

# HOUSE BILL 798

F3  
HB 1449/17 – W&M

EMERGENCY BILL

3lr0453  
CF SB 849

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By: **Delegates Rosenberg and Bridges**

Introduced and read first time: February 8, 2023

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Public School Facility – Modifying, Use, and Closing**

3 FOR the purpose of requiring that, after the Baltimore City Board of School Commissioners  
4 takes final action concerning the continued use of a certain public school facility, the  
5 Baltimore City Department of Planning shall appoint a certain community task force  
6 to take certain actions; authorizing the Baltimore City Board of School  
7 Commissioners to use a certain school for a certain purpose for a period of time not  
8 to exceed a certain number of years; providing for the retroactive application of this  
9 Act to any final action taken by the Baltimore City Board of School Commissioners  
10 on certain matters on or after a certain date; and generally relating to the  
11 modification or closure of programs and public school facilities in Baltimore City.

12 BY repealing and reenacting, without amendments,  
13 Article – Education  
14 Section 4–301(g)  
15 Annotated Code of Maryland  
16 (2022 Replacement Volume)

17 BY adding to  
18 Article – Education  
19 Section 4–321 and 4–322  
20 Annotated Code of Maryland  
21 (2022 Replacement Volume)

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

24 **Article – Education**

25 4–301.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (g) "Public school facility" means a building, parking facility, athletic facility,  
2 testing facility, or other facility in the City of Baltimore, now existing or hereafter acquired  
3 or constructed, that is used by the board in relation to the education of students in the  
4 Baltimore City Public School System.

5 **4-321.**

6 (A) THIS SECTION APPLIES WHEN THE BOARD CONSIDERS WHETHER TO:

7 (1) DISCONTINUE A PROGRAM OFFERED TO STUDENTS ENROLLED IN  
8 THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM AND CLOSE THE PUBLIC SCHOOL  
9 FACILITY IN WHICH THE PROGRAM IS HOUSED;

10 (2) CLOSE A PUBLIC SCHOOL FACILITY AND DECLARE THE PUBLIC  
11 SCHOOL FACILITY AS SURPLUS PROPERTY, BUT THE SALE OF THE SURPLUS  
12 PROPERTY HAS NOT BEEN COMPLETED; OR

13 (3) MODIFY THE ONGOING USE OF AN ACADEMIC SPACE IN A PUBLIC  
14 SCHOOL FACILITY.

15 (B) (1) AFTER THE BOARD TAKES FINAL ACTION ON A MATTER  
16 DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION, THE BALTIMORE CITY  
17 DEPARTMENT OF PLANNING SHALL APPOINT A COMMUNITY TASK FORCE TO  
18 EXAMINE AND MAKE RECOMMENDATIONS CONCERNING ANY FUTURE USE OF THE  
19 PUBLIC SCHOOL FACILITY, INCLUDING ANY REAL PROPERTY THAT IS PART OF THE  
20 PUBLIC SCHOOL FACILITY.

21 (2) THE COMMUNITY TASK FORCE SHALL INCLUDE:

22 (I) RESIDENTS OF THE COMMUNITY WHERE THE PUBLIC  
23 SCHOOL FACILITY IS LOCATED; AND

24 (II) REPRESENTATIVES OF INSTITUTIONAL ORGANIZATIONS  
25 THAT ARE LOCATED IN OR THAT SERVE RESIDENTS IN THE COMMUNITY WHERE THE  
26 PUBLIC SCHOOL FACILITY IS LOCATED.

27 **4-322.**

28 (A) IN THIS SECTION, "SWING SCHOOL" MEANS A SCHOOL BUILDING THAT  
29 IS USED AS A TEMPORARY SCHOOL FOR STUDENTS WHILE ANOTHER SCHOOL IS  
30 UNDER CONSTRUCTION.

31 (B) THE BOARD MAY AUTHORIZE A SCHOOL BUILDING TO BE USED AS A  
32 SWING SCHOOL FOR A PERIOD NOT EXCEEDING 4 YEARS.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
2 apply retroactively and shall be applied to and interpreted to affect any final action taken  
3 by the Baltimore City Board of School Commissioners on a matter described under §  
4 4-321(a) or the board's use of a swing school under § 4-322 of the Education Article, as  
5 enacted by Section 1 of this Act.

6           SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency  
7 measure, is necessary for the immediate preservation of the public health or safety, has  
8 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
9 each of the two Houses of the General Assembly, and shall take effect from the date it is  
10 enacted.