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**By: Delegate Malone**

Introduced and read first time: February 7, 1997

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 3-109(b) through (i), respectively  
15 to be Section 3-2A-01(d) through (k), respectively  
16 Annotated Code of Maryland  
17 (1997 Replacement Volume)

18 BY repealing

19 Article - Education  
20 Section 3-109(a)  
21 Annotated Code of Maryland  
22 (1997 Replacement Volume)

23 BY repealing and reenacting, with amendments,

24 Article - Education  
25 Section 3-114(a)  
26 Annotated Code of Maryland  
27 (1997 Replacement Volume)

28 BY repealing and reenacting, with amendments,

29 Article - Education  
30 Section 3-2A-01 to be under the new subtitle "Subtitle 2A. Baltimore County"

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1 Annotated Code of Maryland  
2 (1997 Replacement Volume)  
3 (As enacted by Section 1 of this Act)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
5 MARYLAND, That Section(s) 3-109(b) through (i), respectively, of Article - Education  
6 of the Annotated Code of Maryland be renumbered to be Section(s) 3-2A-01(d) through  
7 (k), respectively.

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

10 **Article - Education**

11 [3-109.

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

14 (1) Four from the County at large;

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

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

18 3-114.

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

20 (1) Allegany;

21 (2) BALTIMORE;

22 [(2)] (3) Calvert;

23 [(3)] (4) Carroll;

24 [(4)] (5) Charles;

25 [(5)] (6) Garrett;

26 [(6)] (7) Howard;

27 [(7)] (8) Kent;

28 [(8)] (9) Prince George's;

29 [(9)] (10) Montgomery;

30 [(10)] (11) St. Mary's;

31 [(11)] (12) Somerset; and

32 [(12)] (13) Washington.

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1           SUBTITLE 2A. BALTIMORE COUNTY.

2 3-2A-01.

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

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

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

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

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

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

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

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

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

22                           (II) AN INDIVIDUAL MAY NOT SERVE FOR MORE THAN 2  
23 CONSECUTIVE TERMS.

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

27                           (I) IMMORALITY;

28                           (II) MISCONDUCT IN OFFICE;

29                           (III) INCOMPETENCY;

30                           (IV) WILLFUL NEGLECT OF DUTY; OR

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

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

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

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

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

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

12 (I) A COMPLETE STATEMENT OF ALL CHARGES MADE AGAINST  
13 THE MEMBER;

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

15 (III) A COMPLETE RECORD OF THE PROCEEDINGS.

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

17 (i) BE APPOINTED BY THE COUNTY EXECUTIVE;

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

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

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

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

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

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

26 (iii) Collective bargaining.

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

29 (i) § 6-202(a) of this article;

30 (ii) Collective bargaining;

31 (iii) Capital and operating budgets; and

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

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

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

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

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

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

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

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

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

15 (5) One from the Department of Aging;

16 (6) One from the Health Department;

17 (7) One from the County community colleges, subject to the following  
18 conditions:

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

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

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

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

24 (10) One from the Department of Planning.

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

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

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

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

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1 term beginning June 1, 1979, and ending May 31, 1980, and thereafter all members shall  
2 be selected for 2-year terms;

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

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

8 (j) The Council shall:

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

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

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

16 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding §  
17 3-2A-01(b) of the Education Article, the initial terms of members of the Baltimore  
18 County Board of Education elected in November 1998 shall be as follows:

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

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

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

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

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

28 SECTION 4. AND BE IT FURTHER ENACTED, That the members of the  
29 Baltimore County Board of Education serving on June 30, 1998 shall continue to serve  
30 until December 1, 1998, at which time the terms of all incumbent appointed members of  
31 the Board shall terminate.

32 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 July 1, 1998.