

# SENATE BILL 407

F3, G1

2lr2183  
CF HB 481

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By: **Senators Zirkin and Jennings**

Introduced and read first time: February 1, 2012

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 30, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Baltimore County – ~~Elected School~~ Board of Education – Selection of**  
3 **Members**

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

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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.



1 BY repealing and reenacting, with amendments,  
 2 Article – Education  
 3 Section 3–109 and 3–114  
 4 Annotated Code of Maryland  
 5 (2008 Replacement Volume and 2011 Supplement)

6 BY adding to  
 7 Article – Education  
 8 Section 3–2A–01 through 3–2A–09 to be under the new subtitle “Subtitle 2A.  
 9 Baltimore County”  
 10 Annotated Code of Maryland  
 11 (2008 Replacement Volume and 2011 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 3–114.

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

18 (1) Allegany;

19 ~~(2) BALTIMORE;~~

20 ~~{(2)} (3)~~ Calvert;

21 ~~{(3)} (4)~~ Carroll;

22 ~~{(4)} (5)~~ Cecil;

23 ~~{(5)} (6)~~ Charles;

24 ~~{(6)} (7)~~ Dorchester;

25 ~~{(7)} (8)~~ Frederick;

26 ~~{(8)} (9)~~ Garrett;

27 ~~{(9)} (10)~~ Howard;

28 ~~{(10)} (11)~~ Kent;

1           ~~[(11)]~~ ~~(12)~~ Prince George's;

2           ~~[(12)]~~ ~~(13)~~ Montgomery;

3           ~~[(13)]~~ ~~(14)~~ Queen Anne's;

4           ~~[(14)]~~ ~~(15)~~ St. Mary's;

5           ~~[(15)]~~ ~~(16)~~ Somerset;

6           ~~[(16)]~~ ~~(17)~~ Talbot;

7           ~~[(17)]~~ ~~(18)~~ Washington; and

8           ~~[(18)]~~ ~~(19)~~ Worcester.

9           **(B) IN BALTIMORE COUNTY, IN ACCORDANCE WITH SUBTITLE 2A OF**  
10 **THIS TITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A COMBINATION**  
11 **OF MEMBERS WHO ARE ELECTED AND APPOINTED.**

12           ~~(C)~~ **(C)** In Caroline County, in accordance with Subtitle 3A of this title, the  
13 members of the county board shall be a combination of members who are elected and  
14 appointed.

15           ~~(D)~~ **(D)** In Harford County, in accordance with Subtitle 6A of this title, the  
16 members of the county board shall be a combination of members who are elected and  
17 appointed.

18           ~~(E)~~ **(E)** An individual subject to the authority of the county board may not  
19 serve as a member of the county board. At the time of filing a certificate of candidacy  
20 for election to a county board, a person shall certify to the local board of supervisors of  
21 elections whether or not he is subject to the authority of the county board. The  
22 Governor shall not issue a commission of election to a person who has certified  
23 affirmatively and who is elected to a county board until the member-elect offers proof  
24 that he is no longer subject to the authority of the county board.

25           ~~(F)~~ **(F)** The election of the county boards shall be held as provided in  
26 Subtitles 2 through 14 of this title and the Election Law Article.

27                                   **SUBTITLE 2A. BALTIMORE COUNTY.**

28           **3-2A-01.**

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

1           (1) ~~NINE SIX~~ NONPARTISAN ELECTED MEMBERS ~~ELECTED AS~~  
2 ~~PROVIDED IN SUBSECTION (B) OF THIS SECTION; AND;~~

3           (2) FIVE APPOINTED MEMBERS; AND

4           ~~(2)~~ (3) ONE STUDENT MEMBER FROM THE COUNTY AT LARGE.

5           (B) (1) ~~THE NINE~~ OF THE ELEVEN ELECTED AND APPOINTED  
6 ~~MEMBERS SHALL BE ELECTED AT THE GENERAL ELECTION.~~

7           ~~(2)~~ OF THE COUNTY BOARD:

8           (I) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE  
9 ~~NINE SIX~~ SCHOOL BOARD DISTRICTS IN THE COUNTY, ESTABLISHED BY THE  
10 COUNTY COUNCIL OF BALTIMORE COUNTY IN ACCORDANCE WITH SUBSECTION  
11 (C) OF THIS SECTION, BY THE VOTERS OF THAT DISTRICT; AND

12           (II) FIVE MEMBERS SHALL BE APPOINTED BY THE  
13 GOVERNOR.

14           (2) (I) THE SIX ELECTED MEMBERS SHALL BE ELECTED AT A  
15 GENERAL ELECTION IN ACCORDANCE WITH § 3-2A-02 OF THIS SUBTITLE.

16           (II) THE FIVE APPOINTED MEMBERS SHALL BE APPOINTED,  
17 WHEN APPROPRIATE, WITHIN 90 DAYS AFTER THE GENERAL ELECTION.

18           (3) (I) A MEMBER FROM A SCHOOL BOARD DISTRICT SHALL BE  
19 A RESIDENT OF THAT DISTRICT AND A REGISTERED VOTER OF THE COUNTY  
20 BEFORE THE ELECTION.

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

24           (III) IF THE BOUNDARY LINE OF A DISTRICT IS CHANGED,  
25 THE TERM OF AN INCUMBENT MEMBER OF THE COUNTY BOARD WHO NO  
26 LONGER RESIDES IN THE DISTRICT BECAUSE OF THE CHANGE IS NOT AFFECTED  
27 DURING THIS TERM.

28           (4) (I) A MEMBER MAY NOT BE ELECTED OR APPOINTED TO  
29 SERVE ON THE COUNTY BOARD FOR MORE THAN THREE CONSECUTIVE TERMS.

30           (II) A MEMBER WHO HAS SERVED THREE CONSECUTIVE  
31 4-YEAR TERMS MAY NOT BE ELECTED OR APPOINTED TO THE COUNTY BOARD

1 UNTIL AT LEAST 4 YEARS HAVE ELAPSED SINCE THE END OF THE MEMBER'S  
2 LAST TERM ON THE COUNTY BOARD.

3 (C) (1) (I) FOLLOWING EACH DECENNIAL CENSUS OF THE UNITED  
4 STATES, THE COUNTY COUNCIL OF BALTIMORE COUNTY IN CONSULTATION  
5 WITH THE COUNTY BOARD, AND AFTER REASONABLE OPPORTUNITY FOR PUBLIC  
6 REVIEW AND COMMENT, SHALL ESTABLISH THE SCHOOL BOARD DISTRICTS IN  
7 THE COUNTY.

8 (II) ON RECEIPT OF THE DECENNIAL CENSUS DATA, THE  
9 COUNTY COUNCIL SHALL:

10 1. COMMENCE CONSULTATIONS WITH THE COUNTY  
11 BOARD ON THE ESTABLISHMENT OF THE NEW SCHOOL BOARD DISTRICTS  
12 WITHIN 30 DAYS AFTER RECEIPT OF THE CENSUS DATA; AND

13 2. ADOPT AND MAKE PUBLIC ITS FINAL SCHOOL  
14 BOARD DISTRICT PLAN NO LATER THAN 30 DAYS BEFORE THE FILING DEADLINE  
15 FOR CANDIDATES FOR ELECTION TO THE COUNTY BOARD.

16 (2) EACH SCHOOL BOARD DISTRICT SHALL BE SUBSTANTIALLY  
17 EQUAL IN POPULATION.

18 (3) REAPPORTIONED SCHOOL BOARD DISTRICTS SHALL BECOME  
19 EFFECTIVE FOR THE TERM OF OFFICE THAT BEGINS AFTER THE FIRST REGULAR  
20 PRIMARY ELECTION THAT IS HELD AT LEAST 15 MONTHS AFTER THE OFFICIAL  
21 REPORT ON POPULATION IS RECEIVED BY THE STATE FROM THE BUREAU OF  
22 THE CENSUS.

23 **3-2A-02.**

24 (A) AT THE GENERAL ELECTION FOR THE ELECTED MEMBERS OF THE  
25 COUNTY BOARD, THE BALLOT SHALL PROVIDE THE VOTERS OF THAT SCHOOL  
26 BOARD DISTRICT WITH THE CHOICE TO CAST A VOTE "FOR" A CANDIDATE FOR  
27 ELECTION FROM THAT DISTRICT ONLY.

28 (B) AFTER THE ELECTION RESULTS ARE CERTIFIED, THE STATE BOARD  
29 SHALL DECLARE FOR EACH DISTRICT WHETHER A CANDIDATE HAS BEEN  
30 ELECTED.

31 (C) IN ANY ELECTION, IF NO CANDIDATE FILES A CERTIFICATE OF  
32 CANDIDACY FOR THE OFFICE OR IF NO INDIVIDUAL OTHERWISE QUALIFIES TO  
33 HAVE THE INDIVIDUAL'S NAME PLACED ON THE BALLOT, THE COUNTY

1 EXECUTIVE SHALL APPOINT A MEMBER TO FILL THAT VACANCY WITH THE  
2 ADVICE AND CONSENT OF THE COUNTY COUNCIL.

3 3-2A-03.

4 (A) ~~EACH ELECTED~~ EXCEPT FOR THE STUDENT MEMBER, A MEMBER  
5 SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE FIRST MONDAY IN  
6 DECEMBER AFTER THE MEMBER'S ELECTION OR APPOINTMENT AND UNTIL A  
7 SUCCESSOR IS ELECTED OR APPOINTED AND QUALIFIES.

8 (B) (1) (I) AN INDIVIDUAL NOMINATED BY THE COUNTY  
9 EXECUTIVE AND AFFIRMED BY THE COUNTY COUNCIL TO FILL A VACANCY FOR  
10 AN ELECTED OR APPOINTED MEMBER SERVES FOR THE REMAINDER OF THE  
11 TERM FOR WHICH THE APPOINTMENT WAS MADE AND UNTIL A SUCCESSOR IS  
12 ELECTED OR APPOINTED AND QUALIFIES.

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

15 (2) (I) THE COUNTY EXECUTIVE SHALL ACT PROMPTLY TO  
16 FILL ANY APPOINTMENT TO THE COUNTY BOARD THAT THE COUNTY EXECUTIVE  
17 IS AUTHORIZED TO MAKE.

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

22 3-2A-04.

23 (A) THE STUDENT MEMBER SHALL:

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

26 (2) SERVE FOR 1 YEAR; AND

27 (3) ADVISE THE COUNTY BOARD ON THE THOUGHTS AND  
28 FEELINGS OF STUDENTS.

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

1           (1) HEARINGS ON APPEALS OF SPECIAL EDUCATION  
2 PLACEMENTS;

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

4           (3) COLLECTIVE BARGAINING.

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

7           (1) § 6-202(A) OF THIS ARTICLE;

8           (2) COLLECTIVE BARGAINING;

9           (3) CAPITAL AND OPERATING BUDGETS; AND

10          (4) SCHOOL CLOSINGS, REOPENINGS, AND BOUNDARIES.

11          (D) ON A MAJORITY VOTE OF THE NONSTUDENT MEMBERS, THE  
12 COUNTY BOARD MAY DETERMINE, ON A CASE-BY-CASE BASIS, WHETHER A  
13 MATTER UNDER CONSIDERATION IS COVERED BY THE EXCLUSIONARY  
14 PROVISIONS LISTED IN SUBSECTION (C) OF THIS SECTION.

15   **3-2A-05.**

16          (A) (1) EACH ~~ELECTED~~ NONSTUDENT MEMBER OF THE COUNTY  
17 BOARD IS ENTITLED TO RECEIVE ~~\$3,000~~ \$100 ANNUALLY AS COMPENSATION.

18          (2) A STUDENT MEMBER WHO COMPLETES A FULL TERM ON THE  
19 COUNTY BOARD SHALL BE GRANTED A SCHOLARSHIP OF ~~\$3,000~~ \$100 TO BE  
20 APPLIED TOWARD THE STUDENT'S HIGHER EDUCATION COSTS.

21          (B) AFTER SUBMITTING VOUCHERS UNDER THE REGULATIONS  
22 ADOPTED BY THE COUNTY BOARD, A MEMBER IS ENTITLED TO THE  
23 ALLOWANCES FOR TRAVEL AND OTHER EXPENSES PROVIDED FOR IN THE  
24 BALTIMORE COUNTY BUDGET.

25   **3-2A-06.**

26          A NONSTUDENT MEMBER OF THE COUNTY BOARD MAY NOT:

27          (1) BE A CANDIDATE FOR OR HOLD ELECTED OR APPOINTED  
28 OFFICE FOR:

29               (I) A POLITICAL PARTY; OR

1 (II) THE LOCAL, STATE, OR FEDERAL GOVERNMENT; OR

2 (2) BE A CURRENT EMPLOYEE OF THE BALTIMORE COUNTY  
3 SCHOOL SYSTEM.

4 3-2A-07.

5 (A) THE STATE BOARD MAY REMOVE AN ELECTED OR APPOINTED  
6 MEMBER OF THE COUNTY BOARD OR A MEMBER APPOINTED BY THE COUNTY  
7 EXECUTIVE AND CONFIRMED BY THE COUNTY COUNCIL TO FILL A VACANCY IN  
8 OFFICE FOR AN ELECTED OR APPOINTED MEMBER FOR ANY OF THE FOLLOWING  
9 REASONS:

10 (1) IMMORALITY;

11 (2) MISCONDUCT IN OFFICE;

12 (3) INCOMPETENCY;

13 (4) WILLFUL NEGLECT OF DUTY; OR

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

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

20 (C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY  
21 PERIOD:

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

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

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



1 ~~3-2A-08.~~

2 AT THE FIRST MEETING OF THE COUNTY BOARD IN DECEMBER OF EACH  
3 YEAR, THE COUNTY BOARD SHALL ELECT A CHAIR AND VICE CHAIR FROM  
4 AMONG THE MEMBERS.

5 ~~3-2A-09.~~

6 ~~(A) THERE IS A SCHOOL BOARD REDISTRICTING COMMISSION FOR~~  
7 ~~BALTIMORE COUNTY.~~

8 ~~(B) FOLLOWING EACH DECENNIAL CENSUS, THE COUNTY EXECUTIVE,~~  
9 ~~ON NOTICE TO THE COUNTY COUNCIL AND THE RESPECTIVE CHAIRS OF THE~~  
10 ~~BALTIMORE COUNTY SENATE AND HOUSE DELEGATIONS TO THE GENERAL~~  
11 ~~ASSEMBLY, SHALL CALL FOR THE SCHOOL BOARD REDISTRICTING~~  
12 ~~COMMISSION TO BE CONVENED.~~

13 ~~(C) (1) THE SCHOOL BOARD REDISTRICTING COMMISSION CONSISTS~~  
14 ~~OF THE FOLLOWING INDIVIDUALS:~~

15 ~~(I) THREE MEMBERS OF WHOM AT LEAST ONE SHALL BE A~~  
16 ~~MEMBER OF THE MINORITY PARTY OF THE DELEGATION, APPOINTED BY THE~~  
17 ~~CHAIR OF THE SENATE DELEGATION;~~

18 ~~(II) THREE MEMBERS OF WHOM AT LEAST ONE SHALL BE A~~  
19 ~~MEMBER OF THE MINORITY PARTY OF THE DELEGATION, APPOINTED BY THE~~  
20 ~~CHAIR OF THE HOUSE DELEGATION; AND~~

21 ~~(III) ONE MEMBER APPOINTED BY THE COUNTY EXECUTIVE.~~

22 ~~(2) NO INDIVIDUAL WHO HOLDS AN ELECTED OFFICE IN THE~~  
23 ~~LOCAL, STATE, OR FEDERAL GOVERNMENT MAY BE APPOINTED TO THE SCHOOL~~  
24 ~~BOARD REDISTRICTING COMMISSION.~~

25 ~~(D) THE SCHOOL BOARD REDISTRICTING COMMISSION SHALL ELECT A~~  
26 ~~CHAIR FROM AMONG ITS MEMBERS.~~

27 ~~(E) THE COUNTY EXECUTIVE AND THE COUNTY COUNCIL SHALL~~  
28 ~~PROVIDE STAFF SUPPORT FOR THE SCHOOL BOARD REDISTRICTING~~  
29 ~~COMMISSION.~~

1           ~~(F) (1) THE SCHOOL BOARD REDISTRICTING COMMISSION SHALL~~  
 2 ~~RECOMMEND THE ESTABLISHMENT OF NINE SCHOOL BOARD DISTRICTS FROM~~  
 3 ~~WHICH THE ELECTED MEMBERS OF THE COUNTY BOARD SHALL BE ELECTED.~~

4           ~~(2) THE SCHOOL BOARD REDISTRICTING COMMISSION SHALL~~  
 5 ~~ENDEAVOR TO ESTABLISH SCHOOL BOARD DISTRICTS THAT, TO THE EXTENT~~  
 6 ~~PRACTICABLE:~~

7                   ~~(I) ARE OF SUBSTANTIALLY EQUAL POPULATION SO THAT~~  
 8 ~~THE POPULATION OF A DISTRICT IS NOT GREATER THAN OR LESS THAN THE~~  
 9 ~~IDEAL DISTRICT SIZE BY AN AMOUNT THAT IS MORE THAN 3% OF THE IDEAL~~  
 10 ~~DISTRICT SIZE;~~

11                   ~~(II) ARE COMPACT;~~

12                   ~~(III) ARE CONTIGUOUS;~~

13                   ~~(IV) ENHANCE THE OPPORTUNITY FOR MINORITY~~  
 14 ~~REPRESENTATION; AND~~

15                   ~~(V) KEEP COMMUNITIES OF INTEREST TOGETHER.~~

16           ~~(G) AFTER ITS ESTABLISHMENT FOLLOWING EACH DECENNIAL CENSUS,~~  
 17 ~~THE SCHOOL BOARD REDISTRICTING COMMISSION SHALL COMPLETE ITS TASK~~  
 18 ~~AS SOON AS PRACTICABLE AND ON COMPLETION SHALL REPORT ITS FINDINGS~~  
 19 ~~AND RECOMMENDATIONS TO THE PUBLIC.~~

20           ~~(H) THIRTY DAYS AFTER ENACTMENT OF LEGISLATION TO ESTABLISH~~  
 21 ~~THE SCHOOL BOARD DISTRICTS BY THE COUNTY COUNCIL AND COUNTY~~  
 22 ~~EXECUTIVE OR A FINAL ORDER ESTABLISHING THE SCHOOL BOARD DISTRICTS~~  
 23 ~~BY A JUDICIAL AUTHORITY, THE SCHOOL BOARD REDISTRICTING COMMISSION~~  
 24 ~~FOR THAT CENSUS SHALL TERMINATE.~~

25   [3-109.] ~~3-2A-10.~~ 3-2A-09.

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

28                   (1) Four from the county at large;

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

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

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

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

4 (ii) Serve for 1 year; and

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

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

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

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

10 (iii) Collective bargaining.

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

13 (i) § 6–202(a) of this article;

14 (ii) Collective bargaining;

15 (iii) Capital and operating budgets; and

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

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

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

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

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

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

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

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

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

5           (5) One from the Department of Aging;

6           (6) One from the Health Department;

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

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

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

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

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

14           (10) One from the Department of Planning.

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

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

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

24                   (2) The initial members selected to represent legislative districts 5, 7,  
25 9, and 11 shall each serve for a 2-year term beginning June 1, 1979, and ending May  
26 31, 1981. Thereafter all members shall be selected to serve 2-year terms. The initial  
27 members selected to represent legislative districts 8, 10, 12, and 13 shall each serve  
28 for a 1-year term beginning June 1, 1979, and ending May 31, 1980, and thereafter all  
29 members shall be selected for 2-year terms;

30                   (3) A citizen member shall be entitled to attend and vote at a Council  
31 session where an issue before the Council concerns the school or schools in the citizen  
32 member's respective district; and

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

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

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

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

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

11           SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the  
12 appointed members of the Baltimore County Board of Education shall expire ~~on~~  
13 ~~November 30, 2014~~ as follows:

14           (a) The term of the one member appointed from councilmanic district 5 of  
15 Baltimore County whose term is scheduled to expire on June 30, 2013, shall terminate  
16 at the end of June 30, 2013, and the Governor shall appoint an additional member to  
17 the county board, as authorized under this Act, who shall succeed the member whose  
18 term terminated and serve for a term of 1 year, 5 months, and 7 days, until a successor  
19 is appointed and qualifies; and

20           (b) The terms of the six members appointed from councilmanic districts 1, 2,  
21 3, 4, 6, and 7 of Baltimore County, or their successors, who are in office on the effective  
22 date of this Act, shall terminate at the end of December 7, 2014, and the members  
23 elected from the school board districts 1, 2, 3, 4, 5, and 6 in Baltimore County, as  
24 established in accordance with this Act, at the general election in November 2014,  
25 shall succeed those appointed members and serve for a term of 4 years beginning on  
26 December 8, 2014, until a successor is elected and qualifies.

27           SECTION 3. AND BE IT FURTHER ENACTED, That, in appointing members  
28 to the Baltimore County Board of Education, the Governor shall ensure, to the extent  
29 practicable, that the total makeup of the county board reflects gender, ethnic, and  
30 racial diversity.

31           SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take  
32 effect October 1, 2012.