

# HOUSE BILL 413

F3, G1

3lr2180  
CF SB 10

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By: **Delegate Lafferty**

Introduced and read first time: January 28, 2013

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Board of Education – Selection of Members**

3 FOR the purpose of establishing a procedure for the election and appointment of  
4 certain members of the Baltimore County Board of Education; repealing certain  
5 provisions governing the appointment of all members of the county board;  
6 establishing the composition of the county board; providing for the  
7 qualifications, terms of office, and the filling of a vacancy of certain members of  
8 the county board; requiring the elected members of the county board to reside  
9 in, be a registered voter in, and be elected from certain districts; specifying that  
10 a member may not be elected or appointed to serve for more than a certain  
11 number of consecutive terms; providing for a student member of the county  
12 board; providing for the term and duties of the student member; providing for  
13 the removal of, and hearings and appeal procedures for, certain members of the  
14 county board; providing for the election of the chair and vice chair of the county  
15 board; providing for the compensation of the members of the county board;  
16 providing for the termination of the terms of the appointed members of the  
17 county board; making certain conforming nomenclature changes; and generally  
18 relating to the election and appointment of members for the Baltimore County  
19 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 2012 Supplement)

25 BY adding to  
26 Article – Education  
27 Section 3–2A–01 through 3–2A–08 to be under the new subtitle “Subtitle 2A.  
28 Baltimore County”  
29 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2008 Replacement Volume and 2012 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) Calvert;

10 (3) Carroll;

11 (4) Cecil;

12 (5) Charles;

13 (6) Dorchester;

14 (7) Frederick;

15 (8) Garrett;

16 (9) Howard;

17 (10) Kent;

18 (11) Prince George's;

19 (12) Montgomery;

20 (13) Queen Anne's;

21 (14) St. Mary's;

22 (15) Somerset;

23 (16) Talbot;

24 (17) Washington; and

25 (18) Worcester.

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

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

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

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

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

19                                   **SUBTITLE 2A. BALTIMORE COUNTY.**

20           **3-2A-01.**

21           **(A) THE BALTIMORE COUNTY BOARD OF EDUCATION CONSISTS OF:**

22                   **(1) SIX NONPARTISAN ELECTED MEMBERS;**

23                   **(2) FIVE APPOINTED MEMBERS; AND**

24                   **(3) ONE STUDENT MEMBER.**

25           **(B) (1) OF THE ELEVEN ELECTED AND APPOINTED MEMBERS OF THE**  
26 **COUNTY BOARD:**

27                   **(i) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE**  
28 **SIX SCHOOL BOARD DISTRICTS IN THE COUNTY, ESTABLISHED BY THE COUNTY**  
29 **COUNCIL OF BALTIMORE COUNTY IN ACCORDANCE WITH SUBSECTION (C) OF**  
30 **THIS SECTION, BY THE VOTERS OF THAT DISTRICT; AND**

1                   **(II) FIVE MEMBERS SHALL BE APPOINTED BY THE**  
2 **GOVERNOR FROM THE COUNTY AT LARGE.**

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

5                   **(II) THE FIVE APPOINTED MEMBERS SHALL BE APPOINTED**  
6 **BY THE GOVERNOR:**

7                   **1. ON EXPIRATION OF THE TERM OF AN INCUMBENT**  
8 **APPOINTED MEMBER WITHIN 30 DAYS AFTER THE GENERAL ELECTION; OR**

9                   **2. WITHIN THE 30-DAY PERIOD OTHERWISE**  
10 **REQUIRED UNDER THIS SUBTITLE.**

11                   **(3) (I) A MEMBER FROM A SCHOOL BOARD DISTRICT SHALL BE**  
12 **AT LEAST 21 YEARS OF AGE, A RESIDENT OF THAT DISTRICT, AND A REGISTERED**  
13 **VOTER OF THE COUNTY BEFORE THE ELECTION.**

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

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

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

23                   **(II) A MEMBER WHO HAS SERVED THREE CONSECUTIVE**  
24 **4-YEAR TERMS MAY NOT BE ELECTED OR APPOINTED TO THE COUNTY BOARD**  
25 **UNTIL AT LEAST 4 YEARS HAVE ELAPSED SINCE THE END OF THE MEMBER'S**  
26 **LAST TERM ON THE COUNTY BOARD.**

27                   **(c) (1) (I) FOLLOWING EACH DECENNIAL CENSUS OF THE UNITED**  
28 **STATES, THE COUNTY COUNCIL OF BALTIMORE COUNTY IN CONSULTATION**  
29 **WITH THE COUNTY BOARD, AFTER CONDUCTING A PUBLIC HEARING AND**  
30 **ALLOWING A REASONABLE OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT,**  
31 **SHALL ESTABLISH THE SCHOOL BOARD DISTRICTS IN THE COUNTY.**

32                   **(II) ON RECEIPT OF THE DECENNIAL CENSUS DATA, THE**  
33 **COUNTY COUNCIL SHALL:**

1                   1.     **COMMENCE CONSULTATIONS WITH THE COUNTY**  
2 **BOARD ON THE ESTABLISHMENT OF THE NEW SCHOOL BOARD DISTRICTS**  
3 **WITHIN 30 DAYS AFTER RECEIPT OF THE CENSUS DATA; AND**

4                   2.     **ADOPT AND MAKE PUBLIC ITS FINAL SCHOOL**  
5 **BOARD DISTRICT PLAN NO LATER THAN 30 DAYS BEFORE THE FILING DEADLINE**  
6 **FOR CANDIDATES FOR ELECTION TO THE COUNTY BOARD.**

7                   (2)    **EACH SCHOOL BOARD DISTRICT SHALL BE SUBSTANTIALLY**  
8 **EQUAL IN POPULATION, BUT THERE MAY NOT BE A VARIANCE GREATER THAN**  
9 **3% AMONG THE DISTRICTS.**

10                  (3)    **REAPPORTIONED SCHOOL BOARD DISTRICTS SHALL BECOME**  
11 **EFFECTIVE FOR THE TERM OF OFFICE THAT BEGINS AFTER THE FIRST REGULAR**  
12 **PRIMARY ELECTION THAT IS HELD AT LEAST 15 MONTHS AFTER THE OFFICIAL**  
13 **REPORT ON POPULATION IS RECEIVED BY THE STATE FROM THE BUREAU OF**  
14 **THE CENSUS.**

15 **3-2A-02.**

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

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

23                  (C)    **IN ANY ELECTION, IF NO CANDIDATE FILES A CERTIFICATE OF**  
24 **CANDIDACY FOR THE OFFICE OR IF NO INDIVIDUAL OTHERWISE QUALIFIES TO**  
25 **HAVE THE INDIVIDUAL’S NAME PLACED ON THE BALLOT, THE GOVERNOR SHALL**  
26 **APPOINT A MEMBER TO FILL THAT VACANCY NO LATER THAN 30 DAYS AFTER**  
27 **THE GENERAL ELECTION.**

28 **3-2A-03.**

29                  (A)    **EXCEPT FOR THE STUDENT MEMBER, A MEMBER SERVES FOR A**  
30 **TERM OF 4 YEARS BEGINNING ON THE FIRST MONDAY IN DECEMBER AFTER**  
31 **THE MEMBER’S ELECTION OR APPOINTMENT AND UNTIL A SUCCESSOR IS**  
32 **ELECTED OR APPOINTED AND QUALIFIES.**

1           **(B) (1) (i) AN INDIVIDUAL WHO TAKES OFFICE TO FILL A VACANCY**  
2 **FOR AN ELECTED OR APPOINTED MEMBER SERVES FOR THE REMAINDER OF**  
3 **THE TERM FOR WHICH THE APPOINTMENT WAS MADE AND UNTIL A SUCCESSOR**  
4 **IS ELECTED OR APPOINTED AND QUALIFIES.**

5                           **(ii) A NOMINEE MAY NOT TAKE OFFICE UNTIL THE COUNTY**  
6 **COUNCIL HAS CONFIRMED THE NOMINATION.**

7           **(2) THE GOVERNOR SHALL ACT WITHIN 30 DAYS TO FILL ANY**  
8 **APPOINTMENT TO THE COUNTY BOARD.**

9 **3-2A-04.**

10           **(A) THE STUDENT MEMBER SHALL:**

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

13                           **(2) SERVE FOR 1 YEAR; AND**

14                           **(3) ADVISE THE COUNTY BOARD ON THE THOUGHTS AND**  
15 **FEELINGS OF STUDENTS.**

16           **(B) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A**  
17 **MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBER MAY NOT ATTEND AN**  
18 **EXECUTIVE SESSION THAT RELATES TO:**

19                           **(1) HEARINGS ON APPEALS OF SPECIAL EDUCATION**  
20 **PLACEMENTS;**

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

22                           **(3) COLLECTIVE BARGAINING.**

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

25                           **(1) § 6-202(A) OF THIS ARTICLE;**

26                           **(2) COLLECTIVE BARGAINING;**

27                           **(3) CAPITAL AND OPERATING BUDGETS; AND**

28                           **(4) SCHOOL CLOSINGS, REOPENINGS, AND BOUNDARIES.**

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

5   **3-2A-05.**

6           (A) (1) EACH NONSTUDENT MEMBER OF THE COUNTY BOARD IS  
7 ENTITLED TO RECEIVE \$100 ANNUALLY AS COMPENSATION.

8           (2) A STUDENT MEMBER WHO COMPLETES A FULL TERM ON THE  
9 COUNTY BOARD SHALL BE GRANTED A SCHOLARSHIP OF \$100 TO BE APPLIED  
10 TOWARD THE STUDENT'S HIGHER EDUCATION COSTS.

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

15   **3-2A-06.**

16           A NONSTUDENT MEMBER OF THE COUNTY BOARD MAY NOT:

17           (1) BE A CANDIDATE FOR OR HOLD ELECTED OR APPOINTED  
18 OFFICE FOR:

19                   (I) A POLITICAL PARTY; OR

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

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

23   **3-2A-07.**

24           (A) THE STATE BOARD MAY REMOVE AN ELECTED OR APPOINTED  
25 MEMBER OF THE COUNTY BOARD OR A MEMBER APPOINTED BY THE GOVERNOR  
26 TO FILL A VACANCY IN OFFICE FOR AN ELECTED OR APPOINTED MEMBER FOR  
27 ANY OF THE FOLLOWING REASONS:

28                   (1) IMMORALITY;

29                   (2) MISCONDUCT IN OFFICE;

1           **(3) INCOMPETENCY;**

2           **(4) WILLFUL NEGLECT OF DUTY; OR**

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

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

9           **(C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY**  
10 **PERIOD:**

11           **(1) THE STATE BOARD PROMPTLY SHALL HOLD A HEARING, BUT**  
12 **A HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS**  
13 **THE MEMBER A NOTICE OF THE HEARING; AND**

14           **(2) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD**  
15 **PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE IN**  
16 **PERSON OR BY COUNSEL.**

17           **(D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE**  
18 **NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR BALTIMORE**  
19 **COUNTY.**

20 **3-2A-08.**

21           **AT THE FIRST MEETING OF THE COUNTY BOARD IN DECEMBER OF EACH**  
22 **YEAR, THE COUNTY BOARD SHALL ELECT A CHAIR AND VICE CHAIR FROM**  
23 **AMONG THE MEMBERS.**

24 **[3-109.] 3-2A-09.**

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

27           **(1) Four from the county at large;**

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

30           **(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] EACH MEMBER SHALL BE SELECTED**  
30 **TO SERVE A 2-YEAR TERM;**

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

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

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

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

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

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

14           SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the  
15 appointed members of the Baltimore County Board of Education shall expire as  
16 follows:

17           (a) The term of the one member appointed from councilmanic district 5 of  
18 Baltimore County whose term is scheduled to expire on June 30, 2013, shall terminate  
19 at the end of November 4, 2014, and the Governor shall appoint an additional member  
20 to the county board, as authorized under this Act, who shall succeed the member  
21 whose term terminated at the end of November 4, 2014, until a successor is appointed  
22 and qualifies; and

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

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

34           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 June 1, 2013.