

---

By: ~~Delegates Leopold, McConkey, Frush, and Moe~~ Anne Arundel County  
Delegation

Introduced and read first time: February 4, 2005

Assigned to: Ways and Means

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2005

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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 candidaey 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.~~

1 FOR the purpose of requiring the Governor to appoint a member of the Anne Arundel  
 2 County Board of Education from a list of nominees submitted by the School  
 3 Board Nominating Commission of Anne Arundel County; providing for the  
 4 establishment, purpose, membership, terms of office, and chair of the  
 5 Commission; requiring the Commission to submit to the Governor a certain list  
 6 of nominees for each nomination to the County Board beginning on a certain  
 7 date; authorizing members of the County Board to serve the remainder of a  
 8 member's first term or a second consecutive term subject to the results of a  
 9 certain retention election at a certain time; specifying the process of  
 10 reappointment of members serving on the County Board as of a certain date;  
 11 specifying the terms of the initial members of the Commission; and generally  
 12 relating to the appointment process for members of the Anne Arundel County  
 13 Board of Education.

14 ~~BY repealing and reenacting, without amendments,~~  
 15 ~~Article - Education~~  
 16 ~~Section 3-110~~  
 17 ~~Annotated Code of Maryland~~  
 18 ~~(2004 Replacement Volume and 2004 Supplement)~~

19 BY repealing and reenacting, with amendments,  
 20 Article - Education  
 21 Section 3-108(a) and (c) and 3-110  
 22 Annotated Code of Maryland  
 23 (2004 Replacement Volume and 2004 Supplement)

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

26 **Article - Education**

27 3-108.

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

34 (c) (1) Each member serves for a term of 5 years beginning July 1 after  
 35 [his] THE MEMBER'S appointment and until a successor is appointed and qualifies.

36 (2) The Governor shall appoint a new member to fill any vacancy on an  
 37 appointed board for the remainder of that term and until a successor is appointed and  
 38 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 3-110.

5 (a) (1) The Anne Arundel County Board consists of 8 members who shall be  
6 appointed as follows:

7 (1) 3 from the county at large;

8 (2) 1 each from Legislative Districts 30, 31, and 33;

9 (3) 1 from either:

10 (i) 1. Legislative District 32; or

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

13 (4) (IV) 1 student member.

14 (2) EXCEPT FOR THE STUDENT MEMBER, THE GOVERNOR SHALL  
15 APPOINT A MEMBER OF THE COUNTY BOARD FROM A LIST OF NOMINEES SUBMITTED  
16 BY THE SCHOOL BOARD NOMINATING COMMISSION OF ANNE ARUNDEL COUNTY AS  
17 PROVIDED IN SUBSECTION (B) OF THIS SECTION.

18 (B) (1) (I) THERE IS A SCHOOL BOARD NOMINATING COMMISSION OF  
19 ANNE ARUNDEL COUNTY.

20 (II) THE PURPOSE OF THE COMMISSION IS TO SELECT NOMINEES  
21 TO BE RECOMMENDED TO THE GOVERNOR AS QUALIFIED CANDIDATES FOR  
22 APPOINTMENT TO THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION.

23 (2) THE COMMISSION CONSISTS OF 13 MEMBERS WHO SHALL BE  
24 APPOINTED AS FOLLOWS:

25 (I) THE GOVERNOR SHALL APPOINT FIVE MEMBERS, ONE FROM  
26 EACH LEGISLATIVE DISTRICT THAT LIES IN WHOLE OR IN PART IN ANNE ARUNDEL  
27 COUNTY;

28 (II) THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY SHALL  
29 APPOINT TWO MEMBERS FROM THE COUNTY AT LARGE; AND

30 (III) THE FOLLOWING ORGANIZATIONS SHALL EACH APPOINT ONE  
31 MEMBER:

32 1. THE TEACHER'S ASSOCIATION OF ANNE ARUNDEL  
33 COUNTY;



1 VOTE FOR OR AGAINST THE MEMBER'S RETENTION AS A MEMBER OF THE COUNTY  
 2 BOARD.

3 (4) IF THE VOTERS REJECT THE RETENTION OF THE MEMBER, OR THE  
 4 VOTE IS TIED, THE POSITION SHALL BECOME VACANT 10 DAYS AFTER  
 5 CERTIFICATION OF THE ELECTION RETURNS.

6 (5) A MEMBER OF THE COUNTY BOARD SERVES UNTIL A SUCCESSOR IS  
 7 APPOINTED AND QUALIFIES.

8 (b) (D) (1) The student member shall:

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

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

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

14 2. Continue to serve after graduation and until a successor is  
 15 appointed and qualifies.

16 (2) If a vacancy in the position of the student member occurs during the  
 17 term of the student member, the Chesapeake Regional Association of Student  
 18 Councils shall:

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

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

22 (c) (E) A Board member who does not maintain the residency qualification  
 23 shall be replaced as a member.

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That a member serving a  
 28 first term on the Anne Arundel County Board of Education as of July 1, 2006:

29 (a) (1) shall be eligible to be included in the list of nominees submitted by  
 30 the School Board Nominating Commission of Anne Arundel County to the Governor to  
 31 serve a second term when the first term ends; and

32 (2) may be reappointed by the Governor to the Anne Arundel County  
 33 Board of Education subject to the approval or rejection of the registered voters of the  
 34 county at the next general election; and

1 (b) as provided in § 3-108(c)(3) of the Education Article, is not eligible to serve  
2 another consecutive term following the second term by a reappointment.

3 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial  
4 members of the School Board Nominating Commission of Anne Arundel County shall  
5 expire January 18, 2007.

6 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take  
7 effect July 1, 2005.

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

10 **~~Article -- Education~~**

11 ~~§ 3-108.~~

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

18 ~~§ 3-110.~~

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

22 ~~{(1)} (I) 3 from the county at large;~~

23 ~~{(2)} (II) 1 each from Legislative Districts 30, 31, and 33;~~

24 ~~{(3)} (III) 1 from either:~~

25 ~~{(i)} 1. Legislative District 32; or~~

26 ~~{(ii)} 2. That portion of Legislative District 21 that lies within~~  
27 ~~Anne Arundel County; and~~

28 ~~{(4)} (IV) 1 student member.~~

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

32 (b) (1) ~~The student member shall:~~

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

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

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

4 2. Continue to serve after graduation and until a successor is  
5 appointed and qualifies.

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

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

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

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

15 (2) (1) THE COUNTY EXECUTIVE, WITH THE ADVICE AND CONSENT OF  
16 THE COUNTY COUNCIL, SHALL APPOINT A NEW MEMBER TO FILL ANY VACANCY FOR  
17 THE REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
18 QUALIFIES.

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

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

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

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

30 (I) IMMORALITY;

31 (II) MISCONDUCT IN OFFICE;

32 (III) INCOMPETENCY;

33 (IV) WILLFUL NEGLECT OF DUTY; OR

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





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) (1) 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.