

---

By: **Delegates Jones, Burns, Malone, and Nathan-Pulliam**

Introduced and read first time: February 3, 2005

Assigned to: Ways and Means

---

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County Board of Education - Appointment of Members - Consent**  
3 **of Senate of Maryland**

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

10 BY repealing and reenacting, with amendments,  
11 Article - Education  
12 Section 3-108  
13 Annotated Code of Maryland  
14 (2004 Replacement Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article - Education  
17 Section 3-108  
18 Annotated Code of Maryland  
19 (2004 Replacement Volume and 2004 Supplement)  
20 (As enacted by Chapter 289 of the Acts of the General Assembly of 2002)

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

23 **Article - Education**

24 3-108.

25 (a) (1) Except AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, for the  
26 Baltimore City Board of School Commissioners established under § 3-108.1 of this  
27 subtitle, FOR the New Prince George's County Board of Education established under §  
28 3-108.2 of this subtitle, and FOR THE counties listed in § 3-114 of this subtitle, the

1 Governor shall appoint the members of each county board from the residents of that  
2 county.

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

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

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

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

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

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

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

20 (i) Immorality;

21 (ii) Misconduct in office;

22 (iii) Incompetency;

23 (iv) Willful neglect of duty; or

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

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

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

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

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

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

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

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

6 (iii) A complete record of the proceedings.

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

9 **Article - Education**

10 3-108.

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

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

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

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

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

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

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

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

32 (i) Immorality;

33 (ii) Misconduct in office;

34 (iii) Incompetency;

1 (iv) Willful neglect of duty; or

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

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

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

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

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

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

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

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

18 (iii) A complete record of the proceedings.

19 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act  
20 shall take effect on the taking effect of the termination provision specified in Section  
21 3 of Chapter 289 of Acts of the General Assembly of 2002. If that termination  
22 provision takes effect, Section 1 of this Act shall be abrogated and of no further force  
23 and effect. This Act may not be interpreted to have any effect on that termination  
24 provision.

25 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the  
26 provisions of Section 3 of this Act, this Act shall take effect July 1, 2005.