

# SENATE BILL 107

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SB 22/12 – EHE

3lr0604

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By: **Senator Simonaire**

Introduced and read first time: January 14, 2013

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – School Board – Membership**

3 FOR the purpose of requiring that certain members of the Anne Arundel County  
4 Board of Education be elected; requiring that certain members of the county  
5 board be appointed; repealing certain provisions relating to a retention election  
6 for certain appointed members of the county board; establishing procedures for  
7 the election and appointment of certain members of the county board; providing  
8 for a nonpartisan election for certain members of the county board under  
9 certain circumstances; providing that a certain member elected to the county  
10 board from a certain geographic area but whose district boundaries  
11 subsequently are altered may remain as a member of the county board for a  
12 certain period; providing for the termination of the terms of certain members of  
13 the county board; and generally relating to contested elections for certain  
14 appointed members of the Anne Arundel County Board of Education.

15 BY repealing and reenacting, with amendments,  
16 Article – Education  
17 Section 3–108, 3–110, and 3–114  
18 Annotated Code of Maryland  
19 (2008 Replacement Volume and 2012 Supplement)

20 BY adding to  
21 Article – Education  
22 Section 3–2A–01 to be under the new subtitle “Subtitle 2A. Anne Arundel  
23 County”  
24 Annotated Code of Maryland  
25 (2008 Replacement Volume and 2012 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

**Article – Education**

2 3–108.

3 (a) (1) Except as provided in paragraph (2) of this subsection, the  
4 Governor shall appoint the members of each county board from the residents of that  
5 county.

6 (2) The members of the following county boards of education shall be  
7 selected as follows:

8 (i) The Baltimore City Board of School Commissioners in  
9 accordance with § 3–108.1 of this subtitle;

10 (ii) The Harford County Board of Education in accordance with  
11 § 3–6A–01 of this title;

12 (iii) The Caroline County Board of Education in accordance with  
13 § 3–3A–02 of this title;

14 (iv) The Anne Arundel County Board of Education in accordance  
15 with § 3–110 of this subtitle **AND § 3–2A–01 OF THIS TITLE**; and

16 (v) The county boards of education in the counties listed in  
17 § 3–114 of this subtitle in accordance with the provisions of that section.

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

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

22 (c) (1) Each member serves for a term of 5 years beginning July 1 after  
23 the member's appointment and until a successor is appointed and qualifies.

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

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

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

32 (i) Immorality;

- 1 (ii) Misconduct in office;
- 2 (iii) Incompetency;
- 3 (iv) Willful neglect of duty; or
- 4 (v) Failure to attend, without good cause, at least half of the  
5 scheduled meetings of the board in any one calendar year.

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

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

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

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

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

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

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

21 (iii) A complete record of the proceedings.

22 3-110.

23 (a) (1) **[The] UNTIL THE ELECTION OF MEMBERS OF THE COUNTY**  
24 **BOARD AT THE PRIMARY AND GENERAL ELECTIONS OF 2014 AND THE**  
25 **COMMENCEMENT OF THEIR TERMS ON DECEMBER 1, 2014, AND SUBJECT TO §**  
26 **3-2A-01 OF THIS TITLE, THE Anne Arundel County Board consists of 9 members**  
27 **who shall be appointed as follows:**

28 (i) 3 from the county at large, **APPOINTED BY THE**  
29 **GOVERNOR;**

1 (ii) 1 each from legislative districts 30, 31, 32, 33, and that  
 2 portion of legislative district 21 that lies within Anne Arundel County, **APPOINTED**  
 3 **BY THE GOVERNOR**; and

4 (iii) 1 student member, **SELECTED BY THE CHESAPEAKE**  
 5 **REGIONAL ASSOCIATION OF STUDENT COUNCILS OF ANNE ARUNDEL COUNTY.**

6 **(2) AFTER THE PRIMARY AND GENERAL ELECTIONS OF 2014 AND**  
 7 **THE COMMENCEMENT OF THE TERMS OF THE MEMBERS ELECTED FOLLOWING**  
 8 **THOSE ELECTIONS, AND SUBJECT TO § 3-2A-01 OF THIS TITLE, THE COUNTY**  
 9 **BOARD SHALL CONSIST OF:**

10 **(I) 7 ELECTED MEMBERS, 1 FROM EACH OF THE 7**  
 11 **COUNCILMANIC DISTRICTS IN THE COUNTY ELECTED BY THE VOTERS OF EACH**  
 12 **DISTRICT;**

13 **(II) 3 APPOINTED MEMBERS FROM THE COUNTY AT LARGE,**  
 14 **1 EACH APPOINTED BY:**

- 15 1. **THE GOVERNOR;**
- 16 2. **THE COUNTY EXECUTIVE OF ANNE ARUNDEL**  
 17 **COUNTY; AND**
- 18 3. **THE COUNTY COUNCIL OF ANNE ARUNDEL**  
 19 **COUNTY; AND**

20 **(III) 1 STUDENT MEMBER, SELECTED BY THE CHESAPEAKE**  
 21 **REGIONAL ASSOCIATION OF STUDENT COUNCILS OF ANNE ARUNDEL COUNTY.**

22 **[(2)] (3) Except for the student member[, the]:**

23 **(I) THE** Governor shall appoint a member of the county board  
 24 from a list of nominees submitted by the School Board Nominating Commission of  
 25 Anne Arundel County as provided in subsection (b) of this section; **AND**

26 **(II) EFFECTIVE FOR THE TERM THAT BEGINS ON**  
 27 **DECEMBER 1, 2014, THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY AND**  
 28 **THE COUNTY COUNCIL OF ANNE ARUNDEL COUNTY EACH SHALL APPOINT A**  
 29 **MEMBER OF THE COUNTY BOARD FROM A LIST OF NOMINEES SUBMITTED BY**  
 30 **THE SCHOOL BOARD NOMINATING COMMISSION OF ANNE ARUNDEL COUNTY**  
 31 **AS PROVIDED IN SUBSECTION (B) OF THIS SECTION.**

1 (b) (1) (i) There is a School Board Nominating Commission of Anne  
2 Arundel County.

3 (ii) The purpose of the Commission is to select nominees to be  
4 recommended to the [Governor] **APPOINTING AUTHORITIES SPECIFIED UNDER**  
5 **SUBSECTION (A) OF THIS SECTION** as qualified candidates for appointment to the  
6 Anne Arundel County Board of Education.

7 (iii) The Commission shall hold at least two public hearings on  
8 the selection of nominees before recommending to the [Governor] **SPECIFIED**  
9 **APPOINTING AUTHORITY** nominees for appointment to the county board.

10 (2) (i) The Commission consists of 11 members who shall be  
11 appointed in accordance with this paragraph.

12 (ii) The Governor shall appoint five members, one from each  
13 legislative district that lies in whole or in part in Anne Arundel County.

14 (iii) The County Executive of Anne Arundel County shall appoint  
15 one member from the county at large.

16 (iv) The following organizations shall each appoint one member:

- 17 1. The Teachers Association of Anne Arundel County;
- 18 2. The Annapolis and Anne Arundel County Chamber of  
19 Commerce;
- 20 3. The Anne Arundel County Council of Parent Teacher  
21 Associations;
- 22 4. The Anne Arundel County Community College Board  
23 of Trustees; and
- 24 5. The Association of Educational Leaders (AEL).

25 (3) (i) The Governor shall designate as chair of the Commission  
26 one of the five members appointed by the Governor under subsection (b)(2)(ii) of this  
27 section.

28 (ii) The term of the chair of the Commission is 4 years.

29 (iii) The Governor may reappoint the chair of the Commission for  
30 a second term.

31 (iv) The term of a member of the Commission is 4 years.

1           (4)    The Department of Legislative Services shall provide staff for the  
2 Commission.

3           (5)    [Beginning January 1, 2008, for] **FOR** each nomination to the  
4 county board, the Commission shall submit to the [Governor] **APPOINTING**  
5 **AUTHORITY SPECIFIED UNDER SUBSECTION (A) OF THIS SECTION DESIGNATED**  
6 **TO MAKE THAT NOMINATION** a list of nominees that contains:

7                   (i)    At least two names for each vacancy; or

8                   (ii)   If there are fewer than two applicants for a vacancy, the  
9 number of names that is equal to the number of applicants for the vacancy.

10          (c)    (1)   Following the appointment of a member of the Anne Arundel  
11 County Board of Education by the [Governor] **APPOINTING AUTHORITY SPECIFIED**  
12 **UNDER SUBSECTION (A) OF THIS SECTION**, a member may serve for the remainder  
13 of the member's term, as provided in § 3-108(c) of this subtitle[, subject to the  
14 approval or rejection of the registered voters of the county at the next general  
15 election].

16                   (2)    [A] **AN APPOINTED** member of the county board is eligible for  
17 nomination and reappointment for a second consecutive term in accordance with the  
18 provisions of subsections (a) and (b) of this section.

19                   [(3) (i)    The approval or rejection of a member of the county board by  
20 the registered voters of the county provided for in subparagraph (ii) of this paragraph  
21 shall be a vote for the member's retention or removal.

22                           (ii)    On receipt of the notice required under § 5-301(h) of the  
23 Election Law Article, the name of the member of the county board shall be placed on  
24 the appropriate ballot and shown, without opposition, and the voters shall vote for or  
25 against the member's retention as a member of the county board.

26          (4)    If the voters reject the retention of the member, or the vote is tied:

27                   (i)    The position shall become vacant 10 days after certification  
28 of the election returns; and

29                   (ii)   The member serves until a successor is appointed and  
30 qualifies.]

31          (d)    (1)   The student member shall:

32                   (i)    Be a regularly enrolled senior year student of good character  
33 and in good standing in an Anne Arundel County public high school;

1 (ii) Be selected in the student's junior year by a method selected  
2 by the Chesapeake Regional Association of Student Councils of Anne Arundel County;

3 (iii) 1. Serve a term of 1 year; and

4 2. Continue to serve after graduation and until a  
5 successor is appointed and qualifies.

6 (2) If a vacancy in the position of the student member occurs during  
7 the term of the student member, the Chesapeake Regional Association of Student  
8 Councils shall:

9 (i) Conduct a special election at its next general meeting; and

10 (ii) By utilizing the same method that it used to select the  
11 previous student member of the board, select another student member to fill the  
12 vacancy.

13 (e) A board member who does not maintain the residency qualification shall  
14 be replaced as a member.

15 (f) If the boundary line of a legislative district changes, an incumbent  
16 member of the county board who, because of the change, no longer resides in the  
17 legislative district **OR COUNCILMANIC DISTRICT** from which the member was  
18 appointed **OR ELECTED** may complete the term.

19 (g) (1) The President of the Anne Arundel County Board of Education is  
20 entitled to receive \$8,000 annually as compensation and, except for the student  
21 member, the other board members are entitled to receive \$6,000 each annually as  
22 compensation.

23 (2) A student member who completes a full term on the board shall be  
24 granted a scholarship of \$6,000 to be applied toward the student's higher education  
25 costs.

26 3-114.

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

29 (1) Allegany;

30 (2) Calvert;

31 (3) Carroll;

32 (4) Cecil;

- 1 (5) Charles;
- 2 (6) Dorchester;
- 3 (7) Frederick;
- 4 (8) Garrett;
- 5 (9) Howard;
- 6 (10) Kent;
- 7 (11) Prince George's;
- 8 (12) Montgomery;
- 9 (13) Queen Anne's;
- 10 (14) St. Mary's;
- 11 (15) Somerset;
- 12 (16) Talbot;
- 13 (17) Washington; and
- 14 (18) Worcester.

15 **(B) IN ANNE ARUNDEL COUNTY, IN ACCORDANCE WITH § 3-110 OF**  
16 **THIS SUBTITLE AND § 3-2A-01 OF THIS TITLE, THE MEMBERS OF THE COUNTY**  
17 **BOARD SHALL BE A COMBINATION OF MEMBERS WHO ARE ELECTED AND**  
18 **APPOINTED.**

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

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

25 **[(d)] (E)** An individual subject to the authority of the county board may not  
26 serve as a member of the county board. At the time of filing a certificate of candidacy  
27 for election to a county board, a person shall certify to the local board of supervisors of  
28 elections whether or not he is subject to the authority of the county board. The



1 Governor shall not issue a commission of election to a person who has certified  
2 affirmatively and who is elected to a county board until the member–elect offers proof  
3 that he is no longer subject to the authority of the county board.

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

6 **SUBTITLE 2A. ANNE ARUNDEL COUNTY.**

7 **3–2A–01.**

8 (A) IN ANNE ARUNDEL COUNTY, A MEMBER APPOINTED TO THE  
9 COUNTY BOARD BY THE GOVERNOR, THE COUNTY EXECUTIVE OF ANNE  
10 ARUNDEL COUNTY, OR THE COUNTY COUNCIL OF ANNE ARUNDEL COUNTY  
11 SHALL BE SELECTED FROM A LIST SUBMITTED TO THE APPOINTING AUTHORITY  
12 BY THE SCHOOL BOARD NOMINATING COMMISSION FOR ANNE ARUNDEL  
13 COUNTY UNDER § 3–110 OF THIS TITLE.

14 (B) THE ELECTED MEMBERS OF THE COUNTY BOARD SHALL BE  
15 ELECTED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 8 OF  
16 THE ELECTION LAW ARTICLE GOVERNING THE ELECTION OF MEMBERS OF  
17 COUNTY BOARDS OF EDUCATION.

18 SECTION 2. AND BE IT FURTHER ENACTED, That, except for the student  
19 member, the terms of the appointed members of the Anne Arundel County Board of  
20 Education in office on November 30, 2014, shall terminate at the end of November 30,  
21 2014.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2013.