

HOUSE BILL 562

F1

7lr2104
CF SB 1012

By: **Delegate Hayes (By Request – Baltimore City Administration)**

Introduced and read first time: January 30, 2017

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2017

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,
15 Article – Education
16 Section 3–108.1
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2016 Supplement)

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

21 **Article – Education**

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.



1 3-108.1.

2 ~~(a) In this section, "board" means the Baltimore City Board of School~~

3 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
4 **INDICATED.**

5 **(2) "BOARD" MEANS THE BALTIMORE CITY BOARD OF SCHOOL**
6 **Commissioners of the Baltimore City Public School System.**

7 **(3) "MAYOR" MEANS THE MAYOR OF BALTIMORE CITY.**

8 **(4) "PANEL" MEANS THE BALTIMORE CITY PUBLIC SCHOOL BOARD**
9 **COMMUNITY PANEL.**

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

12 **(2) THE PURPOSE OF THE PANEL IS TO SELECT NOMINEES TO BE**
13 **RECOMMENDED TO THE MAYOR AS QUALIFIED CANDIDATES FOR APPOINTMENT TO**
14 **THE BOARD.**

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

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

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

19 **(II) THE MAYOR'S OFFICE;**

20 **(III) THE BALTIMORE CITY COUNCIL EDUCATION AND YOUTH**
21 **COMMITTEE;**

22 **(IV) THE BALTIMORE CITY PUBLIC SCHOOL ADMINISTRATORS**
23 **AND SUPERVISORS ASSOCIATION;**

24 **(V) THE MARYLAND ALLIANCE OF PUBLIC CHARTER**
25 **SCHOOLS;**

26 **(VI) THE DOWNTOWN BALTIMORE FAMILY ALLIANCE;**

27 **(VII) THE FUND FOR EDUCATIONAL EXCELLENCE;**

1 (VIII) A PARENT MEMBER OF THE PTA COUNCIL OF BALTIMORE
 2 CITY;

3 (IX) THE AMERICAN FEDERATION OF STATE, COUNTY, AND
 4 MUNICIPAL EMPLOYEES (AFSCME);

5 (X) THE ASSOCIATED STUDENT CONGRESS OF BALTIMORE
 6 CITY;

7 (XI) THE AMERICAN CIVIL LIBERTIES UNION;

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

9 (XIII) DISABILITY RIGHTS MARYLAND.

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

13 ~~(b)~~ (C) There is a Baltimore City Board of School Commissioners of the
 14 Baltimore City Public School System.

15 ~~(e)~~ (D) (1) The board consists of:

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

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

21 ~~(3)~~ (III) One voting student member appointed as provided in subsection
 22 (l) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 ~~(J)~~ **(J)** (1) On the [joint] approval of the Mayor ~~of Baltimore City~~ [and the
6 Governor], an appointed member may be removed only for cause in accordance with §
7 3–108 of this subtitle.

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

9 (i) Immorality;

10 (ii) Misconduct in office;

11 (iii) Incompetency; or

12 (iv) Willful neglect of duty.

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

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

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

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

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

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

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

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

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

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

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.