

HOUSE BILL 1026

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11r2261
CF 11r2262

By: **Delegate Wells**

Introduced and read first time: February 5, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City Board of School Commissioners – Alterations**

3 FOR the purpose of altering the membership of the Baltimore City Board of School
4 Commissioners to require a certain number of voting members to be elected and a
5 certain number of members to be appointed; altering and establishing certain
6 qualifications for members of the board; requiring the elected members of the board
7 to be elected in a certain manner; requiring the Baltimore City Council to establish
8 certain school board districts that meet certain requirements; requiring the City
9 Council to consult with the Baltimore City Public School Board Community Panel in
10 the development of certain school board districts and in conducting a certain process
11 in a certain manner; providing that each member of the board is entitled to an annual
12 salary set by the City Council; authorizing the student member of the board to vote
13 on all matters of the board, with a certain exception; authorizing the student member
14 of the board to attend or participate in an executive or special session of the board;
15 providing for the terms of the members of the board; requiring the City Council to
16 choose certain members of the board for a certain purpose; requiring the City Council
17 to provide public notice of certain choices on or before a certain date; and generally
18 relating to the Baltimore City Board of School Commissioners.

19 BY repealing and reenacting, with amendments,
20 Article – Education
21 Section 3–108.1
22 Annotated Code of Maryland
23 (2018 Replacement Volume and 2020 Supplement)

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

26 **Article – Education**

27 3–108.1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) In this section the following words have the meanings indicated.

2 (2) "Board" means the Baltimore City Board of School Commissioners of
3 the Baltimore City Public School System.

4 (3) "Mayor" means the Mayor of Baltimore City.

5 (4) "Panel" means the Baltimore City Public School Board Community
6 Panel.

7 (b) (1) There is a Baltimore City Public School Board Community Panel.

8 (2) The purpose of the panel is to select nominees to be recommended to
9 the Mayor as qualified candidates for appointment to the board.

10 (3) The Mayor shall convene the panel.

11 (4) The panel may include a representative from each of the following
12 organizations, appointed by the organization:

13 (i) The Baltimore Teachers Union;

14 (ii) The Mayor's Office;

15 (iii) The Baltimore City Council Education and Youth Committee;

16 (iv) The Baltimore City Public School Administrators and
17 Supervisors Association;

18 (v) The Maryland Alliance of Public Charter Schools;

19 (vi) The Downtown Baltimore Family Alliance;

20 (vii) The Fund for Educational Excellence;

21 (viii) A parent member of the PTA Council of Baltimore City;

22 (ix) The American Federation of State, County, and Municipal
23 Employees (AFSCME);

24 (x) The Associated Student Congress of Baltimore City;

25 (xi) The American Civil Liberties Union;

26 (xii) The Parent and Community Advisory Board; and

1 (xiii) Disability Rights Maryland.

2 (5) The Mayor may reconvene the panel if the Mayor elects not to appoint
3 a member from the list submitted by the panel under subsection (d)(1)(i) or **[(i)(6)] (J)(6)**
4 of this section.

5 (c) There is a Baltimore City Board of School Commissioners of the Baltimore
6 City Public School System.

7 (d) (1) The board consists of:

8 (i) Except as provided in paragraph (2) of this subsection, **[nine]**
9 **FOUR** voting members appointed by the Mayor from a list of qualified individuals
10 submitted to the Mayor by the panel;

11 (ii) **[Two] EIGHT** elected voting members **ELECTED AS PROVIDED**
12 **IN SUBSECTION (F) OF THIS SECTION;** and

13 (iii) One voting student member appointed as provided in subsection
14 **[(m)] (N)** of this section.

15 (2) If the Mayor elects not to appoint a member from a list submitted by
16 the panel under paragraph (1)(i) of this subsection, the Mayor shall reconvene the panel to
17 submit additional names of qualified candidates.

18 (e) **(1)** Each member of the board shall be a resident of Baltimore City.

19 **(2) AN ELECTED MEMBER OF THE BOARD ELECTED FROM A SCHOOL**
20 **BOARD DISTRICT SHALL BE A RESIDENT OF THAT DISTRICT.**

21 **(3) A MEMBER OF THE BOARD SHALL BE A REGISTERED VOTER OF**
22 **BALTIMORE CITY FOR AT LEAST 3 YEARS PRIOR TO THE DATE OF THE BEGINNING**
23 **OF THE TERM OF OFFICE OF THE MEMBER.**

24 (f) **(1) [The two] OF THE EIGHT** elected voting members **[shall be] elected [at**
25 **large] UNDER THIS SECTION:**

26 **(I) ONE MEMBER SHALL BE ELECTED** by the voters of Baltimore
27 **CITY FROM THE CITY AT-LARGE; AND**

28 **(II) SEVEN MEMBERS SHALL BE ELECTED FROM EACH OF THE**
29 **SEVEN SCHOOL BOARD DISTRICTS ONLY BY THE VOTERS OF THE SCHOOL BOARD**
30 **DISTRICT.**

1 **(2) (I) THE MEMBER ELECTED FROM THE CITY AT-LARGE SHALL**
2 **BE ELECTED AT THE GENERAL ELECTION IN NOVEMBER 2022 AND EVERY 4 YEARS**
3 **THEREAFTER.**

4 **(II) THE SEVEN MEMBERS ELECTED FROM SCHOOL BOARD**
5 **DISTRICTS SHALL BE ELECTED AT THE GENERAL ELECTION IN NOVEMBER 2024 AND**
6 **EVERY 4 YEARS THEREAFTER.**

7 **(3) ELECTED MEMBERS OF THE BOARD SHALL BE ELECTED IN**
8 **ACCORDANCE WITH TITLE 8, SUBTITLE 8 OF THE ELECTION LAW ARTICLE.**

9 **(G) (1) THE SCHOOL BOARD DISTRICTS SHALL:**

10 **(I) BE ESTABLISHED BY THE BALTIMORE CITY COUNCIL; AND**

11 **(II) BE SUBSTANTIALLY EQUAL IN POPULATION AND**
12 **REAPPORTIONED ON THE BASIS OF EACH DECENNIAL CENSUS OF THE UNITED**
13 **STATES.**

14 **(2) IN THE DEVELOPMENT OF THE SCHOOL BOARD DISTRICTS UNDER**
15 **THIS SUBSECTION, THE BALTIMORE CITY COUNCIL SHALL:**

16 **(I) CONSULT WITH THE PANEL UNDER SUBSECTION (B) OF THIS**
17 **SECTION; AND**

18 **(II) CONDUCT AN OPEN AND TRANSPARENT PROCESS THAT**
19 **ENABLES PUBLIC CONSIDERATION OF AND COMMENT ON THE ESTABLISHMENT OF**
20 **SCHOOL BOARD DISTRICTS.**

21 **[(g)] (H) To the extent practicable, the appointed members of the board shall**
22 **reflect the demographic composition of Baltimore City.**

23 **[(h)] (I) (1) At least four of the appointed voting members shall possess a**
24 **high level of knowledge and expertise concerning the successful administration of a large**
25 **business, nonprofit, or governmental entity and shall have served in a high level**
26 **management position within such an entity.**

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

29 **(3) At least one appointed voting member shall be a parent of a student**
30 **enrolled in the Baltimore City Public School System as of the date of appointment of the**
31 **member.**

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

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

5 **[(i)] (J)** (1) (i) The term of an appointed voting member is 3 years.

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

7 (2) The terms of the appointed voting members are staggered as required
8 by the terms provided for the appointed members of the board on **[June 1, 1997] JULY 1,**
9 **2021.**

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

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

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

15 (6) (i) Except as provided in subparagraph (ii) of this paragraph, to the
16 extent practicable, the Mayor shall fill any vacancy for an appointed or elected member on
17 the board within 60 days of the date of the vacancy from a list of qualified individuals
18 submitted to the Mayor by the panel.

19 (ii) If the Mayor elects not to appoint a member from a list submitted
20 by the panel under subparagraph (i) of this paragraph, the Mayor shall reconvene the panel
21 to submit additional names of qualified candidates.

22 **[(7)]** The elected members of the board shall be elected:

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

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

27 **[(j)] (K)** (1) On the approval of the Mayor, an appointed member may be
28 removed only for cause in accordance with § 3–108 of this subtitle.

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

30 (i) Immorality;

1 (ii) Misconduct in office;

2 (iii) Incompetency; or

3 (iv) Willful neglect of duty.

4 **[(k)] (L)** Each member of the board [serves without compensation] **IS ENTITLED**
5 **TO AN ANNUAL SALARY SET BY THE BALTIMORE CITY COUNCIL.**

6 **[(l)] (M)** Beginning on July 1, 1999 and every 2 years thereafter, from among its
7 voting members the board shall elect a chairman.

8 **[(m)] (N)** (1) The student member shall be a student enrolled in the Baltimore
9 City Public School System who shall be selected by the Associated Student Congress of
10 Baltimore City.

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

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

13 (4) **[The] EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS**
14 **SUBSECTION, THE** student member may vote on all matters before the board, except those
15 relating to **PERSONNEL, INCLUDING:**

16 (i) **[Personnel;**

17 (ii) **Capital and operating budgets;**

18 **[(iii)] (II)** School closings, reopenings, and boundaries;

19 **[(iv)] (III)** Collective bargaining decisions;

20 **[(v)] (IV)** Student disciplinary matters; and

21 **[(vi)] (V)** Appeals to the board as provided under §§ 4–205 and
22 6–202 of this article.

23 (5) The student member may **[not]** attend or participate in an executive or
24 special session of the board.

25 **[(n)] (O)** Any action by the board shall require:

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

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That:

2 (a) The terms of the members of the Baltimore City Board of School
3 Commissioners shall expire as follows:

4 (1) the member elected from Baltimore City at-large at the general election
5 in November 2022 shall serve for a term of 4 years beginning on the first Monday in
6 December 2022 until a successor is elected and qualifies;

7 (2) the terms of the two appointed members whose terms are scheduled to
8 expire on June 30, 2023, shall terminate at the end of June 30, 2023, and the Mayor of
9 Baltimore City shall appoint two members in 2023, and the two appointed members shall
10 serve for a term of 3 years beginning July 1, 2023, until a successor is appointed and
11 qualifies;

12 (3) the term of the one appointed member whose term is scheduled to
13 expire on June 30, 2023, the terms of the three appointed members whose terms are
14 scheduled to expire on June 30, 2024, and the terms of the three appointed members whose
15 terms are scheduled to expire on June 30, 2025, shall terminate at the end of December 1,
16 2024, and the seven members each elected from a school board district at the general
17 election in November 2024, shall succeed those appointed members and, subject to
18 subsection (b) of this section, four members shall serve for a term of 4 years and three
19 members shall serve for a term of 2 years beginning on the first Monday in December 2024
20 until a successor is elected and qualifies; and

21 (4) the Mayor of Baltimore City shall appoint:

22 (i) one member in 2023 and the appointed member shall serve for
23 a term of 3 years beginning July 1, 2023 until a successor is appointed and qualifies; and

24 (ii) one member in 2024 and the appointed member shall serve for a
25 term of 3 years beginning July 1, 2024 until a successor is appointed and qualifies.

26 (b) (1) The Baltimore City Council shall choose:

27 (i) which appointed members of the board shall terminate early or
28 be extended under subsection (a) of this section; and

29 (ii) which members elected in the general election of November 2024
30 shall serve a 2-year term under subsection (a)(3) of this section.

31 (2) On or before July 1, 2024, the Baltimore City Council shall provide
32 public notice of the choices required under paragraph (1) of this subsection.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
34 1, 2021.