

HOUSE BILL 777

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By: **Delegate McDonough**

Introduced and read first time: February 3, 2014

Assigned to: Ways and Means

A BILL ENTITLED

AN ACT concerning

Baltimore County – Board of Education – Selection of Members

FOR the purpose of requiring that certain members of the Baltimore County Board of Education be elected; requiring that certain members of the county board be appointed within a certain period of time; establishing the composition of the county board; providing for the qualifications, terms of office, and filling of a vacancy of certain members of the county board; establishing a procedure for the election and appointment of members of the county board; authorizing the Baltimore County Board of Elections to adopt certain regulations; providing for the election, terms, qualifications, and duty of a certain student member of the county board; providing for the election of the president and vice president of the county board; establishing certain removal, hearing, and appeal procedures for certain members of the county board; providing for the termination of the terms of certain appointed members of the county board; requiring the Governor to ensure a certain makeup of the county board; providing for the termination of the terms of certain members of the county board; defining a certain term; making conforming changes; and generally relating to the Baltimore County Board of Education.

BY repealing and reenacting, with amendments,

Article – Education

Section 3–108(a) and 3–114

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing

Article – Education

Section 3–109

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY adding to

Article – Education

Section 3–109 and 3–109.1 through 3–109.3

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]

(v) THE BALTIMORE COUNTY BOARD OF EDUCATION IN ACCORDANCE WITH § 3–109 OF THIS SUBTITLE; AND

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

[3–109.

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

(1) Four from the county at large;

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

(3) One student member from the county at large.

(b) (1) The student member shall:

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

(ii) Serve for 1 year; and

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

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

(i) Hearings on appeals of special education placements;

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

(iii) Collective bargaining.

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

(i) § 6–202(a) of this article;

(ii) Collective bargaining;

(iii) Capital and operating budgets; and

(iv) School closings, reopenings, and boundaries.

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

(c) A board member who does not maintain his residential qualification shall be replaced as a member.

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

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(e) There is a School Shared Space Council in Baltimore County consisting of 12 employees of the county appointed by the County Executive for a term coterminous with that of the board as follows:

- (1) Two from the staff of the county board of education;
- (2) Two from the County Executive's administrative staff, one of whom shall be the Director of Central Services;
- (3) One from the Department of Social Services;
- (4) One from the Department of Recreation and Parks;
- (5) One from the Department of Aging;
- (6) One from the Health Department;
- (7) One from the county community colleges, subject to the following conditions:
 - (i) Representation shall be determined on a rotating basis by alphabetical order by community college name; and
 - (ii) Each such member shall serve for 1 year;
- (8) One from the Department of Juvenile Services;
- (9) One from the county public libraries; and
- (10) One from the Department of Planning.

(f) A county employee Council member who does not maintain his employment in the county shall be replaced.

(g) In addition to the county employee members, there shall be eight county citizens selected as members of the Council as follows and with the following duties:

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

(2) The initial members selected to represent legislative districts 5, 7, 9, and 11 shall each serve for a 2-year term beginning June 1, 1979, and ending May 31, 1981. Thereafter all members shall be selected to serve 2-year terms. The initial members selected to represent legislative districts 8, 10, 12, and 13 shall each serve

for a 1-year term beginning June 1, 1979, and ending May 31, 1980, and thereafter all members shall be selected for 2-year terms;

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

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

(h) The Council shall:

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

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

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

3-109.

(A) (1) IN THIS SUBTITLE, "VOTING MEMBER" MEANS A MEMBER ELECTED OR APPOINTED TO THE COUNTY BOARD UNDER SUBSECTION (D) OR (F) OF THIS SECTION.

(2) "VOTING MEMBER" DOES NOT INCLUDE THE STUDENT MEMBER SELECTED UNDER SUBSECTION (G) OF THIS SECTION.

(B) THE COUNTY BOARD CONSISTS OF:

(1) SEVEN ELECTED MEMBERS;

(2) FOUR APPOINTED MEMBERS; AND

(3) ONE 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.

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

(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 11 VOTING MEMBERS OF THE COUNTY BOARD ELECTED OR APPOINTED UNDER THIS SECTION:

(I) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE SEVEN COUNCILMANIC DISTRICTS ONLY BY THE VOTERS OF THAT COUNCILMANIC DISTRICT; AND

(II) FOUR MEMBERS SHALL BE APPOINTED BY THE COUNTY EXECUTIVE OF BALTIMORE COUNTY FROM THE COUNTY AT LARGE.

(2) THE ELECTED MEMBERS SHALL BE ELECTED AT A GENERAL GUBERNATORIAL ELECTION AS REQUIRED BY THIS SUBSECTION.

(3) THE APPOINTED MEMBERS SHALL BE APPOINTED, WHEN APPROPRIATE, WITHIN 90 DAYS AFTER THE GENERAL ELECTION.

(E) (1) EXCEPT FOR THE STUDENT MEMBER, A MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING THE FIRST MONDAY IN JANUARY AFTER THE GUBERNATORIAL 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) AN ELECTED MEMBER OR AN APPOINTED MEMBER MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE TERMS AS A VOTING MEMBER.

(3) THE BALTIMORE COUNTY BOARD OF ELECTIONS MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.

(F) THE COUNTY EXECUTIVE SHALL APPOINT A QUALIFIED INDIVIDUAL TO FILL ANY VACANCY OF AN ELECTED OR APPOINTED MEMBER ON THE

COUNTY BOARD FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

(G) (1) THE STUDENT MEMBER OF THE COUNTY BOARD SHALL BE ELECTED BY THE HIGH SCHOOL STUDENTS OF BALTIMORE COUNTY IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE BALTIMORE COUNTY PUBLIC SCHOOL SYSTEM.

(2) THE STUDENT MEMBER SHALL:

(I) BE AN 11TH OR 12TH GRADE STUDENT, IN GOOD STANDING, AND REGULARLY ENROLLED IN THE BALTIMORE COUNTY PUBLIC SCHOOL SYSTEM;

(II) SERVE FOR 1 YEAR BEGINNING ON JULY 1 AFTER THE ELECTION OF THE MEMBER;

(III) BE A NONVOTING MEMBER; AND

(IV) ADVISE THE COUNTY BOARD ON THE THOUGHTS AND FEELINGS OF STUDENTS IN THE BALTIMORE COUNTY PUBLIC SCHOOLS.

3-109.1.

(A) THE BALTIMORE COUNTY BOARD SHALL ELECT A PRESIDENT AND VICE PRESIDENT FROM AMONG THE VOTING MEMBERS.

(B) THE COUNTY BOARD SHALL ELECT A PRESIDENT AND VICE PRESIDENT AT ITS FIRST MEETING IN JANUARY.

(C) THE PRESIDENT AND VICE PRESIDENT SHALL SERVE A TERM OF 2 YEARS.

(D) IF THERE IS A VACANCY IN THE OFFICE OF PRESIDENT OR VICE PRESIDENT, THE COUNTY BOARD SHALL FILL THE VACANCY WITHIN 30 DAYS AFTER THE VACANCY OCCURS.

3-109.2.

(A) EXCEPT FOR THE STUDENT MEMBER, THE STATE BOARD MAY REMOVE A VOTING MEMBER OF THE BALTIMORE 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 VOTING 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 AFTER THE STATE BOARD SENDS A COPY OF THE CHARGES.

(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 BALTIMORE COUNTY.

3-109.3.

(A) THERE IS A SCHOOL SHARED SPACE COUNCIL IN BALTIMORE COUNTY CONSISTING OF 12 EMPLOYEES OF THE COUNTY APPOINTED BY THE COUNTY EXECUTIVE FOR A TERM COTERMINOUS WITH THAT OF THE BOARD AS FOLLOWS:

(1) TWO FROM THE STAFF OF THE BALTIMORE COUNTY BOARD OF EDUCATION;

(2) TWO FROM THE COUNTY EXECUTIVE'S ADMINISTRATIVE STAFF, ONE OF WHOM SHALL BE THE DIRECTOR OF CENTRAL SERVICES;

- (3) ONE FROM THE DEPARTMENT OF SOCIAL SERVICES;
- (4) ONE FROM THE DEPARTMENT OF RECREATION AND PARKS;
- (5) ONE FROM THE DEPARTMENT OF AGING;
- (6) ONE FROM THE HEALTH DEPARTMENT;

(7) ONE FROM THE COUNTY COMMUNITY COLLEGES, SUBJECT TO THE FOLLOWING CONDITIONS:

(I) REPRESENTATION SHALL BE DETERMINED ON A ROTATING BASIS BY ALPHABETICAL ORDER BY COMMUNITY COLLEGE NAME; AND

(II) EACH MEMBER FROM THE COUNTY COMMUNITY COLLEGES SHALL SERVE FOR 1 YEAR;

- (8) ONE FROM THE DEPARTMENT OF JUVENILE SERVICES;
- (9) ONE FROM THE COUNTY PUBLIC LIBRARIES; AND
- (10) ONE FROM THE DEPARTMENT OF PLANNING.

(B) A COUNCIL MEMBER WHO IS A COUNTY EMPLOYEE AND DOES NOT MAINTAIN EMPLOYMENT IN THE COUNTY SHALL BE REPLACED.

(C) IN ADDITION TO THE COUNTY EMPLOYEE MEMBERS, THERE SHALL BE EIGHT COUNTY CITIZENS SELECTED AS MEMBERS OF THE COUNCIL AS FOLLOWS AND WITH THE FOLLOWING DUTIES:

(1) THE COUNTY CITIZEN MEMBERS SHALL BE SELECTED BY THE COUNTY EXECUTIVE. ONE MEMBER SHALL BE SELECTED FROM EACH LEGISLATIVE DISTRICT OF BALTIMORE COUNTY WITH THE APPROVAL OF THE STATE SENATOR FROM THAT DISTRICT. EACH LEGISLATIVE DISTRICT REPRESENTATIVE SHALL RESIDE IN THAT DISTRICT;

(2) THE INITIAL MEMBERS SELECTED TO REPRESENT LEGISLATIVE DISTRICTS 5, 7, 9, AND 11 SHALL EACH SERVE FOR A 2-YEAR TERM BEGINNING JUNE 1, 1979, AND ENDING MAY 31, 1981. THEREAFTER ALL MEMBERS SHALL BE SELECTED TO SERVE 2-YEAR TERMS. THE INITIAL MEMBERS SELECTED TO REPRESENT LEGISLATIVE DISTRICTS 8, 10, 12, AND 13

SHALL EACH SERVE FOR A 1-YEAR TERM BEGINNING JUNE 1, 1979, AND ENDING MAY 31, 1980, AND THEREAFTER ALL MEMBERS SHALL BE SELECTED FOR 2-YEAR TERMS;

(3) A CITIZEN MEMBER SHALL BE ENTITLED TO ATTEND AND VOTE AT A COUNCIL SESSION WHERE AN ISSUE BEFORE THE COUNCIL CONCERNS THE SCHOOL OR SCHOOLS IN THE CITIZEN MEMBER'S RESPECTIVE DISTRICT; AND

(4) WHEN THE COUNCIL MEETS TO CONSIDER COUNTYWIDE ISSUES, ALL SELECTED CITIZEN MEMBERS SHALL BE ENTITLED TO ATTEND THE SESSIONS AND VOTE.

(D) THE COUNCIL SHALL:

(1) MEET AS NEEDED TO COMPILE THE NUMBER OF SPACES IN THE PUBLIC SCHOOLS OF THE COUNTY THAT ARE NOT FILLED AND TO EVALUATE THE FEASIBILITY OF THE UTILIZATION OF THE SPACES BY THE COMMUNITY AND COUNTY DEPARTMENTS; AND

(2) REPORT THE FINDINGS AND RECOMMENDATIONS OF THE COUNCIL TO THE COUNTY BOARD OF EDUCATION AND THE COUNTY EXECUTIVE AT LEAST TWICE DURING THE SCHOOL YEAR.

(E) THE COUNTY EXECUTIVE MAY, BY EXECUTIVE ORDER, APPOINT UP TO TWO ADDITIONAL MEMBERS TO THE COUNCIL FROM AGENCIES OF THE COUNTY GOVERNMENT.

3-114.

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

- (1) Allegany;
- (2) Calvert;
- (3) Carroll;
- (4) Cecil;
- (5) Charles;
- (6) Dorchester;

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

(B) IN BALTIMORE COUNTY, IN ACCORDANCE WITH § 3-109 OF THIS SUBTITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A COMBINATION OF MEMBERS WHO ARE ELECTED AND APPOINTED.

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the appointed members of the Baltimore County Board of Education who are then serving on the county board shall terminate at the end of January 6, 2019.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.