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HB 485/95 - W&M

1997 Regular Session  
7r0745

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**By: Delegates D. Murphy, Ports, Dewberry, Redmer, DeCarlo, Mohorovic, and Holt  
Holt, and Klausmeier**

Introduced and read first time: January 31, 1997

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 1997

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Board of Education of Baltimore County - Appointment Process**

3 FOR the purpose of altering the appointment process for members of the Board of  
4 Education of Baltimore County to require that the Governor appoint a member to  
5 the Board from a certain list submitted by the School Board Nominating  
6 Convention of Baltimore County; requiring the list of nominees to contain a certain  
7 number of names; authorizing the Governor to reject any name on a list of  
8 nominees; requiring the Nominating Convention to submit another list of nominees  
9 under certain circumstances; providing that there is no maximum limitation on the  
10 number of lists of nominees that may be submitted by the Nominating Convention  
11 and reviewed by the Governor; defining a certain term; making stylistic corrections;  
12 and generally relating to the appointment process for members of the Board of  
13 Education of Baltimore County.

14 BY repealing and reenacting, with amendments,  
15 Article - Education  
16 Section 3-109  
17 Annotated Code of Maryland  
18 (1997 Replacement Volume)

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

2

1 **Article - Education**

2 3-109.

3 (a) The BOARD OF EDUCATION OF Baltimore County [Board] consists of 12  
4 members who shall be appointed as follows:

5 (1) Four from the County at large;

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

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

9 (B) (1) IN THIS SUBSECTION, "SCHOOL BOARD NOMINATING CONVENTION"  
10 MEANS THE SCHOOL BOARD NOMINATING CONVENTION OF BALTIMORE COUNTY,  
11 INC.

12 ~~(B) (2)~~ EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION FOR THE  
13 APPOINTMENT OF THE STUDENT MEMBER, EACH MEMBER APPOINTED TO THE  
14 BOARD SHALL BE SELECTED FROM A LIST ~~OF NOT MORE THAN THREE NOMINEES AS~~  
15 SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION SUBMITTED TO THE GOVERNOR  
16 BY THE SCHOOL BOARD NOMINATING CONVENTION OF BALTIMORE COUNTY.

17 (3) A LIST SUBMITTED BY THE NOMINATING CONVENTION SHALL  
18 CONTAIN:

19 (I) THREE NAMES; OR

20 (II) IF THERE ARE FEWER THAN THREE APPLICANTS, THE NUMBER  
21 OF NAMES THAT IS EQUAL TO THE NUMBER OF APPLICANTS.

22 (4) THE GOVERNOR MAY REJECT ANY NAME ON A LIST SUBMITTED BY  
23 THE NOMINATING CONVENTION.

24 (5) (I) IF THE GOVERNOR REJECTS ALL OF THE NAMES ON A LIST,  
25 THE NOMINATING CONVENTION SHALL SUBMIT ANOTHER LIST OF NOMINEES THAT  
26 CONTAINS NEW NAMES.

27 (II) THERE IS NO MAXIMUM LIMITATION ON THE NUMBER OF  
28 LISTS THAT MAY BE SUBMITTED BY THE NOMINATING CONVENTION AND  
29 REVIEWED BY THE GOVERNOR.

30 [(b)] (C) (1) The student member shall:

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

33 (ii) Serve for 1 year; and

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

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

3

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

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

3 (iii) Collective bargaining.

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

6 (i) § 6-202(a) of this article;

7 (ii) Collective bargaining;

8 (iii) Capital and operating budgets; and

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

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

13 [(c)] (D) A Board member who does not maintain [his] THE residential  
14 qualification shall be replaced as a member.

15 [(d)] (E) If the boundary line of a legislative district is changed, the term of an  
16 incumbent member of the [County] Board who no longer resides in the legislative  
17 district because of the change is not affected during this term.

18 [(e)] (F) There is a School Shared Space Council in Baltimore County consisting  
19 of 12 employees of the County appointed by the County Executive for a term coterminous  
20 with that of the Board as follows:

21 (1) Two from the staff of the [County] Board [of Education];

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

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

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

26 (5) One from the Department of Aging;

27 (6) One from the Health Department;

28 (7) One from the County community colleges, subject to the following  
29 conditions:

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

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

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

34 (9) One from the County public libraries; AND

4

1 (10) One from the Department of Planning.

2 [(f)] (G) A County employee Council member who does not maintain [his]  
3 employment in the County shall be replaced.

4 [(g)] (H) In addition to the County employee members, there shall be eight  
5 County citizens selected as members of the Council as follows and with the following  
6 duties:

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

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

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

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

22 [(h)] (I) The Council shall:

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

26 (2) Report its findings and recommendations to the [County] Board [of  
27 Education] and the County Executive at least twice during the school year.

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 July 1, 1997.