

SENATE BILL 710

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5lr0822
CF HB 310

By: **Senator Conway**

Introduced and read first time: February 11, 2015

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Partially Elected School Board**

3 FOR the purpose of increasing the number of members of the Baltimore City Board of
4 School Commissioners; requiring a certain number of members of the board to be
5 elected at large by the voters of Baltimore City; requiring certain members of the
6 board to be elected at a certain election and in accordance with certain provisions of
7 law; providing for the staggering of the terms of certain members and for the
8 termination of the term of certain members of the board; providing for the removal
9 of, and hearings and appeal procedures for, the elected members of the board;
10 providing for the application of this Act; making conforming changes; and generally
11 relating to the Baltimore City Board of School Commissioners and the selection of
12 members.

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 3–108.1 and 3–114
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2014 Supplement)

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

20 **Article – Education**

21 3–108.1.

22 (a) In this section, “board” means the Baltimore City Board of School
23 Commissioners of the Baltimore City Public School System.

24 (b) There is a Baltimore City Board of School Commissioners of the Baltimore
25 City Public School System.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) The board consists of:

2 (1) Nine voting members jointly appointed by the Mayor of Baltimore City
3 and the Governor from a list of qualified individuals submitted to the Mayor and the
4 Governor by the State Board; [and]

5 **(2) THREE ELECTED VOTING MEMBERS; AND**

6 **[(2)] (3)** One voting student member appointed as provided in subsection
7 **[(o)] (M)** of this section.

8 (d) Each member of the board shall be a resident of Baltimore City.

9 **(E) THE THREE ELECTED VOTING MEMBERS SHALL BE ELECTED AT LARGE**
10 **BY THE VOTERS OF BALTIMORE CITY.**

11 **[(e)] (F)** To the extent practicable, the [membership] **APPOINTED MEMBERS** of
12 the board shall reflect the demographic composition of Baltimore City.

13 **[(f)] (G) (1)** At least four of the **APPOINTED** voting members shall possess a
14 high level of knowledge and expertise concerning the successful administration of a large
15 business, nonprofit, or governmental entity and shall have served in a high level
16 management position within such an entity.

17 **[(g)] (2)** At least three of the **APPOINTED** voting members shall possess a high
18 level of knowledge and expertise concerning education.

19 **[(h)] (3)** At least one **APPOINTED** voting member shall be a parent of a student
20 enrolled in the Baltimore City Public School System as of the date of appointment of the
21 member.

22 **[(i)] (1) (4) (I)** Among the [nine] **APPOINTED** voting members, at least
23 one member shall also possess knowledge or experience in the education of children with
24 disabilities.

25 **[(2)] (II)** The knowledge or experience may be derived from being the
26 parent of a child with a disability.

27 **[(j)] (H) (1)** The term of a voting member is **[3] 4** years.

28 **(2) (I)** The terms of the **APPOINTED** voting members are staggered as
29 required by the terms provided for **THE APPOINTED** members of the board on June 1, 1997.

30 **(II) THE TERMS OF THE ELECTED VOTING MEMBERS ARE**
31 **STAGGERED AS REQUIRED BY THE TERMS PROVIDED UNDER PARAGRAPH (7) OF**

1 THIS SUBSECTION FOR ELECTED MEMBERS OF THE BOARD ELECTED AT THE
2 GENERAL ELECTION IN NOVEMBER 2016.

3 (3) At the end of a term, a voting member continues to serve until a
4 successor is **ELECTED OR** appointed and qualifies.

5 (4) A voting member who is appointed after a term has begun serves only
6 for the remainder of the term and until a successor is **ELECTED OR** appointed and qualifies.

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

8 (6) To the extent practicable, the Governor and the Mayor **OF BALTIMORE**
9 **CITY** shall fill any vacancy **FOR AN APPOINTED OR ELECTED MEMBER** on the board
10 within 60 days of the date of the vacancy from a list of qualified individuals submitted to
11 the Mayor and the Governor by the State Board.

12 **(7) (I) THE ELECTED MEMBERS OF THE BOARD SHALL BE**
13 **ELECTED:**

14 **1. AT THE GENERAL ELECTION IN NOVEMBER 2016 AND**
15 **EVERY 4 YEARS THEREAFTER; AND**

16 **2. IN ACCORDANCE WITH TITLE 8, SUBTITLE 8 OF THE**
17 **ELECTION LAW ARTICLE.**

18 **(II) THE TERMS OF THE ELECTED VOTING MEMBERS ARE**
19 **STAGGERED AS FOLLOWS:**

20 **1. THE ELECTED VOTING MEMBER WHO RECEIVED THE**
21 **LOWEST PERCENTAGE OF VOTES, AS DETERMINED BY THE FINAL VOTE COUNT OF**
22 **THE 2016 GENERAL ELECTION AS CERTIFIED BY THE BOARD OF ELECTIONS, SHALL**
23 **SERVE FOR A TERM OF 2 YEARS, AND THE ELECTION FOR THAT OFFICE SHALL BE**
24 **HELD EVERY 4 YEARS THEREAFTER.**

25 **2. THE TWO ELECTED VOTING MEMBERS WHO RECEIVED**
26 **THE HIGHEST PERCENTAGE OF VOTES, AS DETERMINED BY THE FINAL VOTE COUNT**
27 **OF THE 2016 GENERAL ELECTION AS CERTIFIED BY THE BOARD OF ELECTIONS,**
28 **SHALL SERVE FOR A TERM OF 4 YEARS, AND THE ELECTION FOR THOSE OFFICES**
29 **SHALL BE HELD EVERY 4 YEARS THEREAFTER.**

30 **[(k)] (I) (1)** On the joint approval of the Mayor of Baltimore City and the
31 Governor, **[a] AN APPOINTED** member may be removed only for cause in accordance with
32 § 3-108 of this subtitle.

1 **(2) (I) THE STATE BOARD MAY REMOVE AN ELECTED VOTING**
 2 **MEMBER FOR:**

- 3 1. **IMMORALITY;**
 4 2. **MISCONDUCT IN OFFICE;**
 5 3. **INCOMPETENCY; OR**
 6 4. **WILLFUL NEGLECT OF DUTY.**

7 **(II) BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL**
 8 **SEND THE MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE**
 9 **MEMBER AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.**

10 **(III) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY**
 11 **PERIOD:**

12 1. **THE STATE BOARD PROMPTLY SHALL HOLD A**
 13 **HEARING, BUT A HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE**
 14 **BOARD SENDS THE MEMBER A NOTICE OF THE HEARING; AND**

15 2. **THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE**
 16 **HEARD PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE, IN**
 17 **PERSON OR BY COUNSEL.**

18 **(IV) A MEMBER REMOVED UNDER THIS SUBSECTION HAS THE**
 19 **RIGHT TO A DE NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR**
 20 **BALTIMORE CITY.**

21 **[(l)] (J)** Each member of the board serves without compensation.

22 **[(m)] (K)** On appointment of the board, the Governor and the Mayor shall jointly
 23 select one of the voting members to serve as the chairman of the board who shall serve
 24 through June 30, 1999.

25 **[(n)] (L)** Beginning on July 1, 1999 and every 2 years thereafter, from among its
 26 voting members the board shall elect a chairman.

27 **[(o)] (M)** (1) **[One] THE** student member shall be a student enrolled in the
 28 Baltimore City Public School System who shall be selected by the Associated Student
 29 Congress of Baltimore City.

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

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

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

4 (i) Personnel;

5 (ii) Capital and operating budgets;

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

7 (iv) Collective bargaining decisions;

8 (v) Student disciplinary matters; and

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

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

13 **[(p)] (N)** Any action by the board shall require:

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

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

16 3–114.

17 (a) In the following counties, the members of the county board shall be elected:

18 (1) Allegany;

19 (2) Calvert;

20 (3) Carroll;

21 (4) Cecil;

22 (5) Charles;

23 (6) Dorchester;

24 (7) Frederick;

25 (8) Garrett;

- 1 (9) Howard;
- 2 (10) Kent;
- 3 (11) Montgomery;
- 4 (12) Queen Anne's;
- 5 (13) St. Mary's;
- 6 (14) Somerset;
- 7 (15) Talbot;
- 8 (16) Washington; and
- 9 (17) Worcester.

10 **(B) IN BALTIMORE CITY, IN ACCORDANCE WITH § 3-108.1 OF THIS**
11 **SUBTITLE, THE MEMBERS OF THE BALTIMORE CITY BOARD OF SCHOOL**
12 **COMMISSIONERS SHALL BE A COMBINATION OF MEMBERS WHO ARE ELECTED AND**
13 **APPOINTED.**

14 **[(b)] (C)** In Baltimore County, in accordance with Subtitle 2A of this title, the
15 members of the county board shall be a combination of members who are elected and
16 appointed.

17 **[(c)] (D)** In Caroline County, in accordance with Subtitle 3A of this title, the
18 members of the county board shall be a combination of members who are elected and
19 appointed.

20 **[(d)] (E)** In Harford County, in accordance with Subtitle 6A of this title, the
21 members of the county board shall be a combination of members who are elected and
22 appointed.

23 **[(e)] (F)** In Prince George's County, in accordance with Subtitle 10 of this title,
24 the members of the county board shall be a combination of members who are elected and
25 appointed.

26 **[(f)] (G)** An individual subject to the authority of the county board may not serve
27 as a member of the county board. At the time of filing a certificate of candidacy for election
28 to a county board, a person shall certify to the local board of supervisors of elections whether
29 or not he is subject to the authority of the county board. The Governor shall not issue a
30 commission of election to a person who has certified affirmatively and who is elected to a

1 county board until the member–elect offers proof that he is no longer subject to the
2 authority of the county board.

3 **[(g)] (H)** The election of the county boards shall be held as provided in Subtitles
4 2 through 14 of this title and the Election Law Article.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
6 apply only prospectively and may not be applied or interpreted to have any effect on or
7 application to the terms of any member of the Baltimore City Board of School
8 Commissioners appointed to the board on or before July 1, 2015.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2015.