
By: **Delegate Malone**

Introduced and read first time: February 12, 1998

Assigned to: Commerce and Government Matters

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

12 BY repealing and reenacting, with amendments,
13 Article - Education
14 Section 3-109 to be under the new subtitle "Subtitle 2A. Baltimore County"; and
15 3-114(a)
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 1997 Supplement)

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

20 **Article - Education**

21 **SUBTITLE 2A. BALTIMORE COUNTY.**

22 [3-109.] 3-2A-01.

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

25 (1) Four from the County at large;

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

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

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

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

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

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

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

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

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

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

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

21 (II) AN INDIVIDUAL MAY NOT SERVE FOR MORE THAN TWO
22 CONSECUTIVE TERMS.

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

26 (I) IMMORALITY;

27 (II) MISCONDUCT IN OFFICE;

28 (III) INCOMPETENCY;

29 (IV) WILLFUL NEGLECT OF DUTY; OR

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

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

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

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

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

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

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

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

14 (III) A COMPLETE RECORD OF THE PROCEEDINGS.

15 [(b)] (D) (1) The student member shall:

16 (i) BE APPOINTED BY THE COUNTY EXECUTIVE;

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

19 [(ii)] (iii) Serve for 1 year; and

20 [(iii)] (iv) Advise the Board on the thoughts and feelings of students.

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

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

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

5 [(c)] (E) A Board member who does not maintain [his] THE MEMBER'S
6 residential qualification shall be replaced as a member.

7 [(d)] (F) If the boundary line of a [legislative] COUNCILMANIC district is
8 changed, the term of an incumbent member of the County Board who no longer
9 resides in the [legislative] COUNCILMANIC district because of the change is not
10 affected during this term.

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

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

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

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

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

19 (5) One from the Department of Aging;

20 (6) One from the Health Department;

21 (7) One from the County community colleges, subject to the following
22 conditions:

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

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

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

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

28 (10) One from the Department of Planning.

29 [(f)] (H) A County employee Council member who does not maintain [his]
30 THE MEMBER'S employment in the County shall be replaced.

31 [(g)] (I) In addition to the County employee members, there shall be eight
32 County citizens selected as members of the Council as follows and with the following
33 duties:

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

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

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

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

16 [(h)] (J) The Council shall:

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

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

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

24 3-114.

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

26 (1) Allegany;

27 (2) BALTIMORE;

28 [(2)] (3) Calvert;

29 [(3)] (4) Carroll;

30 [(4)] (5) Charles;

31 [(5)] (6) Garrett;

32 [(6)] (7) Howard;

33 [(7)] (8) Kent;

1 [(8)] (9) Prince George's;
2 [(9)] (10) Montgomery;
3 [(10)] (11) St. Mary's;
4 [(11)] (12) Somerset; and
5 [(12)] (13) Washington.

6 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding §
7 3-2A-01(b) of the Education Article, the initial terms of members of the Baltimore
8 County Board of Education elected in November 1998 shall be as follows:

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

12 (ii) The three remaining members elected from councilmanic districts
13 shall each serve a term of 2 years.

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

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

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

19 SECTION 3. AND BE IT FURTHER ENACTED, That the members of the
20 Baltimore County Board of Education serving on June 30, 1998 shall continue to
21 serve until December 1, 1998, at which time the terms of all incumbent appointed
22 members of the Board shall terminate.

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