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**By: Delegates Malone and D. Murphy**

Introduced and read first time: February 2, 1996

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County Board of Education - Election of Members**

3 FOR the purpose of repealing the authority of the Governor to appoint certain members  
4 of the Baltimore County Board of Education; altering the number of members of  
5 the Board; providing for the election of the members of the Board, except for the  
6 student member; specifying the terms of the members initially elected to the  
7 Baltimore County Board of Education; specifying that certain incumbent members  
8 shall continue to serve until the elected members take office; terminating the terms  
9 of the incumbent appointed members; providing for the effective date of this Act;  
10 and generally relating to the election of the members of the Baltimore County  
11 Board of Education.

12 BY renumbering

13 Article - Education  
14 Section 3-2A-01 through 3-2A-04 and the subtitle "Subtitle 2A. Calvert County",  
15 respectively,  
16 to be Section 3-2B-01 through 3-2B-04 and the subtitle "Subtitle 2B. Calvert  
17 County", respectively  
18 Annotated Code of Maryland  
19 (1992 Replacement Volume and 1995 Supplement)

20 BY renumbering

21 Article - Education  
22 Section 3-109(b) through (i), respectively  
23 to be Section 3-2A-01(d) through (k), respectively  
24 Annotated Code of Maryland  
25 (1992 Replacement Volume and 1995 Supplement)

26 BY repealing

27 Article - Education  
28 Section 3-109(a)  
29 Annotated Code of Maryland  
30 (1992 Replacement Volume and 1995 Supplement)

31 BY repealing and reenacting, with amendments,

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1 Article - Education  
2 Section 3-113(a)  
3 Annotated Code of Maryland  
4 (1992 Replacement Volume and 1995 Supplement)

5 BY repealing and reenacting, with amendments,

6 Article - Education  
7 Section 3-2A-01 to be under the new subtitle "Subtitle 2A. BaltimoreCounty"  
8 Annotated Code of Maryland  
9 (1992 Replacement Volume and 1995 Supplement)  
10 (As enacted by Section 2 of this Act)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That Section(s) 3-2A-01 through 3-2A-04 and the subtitle "Subtitle 2A.  
13 Calvert County", respectively, of Article - Education of the Annotated Code of Maryland  
14 be renumbered to be Section(s) 3-2B-01 through 3-2B-04 and the subtitle "Subtitle 2B.  
15 Calvert County", respectively.

16 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3-109(b)  
17 through (i), respectively, of Article - Education of the Annotated Code of Maryland be  
18 renumbered to be Section(s) 3-2A-01(d) through (k), respectively.

19 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
20 read as follows:

21 **Article - Education**

22 [3-109.

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

25 (1) Four from the County at large;

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

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

29 3-113.

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

31 (1) Allegany;

32 (2) BALTIMORE;

33 [(2)] (3) Calvert;

34 [(3)] (4) Carroll;

35 [(4)] (5) Charles;

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1 [(5)] (6) Garrett;

2 [(6)] (7) Howard;

3 [(7)] (8) Kent;

4 [(8)] (9) Prince George's;

5 [(9)] (10) Montgomery;

6 [(10)] (11) Somerset; and

7 [(11)] (12) Washington.

8 SUBTITLE 2A. BALTIMORE COUNTY.

9 3-2A-01.

10 (A) THE BALTIMORE COUNTY BOARD CONSISTS OF 12 MEMBERS AS FOLLOWS:

11 (1) FOUR ELECTED FROM THE ENTIRE COUNTY AT LARGE;

12 (2) ONE ELECTED FROM EACH OF THE SEVEN COUNCILMANIC  
13 DISTRICTS IN BALTIMORE COUNTY; AND

14 (3) ONE STUDENT MEMBER APPOINTED PURSUANT TO SUBSECTION (E)  
15 OF THIS SECTION, FROM THE COUNTY AT LARGE.

16 (B) (1) EACH MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON  
17 THE FIRST TUESDAY IN DECEMBER AFTER THE MEMBER'S ELECTION AND UNTIL A  
18 SUCCESSOR IS ELECTED AND QUALIFIES.

19 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE  
20 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON DECEMBER 1, 1998.

21 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A  
22 SUCCESSOR IS ELECTED AND QUALIFIES.

23 (4) THE GOVERNOR SHALL APPOINT A QUALIFIED INDIVIDUAL TO FILL  
24 ANY VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF THAT TERM AND  
25 UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

26 (5) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF  
27 THIS PARAGRAPH AND UNLESS OTHERWISE DISQUALIFIED UNDER THIS SECTION, A  
28 MEMBER OF THE COUNTY BOARD IS ELIGIBLE FOR REELECTION.

29 (II) AN INDIVIDUAL MAY NOT SERVE FOR MORE THAN 2  
30 CONSECUTIVE TERMS.

31 (C) (1) WITH THE APPROVAL OF THE GOVERNOR, THE STATE  
32 SUPERINTENDENT MAY REMOVE ANY MEMBER OF A COUNTY BOARD ELECTED  
33 UNDER THIS SECTION FOR:

34 (I) IMMORALITY;

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1 (II) MISCONDUCT IN OFFICE;

2 (III) INCOMPETENCY;

3 (IV) WILLFUL NEGLECT OF DUTY; OR

4 (V) FAILURE TO ATTEND, WITHOUT GOOD CAUSE, AT LEAST HALF  
5 OF THE SCHEDULED MEETINGS OF THE BOARD IN ANY 1 CALENDAR YEAR.

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

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

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

14 (II) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD  
15 PUBLICLY BEFORE THE STATE SUPERINTENDENT IN HIS OWN DEFENSE, IN PERSON  
16 OR BY COUNSEL.

17 (4) IF A MEMBER WHO IS REMOVED SO REQUESTS, THE STATE  
18 SUPERINTENDENT SHALL FILE WITH THE CLERK OF THE CIRCUIT COURT FOR THE  
19 COUNTY FROM WHICH THE MEMBER WAS ELECTED:

20 (I) A COMPLETE STATEMENT OF ALL CHARGES MADE AGAINST  
21 THE MEMBER;

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

23 (III) A COMPLETE RECORD OF THE PROCEEDINGS.

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

25 (i) BE APPOINTED BY THE COUNTY EXECUTIVE;

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

28 [(ii)] (III) Serve for 1 year; and

29 [(iii)] (IV) Advise the Board on the thoughts and feelings of students.

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

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

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

34 (iii) Collective bargaining.

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

- 3 (i) § 6-202(a) of this article;
- 4 (ii) Collective bargaining;
- 5 (iii) Capital and operating budgets; and
- 6 (iv) School closings, reopenings, and boundaries.

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

10 (e) A Board member who does not maintain his residential qualification shall be  
11 replaced as a member.

12 (f) If the boundary line of a [legislative] COUNCILMANIC district is changed, the  
13 term of an incumbent member of the County Board who no longer resides in the  
14 [legislative] COUNCILMANIC district because of the change is not affected during this  
15 term.

16 (g) There is a School Shared Space Council in Baltimore County consisting of 12  
17 employees of the County appointed by the County Executive for a term coterminous with  
18 that of the Board as follows:

- 19 (1) Two from the staff of the County Board of Education;
- 20 (2) Two from the County Executive's administrative staff, one of whom shall  
21 be the Director of Central Services;
- 22 (3) One from the Department of Social Services;
- 23 (4) One from the Department of Recreation and Parks;
- 24 (5) One from the Department of Aging;
- 25 (6) One from the Health Department;
- 26 (7) One from the County community colleges, subject to the following  
27 conditions:
  - 28 (i) Representation shall be determined on a rotating basis by  
29 alphabetical order by community college name; and
  - 30 (ii) Each such member shall serve for 1 year;
- 31 (8) One from the Department of Juvenile Justice;
- 32 (9) One from the County public libraries; AND
- 33 (10) One from the Department of Planning.

34 (h) A County employee Council member who does not maintain his employment  
35 in the County shall be replaced.

1 (i) In addition to the County employee members, there shall be eightCounty  
2 citizens selected as members of the Council as follows and with the following duties:

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

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

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

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

18 (j) The Council shall:

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

22 (2) Report its findings and recommendations to the County Boardof  
23 Education and the County Executive at least twice during the school year.

24 (k) The County Executive may, by executive order, appoint up to two additional  
25 members to the Council from agencies of the County government.

26 SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding §  
27 3-2A-01(b) of the Education Article, the initial terms of members of the Baltimore  
28 County Board of Education elected in November 1998 shall be as follows:

29 (1) (i) The four members who received the highest number of votes among the  
30 members elected from districts shall each serve a term of 4 years; and

31 (ii) The three remaining members elected from districts shall each serve a  
32 term of 2 years.

33 (2) (i) The two members who received the highest number of votes among the  
34 members elected at large shall each serve a term of 4 years; and

35 (ii) The two remaining members elected at large shall each serve a term of 2  
36 years.

37 (3) After the initial term, each term shall be 4 years.

38 SECTION 5. AND BE IT FURTHER ENACTED, That the members of the  
39 Baltimore County Board of Education serving on June 30, 1998 shall continue to serve

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1 until December 1, 1998, at which time the terms of all incumbent appointed members of  
2 the Board shall terminate.

3           SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 July 1, 1998.