

By: Delegate Kelly

Requested: September 27, 1995

Introduced and read first time: January 10, 1996

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County - Board of Education - Membership**

3 FOR the purpose of altering the appointment, vacancy, and removal processes for
4 members of the Board of Education of Baltimore County; providing for the effective
5 date of the Act; and generally relating to the membership of the Board of Education
6 of Baltimore County.

7 BY repealing and reenacting, with amendments,
8 Article - Education
9 Section 3-108 and 3-109(a) and (c)
10 Annotated Code of Maryland
11 (1992 Replacement Volume and 1995 Supplement)

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

14 **Article - Education**

15 3-108.

16 (a) Except for Calvert County and [the counties listed in § 3-113] AS PROVIDED
17 IN §§ 3-109 AND 3-113 of this subtitle, the Governor shall appoint the members of each
18 county board from the residents of that county.

19 (b) (1) Each member shall be appointed solely because of his character and
20 fitness and without regard to political affiliation.

21 (2) An individual who is subject to the authority of the county board may
22 not be appointed to or serve on the county board.

23 (3) (i) This paragraph applies only to Frederick County.

24 (ii) An individual who is married to an administrator or teacher of the
25 county board may not be appointed to or serve on the county board.

26 (iii) An individual who is married to a member of the county board may
27 not be hired as an administrator or teacher by the county board unless the individual's
28 spouse first resigns from the county board.

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1 (c) (1) Each member serves for a term of 5 years beginning July 1 after his
2 appointment and until a successor is appointed and qualifies.

3 (2) [The] EXCEPT AS PROVIDED IN § 3-109 OF THIS SUBTITLE, THE
4 Governor shall appoint a new member to fill any vacancy on an appointed board for the
5 remainder of that term and until a successor is appointed and qualifies.

6 (3) Unless otherwise disqualified under this section, a member of a board is
7 eligible for reappointment. However, an individual may not serve for more than 2
8 consecutive terms.

9 (d) (1) [With] EXCEPT AS PROVIDED IN § 3-109 OF THIS SUBTITLE, WITH the
10 approval of the Governor, the State Superintendent may remove any member of a county
11 board appointed under this section for:

12 (i) Immorality;

13 (ii) Misconduct in office;

14 (iii) Incompetency;

15 (iv) Willful neglect of duty; or

16 (v) Failure to attend, without good cause, at least half of the
17 scheduled meetings of the board in any one calendar year.

18 (2) Before removing a member, the State Superintendent shall send the
19 member a copy of the charges against him and give him an opportunity within 10 days to
20 request a hearing.

21 (3) If the member requests a hearing within the 10-day period:

22 (i) The State Superintendent promptly shall hold a hearing, but a
23 hearing may not be set within 10 days after the State Superintendent sends the member a
24 notice of the hearing; and

25 (ii) The member shall have an opportunity to be heard publicly before
26 the State Superintendent in his own defense, in person or by counsel.

27 (4) If a member who is removed so requests, the State Superintendent shall
28 file with the clerk of the circuit court for the county from which the member was
29 appointed:

30 (i) A complete statement of all charges made against the member;

31 (ii) The findings of the State Superintendent; and

32 (iii) A complete record of the proceedings.

33 3-109.

34 (a) The Baltimore County Board consists of 12 members who shall be appointed
35 FROM THE RESIDENTS OF BALTIMORE COUNTY as follows:

36 (1) [Four] TWO BY THE GOVERNOR from the County at large;

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1 (2) TWO BY THE BALTIMORE COUNTY EXECUTIVE FROM THE COUNTY
2 AT LARGE;

3 [[2]] (3) One [from] BY each of the seven [councilmanic districts in]
4 MEMBERS OF THE Baltimore County COUNCIL FROM THE RESIDENTS OF THE
5 COUNCILMANIC DISTRICT THAT THE MEMBER REPRESENTS; and

6 [[3]] (4) One student member BY THE BALTIMORE COUNTY EXECUTIVE
7 from the County at large.

8 (c) (1) A Board member who does not maintain his residential qualification
9 shall be replaced as a member.

10 (2) THE GOVERNOR, THE BALTIMORE COUNTY EXECUTIVE, OR THE
11 MEMBER OF THE BALTIMORE COUNTY COUNCIL WHO APPOINTED A BOARD
12 MEMBER WHOSE SEAT BECOMES VACANT SHALL APPOINT A NEW MEMBER TO FILL
13 THE VACANCY. THE INDIVIDUAL APPOINTED TO FILL A VACANCY SHALL SERVE FOR
14 THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
15 QUALIFIES.

16 (3) THE STATE SUPERINTENDENT MAY REMOVE ANY MEMBER OF THE
17 BOARD IN ACCORDANCE WITH THE STANDARDS AND PROCEDURES AS PROVIDED IN
18 § 3-108(D) OF THIS SUBTITLE, WITH THE APPROVAL OF THE GOVERNOR, THE
19 BALTIMORE COUNTY EXECUTIVE, OR THE MEMBER OF THE BALTIMORE COUNTY
20 COUNCIL WHO APPOINTED THE MEMBER OF THE BOARD.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 1996.