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By: **Delegates Leopold, McConkey, Frush, and Moe**

Introduced and read first time: February 4, 2005

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County - Board of Education - Selection of Members -**  
3 **Referendum**

4 FOR the purpose of requiring the members of the Anne Arundel County Board of  
5 Education to be appointed by the Anne Arundel County Executive with the  
6 advice and consent of the Anne Arundel County Council; requiring the county  
7 council to advise and consent to a certain appointment within a certain number  
8 of days; providing for the terms of the members; requiring the county executive  
9 to appoint, with the advice and consent of the county council within a certain  
10 number of days, a certain member if there is a vacancy on the Board; requiring  
11 the county executive with the advice and consent of the county council to  
12 appoint a certain member if no individual files for a certain candidacy for  
13 membership on the Board; providing for the reappointment of members;  
14 providing for the removal of certain appointed members of the Board by the  
15 State Superintendent of Schools with the approval of the county executive;  
16 providing certain hearing requirements; requiring that certain at-large  
17 members of the Board be appointed by the county executive with the advice and  
18 consent of the county council within a certain number of days; requiring that  
19 certain members be elected to the Board from certain legislative districts in a  
20 nonpartisan election; providing for the terms of the members; providing for the  
21 removal of certain elected members of the Board by the State Board of  
22 Education; providing for the expiration of the terms of certain members of the  
23 Board; submitting this Act to a referendum of the legally qualified voters of  
24 Anne Arundel County; and generally relating to a referendum in Anne Arundel  
25 County regarding the selection of the members of the Anne Arundel County  
26 Board of Education.

27 BY repealing and reenacting, without amendments,  
28 Article - Education  
29 Section 3-110  
30 Annotated Code of Maryland  
31 (2004 Replacement Volume and 2004 Supplement)

32 BY repealing and reenacting, with amendments,  
33 Article - Education

1 Section 3-108(a) and 3-110  
2 Annotated Code of Maryland  
3 (2004 Replacement Volume and 2004 Supplement)

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

6 **Article - Education**

7 3-110.

8 (a) The Anne Arundel County Board consists of 8 members who shall be  
9 appointed as follows:

10 (1) 3 from the county at large;

11 (2) 1 each from Legislative Districts 30, 31, and 33;

12 (3) 1 from either:

13 (i) Legislative District 32; or

14 (ii) That portion of Legislative District 21 that lies within Anne  
15 Arundel County; and

16 (4) 1 student member.

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

18 (i) Be a regularly enrolled senior year student of good character  
19 and in good standing in an Anne Arundel County public high school;

20 (ii) Be selected in the student's junior year by a method selected by  
21 the Chesapeake Regional Association of Student Councils of Anne Arundel County;

22 (iii) 1. Serve a term of 1 year; and

23 2. Continue to serve after graduation and until a successor is  
24 appointed and qualifies.

25 (2) If a vacancy in the position of the student member occurs during the  
26 term of the student member, the Chesapeake Regional Association of Student  
27 Councils shall:

28 (i) Conduct a special election at its next general meeting; and

29 (ii) By utilizing the same method that it used to select the previous  
30 student member of the Board, select another student member to fill the vacancy.

1 (c) A Board member who does not maintain the residency qualification shall  
2 be replaced as a member.

3 (d) If the boundary line of a legislative district changes, an incumbent member  
4 of the County Board who, because of the change, no longer resides in the legislative  
5 district from which the member was appointed may complete the term.

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

8 **Article - Education**

9 3-108.

10 (a) Except for the ANNE ARUNDEL COUNTY BOARD OF EDUCATION  
11 ESTABLISHED UNDER § 3-110 OF THIS SUBTITLE, THE Baltimore City Board of School  
12 Commissioners established under § 3-108.1 of this subtitle, the New Prince George's  
13 County Board of Education established under § 3-108.2 of this subtitle, and counties  
14 listed in § 3-114 of this subtitle, the Governor shall appoint the members of each  
15 county board from the residents of that county.

16 3-110.

17 (a) (1) The Anne Arundel County Board consists of 8 members who shall be  
18 appointed BY THE COUNTY EXECUTIVE WITH THE ADVICE AND CONSENT OF THE  
19 COUNTY COUNCIL as follows:

20 [(1)] (I) 3 from the county at large;

21 [(2)] (II) 1 each from Legislative Districts 30, 31, and 33;

22 [(3)] (III) 1 from either:

23 [(i)] 1. Legislative District 32; or

24 [(ii)] 2. That portion of Legislative District 21 that lies within  
25 Anne Arundel County; and

26 [(4)] (IV) 1 student member.

27 (2) THE COUNTY COUNCIL SHALL ADVISE AND CONSENT TO THE  
28 APPOINTMENT OF THE COUNTY EXECUTIVE WITHIN 30 DAYS OF RECEIPT OF THE  
29 APPOINTMENT FROM THE COUNTY EXECUTIVE.

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

31 (i) Be a regularly enrolled senior year student of good character  
32 and in good standing in an Anne Arundel County public high school;

33 (ii) Be selected in the student's junior year by a method selected by  
34 the Chesapeake Regional Association of Student Councils of Anne Arundel County;

- 1 (iii) 1. Serve a term of 1 year; and  
2 2. Continue to serve after graduation and until a successor is  
3 appointed and qualifies.

4 (2) If a vacancy in the position of the student member occurs during the  
5 term of the student member, the Chesapeake Regional Association of Student  
6 Councils shall:

- 7 (i) Conduct a special election at its next general meeting; and  
8 (ii) By utilizing the same method that it used to select the previous  
9 student member of the Board, select another student member to fill the vacancy.

10 (C) (1) EACH MEMBER SERVES FOR A TERM OF 5 YEARS BEGINNING JULY 1  
11 AFTER THE MEMBER'S APPOINTMENT AND UNTIL A SUCCESSOR IS APPOINTED AND  
12 QUALIFIES.

13 (2) (I) THE COUNTY EXECUTIVE, WITH THE ADVICE AND CONSENT OF  
14 THE COUNTY COUNCIL, SHALL APPOINT A NEW MEMBER TO FILL ANY VACANCY FOR  
15 THE REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
16 QUALIFIES.

17 (II) THE COUNTY COUNCIL SHALL ADVISE AND CONSENT TO THE  
18 APPOINTMENT OF THE BOARD MEMBER BY THE COUNTY EXECUTIVE WITHIN 30  
19 DAYS OF RECEIVING THE APPOINTMENT FROM THE COUNTY EXECUTIVE.

20 (3) UNLESS OTHERWISE DISQUALIFIED UNDER THIS SECTION, A  
21 MEMBER OF THE BOARD IS ELIGIBLE FOR REAPPOINTMENT. HOWEVER, AN  
22 INDIVIDUAL MAY NOT SERVE FOR MORE THAN 2 CONSECUTIVE TERMS.

23 [(c)] (D) A Board member who does not maintain the residency qualification  
24 shall be replaced as a member.

25 (E) (1) WITH THE APPROVAL OF THE COUNTY EXECUTIVE, THE STATE  
26 SUPERINTENDENT MAY REMOVE ANY MEMBER OF THE COUNTY BOARD APPOINTED  
27 UNDER THIS SECTION FOR:

28 (I) IMMORALITY;

29 (II) MISCONDUCT IN OFFICE;

30 (III) INCOMPETENCY;

31 (IV) WILLFUL NEGLECT OF DUTY; OR

32 (V) FAILURE TO ATTEND, WITHOUT GOOD CAUSE, AT LEAST HALF  
33 OF THE SCHEDULED MEETINGS OF THE BOARD IN ANY ONE CALENDAR YEAR.

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

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

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

8 (II) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD  
9 PUBLICLY BEFORE THE STATE SUPERINTENDENT IN THE MEMBER'S OWN DEFENSE,  
10 IN PERSON OR BY COUNSEL.

11 (4) IF A MEMBER WHO IS REMOVED SO REQUESTS, THE STATE  
12 SUPERINTENDENT SHALL FILE WITH THE CLERK OF THE CIRCUIT COURT FOR THE  
13 COUNTY FROM WHICH THE MEMBER WAS APPOINTED:

14 (I) A COMPLETE STATEMENT OF ALL CHARGES MADE AGAINST  
15 THE MEMBER;

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

17 (III) A COMPLETE RECORD OF THE PROCEEDINGS.

18 [(d)] (F) If the boundary line of a legislative district changes, an incumbent  
19 member of the County Board who, because of the change, no longer resides in the  
20 legislative district from which the member was appointed may complete the term.

21 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
22 read as follows:

23 **Article - Education**

24 3-108.

25 (a) Except for the ANNE ARUNDEL COUNTY BOARD OF EDUCATION  
26 ESTABLISHED UNDER § 3-110 OF THIS SUBTITLE, THE Baltimore City Board of School  
27 Commissioners established under § 3-108.1 of this subtitle, the New Prince George's  
28 County Board of Education established under § 3-108.2 of this subtitle, and counties  
29 listed in § 3-114 of this subtitle, the Governor shall appoint the members of each  
30 county board from the residents of that county.

31 3-110.

32 (a) The Anne Arundel County Board consists of 8 members who shall be  
33 [appointed] SELECTED as follows:

34 (1) THE 3 MEMBERS from the county at large SHALL BE APPOINTED BY  
35 THE COUNTY EXECUTIVE WITH THE ADVICE AND CONSENT OF THE COUNTY

1 COUNCIL WITHIN 30 DAYS OF RECEIVING THE APPOINTMENT FROM THE COUNTY  
2 EXECUTIVE;

3 (2) THE FOUR MEMBERS FROM LEGISLATIVE DISTRICTS SHALL BE  
4 ELECTED IN A NONPARTISAN ELECTION AS FOLLOWS:

5 (I) 1 MEMBER each from Legislative Districts 30, 31, and 33 WHO  
6 RECEIVED THE MOST NUMBER OF VOTES IN THAT LEGISLATIVE DISTRICT; AND

7 [(3)] (II) 1 MEMBER WHO RECEIVED THE MOST NUMBER OF VOTES from  
8 either:

9 [(i)] 1. Legislative District 32; or

10 [(ii)] 2. That portion of Legislative District 21 that lies within  
11 Anne Arundel County; and

12 [(4)] (3) 1 student member.

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

14 (i) Be a regularly enrolled senior year student of good character  
15 and in good standing in an Anne Arundel County public high school;

16 (ii) Be selected in the student's junior year by a method selected by  
17 the Chesapeake Regional Association of Student Councils of Anne Arundel County;

18 (iii) 1. Serve a term of 1 year; and

19 2. Continue to serve after graduation and until a successor is  
20 appointed and qualifies.

21 (2) If a vacancy in the position of the student member occurs during the  
22 term of the student member, the Chesapeake Regional Association of Student  
23 Councils shall:

24 (i) Conduct a special election at its next general meeting; and

25 (ii) By utilizing the same method that it used to select the previous  
26 student member of the Board, select another student member to fill the vacancy.

27 (C) (1) EACH APPOINTED MEMBER AND EACH ELECTED MEMBER SERVES  
28 FOR A TERM OF 4 YEARS BEGINNING THE FIRST MONDAY IN DECEMBER AFTER THE  
29 MEMBER'S APPOINTMENT OR ELECTION, RESPECTIVELY, AND UNTIL A SUCCESSOR IS  
30 APPOINTED OR ELECTED AND QUALIFIES.

31 (2) (I) THE COUNTY EXECUTIVE, WITH THE ADVICE AND CONSENT OF  
32 THE COUNTY COUNCIL, SHALL APPOINT A NEW MEMBER TO FILL ANY VACANCY FOR  
33 THE REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
34 QUALIFIES.

1 (II) IF NO INDIVIDUAL FILES TO BE A CANDIDATE IN AN ELECTION  
2 FOR MEMBERSHIP ON THE BOARD IN A LEGISLATIVE DISTRICT, THE COUNTY  
3 EXECUTIVE WITH THE ADVICE AND CONSENT OF THE COUNTY COUNCIL SHALL  
4 APPOINT A MEMBER TO FILL THE VACANCY FOR THE REMAINDER OF THAT TERM  
5 AND UNTIL A SUCCESSOR IS ELECTED OR APPOINTED AND QUALIFIES.

6 (III) THE COUNTY COUNCIL SHALL ADVISE AND CONSENT TO THE  
7 APPOINTMENT OF A BOARD MEMBER BY THE COUNTY EXECUTIVE WITHIN 30 DAYS  
8 OF RECEIVING THE APPOINTMENT FROM THE COUNTY EXECUTIVE.

9 (4) UNLESS OTHERWISE DISQUALIFIED UNDER THIS SECTION, A BOARD  
10 MEMBER IS ELIGIBLE FOR REAPPOINTMENT. HOWEVER, AN INDIVIDUAL MAY NOT  
11 SERVE FOR MORE THAN 2 CONSECUTIVE TERMS.

12 [(c)] (D) A Board member who does not maintain the residency qualification  
13 shall be replaced as a member.

14 (E) (1) WITH THE APPROVAL OF THE COUNTY EXECUTIVE, THE STATE  
15 SUPERINTENDENT MAY REMOVE ANY MEMBER OF THE COUNTY BOARD APPOINTED  
16 UNDER THIS SECTION OR THE STATE BOARD MAY REMOVE ANY MEMBER OF THE  
17 COUNTY BOARD ELECTED UNDER THIS SECTION FOR:

18 (I) IMMORALITY;

19 (II) MISCONDUCT IN OFFICE;

20 (III) INCOMPETENCY;

21 (IV) WILLFUL NEGLECT OF DUTY; OR

22 (V) FAILURE TO ATTEND, WITHOUT GOOD CAUSE, AT LEAST HALF  
23 OF THE SCHEDULED MEETINGS OF THE BOARD IN ANY ONE CALENDAR YEAR.

24 (2) BEFORE REMOVING A MEMBER, THE STATE SUPERINTENDENT OR  
25 THE STATE BOARD SHALL SEND THE MEMBER A COPY OF THE CHARGES AGAINST  
26 THE MEMBER AND GIVE THE MEMBER AN OPPORTUNITY WITHIN 10 DAYS TO  
27 REQUEST A HEARING.

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

29 (I) THE STATE SUPERINTENDENT OR THE STATE BOARD  
30 PROMPTLY SHALL HOLD A HEARING, BUT A HEARING MAY NOT BE SET WITHIN 10  
31 DAYS AFTER THE STATE SUPERINTENDENT OR STATE BOARD SENDS THE MEMBER A  
32 NOTICE OF THE HEARING; AND

33 (II) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD  
34 PUBLICLY BEFORE THE STATE SUPERINTENDENT OR STATE BOARD IN THE  
35 MEMBER'S OWN DEFENSE, IN PERSON OR BY COUNSEL.

1 (4) IF A MEMBER WHO IS REMOVED SO REQUESTS, THE STATE  
2 SUPERINTENDENT OR STATE BOARD SHALL FILE WITH THE CLERK OF THE ANNE  
3 ARUNDEL COUNTY CIRCUIT COURT:

4 (I) A COMPLETE STATEMENT OF ALL CHARGES MADE AGAINST  
5 THE MEMBER;

6 (II) THE FINDINGS OF THE STATE SUPERINTENDENT OR STATE  
7 BOARD; AND

8 (III) A COMPLETE RECORD OF THE PROCEEDINGS.

9 [(d)] (F) If the boundary line of a legislative district changes, an incumbent  
10 member of the County Board who, because of the change, no longer resides in the  
11 legislative district from which the member was appointed may complete the term.

12 SECTION 4. AND BE IT FURTHER ENACTED, That:

13 (a) Except as provided in subsection (b) of this section, each member  
14 appointed to the Anne Arundel County Board of Education on or before July 1, 2005  
15 shall serve the full term for which the member was appointed and the term shall  
16 expire on the Sunday before the first Monday in December in the year in which the  
17 member's term is due to expire.

18 (b) If the provisions of Section 3 of this Act are enacted in accordance with  
19 Section 5 of this Act, the terms of office for the following members of the Anne Arundel  
20 County Board of Education shall be as follows:

21 (1) the two members whose terms are due to expire on June 30, 2005,  
22 shall serve a term of 7 years, 5 months, and 2 days that shall terminate on December  
23 2, 2012;

24 (2) the member whose term is due to expire on June 30, 2006, shall be  
25 appointed by the Governor for a term of 6 years, 5 months, and 2 days that shall  
26 terminate on December 2, 2012; and

27 (3) the member from a legislative district whose term is due to expire on  
28 June 30, 2007, shall be appointed by the Governor for a term of 5 years, 5 months, and  
29 2 days that shall terminate on December 2, 2012.

30 SECTION 5. AND BE IT FURTHER ENACTED, That:

31 (1) Before this Act becomes effective it shall first be submitted to a  
32 referendum of the legally qualified voters of Anne Arundel County at the general  
33 election to be held in November of 2006. The cost of the special election, if any, shall  
34 be paid by the County governing body. The County governing body and the Anne  
35 Arundel County Board of Elections shall do those things necessary and proper to  
36 provide for and hold the referendum required by this section;



1       (2)       If a majority of the votes cast on the question are "For the referred law that  
2 would provide for the appointment of the members of the Anne Arundel County Board  
3 of Education by the county executive with the advice and consent of the county  
4 council", the provisions of Section 2 of this Act shall become effective on the 30th day  
5 following the official canvass of votes for the referendum. If Section 2 of this Act takes  
6 effect, then Sections 3 and 4 of this Act shall be null and void; or

7       (3)       If a majority of the votes cast on the question are "For the referred law that  
8 would provide for a combination of methods of selecting the members of the Anne  
9 Arundel County Board of Education by appointment of the at-large members by the  
10 county executive with the advice and consent of the county council and the  
11 nonpartisan election of the members from legislative districts", the provisions of  
12 Sections 3 and 4 of this Act shall become effective on the 30th day following the  
13 official canvass of votes for the referendum. If Section 3 of this Act takes effect, then  
14 Section 2 of this Act shall be null and void; but

15       (4)       If a majority of the votes cast on the question are "For the referred law that  
16 would continue the appointment of the members of the Anne Arundel County Board of  
17 Education by the Governor", the provisions of this Act are of no effect and shall be null  
18 and void.

19       SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions  
20 of Section 5 of this Act, this Act shall take effect July 1, 2005.