

# HOUSE BILL 730

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CF 71r2006

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By: **Harford County Delegation**

Introduced and read first time: February 8, 2007

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Harford County – Board of Education – Selection of Members**

3 FOR the purpose of requiring that certain members of the Harford County Board of  
4 Education be elected; requiring that certain members of the County Board be  
5 appointed; establishing a procedure for the election and appointment of  
6 members of the County Board; establishing a certain term of office for members  
7 and staggering the terms of the members; providing for the removal of members  
8 under certain circumstances; providing for the election of a certain nonvoting  
9 student member; providing a procedure for filling a vacancy on the County  
10 Board; providing for the election of the president and vice president of the  
11 County Board; providing for the appointment of certain interim members of the  
12 County Board; providing for the termination of the terms of the appointed  
13 members of the County Board; providing for the appointment of certain  
14 members of the County Board to serve certain terms until certain successors are  
15 appointed or elected; and generally relating to the Harford County Board of  
16 Education.

17 BY renumbering

18 Article – Education

19 Section 3–111 and 3–112, respectively

20 to be Section 3–6A–05 and 3–6A–04, respectively

21 Annotated Code of Maryland

22 (2006 Replacement Volume)

23 BY repealing and reenacting, with amendments,

24 Article – Education

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 3–108(a) and 3–114  
 2 Annotated Code of Maryland  
 3 (2006 Replacement Volume)

4 BY adding to  
 5 Article – Education  
 6 Section 3–6A–01 through 3–6A–03 to be under the new subtitle “Subtitle 6A.  
 7 Harford County”  
 8 Annotated Code of Maryland  
 9 (2006 Replacement Volume)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 11 MARYLAND, That Section(s) 3–111 and 3–112, respectively, of Article – Education of  
 12 the Annotated Code of Maryland be renumbered to be Section(s) 3–6A–05 and  
 13 3–6A–04, respectively.

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

16 **Article – Education**

17 3–108.

18 (a) Except for the Baltimore City Board of School Commissioners established  
 19 under § 3–108.1 of this subtitle [and], counties listed in § 3–114 of this subtitle, **AND**  
 20 **THE HARFORD COUNTY BOARD OF EDUCATION ESTABLISHED UNDER §**  
 21 **3–6A–01 OF THIS TITLE**, the Governor shall appoint the members of each county  
 22 board from the residents of that county.

23 3–114.

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

26 (1) Allegany;

27 (2) Calvert;

28 (3) Carroll;

29 (4) Cecil;

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

15 **(B) IN HARFORD COUNTY, IN ACCORDANCE WITH SUBTITLE 6A OF THIS**  
16 **TITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A COMBINATION OF**  
17 **MEMBERS WHO ARE ELECTED AND APPOINTED.**

18 [(b)] (C) An individual subject to the authority of the county board may not  
19 serve as a member of the county board. At the time of filing a certificate of candidacy  
20 for election to a county board, a person shall certify to the local board of supervisors of  
21 election whether or not he is subject to the authority of the county board. The  
22 Governor shall not issue a commission of election to a person who has certified  
23 affirmatively and who is elected to a county board until the member-elect offers proof  
24 that he is no longer subject to the authority of the county board.



1                   (I)    ONE MEMBER IN 2009 AND EVERY 4 YEARS  
2   THEREAFTER; AND

3                   (II) ONE MEMBER IN 2011 AND EVERY 4 YEARS  
4   THEREAFTER.

5                   (5)    THE COUNTY EXECUTIVE SHALL APPOINT ONE MEMBER IN  
6   2009 AND EVERY 4 YEARS THEREAFTER.

7           (c)    (1)    THE ELECTED MEMBERS SHALL BE ELECTED AT THE  
8   GENERAL ELECTION.

9                   (2)    ONE MEMBER SHALL BE ELECTED FROM EACH OF THE SIX  
10   COUNCILMANIC DISTRICTS ONLY BY THE VOTERS OF THAT COUNCILMANIC  
11   DISTRICT.

12                  (3)    A MEMBER ELECTED FROM A COUNCILMANIC DISTRICT SHALL  
13   BE A RESIDENT OF THAT DISTRICT.

14                  (4)    EACH ELECTED MEMBER SERVES FOR A TERM OF 4 YEARS  
15   BEGINNING ON JULY 1 AFTER THE MEMBER'S ELECTION AND UNTIL A  
16   SUCCESSOR IS ELECTED AND QUALIFIES.

17                  (5)    THE TERMS OF THE ELECTED MEMBERS ARE STAGGERED AS  
18   FOLLOWS:

19                        (I)    ONE MEMBER SHALL BE ELECTED FROM EACH OF THE  
20   COUNCILMANIC DISTRICTS A, C, AND E AT THE 2008 GENERAL ELECTION, AND  
21   EVERY 4 YEARS THEREAFTER; AND

22                        (II) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE  
23   COUNCILMANIC DISTRICTS B, D, AND F AT THE 2010 GENERAL ELECTION, AND  
24   EVERY 4 YEARS THEREAFTER.

25                  (6)    THE HARFORD COUNTY BOARD OF ELECTIONS MAY ADOPT  
26   REGULATIONS TO IMPLEMENT THIS SUBSECTION.

1           **(D) (1) A VOTING MEMBER OF THE COUNTY BOARD SHALL BE A**  
2 **REGISTERED VOTER AND RESIDENT OF HARFORD COUNTY FOR AT LEAST 3**  
3 **YEARS.**

4           **(2) A VOTING MEMBER OF THE COUNTY BOARD WHO NO LONGER**  
5 **RESIDES IN THE COUNTY MAY NOT CONTINUE AS A MEMBER OF THE COUNTY**  
6 **BOARD.**

7           **(3) A VOTING MEMBER OF THE COUNTY BOARD MAY NOT SERVE**  
8 **MORE THAN TWO CONSECUTIVE TERMS AS A VOTING MEMBER OF THE COUNTY**  
9 **BOARD.**

10          **(E) THE FOLLOWING PERSONS SHALL APPOINT A NEW MEMBER TO FILL**  
11 **A VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF THAT TERM AND**  
12 **UNTIL A SUCCESSOR IS APPOINTED OR ELECTED AND QUALIFIES:**

13           **(1) THE GOVERNOR, IF THE VACANT POSITION IS AN ELECTED**  
14 **MEMBER OR A MEMBER APPOINTED BY THE GOVERNOR;**

15           **(2) THE COUNTY EXECUTIVE, IF THE VACANT POSITION IS A**  
16 **MEMBER APPOINTED BY THE COUNTY EXECUTIVE; OR**

17           **(3) THE SCHOOL SYSTEM, IF THE VACANT POSITION IS THE**  
18 **STUDENT MEMBER.**

19          **(F) (1) IF NO INDIVIDUAL FILES A CERTIFICATE OF CANDIDACY FOR**  
20 **ELECTION IN A COUNCILMANIC DISTRICT WITHIN 90 DAYS BEFORE THE**  
21 **GENERAL ELECTION, THE DEMOCRATIC AND REPUBLICAN CENTRAL**  
22 **COMMITTEES OF HARFORD COUNTY SHALL EACH NOMINATE A CANDIDATE TO**  
23 **APPEAR ON THE BALLOT FOR THAT COUNCILMANIC DISTRICT.**

24           **(2) A NOMINATION WILL NOT BE ACCEPTED WITHIN 45 DAYS**  
25 **BEFORE THE GENERAL ELECTION.**

26          **(G) (1) THE NONVOTING STUDENT MEMBER SHALL BE ELECTED BY**  
27 **THE HIGH SCHOOL STUDENTS OF THE COUNTY IN ACCORDANCE WITH**  
28 **PROCEDURES ESTABLISHED BY THE SCHOOL SYSTEM.**

29           **(2) EACH STUDENT MEMBER SHALL:**

1                   (I) BE AN ELEVENTH OR TWELFTH GRADE STUDENT IN  
2 GOOD STANDING IN THE HARFORD COUNTY PUBLIC SCHOOL SYSTEM;

3                   (II) BE A STUDENT GOVERNMENT ASSOCIATION  
4 REPRESENTATIVE AT THE STUDENT'S HIGH SCHOOL;

5                   (III) SERVE FOR 1 YEAR BEGINNING ON JULY 1 AFTER THE  
6 ELECTION OF THE MEMBER;

7                   (IV) BE NONVOTING; AND

8                   (V) ADVISE THE COUNTY BOARD ON THE THOUGHTS AND  
9 FEELINGS OF STUDENTS IN THE HARFORD COUNTY PUBLIC SCHOOLS.

10                  (3) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A  
11 MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBER MAY NOT ATTEND  
12 AN EXECUTIVE SESSION OF THE COUNTY BOARD.

13 **3-6A-02.**

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

16                   (1) IMMORALITY;

17                   (2) MISCONDUCT IN OFFICE;

18                   (3) INCOMPETENCY;

19                   (4) WILLFUL NEGLECT OF DUTY; OR

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

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

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

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

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

9           **(D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE**  
10 **NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR HARFORD**  
11 **COUNTY.**

12 **3-6A-03.**

13           **(A) THE COUNTY BOARD SHALL ELECT A PRESIDENT AND VICE**  
14 **PRESIDENT FROM AMONG THE BOARD MEMBERS.**

15           **(B) THE PRESIDENT AND VICE PRESIDENT SHALL SERVE A TERM OF 1**  
16 **YEAR.**

17           **(C) THE COUNTY BOARD SHALL ELECT A PRESIDENT AND VICE**  
18 **PRESIDENT AT ITS FIRST MEETING IN JULY OF EACH YEAR.**

19           **(D) IF THERE IS A VACANCY IN THE OFFICE OF PRESIDENT OR VICE**  
20 **PRESIDENT, THE COUNTY BOARD SHALL FILL THE VACANCY WITHIN 30 DAYS**  
21 **AFTER THE VACANCY OCCURS.**

22           SECTION 3. AND BE IT FURTHER ENACTED, That the Governor shall  
23 appoint two interim members to serve for a term of 3 years which shall begin on July  
24 1, 2007, and shall terminate at the end of June 30, 2010, at which time no successors  
25 shall be appointed.

26           SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the  
27 appointed members of the Harford County Board of Education shall expire as follows:



1 (a) The terms of the two appointed members whose terms are scheduled to  
2 expire on June 30, 2007, shall terminate at the end of June 30, 2007, and the Governor  
3 shall appoint two members to serve for a term of 2 years which shall begin on July 1,  
4 2007, and shall terminate at the end of June 30, 2009, and the members elected from  
5 councilmanic districts A and C at the general election in November 2008, shall succeed  
6 those appointed members and serve for a term of 4 years until a successor is elected  
7 and qualifies.

8 (b) (1) The terms of the two appointed members whose terms are  
9 scheduled to expire on June 30, 2008, shall terminate at the end of June 30, 2008.

10 (2) The Governor shall appoint one member to serve for a term of 1  
11 year which shall begin on July 1, 2008, and shall terminate at the end of June 30,  
12 2009, and the member elected from councilmanic district E at the general election in  
13 November 2008, shall succeed the appointed member and serve for a term of 4 years  
14 until a successor is elected and qualifies.

15 (3) The Governor shall appoint one member to serve for a term of 3  
16 years which shall begin on July 1, 2008, and shall terminate at the end of June 30,  
17 2011, and the member elected from councilmanic district B at the general election in  
18 November 2010, shall succeed the appointed member and serve for a term of 4 years  
19 until a successor is elected and qualifies.

20 (c) (1) The terms of the two appointed members whose terms are  
21 scheduled to expire on June 30, 2009, shall terminate at the end of June 30, 2009.

22 (2) The Governor shall appoint one member in accordance with  
23 Section 3-6A-01(b)(4)(i) of this Act. The member shall serve for a term of 4 years  
24 which shall begin on July 1, 2009, and the member shall serve until a successor is  
25 appointed and qualifies.

26 (3) The County Executive shall appoint one member in accordance  
27 with Section 3-6A-01(b)(5) of this Act. The member shall serve for a term of 4 years  
28 which shall begin on July 1, 2009, and the member shall serve until a successor is  
29 appointed and qualifies.

30 (d) The term of the one appointed member whose term is scheduled to expire  
31 on June 30, 2010, shall terminate at the end of June 30, 2010, and the Governor shall  
32 appoint one member to serve for a term of 1 year which shall begin on July 1, 2010,  
33 and shall terminate at the end of June 30, 2011, and the member elected from  
34 councilmanic district D at the general election in November 2010, shall succeed the  
35 appointed member and serve for a term of 4 years until a successor is elected and  
36 qualifies.

1           SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   July 1, 2007.