

---

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

Introduced and read first time: February 3, 2005

Assigned to: Ways and Means

---

Committee Report: Favorable

House action: Recommitted to Ways and Means, March 25, 2005

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 28, 2005

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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 FOR the purpose of altering the appointment process for members of the Baltimore  
11 County School Board to require that the Governor select a member from a list of  
12 nominees submitted by the School Board Nominating Convention of Baltimore  
13 County; establishing and providing the purpose of the School Board Nominating  
14 Convention of Baltimore County; requiring that a certain list of nominees  
15 contain a certain number of names; specifying that members of the County  
16 Board be residents of the County; and generally relating to the appointment  
17 process for members of the Baltimore County Board of Education.

18 BY repealing and reenacting, with amendments,  
19 Article - Education  
20 Section ~~3-108~~ 3-109  
21 Annotated Code of Maryland  
22 (2004 Replacement Volume and 2004 Supplement)

23 ~~BY repealing and reenacting, with amendments,~~

1 ~~Article - Education~~  
 2 ~~Section 3-108~~  
 3 ~~Annotated Code of Maryland~~  
 4 ~~(2004 Replacement Volume and 2004 Supplement)~~  
 5 ~~(As enacted by Chapter 289 of the Acts of the General Assembly of 2002)~~

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

8 **Article - Education**

9 3-109.

10 (a) The Baltimore County Board consists of 12 members, EACH OF WHOM  
 11 SHALL BE A RESIDENT OF THE COUNTY, who shall be appointed as follows:

12 (1) Four from the county at large;

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

15 (3) One student member from the county at large.

16 (B) (1) (I) THERE IS A SCHOOL BOARD NOMINATING CONVENTION IN  
 17 BALTIMORE COUNTY.

18 (II) THE PURPOSE OF THE SCHOOL BOARD NOMINATING  
 19 CONVENTION IS TO RECOMMEND TO THE GOVERNOR QUALIFIED CANDIDATES FOR  
 20 APPOINTMENT TO THE SCHOOL BOARD.

21 (2) (I) EXCEPT FOR THE STUDENT MEMBER AS PROVIDED IN  
 22 SUBSECTION (C) OF THIS SECTION, THE GOVERNOR SHALL APPOINT A MEMBER OF  
 23 THE SCHOOL BOARD FROM A LIST OF NOMINEES SUBMITTED BY THE SCHOOL BOARD  
 24 NOMINATING CONVENTION IN BALTIMORE COUNTY.

25 (II) FOR EACH NOMINATION TO THE COUNTY BOARD, THE SCHOOL  
 26 BOARD NOMINATING CONVENTION SHALL SUBMIT TO THE GOVERNOR A LIST OF  
 27 NOMINEES THAT CONTAINS:

28 1. THREE NAMES; OR

29 2. IF THERE ARE FEWER THAN THREE APPLICANTS, THE  
 30 NUMBER OF NAMES THAT IS EQUAL TO THE NUMBER OF APPLICANTS.

31 [(b)] (C) (1) The student member shall:

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

34 (ii) Serve for 1 year; and

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

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

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

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

7                   (iii)   Collective bargaining.

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

10                  (i)    § 6-202(a) of this article;

11                  (ii)   Collective bargaining;

12                  (iii)   Capital and operating budgets; and

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

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

17        [(c)]    (D)    A Board member who does not maintain his residential qualification  
18 shall be replaced as a member.

19        [(d)]    (E)    If the boundary line of a councilmanic district is changed, the term of  
20 an incumbent member of the County Board who no longer resides in the councilmanic  
21 district because of the change is not affected during this term.

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

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

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

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

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

30                  (5)    One from the Department of Aging;

31                  (6)    One from the Health Department;

1           (7)     One from the county community colleges, subject to the following  
2 conditions:

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

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

6           (8)     One from the Department of Juvenile Services;

7           (9)     One from the county public libraries; and

8           (10)    One from the Department of Planning.

9     [(f)]   (G)     A county employee Council member who does not maintain his  
10 employment in the county shall be replaced.

11     [(g)]   (H)     In addition to the county employee members, there shall be eight  
12 county citizens selected as members of the Council as follows and with the following  
13 duties:

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

18           (2)     The initial members selected to represent legislative districts 5, 7, 9,  
19 and 11 shall each serve for a 2-year term beginning June 1, 1979, and ending May 31,  
20 1981. Thereafter all members shall be selected to serve 2-year terms. The initial  
21 members selected to represent legislative districts 8, 10, 12, and 13 shall each serve  
22 for a 1-year term beginning June 1, 1979, and ending May 31, 1980, and thereafter  
23 all members shall be selected for 2-year terms;

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

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

29     [(h)]   (I)     The Council shall:

30           (1)     Meet as needed to compile the number of spaces in the public schools  
31 of the county that are not filled and to evaluate the feasibility of the utilization of the  
32 spaces by the community and county departments; and

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

35     [(i)]   (J)     The County Executive may, by executive order, appoint up to two  
36 additional members to the Council from agencies of the county government.

1 ~~3-108.~~

2       (a)     (1)     Except ~~AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~ for the  
3 Baltimore City Board of School Commissioners established under § 3-108.1 of this  
4 subtitle, ~~FOR~~ the New Prince George's County Board of Education established under §  
5 ~~3-108.2~~ of this subtitle, and ~~FOR THE~~ counties listed in § 3-114 of this subtitle, the  
6 Governor shall appoint the members of each county board from the residents of that  
7 county.

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

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

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

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

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

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

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

25                       (i)     Immorality;

26                       (ii)    Misconduct in office;

27                       (iii)   Incompetency;

28                       (iv)   Willful neglect of duty; or

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

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

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

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

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

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

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

10 (ii) ~~The findings of the State Superintendent; and~~

11 (iii) ~~A complete record of the proceedings.~~

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

14 **Article—Education**

15 ~~§ 3-108.~~

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

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

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

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

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

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

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

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

3                   (i)     Immorality;

4                   (ii)    Misconduct in office;

5                   (iii)   Incompetency;

6                   (iv)   Willful neglect of duty; or

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

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

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

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

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

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

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

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

23                   (iii)   A complete record of the proceedings.

24       SECTION 3. ~~AND BE IT FURTHER ENACTED, That Section 2 of this Act~~  
25 ~~shall take effect on the taking effect of the termination provision specified in Section~~  
26 ~~3 of Chapter 289 of Acts of the General Assembly of 2002. If that termination~~  
27 ~~provision takes effect, Section 1 of this Act shall be abrogated and of no further force~~  
28 ~~and effect. This Act may not be interpreted to have any effect on that termination~~  
29 ~~provision.~~

30       SECTION 4. ~~2.~~ AND BE IT FURTHER ENACTED, That, ~~subject to the~~  
31 ~~provisions of Section 3 of this Act,~~ this Act shall take effect July 1, 2005.

