

SENATE BILL 635

F3
SB 107/13 – EHE

4lr0458

By: **Senator Simonaire**

Introduced and read first time: January 30, 2014

Assigned to: Education, Health, and Environmental Affairs

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

17 BY repealing and reenacting, with amendments,
18 Article – Education
19 Section 3–108, 3–110, and 3–114
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2013 Supplement)

22 BY adding to
23 Article – Education
24 Section 3–2A–01 to be under the new subtitle “Subtitle 2A. Anne Arundel
25 County”
26 Annotated Code of Maryland
27 (2008 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 3–108.

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

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

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

12 (ii) The Harford County Board of Education in accordance with
13 § 3–6A–01 of this title;

14 (iii) The Caroline County Board of Education in accordance with
15 § 3–3A–02 of this title;

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

18 (v) The county boards of education in the counties listed in
19 § 3–114 of this subtitle in accordance with the provisions of that section.

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

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

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

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

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

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

3 (i) Immorality;

4 (ii) Misconduct in office;

5 (iii) Incompetency;

6 (iv) Willful neglect of duty; or

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

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

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

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

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

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

21 (i) A complete statement of all charges made against the
22 member;

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

24 (iii) A complete record of the proceedings.

25 3-110.

26 (a) (1) **[The] UNTIL THE ELECTION OF MEMBERS OF THE COUNTY**
27 **BOARD AT THE PRIMARY AND GENERAL ELECTIONS OF 2016 AND THE**
28 **COMMENCEMENT OF THEIR TERMS ON DECEMBER 5, 2016, AND SUBJECT TO §**
29 **3-2A-01 OF THIS TITLE, THE** Anne Arundel County Board consists of 9 members
30 who shall be appointed as follows:

1 (i) 3 from the county at large, APPOINTED BY THE
2 GOVERNOR;

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

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

8 (2) AFTER THE PRIMARY AND GENERAL ELECTIONS OF 2016 AND
9 THE COMMENCEMENT OF THE TERMS OF THE MEMBERS ELECTED FOLLOWING
10 THOSE ELECTIONS, AND SUBJECT TO § 3-2A-01 OF THIS TITLE, THE COUNTY
11 BOARD SHALL CONSIST OF:

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

15 (II) 3 APPOINTED MEMBERS FROM THE COUNTY AT LARGE,
16 1 EACH APPOINTED BY:

17 1. THE GOVERNOR;

18 2. THE COUNTY EXECUTIVE OF ANNE ARUNDEL
19 COUNTY; AND

20 3. THE COUNTY COUNCIL OF ANNE ARUNDEL
21 COUNTY; AND

22 (III) 1 STUDENT MEMBER, SELECTED BY THE CHESAPEAKE
23 REGIONAL ASSOCIATION OF STUDENT COUNCILS OF ANNE ARUNDEL COUNTY.

24 (3) THE TERM OF AN ELECTED MEMBER OR AN APPOINTED
25 MEMBER IS 4 YEARS.

26 [(2)] (4) Except for the student member[, the]:

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

30 (II) EFFECTIVE FOR THE TERM THAT BEGINS ON
31 DECEMBER 5, 2016, THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY AND

1 THE COUNTY COUNCIL OF ANNE ARUNDEL COUNTY EACH SHALL APPOINT A
2 MEMBER OF THE COUNTY BOARD FROM A LIST OF NOMINEES SUBMITTED BY
3 THE SCHOOL BOARD NOMINATING COMMISSION OF ANNE ARUNDEL COUNTY
4 AS PROVIDED IN SUBSECTION (B) OF THIS SECTION.

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

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

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

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

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

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

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

21 1. The Teachers Association of Anne Arundel County;

22 2. The Annapolis and Anne Arundel County Chamber of
23 Commerce;

24 3. The Anne Arundel County Council of Parent Teacher
25 Associations;

26 4. The Anne Arundel County Community College Board
27 of Trustees; and

28 5. The Association of Educational Leaders (AEL).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (ii) The member serves until a successor is appointed and
33 qualifies.]

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

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

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

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

7 2. Continue to serve after graduation and until a
8 successor is appointed and qualifies.

9 (2) If a vacancy in the position of the student member occurs during
10 the term of the student member, the Chesapeake Regional Association of Student
11 Councils shall:

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

13 (ii) By utilizing the same method that it used to select the
14 previous student member of the board, select another student member to fill the
15 vacancy.

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

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

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

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

29 3-114.

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

32 (1) Allegany;

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

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

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

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

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

4 **[(e)] (F)** An individual subject to the authority of the county board may not
5 serve as a member of the county board. At the time of filing a certificate of candidacy
6 for election to a county board, a person shall certify to the local board of supervisors of
7 elections whether or not he is subject to the authority of the county board. The
8 Governor shall not issue a commission of election to a person who has certified
9 affirmatively and who is elected to a county board until the member–elect offers proof
10 that he is no longer subject to the authority of the county board.

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

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

14 **3–2A–01.**

15 **(A) IN ANNE ARUNDEL COUNTY, A MEMBER APPOINTED TO THE**
16 **COUNTY BOARD BY THE GOVERNOR, THE COUNTY EXECUTIVE OF ANNE**
17 **ARUNDEL COUNTY, OR THE COUNTY COUNCIL OF ANNE ARUNDEL COUNTY**
18 **SHALL BE SELECTED FROM A LIST SUBMITTED TO THE APPOINTING AUTHORITY**
19 **BY THE SCHOOL BOARD NOMINATING COMMISSION FOR ANNE ARUNDEL**
20 **COUNTY UNDER § 3–110 OF THIS TITLE.**

21 **(B) THE ELECTED MEMBERS OF THE COUNTY BOARD SHALL BE**
22 **ELECTED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 8 OF**
23 **THE ELECTION LAW ARTICLE GOVERNING THE ELECTION OF MEMBERS OF**
24 **COUNTY BOARDS OF EDUCATION.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That, except for the student
26 member, the terms of the appointed members of the Anne Arundel County Board of
27 Education in office on December 4, 2016, shall terminate at the end of December 4,
28 2016.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 January 1, 2015.