

JAN 16 2007

Federal Communications Commission
Office of the Secretary



COPY

December 8, 2006

Ms. Marlene H. Dortch
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

RE: In the Matter of Request for Review of the Universal Service
Administrator, Schools and Libraries Universal Service Support
Mechanism
CC Docket No. 02-6;

Administrator's Transmittal of Appeal to the Federal Communications
Commission for Consideration

In re: Municipal Telephone Exchange, Baltimore, MD
Billed Entity Number: 147864
Appellant: Fitzgerald Hoskins
Fund Year: 2005 FCC Form 471: 483475 & 480648
Decision Letter Date: February 2, 2006
Appeal Postmark Date: March 7, 2006

Dear Ms. Dortch:

The Universal Service Administrative Company (USAC) has received an appeal submitted by the appellant indicated above. Because the issue raised on appeal relates to denial of funding for which USAC has already issued its decision, the appellant should have appealed to the Federal Communications Commission (FCC) rather than to USAC pursuant to 47 C.F.R. § 54.719(c). For this reason, in the interest of fairness and administrative efficiency and pursuant to prior communications with Wireline Commission Bureau staff, USAC is transmitting the appeal directly to the FCC for consideration rather than returning the appeal to the appellant. USAC has determined the appeal was filed inside the 60 day appeal window. A copy of the appeal is attached to this letter.

Sincerely,

USAC

Universal Service Administrative Company

Enclosure: Letter of Appeal

CC: Municipal Telephone Exchange

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List A B C D E

| SENDER: COMPLETE THIS SECTION | GENERAL DELIVERY INFORMATION |
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| <p>Article Addressed to: Anne Leslie Campbell Chairperson, Schools & Libraries Committee Universal Service Administrative Company 2000 L Street, N.W. Suite 200 Washington, D.C. 20036</p> | <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> |
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| Total Postage & Fees | \$ 54.98 |
| SENT TO Anne Leslie Campbell 2000 L St., N.W., Ste. 200 Washington, D.C. 20036 | PS Form 3811, June 2002 See Reverse for Restrictions |

COMPTROLLER

JEAN M. PRATT, C.P.A.
Room 204, City Hall
Baltimore, Maryland 21202



OFFICE OF THE COMPTROLLER

COMMUNICATION SERVICES
FITZGERALD HOSKINS, DIRECTOR
Municipal Telephone Exchange/Municipal Police Office
201 E. Baltimore Street, Suite 1100
Baltimore, Maryland 21202
Telephone: (410) 396-4926

May 26, 2006

Ms. Arine Leslie Campbell
Chairperson, Schools & Libraries Committee
Universal Service Administrative Company
2000 L Street, N.W.
Suite 200
Washington, D.C. 20036

RE: Request for review by Schools and Libraries Committee,
Board of Directors, Universal Service Administrative Company
Form 471 Applicant #s 483475, 480648

Dear Ms. Campbell:

A request for a review of the decision of the Administrator in the above referenced denial of funding by the Schools and Libraries Committee of the Board of Directors was sent on March 6, 2006. This request was made pursuant to 47 CFR 54.719 and your by-laws.

To date, we have not received any status of our request to the Schools and Libraries Committee of the Board of Directors although we have called numerous times seeking a status. I am requesting that you contact me with a status of our request to the Schools and Libraries Committee. I may be reached at (410) 396-4926. Thank you for your help in this matter.

Sincerely,

Fitzgerald Hoskins
Director of Communication Services
Municipal Telephone Exchange
City of Baltimore
201 E. Baltimore Street, Ste. 1100
Baltimore, MD 21202
Phone (410-396-4926)
Fax (410-396-4547)



SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

Ms. Anne Campbell
 Chairperson
 Universal Service Admin. Co.
 2000 L Street, N.W.,
 Suite 200
 Washington, DC 20036

2. Article Number
 (Transfer from service label)

700525702002 1427 5791

PS Form 3811, February 2004

Domestic Return Receipt

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Comptroller Joan M. Pratt, CPA
 City of Baltimore
 Office of the Comptroller
 204 City Hall
 100 N. Holliday Street
 Baltimore, MD 21202



COMPTROLLER

JOAN M. PRATT, C.P.A.
Room 204, City Hall
Baltimore, Maryland 21202-3461



OFFICE OF THE COMPTROLLER

COMMUNICATION SERVICES
J. FITZGERALD HOSKINS, Director
Municipal Telephone Exchange-Municipal Post Office
201 E. Baltimore Street, Suite 1100
Baltimore, Maryland 21202
Telephone: 410-396-4926

March 7, 2006

Anne Leslie Campbell
Chairperson, Schools & Libraries Committee
Universal Service Administrative Company
2800 L Street, N.W.
Suite 200
Washington, D.C. 20036

RE: Request for review by Schools and Libraries Committee,
Board of Directors, Universal Service Administrative Company
Form 471 Applicant #s 483475, 480648

Dear Ms. Campbell:

I am respectfully requesting that the decision of the Administrator in the above referenced denial of funding, be reviewed by the Schools and Libraries Committee of the Board of Directors. This request is made pursuant to 47 CFR 54.719 and your by-laws.

I am enclosing the request for review. If you need further information, I may be reached at (410) 396-4926. Thank you for your consideration.

Sincerely,

Fitzgerald Hoskins
Director of Communication Services
Municipal Telephone Exchange
City of Baltimore
201 E. Baltimore Street, Ste. 1100
Baltimore, MD 21202
Phone (410-396-4926)
Fax (410-396-4547)

3006-713808



Universal Service Administrative Company
Schools & Libraries Division

FINAL REQUEST

TO: Fitzgerald Hoskins
PHONE: (410) 3964926
FAX: (410) 3964547
DATE: September 26, 2005
SENDER: Harold Kestenbaum
RE: FY 2005 (FY8) Consortium Review – BEN 147864
Response Due: September 27, 2005

| | | | | |
|--|-------------------------------------|---|--|---|
| <input checked="" type="checkbox"/> Urgent | <input type="checkbox"/> For Review | <input type="checkbox"/> Please Comment | <input checked="" type="checkbox"/> Please Reply | <input type="checkbox"/> Please Recycle |
|--|-------------------------------------|---|--|---|

Dear Mr. Hoskins,

Recently, you were sent a second written request for documentation/Letters of Agency (LOA) for MUNICIPAL TELEPHONE EXCHANGE, BEN 147864 needed by Consortium Review to review your FY2005 Form 471 Consortium Applications 480648 and 483475 to ensure that the consortium is in compliance with the rules of the Universal Service Support Mechanism. Your response was incomplete. We received only one LOA (from the Enoch Pratt Free Library) but we have not received documentation from Entity # 126376 BALTIMORE CITY SCHOOL DISTRICT. We still need the information listed below to complete the review

Please provide documentation/Letters of Agency (LOA) for all entities listed in Block-4 on your 471 certified application(s):

- If you have filed additional applications, and they are not listed here, please provide the application numbers and any additional documentation/LOAs associated with these applications.

In addition, if your Documentation/LOAs do not match the Block 4 Entities exactly, please provide a cross reference to explain/eliminate any discrepancies. For Example:

- Schools A & B are listed on Block 4 and are related to School District Z for which for you are submitting an LOA.
- Block 4 lists the Main Street Library and your LOA is for the George Washington Library.

These documents/Letters of Agency should describe that the entity is: 1) a member of the Consortium and, 2) has authorized participation in the filing of the 471 application(s). The document (LOA) must contain the following information:

- Name and Title of Consortium Leader
- Name of Consortium Member
- Printed Name, Dated Signature and Title of authorized person at member end
- Dates that indicate the agreement is/was/will be in effect either during the application process or the actual funding year.
- Type of service(s) consortium is authorized to apply for.

Please fax or e-mail the requested information to my attention. If you have any questions please feel free to contact me.

It is important that we receive all of the information requested so the Consortium Review team can complete its review. Failure to do so may result in a reduction or denial of funding.

You are being given an one additional day to respond. If we do not receive the requested information within seven calendar days, your application will be reviewed using the information currently on file. If you need additional time to prepare your response, please let me know as soon as possible.

Should you wish to cancel this application, or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s); along with the application number and/or funding request number(s), and the complete name, title and signature of the authorized individual.

A copy of this correspondence is being forwarded to your State E-Rate Coordinator for informational purposes only.

Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely,

Harold Kestenbaum
Schools and Libraries Division - Consortium Review
Phone 973-581-6752
FAX: 973-599-6576
E-Mail: hkestn@SL.UniversalService.Org

COMPTROLLER

JOAN M. PRATT, C.P.A.
Room 304, City Hall
Baltimore, Maryland 21202-3461



OFFICE OF THE COMPTROLLER

COMMUNICATION SERVICES
J. FITZGERALD HOSKINS, Director
Municipal Telephone Exchange-Municipal Post Office
201 E. Baltimore Street, Suite 1100
Baltimore, Maryland 21202
Telephone: 410-396-4926

LETTER OF APPEAL

December 21, 2005

Universal Service Administrative Company
Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, New Jersey 07981

Dear USAC,

This letter is to appeal the Funding Commitment Decision Letter for Funding Year 2005 dated October 26, 2005.

| | |
|------------------------------|------------------------------|
| Billed Entity Name: | Municipal Telephone Exchange |
| Billed Entity Number: | 147864 |
| Form 471 Application Number: | 480648 |
| Applicant's Form Identifier: | MTE-05-06YR8 |

The Funding Commitment Decision Letter states that funding for the Funding Year 2005 is denied. The Funding Commitment Report states that the "Consortium leader has failed to provide acceptable evidence of authority to file Forms 471 on behalf of, or evidence of the membership of, a substantial number of the members included in this consortium. Letters of Agency were dated after the certification of the Forms 471."

Instructions on your website concerning Letters of Agency state that "Consortia which have a statutory or regulatory basis and for which participation by schools or libraries is mandatory must be able to provide documentation supporting this certification, including copies of the relevant state statute or regulation."

Attached is a copy of the relevant pages from the City of Baltimore Administrative Manual approved and instituted by the Board of Estimates of the City of Baltimore which is the regulator authority for all City of Baltimore agencies. The attached document states that "All telephone service and equipment within the City government are provided by the Municipal Telephone Exchange." The Administrative Manual also states that "All costs associated with a telephone number will be charged against the budget account provided by the agency..."

EXHIBIT 2a

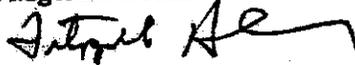
The Enoch Pratt Free Library, which is a consortium member is also a City of Baltimore agency and is subject to City of Baltimore Administrative Manual for operating procedures.

Please contact me to discuss:

Fitzgerald Hoskins
City of Baltimore
Municipal Telephone Exchange
201 E. Baltimore Street,
Suite 1100
Baltimore, MD 21202
Phone: 410-396-4926
Fax: 410-396-4547

Sincerely,

Fitzgerald Hoskins



Director of Communications Services

| | | |
|---|---|--|
|  | Administrative Manual POLICY | SECTION Central Services |
| | | SUBJECT MUNICIPAL TELEPHONE SERVICE |

All telephone service and equipment within the City government are provided by the Municipal Telephone Exchange.

Agency Representatives

Each agency must select 1 or more employees to represent the organization in its dealings with the Municipal Telephone Exchange. The names and titles of the authorized representatives must be submitted to the Municipal Telephone Exchange by means of a MEMO (28-1418-5007) [AM-508-1] from the agency head.

Requesting Telephone Equipment

To request surveys of telephone requirements or equipment installation, change, or removal, a TELEPHONE SERVICE REQUEST (28-1308-5013) [AM-507-1-1] must be submitted to the Municipal Telephone Exchange by the agency's authorized representative. Requests received from persons other than the authorized representative will not be honored.

The TELEPHONE SERVICE REQUESTS for routine work must be received by the Municipal Telephone Exchange at least 10 work days prior to the desired installation date. Requests for complex work require more notice to be given. While the exact time requirements vary depending on the nature of the work involved, requests for complex work must be received at least 15 work days prior to the desired installation date.

Billing

All costs associated with a telephone number will be charged against the budget account number provided by the agency on the

AM-507-1

| SECTION | SUBJECT |
|------------------|-----------------------------|
| Central Services | MUNICIPAL TELEPHONE SERVICE |

TELEPHONE SERVICE REQUEST. Only 1 budget account number will be allowed on a single TELEPHONE SERVICE REQUEST. Adjustments for split funding, shared costs, etc., are the responsibility of the requesting agency, and should be made through use of a JOURNAL ENTRY (28-1428-5020) [AM-406-1].

Long Distance Business Calls

Agencies must submit a LONG DISTANCE CALL AUTHORIZATION (28-1398-5118) [AM-507-1-2] to the Municipal Telephone Exchange for each long distance (toll) call.

Personal Calls

LOCAL CALLS

City telephones are not to be used by employees for personal messages except in emergencies. Pay telephones located in various buildings should be used for personal calls.

LONG DISTANCE CALLS

If it becomes essential for an employee to make a personal long-distance call during working hours using a City phone, he should attempt to have the call billed by the operator to a personal phone number, e.g., his home phone, or ask the operator to place a collect call (reverse the charges). If neither of these actions can be taken, the employee must record the call on a LONG DISTANCE CALL AUTHORIZATION and reimburse the Municipal Telephone Exchange for the cost of the call.

A \$10 penalty will be assessed against any employee who is found to have made a long distance personal call without intending to pay for it.

1 Chief Executive Officer of the Board. If assets are not sufficient to fund liabilities
 2 transferred, the liabilities shall be retained by the Mayor and City Council. Additionally,
 3 during any fiscal year after Fiscal Year 1997, liability for payments at separation or
 4 retirement of employees from the Board for leave accumulated and unused prior to June
 5 30, 1997, on terms applicable as of that date, shall be shared as follows: (1) liability up to
 6 \$3,500,000 shall be borne by the New Baltimore City Board of School Commissioners
 7 provided that such amount is transferred annually to the Board as part of the Education
 8 Budget; (2) liability exceeding \$3,500,000 shall be shared equally by the New Baltimore
 9 City Board of School Commissioners and the Mayor and City Council, provided that the
 10 total aggregate liability of the Board under this subsection (2) for all fiscal years
 11 combined may not exceed \$10,500,000; and (3) liability in excess of \$10,500,000 shall be
 12 borne by the Mayor and City Council.

13 SECTION 4. AND BE IT FURTHER ENACTED, That all services provided to the
 14 Baltimore City Public School System by other units of the Baltimore City Government as
 15 of the effective date of this Act that are not otherwise specifically altered by this Act,
 16 including but not limited to public works and transportation services, shall continue to be
 17 provided to the New Baltimore City Board of School Commissioners without diminution
 18 on the same basis and without an increase in any rate of compensation, unless and until
 19 otherwise provided by agreement between the Mayor and City Council and the New
 20 Baltimore City Board of School Commissioners; however, any agreement shall be
 21 submitted for review and comment to the House Appropriations and Ways and Means
 22 Committee and the Senate Budget and Taxation and Economic and Environmental
 23 Affairs Committees of the General Assembly on or before March 1 of the calendar year
 24 in which the agreement would take effect.

25 SECTION 4. 5. AND BE IT FURTHER ENACTED, That, as of the effective date
 26 of this Act, each certificated and noncertificated employee of the Baltimore City Public
 27 School System shall become a member of the personnel system established by the New
 28 Baltimore City Board of School Commissioners in accordance with § 4-313 § 4-311 of the
 29 Education Article, as enacted by this Act, except that noninstructional senior level staff of
 30 the central administration shall reapply to the Board for continued employment upon the
 31 reorganization. Upon the reorganization, noninstructional supervisory personnel of the
 32 central administration, shall reapply to the Board for continued employment in positions
 33 in central administration. Such personnel include: Directors I, II, and III, Assistant
 34 Superintendents, Area Assistant Superintendents, Deputy Superintendents, and Chief
 35 Aides to the Superintendent, but exclude principals and school-based staff. All
 36 certificated employees who held tenure under §§ 6-201(f) and 6-202(b) of the Education
 37 Article before the effective date of this Act shall continue to hold tenure in the Baltimore
 38 City Public School System subject to removal as provided in § 6-202 of the Education
 39 Article. For the purposes of this section, the fifteen all nonprobationary noninstructional
 40 supervisory noncertificated employees shall remain employed by the Board subject to
 41 removal for cause in accordance with the provisions of § 4-205(c) of the Education
 42 Article.

43 SECTION 5. 6. AND BE IT FURTHER ENACTED, That, on or before April 30,
 44 February 1, 2006, a consultant shall complete an interim review of the Baltimore City
 45 Public School System and report the findings of the evaluation to the Governor, the
 46 Mayor, and, in accordance with § 2-1312 of the State Government Article, the General

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("Memorandum") is entered into this JUN 24 1998 day of _____, 1998, between the New Baltimore City Board of School Commissioners of the Baltimore City Public School System ("Board") and the Mayor and City Council of Baltimore ("City"):

1. This Memorandum shall cover the period from the date of its execution through the date of its termination, unless otherwise stated herein.
2. The purpose of this Memorandum is to set forth the understanding and agreement between the Board and the City, specifying their respective responsibilities in the implementation of certain uncodified Sections 3 and 4 of Senate Bill 795, 1997 Acts of Md., Ch. 105 ("Partnership Legislation"), as follows:

Section 3: AND BE IT FURTHER ENACTED, That on the effective date of this Act, all functions, powers, duties, equipment, assets, liabilities, and all the certificated and noncertificated employees of the Baltimore City Public School System shall be transferred to the New Baltimore City Board of School Commissioners and to the Chief Executive Officer of the Board. If assets are not sufficient to fund liabilities transferred, the liabilities shall be retained by the Mayor and City Council

Section 4: AND BE IT FURTHER ENACTED, That all services provided to the Baltimore City Public School System by other units of the Baltimore City Government as of the effective date of this Act that are not otherwise specifically altered by this Act shall continue to be provided to the New Baltimore City Board of School Commissioners without diminution on the same basis and without any increase in any rate of compensation, unless and until otherwise provided by agreement between the Mayor and City Council and the New Baltimore City Board of School Commissioners; however, any agreement shall be submitted for review and comment to the House Appropriations and Ways and Means Committees and the Senate Budget and Taxation and Economic and Environmental Affairs Committees of the General Assembly on or before March 1 of the calendar year in which the agreement would take effect.

H. Bugdan

SENATE BILL 795

FB

EMERGENCY BILL

(71r0570)

ENROLLED BILL

— Budget and Taxation and Economic and Environmental Affairs/Appropriations and Ways and Means —

Introduced by Chairman, Budget and Taxation Committee (Departmental - Education) and Senators Hoffman and Blount

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Scaled with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER 105

AB of 1997

- 1 AN ACT concerning
- 2 Primary and Secondary Education - New Baltimore City Board of School Commissioners
- 3 FOR the purpose of establishing the New Baltimore City Board of School
- 4 Commissioners; altering a certain provision of the Charter of Baltimore City
- 5 relating to the establishment, maintenance, and control of the Baltimore City Public
- 6 School System; altering a certain provision of law relating to the appointment and
- 7 salary of noncertificated personnel; repealing a certain exception for Baltimore City
- 8 relating to the interpretation of certain laws and bylaws and the resolution of
- 9 certain controversies; requiring the Mayor and City Council of Baltimore City to
- 10 maintain the public school system subject to a certain master plan; transferring
- 11 responsibility for the functions formerly performed by the Superintendent of Public
- 12 Instruction of Baltimore City and the Board of School Commissioners of Baltimore
- 13 City to the New Baltimore City Board of School Commissioners (Board); specifying
- 14 the membership of the Board and certain qualifications of certain members;
- 15 specifying the powers and duties of the Board; specifying the powers and duties of
- 16 the Chief Executive Officer, the Chief Academic Officer, and the Chief Financial

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.
 Italics indicate opposite chamber/conference committee amendments.



]

1 Officer of the Board; establishing a Research and Evaluation Unit and a Parent and
2 Community Advisory Board in the Baltimore City Public School System;
3 establishing certain time frames for the adoption and implementation of certain
4 plans; requiring the Board to adopt certain rules and regulations governing the
5 procurement of goods and services; requiring the Board to establish a certain
6 personnel system; requiring the Board to enter into certain collective bargaining
7 agreements; requiring in Baltimore City the public school employer to designate a
8 certain employee organization under specified circumstances; providing for the
9 payment of certain fees for certain employee organizations for certain
10 representation; repealing certain exemptions of Baltimore City from certain
11 provisions of the Education Article; defining certain terms; altering certain
12 definitions; specifying the terms of the initial members of the Board; transferring
13 the functions, powers, duties, equipment, assets, liabilities, and employees of the
14 Superintendent of Public Instruction for Baltimore City and the Board of School
15 Commissioners of Baltimore City to the Board and the Chief Executive Officer of
16 the Board on a certain date and subject to certain restrictions; providing for the
17 continuation of certain services provided to the Baltimore City Public School System
18 by other units of the Baltimore City Government; prohibiting the Baltimore City
19 Council from restoring or drawing certain budget items under certain
20 circumstances; requiring the Board to submit to the Mayor and City Council of
21 Baltimore City and the Baltimore City Board of Estimates a certain report on
22 expenditures in its budget; repealing certain provisions relating to the budget of the
23 Board of School Commissioners of Baltimore City; requiring certain employees of
24 the Baltimore City Public School System to become members of a certain personnel
25 system on a certain date; requiring certain employees to reapply for continued
26 employment; requiring certain consultants to conduct certain evaluations by certain
27 dates; requiring the reporting of certain evaluations to the Governor, the Mayor,
28 and the General Assembly; specifying that the provisions of this Act reflect certain
29 consent decrees and a certain commitment to appropriate additional funds for the
30 Baltimore City Public Schools; specifying a commitment of the State to appropriate
31 additional funds to Baltimore City under certain circumstances relating to the
32 enrollment of students; requiring a certain financial commitment to be separate
33 from other State funding; prohibiting the reduction of certain State funds under
34 specified circumstances; prohibiting Baltimore City from using certain funds to
35 meet certain statutory obligations; requiring certain collective bargaining
36 agreements to remain in effect for a specified time period; authorizing the Board to
37 negotiate certain changes to certain collective bargaining agreements; requiring the
38 Board to recognize and bargain with certain employee organizations; repealing
39 certain collective bargaining agreements for certain employees to be separate
40 agreements from the collective bargaining agreements for the employees of the City
41 of Baltimore; providing for the rights of certain employees to be dismissed only for
42 cause; providing for certain rights and benefits of certain employees through a
43 certain date; providing for the retention of sick leave for certain employees;
44 providing for certain health and retirement benefits for certain employees;
45 providing for the retention and assumption of certain liabilities; requiring a certain
46 agreement to be submitted to certain committees of the General Assembly;
47 providing for payment of certain employer and employee contributions to certain
48 pension and retirement systems; providing for disbursement of certain funds in a

- 1 ~~certain manner; requiring the Board to initiate a certain search process by a certain~~
 2 ~~date; requiring that certain appeals be made directly to the Court of Appeals;~~
 3 ~~making this Act subject to a certain contingency; requiring the Board to establish a~~
 4 ~~certain system of financial reporting by a certain date; requiring a certain financial~~
 5 ~~audit by a certain date; providing for the appointment of members to a certain~~
 6 ~~advisory board; requiring the Board to submit a certain report in a certain manner;~~
 7 ~~providing for the repeal of law inconsistent with this Act; providing for the effective~~
 8 ~~date of this Act; providing for the termination of certain provisions of this Act;~~
 9 ~~making it a misdemeanor to knowingly and willfully falsify or conceal a material fact~~
 10 ~~or make a false statement in the preparation of any report required under this Act;~~
 11 ~~providing for certain penalties; providing certain funds, subject to a certain~~
 12 ~~contingency; making this Act an emergency measure; and generally relating to the~~
 13 ~~establishment of the New Baltimore City Board of School Commissioners and the~~
 14 ~~management of the Baltimore City Public School System.~~
- 15 BY repealing and reenacting, with amendments,
 16 The Charter of Baltimore City
 17 Article II - General Powers
 18 Section (30)
 19 (1996 Edition, as amended)
- 20 BY repealing and reenacting, with amendments,
 21 Article - Education
 22 Section 1-101(d) and (e), 2-205(m)(1), 2-303(d), 3-101, 3-108(a), 4-102, 4-103,
 23 4-104(a), 4-107, 4-114 through 4-119, 4-205(c) and (d), 4-301 through 4-307,
 24 5-102 through 5-107, 5-112(a), 5-108, 6-201(c), 6-202, 6-203(b) and (d),
 25 6-401(d), 6-502(e), 6-501(f) and (g), and 6-505(a)
 26 Annotated Code of Maryland
 27 (1997 Replacement Volume)
- 28 BY repealing and reenacting, without amendments,
 29 Article - Education
 30 Section 5-112(b), (c), and (e)
 31 Annotated Code of Maryland
 32 (1997 Replacement Volume)
- 33 BY adding to
 34 Article - Education
 35 Section 3-108.1, 4-301 and 4-303 through 4-317 4-313, and 6-504(e)
 36 Annotated Code of Maryland
 37 (1997 Replacement Volume)
- 38 BY repealing
 39 Article - Education
 40 Section 5-108
 41 Annotated Code of Maryland

(1997 Replacement Volume)

BY repealing and reenacting, with amendments,

Article - Education

Section 5-108.1

Annotated Code of Maryland

(1997 Replacement Volume)

(As enacted by Section 1 of this Act)

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

The Charter of Baltimore City

Article II - General Powers

The Mayor and City Council of Baltimore shall have full power and authority to exercise all of the powers heretofore or hereafter granted to it by the Constitution of Maryland or by any Public General or Public Local Laws of the State of Maryland; and in particular, without limitation upon the foregoing, shall have power by ordinance, or such other method as may be provided for in its Charter, subject to the provisions of said Constitution and Public General Laws:

(30) [To] SUBJECT TO THE APPLICABLE PROVISIONS OF THE EDUCATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND, TO establish [,] AND maintain [and control] a system of free public schools.

Article - Education

1-101.

(d) "County board" means the board of education of a county and includes the NEW BALTIMORE CITY Board of School Commissioners [of Baltimore City].

(e) "County superintendent" means the county superintendent of schools of a county and includes the [Superintendent of Public Instruction for] CHIEF EXECUTIVE OFFICER OF THE NEW Baltimore City BOARD OF SCHOOL COMMISSIONERS.

2-205.

(m) (1) In this subsection, "professional employee" means an employee:

(i) For whom a certificate has been issued by the State Superintendent [or, in Baltimore City, who has equivalent status as determined by the Department]; and

(ii) For whom a salary scale has been established by law for the position or who meets or exceeds the qualifications required for an established salary scale.

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1 2-303.

2 (1) [This subsection does not apply to Baltimore City.

3 (2)] Subject to the bylaws, rules, and regulations of the State Board, the
4 State Superintendent shall approve or disapprove each:

5 (i) Proposal for the purchase or sale of any ground, school site, or
6 building;

7 (ii) Plan or specification for the remodeling of a school building if the
8 remodeling costs more than \$350,000;

9 (iii) Plan or specification for the construction of a new school building;
10 and

11 (iv) Change order that costs more than \$25,000 for the remodeling,
12 restoration, or construction of a school building.

13 [(3)] (2) If the State Superintendent disapproves any plan, specification,
14 proposal, or change order, he shall state in writing the reasons for his disapproval.

15 [(4)] (3) If the construction is to be done by a county board, the board may
16 not begin until the plans and specifications are approved in writing by the State
17 Superintendent.

18 [(5)] (4) If the construction is to be done by contract, the contract is invalid
19 without the written approval of the State Superintendent.

20 3-101.

21 This title [does not apply to] APPLIES TO ALL COUNTY BOARDS INCLUDING
22 Baltimore City.

23 3-108.

24 (a) Except for the NEW BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS
25 ESTABLISHED UNDER § 3-108.1 OF THIS SUBTITLE AND counties listed in § 3-214 of this
26 subtile, the Governor shall appoint the members of each county board from the residents
27 of that county.

28 3-108.1

29 (A) IN THIS SECTION "BOARD" MEANS THE NEW BALTIMORE CITY BOARD OF
30 SCHOOL COMMISSIONERS OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

31 (B) THERE IS A NEW BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS
32 OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

33 (C) THE BOARD CONSISTS OF:

34 (1) NINE VOTING MEMBERS JOINTLY APPOINTED BY THE MAYOR OF
35 BALTIMORE CITY AND THE GOVERNOR FROM A LIST OF QUALIFIED INDIVIDUALS
36 SUBMITTED TO THE MAYOR AND THE GOVERNOR BY THE STATE BOARD; AND

1 (2) ONE VOTING NONVOTING STUDENT MEMBER APPOINTED AS
2 PROVIDED IN SUBSECTION (C) OF THIS SECTION.

3 (D) EACH MEMBER OF THE BOARD SHALL BE A RESIDENT OF BALTIMORE
4 CITY.

5 (E) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE BOARD SHALL
6 REFLECT THE DEMOGRAPHIC COMPOSITION OF BALTIMORE CITY.

7 (F) AT LEAST FOUR OF THE VOTING MEMBERS SHALL POSSESS A HIGH LEVEL
8 OF KNOWLEDGE AND EXPERTISE CONCERNING THE SUCCESSFUL ADMINISTRATION
9 OF A LARGE BUSINESS, NONPROFIT, OR GOVERNMENTAL ENTITY AND SHALL HAVE
10 SERVED IN A HIGH LEVEL MANAGEMENT POSITION WITHIN SUCH AN ENTITY.

11 (G) AT LEAST THREE OF THE VOTING MEMBERS SHALL POSSESS A HIGH
12 LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING EDUCATION.

13 (H) AT LEAST ONE VOTING MEMBER SHALL BE A PARENT OF A STUDENT
14 ENROLLED IN THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM AS OF THE DATE OF
15 APPOINTMENT OF THE MEMBER.

16 (I) (1) AMONG THE NINE VOTING MEMBERS, AT LEAST ONE MEMBER
17 SHALL ALSO POSSESS KNOWLEDGE OR EXPERIENCE IN THE EDUCATION OF
18 CHILDREN WITH DISABILITIES.

19 (2) THE KNOWLEDGE OR EXPERIENCE MAY BE DERIVED FROM BEING
20 THE PARENT OF A CHILD WITH A DISABILITY.

21 (J) (1) THE TERM OF A VOTING MEMBER IS 3 YEARS.

22 (2) THE TERMS OF THE VOTING MEMBERS ARE STAGGERED AS
23 REQUIRE BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON THE
24 EFFECTIVE DATE OF THIS ACT.

25 (3) AT THE END OF A TERM, A VOTING MEMBER CONTINUES TO SERVE
26 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

27 (4) A VOTING MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
28 SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS
29 APPOINTED AND QUALIFIES.

30 (5) A VOTING MEMBER MAY NOT SERVE MORE THAN TWO
31 CONSECUTIVE FULL TERMS.

32 (6) TO THE EXTENT PRACTICABLE, THE GOVERNOR AND THE MAYOR
33 SHALL FILL ANY VACANCY ON THE BOARD WITHIN 60 DAYS OF THE DATE OF THE
34 VACANCY FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED TO THE MAYOR
35 AND THE GOVERNOR BY THE STATE BOARD.

36 (K) ON THE JOINT APPROVAL OF THE MAYOR OF BALTIMORE CITY AND THE
37 GOVERNOR, A MEMBER MAY BE REMOVED ONLY FOR CAUSE IN ACCORDANCE
38 WITH § 3-106 OF THIS SUBTITLE.

39 (L) EACH MEMBER OF THE BOARD SERVES WITHOUT COMPENSATION.

1 (M) ON APPOINTMENT OF THE BOARD, THE GOVERNOR AND THE MAYOR
 2 SHALL JOINTLY SELECT ONE OF THE VOTING MEMBERS TO SERVE AS THE
 3 CHAIRMAN OF THE BOARD WHO SHALL SERVE THROUGH JUNE 30, 1999.

4 (N) BEGINNING ON JULY 1, 1999 AND EVERY 2 YEARS THEREAFTER, FROM
 5 AMONG ITS VOTING MEMBERS THE BOARD SHALL ELECT A CHAIRMAN.

6 (O) (1) ONE STUDENT MEMBER SHALL BE A STUDENT ENROLLED IN THE
 7 BALTIMORE CITY PUBLIC SCHOOL SYSTEM WHO SHALL BE SELECTED BY THE
 8 ASSOCIATED STUDENT CONGRESS OF BALTIMORE CITY.

9 (2) THE TERM OF A STUDENT MEMBER IS 1 YEAR.

10 (3) A STUDENT MEMBER MAY NOT SERVE MORE THAN TWO
 11 CONSECUTIVE FULL TERMS.

12 (4) THE STUDENT MEMBER MAY NOT VOTE ON ANY MATTER THAT
 13 RELATES TO:

14 (A) THE DISMISSAL OF OR OTHER DISCIPLINARY ACTION
 15 INVOLVING PERSONNEL;

16 (B) BUDGET INCLUDING ALL PROCUREMENT;

17 (C) ALL COLLECTIVE BARGAINING MATTERS; AND

18 (D) APPEALS TO THE NEW BALTIMORE CITY BOARD OF SCHOOL
 19 COMMISSIONERS.

20 (P) ANY ACTION BY THE BOARD SHALL REQUIRE:

21 (1) A QUORUM OF A MAJORITY OF THE VOTING MEMBERS THEN
 22 SERVING; AND

23 (2) THE AFFIRMATIVE VOTE OF A MAJORITY OF THE VOTING MEMBERS
 24 THEN SERVING.

25 4-102.

26 (a) (1) Except in Baltimore City, the county superintendent is the executive
 27 officer, secretary, and treasurer of the county board.

28 (2) (i) In Baltimore City, the [Superintendent of Public Instruction]
 29 CHIEF EXECUTIVE OFFICER OF THE NEW BALTIMORE CITY BOARD OF SCHOOL
 30 COMMISSIONERS is the executive officer and secretary, AND TREASURER of the NEW
 31 Board of School Commissioners.

32 (ii) THE CHIEF EXECUTIVE OFFICER SHALL HAVE THE POWERS
 33 AND DUTIES IMPOSED UNDER THIS ARTICLE.

34 (iii) THE CHIEF EXECUTIVE OFFICER IS NOT A PUBLIC OFFICER
 35 UNDER THE CONSTITUTION OR THE LAWS OF THE STATE.

36 (3) A county superintendent is not a public officer under the Constitution or
 37 the laws of [this] THE State.

1 (b) Unless [his] THE tenure or salary or the administration of [his] THE office
 2 OF THE COUNTY SUPERINTENDENT is under consideration, the county superintendent
 3 or [his] THE COUNTY SUPERINTENDENT'S designee shall attend all meetings of the
 4 county board and its committees.

5 (c) The county superintendent may advise on any question under consideration
 6 but may not vote.

7 4-103.

8 (a) On the written recommendation of the county superintendent and subject to
 9 the provisions of this article, each county board shall:

10 (1) Appoint all principals, teachers, and other certificated and
 11 noncertificated personnel; and

12 (2) Set their salaries.

13 (b) ~~[(1)]~~ In Baltimore City, the NEW Board of School Commissioners shall
 14 exercise the authority granted in this section[, except as to noncertificated personnel.

15 (2) The appointment and salary of noncertificated personnel shall be
 16 determined in accordance with the Baltimore City charter].

17 4-104.

18 (a) (1) Except in Baltimore County [and Baltimore City], each county board
 19 may:

20 (i) Retain counsel to represent it in legal matters that affect the
 21 board; and

22 (ii) Contract for the payment of a reasonable fee to the counsel.

23 (2) Funds for these fees shall be included in the annual budget.

24 4-107.

25 (a) [This section does not apply to Baltimore City.

26 (b) Each county board shall hold an annual meeting on or as near as possible to
 27 the second Tuesday in July, except that:

28 (1) In Allegany County, the annual meeting shall be held on the second
 29 Tuesday of January;

30 (2) In Montgomery County, the annual meeting shall be held on or before
 31 January 10;

32 (3) In Prince George's County, the annual meeting shall be held on the first
 33 Monday in December;

34 (4) In St. Mary's County, the annual meeting shall be held following the first
 35 Monday in December; and

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1 (S) In Washington County, the annual meeting shall be held in December.
2 on or before the 16th day.

3 [(c)](B) A county board may hold any other meetings that its duties and business
4 require.

5 [(d)](C) Except as provided in Title 3 of this article, each county board, at its
6 annual meeting, shall elect a president and a vice-president from among its members by
7 means of an individually recorded vote.

8 [(e)](D) (1) All final actions of a county board shall be taken at a public
9 meeting. The minutes of the meeting shall be available to the public.

10 (2) A county board may meet and deliberate in executive session if the
11 matter under consideration is:

- 12 (i) Land and site acquisitions; or
- 13 (ii) Personnel and labor relations.

14 [(f)](E) (1) Except as otherwise provided in this article, a member of a county
15 board may not receive compensation.

16 (2) Each member shall be reimbursed for traveling and other expenses
17 incurred in the performance of his duties.

18 (3) Each member of the county board of the counties specified in this
19 paragraph shall receive the enumerated amounts annually for traveling and other
20 expenses.

21 (i) Calvert County:

- 22 1. Member \$2,000; and
- 23 2. President \$2,200.

24 (ii) Caroline County:

- 25 1. Member \$3,000; and
- 26 2. President \$3,500.

27 (iii) Cecil County:

- 28 1. Member \$1,400; and
- 29 2. Chairman \$1,600.

30 (iv) Charles County:

- 31 1. Member \$600;
- 32 2. Vice-chairman \$600; and
- 33 3. Chairman \$800.

34 (v) Dorchester County:

1. Member.....\$3,000; and

2. Chairman.....\$3,200.

(vi) Frederick County:

1. Member.....\$2,500; and

2. President.....\$2,500.

(vii) Queen Anne's County:

1. Member.....\$1,000; and

2. Chairman.....\$1,200.

(viii) Talbot County:

1. Member.....\$1,200;

2. Chairman.....\$1,500;

3. Travel.....\$300; and

4. Other expenses for each meeting, other than the annual meeting attended on behalf of the County.....\$25.

(4) Each member of the Charles County Board shall receive the following amounts annually as compensation:

(i) Member:

1. \$3,090 for the calendar year 1995; and

2. \$3,185 for the calendar years 1996, 1997, and 1998;

(ii) Vice-chairman:

1. \$3,400 for the calendar year 1995; and

2. \$3,500 for the calendar years 1996, 1997, and 1998; and

(iii) Chairman:

1. \$3,710 for the calendar year 1995; and

2. \$3,820 for calendar years 1996, 1997, and 1998.

(5) Each member of the St. Mary's County Board shall receive the following amounts annually as compensation:

(i) Member.....\$4,000; and

(ii) Chairman.....\$4,300.

(6) Each member of the Wicomico County Board shall receive the following amounts annually as compensation:

3 months before taking final action. These provisions may be waived by mutual agreement.

4-116.

(a) This section does not apply to Baltimore City.

(b) (1) If there is a commission or agency with legal responsibility for county planning for land use, the county board shall:

(i) Consult with the commission or agency; and

(ii) Ask its advice in choosing land for a school site.

(2) The site shall conform as far as practicable to development plans for land use in the county.

(c) (B) (1) If a county board gives preliminary approval of a school site, the county board shall hold a public hearing if:

(i) It considers it desirable;

(ii) 100 or more adult residents of the county petition in writing for a hearing; or

(iii) The county commissioners or county council asks for a hearing.

(2) The hearing shall be held on at least 10 [days] DAYS' notice, published at least once in a newspaper of general circulation in the county, to give all interested persons an opportunity to present their views.

(3) Any petition by residents of the county shall be filed at the office of the county board within 15 days after the board gives preliminary approval of the site.

(4) If a hearing is held, minutes shall be kept and, after deliberation, the county board shall send the minutes of the hearing and its recommendation to the State Superintendent for use in making a decision on his approval of the site.

(5) A request for site approval may not be made to the State Superintendent by a county board until 15 days pass after its action recommending the site or, if a hearing is held, until after the hearing, whichever occurs last.

4-117.

(a) This section does not apply to Baltimore City.

(b) (1) On the recommendation of the county superintendent, a county board may employ architects to assist in preparing plans and specifications for constructing or remodeling a building.

(c) (B) The construction or remodeling of a building shall conform to all applicable State and county building, electrical, fire, and plumbing regulations and codes. A fee may not be charged for any permit required pursuant to these regulations or codes for construction or remodeling, but a fee may be charged for water or sewer permits, or for connection and service charges for water and sewerage.