

SENATE BILL 407

F3, G1

2lr2183
CF 2lr1699

By: **Senators Zirkin and Jennings**

Introduced and read first time: February 1, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Elected School Board**

3 FOR the purpose of establishing a procedure for the election of certain members of the
4 Baltimore County Board of Education; repealing certain provisions governing
5 the appointment of members of the Baltimore County Board of Education;
6 requiring the elected members of the county board to reside in, be a registered
7 voter in, and be elected from certain districts; establishing a certain term of
8 office for the elected members; specifying that a member may not be elected to
9 serve for more than a certain number of consecutive terms; providing for the
10 removal of members under certain circumstances; providing a procedure for
11 filling a vacancy for an elected member on the county board; providing for the
12 election of the chair and vice chair of the county board; providing for the
13 compensation of the members of the county board; providing for a School Board
14 Redistricting Commission for Baltimore County; specifying the membership,
15 appointment process, powers and duties, staffing, and termination of the
16 Commission; providing for the termination of the terms of the appointed
17 members of the county board; making certain conforming nomenclature
18 changes; and generally relating to the election of members for the Baltimore
19 County Board of Education.

20 BY repealing and reenacting, with amendments,
21 Article – Education
22 Section 3–109 and 3–114
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2011 Supplement)

25 BY adding to
26 Article – Education
27 Section 3–2A–01 through 3–2A–09 to be under the new subtitle “Subtitle 2A.
28 Baltimore County”
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2008 Replacement Volume and 2011 Supplement)

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

4 **Article – Education**

5 3–114.

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

8 (1) Allegany;

9 **(2) BALTIMORE;**

10 **[(2)] (3)** Calvert;

11 **[(3)] (4)** Carroll;

12 **[(4)] (5)** Cecil;

13 **[(5)] (6)** Charles;

14 **[(6)] (7)** Dorchester;

15 **[(7)] (8)** Frederick;

16 **[(8)] (9)** Garrett;

17 **[(9)] (10)** Howard;

18 **[(10)] (11)** Kent;

19 **[(11)] (12)** Prince George's;

20 **[(12)] (13)** Montgomery;

21 **[(13)] (14)** Queen Anne's;

22 **[(14)] (15)** St. Mary's;

23 **[(15)] (16)** Somerset;

24 **[(16)] (17)** Talbot;

1 [(17)] **(18)** Washington; and

2 [(18)] **(19)** Worcester.

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

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

9 (d) An individual subject to the authority of the county board may not serve
10 as a member of the county board. At the time of filing a certificate of candidacy for
11 election to a county board, a person shall certify to the local board of supervisors of
12 elections whether or not he is subject to the authority of the county board. The
13 Governor shall not issue a commission of election to a person who has certified
14 affirmatively and who is elected to a county board until the member–elect offers proof
15 that he is no longer subject to the authority of the county board.

16 (e) The election of the county boards shall be held as provided in Subtitles 2
17 through 14 of this title and the Election Law Article.

18 **SUBTITLE 2A. BALTIMORE COUNTY.**

19 **3–2A–01.**

20 **(A) THE BALTIMORE COUNTY BOARD CONSISTS OF:**

21 **(1) NINE NONPARTISAN MEMBERS ELECTED AS PROVIDED IN**
22 **SUBSECTION (B) OF THIS SECTION; AND**

23 **(2) ONE STUDENT MEMBER FROM THE COUNTY AT LARGE.**

24 **(B) (1) THE NINE ELECTED MEMBERS SHALL BE ELECTED AT THE**
25 **GENERAL ELECTION.**

26 **(2) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE NINE**
27 **SCHOOL BOARD DISTRICTS IN THE COUNTY BY THE VOTERS OF THAT DISTRICT.**

28 **(3) (I) A MEMBER FROM A SCHOOL BOARD DISTRICT SHALL BE**
29 **A RESIDENT OF THAT DISTRICT AND A REGISTERED VOTER OF THE COUNTY**
30 **BEFORE THE ELECTION.**

1 **(II) A MEMBER FROM A DISTRICT WHO DOES NOT MAINTAIN**
2 **RESIDENCY IN THAT DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE**
3 **COUNTY BOARD AND THE OFFICE SHALL BE DEEMED VACANT.**

4 **(III) IF THE BOUNDARY LINE OF A DISTRICT IS CHANGED,**
5 **THE TERM OF AN INCUMBENT MEMBER OF THE COUNTY BOARD WHO NO**
6 **LONGER RESIDES IN THE DISTRICT BECAUSE OF THE CHANGE IS NOT AFFECTED**
7 **DURING THIS TERM.**

8 **(4) (I) A MEMBER MAY NOT BE ELECTED TO SERVE ON THE**
9 **COUNTY BOARD FOR MORE THAN THREE CONSECUTIVE TERMS.**

10 **(II) A MEMBER WHO HAS SERVED THREE CONSECUTIVE**
11 **4-YEAR TERMS MAY NOT BE ELECTED OR APPOINTED TO THE COUNTY BOARD**
12 **UNTIL AT LEAST 4 YEARS HAVE ELAPSED SINCE THE END OF THE MEMBER'S**
13 **LAST TERM ON THE COUNTY BOARD.**

14 **3-2A-02.**

15 **(A) AT THE GENERAL ELECTION FOR THE COUNTY BOARD, THE BALLOT**
16 **SHALL PROVIDE THE VOTERS OF THAT SCHOOL BOARD DISTRICT WITH THE**
17 **CHOICE TO CAST A VOTE "FOR" A CANDIDATE FOR ELECTION FROM THAT**
18 **DISTRICT ONLY.**

19 **(B) AFTER THE ELECTION RESULTS ARE CERTIFIED, THE STATE BOARD**
20 **SHALL DECLARE FOR EACH DISTRICT WHETHER A CANDIDATE HAS BEEN**
21 **ELECTED.**

22 **(C) IN ANY ELECTION, IF NO CANDIDATE FILES A CERTIFICATE OF**
23 **CANDIDACY FOR THE OFFICE OR IF NO INDIVIDUAL OTHERWISE QUALIFIES TO**
24 **HAVE THE INDIVIDUAL'S NAME PLACED ON THE BALLOT, THE COUNTY**
25 **EXECUTIVE SHALL APPOINT A MEMBER TO FILL THAT VACANCY WITH THE**
26 **ADVICE AND CONSENT OF THE COUNTY COUNCIL.**

27 **3-2A-03.**

28 **(A) EACH ELECTED MEMBER SERVES FOR A TERM OF 4 YEARS**
29 **BEGINNING ON THE FIRST MONDAY IN DECEMBER AFTER THE MEMBER'S**
30 **ELECTION AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.**

31 **(B) (1) (I) AN INDIVIDUAL NOMINATED BY THE COUNTY**
32 **EXECUTIVE AND AFFIRMED BY THE COUNTY COUNCIL TO FILL A VACANCY FOR**
33 **AN ELECTED MEMBER SERVES FOR THE REMAINDER OF THE TERM FOR WHICH**

1 THE APPOINTMENT WAS MADE AND UNTIL A SUCCESSOR IS ELECTED AND
2 QUALIFIES.

3 (II) A NOMINEE MAY NOT TAKE OFFICE UNTIL THE COUNTY
4 COUNCIL HAS CONFIRMED THE NOMINATION.

5 (2) (I) THE COUNTY EXECUTIVE SHALL ACT PROMPTLY TO
6 FILL ANY APPOINTMENT TO THE COUNTY BOARD THAT THE COUNTY EXECUTIVE
7 IS AUTHORIZED TO MAKE.

8 (II) TO THE EXTENT PRACTICABLE, THE COUNTY
9 EXECUTIVE SHALL NOMINATE AND THE COUNTY COUNCIL SHALL ACT ON A
10 NOMINATION TO FILL ANY VACANCY THAT THE COUNTY EXECUTIVE IS
11 AUTHORIZED TO MAKE WITHIN 60 DAYS AFTER THE DATE OF THE VACANCY.

12 3-2A-04.

13 (A) THE STUDENT MEMBER SHALL:

14 (1) BE AN 11TH OR 12TH GRADE STUDENT IN THE BALTIMORE
15 COUNTY PUBLIC SCHOOL SYSTEM;

16 (2) SERVE FOR 1 YEAR; AND

17 (3) ADVISE THE COUNTY BOARD ON THE THOUGHTS AND
18 FEELINGS OF STUDENTS.

19 (B) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A
20 MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBER MAY NOT ATTEND AN
21 EXECUTIVE SESSION THAT RELATES TO:

22 (1) HEARINGS ON APPEALS OF SPECIAL EDUCATION
23 PLACEMENTS;

24 (2) HEARINGS HELD UNDER § 6-202(A) OF THIS ARTICLE; OR

25 (3) COLLECTIVE BARGAINING.

26 (C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE STUDENT
27 MEMBER MAY VOTE ON ALL MATTERS EXCEPT THOSE RELATING TO:

28 (1) § 6-202(A) OF THIS ARTICLE;

- 1 **(2) COLLECTIVE BARGAINING;**
2 **(3) CAPITAL AND OPERATING BUDGETS; AND**
3 **(4) SCHOOL CLOSINGS, REOPENINGS, AND BOUNDARIES.**

4 **(D) ON A MAJORITY VOTE OF THE NONSTUDENT MEMBERS, THE**
5 **COUNTY BOARD MAY DETERMINE, ON A CASE-BY-CASE BASIS, WHETHER A**
6 **MATTER UNDER CONSIDERATION IS COVERED BY THE EXCLUSIONARY**
7 **PROVISIONS LISTED IN SUBSECTION (C) OF THIS SECTION.**

8 **3-2A-05.**

9 **(A) (1) EACH ELECTED MEMBER OF THE COUNTY BOARD IS ENTITLED**
10 **TO RECEIVE \$3,000 ANNUALLY AS COMPENSATION.**

11 **(2) A STUDENT MEMBER WHO COMPLETES A FULL TERM ON THE**
12 **COUNTY BOARD SHALL BE GRANTED A SCHOLARSHIP OF \$3,000 TO BE APPLIED**
13 **TOWARD THE STUDENT'S HIGHER EDUCATION COSTS.**

14 **(B) AFTER SUBMITTING VOUCHERS UNDER THE REGULATIONS**
15 **ADOPTED BY THE COUNTY BOARD, A MEMBER IS ENTITLED TO THE**
16 **ALLOWANCES FOR TRAVEL AND OTHER EXPENSES PROVIDED FOR IN THE**
17 **BALTIMORE COUNTY BUDGET.**

18 **3-2A-06.**

19 **A MEMBER OF THE COUNTY BOARD MAY NOT:**

20 **(1) BE A CANDIDATE FOR OR HOLD ELECTED OR APPOINTED**
21 **OFFICE FOR:**

22 **(I) A POLITICAL PARTY; OR**

23 **(II) THE LOCAL, STATE, OR FEDERAL GOVERNMENT; OR**

24 **(2) BE A CURRENT EMPLOYEE OF THE BALTIMORE COUNTY**
25 **SCHOOL SYSTEM.**

26 **3-2A-07.**

27 **(A) THE STATE BOARD MAY REMOVE AN ELECTED MEMBER OF THE**
28 **COUNTY BOARD OR A MEMBER APPOINTED BY THE COUNTY EXECUTIVE AND**

1 CONFIRMED BY THE COUNTY COUNCIL TO FILL A VACANCY IN OFFICE FOR AN
2 ELECTED MEMBER FOR ANY OF THE FOLLOWING REASONS:

3 (1) IMMORALITY;

4 (2) MISCONDUCT IN OFFICE;

5 (3) INCOMPETENCY;

6 (4) WILLFUL NEGLECT OF DUTY; OR

7 (5) FAILURE TO ATTEND, WITHOUT GOOD CAUSE, AT LEAST 75%
8 OF THE SCHEDULED MEETINGS OF THE COUNTY BOARD IN ANY 1 CALENDAR
9 YEAR.

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

13 (C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY
14 PERIOD:

15 (1) THE STATE BOARD PROMPTLY SHALL HOLD A HEARING, BUT
16 A HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS
17 THE MEMBER A NOTICE OF THE HEARING; AND

18 (2) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD
19 PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE IN
20 PERSON OR BY COUNSEL.

21 (D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE
22 NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR BALTIMORE
23 COUNTY.

24 3-2A-08.

25 AT THE FIRST MEETING OF THE COUNTY BOARD IN DECEMBER OF EACH
26 YEAR, THE COUNTY BOARD SHALL ELECT A CHAIR AND VICE CHAIR FROM
27 AMONG THE MEMBERS.

28 3-2A-09.

1 **(A) THERE IS A SCHOOL BOARD REDISTRICTING COMMISSION FOR**
2 **BALTIMORE COUNTY.**

3 **(B) FOLLOWING EACH DECENNIAL CENSUS, THE COUNTY EXECUTIVE,**
4 **ON NOTICE TO THE COUNTY COUNCIL AND THE RESPECTIVE CHAIRS OF THE**
5 **BALTIMORE COUNTY SENATE AND HOUSE DELEGATIONS TO THE GENERAL**
6 **ASSEMBLY, SHALL CALL FOR THE SCHOOL BOARD REDISTRICTING**
7 **COMMISSION TO BE CONVENED.**

8 **(C) (1) THE SCHOOL BOARD REDISTRICTING COMMISSION CONSISTS**
9 **OF THE FOLLOWING INDIVIDUALS:**

10 **(I) THREE MEMBERS OF WHOM AT LEAST ONE SHALL BE A**
11 **MEMBER OF THE MINORITY PARTY OF THE DELEGATION, APPOINTED BY THE**
12 **CHAIR OF THE SENATE DELEGATION;**

13 **(II) THREE MEMBERS OF WHOM AT LEAST ONE SHALL BE A**
14 **MEMBER OF THE MINORITY PARTY OF THE DELEGATION, APPOINTED BY THE**
15 **CHAIR OF THE HOUSE DELEGATION; AND**

16 **(III) ONE MEMBER APPOINTED BY THE COUNTY EXECUTIVE.**

17 **(2) NO INDIVIDUAL WHO HOLDS AN ELECTED OFFICE IN THE**
18 **LOCAL, STATE, OR FEDERAL GOVERNMENT MAY BE APPOINTED TO THE SCHOOL**
19 **BOARD REDISTRICTING COMMISSION.**

20 **(D) THE SCHOOL BOARD REDISTRICTING COMMISSION SHALL ELECT A**
21 **CHAIR FROM AMONG ITS MEMBERS.**

22 **(E) THE COUNTY EXECUTIVE AND THE COUNTY COUNCIL SHALL**
23 **PROVIDE STAFF SUPPORT FOR THE SCHOOL BOARD REDISTRICTING**
24 **COMMISSION.**

25 **(F) (1) THE SCHOOL BOARD REDISTRICTING COMMISSION SHALL**
26 **RECOMMEND THE ESTABLISHMENT OF NINE SCHOOL BOARD DISTRICTS FROM**
27 **WHICH THE ELECTED MEMBERS OF THE COUNTY BOARD SHALL BE ELECTED.**

28 **(2) THE SCHOOL BOARD REDISTRICTING COMMISSION SHALL**
29 **ENDEAVOR TO ESTABLISH SCHOOL BOARD DISTRICTS THAT, TO THE EXTENT**
30 **PRACTICABLE:**

31 **(I) ARE OF SUBSTANTIALLY EQUAL POPULATION SO THAT**
32 **THE POPULATION OF A DISTRICT IS NOT GREATER THAN OR LESS THAN THE**

1 IDEAL DISTRICT SIZE BY AN AMOUNT THAT IS MORE THAN 3% OF THE IDEAL
2 DISTRICT SIZE;

3 (II) ARE COMPACT;

4 (III) ARE CONTIGUOUS;

5 (IV) ENHANCE THE OPPORTUNITY FOR MINORITY
6 REPRESENTATION; AND

7 (V) KEEP COMMUNITIES OF INTEREST TOGETHER.

8 (G) AFTER ITS ESTABLISHMENT FOLLOWING EACH DECENNIAL CENSUS,
9 THE SCHOOL BOARD REDISTRICTING COMMISSION SHALL COMPLETE ITS TASK
10 AS SOON AS PRACTICABLE AND ON COMPLETION SHALL REPORT ITS FINDINGS
11 AND RECOMMENDATIONS TO THE PUBLIC.

12 (H) THIRTY DAYS AFTER ENACTMENT OF LEGISLATION TO ESTABLISH
13 THE SCHOOL BOARD DISTRICTS BY THE COUNTY COUNCIL AND COUNTY
14 EXECUTIVE OR A FINAL ORDER ESTABLISHING THE SCHOOL BOARD DISTRICTS
15 BY A JUDICIAL AUTHORITY, THE SCHOOL BOARD REDISTRICTING COMMISSION
16 FOR THAT CENSUS SHALL TERMINATE.

17 [3-109.] 3-2A-10.

18 [(a) The Baltimore County Board consists of 12 members who shall be
19 appointed as follows:

20 (1) Four from the county at large;

21 (2) One from each of the seven councilmanic districts in Baltimore
22 County; and

23 (3) One student member from the county at large.

24 (b) (1) The student member shall:

25 (i) Be an eleventh or twelfth grade student in the Baltimore
26 County public school system;

27 (ii) Serve for 1 year; and

28 (iii) Advise the board on the thoughts and feelings of students.

1 (2) Unless invited to attend by an affirmative vote of a majority of the
2 county board, the student member may not attend an executive session that relates to:

3 (i) Hearings on appeals of special education placements;

4 (ii) Hearings held under § 6–202(a) of this article; or

5 (iii) Collective bargaining.

6 (3) As provided in paragraph (4) of this subsection, the student
7 member may vote on all matters except those relating to:

8 (i) § 6–202(a) of this article;

9 (ii) Collective bargaining;

10 (iii) Capital and operating budgets; and

11 (iv) School closings, reopenings, and boundaries.

12 (4) On a majority vote of the nonstudent members, the board may
13 determine, on a case–by–case basis, whether a matter under consideration is covered
14 by the exclusionary provisions listed in paragraph (3) of this subsection.

15 (c) A board member who does not maintain his residential qualification shall
16 be replaced as a member.

17 (d) If the boundary line of a councilmanic district is changed, the term of an
18 incumbent member of the county board who no longer resides in the councilmanic
19 district because of the change is not affected during this term.]

20 **[(e)] (A)** There is a School Shared Space Council in Baltimore County
21 consisting of 12 employees of the county appointed by the County Executive for a term
22 coterminous with that of the COUNTY board as follows:

23 (1) Two from the staff of the county board [of education];

24 (2) Two from the County Executive’s administrative staff, one of whom
25 shall be the Director of Central Services;

26 (3) One from the Department of Social Services;

27 (4) One from the Department of Recreation and Parks;

28 (5) One from the Department of Aging;

29 (6) One from the Health Department;

1 (7) One from the county community colleges, subject to the following
2 conditions:

3 (i) Representation shall be determined on a rotating basis by
4 alphabetical order by community college name; and

5 (ii) Each such member shall serve for 1 year;

6 (8) One from the Department of Juvenile Services;

7 (9) One from the county public libraries; and

8 (10) One from the Department of Planning.

9 **[(f)] (B)** A county employee Council member who does not maintain his
10 employment in the county shall be replaced.

11 **[(g)] (C)** In addition to the county employee members, there shall be eight
12 county citizens selected as members of the Council as follows and with the following
13 duties:

14 (1) The county citizen members shall be selected by the County
15 Executive. One member shall be selected from each legislative district of Baltimore
16 County with the approval of the State Senator from that district. Each legislative
17 district representative shall reside in that district;

18 (2) The initial members selected to represent legislative districts 5, 7,
19 9, and 11 shall each serve for a 2–year term beginning June 1, 1979, and ending May
20 31, 1981. Thereafter all members shall be selected to serve 2–year terms. The initial
21 members selected to represent legislative districts 8, 10, 12, and 13 shall each serve
22 for a 1–year term beginning June 1, 1979, and ending May 31, 1980, and thereafter all
23 members shall be selected for 2–year terms;

24 (3) A citizen member shall be entitled to attend and vote at a Council
25 session where an issue before the Council concerns the school or schools in the citizen
26 member’s respective district; and

27 (4) When the Council meets to consider countywide issues, all selected
28 citizen members shall be entitled to attend such sessions and vote.

29 **[(h)] (D)** The Council shall:

30 (1) Meet as needed to compile the number of spaces in the public
31 schools of the county that are not filled and to evaluate the feasibility of the utilization
32 of the spaces by the community and county departments; and

1 (2) Report its findings and recommendations to the county board [of
2 education] and the County Executive at least twice during the school year.

3 **[(i)] (E)** The County Executive may, by executive order, appoint up to two
4 additional members to the Council from agencies of the county government.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the
6 appointed members of the Baltimore County Board of Education shall expire on
7 November 30, 2014.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2012.