

(PRE-FILED)

 By: **Delegates Love, Leopold, Busch, and Dwyer**

Requested: September 20, 2005

Introduced and read first time: January 11, 2006

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County - Board of Education - Appointment Process**

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

18 BY repealing and reenacting, with amendments,
 19 Article - Education
 20 Section 3-108(a) and (c) and 3-110
 21 Annotated Code of Maryland
 22 (2004 Replacement Volume and 2005 Supplement)

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

25 **Article - Education**

26 3-108.

27 (a) Except for the Baltimore City Board of School Commissioners established
 28 under § 3-108.1 of this subtitle, the New Prince George's County Board of Education
 29 established under § 3-108.2 of this subtitle, [and] counties listed in § 3-114 of this

1 subtitle, AND SUBJECT TO THE PROVISIONS OF § 3-110 OF THIS SUBTITLE WITH
2 RESPECT TO THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION, the Governor
3 shall appoint the members of each county board from the residents of that county.

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

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

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

12 3-110.

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

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

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

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

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

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

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

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

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

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

31 (III) THE COMMISSION SHALL HOLD AT LEAST TWO PUBLIC
32 HEARINGS ON THE SELECTION OF NOMINEES BEFORE RECOMMENDING TO THE
33 GOVERNOR NOMINEES FOR APPOINTMENT TO THE COUNTY BOARD.

34 (2) (I) THE COMMISSION CONSISTS OF 15 MEMBERS WHO SHALL BE
35 APPOINTED IN ACCORDANCE WITH THIS PARAGRAPH.

1 (II) THE GOVERNOR SHALL APPOINT FIVE MEMBERS, ONE FROM
2 EACH LEGISLATIVE DISTRICT THAT LIES IN WHOLE OR IN PART IN ANNE ARUNDEL
3 COUNTY.

4 (III) THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY SHALL
5 APPOINT TWO MEMBERS FROM THE COUNTY AT LARGE.

6 (IV) THE ANNE ARUNDEL COUNTY COUNCIL SHALL APPOINT TWO
7 MEMBERS FROM THE COUNTY AT LARGE.

8 (V) THE FOLLOWING ORGANIZATIONS SHALL EACH APPOINT ONE
9 MEMBER:

10 1. THE TEACHERS ASSOCIATION OF ANNE ARUNDEL
11 COUNTY;

12 2. THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CHAMBER
13 OF COMMERCE;

14 3. THE ANNE ARUNDEL COUNTY COUNCIL OF PARENT
15 TEACHER ASSOCIATIONS;

16 4. THE CITIZEN ADVISORY COMMITTEE;

17 5. THE ANNE ARUNDEL COUNTY COMMUNITY COLLEGE
18 BOARD OF TRUSTEES; AND

19 6. THE ASSOCIATION OF EDUCATIONAL LEADERS (AEL).

20 (3) (I) THE GOVERNOR SHALL DESIGNATE AS CHAIR OF THE
21 COMMISSION ONE OF THE FIVE MEMBERS APPOINTED BY THE GOVERNOR UNDER
22 SUBSECTION (B)(2)(I) OF THIS SECTION.

23 (II) THE TERM OF THE CHAIR OF THE COMMISSION IS 4 YEARS.

24 (III) THE GOVERNOR MAY REAPPOINT THE CHAIR OF THE
25 COMMISSION FOR A SECOND TERM.

26 (IV) THE TERM OF A MEMBER OF THE COMMISSION IS 4 YEARS.

27 (4) BEGINNING JANUARY 1, 2007, FOR EACH NOMINATION TO THE
28 COUNTY BOARD, THE COMMISSION SHALL SUBMIT TO THE GOVERNOR A LIST OF
29 NOMINEES THAT CONTAINS:

30 (I) AT LEAST TWO NAMES FOR EACH VACANCY; OR

31 (II) IF THERE ARE FEWER THAN TWO APPLICANTS FOR A VACANCY,
32 THE NUMBER OF NAMES THAT IS EQUAL TO THE NUMBER OF APPLICANTS FOR THE
33 VACANCY.

1 (C) (1) FOLLOWING THE INITIAL APPOINTMENT OF A MEMBER OF THE
2 ANNE ARUNDEL COUNTY BOARD OF EDUCATION BY THE COMMISSION, A MEMBER
3 MAY CONTINUE TO SERVE FOR THE REMAINDER OF THE MEMBER'S FIRST TERM
4 SUBJECT TO THE APPROVAL OR REJECTION OF THE REGISTERED VOTERS OF THE
5 COUNTY AT THE NEXT GENERAL ELECTION.

6 (2) A MEMBER OF THE COUNTY BOARD MAY SERVE FOR A SECOND
7 CONSECUTIVE TERM SUBJECT TO THE APPROVAL OF OR REJECTION BY THE
8 REGISTERED VOTERS OF THE COUNTY AT THE NEXT GENERAL ELECTION.

9 (3) (I) THE APPROVAL OR REJECTION OF A MEMBER OF THE COUNTY
10 BOARD BY THE REGISTERED VOTERS OF THE COUNTY PROVIDED FOR IN
11 SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE A VOTE FOR THE MEMBER'S
12 RETENTION OR REMOVAL.

13 (II) THE NAME OF THE MEMBER OF THE COUNTY BOARD SHALL BE
14 ON THE APPROPRIATE BALLOT, WITHOUT OPPOSITION, AND THE VOTERS SHALL
15 VOTE FOR OR AGAINST THE MEMBER'S RETENTION AS A MEMBER OF THE COUNTY
16 BOARD.

17 (4) IF THE VOTERS REJECT THE RETENTION OF THE MEMBER, OR THE
18 VOTE IS TIED:

19 (I) THE POSITION SHALL BECOME VACANT 10 DAYS AFTER
20 CERTIFICATION OF THE ELECTION RETURNS; AND

21 (II) THE MEMBER SERVES UNTIL A SUCCESSOR IS APPOINTED AND
22 QUALIFIES.

23 [(b)] (D) (1) The student member shall:

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

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

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

29 2. Continue to serve after graduation and until a successor is
30 appointed and qualifies.

31 (2) If a vacancy in the position of the student member occurs during the
32 term of the student member, the Chesapeake Regional Association of Student
33 Councils shall:

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

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

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

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That a member serving a first
7 term on the Anne Arundel County Board of Education as of October 1, 2007:

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

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

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

16 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
17 members of the School Board Nominating Commission of Anne Arundel County shall
18 expire January 18, 2008.

19 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2006.