

# HOUSE BILL 513

F3

71r0567

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By: **Howard County Delegation**

Introduced and read first time: February 7, 2007

Assigned to: Ways and Means

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Committee Report: Favorable

House action: Adopted

Read second time: March 6, 2007

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Howard County – Board of Education – Qualifications and Election of**  
3 **Student Member**

4 **Ho. Co. 12-07**

5 FOR the purpose of providing for a student member on the Howard County Board of  
6 Education; specifying qualifications for the student member; specifying the term  
7 of office for the student member; providing for the election of the student  
8 member by certain Howard County students and requiring that the process for  
9 the election be approved by the County Board; specifying certain rights and  
10 privileges of the student member; prohibiting the student member from voting  
11 on certain matters; specifying that the student member is not entitled to  
12 compensation but may be reimbursed for certain expenses; specifying the  
13 number of votes required for passage of certain motions by the County Board;  
14 and generally relating to a student member for the Howard County Board of  
15 Education.

16 BY repealing and reenacting, with amendments,  
17 Article – Education  
18 Section 3-701  
19 Annotated Code of Maryland

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2006 Replacement Volume)

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

4 **Article - Education**

5 3-701.

6 (a) The Howard County Board consists of:

7 (1) [seven] **SEVEN ELECTED** members; **AND**

8 (2) **ONE STUDENT MEMBER.**

9 (b) A candidate **WHO BECOMES AN** elected [to] **MEMBER OF** the County  
10 Board shall be a resident and registered voter of Howard County. Any **ELECTED**  
11 member who no longer resides in Howard County may not continue as a member of  
12 the Board.

13 (c) [Members] **THE SEVEN ELECTED MEMBERS** of the Howard County  
14 Board shall be elected:

15 (1) At the general election every 2 years as required by subsection (d)  
16 of this section; and

17 (2) From Howard County at large.

18 (d) (1) (i) The terms of the **ELECTED** members are staggered as  
19 provided in this subsection.

20 (ii) Each term of office begins on the first Monday in December  
21 after the election of a member and until a successor is elected and qualifies.

22 (2) (i) The term of office of the member elected at the 2002 election  
23 is 4 years.

24 (ii) The successor to this office shall serve for a term of 4 years.

25 (3) (i) Two members shall be elected at the 2004 election.

1                   (ii)    The successors to these offices elected at the 2008 election  
2 shall serve a term of 4 years.

3                   (4)    (i)    Five members shall be elected at the 2006 election.

4                   (ii)    Subject to paragraph (5) of this subsection, the successors to  
5 these offices shall be elected at the 2010 election and shall serve for a term of 4 years.

6                   (5)    (i)    Except as provided in subparagraph (ii) of this paragraph, as  
7 of the 2006 election, the term of each office is 4 years.

8                   (ii)    1.    At the 2006 election, the individual elected as a  
9 member who receives the lowest number of votes among the five members elected in  
10 that election shall serve for a term of 2 years.

11                                 2.    The successor to the office for the member elected at  
12 the 2006 election who receives the lowest number of votes among the five members  
13 elected in that election shall be elected at the 2008 election and shall serve for a term  
14 of 4 years.

15                   (6)    Except as provided in paragraph (7) of this subsection and subject  
16 to the confirmation of the County Council, the County Executive of Howard County  
17 shall appoint a qualified individual to fill any vacancy on the County Board for the  
18 remainder of that term and until a successor is appointed and qualifies.

19                   (7)    If a vacancy occurs before the date that is 1 year following the date  
20 of the member's election, the individual appointed under paragraph (6) of this  
21 subsection shall serve only until a successor is elected by the voters at the next general  
22 election.

23                   (8)    Candidates for the vacated office may be nominated at a primary  
24 election in the same manner as for any other position on the Howard County Board.

25                   (9)    When more than two members of the County Board are to be  
26 elected at an election and the terms of the offices to be filled at the election vary, the  
27 elected candidates receiving the greater number of votes shall fill the offices with the  
28 longer terms.

29                   (10) The candidate receiving the vacated position shall take office on  
30 the first Monday in December after the election and shall continue to serve for the  
31 remainder of the vacated term and until a successor is elected and qualifies.

1           (11) Except as provided in this subsection, an election to fill a vacancy  
2 on the Howard County Board of Education shall be governed by §§ 8–801 through  
3 8–806 of the Election Law Article.

4           **(E) (1) THE STUDENT MEMBER SHALL BE A BONA FIDE RESIDENT OF**  
5 **HOWARD COUNTY AND A REGULARLY ENROLLED JUNIOR OR SENIOR YEAR**  
6 **STUDENT FROM A HOWARD COUNTY PUBLIC HIGH SCHOOL.**

7           **(2) THE STUDENT MEMBER SHALL SERVE FOR A TERM OF 1 YEAR**  
8 **BEGINNING ON JULY 1 AFTER THE MEMBER’S ELECTION, SUBJECT TO**  
9 **CONFIRMATION OF THE ELECTION RESULTS BY THE COUNTY BOARD.**

10           **(3) THE NOMINATION AND ELECTION PROCESS FOR THE**  
11 **STUDENT MEMBER:**

12                   **(I) SHALL BE APPROVED BY THE HOWARD COUNTY BOARD**  
13 **OF EDUCATION;**

14                   **(II) SHALL INCLUDE A PROVISION THAT PROVIDES FOR THE**  
15 **REPLACEMENT OF ONE OR BOTH OF THE FINAL CANDIDATES IF ONE OR BOTH**  
16 **OF THEM ARE UNABLE, INELIGIBLE, OR DISQUALIFIED TO PROCEED IN THE**  
17 **ELECTION; AND**

18                   **(III) SHALL ALLOW FOR ANY STUDENT IN GRADES 6**  
19 **THROUGH 11 ENROLLED IN A HOWARD COUNTY PUBLIC SCHOOL TO VOTE**  
20 **DIRECTLY FOR ONE OF THE TWO STUDENT MEMBER CANDIDATES.**

21           **(4) THE STUDENT MEMBER CANDIDATE WHO RECEIVES THE**  
22 **SECOND HIGHEST NUMBER OF VOTES IN THE DIRECT ELECTION:**

23                   **(I) SHALL BECOME THE ALTERNATE STUDENT MEMBER;**  
24 **AND**

25                   **(II) SHALL SERVE IF THE STUDENT MEMBER WHO IS**  
26 **ELECTED IS UNABLE, INELIGIBLE, OR DISQUALIFIED TO COMPLETE THE**  
27 **STUDENT MEMBER’S TERM OF OFFICE.**

28           **(5) EXCEPT AS PROVIDED IN PARAGRAPHS (6) AND (7) OF THIS**  
29 **SUBSECTION, THE STUDENT MEMBER HAS THE SAME RIGHTS AND PRIVILEGES**  
30 **AS AN ELECTED MEMBER.**

1           **(6) UNLESS INVITED TO ATTEND BY THE AFFIRMATIVE VOTE OF A**  
2 **MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBER MAY NOT ATTEND A**  
3 **CLOSED SESSION ADDRESSING A MATTER ON WHICH A STUDENT MEMBER IS**  
4 **PROHIBITED FROM VOTING UNDER PARAGRAPH (7) OF THIS SUBSECTION.**

5           **(7) THE STUDENT MEMBER SHALL VOTE ON ALL MATTERS**  
6 **EXCEPT THOSE RELATING TO:**

7                   **(I) GEOGRAPHICAL ATTENDANCE AREAS UNDER § 4-109**  
8 **OF THIS ARTICLE;**

9                   **(II) ACQUISITION AND DISPOSITION OF REAL PROPERTY**  
10 **AND MATTERS PERTAINING TO SCHOOL CONSTRUCTION UNDER § 4-115 OF THIS**  
11 **ARTICLE;**

12                   **(III) EMPLOYMENT OF ARCHITECTS UNDER § 4-117 OF THIS**  
13 **ARTICLE;**

14                   **(IV) DONATIONS UNDER § 4-118 OF THIS ARTICLE;**

15                   **(V) CONDEMNATION UNDER § 4-119 OF THIS ARTICLE;**

16                   **(VI) CONSOLIDATION OF SCHOOLS AND TRANSPORTATION**  
17 **OF STUDENTS UNDER § 4-120 OF THIS ARTICLE;**

18                   **(VII) APPOINTMENT AND SALARY OF A COUNTY**  
19 **SUPERINTENDENT UNDER §§ 4-201 AND 4-202 OF THIS ARTICLE;**

20                   **(VIII) EMPLOYEE DISCIPLINE AND OTHER APPEALS UNDER §**  
21 **4-205(C) OF THIS ARTICLE;**

22                   **(IX) BUDGETARY MATTERS UNDER TITLE 5 OF THIS**  
23 **ARTICLE;**

24                   **(X) APPOINTMENT AND PROMOTION OF STAFF UNDER §**  
25 **6-201 OF THIS ARTICLE;**

1                   **(XI) DISCIPLINE OF CERTIFICATED STAFF UNDER § 6-202**  
2 **OF THIS ARTICLE;**

3                   **(XII) COLLECTIVE BARGAINING FOR CERTIFICATED**  
4 **EMPLOYEES UNDER TITLE 6, SUBTITLE 4 OF THIS ARTICLE;**

5                   **(XIII) COLLECTIVE BARGAINING FOR NONCERTIFICATED**  
6 **EMPLOYEES UNDER TITLE 6, SUBTITLE 5 OF THIS ARTICLE; AND**

7                   **(XIV) STUDENT SUSPENSION AND EXPULSION UNDER § 7-305**  
8 **OF THIS ARTICLE.**

9                   **(8) THE STUDENT MEMBER MAY NOT RECEIVE COMPENSATION**  
10 **BUT, AFTER SUBMITTING EXPENSE VOUCHERS, SHALL BE REIMBURSED FOR**  
11 **OUT-OF-POCKET EXPENSES INCURRED IN CONNECTION WITH OFFICIAL DUTIES,**  
12 **IN ACCORDANCE WITH THE PROCEDURES AND REGULATIONS ESTABLISHED BY**  
13 **THE COUNTY BOARD.**

14                   **(F) PASSAGE OF A MOTION BY THE COUNTY BOARD REQUIRES THE**  
15 **AFFIRMATIVE VOTE OF:**

16                   **(1) FIVE MEMBERS IF THE STUDENT MEMBER IS AUTHORIZED TO**  
17 **VOTE; OR**

18                   **(2) FOUR MEMBERS IF THE STUDENT MEMBER IS NOT**  
19 **AUTHORIZED TO VOTE.**

20                   **[(e)] (G) (1) The State Board may remove a member of the County Board**  
21 **for:**

22                   (i) Immorality;

23                   (ii) Misconduct in office;

24                   (iii) Incompetency; or

25                   (iv) Willful neglect of duty.

1           (2) Before removing a member, the State Board shall send the member  
2 a copy of the charges against the member and give the member an opportunity within  
3 10 days to request a hearing.

4           (3) If the member requests a hearing within the 10-day period:

5                   (i) The State Board promptly shall hold a hearing, but a  
6 hearing may not be set within 10 days after the State Board sends the member a  
7 notice of the hearing; and

8                   (ii) The member shall have an opportunity to be heard publicly  
9 before the State Board in the member’s own defense, in person or by counsel.

10           (4) A member removed under this subsection has the right to a de  
11 novo review of the removal by the Circuit Court for Howard County.

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 July 1, 2007.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.