

Chapter 91

(Senate Bill 816)

AN ACT concerning

Harford County Board of Education – Student Member ~~Voting Rights~~

FOR the purpose of providing that the student member of the Harford County Board of Education has certain rights and privileges; prohibiting the student member from voting on or participating in certain matters; ~~making a certain technical change~~ providing that certain provisions of law relating to the payment of certain expenses for members of the Harford County Board of Education do not apply to the student member of the Board; making certain clarifying changes; altering a certain definition; and generally relating to the Harford County Board of Education and student member voting rights and expense allowance.

BY repealing and reenacting, with amendments,

Article – Education

Section ~~3-6A-01(b)~~ 3-6A-01, 3-6A-02, and 3-6A-04

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

~~BY adding to~~

~~Article – Education~~

~~Section 3-6A-01.1~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2011 Supplement)~~

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

Article – Education

3-6A-01.

(a) (1) In this subtitle, “elected member” means a voting member elected under subsection (d) or (e) of this section or a member appointed to an elected position on the Harford County Board of Education under subsection (e)(2) of this section.

(2) “Elected member” does not include a:

(i) County superintendent of schools serving as an ex officio member of the county board; or

(ii) [Nonvoting student] STUDENT member selected under subsection (f) of this section.

(b) The county board consists of:

(1) Six elected members;

(2) Three appointed members;

(3) The county superintendent of schools, who is an ex officio nonvoting member; and

(4) One [nonvoting] student member.

(c) (1) (i) A member from a councilmanic district shall be a resident of that district.

(ii) A member from a councilmanic district who no longer resides in that district may not continue as a member of the county board.

(2) A member of the county board shall be a registered voter of the county for at least 3 years prior to the date of the beginning of the term of office of the member.

(d) (1) Of the nine voting members of the county board **ELECTED OR APPOINTED UNDER THIS SUBSECTION:**

(i) One member shall be elected from each of the six councilmanic districts only by the voters of that councilmanic district; and

(ii) Three members shall be appointed by the Governor.

(2) The elected members shall be elected at a general election as required by subsection (e) of this section.

(3) The appointed members shall be appointed, when appropriate, within 90 days of the general election.

(e) (1) Except for the [nonvoting members] **EX OFFICIO MEMBER AND THE STUDENT MEMBER**, a member serves for a term of 4 years beginning July 1 after the election or appointment of the member and until a successor is elected or appointed and qualifies.

(2) (i) Unless otherwise disqualified under this section, a member of the county board is eligible for reelection or reappointment.

(ii) A voting ELECTED member OR AN APPOINTED MEMBER may not serve for more than two consecutive terms as a voting member.

(3) The Harford County Board of Elections may adopt regulations to implement this subsection.

(f) (1) The Harford County Council shall appoint a qualified individual to fill any vacancy of an elected member on the county board for the remainder of the term and until a successor is elected and qualifies.

(2) The Governor shall appoint a qualified individual to fill any vacancy of an appointed member of the county board for the remainder of the term and until a successor is appointed and qualifies.

(g) (1) The [nonvoting] student member of the county board shall be elected by the high school students of the county in accordance with procedures established by the Harford County public school system.

(2) The student member shall:

(i) Be an eleventh or twelfth grade student, in good standing, and regularly enrolled in the Harford County public school system;

(ii) Be a student government association representative at the student's high school;

(iii) Serve for 1 year beginning on July 1 after the election of the member;

(iv) [Be a nonvoting] EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (3) OF THIS SECTION, BE A VOTING member; and

(v) Advise the county board on the thoughts and feelings of students in the Harford County public schools.

(3) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE STUDENT MEMBER OF THE COUNTY BOARD HAS THE SAME RIGHTS AND PRIVILEGES AS A MEMBER APPOINTED OR ELECTED UNDER SUBSECTION (D) OF THIS SECTION.

(II) Unless invited to attend by an affirmative vote of a majority of the county board, the student member may not attend an executive session of the county board ADDRESSING A MATTER ON WHICH A STUDENT MEMBER IS PROHIBITED FROM VOTING ON UNDER SUBPARAGRAPH (III) OF THIS SUBSECTION.

~~3-6A-01.1.~~

~~(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE STUDENT MEMBER OF THE HARFORD COUNTY BOARD OF EDUCATION HAS THE SAME RIGHTS AND PRIVILEGES AS AN ELECTED OR APPOINTED MEMBER.~~

~~(B) (1) UNLESS INVITED TO ATTEND BY THE AFFIRMATIVE VOTE OF A MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBER MAY NOT ATTEND A CLOSED SESSION ADDRESSING A MATTER ON WHICH A STUDENT MEMBER IS PROHIBITED FROM VOTING UNDER PARAGRAPH (2) OF THIS SUBSECTION.~~

~~(2)~~ (III) THE STUDENT MEMBER SHALL VOTE ON AND PARTICIPATE IN ALL MATTERS EXCEPT THOSE RELATING TO:

~~(I)~~ 1. GEOGRAPHICAL ATTENDANCE AREAS UNDER § 4-109 OF THIS ARTICLE;

~~(II)~~ 2. ACQUISITION AND DISPOSITION OF REAL PROPERTY AND MATTERS PERTAINING TO SCHOOL CONSTRUCTION UNDER § 4-115 OF THIS ARTICLE;

~~(III)~~ 3. EMPLOYMENT OF ARCHITECTS UNDER § 4-117 OF THIS ARTICLE;

~~(IV)~~ 4. DONATIONS UNDER § 4-118 OF THIS ARTICLE;

~~(V)~~ 5. CONDEMNATION UNDER § 4-119 OF THIS ARTICLE;

~~(VI)~~ 6. CONSOLIDATION OF SCHOOLS AND TRANSPORTATION OF STUDENTS UNDER § 4-120 OF THIS ARTICLE;

~~(VII)~~ 7. APPOINTMENT AND SALARY OF A COUNTY SUPERINTENDENT UNDER §§ 4-201 AND 4-202 OF THIS ARTICLE;

~~(VIII)~~ 8. EMPLOYEE DISCIPLINE AND OTHER APPEALS UNDER § 4-205(C) OF THIS ARTICLE;

~~(IX)~~ 9. BUDGETARY MATTERS UNDER TITLE 5 OF THIS ARTICLE;

~~(X)~~ 10. APPOINTMENT AND PROMOTION OF STAFF UNDER § 6-201 OF THIS ARTICLE;

~~(XI)~~ 11. DISCIPLINE OF CERTIFICATED STAFF UNDER § 6-202 OF THIS ARTICLE;

~~(XII)~~ 12. COLLECTIVE BARGAINING FOR CERTIFICATED EMPLOYEES UNDER TITLE 6, SUBTITLE 4 OF THIS ARTICLE;

~~(XIII)~~ 13. COLLECTIVE BARGAINING FOR NONCERTIFICATED EMPLOYEES UNDER TITLE 6, SUBTITLE 5 OF THIS ARTICLE;

~~(XIV)~~ 14. STUDENT SUSPENSION AND EXPULSION UNDER § 7-305 OF THIS ARTICLE; AND

~~(XV)~~ 15. SCHOOL CALENDAR AND CURRICULUM.

3-6A-02.

(a) [The] EXCEPT FOR THE STUDENT MEMBER, THE State Board may remove a voting member of the county board for:

(1) Immorality;

(2) Misconduct in office;

(3) Incompetency;

(4) Willful neglect of duty; or

(5) Failure to attend, without good cause, at least 75% of the scheduled meetings of the county board in any 1 calendar year.

(b) Before removing a member, the State Board shall send the member a copy of the charges and give the member an opportunity to request a hearing within 10 days.

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

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

(2) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person or by counsel.

(d) A member removed under this section has the right to a de novo review of the removal by the Circuit Court for Harford County.

3-6A-04.

(a) Each NONSTUDENT member of the Harford County Board is entitled to receive \$3,600 annually for travel and other expenses related to the performance of duties as a member of the board.

(b) Payments to a NONSTUDENT member for the expenses described in subsection (a) of this section shall be paid in 12 equal monthly installments.

(c) Subject to the approval of the board, a NONSTUDENT member may be reimbursed for additional travel and other expenses.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012.

Approved by the Governor, April 10, 2012.