
By: Delegate Dewberry

Introduced and read first time: February 2, 1996

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 Baltimore County - Board of Education - Election and Appointment of Members

3 FOR the purpose of altering the number of members of the Baltimore County Board of
4 Education; providing for the election of certain members and the appointment of
5 certain members of the Baltimore County Board of Education; providing for the
6 terms of office, vacancies, and removal of members; providing for the meetings of
7 the Board; providing for the effective date of this Act; and generally relating to the
8 appointment and election of the members of the Board of Education of Baltimore
9 County.

10 BY repealing and reenacting, with amendments,
11 Article - Education
12 Section 3-108(a) and 3-113(a)
13 Annotated Code of Maryland
14 (1992 Replacement Volume and 1995 Supplement)

15 BY repealing
16 Article - Education
17 Section 3-109
18 Annotated Code of Maryland
19 (1992 Replacement Volume and 1995 Supplement)

20 BY adding to
21 Article - Education
22 Section 3-1101 through 3-1104, inclusive, to be under the new part "Part IV.
23 Special Boards" and the new subtitle "Subtitle 11. Baltimore County"
24 Annotated Code of Maryland
25 (1992 Replacement Volume and 1995 Supplement)

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

2

1 **Article - Education**

2 3-108.

3 (a) Except for BALTIMORE COUNTY AND the counties listed in § 3-113 of this
4 subtitle, the Governor shall appoint the members of each county board from the residents
5 of that county.

6 [3-109.

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

9 (1) Four from the County at large;

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

12 (3) One student member from the County at large.

13 (b) (1) The student member shall:

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

16 (ii) Serve for 1 year; and

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

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

20 (i) Hearings on appeals of special education placements;

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

22 (iii) Collective bargaining.

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

25 (i) § 6-202(a) of this article;

26 (ii) Collective bargaining;

27 (iii) Capital and operating budgets; and

28 (iv) School closings, reopenings, and boundaries.

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

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

1 (d) If the boundary line of a legislative district is changed, the term of an
2 incumbent member of the County Board who no longer resides in the legislative district
3 because of the change is not affected during this term.

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

7 (1) Two from the staff of the County Board of Education;

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

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

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

12 (5) One from the Department of Aging;

13 (6) One from the Health Department;

14 (7) One from the County community colleges, subject to the following
15 conditions:

16 (i) Representation shall be determined on a rotating basis by
17 alphabetical order by community college name; and

18 (ii) Each such member shall serve for 1 year;

19 (8) One from the Department of Juvenile Justice;

20 (9) One from the County public libraries;

21 (10) One from the Department of Planning.

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

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

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

30 (2) The initial members selected to represent legislative districts 5, 7, 9, and
31 11 shall each serve for a 2-year term beginning June 1, 1979, and ending May 31, 1981.
32 Thereafter all members shall be selected to serve 2-year terms. The initial members
33 selected to represent legislative districts 8, 10, 12, and 13 shall each serve for a 1-year
34 term beginning June 1, 1979, and ending May 31, 1980, and thereafter all members shall
35 be selected for 2-year terms;

4

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

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

6 (h) The Council shall:

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

10 (2) Report its findings and recommendations to the County Board of
11 Education and the County Executive at least twice during the school year.

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

14 3-113.

15 (a) [In] EXCEPT AS PROVIDED IN SUBTITLE 11 OF THIS TITLE, IN the following
16 counties, the members of the county board shall be elected:

17 (1) Allegany;

18 (2) Calvert;

19 (3) Carroll;

20 (4) Charles;

21 (5) Garrett;

22 (6) Howard;

23 (7) Kent;

24 (8) Prince George's;

25 (9) Montgomery;

26 (10) Somerset; and

27 (11) Washington.

28 PART IV. SPECIAL BOARDS.

29 SUBTITLE 11. BALTIMORE COUNTY.

30 3-1101.

31 (A) (1) THE BALTIMORE COUNTY BOARD OF EDUCATION CONSISTS OF 15
32 MEMBERS.

33 (2) OF THE 15 BOARD MEMBERS:

5

1 (I) SEVEN SHALL BE APPOINTED AS PROVIDED IN SUBSECTION (B)
2 OF THIS SECTION;

3 (II) SEVEN SHALL BE ELECTED FROM BALTIMORE COUNTY AS
4 PROVIDED IN SUBSECTION (C) OF THIS SECTION; AND

5 (III) ONE SHALL BE A STUDENT MEMBER FROM THE COUNTY AT
6 LARGE AS PROVIDED IN SUBSECTION (D) OF THIS SECTION.

7 (B) OF THE SEVEN APPOINTED MEMBERS, THE GOVERNOR SHALL APPOINT
8 ONE FROM EACH OF THE SEVEN COUNCILMANIC DISTRICTS IN BALTIMORE COUNTY.

9 (C) OF THE SEVEN ELECTED MEMBERS, ONE SHALL BE ELECTED FROM EACH
10 OF THE SEVEN COUNCILMANIC DISTRICTS IN BALTIMORE COUNTY.

11 (D) (1) THE STUDENT MEMBER SHALL:

12 (I) BE AN 11TH OR 12TH GRADE STUDENT IN THE BALTIMORE
13 COUNTY PUBLIC SCHOOL SYSTEM;

14 (II) SERVE FOR 1 YEAR; AND

15 (III) ADVISE THE BOARD ON THE THOUGHTS AND FEELINGS OF
16 STUDENTS.

17 (2) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A
18 MAJORITY OF THE BOARD, THE STUDENT MEMBER MAY NOT ATTEND AN
19 EXECUTIVE SESSION THAT RELATES TO:

20 (I) HEARINGS ON APPEALS OF SPECIAL EDUCATION PLACEMENTS;

21 (II) HEARINGS HELD UNDER § 6-202(A) OF THIS ARTICLE; OR

22 (III) COLLECTIVE BARGAINING.

23 (3) AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE
24 STUDENT MEMBER MAY VOTE ON ALL MATTERS EXCEPT THOSE RELATING TO:

25 (I) § 6-202(A) OF THIS ARTICLE;

26 (II) COLLECTIVE BARGAINING;

27 (III) CAPITAL AND OPERATING BUDGETS; AND

28 (IV) SCHOOL CLOSINGS, REOPENINGS, AND BOUNDARIES.

29 (4) ON A MAJORITY VOTE OF THE NONSTUDENT MEMBERS, THE BOARD
30 MAY DETERMINE, ON A CASE BY CASE BASIS, WHETHER A MATTER UNDER
31 CONSIDERATION IS COVERED BY THE EXCLUSIONARY PROVISIONS LISTED IN
32 PARAGRAPH (3) OF THIS SUBSECTION.

33 (E) A BOARD MEMBER WHO DOES NOT MAINTAIN THE RESIDENTIAL
34 QUALIFICATION SHALL BE REPLACED AS A MEMBER.

35 (F) (1) EACH MEMBER SERVES FOR A TERM OF 4 YEARS.

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1 (2) THE GOVERNOR SHALL APPOINT A NEW MEMBER TO FILL ANY
2 VACANCY ON THE BOARD FOR THE REMAINDER OF THAT TERM.

3 (G) (1) WITH THE APPROVAL OF THE GOVERNOR, THE STATE
4 SUPERINTENDENT MAY REMOVE ANY MEMBER OF THE BOARD APPOINTED UNDER
5 THIS SECTION FOR:

6 (I) IMMORALITY;

7 (II) MISCONDUCT IN OFFICE;

8 (III) INCOMPETENCY;

9 (IV) WILLFUL NEGLECT OF DUTY; OR

10 (V) FAILURE TO ATTEND, WITHOUT GOOD CAUSE, AT LEAST HALF
11 OF THE SCHEDULED MEETINGS OF THE BOARD IN ANY ONE CALENDAR YEAR.

12 (2) BEFORE REMOVING A MEMBER, THE STATE SUPERINTENDENT
13 SHALL SEND THE MEMBER A COPY OF THE CHARGES AGAINST HIM AND GIVE HIM
14 AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.

15 (3) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY
16 PERIOD:

17 (I) THE STATE SUPERINTENDENT PROMPTLY SHALL HOLD A
18 HEARING, BUT A HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE
19 SUPERINTENDENT SENDS THE MEMBER A NOTICE OF THE HEARING; AND

20 (II) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD
21 PUBLICLY BEFORE THE STATE SUPERINTENDENT IN THE MEMBER'S OWN DEFENSE,
22 IN PERSON, OR BY COUNSEL.

23 (4) IF A MEMBER WHO IS REMOVED SO REQUESTS, THE STATE
24 SUPERINTENDENT SHALL FILE WITH THE CLERK OF THE CIRCUIT COURT FOR
25 BALTIMORE COUNTY:

26 (I) A COMPLETE STATEMENT OF ALL CHARGES MADE AGAINST
27 THE MEMBER;

28 (II) THE FINDINGS OF THE STATE SUPERINTENDENT; AND

29 (III) A COMPLETE RECORD OF THE PROCEEDINGS.

30 3-1102.

31 AT ITS FIRST MEETING AT THE BEGINNING OF EACH YEAR, THE BOARD SHALL
32 ELECT A CHAIRMAN AND VICE-CHAIRMAN FROM AMONG ITS MEMBERS.

33 3-1103.

34 (A) ALL ACTIONS OF THE BOARD SHALL BE TAKEN AFTER A PUBLIC MEETING
35 AND A RECORD OF THE MEETING AND ALL ACTIONS SHALL BE MADE PUBLIC.

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1 (B) THIS SECTION DOES NOT PROHIBIT THE BOARD FROM MEETING AND
2 DELIBERATING IN EXECUTIVE SESSION, PROVIDED THAT ALL ACTION IS TAKEN
3 AFTER A PUBLIC MEETING AND THE RECORD OF THE MEETING AND ALL ACTION IS
4 MADE PUBLIC.

5 3-1104.

6 (A) (1) IN THIS SECTION, "COUNCIL" MEANS THE SCHOOL SHARED SPACE
7 COUNCIL IN BALTIMORE COUNTY.

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

12 (I) TWO FROM THE STAFF OF THE COUNTY BOARD OF
13 EDUCATION;

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

16 (III) ONE FROM THE COUNTY DEPARTMENT OF SOCIAL SERVICES;

17 (IV) ONE FROM THE COUNTY DEPARTMENT OF RECREATION AND
18 PARKS;

19 (V) ONE FROM THE COUNTY DEPARTMENT OF AGING;

20 (VI) ONE FROM THE COUNTY HEALTH DEPARTMENT;

21 (VII) ONE FROM THE COUNTY COMMUNITY COLLEGES, SUBJECT TO
22 THE FOLLOWING CONDITIONS:

23 1. REPRESENTATION SHALL BE DETERMINED ON A
24 ROTATING BASIS BY ALPHABETICAL ORDER BY COMMUNITY COLLEGE NAME; AND

25 2. EACH SUCH MEMBER SHALL SERVE FOR 1 YEAR;

26 (VIII) ONE FROM THE DEPARTMENT OF JUVENILE JUSTICE;

27 (IX) ONE FROM THE COUNTY PUBLIC LIBRARIES;

28 (X) ONE FROM THE DEPARTMENT OF PLANNING.

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

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

34 (1) THE COUNTY CITIZEN MEMBERS SHALL BE SELECTED BY THE
35 COUNTY EXECUTIVE. ONE MEMBER SHALL BE SELECTED FROM EACH LEGISLATIVE
36 DISTRICT OF BALTIMORE COUNTY WITH THE APPROVAL OF THE STATE SENATOR

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1 FROM THAT DISTRICT. EACH LEGISLATIVE DISTRICT REPRESENTATIVE SHALL
2 RESIDE IN THAT DISTRICT;

3 (2) THE INITIAL MEMBERS SELECTED TO REPRESENT LEGISLATIVE
4 DISTRICTS 5, 7, 9, AND 11 SHALL EACH SERVE FOR A 2-YEAR TERM BEGINNING JUNE
5 1, 1979, AND ENDING MAY 31, 1981. THEREAFTER ALL MEMBERS SHALL BE SELECTED
6 TO SERVE 2-YEAR TERMS. THE INITIAL MEMBERS SELECTED TO REPRESENT
7 LEGISLATIVE DISTRICTS 8, 10, 12, AND 13 SHALL EACH SERVE FOR A 1-YEAR TERM
8 BEGINNING JUNE 1, 1979, AND ENDING MAY 31, 1980, AND THEREAFTER ALL
9 MEMBERS SHALL BE SELECTED FOR 2-YEAR TERMS;

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

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

16 (D) THE COUNCIL SHALL:

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

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 June 1, 1996.