

Chapter 723

(House Bill 558)

AN ACT concerning

Baltimore City – Partially Elected School Board

FOR the purpose of increasing the number of members of the Baltimore City Board of School Commissioners; requiring a certain number of members of the board to be elected at large by the voters of ~~certain districts in~~ Baltimore City; providing for the terms of the appointed and elected members of the Board; ~~requiring the Department of Legislative Services to establish the districts in collaboration with the Baltimore City Board of Elections;~~ requiring certain members of the board to be elected at a certain election and in accordance with certain provisions of law; ~~providing for the staggering of the terms of certain members and for the termination of the terms of certain members of the board;~~ providing for the removal of, ~~and hearings and appeal procedures for,~~ the elected members of the board; providing for the application of this Act; requiring the Board to send within a certain period of time a certain written notice to certain entities; requiring a certain selection committee established, or a decision process undertaken, by the Baltimore City Board of School Commissioners to select the next Chief Executive Officer of the Baltimore City Public School System to include certain members; making conforming changes; making this Act an emergency measure; ~~requiring that the Act be submitted to a referendum of the legally qualified voters of Baltimore City;~~ and generally relating to the Baltimore City Board of School Commissioners and the selection of members.

BY repealing and reenacting, with amendments,
 Article – Education
 Section 3–108.1 and 3–114
 Annotated Code of Maryland
 (2014 Replacement Volume and 2015 Supplement)

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

Article – Education

3–108.1.

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

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

(c) The board consists of:

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

(2) ~~FOUR~~ TWO ELECTED VOTING MEMBERS; AND

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

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

~~(E) (1) OF THE FOUR ELECTED VOTING MEMBERS, ONE MEMBER SHALL BE ELECTED FROM EACH OF THE FOUR BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS DISTRICTS ESTABLISHED BY THE CITY, BY THE VOTERS OF THAT DISTRICT.~~

~~(2) IN COLLABORATION WITH THE BALTIMORE CITY BOARD OF ELECTIONS, FOLLOWING EACH DECENNIAL CENSUS THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL ESTABLISH THE BOUNDARIES FOR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS DISTRICTS. THE TWO ELECTED VOTING MEMBERS SHALL BE ELECTED AT LARGE BY THE VOTERS OF BALTIMORE CITY.~~

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

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

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

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

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

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

[~~(j)~~] (H) (1) ~~(I)~~ The term of ~~a~~ AN APPOINTED voting member is ~~{3}~~ 4 years.

~~(II) THE TERM OF AN ELECTED MEMBER IS 4 YEARS.~~

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

~~(II) THE TERMS OF THE ELECTED VOTING MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED UNDER PARAGRAPH (7) OF THIS SUBSECTION FOR ELECTED MEMBERS OF THE BOARD ELECTED AT THE GENERAL ELECTION IN NOVEMBER 2018.~~

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

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

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

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

(7) ~~(H)~~ THE ELECTED MEMBERS OF THE BOARD SHALL BE ELECTED:

~~1. (I) AT THE GENERAL ELECTION IN NOVEMBER 2018 2020 2022 AND EVERY 4 YEARS THEREAFTER; AND~~

~~2. (II) IN ACCORDANCE WITH TITLE 8, SUBTITLE 8 OF THE ELECTION LAW ARTICLE.~~

~~(II) THE TERMS OF THE ELECTED VOTING MEMBERS ARE STAGGERED AS FOLLOWS:~~

~~1. THE TWO ELECTED VOTING MEMBERS WHO RECEIVED THE LOWEST PERCENTAGE OF VOTES, AS DETERMINED BY THE FINAL VOTE COUNT OF THE 2018 GENERAL ELECTION AS CERTIFIED BY THE BOARD OF ELECTIONS, SHALL SERVE FOR A TERM OF 2 YEARS, AND THE ELECTION FOR THAT OFFICE SHALL BE HELD EVERY 4 YEARS THEREAFTER.~~

~~2. THE TWO ELECTED VOTING MEMBERS WHO RECEIVED THE HIGHEST PERCENTAGE OF VOTES, AS DETERMINED BY THE FINAL VOTE COUNT OF THE 2018 GENERAL ELECTION AS CERTIFIED BY THE BOARD OF ELECTIONS, SHALL SERVE FOR A TERM OF 4 YEARS, AND THE ELECTION FOR THOSE OFFICES SHALL BE HELD EVERY 4 YEARS THEREAFTER.~~

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

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

~~1. (I)~~ IMMORALITY;

~~2. (II)~~ MISCONDUCT IN OFFICE;

~~3. (III)~~ INCOMPETENCY; OR

~~4. (IV)~~ WILLFUL NEGLECT OF DUTY.

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

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

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

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

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

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

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

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

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

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

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

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

(i) Personnel;

(ii) Capital and operating budgets;

(iii) School closings, reopenings, and boundaries;

(iv) Collective bargaining decisions;

(v) Student disciplinary matters; and

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

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

[(p) (M) Any action by the board shall require:

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

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

3–114.

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

(1) Allegany;

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

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

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

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

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

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

[(f)] (G) An individual subject to the authority of the county board may not serve as a member of the county board. At the time of filing a certificate of candidacy for election to a county board, a person shall certify to the local board of supervisors of elections whether or not the person is subject to the authority of the county board. The Governor may not issue a commission of election to a person who has certified affirmatively and who is elected to a county board until the member-elect offers proof that the member-elect is no longer subject to the authority of the county board.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to the terms of any member of the Baltimore City Board of School Commissioners appointed to the board on or before July 1, 2016.

SECTION 3. AND BE IT FURTHER ENACTED, That the Baltimore City Board of School Commissioners shall send, within 30 days after the effective date of this Act, a written notice of the changes made to the composition and terms of members of the Baltimore City Board of School Commissioners by § 3-108.1 of the Education Article, as enacted by Section 1 of this Act, to the following parties to the City-State Partnership Agreement of 1996:

(1) the Mayor of Baltimore City;

(2) the Baltimore City Council;

(3) the State Board of Education; and

(4) the American Civil Liberties Union of Maryland on behalf of the plaintiffs in Bradford, et al v. Maryland State Board of Education, et al, (Case No. 94340058/CE189672, Circuit Court for Baltimore City).

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) A selection committee established, or a decision process undertaken, by the Baltimore City Board of School Commissioners to select the next Chief Executive Officer of the Baltimore City Public School System shall include:

(1) one member of the Senate of Maryland who is a member of the Baltimore City Senate Delegation, appointed by the President of the Senate; and

(2) one member of the House of Delegates who is a member of the Baltimore City House Delegation, appointed by the Speaker of the House.

(b) The legislative members appointed to the selection committee or to take part in the decision process to select the next Chief Executive Officer of the Baltimore City Public School System under subsection (a) of this section shall be nonvoting, advisory members, but shall be included in all meetings and conversations of the Baltimore City Board of School Commissioners relating to the selection of the Chief Executive Officer.

~~SECTION 3. AND BE IT FURTHER ENACTED, That, in collaboration with the Baltimore City Board of Elections, the Department of Legislative Services shall:~~

~~(1) on or before June 1, 2017, establish the boundaries for the initial districts for the election of the four members of the Baltimore City Board of School Commissioners to be elected at the general election to be held in November 2018; and~~

~~(2) on or before June 1 in the year after the State receives the population count of each decennial census from the United State Census Bureau, establish the boundaries for the districts for the election of the four members of the Baltimore City Board of School Commissioners to be elected by the voters of Baltimore City.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That before this Act becomes effective it shall first be submitted to a referendum of the legally qualified voters of Baltimore City at the general election to be held in November 2016. The Mayor of Baltimore City and the Baltimore City Board of Elections shall do those things necessary and proper to provide for and hold the referendum required by this section. If a majority of the votes cast on the question are "For the referred law" the provisions of this Act shall become effective on the 30th day following the official canvass of votes for the referendum, but if a majority of the votes cast on the question are "Against the referred law" the provisions of this Act are of no effect and null and void.~~

~~SECTION 5. ~~3.~~ ~~4.~~ 5. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 4 of this Act and for the sole purpose of providing for the referendum required by Section 4 of this Act, this Act shall take effect July 1, 2016 this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea or nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.~~

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.