
By: **Senator Greenip**

Introduced and read first time: February 16, 2006

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of establishing a procedure for the election and appointment of
4 certain members of the Anne Arundel County Board of Education; requiring
5 some of the members of the County Board to reside in and be elected from
6 certain districts and some of the members to be appointed by the County
7 Executive and confirmed by the County Council; establishing a certain term of
8 office for the members and staggering their terms; providing for the removal of
9 members under certain circumstances; providing for a student member;
10 providing a procedure for filling a vacancy on the County Board; providing for
11 the election of the chair and vice chair of the County Board; providing for the
12 compensation of the members of the County Board; requiring the County Board
13 to meet at certain intervals; establishing a task force to make recommendations
14 regarding school board election districts and specifying its membership and
15 tenure; providing for the effective date of certain provisions of this Act;
16 submitting this Act to a referendum of the legally qualified voters of Anne
17 Arundel County; and generally relating to the Anne Arundel County Board of
18 Education.

19 BY repealing and reenacting, with amendments,
20 Article - Education
21 Section 3-108(a), 3-110, and 3-114(a)
22 Annotated Code of Maryland
23 (2004 Replacement Volume and 2005 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - Education
26 Section 3-114(a)
27 Annotated Code of Maryland
28 (2004 Replacement Volume and 2005 Supplement)
29 (As enacted by Chapter 289 of the Acts of the General Assembly of 2002)

30 BY adding to
31 Article - Education

1 Section 3-2A-01 through 3-2A-05, inclusive, to be under the new subtitle
2 "Subtitle 2A. Anne Arundel County"
3 Annotated Code of Maryland
4 (2004 Replacement Volume and 2005 Supplement)

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

7 **Article - Education**

8 3-108.

9 (a) Except for THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION
10 ESTABLISHED UNDER § 3-2A-01 OF THIS SUBTITLE, the Baltimore City Board of
11 School Commissioners established under § 3-108.1 of this subtitle, the New Prince
12 George's County Board of Education established under § 3-108.2 of this subtitle, and
13 counties listed in § 3-114 of this subtitle, the Governor shall appoint the members of
14 each county board from the residents of that county.

15 3-110.

16 (a) [The] UNTIL THE MEMBERS ELECTED AND APPOINTED IN ACCORDANCE
17 WITH SUBTITLE 2A OF THIS TITLE TAKE OFFICE FOLLOWING THE 2008 GENERAL
18 ELECTION, THE Anne Arundel County Board consists of 8 members who shall be
19 appointed as follows:

20 (1) 3 from the county at large;

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

22 (3) 1 from either:

23 (i) Legislative District 32; or

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

26 (4) 1 student member.

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

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

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

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

1 [(15)] (16) Washington; and

2 [(16)] (17) Worcester.

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

5 **Article - Education**

6 3-114.

7 (a) In the following counties, the members of the county board shall be elected:

8 (1) Allegany;

9 (2) ANNE ARUNDEL;

10 [(2)] (3) Calvert;

11 [(3)] (4) Carroll;

12 [(4)] (5) Cecil;

13 [(5)] (6) Charles;

14 [(6)] (7) Dorchester;

15 [(7)] (8) Frederick;

16 [(8)] (9) Garrett;

17 [(9)] (10) Howard;

18 [(10)] (11) Kent;

19 [(11)] (12) Prince George's;

20 [(12)] (13) Montgomery;

21 [(13)] (14) St. Mary's;

22 [(14)] (15) Somerset;

23 [(15)] (16) Talbot;

24 [(16)] (17) Washington;

25 [(17)] (18) Worcester.

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

Article - Education

SUBTITLE 2A. ANNE ARUNDEL COUNTY.

3 3-2A-01.

4 (A) THE ANNE ARUNDEL COUNTY BOARD CONSISTS OF:

5 (1) FIVE NONPARTISAN ELECTED MEMBERS;

6 (2) TWO MEMBERS APPOINTED BY THE COUNTY EXECUTIVE WITH THE
7 ADVICE AND CONSENT OF THE ANNE ARUNDEL COUNTY COUNCIL; AND

8 (3) ONE STUDENT MEMBER.

9 (B) THE FIVE NONPARTISAN ELECTED MEMBERS SHALL BE ELECTED BY THE
10 VOTERS OF THE ENTIRE COUNTY AT A GENERAL ELECTION IN ACCORDANCE WITH
11 SUBSECTIONS (C) AND (D) OF THIS SECTION.12 (C) (1) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE FIVE SCHOOL
13 BOARD DISTRICTS ESTABLISHED IN ACCORDANCE WITH § 3-2A-05 OF THIS SUBTITLE.

14 (2) EACH SCHOOL BOARD DISTRICT SHALL:

15 (I) ENCOMPASS A CONTIGUOUS AND DISCRETE GEOGRAPHIC
16 AREA OF ANNE ARUNDEL COUNTY;

17 (II) BE SUBSTANTIALLY EQUAL IN POPULATION; AND

18 (III) 1. BE REAPPORTIONED ON THE BASIS OF EACH DECENNIAL
19 CENSUS OF THE UNITED STATES; AND20 2. BECOME EFFECTIVE FOR THE TERM OF OFFICE
21 COMMENCING AFTER THE FIRST REGULAR PRIMARY ELECTION HELD AT LEAST 15
22 MONTHS AFTER THE OFFICIAL CENSUS REPORT ON POPULATION THAT IS RECEIVED
23 BY THE STATE FROM THE BUREAU OF THE CENSUS.24 (3) A MEMBER FROM A SCHOOL BOARD DISTRICT SHALL BE A RESIDENT
25 OF THAT DISTRICT.26 (4) A MEMBER FROM A SCHOOL BOARD DISTRICT WHO NO LONGER
27 RESIDES IN THE DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE COUNTY
28 BOARD.29 (5) A CANDIDATE ELECTED OR APPOINTED TO THE COUNTY BOARD
30 SHALL BE A REGISTERED VOTER AND RESIDENT OF ANNE ARUNDEL COUNTY FOR AT
31 LEAST 2 YEARS.32 (D) (1) AT THE GENERAL ELECTION FOR THE FIVE ELECTED MEMBERS OF
33 THE COUNTY BOARD, THE BALLOT SHALL PROVIDE THE VOTER WITH THE CHOICE TO
34 CAST A VOTE:

1 (I) "FOR" A NOMINEE FOR ELECTION FROM THAT DISTRICT; OR

2 (II) "TO ALLOW THE COUNTY EXECUTIVE TO APPOINT A MEMBER"
3 FROM THAT DISTRICT INSTEAD.

4 (2) AFTER THE ELECTION RESULTS ARE CERTIFIED, THE STATE BOARD
5 SHALL DECLARE FOR EACH SCHOOL BOARD DISTRICT WHETHER A NOMINEE HAS
6 BEEN ELECTED OR WHETHER THE COUNTY EXECUTIVE HAS WON THE AUTHORITY
7 TO APPOINT A MEMBER FROM THAT DISTRICT.

8 (3) IN ANY ELECTION, IF NO NOMINEE FILES A CERTIFICATE OF
9 CANDIDACY FOR THE OFFICE OR IF NO INDIVIDUAL OTHERWISE QUALIFIES TO HAVE
10 THE INDIVIDUAL'S NAME PLACED ON THE BALLOT, THE COUNTY EXECUTIVE SHALL
11 APPOINT A MEMBER TO FILL THAT VACANCY WITH THE ADVICE AND CONSENT OF
12 THE COUNTY COUNCIL.

13 (E) (1) SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, AND
14 EXCEPT FOR THE STUDENT MEMBER, EACH ELECTED MEMBER SERVES FOR A TERM
15 OF 4 YEARS BEGINNING ON THE FIRST MONDAY IN DECEMBER AFTER THE MEMBER'S
16 ELECTION AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

17 (2) AN APPOINTED MEMBER SERVES FOR A TERM OF 4 YEARS
18 BEGINNING ON THE FIRST MONDAY IN DECEMBER AFTER THE GENERAL ELECTION
19 TO ELECT MEMBERS.

20 (3) FOLLOWING A GENERAL ELECTION FOR MEMBERS TO THE COUNTY
21 BOARD, IF A NOMINEE PUT FORTH FOR APPOINTMENT BY THE COUNTY EXECUTIVE
22 HAS NOT BEEN CONFIRMED BEFORE THE FIRST MONDAY IN DECEMBER FOLLOWING
23 THAT GENERAL ELECTION, THE NOMINEE MAY NOT TAKE OFFICE UNTIL THE
24 COUNTY COUNCIL HAS CONFIRMED THE NOMINATION.

25 (4) THE INITIAL TERMS OF THE ELECTED OR APPOINTED VOTING
26 MEMBERS ARE STAGGERED AS FOLLOWS:

27 (I) THE THREE MEMBERS ELECTED TO THE COUNTY BOARD AT
28 THE GENERAL ELECTION IN NOVEMBER 2008 WHO RECEIVE THE HIGHEST NUMBER
29 OF VOTES CAST FROM AMONG THE SUCCESSFUL CANDIDATES AT THAT ELECTION
30 SHALL SERVE FOR A TERM OF 4 YEARS;

31 (II) THE TWO MEMBERS ELECTED TO THE COUNTY BOARD AT THE
32 GENERAL ELECTION IN NOVEMBER 2008 WHO RECEIVE THE LEAST NUMBER OF
33 VOTES CAST FROM AMONG THE SUCCESSFUL CANDIDATES AT THAT ELECTION
34 SHALL SERVE FOR A TERM OF 2 YEARS; AND

35 (III) EXCEPT FOR A NOMINATION FOR AN APPOINTMENT FOR A
36 SCHOOL BOARD DISTRICT THAT THE VOTERS AT A GENERAL ELECTION AUTHORIZE
37 THE COUNTY EXECUTIVE TO MAKE:

1 (H) (1) THE COUNTY EXECUTIVE SHALL APPOINT A NEW MEMBER WITH THE
2 ADVICE AND CONSENT OF THE COUNTY COUNCIL TO FILL ANY VACANCY ON THE
3 COUNTY BOARD FOR THE REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS
4 ELECTED OR APPOINTED AND QUALIFIES.

5 (2) WITH REGARD TO AN ELECTED OR APPOINTED MEMBER, A MEMBER
6 WHO IS APPOINTED TO FILL A VACANCY AFTER A TERM HAS BEGUN SERVES ONLY
7 FOR THE REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS ELECTED OR
8 APPOINTED AND QUALIFIES.

9 (3) TO THE EXTENT PRACTICABLE, THE COUNTY EXECUTIVE SHALL
10 NOMINATE AND THE COUNTY COUNCIL SHALL ACT ON A NOMINATION TO FILL ANY
11 VACANCY, OR TO FILL ANY APPOINTMENT THE VOTERS AUTHORIZE THE COUNTY
12 EXECUTIVE TO MAKE UNDER SUBSECTION (D) OF THIS SECTION, WITHIN 60 DAYS
13 AFTER THE DATE OF THE VACANCY OR, IF APPLICABLE, THE COMMENCEMENT OF
14 THE TERM FOLLOWING AN ELECTION.

15 3-2A-02.

16 (A) THE STATE BOARD MAY REMOVE A MEMBER OF THE COUNTY BOARD FOR
17 ANY OF THE FOLLOWING REASONS:

18 (1) IMMORALITY;

19 (2) MISCONDUCT IN OFFICE;

20 (3) INCOMPETENCY;

21 (4) WILLFUL NEGLECT OF DUTY; OR

22 (5) FAILURE TO ATTEND, WITHOUT GOOD CAUSE, AT LEAST 75% OF THE
23 SCHEDULED MEETINGS OF THE COUNTY BOARD IN ANY 1 CALENDAR YEAR.

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

27 (C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY PERIOD:

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

31 (2) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD
32 PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE IN PERSON
33 OR BY COUNSEL.

34 (D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE
35 NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR ANNE ARUNDEL
36 COUNTY.

1 3-2A-03.

2 (A) AT ITS FIRST MEETING IN DECEMBER OF EACH YEAR, THE COUNTY BOARD
3 SHALL ELECT A CHAIR AND VICE CHAIR FROM AMONG THE BOARD MEMBERS.

4 (B) THE COUNTY BOARD SHALL MEET AT LEAST ONCE EACH MONTH.

5 3-2A-04.

6 (A) FROM AND AFTER DECEMBER 1, 2008, AT THE BEGINNING OF EACH
7 MEMBER'S FULL TERM, THE CHAIR OF THE COUNTY BOARD IS ENTITLED TO RECEIVE
8 \$13,000 ANNUALLY AS COMPENSATION AND THE OTHER MEMBERS, NOT INCLUDING
9 THE STUDENT MEMBER, ARE ENTITLED TO RECEIVE \$12,000 ANNUALLY AS
10 COMPENSATION.

11 (B) (1) AFTER SUBMITTING VOUCHERS UNDER THE RULES AND
12 REGULATIONS ADOPTED BY THE COUNTY BOARD, THE CHAIR AND THE OTHER
13 MEMBERS, INCLUDING THE STUDENT MEMBER, ARE ENTITLED TO THE ALLOWANCES
14 FOR TRAVEL AND OTHER EXPENSES PROVIDED IN THE ANNE ARUNDEL COUNTY
15 BUDGET.

16 (2) A MEMBER OF THE COUNTY BOARD MAY NOT BE REIMBURSED MORE
17 THAN \$7,000 IN TRAVEL AND OTHER EXPENSES INCURRED IN A SINGLE FISCAL YEAR.
18 3-2A-05.

19 (A) THERE IS A TASK FORCE TO EXAMINE AND ESTABLISH BOUNDARIES FOR
20 THE ANNE ARUNDEL COUNTY SCHOOL BOARD DISTRICTS.

21 (B) THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:

22 (1) ONE MEMBER APPOINTED BY THE ANNE ARUNDEL COUNTY
23 EXECUTIVE;

24 (2) ONE MEMBER APPOINTED BY THE ANNE ARUNDEL COUNTY
25 COUNCIL;

26 (3) ONE MEMBER APPOINTED BY THE ANNE ARUNDEL COUNTY
27 DELEGATION TO THE MARYLAND HOUSE OF DELEGATES;

28 (4) ONE MEMBER APPOINTED BY THE ANNE ARUNDEL COUNTY
29 DELEGATION TO THE SENATE OF MARYLAND; AND

30 (5) ONE MEMBER APPOINTED BY THE COUNTY BOARD, WHICH MAY
31 INCLUDE A MEMBER OF THE BOARD.

32 (C) THE TASK FORCE SHALL ELECT ITS CHAIR FROM AMONG ITS MEMBERS.

33 (D) ANNE ARUNDEL COUNTY SHALL PROVIDE STAFF FOR THE TASK FORCE.

34 (E) A MEMBER OF THE TASK FORCE:

1 (1) MAY NOT RECEIVE COMPENSATION; BUT

2 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
3 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

4 (F) FOR THE 2008 ELECTION OF MEMBERS OF THE ANNE ARUNDEL COUNTY
5 BOARD OF EDUCATION, AND AFTER EACH DECENNIAL CENSUS THEREAFTER, THE
6 TASK FORCE SHALL EXAMINE THE ISSUES AND INFORMATION REGARDING CURRENT
7 AND PROPOSED SCHOOL BOARD DISTRICTS IN ANNE ARUNDEL COUNTY AND
8 PROPOSE BOUNDARIES FOR THE ANNE ARUNDEL COUNTY SCHOOL BOARD
9 DISTRICTS.

10 (G) (1) ON OR BEFORE JULY 1, 2007, IN PREPARATION FOR THE 2008
11 GENERAL ELECTION, AND 1 YEAR PRIOR TO THE DEADLINE FOR FILING A
12 CERTIFICATE OF CANDIDACY FOR ELECTION TO THE ANNE ARUNDEL COUNTY
13 SCHOOL BOARD FOR THE FIRST PRIMARY THAT IS AT LEAST 15 MONTHS AFTER THE
14 RECEIPT OF THE OFFICIAL CENSUS REPORT ON POPULATION RECEIVED BY THE
15 STATE FROM THE BUREAU OF THE CENSUS, THE TASK FORCE SHALL ISSUE A REPORT
16 OF ITS FINDINGS AND RECOMMENDATIONS TO:

17 (I) THE ANNE ARUNDEL COUNTY EXECUTIVE;

18 (II) THE ANNE ARUNDEL COUNTY COUNCIL;

19 (III) THE ANNE ARUNDEL COUNTY SENATE DELEGATION TO THE
20 GENERAL ASSEMBLY;

21 (IV) THE ANNE ARUNDEL COUNTY HOUSE DELEGATION TO THE
22 GENERAL ASSEMBLY; AND

23 (V) THE PUBLIC.

24 (2) THE TASK FORCE SHALL:

25 (I) TERMINATE 6 MONTHS AFTER THE SUBMISSION OF ITS REPORT
26 AND RECOMMENDATIONS TO THE INDIVIDUALS SPECIFIED UNDER PARAGRAPH (1)
27 OF THIS SUBSECTION; AND

28 (II) BE RECONSTITUTED AND RECONVENE FOR THE PURPOSE OF
29 REDRAWING THE SCHOOL BOARD DISTRICT BOUNDARIES WITHIN 45 DAYS
30 FOLLOWING THE RECEIPT OF THE OFFICIAL CENSUS REPORT ON POPULATION THAT
31 IS RECEIVED BY THE STATE FROM THE BUREAU OF THE CENSUS AFTER EACH
32 DECENNIAL CENSUS.

33 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
34 take effect on the taking effect of the termination provision specified in Section 20 of
35 Chapter 289 of the Acts of the General Assembly of 2002. If that termination provision
36 takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.
37 This Act may not be interpreted to have any effect on that termination provision.

1 SECTION 5. AND BE IT FURTHER ENACTED, That the terms of the
2 appointed members of the Anne Arundel County Board of Education shall expire at
3 the end of November 30, 2008.

4 SECTION 6. AND BE IT FURTHER ENACTED, That before this Act becomes
5 effective it shall first be submitted to a referendum of the legally qualified voters of
6 Anne Arundel County at the general election to be held in November of 2006. The cost
7 of the election, if any, shall be paid by the County governing body. The County
8 governing body and the Anne Arundel County Board of Elections shall do those things
9 necessary and proper to provide for and hold the referendum required by this section.
10 There shall be printed on the ballot to be used at this election the title of this Act and
11 underneath the title, on separate lines, a square or box opposite the words "For a
12 Board of Education to be Partly Elected by the Voters of Anne Arundel County and
13 Partly Appointed by the County Executive" and a corresponding square or box
14 opposite the words "For a Board of Education Appointed by the Governor". A voter
15 may choose only one of the methods of selection. If a majority of the votes cast on the
16 question are "For a Board of Education to be Partly Elected by the Voters of Anne
17 Arundel County" the provisions of this Act shall become effective on the 30th day
18 following the official canvass of votes for the referendum, but if a majority of the votes
19 cast on the question are "For a Board of Education Appointed by the Governor" the
20 provisions of this Act are of no effect and null and void.

21 SECTION 7. AND BE IT FURTHER ENACTED, That, subject to the provisions
22 of Section 6 of this Act and for the sole purpose of providing for the referendum
23 required by Section 6 of this Act, this Act shall take effect June 1, 2006.