairs* —

Introduced by **Delegate Hayes (By Request – Baltimore City Administration)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Baltimore City Board of School Commissioners – Members – Appointment and**  
3 **Removal**

4 FOR the purpose of establishing the Baltimore City Public School Board Community Panel;  
5 providing for the purpose and composition of the panel; authorizing the Mayor of  
6 Baltimore City to request the panel to reconvene under certain circumstances;  
7 requiring the panel to reconvene for a certain purpose; repealing the role of the  
8 Governor in making certain appointments to, filling certain vacancies on, and  
9 removing certain members from the Baltimore City Board of School Commissioners;  
10 requiring the Mayor to appoint certain members of the board and fill certain  
11 vacancies from a list of qualified individuals submitted by a certain panel; and  
12 generally relating to the appointment and removal of the members of the Baltimore  
13 City Board of School Commissioners.

14 BY repealing and reenacting, with amendments,

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 Article – Education  
2 Section 3–108.1  
3 Annotated Code of Maryland  
4 (2014 Replacement Volume and 2016 Supplement)

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

7 **Article – Education**

8 3–108.1.

9 ~~(a) In this section, “board” means the Baltimore City Board of School~~

10 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
11 **INDICATED.**

12 **(2) “BOARD” MEANS THE BALTIMORE CITY BOARD OF SCHOOL**  
13 **Commissioners of the Baltimore City Public School System.**

14 **(3) “MAYOR” MEANS THE MAYOR OF BALTIMORE CITY.**

15 **(4) “PANEL” MEANS THE BALTIMORE CITY PUBLIC SCHOOL BOARD**  
16 **COMMUNITY PANEL.**

17 **(B) (1) THERE IS A BALTIMORE CITY PUBLIC SCHOOL BOARD**  
18 **COMMUNITY PANEL.**

19 **(2) THE PURPOSE OF THE PANEL IS TO SELECT NOMINEES TO BE**  
20 **RECOMMENDED TO THE MAYOR AS QUALIFIED CANDIDATES FOR APPOINTMENT TO**  
21 **THE BOARD.**

22 **(3) THE MAYOR SHALL CONVENE THE PANEL.**

23 **(4) THE PANEL MAY INCLUDE A REPRESENTATIVE FROM EACH OF**  
24 **THE FOLLOWING ORGANIZATIONS, APPOINTED BY THE ORGANIZATION:**

25 **(I) THE BALTIMORE TEACHERS UNION;**

26 **(II) THE MAYOR’S OFFICE;**

27 **(III) THE BALTIMORE CITY COUNCIL EDUCATION AND YOUTH**  
28 **COMMITTEE;**

1 (IV) THE BALTIMORE CITY PUBLIC SCHOOL ADMINISTRATORS  
 2 AND SUPERVISORS ASSOCIATION;

3 (V) THE MARYLAND ALLIANCE OF PUBLIC CHARTER  
 4 SCHOOLS;

5 (VI) THE DOWNTOWN BALTIMORE FAMILY ALLIANCE;

6 (VII) THE FUND FOR EDUCATIONAL EXCELLENCE;

7 (VIII) A PARENT MEMBER OF THE PTA COUNCIL OF BALTIMORE  
 8 CITY;

9 (IX) THE AMERICAN FEDERATION OF STATE, COUNTY, AND  
 10 MUNICIPAL EMPLOYEES (AFSCME);

11 (X) THE ASSOCIATED STUDENT CONGRESS OF BALTIMORE  
 12 CITY;

13 (XI) THE AMERICAN CIVIL LIBERTIES UNION;

14 (XII) THE PARENT AND COMMUNITY ADVISORY BOARD; AND

15 (XIII) DISABILITY RIGHTS MARYLAND.

16 (5) THE MAYOR MAY RECONVENE THE PANEL IF THE MAYOR ELECTS  
 17 NOT TO APPOINT A MEMBER FROM THE LIST SUBMITTED BY THE PANEL UNDER  
 18 SUBSECTIONS (D)(1)(I) OR (I)(6) OF THIS SECTION.

19 ~~(C)~~ (C) There is a Baltimore City Board of School Commissioners of the  
 20 Baltimore City Public School System.

21 ~~(D)~~ (D) (1) The board consists of:

22 ~~(I)~~ (I) ~~Nine~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
 23 SUBSECTION, NINE voting members [jointly] appointed by the Mayor of ~~Baltimore City~~  
 24 [and the Governor] from a list of qualified individuals submitted to the Mayor [and the  
 25 Governor] by the ~~State Board~~ PANEL;

26 ~~(2)~~ (II) Two elected voting members; and

27 ~~(3)~~ (III) One voting student member appointed as provided in subsection  
 28 ~~(M)~~ (M) of this section.

1                   **(2) IF THE MAYOR ELECTS NOT TO APPOINT A MEMBER FROM A LIST**  
2 **SUBMITTED BY THE PANEL UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE**  
3 **MAYOR SHALL RECONVENE THE PANEL TO SUBMIT ADDITIONAL NAMES OF**  
4 **QUALIFIED CANDIDATES;**

5           ~~(d)~~ **(E)**           Each member of the board shall be a resident of Baltimore City.

6           ~~(e)~~ **(F)**           The two elected voting members shall be elected at large by the voters  
7 of Baltimore City.

8           ~~(f)~~ **(G)**           To the extent practicable, the appointed members of the board shall  
9 reflect the demographic composition of Baltimore City.

10          ~~(g)~~ **(H)**           (1)    At least four of the appointed voting members shall possess a  
11 high level of knowledge and expertise concerning the successful administration of a large  
12 business, nonprofit, or governmental entity and shall have served in a high level  
13 management position within such an entity.

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

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

19                   (4)    (i)    Among the appointed voting members, at least one member shall  
20 also possess knowledge or experience in the education of children with disabilities.

21                               (ii)   The knowledge or experience may be derived from being the  
22 parent of a child with a disability.

23          ~~(h)~~ **(I)**           (1)    (i)    The term of an appointed voting member is 3 years.

24                               (ii)   The term of an elected member is 4 years.

25                   (2)    The terms of the appointed voting members are staggered as required  
26 by the terms provided for the appointed members of the board on June 1, 1997.

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

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

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

1           (6)    **(I)**    ~~Te~~ **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
 2 **PARAGRAPH, TO** the extent practicable, [the Governor and] the Mayor ~~of Baltimore City~~  
 3 shall fill any vacancy for an appointed or elected member on the board within 60 days of  
 4 the date of the vacancy from a list of qualified individuals submitted to the Mayor [and the  
 5 Governor] by the ~~State Board~~ **PANEL**.

6                           **(II)**    **IF THE MAYOR ELECTS NOT TO APPOINT A MEMBER FROM A**  
 7 **LIST SUBMITTED BY THE PANEL UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH,**  
 8 **THE MAYOR SHALL RECONVENE THE PANEL TO SUBMIT ADDITIONAL NAMES OF**  
 9 **QUALIFIED CANDIDATES.**

10           (7)    The elected members of the board shall be elected:

11                   (i)    At the general election in November 2022 and every 4 years  
 12 thereafter; and

13                   (ii)   In accordance with Title 8, Subtitle 8 of the Election Law Article.

14           ~~(J)~~ **(J)**    (1)    On the [joint] approval of the Mayor ~~of Baltimore City~~ [and the  
 15 Governor], an appointed member may be removed only for cause in accordance with §  
 16 3–108 of this subtitle.

17           (2)    The State Board may remove an elected voting member for:

18                   (i)    Immorality;

19                   (ii)   Misconduct in office;

20                   (iii)  Incompetency; or

21                   (iv)   Willful neglect of duty.

22           ~~(K)~~ **(K)**    Each member of the board serves without compensation.

23           ~~(L)~~ **(L)**    Beginning on July 1, 1999 and every 2 years thereafter, from among its  
 24 voting members the board shall elect a chairman.

25           ~~(M)~~ **(M)**    (1)    The student member shall be a student enrolled in the Baltimore  
 26 City Public School System who shall be selected by the Associated Student Congress of  
 27 Baltimore City.

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

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

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

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

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

12 ~~(m)~~ **(N)** Any action by the board shall require:

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
16 1, 2017.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.