
By: **Delegates J. Kelly and DeCarlo**

Introduced and read first time: February 9, 2001

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County - Board of Education - Membership**

3 FOR the purpose of altering the appointment and vacancy processes for members of
4 the Board of Education of Baltimore County; and generally relating to the
5 membership of the Board of Education of Baltimore County.

6 BY repealing and reenacting, with amendments,
7 Article - Education
8 Section 3-108 and 3-109
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 2000 Supplement)

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

13 **Article - Education**

14 3-108.

15 (a) Except for the New Baltimore City Board of School Commissioners
16 established under § 3-108.1 of this subtitle and counties listed in §§ 3-109 AND [§
17 3-114] 3-114 of this subtitle, the Governor shall appoint the members of each county
18 board from the residents of that county.

19 (b) (1) Each member shall be appointed solely because of character and
20 fitness and without regard to political affiliation.

21 (2) An individual who is subject to the authority of the county board may
22 not be appointed to or serve on the county board.

23 (c) (1) Each member serves for a term of 5 years beginning July 1 after his
24 appointment and until a successor is appointed and qualifies.

25 (2) [The] EXCEPT AS PROVIDED IN § 3-109 OF THIS SUBTITLE, THE
26 Governor shall appoint a new member to fill any vacancy on an appointed board for
27 the remainder of that term and until a successor is appointed and qualifies.

1 (3) Unless otherwise disqualified under this section, a member of a
2 board is eligible for reappointment. However, an individual may not serve for more
3 than 2 consecutive terms.

4 (d) (1) [With] EXCEPT AS PROVIDED IN § 3-109 OF THIS SUBTITLE, WITH the
5 approval of the Governor, the State Superintendent may remove any member of a
6 county board appointed under this section for:

7 (i) Immorality;

8 (ii) Misconduct in office;

9 (iii) Incompetency;

10 (iv) Willful neglect of duty; or

11 (v) Failure to attend, without good cause, at least half of the
12 scheduled meetings of the board in any one calendar year.

13 (2) Before removing a member, the State Superintendent shall send the
14 member a copy of the charges against him and give him an opportunity within 10
15 days to request a hearing.

16 (3) If the member requests a hearing within the 10-day period:

17 (i) The State Superintendent promptly shall hold a hearing, but a
18 hearing may not be set within 10 days after the State Superintendent sends the
19 member a notice of the hearing; and

20 (ii) The member shall have an opportunity to be heard publicly
21 before the State Superintendent in his own defense, in person or by counsel.

22 (4) If a member who is removed so requests, the State Superintendent
23 shall file with the clerk of the circuit court for the county from which the member was
24 appointed:

25 (i) A complete statement of all charges made against the member;

26 (ii) The findings of the State Superintendent; and

27 (iii) A complete record of the proceedings.

28 3-109.

29 (a) The Baltimore County Board consists of 12 members who shall be
30 appointed FROM THE RESIDENTS OF BALTIMORE COUNTY as follows:

31 (1) [Four from the County at large] TWO BY THE GOVERNOR;

32 (2) TWO BY THE BALTIMORE COUNTY EXECUTIVE;

1 [(2)] (3) One [from] BY each of the seven [councilmanic districts in]
 2 MEMBERS OF THE Baltimore County COUNCIL FROM THE RESIDENTS OF THE
 3 COUNCILMANIC DISTRICT THAT THE MEMBER REPRESENTS; and

4 [(3)] (4) One student member BY THE BALTIMORE COUNTY EXECUTIVE
 5 [from the County at large].

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

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

9 (ii) Serve for 1 year; and

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

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

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

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

16 (iii) Collective bargaining.

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

19 (i) § 6-202(a) of this article;

20 (ii) Collective bargaining;

21 (iii) Capital and operating budgets; and

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

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

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

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

31 (E) THE GOVERNOR, THE BALTIMORE COUNTY EXECUTIVE, OR THE MEMBER
 32 OF THE BALTIMORE COUNTY COUNCIL WHO APPOINTED A BOARD MEMBER WHOSE
 33 SEAT BECOMES VACANT SHALL APPOINT A NEW MEMBER TO FILL THE VACANCY.

1 THE INDIVIDUAL APPOINTED TO FILL A VACANCY SHALL SERVE FOR THE
2 REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

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

- 6 (1) Two from the staff of the County Board of Education;
- 7 (2) Two from the County Executive's administrative staff, one of whom
8 shall be the Director of Central Services;
- 9 (3) One from the Department of Social Services;
- 10 (4) One from the Department of Recreation and Parks;
- 11 (5) One from the Department of Aging;
- 12 (6) One from the Health Department;
- 13 (7) One from the County community colleges, subject to the following
14 conditions:
 - 15 (i) Representation shall be determined on a rotating basis by
16 alphabetical order by community college name; and
 - 17 (ii) Each such member shall serve for 1 year;
- 18 (8) One from the Department of Juvenile Justice;
- 19 (9) One from the County public libraries; and
- 20 (10) One from the Department of Planning.

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

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

- 26 (1) The County citizen members shall be selected by the County
27 Executive. One member shall be selected from each legislative district of Baltimore
28 County with the approval of the State Senator from that district. Each legislative
29 district representative shall reside in that district;
- 30 (2) The initial members selected to represent legislative districts 5, 7, 9,
31 and 11 shall each serve for a 2-year term beginning June 1, 1979, and ending May 31,
32 1981. Thereafter all members shall be selected to serve 2-year terms. The initial
33 members selected to represent legislative districts 8, 10, 12, and 13 shall each serve

1 for a 1-year term beginning June 1, 1979, and ending May 31, 1980, and thereafter
2 all members shall 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 [(h)] (I) The Council shall:

9 (1) Meet as needed to compile the number of spaces in the public schools
10 of the County that are not filled and to evaluate the feasibility of the utilization of the
11 spaces 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 [(i)] (J) The County Executive may, by executive order, appoint up to two
15 additional members to the Council from agencies of the County government.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2001.