Article - Education

§3–701.

(a) The Howard County Board consists of:

(1) Seven elected members; and

(2) One student member.

(b) A candidate who becomes an elected member of the county board shall be a resident and registered voter of Howard County. Any elected member who no longer resides in Howard County may not continue as a member of the board.

(c) The seven elected members of the Howard County Board shall be elected:

(1) At the general election every 2 years as required by subsection (d) of this section; and

(2) From Howard County at large.

(d) (1) (i) The terms of the elected members are staggered as provided in this subsection.

(ii) Each term of office begins on the first Monday in December after the election of a member and until a successor is elected and qualifies.

(2) (i) The term of office of the member elected at the 2002 election is 4 years.

(ii) The successor to this office shall serve for a term of 4 years.

(3) (i) Two members shall be elected at the 2004 election.

(ii) The successors to these offices elected at the 2008 election shall serve a term of 4 years.

(4) (i) Five members shall be elected at the 2006 election.

(ii) Subject to paragraph (5) of this subsection, the successors to these offices shall be elected at the 2010 election and shall serve for a term of 4 years.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, as of the 2006 election, the term of each office is 4 years.

(ii) 1. At the 2006 election, the individual elected as a member who receives the lowest number of votes among the five members elected in that election shall serve for a term of 2 years.

2. The successor to the office for the member elected at the

2006 election who receives the lowest number of votes among the five members elected in that election shall be elected at the 2008 election and shall serve for a term of 4 years.

(6) Except as provided in paragraph (7) of this subsection and subject to the confirmation of the County Council, the County Executive of Howard County shall appoint a qualified individual to fill any vacancy on the county board for the remainder of that term and until a successor is appointed and qualifies.

(7) If a vacancy occurs before the date that is 1 year following the date of the member's election, the individual appointed under paragraph (6) of this subsection shall serve only until a successor is elected by the voters at the next general election.

(8) Candidates for the vacated office may be nominated at a primary election in the same manner as for any other position on the Howard County Board.

(9) When more than two members of the county board are to be elected at an election and the terms of the offices to be filled at the election vary, the elected candidates receiving the greater number of votes shall fill the offices with the longer terms.

(10) The candidate receiving the vacated position shall take office on the first Monday in December after the election and shall continue to serve for the remainder of the vacated term and until a successor is elected and qualifies.

(11) Except as provided in this subsection, an election to fill a vacancy on the Howard County Board of Education shall be governed by §§ 8–801 through 8–806 of the Election Law Article.

(e) (1) The student member shall be a bona fide resident of Howard County and a regularly enrolled junior or senior year student from a Howard County public high school.

(2) The student member shall serve for a term of 1 year beginning on July 1 after the member's election, subject to confirmation of the election results by the county board.

(3) The nomination and election process for the student member:

(i) Shall be approved by the Howard County Board of Education;

(ii) Shall include a provision that provides for the replacement of one or both of the final candidates if one or both of them are unable, ineligible, or disqualified to proceed in the election; and

(iii) Shall allow for any student in grades 6 through 11 enrolled in a Howard County public school to vote directly for one of the two student member candidates.

(4) The student member candidate who receives the second highest number of votes in the direct election:

(i) Shall become the alternate student member; and

(ii) Shall serve if the student member who is elected is unable, ineligible, or disqualified to complete the student member's term of office.

(5) Except as provided in paragraphs (6) and (7) of this subsection, the student member has the same rights and privileges as an elected member.

(6) Unless invited to attend by the affirmative vote of a majority of the county board, the student member may not attend a closed session addressing a matter on which a student member is prohibited from voting under paragraph (7) of this subsection.

(7) The student member shall vote on all matters except those relating to:

(i) Geographical attendance areas under § 4–109 of this article;

(ii) Acquisition and disposition of real property and matters pertaining to school construction under § 4–115 of this article;

(iii) Employment of architects under § 4–117 of this article;

(iv) Donations under § 4–118 of this article;

(v) Condemnation under § 4–119 of this article;

(vi) Consolidation of schools and transportation of students under § 4–120 of this article;

(vii) Appointment and salary of a county superintendent under §§ 4–201 and 4–202 of this article;

(viii) Employee discipline and other appeals under § 4–205(c) of this article;

(ix) Budgetary matters under Title 5 of this article;

(x) Appointment and promotion of staff under § 6–201 of this article;

(xi) Discipline of certificated staff under § 6–202 of this article;

(xii) Collective bargaining for certificated employees under Title 6, Subtitle 4 of this article;

(xiii) Collective bargaining for noncertificated employees under Title 6, Subtitle 5 of this article; and

(xiv) Student suspension and expulsion under § 7–305 of this article.

(8) The student member may not receive compensation but, after submitting expense vouchers, shall be reimbursed for out–of–pocket expenses incurred in connection with official duties, in accordance with the procedures and regulations established by the county board.

(f) Passage of a motion by the county board requires the affirmative vote of:

(1) Five members if the student member is authorized to vote; or

(2) Four members if the student member is not authorized to vote.

(g) (1) The State Board may remove a member of the county board for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency; or

(iv) Willful neglect of duty.

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

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

(i) 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

(ii) 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.

(4) A member removed under this subsection has the right to a de novo review of the removal by the Circuit Court for Howard County.