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By: **Senators Kelley, Brochin, Hollinger, Kasemeyer, and Stone**

Introduced and read first time: January 21, 2005

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 22, 2005

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CHAPTER\_\_\_\_\_

1 AN ACT concerning

2 **Baltimore County Board of Education - Appointment of Members - Consent**  
3 **of Senate of Maryland**

4 FOR the purpose of requiring the Governor to appoint the members of the Baltimore  
5 County Board of Education with the advice and consent of the Senate; providing  
6 for the effective date of certain provisions of this Act; providing for the  
7 termination of certain provisions of this Act; and generally relating to the  
8 appointment of the members of the Baltimore County Board of Education with  
9 the consent of the Senate.

10 BY repealing and reenacting, with amendments,  
11 Article - Education  
12 Section 3-108  
13 Annotated Code of Maryland  
14 (2004 Replacement Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article - Education  
17 Section 3-108  
18 Annotated Code of Maryland  
19 (2004 Replacement Volume and 2004 Supplement)  
20 (As enacted by Chapter 289 of the Acts of the General Assembly of 2002)

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

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**Article - Education**

2 3-108.

3 (a) (1) Except AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, for the  
4 Baltimore City Board of School Commissioners established under § 3-108.1 of this  
5 subtitle, FOR the New Prince George's County Board of Education established under §  
6 3-108.2 of this subtitle, and FOR THE counties listed in § 3-114 of this subtitle, the  
7 Governor shall appoint the members of each county board from the residents of that  
8 county.

9 (2) THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE  
10 OF MARYLAND, SHALL APPOINT THE MEMBERS OF THE BALTIMORE COUNTY BOARD  
11 OF EDUCATION.

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

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

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

18 (2) The Governor shall appoint a new member to fill any vacancy on an  
19 appointed board for the remainder of that term and until a successor is appointed and  
20 qualifies.

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

24 (d) (1) With the approval of the Governor, the State Superintendent may  
25 remove any member of a county board appointed under this section for:

26 (i) Immorality;

27 (ii) Misconduct in office;

28 (iii) Incompetency;

29 (iv) Willful neglect of duty; or

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

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

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

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

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

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

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

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

11 (iii) A complete record of the proceedings.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 13 read as follows:

14 **Article - Education**

15 3-108.

16 (a) (1) Except AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, for the  
 17 Baltimore City Board of School Commissioners established under § 3-108.1 of this  
 18 subtitle, and FOR THE counties listed in § 3-114 of this subtitle, the Governor shall  
 19 appoint the members of each county board from the residents of that county.

20 (2) THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE  
 21 OF MARYLAND, SHALL APPOINT THE MEMBERS OF THE BALTIMORE COUNTY BOARD  
 22 OF EDUCATION.

23 (b) (1) Each member shall be appointed solely because of character and  
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- 4 (ii) Misconduct in office;
- 5 (iii) Incompetency;
- 6 (iv) Willful neglect of duty; or
- 7 (v) Failure to attend, without good cause, at least half of the  
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- 16 (ii) The member shall have an opportunity to be heard publicly  
17 before the State Superintendent in his own defense, in person or by counsel.

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

- 21 (i) A complete statement of all charges made against the member;
- 22 (ii) The findings of the State Superintendent; and
- 23 (iii) A complete record of the proceedings.

24 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act  
25 shall take effect on the taking effect of the termination provision specified in Section  
26 3 of Chapter 289 of Acts of the General Assembly of 2002. If that termination  
27 provision takes effect, Section 1 of this Act shall be abrogated and of no further force  
28 and effect. This Act may not be interpreted to have any effect on that termination  
29 provision.

30 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the  
31 provisions of Section 3 of this Act, this Act shall take effect July 1, 2005.

