

SENATE BILL 1012

F1

7lr1656
CF HB 562

By: **Senator Conway (By Request – Baltimore City Administration)**

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 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 ~~of Baltimore City~~ to appoint certain members of the board and and
11 fill certain vacancies from a list of qualified individuals submitted by a certain panel;
12 ~~establishing the Baltimore City Public School Board Community Panel; providing~~
13 ~~for the purpose and composition of the panel;~~ and generally relating to the
14 appointment and removal of the members of the Baltimore City Board of School
15 Commissioners.

16 BY repealing and reenacting, with amendments,
17 Article – Education
18 Section 3–108.1
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2016 Supplement)

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

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.



Article – Education

3–108.1.

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

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

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

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

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

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

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

(3) THE MAYOR SHALL CONVENE THE PANEL.

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

(I) THE BALTIMORE TEACHERS UNION;

(II) THE MAYOR’S OFFICE;

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

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

(V) THE MARYLAND ALLIANCE OF PUBLIC CHARTER
SCHOOLS;

(VI) THE DOWNTOWN BALTIMORE FAMILY ALLIANCE;

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

16 ~~(1)~~ (1) ~~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] ~~BALTIMORE CITY PUBLIC SCHOOL BOARD~~
 20 ~~COMMUNITY PANEL~~ PANEL;

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

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

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

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

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

1 ~~(G)~~ **(G)** To the extent practicable, the appointed members of the board shall reflect
2 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,**

1 THE MAYOR SHALL RECONVENE THE PANEL TO SUBMIT ADDITIONAL NAMES OF
2 QUALIFIED CANDIDATES.

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

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

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

7 ~~(J)~~ (1) On the [joint] approval of the Mayor of Baltimore City [and the
8 Governor], an appointed member may be removed only for cause in accordance with §
9 3-108 of this subtitle.

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

11 (i) Immorality;

12 (ii) Misconduct in office;

13 (iii) Incompetency; or

14 (iv) Willful neglect of duty.

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

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

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

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

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

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

25 (i) Personnel;

26 (ii) Capital and operating budgets;

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

- 1 (iv) Collective bargaining decisions;
- 2 (v) Student disciplinary matters; and
- 3 (vi) Appeals to the board as provided under §§ 4–205 and 6–202 of
4 this article.

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

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

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

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

10 ~~(N) (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 FOLLOWING ORGANIZATIONS EACH SHALL APPOINT ONE~~
16 ~~MEMBER TO THE PANEL:~~

17 ~~(I) THE BALTIMORE TEACHERS UNION;~~

18 ~~(II) THE BALTIMORE CITY PUBLIC SCHOOL ADMINISTRATORS~~
19 ~~AND SUPERVISORS ASSOCIATION;~~

20 ~~(III) THE MARYLAND ALLIANCE OF PUBLIC CHARTER~~
21 ~~SCHOOLS;~~

22 ~~(IV) THE DOWNTOWN BALTIMORE PUBLIC ALLIANCE;~~

23 ~~(V) THE FUND FOR EDUCATIONAL EXCELLENCE;~~

24 ~~(VI) A MEMBER OF THE BALTIMORE PARENT TEACHERS~~
25 ~~ASSOCIATION;~~

26 ~~(VII) A MEMBER OF AMERICAN FEDERATION OF STATE,~~
27 ~~COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME);~~

1 ~~(VIII) A MEMBER OF THE CITY COUNCIL EDUCATION AND YOUTH~~
2 ~~COMMITTEE; AND~~

3 ~~(IX) A MEMBER OF THE STUDENT GOVERNMENT ASSOCIATION.~~

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.