

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 552

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Process - Members” and substitute “of Members - Consent of Senate of Maryland”; strike in their entirety lines 10 through 17, inclusive, and substitute:

“FOR the purpose of requiring the Governor to appoint the members of the Baltimore County Board of Education with the advice and consent of the Senate; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to the appointment of the members of the Baltimore County Board of Education with the consent of the Senate.”;

in line 20, strike “3-109” and substitute “3-108”; and after line 22, insert:

“BY repealing and reenacting, with amendments,

Article - Education

Section 3-108

Annotated Code of Maryland

(2004 Replacement Volume and 2004 Supplement)

(As enacted by Chapter 289 of the Acts of the General Assembly of 2002)”.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 9 on page 2 through line 36 on page 4, inclusive, and substitute:

“Article - Education

3-108.

(Over)

(a) (1) Except AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, for the Baltimore City Board of School Commissioners established under § 3-108.1 of this subtitle, FOR the New Prince George’s County Board of Education established under § 3-108.2 of this subtitle, and FOR THE counties listed in § 3-114 of this subtitle, the Governor shall appoint the members of each county board from the residents of that county.

(2) THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE OF MARYLAND, SHALL APPOINT THE MEMBERS OF THE BALTIMORE COUNTY BOARD OF EDUCATION.

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

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

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

(2) The Governor shall appoint a new member to fill any vacancy on an appointed board for the remainder of that term and until a successor is appointed and qualifies.

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

(d) (1) With the approval of the Governor, the State Superintendent may remove any member of a county board appointed under this section for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency;

(iv) Willful neglect of duty; or

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

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

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

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

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

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

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

(ii) The findings of the State Superintendent; and

(iii) A complete record of the proceedings.

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

Article - Education

3-108.

(Over)

(a) (1) Except AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, for the Baltimore City Board of School Commissioners established under § 3-108.1 of this subtitle, and FOR THE counties listed in § 3-114 of this subtitle, the Governor shall appoint the members of each county board from the residents of that county.

(2) THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE OF MARYLAND, SHALL APPOINT THE MEMBERS OF THE BALTIMORE COUNTY BOARD OF EDUCATION.

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

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

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

(2) The Governor shall appoint a new member to fill any vacancy on an appointed board for the remainder of that term and until a successor is appointed and qualifies.

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

(d) (1) With the approval of the Governor, the State Superintendent may remove any member of a county board appointed under this section for:

- (i) Immorality;
- (ii) Misconduct in office;
- (iii) Incompetency;
- (iv) Willful neglect of duty; or

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

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

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

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

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

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

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

(ii) The findings of the State Superintendent; and

(iii) A complete record of the proceedings.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 3 of Chapter 289 of Acts of the General Assembly of 2002. If that termination provision takes effect, Section 1 of this Act shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.”.

On page 7, in line 30, strike “2.” and substitute “4.”; and in the same line, after “That” insert “, subject to the provisions of Section 3 of this Act.”.