

HOUSE BILL 395

F1

7lr2486
CF SB 28

By: **Delegates McConkey, Costa, Dwyer, and George**

Introduced and read first time: February 2, 2007

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – School Board – Elected Members**

3 FOR the purpose of requiring that the members of the Anne Arundel County Board of
4 Education be elected; establishing a procedure for the election of members of the
5 Anne Arundel County Board of Education from certain districts; establishing a
6 certain term of office for elected members and staggering the terms of the
7 members; providing for the removal of members under certain circumstances;
8 providing for a voting student member and for the selection of the student
9 member; providing a procedure for filling a vacancy on the County Board;
10 providing for the election of the president and vice president of the County
11 Board; providing for the compensation of the members of the County Board;
12 requiring the County Board to meet at certain intervals; specifying that certain
13 powers and duties of the County Board be exercised by a supermajority of its
14 members; submitting this Act to a referendum of the legally qualified voters of
15 Anne Arundel County; providing for the effective date of certain provisions of
16 this Act; and generally relating to the Anne Arundel County Board of
17 Education.

18 BY repealing

19 Article – Education

20 Section 3–110

21 Annotated Code of Maryland

22 (2006 Replacement Volume)

23 BY repealing and reenacting, with amendments,

24 Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 3–114(a)
2 Annotated Code of Maryland
3 (2006 Replacement Volume)

4 BY adding to
5 Article – Education
6 Section 3–2A–01 through 3–2A–05 to be under the new subtitle “Subtitle 2A.
7 Anne Arundel County”
8 Annotated Code of Maryland
9 (2006 Replacement Volume)

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

12 **Article – Education**

13 [3–110.

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

16 (1) 3 from the county at large;

17 (2) 1 each from Legislative Districts 30, 31, and 33;

18 (3) 1 from either:

19 (i) Legislative District 32; or

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

22 (4) 1 student member.

23 (b) (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
27 by the Chesapeake Regional Association of Student Councils of Anne Arundel County;

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

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

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

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

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

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

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

3-114.

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

(1) Allegany;

(2) ANNE ARUNDEL;

[(2)] (3) Calvert;

[(3)] (4) Carroll;

[(4)] (5) Cecil;

[(5)] (6) Charles;

[(6)] (7) **Dorchester;**

[(7)] (8) Frederick:

1 [(8)] **(9)** Garrett;
2 [(9)] **(10)** Howard;
3 [(10)] **(11)** Kent;
4 [(11)] **(12)** Prince George's;
5 [(12)] **(13)** Montgomery;
6 [(13)] **(14)** Queen Anne's;
7 [(14)] **(15)** St. Mary's;
8 [(15)] **(16)** Somerset;
9 [(16)] **(17)** Talbot;
10 [(17)] **(18)** Washington; and
11 [(18)] **(19)** Worcester.

12 **SUBTITLE 2A. ANNE ARUNDEL COUNTY.**

13 **3-2A-01.**

14 **(A) THE ANNE ARUNDEL COUNTY BOARD CONSISTS OF:**

15 **(1) SEVEN VOTING, NONPARTISAN, ELECTED MEMBERS, ELECTED**
16 **IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION; AND**

17 **(2) ONE VOTING STUDENT REPRESENTATIVE SELECTED IN**
18 **ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION.**

19 **(B) (1) THE SEVEN VOTING, NONPARTISAN, ELECTED MEMBERS**
20 **SHALL BE ELECTED AT THE GENERAL ELECTION.**

21 **(2) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE SEVEN**
22 **COUNCILMANIC DISTRICTS BY THE VOTERS OF THAT COUNCILMANIC DISTRICT.**

1 (C) (1) A MEMBER ELECTED FROM A COUNCILMANIC DISTRICT SHALL
2 BE A RESIDENT OF THAT DISTRICT.

3 (2) A MEMBER ELECTED OR APPOINTED FROM A COUNCILMANIC
4 DISTRICT WHO NO LONGER RESIDES IN THAT DISTRICT MAY NOT CONTINUE AS A
5 MEMBER OF THE COUNTY BOARD.

6 (D) (1) EACH ELECTED MEMBER SERVES FOR A TERM OF 4 YEARS
7 BEGINNING AT NOON ON THE FIRST MONDAY IN DECEMBER AFTER THE
8 MEMBER'S ELECTION AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

9 (2) AN ELECTED MEMBER MAY NOT SERVE MORE THAN TWO
10 CONSECUTIVE FULL TERMS.

11 (E) THE TERMS OF THE ELECTED MEMBERS ARE STAGGERED AS
12 FOLLOWS:

13 (1) ONE MEMBER ELECTED FROM EACH OF THE COUNCILMANIC
14 DISTRICTS 2, 3, AND 6 AT THE 2010 GENERAL ELECTION, AND EVERY 4 YEARS
15 THEREAFTER; AND

16 (2) ONE MEMBER ELECTED FROM EACH OF THE COUNCILMANIC
17 DISTRICTS 1, 4, 5, AND 7 AT THE 2012 GENERAL ELECTION, AND EVERY 4 YEARS
18 THEREAFTER.

19 (F) (1) THE STUDENT MEMBER SHALL:

20 (I) BE A REGULARLY ENROLLED, SENIOR-YEAR STUDENT
21 OF GOOD CHARACTER AND IN GOOD STANDING IN AN ANNE ARUNDEL COUNTY
22 PUBLIC HIGH SCHOOL;

23 (II) BE SELECTED IN THE STUDENT'S JUNIOR YEAR BY A
24 METHOD SELECTED BY THE CHESAPEAKE REGIONAL ASSOCIATION OF
25 STUDENT COUNCILS OF ANNE ARUNDEL COUNTY;

26 (III) 1. SERVE A TERM OF 1 YEAR; AND

27 2. CONTINUE TO SERVE AFTER GRADUATION AND
28 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

1 **(2) IF A VACANCY IN THE POSITION OF THE STUDENT MEMBER**
2 **OCCURS DURING THE TERM OF THE STUDENT MEMBER, THE CHESAPEAKE**
3 **REGIONAL ASSOCIATION OF STUDENT COUNCILS SHALL:**

4 **(I) CONDUCT A SPECIAL ELECTION AT ITS NEXT GENERAL**
5 **MEETING; AND**

6 **(II) BY UTILIZING THE SAME METHOD THAT IT USED TO**
7 **SELECT THE PREVIOUS STUDENT MEMBER OF THE BOARD, SELECT ANOTHER**
8 **STUDENT MEMBER TO FILL THE VACANCY.**

9 **3-2A-02.**

10 **(A) THE STATE BOARD MAY REMOVE A MEMBER OF THE COUNTY**
11 **BOARD FOR ANY OF THE FOLLOWING REASONS:**

12 **(1) IMMORALITY;**

13 **(2) MISCONDUCT IN OFFICE;**

14 **(3) INCOMPETENCY;**

15 **(4) WILLFUL NEGLECT OF DUTY; OR**

16 **(5) FAILURE TO ATTEND, WITHOUT GOOD CAUSE, AT LEAST 75%**
17 **OF THE SCHEDULED MEETINGS OF THE COUNTY BOARD IN ANY ONE CALENDAR**
18 **YEAR.**

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

22 **(C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY**
23 **PERIOD:**

24 **(1) THE STATE BOARD SHALL PROMPTLY HOLD A HEARING, BUT**
25 **A HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS**
26 **THE MEMBER A NOTICE OF THE HEARING; AND**

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

4 (D) (1) THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY SHALL
5 APPOINT A NEW MEMBER TO FILL ANY VACANCY ON THE COUNTY BOARD FOR
6 THE REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS ELECTED AND
7 QUALIFIES.

8 (2) (I) A RESIDENT OF THE COUNCILMANIC DISTRICT IN
9 WHICH A VACANCY EXISTS MAY APPLY FOR APPOINTMENT BY THE COUNTY
10 EXECUTIVE TO FILL THE VACANCY.

11 (II) THE COUNTY EXECUTIVE SHALL ADOPT RULES
12 GOVERNING THE PROCEDURE THROUGH WHICH AN INDIVIDUAL MAY APPLY TO
13 FILL A VACANCY ON THE COUNTY BOARD.

14 (3) THE COUNTY EXECUTIVE SHALL FILL A VACANCY WITHIN 45
15 DAYS OF ITS OCCURRENCE.

16 **3-2A-03.**

17 AT ITS FIRST MEETING ON OR AFTER THE FIRST MONDAY IN DECEMBER
18 EACH YEAR, THE COUNTY BOARD SHALL ELECT A PRESIDENT AND VICE
19 PRESIDENT.

20 **3-2A-04.**

21 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, EACH MEMBER OF
22 THE COUNTY BOARD IS ENTITLED TO RECEIVE ANNUAL COMPENSATION AS
23 FOLLOWS:

24 (1) PRESIDENT, \$6,000;

25 (2) VICE PRESIDENT, \$6,000; AND

26 (3) EACH OTHER MEMBER, \$4,800.

1 **(B) IN ADDITION TO THE ANNUAL COMPENSATION SPECIFIED UNDER**
2 **SUBSECTION (A) OF THIS SECTION, EACH MEMBER OF THE COUNTY BOARD IS**
3 **ENTITLED TO REIMBURSEMENT NOT TO EXCEED \$1,000 A YEAR FOR TRAVEL**
4 **AND OTHER EXPENSES.**

5 **3-2A-05.**

6 **(A) THE COUNTY BOARD SHALL MEET AT LEAST ONCE EACH MONTH.**

7 **(B) THE POWERS AND DUTIES ASSIGNED TO THE COUNTY BOARD**
8 **SHALL BE EXERCISED IN ACCORDANCE WITH AN AFFIRMATIVE VOTE BY A**
9 **SUPERMAJORITY OF THE MEMBERS OF THE COUNTY BOARD.**

10 **(C) EXCEPT FOR THOSE ACTIONS AUTHORIZED BY SUBSECTION (D) OF**
11 **THIS SECTION, ALL ACTIONS OF THE COUNTY BOARD SHALL BE TAKEN AT A**
12 **PUBLIC MEETING AND A RECORD OF THE MEETING AND ALL ACTIONS SHALL BE**
13 **MADE PUBLIC.**

14 **(D) THE COUNTY BOARD MAY TAKE ACTIONS IN EXECUTIVE SESSION IN**
15 **ACCORDANCE WITH § 10-508 OF THE STATE GOVERNMENT ARTICLE.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the
17 appointed members of the Anne Arundel County Board of Education shall expire as
18 follows:

19 (a) The term of the appointed members from Legislative Districts 30 and 31
20 scheduled to expire on June 30, 2010, and the term of the appointed member at-large
21 who has served on the County Board for the longest period shall each terminate on the
22 first Monday in December 2010 on the taking of office of the elected members from
23 councilmanic districts 2, 3, and 6; and

24 (b) The term of the appointed members from Legislative Districts 32 and 33
25 scheduled to expire on June 30, 2012, and the term of the two remaining appointed
26 members of the County Board shall each terminate on the first Monday in December
27 2012 on the taking of office of the elected members from councilmanic districts 1, 4, 5,
28 and 7.

29 SECTION 3. AND BE IT FURTHER ENACTED, That before Sections 1 and 2
30 of this Act become effective, this Act shall first be submitted to a referendum of the
31 legally qualified voters of Anne Arundel County at the general election to be held in
32 November of 2008. The County governing body and the Anne Arundel County Board

1 of Elections shall do those things necessary and proper to provide for and hold the
2 referendum required by this section. There shall be printed on the ballot to be used at
3 this election the title of this Act and underneath the title, on separate lines, a square
4 or box opposite the words "For a Board of Education Elected by the Voters of Anne
5 Arundel County" and a corresponding square or box opposite the words "For a Board of
6 Education Appointed by the Governor". A voter may choose only one of the methods of
7 selection. If a majority of the votes cast on the question are "For a Board of Education
8 Elected by the Voters of Anne Arundel County", Sections 1 and 2 of this Act shall
9 become effective on the 30th day following the official canvass of the votes for the
10 referendum, but if a majority of the votes cast on the question are "For a Board of
11 Education Appointed by the Governor", the provisions of this Act are of no effect and
12 null and void.

13 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
14 of Section 3 of this Act, this Act shall take effect October 1, 2007.