

HOUSE BILL 993

F3
HB 444/14 – W&M

6lr1434

By: **Delegates Saab, S. Howard, Kipke, Malone, and Simonaire**

Introduced and read first time: February 10, 2016

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Board of Education – Selection of Members**

3 FOR the purpose of requiring that certain members of the Anne Arundel County Board of
4 Education be elected at certain elections; requiring that certain members of the
5 county board be appointed; providing for the residency, terms of office, and filling of
6 a vacancy of certain members of the county board; authorizing the Anne Arundel
7 County Board of Elections to adopt certain regulations; providing that a certain
8 member elected to the county board from a certain geographic area but whose district
9 boundaries subsequently are altered may remain as a member of the county board
10 for a certain period of time; providing for the termination of the terms of certain
11 appointed members of the county board; making certain conforming changes; and
12 generally relating to the Anne Arundel County Board of Education.

13 BY renumbering

14 Article – Education

15 Section 3–2A–01 through 3–2A–10, respectively, and the subtitle “Subtitle 2A.
16 Baltimore County”

17 to be Section 3–2B–01 through 3–2B–10, respectively, and the subtitle “Subtitle 2B.
18 Baltimore County”

19 Annotated Code of Maryland

20 (2014 Replacement Volume and 2015 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article – Education

23 Section 3–108(a), 3–110, and 3–114

24 Annotated Code of Maryland

25 (2014 Replacement Volume and 2015 Supplement)

26 BY adding to

27 Article – Education

28 Section 3–2A–01 to be under the new subtitle “Subtitle 2A. Anne Arundel County”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2014 Replacement Volume and 2015 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – Education
5 Section 3–2B–01(a)
6 Annotated Code of Maryland
7 (2014 Replacement Volume and 2015 Supplement)
8 (As enacted by Section 1 of this Act)

9 BY repealing and reenacting, with amendments,
10 Article – Education
11 Section 3–2B–01(b)(2)
12 Annotated Code of Maryland
13 (2014 Replacement Volume and 2015 Supplement)
14 (As enacted by Section 1 of this Act)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That Section(s) 3–2A–01 through 3–2A–10, respectively, and the subtitle “Subtitle 2A.
17 Baltimore County” of Article – Education of the Annotated Code of Maryland be
18 renumbered to be Section(s) 3–2B–01 through 3–2B–10, respectively, and the subtitle
19 “Subtitle 2B. Baltimore County”.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
21 as follows:

22 **Article – Education**

23 3–108.

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

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

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

30 (ii) The Harford County Board of Education in accordance with
31 § 3–6A–01 of this title;

32 (iii) The Caroline County Board of Education in accordance with
33 § 3–3A–02 of this title;

34 (iv) The Anne Arundel County Board of Education in accordance with
35 § 3–110 of this subtitle **AND § 3–2A–01 OF THIS TITLE**; and

1 (v) The county boards of education in the counties listed in
2 § 3-114 of this subtitle in accordance with the provisions of that section.

3 3-110.

4 (a) (1) **[The] UNTIL THE ELECTION OF MEMBERS OF THE COUNTY BOARD**
5 **AT THE PRIMARY AND GENERAL ELECTIONS OF 2018 AND THE COMMENCEMENT OF**
6 **THEIR TERMS ON DECEMBER 3, 2018, AND SUBJECT TO § 3-2A-01 OF THIS TITLE,**
7 **THE Anne Arundel County Board consists of [9] NINE members who shall be appointed as**
8 **follows:**

9 (i) **[3] THREE** from the county at large, **APPOINTED BY THE**
10 **GOVERNOR;**

11 (ii) **[1] ONE** each from legislative districts 30, 31, 32, 33, and that
12 portion of legislative district 21 that lies within Anne Arundel County, **APPOINTED BY**
13 **THE GOVERNOR; AND**

14 (iii) **[1] ONE** student member, **SELECTED IN ACCORDANCE WITH**
15 **SUBSECTION (F) OF THIS SECTION.**

16 (2) **AFTER THE PRIMARY AND GENERAL ELECTIONS OF 2018 AND THE**
17 **COMMENCEMENT OF THE TERMS OF THE TWO MEMBERS ELECTED FOLLOWING**
18 **THOSE ELECTIONS, AND UNTIL THE ELECTION FOR THE MEMBERS FROM**
19 **LEGISLATIVE DISTRICTS 30, 31, AND 33 AT THE PRIMARY AND GENERAL ELECTIONS**
20 **OF 2020 AND THE COMMENCEMENT OF THEIR TERMS ON DECEMBER 7, 2020, AND**
21 **SUBJECT TO § 3-2A-01 OF THIS TITLE, THE COUNTY BOARD SHALL CONSIST OF:**

22 (I) **TWO ELECTED MEMBERS, ONE FROM LEGISLATIVE**
23 **DISTRICT 32 AND ONE FROM THAT PORTION OF LEGISLATIVE DISTRICT 21 THAT LIES**
24 **WITHIN ANNE ARUNDEL COUNTY, ELECTED BY THE VOTERS OF THE APPLICABLE**
25 **LEGISLATIVE DISTRICT;**

26 (II) **THREE APPOINTED MEMBERS, ONE EACH FROM**
27 **LEGISLATIVE DISTRICTS 30, 31, AND 33, APPOINTED BY THE GOVERNOR;**

28 (III) **THREE APPOINTED MEMBERS FROM THE COUNTY AT**
29 **LARGE, APPOINTED BY THE GOVERNOR; AND**

30 (IV) **ONE STUDENT MEMBER, SELECTED IN ACCORDANCE WITH**
31 **SUBSECTION (F) OF THIS SECTION.**

1 **(3) AFTER THE PRIMARY AND GENERAL ELECTIONS OF 2020 AND THE**
2 **COMMENCEMENT OF THE TERMS OF THE MEMBERS ELECTED FROM LEGISLATIVE**
3 **DISTRICTS 30, 31, AND 33 FOLLOWING THOSE ELECTIONS AND SUBJECT TO**
4 **§ 3-2A-01 OF THIS TITLE, THE COUNTY BOARD SHALL CONSIST OF:**

5 **(I) FIVE ELECTED MEMBERS, ONE EACH FROM LEGISLATIVE**
6 **DISTRICTS 30, 31, 32, 33, AND THAT PORTION OF LEGISLATIVE DISTRICT 21 THAT**
7 **LIES WITHIN ANNE ARUNDEL COUNTY;**

8 **(II) THREE APPOINTED MEMBERS FROM THE COUNTY AT**
9 **LARGE, APPOINTED BY THE GOVERNOR; AND**

10 **(III) ONE STUDENT MEMBER, SELECTED IN ACCORDANCE WITH**
11 **SUBSECTION (F) OF THIS SECTION.**

12 **[(2)] (4) (I) [Except for the student member, the] THE** Governor shall
13 appoint [a member] **THE APPOINTED MEMBERS** of the county board from a list of
14 nominees submitted by the School Board Nominating Commission of Anne Arundel County
15 as provided in subsection (b) of this section.

16 **(II) AN ELECTED MEMBER OF THE COUNTY BOARD SHALL BE A**
17 **RESIDENT OF THE COUNTY.**

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

20 (ii) The purpose of the Commission is to select nominees to be
21 recommended to the Governor as qualified candidates for appointment to the Anne Arundel
22 County Board of Education.

23 (iii) The Commission shall hold at least two public hearings on the
24 selection of nominees before recommending to the Governor nominees for appointment to
25 the county board.

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

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

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

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

33 1. The Teachers Association of Anne Arundel County;

1 ~~[(3)]~~ (4) (i) The approval or rejection of [a] AN APPOINTED member
2 of the county board by the registered voters of the county provided for in subparagraph (ii)
3 of this paragraph shall be a vote for the APPOINTED member's retention or removal.

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

8 ~~[(4)]~~ (5) If the voters reject the retention of the APPOINTED member, or
9 the vote is tied:

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

12 (ii) The APPOINTED member serves until a successor is appointed
13 and qualifies.

14 **(6) THE GOVERNOR SHALL APPOINT A QUALIFIED INDIVIDUAL TO**
15 **FILL ANY VACANCY OF AN APPOINTED MEMBER ON THE COUNTY BOARD FOR THE**
16 **REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

17 **(D) (1) (I) AN ELECTED MEMBER SERVES FOR A TERM OF 4 YEARS**
18 **BEGINNING ON THE FIRST MONDAY IN DECEMBER AFTER THE MEMBER IS ELECTED**
19 **AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.**

20 **(II) UNLESS OTHERWISE DISQUALIFIED UNDER THIS SECTION,**
21 **AN ELECTED MEMBER OF THE COUNTY BOARD IS ELIGIBLE FOR REELECTION.**

22 **(III) THE ANNE ARUNDEL COUNTY BOARD OF ELECTIONS MAY**
23 **ADOPT REGULATIONS TO IMPLEMENT THIS PARAGRAPH.**

24 **(2) THE GOVERNOR SHALL APPOINT A QUALIFIED INDIVIDUAL TO**
25 **FILL ANY VACANCY OF AN ELECTED MEMBER ON THE COUNTY BOARD FOR THE**
26 **REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.**

27 **(E) (1) AN APPOINTED OR ELECTED MEMBER MAY NOT SERVE FOR MORE**
28 **THAN TWO CONSECUTIVE TERMS AS A MEMBER OF THE COUNTY BOARD.**

29 **(2) THE TERM OF AN APPOINTED OR ELECTED MEMBER WHO DOES**
30 **NOT SERVE A FULL TERM DOES NOT COUNT TOWARD THE TWO CONSECUTIVE TERM**
31 **LIMIT.**

1 **[(d)] (F)** (1) The student member shall:

2 (i) Be a regularly enrolled senior year student of good character and
3 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 by
5 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 successor is
8 appointed and qualifies.

9 (2) If a vacancy in the position of the student member occurs during the
10 term of the student member, the Chesapeake Regional Association of Student Councils
11 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 previous
14 student member of the board, select another student member to fill the vacancy.

15 **[(e)] (G)** A board member who does not maintain the residency qualification
16 shall be replaced as a member.

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

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

25 3-114.

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

27 (1) Allegany;

28 (2) Calvert;

29 (3) Carroll;

30 (4) Cecil;

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

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

17 (c) In Baltimore County, in accordance with [Subtitle 2A] **SUBTITLE 2B** of this
18 title, the members of the county board shall be a combination of members who are elected
19 and appointed.

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

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

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

