

HOUSE BILL 1453

F3

4r3239
CF SB 1062

By: ~~Delegates Jones, Burns, DeBoy, and Nathan Pulliam~~ Baltimore County
Delegation and Delegate Cardin

Introduced and read first time: February 18, 2014

Assigned to: Rules and Executive Nominations

Re-referred to: Ways and Means, March 3, 2014

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 12, 2014

CHAPTER _____

1 AN ACT concerning

2 ~~Education – Baltimore County School Board Nominating Commission~~
3 Baltimore County – Board of Education – Selection of 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 county board;
7 establishing the composition of the county board; providing for the
8 qualifications, terms of office, and the filling of a vacancy of certain members of
9 the county board; requiring the elected members of the county board to reside
10 in, be a registered voter in, and be elected from certain districts; specifying that
11 a member may not be elected or appointed to serve for more than a certain
12 number of consecutive terms; establishing the Baltimore County School Board
13 Nominating Commission; providing for the membership, duties, terms, and
14 staffing of the Commission; requiring the Governor to designate a chair of the
15 Commission; requiring the Governor to make appointments to the Baltimore
16 County Board of Education from a list of nominees submitted to the Governor
17 by the Commission; ~~providing that a member's appointment to the Baltimore~~
18 ~~County Board of Education is subject to approval or rejection by the registered~~
19 ~~voters of Baltimore County at the general election following the appointment;~~
20 ~~and generally relating to the Baltimore County School Board Nominating~~
21 ~~Commission and appointments to the Baltimore County Board of Education~~
22 providing for a student member of the county board; providing for the term and
23 duties of the student member; providing for the compensation of the members of

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.



the county board; providing for the removal of, and hearings and appeal procedures for, certain members of the county board; providing for the election of the chair and vice chair of the county board; providing for the termination of the terms of the appointed members of the county board; making certain conforming nomenclature changes; and generally relating to the election and appointment of members of the Baltimore County Board of Education.

BY repealing and reenacting, with amendments,
 Article – Education
 Section ~~3–108~~ and 3–109 and 3–114
 Annotated Code of Maryland
 (2008 Replacement Volume and 2013 Supplement)

BY adding to
 Article – Education
 Section 3–2A–01 through 3–2A–09 to be under the new subtitle “Subtitle 2A,
 Baltimore County”
 Annotated Code of Maryland
 (2008 Replacement Volume and 2013 Supplement)

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

Article – Education

~~3–108.~~

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

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

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

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

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

~~(iv) The Anne Arundel County Board of Education in accordance with § 3–110 of this subtitle; [and]~~

1 ~~(v) THE BALTIMORE COUNTY BOARD OF EDUCATION IN~~
2 ~~ACCORDANCE WITH § 3-109 OF THIS SUBTITLE; AND~~

3 ~~[(v)] (VI) The county boards of education in the counties listed~~
4 ~~in § 3-114 of this subtitle in accordance with the provisions of that section.~~

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

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

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

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

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

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

19 ~~(i) Immorality;~~

20 ~~(ii) Misconduct in office;~~

21 ~~(iii) Incompetency;~~

22 ~~(iv) Willful neglect of duty; or~~

23 ~~(v) Failure to attend, without good cause, at least half of the~~
24 ~~scheduled meetings of the board in any one calendar year.~~

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

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

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

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

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

6 (i) ~~A complete statement of all charges made against the~~
7 ~~member;~~

8 (ii) ~~The findings of the State Superintendent; and~~

9 (iii) ~~A complete record of the proceedings.~~

10 ~~3-109.~~

11 (a) ~~(1) The Baltimore County Board consists of 12 members who shall be~~
12 ~~appointed as follows:~~

13 ~~[(1)] (I) Four from the county at large;~~

14 ~~[(2)] (II) One from each of the seven councilmanic districts in~~
15 ~~Baltimore County; and~~

16 ~~[(3)] (III) One student member from the county at large.~~

17 ~~(2) EXCEPT FOR THE STUDENT MEMBER, THE GOVERNOR SHALL~~
18 ~~APPOINT A MEMBER OF THE COUNTY BOARD FROM A LIST OF NOMINEES~~
19 ~~SUBMITTED BY THE SCHOOL BOARD NOMINATING COMMISSION OF BALTIMORE~~
20 ~~COUNTY AS PROVIDED IN SUBSECTION (B) OF THIS SECTION.~~

21 ~~3-114.~~

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

24 (1) Allegany;

25 (2) Calvert;

26 (3) Carroll;

27 (4) Cecil;

28 (5) Charles;

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

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

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

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

22 **[(d)] (E)** In Prince George's County, in accordance with Subtitle 10 of this
23 title, the members of the county board shall be a combination of members who are
24 elected and appointed.

25 **[(e)] (F)** 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
29 Governor shall not issue a commission of election to a person who has certified

1 affirmatively and who is elected to a county board until the member-elect offers proof
 2 that he is no longer subject to the authority of the county board.

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

5 **SUBTITLE 2A. BALTIMORE COUNTY.**

6 **3-2A-01.**

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

8 **(1) SEVEN NONPARTISAN ELECTED MEMBERS;**

9 **(2) FOUR APPOINTED MEMBERS; AND**

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

11 **(B) (1) OF THE 11 ELECTED AND APPOINTED MEMBERS OF THE**
 12 **COUNTY BOARD:**

13 **(I) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE**
 14 **SEVEN COUNCILMANIC DISTRICTS IN THE COUNTY, ESTABLISHED BY THE**
 15 **COUNTY COUNCIL OF BALTIMORE COUNTY, BY THE VOTERS OF THAT DISTRICT;**
 16 **AND**

17 **(II) FOUR MEMBERS SHALL BE APPOINTED BY THE**
 18 **GOVERNOR FROM THE COUNTY AT LARGE.**

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

21 **(II) THE FOUR APPOINTED MEMBERS SHALL BE APPOINTED**
 22 **BY THE GOVERNOR FROM A LIST OF NOMINEES SUBMITTED BY THE BALTIMORE**
 23 **COUNTY SCHOOL BOARD NOMINATING COMMISSION AS PROVIDED IN §**
 24 **3-2A-03 OF THIS SUBTITLE:**

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

28 **2. WITHIN THE 30-DAY PERIOD OTHERWISE**
 29 **REQUIRED UNDER THIS SUBTITLE.**

1 **(3) (I) A MEMBER FROM A SCHOOL BOARD DISTRICT SHALL BE**
2 **AT LEAST 21 YEARS OLD, A RESIDENT OF THAT DISTRICT FOR AT LEAST 2 YEARS,**
3 **AND A REGISTERED VOTER OF THE COUNTY BEFORE THE ELECTION.**

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

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

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

13 **(II) A MEMBER WHO HAS SERVED THREE CONSECUTIVE**
14 **4-YEAR TERMS MAY NOT BE ELECTED OR APPOINTED TO THE COUNTY BOARD**
15 **UNTIL AT LEAST 4 YEARS HAVE ELAPSED SINCE THE END OF THE MEMBER'S**
16 **LAST TERM ON THE COUNTY BOARD.**

17 **3-2A-02.**

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

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

25 **(C) IN ANY ELECTION, IF NO CANDIDATE FILES A CERTIFICATE OF**
26 **CANDIDACY FOR THE OFFICE OR IF NO INDIVIDUAL OTHERWISE QUALIFIES TO**
27 **HAVE THE INDIVIDUAL'S NAME PLACED ON THE BALLOT, THE GOVERNOR SHALL**
28 **APPOINT A MEMBER FROM A LIST OF NOMINEES SUBMITTED BY THE**
29 **BALTIMORE COUNTY SCHOOL BOARD NOMINATING COMMISSION TO FILL THAT**
30 **VACANCY NO LATER THAN 30 DAYS AFTER THE GENERAL ELECTION.**

31 **3-2A-03.**

32 ~~**(B) (1) (1)**~~ **(A) (1) THERE IS A SCHOOL BOARD NOMINATING**
33 **COMMISSION OF BALTIMORE COUNTY BALTIMORE COUNTY SCHOOL BOARD**
34 **NOMINATING COMMISSION.**

1 ~~(H)~~ (2) THE PURPOSE OF THE COMMISSION IS TO SELECT
2 NOMINEES TO BE RECOMMENDED TO THE GOVERNOR AS QUALIFIED
3 CANDIDATES FOR APPOINTMENT TO THE BALTIMORE COUNTY BOARD OF
4 EDUCATION.

5 ~~(H)~~ (3) THE COMMISSION SHALL HOLD AT LEAST TWO
6 PUBLIC HEARINGS ON THE SELECTION OF NOMINEES BEFORE RECOMMENDING
7 TO THE GOVERNOR NOMINEES FOR APPOINTMENT TO THE COUNTY BOARD.

8 ~~(2)~~ ~~(H)~~ (B) (1) THE COMMISSION CONSISTS OF ~~17~~ 19
9 MEMBERS WHO SHALL BE APPOINTED IN ACCORDANCE WITH THIS ~~PARAGRAPH~~
10 SUBSECTION.

11 ~~(H)~~ (2) THE COMMISSION SHALL REFLECT THE RICH
12 CULTURAL, GEOGRAPHIC, ETHNIC, AND RACIAL DIVERSITY OF BALTIMORE
13 COUNTY.

14 ~~(H)~~ (3) THE GOVERNOR, IN CONSULTATION WITH THE
15 COUNTY EXECUTIVE OF BALTIMORE COUNTY, SHALL APPOINT EIGHT
16 MEMBERS, ONE FROM EACH LEGISLATIVE DISTRICT THAT LIES IN WHOLE OR IN
17 PART IN BALTIMORE COUNTY.

18 ~~(IV)~~ (4) THE COUNTY EXECUTIVE OF BALTIMORE
19 COUNTY SHALL APPOINT ONE MEMBER FROM THE COUNTY AT LARGE.

20 ~~(V)~~ (5) THE FOLLOWING ORGANIZATIONS EACH SHALL
21 APPOINT ONE MEMBER:

22 ~~1.~~ (I) THE TEACHERS ASSOCIATION OF BALTIMORE
23 COUNTY;

24 ~~2.~~ (II) THE BALTIMORE COUNTY CHAMBER OF
25 COMMERCE;

26 ~~3.~~ (III) THE BALTIMORE COUNTY PARENT
27 TEACHER ASSOCIATION COUNCIL;

28 ~~4.~~ (IV) TOWSON UNIVERSITY;

29 ~~5.~~ (V) THE LEAGUE OF WOMEN VOTERS OF
30 BALTIMORE COUNTY;

1 ~~6.~~ (VI) THE BALTIMORE COUNTY BRANCH OF THE
2 NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE;

3 ~~7.~~ (VII) THE BALTIMORE COUNTY PUBLIC
4 SCHOOLS' SPECIAL EDUCATION CITIZENS' ADVISORY COMMITTEE; ~~AND~~

5 ~~8.~~ (VIII) THE BALTIMORE COUNTY STUDENT
6 COUNCILS;

7 (IX) THE COUNCIL OF ADMINISTRATIVE AND SUPERVISORY
8 EMPLOYEES; AND

9 (X) THE EDUCATION SUPPORT PERSONNEL OF BALTIMORE
10 COUNTY.

11 ~~(3)~~ ~~(H)~~ (C) (1) THE GOVERNOR SHALL DESIGNATE AS
12 CHAIR OF THE COMMISSION ONE OF THE EIGHT MEMBERS APPOINTED BY THE
13 GOVERNOR UNDER ~~PARAGRAPH (2)(H) OF THIS SUBSECTION~~ SUBSECTION
14 (B)(3) OF THIS SECTION.

15 ~~(H)~~ (2) THE TERM OF THE CHAIR OF THE COMMISSION IS
16 4 YEARS.

17 ~~(H)~~ (3) THE GOVERNOR MAY REAPPOINT THE CHAIR OF
18 THE COMMISSION FOR A SECOND TERM.

19 ~~(H)~~ (4) THE TERM OF A MEMBER OF THE COMMISSION IS
20 4 YEARS.

21 ~~(4)~~ (D) THE BALTIMORE COUNTY PUBLIC SCHOOLS SHALL
22 PROVIDE STAFF FOR THE COMMISSION.

23 ~~(5)~~ (E) BEGINNING ~~JANUARY 1, 2015~~ OCTOBER 1, 2018, FOR
24 EACH NOMINATION ~~TO~~ FOR A VACANCY ON THE COUNTY BOARD, THE
25 COMMISSION SHALL SUBMIT TO THE GOVERNOR A LIST OF NOMINEES THAT
26 CONTAINS:

27 ~~(H)~~ (1) AT LEAST TWO NAMES FOR EACH VACANCY; OR

28 ~~(H)~~ (2) IF THERE ARE FEWER THAN TWO APPLICANTS
29 FOR A VACANCY, THE NUMBER OF NAMES THAT IS EQUAL TO THE NUMBER OF
30 APPLICANTS FOR THE VACANCY.

1 ~~(6)~~ ~~(4)~~ **(F) (1)** ABSENT AN EXTRAORDINARY CIRCUMSTANCE,
 2 THE GOVERNOR SHALL APPOINT A MEMBER TO THE COUNTY BOARD FROM THE
 3 LIST PROVIDED BY THE COMMISSION.

4 ~~(H)~~ **(2)** IF THE GOVERNOR ELECTS NOT TO APPOINT A
 5 MEMBER FROM A LIST SUBMITTED BY THE COMMISSION, THE GOVERNOR
 6 SHALL RETURN THE LIST TO THE COMMISSION AND REQUEST THAT THE
 7 COMMISSION SUBMIT THE NAMES OF ADDITIONAL QUALIFIED CANDIDATES.

8 ~~(7)~~ ~~(I)~~ ~~FOLLOWING THE APPOINTMENT OF A MEMBER OF THE~~
 9 ~~BALTIMORE COUNTY BOARD OF EDUCATION BY THE GOVERNOR, A MEMBER~~
 10 ~~MAY SERVE FOR THE REMAINDER OF THE MEMBER'S TERM, AS PROVIDED IN §~~
 11 ~~3-108(C) OF THIS SUBTITLE, SUBJECT TO THE APPROVAL OR REJECTION OF~~
 12 ~~THE REGISTERED VOTERS OF THE COUNTY AT THE NEXT GENERAL ELECTION.~~

13 ~~(H)~~ ~~A MEMBER OF THE COUNTY BOARD IS ELIGIBLE FOR~~
 14 ~~NOMINATION AND REAPPOINTMENT FOR A SECOND CONSECUTIVE TERM IN~~
 15 ~~ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION AND~~
 16 ~~PARAGRAPHS (1) THROUGH (6) OF THIS SUBSECTION.~~

17 ~~(H)~~ **1.** ~~THE APPROVAL OR REJECTION OF A MEMBER OF~~
 18 ~~THE COUNTY BOARD BY THE REGISTERED VOTERS OF THE COUNTY PROVIDED~~
 19 ~~FOR IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH SHALL BE A VOTE FOR~~
 20 ~~THE MEMBER'S RETENTION OR REMOVAL.~~

21 ~~2.~~ ~~ON RECEIPT OF THE NOTICE REQUIRED UNDER §~~
 22 ~~5-301(H) OF THE ELECTION LAW ARTICLE, THE NAME OF THE MEMBER OF THE~~
 23 ~~COUNTY BOARD SHALL BE PLACED ON THE APPROPRIATE BALLOT AND SHOWN,~~
 24 ~~WITHOUT OPPOSITION, AND THE VOTERS SHALL VOTE FOR OR AGAINST THE~~
 25 ~~MEMBER'S RETENTION AS A MEMBER OF THE COUNTY BOARD.~~

26 ~~(IV)~~ ~~IF THE VOTERS REJECT THE RETENTION OF THE~~
 27 ~~MEMBER, OR THE VOTE IS TIED:~~

28 ~~1.~~ ~~THE POSITION SHALL BECOME VACANT 10 DAYS~~
 29 ~~AFTER CERTIFICATION OF THE ELECTION RETURNS; AND~~

30 ~~2.~~ ~~THE MEMBER SERVES UNTIL A SUCCESSOR IS~~
 31 ~~APPOINTED AND QUALIFIES.~~

32 ~~[(b)] (C)~~ ~~(1)~~ ~~The student member shall:~~

33 ~~(i)~~ ~~Be an eleventh or twelfth grade student in the Baltimore~~
 34 ~~County public school system;~~

1 (ii) ~~Serve for 1 year; and~~

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

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

5 (i) ~~Hearings on appeals of special education placements;~~

6 (ii) ~~Hearings held under § 6-202(a) of this article; or~~

7 (iii) ~~Collective bargaining.~~

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

10 (i) ~~§ 6-202(a) of this article;~~

11 (ii) ~~Collective bargaining;~~

12 (iii) ~~Capital and operating budgets; and~~

13 (iv) ~~School closings, reopenings, and boundaries.~~

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

17 ~~[(e)] (D) A board member who does not maintain his residential~~
18 ~~qualification shall be replaced as a member.~~

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

22 **3-2A-04.**

23 **(A) EXCEPT FOR THE STUDENT MEMBER, A MEMBER SERVES FOR A**
24 **TERM OF 4 YEARS BEGINNING ON THE FIRST MONDAY IN DECEMBER AFTER**
25 **THE MEMBER'S ELECTION OR APPOINTMENT AND UNTIL A SUCCESSOR IS**
26 **ELECTED OR APPOINTED AND QUALIFIES.**

27 **(B) (1) AN INDIVIDUAL WHO TAKES OFFICE TO FILL A VACANCY FOR**
28 **AN ELECTED OR APPOINTED MEMBER SERVES FOR THE REMAINDER OF THE**

1 TERM FOR WHICH THE APPOINTMENT WAS MADE AND UNTIL A SUCCESSOR IS
2 ELECTED OR APPOINTED AND QUALIFIES.

3 (2) THE GOVERNOR SHALL ACT WITHIN 30 DAYS TO MAKE ANY
4 APPOINTMENT TO THE COUNTY BOARD.

5 3-2A-05.

6 (A) THE STUDENT MEMBER SHALL:

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

9 (2) SERVE FOR 1 YEAR; AND

10 (3) ADVISE THE COUNTY BOARD ON THE THOUGHTS AND
11 FEELINGS OF STUDENTS.

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

15 (1) HEARINGS ON APPEALS OF SPECIAL EDUCATION
16 PLACEMENTS;

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

18 (3) COLLECTIVE BARGAINING.

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

21 (1) § 6-202(A) OF THIS ARTICLE;

22 (2) COLLECTIVE BARGAINING;

23 (3) CAPITAL AND OPERATING BUDGETS; AND

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

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

1 3-2A-06.

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

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

7 (B) AFTER SUBMITTING VOUCHERS UNDER THE REGULATIONS
8 ADOPTED BY THE COUNTY BOARD, A MEMBER IS ENTITLED TO THE
9 ALLOWANCES FOR TRAVEL AND OTHER EXPENSES PROVIDED FOR IN THE
10 BALTIMORE COUNTY BUDGET.

11 3-2A-07.

12 A NONSTUDENT MEMBER OF THE COUNTY BOARD MAY NOT:

13 (1) BE A CANDIDATE FOR OR HOLD ELECTED OR APPOINTED
14 OFFICE FOR:

15 (I) A POLITICAL PARTY; OR

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

17 (2) BE A CURRENT EMPLOYEE OF THE BALTIMORE COUNTY
18 PUBLIC SCHOOL SYSTEM.

19 3-2A-08.

20 (A) THE STATE BOARD MAY REMOVE AN ELECTED OR APPOINTED
21 MEMBER OF THE COUNTY BOARD OR A MEMBER APPOINTED BY THE GOVERNOR
22 TO FILL A VACANCY IN OFFICE FOR AN ELECTED OR APPOINTED MEMBER FOR
23 ANY OF THE FOLLOWING REASONS:

24 (1) IMMORALITY;

25 (2) MISCONDUCT IN OFFICE;

26 (3) INCOMPETENCY;

27 (4) WILLFUL NEGLECT OF DUTY; OR

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

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

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

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

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

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

18 **3-2A-09.**

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

22 **[3-109.] 3-2A-10.**

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

26 (1) Two from the staff of the county board ~~of education;~~

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

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

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

31 (5) One from the Department of Aging;

- 1 (6) One from the Health Department;
- 2 (7) One from the county community colleges, subject to the following
3 conditions:
- 4 (i) Representation shall be determined on a rotating basis by
5 alphabetical order by community college name; and
- 6 (ii) Each such member shall serve for 1 year;
- 7 (8) One from the Department of Juvenile Services;
- 8 (9) One from the county public libraries; and
- 9 (10) One from the Department of Planning.

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

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

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

19 (2) ~~The initial members selected to represent legislative districts 5, 7,~~
20 ~~9, and 11 shall each serve for a 2-year term beginning June 1, 1979, and ending May~~
21 ~~31, 1981. Thereafter all members shall be selected to serve 2-year terms. The initial~~
22 ~~members selected to represent legislative districts 8, 10, 12, and 13 shall each serve~~
23 ~~for a 1-year term beginning June 1, 1979, and ending May 31, 1980, and thereafter all~~
24 ~~members shall be selected for 2-year terms~~ **EACH MEMBER SHALL BE SELECTED TO**
25 **SERVE A 2-YEAR TERM;**

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

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

31 **[(h)] ~~(I)~~ (D)** The Council shall:

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

4 (2) Report its findings and recommendations to the county board of
5 ~~education~~ and the County Executive at least twice during the school year.

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

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

11 (a) The terms of the four members appointed at large who are in office on the
12 effective date of this Act shall expire as follows:

13 (1) the term of the member whose term is scheduled to expire on June
14 30, 2015, shall expire at the end of December 6, 2015, and the Governor shall appoint
15 a member to succeed that member to serve for a term of 4 years beginning on
16 December 7, 2015, until a successor is appointed and qualifies;

17 (2) the term of the member whose term is scheduled to expire on June
18 30, 2016, shall expire at the end of December 4, 2016, and the Governor shall appoint
19 a member to succeed that member to serve for a term of 4 years beginning on
20 December 5, 2016, until a successor is appointed and qualifies; and

21 (3) the terms of the two members whose terms are scheduled to expire
22 on June 30, 2018, shall expire at the end of December 2, 2018, and the Governor shall
23 appoint two members from a list of nominees submitted by the Baltimore County
24 School Board Nominating Commission as established by Section 1 of this Act to
25 succeed those two departing members, each to serve for a term of 4 years beginning on
26 December 3, 2018, until a successor is appointed and qualifies.

27 (b) The terms of the seven members appointed from councilmanic districts 1,
28 2, 3, 4, 5, 6, and 7 of Baltimore County, or their successors, who are in office on June 1,
29 2016, shall terminate at the end of December 2, 2018, and the members elected from
30 those councilmanic/school board districts in Baltimore County at the general election
31 in November 2018, shall succeed those appointed members and serve for a term of 4
32 years beginning on December 3, 2018, until a successor is elected and qualifies.

33 SECTION 3. AND BE IT FURTHER ENACTED, That the initial elected
34 members of the Baltimore County Board of Education as provided under this Act shall
35 be elected from the seven councilmanic/school board districts in Baltimore County at
36 the general election in November 2018 and take office on December 3, 2018.

1 SECTION 4. AND BE IT FURTHER ENACTED, That, in appointing members
2 to the Baltimore County Board of Education, the Governor shall ensure, to the extent
3 practicable, that the total makeup of the county board reflects gender, ethnic, and
4 racial diversity.

5 SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take
6 effect October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.