

# SENATE BILL 82

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71r1036

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By: **Senator Zirkin**

Introduced and read first time: January 22, 2007

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Board of Education – Elected Members**

3 FOR the purpose of establishing a procedure for the election of certain members of the  
4 Baltimore County Board of Education; requiring some of the members of the  
5 County Board to reside in and be elected from certain districts; establishing a  
6 certain term of office for the elected members; providing for the removal of  
7 members under certain circumstances; providing a procedure for filling a  
8 vacancy for an elected member on the County Board; providing for the election  
9 of the chair and vice chair of the County Board; providing for the compensation  
10 of the members of the County Board; and generally relating to the election of  
11 members for the Baltimore County Board of Education.

12 BY repealing and reenacting, with amendments,  
13 Article – Education  
14 Section 3–108(a), 3–109, and 3–114  
15 Annotated Code of Maryland  
16 (2006 Replacement Volume)

17 BY adding to  
18 Article – Education  
19 Section 3–2A–01 through 3–2A–04 to be under the new subtitle “Subtitle 2A.  
20 Baltimore County”  
21 Annotated Code of Maryland  
22 (2006 Replacement Volume)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 3–108.

5 (a) Except for the Baltimore City Board of School Commissioners established  
6 under § 3–108.1 of this subtitle, **THE BALTIMORE COUNTY BOARD OF EDUCATION**  
7 **ESTABLISHED UNDER § 3–109 OF THIS SUBTITLE AND § 3–2A–01 OF THIS TITLE,**  
8 and counties listed in § 3–114 of this subtitle, the Governor shall appoint the members  
9 of each county board from the residents of that county.

10 3–109.

11 (a) **(1) [The] UNTIL THE MEMBERS ELECTED IN ACCORDANCE WITH**  
12 **SUBTITLE 2A OF THIS TITLE TAKE OFFICE FOLLOWING THE 2010 GENERAL**  
13 **ELECTION, THE** Baltimore County Board consists **SOLELY** of 12 members who shall  
14 be appointed as follows:

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

16 [(2)] **(II)** One from each of the seven councilmanic districts in  
17 Baltimore County; and

18 [(3)] **(III)** One student member from the county at large.

19 **(2) EFFECTIVE WITH THE TERM THAT COMMENCES FOLLOWING**  
20 **THE 2010 GENERAL ELECTION, THE BALTIMORE COUNTY BOARD CONSISTS OF**  
21 **A COMBINATION OF APPOINTED MEMBERS AS PROVIDED IN THIS SECTION AND**  
22 **ELECTED MEMBERS AS PROVIDED UNDER SUBTITLE 2A OF THIS TITLE,**  
23 **INCLUDING:**

24 **(I) EIGHT APPOINTED MEMBERS AS FOLLOWS:**

25 **1. ONE FROM EACH OF THE SEVEN COUNCILMANIC**  
26 **DISTRICTS IN BALTIMORE COUNTY; AND**

27 **2. ONE STUDENT MEMBER FROM THE COUNTY AT**  
28 **LARGE; AND**

1                                   **(II) ONE ELECTED MEMBER FROM EACH OF THE SEVEN**  
2 **COUNCILMANIC DISTRICTS IN BALTIMORE COUNTY.**

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

4                                   (i)   Be an eleventh or twelfth grade student in the Baltimore  
5 County public school system;

6                                   (ii)   Serve for 1 year; and

7                                   (iii)   Advise the Board on the thoughts and feelings of students.

8                                   (2)   Unless invited to attend by an affirmative vote of a majority of the  
9 County Board, the student member may not attend an executive session that relates  
10 to:

11                                   (i)   Hearings on appeals of special education placements;

12                                   (ii)   Hearings held under § 6–202(a) of this article; or

13                                   (iii)   Collective bargaining.

14                                   (3)   As provided in paragraph (4) of this subsection, the student  
15 member may vote on all matters except those relating to:

16                                   (i)   § 6–202(a) of this article;

17                                   (ii)   Collective bargaining;

18                                   (iii)   Capital and operating budgets; and

19                                   (iv)   School closings, reopenings, and boundaries.

20                                   (4)   On a majority vote of the nonstudent members, the Board may  
21 determine, on a case–by–case basis, whether a matter under consideration is covered  
22 by the exclusionary provisions listed in paragraph (3) of this subsection.

23           (c)   A Board member who does not maintain his residential qualification shall  
24 be replaced as a member.

1 (d) If the boundary line of a councilmanic district is changed, the term of an  
2 incumbent member of the County Board who no longer resides in the councilmanic  
3 district because of the change is not affected during this term.

4 (e) There is a School Shared Space Council in Baltimore County consisting of  
5 12 employees of the county appointed by the County Executive for a term coterminous  
6 with that of the Board as follows:

7 (1) Two from the staff of the County Board of Education;

8 (2) Two from the County Executive's administrative staff, one of whom  
9 shall be the Director of Central Services;

10 (3) One from the Department of Social Services;

11 (4) One from the Department of Recreation and Parks;

12 (5) One from the Department of Aging;

13 (6) One from the Health Department;

14 (7) One from the county community colleges, subject to the following  
15 conditions:

16 (i) Representation shall be determined on a rotating basis by  
17 alphabetical order by community college name; and

18 (ii) Each such member shall serve for 1 year;

19 (8) One from the Department of Juvenile Services;

20 (9) One from the county public libraries; and

21 (10) One from the Department of Planning.

22 (f) A county employee Council member who does not maintain his  
23 employment in the county shall be replaced.

24 (g) In addition to the county employee members, there shall be eight county  
25 citizens selected as members of the Council as follows and with the following duties:

26 (1) The county citizen members shall be selected by the County  
27 Executive. One member shall be selected from each legislative district of Baltimore

1 County with the approval of the State Senator from that district. Each legislative  
2 district representative shall reside in that district;

3 (2) The initial members selected to represent legislative districts 5, 7,  
4 9, and 11 shall each serve for a 2-year term beginning June 1, 1979, and ending May  
5 31, 1981. Thereafter all members shall be selected to serve 2-year terms. The initial  
6 members selected to represent legislative districts 8, 10, 12, and 13 shall each serve  
7 for a 1-year term beginning June 1, 1979, and ending May 31, 1980, and thereafter all  
8 members shall be selected for 2-year terms;

9 (3) A citizen member shall be entitled to attend and vote at a Council  
10 session where an issue before the Council concerns the school or schools in the citizen  
11 member's respective district; and

12 (4) When the Council meets to consider countywide issues, all selected  
13 citizen members shall be entitled to attend such sessions and vote.

14 (h) The Council shall:

15 (1) Meet as needed to compile the number of spaces in the public  
16 schools of the county that are not filled and to evaluate the feasibility of the utilization  
17 of the spaces by the community and county departments; and

18 (2) Report its findings and recommendations to the County Board of  
19 Education and the County Executive at least twice during the school year.

20 (i) The County Executive may, by executive order, appoint up to two  
21 additional members to the Council from agencies of the county government.

22 3-114.

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

25 (1) Allegany;

26 (2) Calvert;

27 (3) Carroll;

28 (4) Cecil;

29 (5) Charles;

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

14 **(B) IN BALTIMORE COUNTY, THE MEMBERS OF THE COUNTY BOARD**  
15 **SHALL BE A COMBINATION OF MEMBERS WHO ARE:**

16 **(1) ELECTED IN ACCORDANCE WITH SUBTITLE 2A OF THIS TITLE;**  
17 **AND**

18 **(2) APPOINTED IN ACCORDANCE WITH § 3-109 OF THIS**  
19 **SUBTITLE.**

20 **[(b)] (C)** An individual subject to the authority of the county board may not  
21 serve as a member of the county board. At the time of filing a certificate of candidacy  
22 for election to a county board, a person shall certify to the local board of supervisors of  
23 election whether or not he is subject to the authority of the county board. The  
24 Governor shall not issue a commission of election to a person who has certified

1 affirmatively and who is elected to a county board until the member–elect offers proof  
2 that he is no longer subject to the authority of the county board.

3 [(c)] (D) The election of the county boards shall be held as provided in  
4 Subtitles 2 through 14 of this title and the Election Law Article.

5 **SUBTITLE 2A. BALTIMORE COUNTY.**

6 **3-2A-01.**

7 (A) **IN ADDITION TO THE MEMBERS APPOINTED BY THE GOVERNOR**  
8 **UNDER § 3-109 OF THIS TITLE, THE BALTIMORE COUNTY BOARD CONSISTS OF**  
9 **SEVEN NONPARTISAN ELECTED MEMBERS.**

10 (B) (1) **THE SEVEN NONPARTISAN ELECTED MEMBERS SHALL BE**  
11 **ELECTED BY THE VOTERS AT A GENERAL ELECTION IN ACCORDANCE WITH**  
12 **SUBSECTIONS (C) AND (D) OF THIS SECTION.**

13 (2) **NOTWITHSTANDING § 8-804 OF THE ELECTION LAW**  
14 **ARTICLE, A PRIMARY ELECTION MAY NOT BE HELD IN CONNECTION WITH THE**  
15 **ELECTION OF THE ELECTED MEMBERS OF THE COUNTY BOARD.**

16 (C) (1) **ONE MEMBER SHALL BE ELECTED FROM EACH OF THE SEVEN**  
17 **COUNCILMANIC DISTRICTS IN THE COUNTY BY THE VOTERS OF THAT DISTRICT.**

18 (2) **A MEMBER FROM A DISTRICT SHALL BE A RESIDENT OF THAT**  
19 **DISTRICT.**

20 (3) **A MEMBER FROM A DISTRICT WHO NO LONGER RESIDES IN**  
21 **THE DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE COUNTY BOARD.**

22 (4) **A CANDIDATE ELECTED TO THE COUNTY BOARD OR**  
23 **APPOINTED TO FILL A VACANCY OF AN ELECTED MEMBER SHALL BE A**  
24 **REGISTERED VOTER AND RESIDENT OF BALTIMORE COUNTY.**

25 (D) (1) **AT THE GENERAL ELECTION FOR THE SEVEN NONPARTISAN**  
26 **ELECTED MEMBERS OF THE COUNTY BOARD, THE BALLOT SHALL PROVIDE THE**  
27 **VOTER WITH THE CHOICE TO CAST A VOTE “FOR” A CANDIDATE FOR ELECTION**  
28 **FROM THAT DISTRICT.**

1           (2) AFTER THE ELECTION RESULTS ARE CERTIFIED, THE STATE  
2 BOARD SHALL DECLARE FOR EACH DISTRICT WHETHER A CANDIDATE HAS BEEN  
3 ELECTED.

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

9           (E) (1) SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION,  
10 EACH ELECTED MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE  
11 FIRST MONDAY IN DECEMBER AFTER THE MEMBER'S ELECTION AND UNTIL A  
12 SUCCESSOR IS ELECTED AND QUALIFIES.

13           (2) AN ELECTED MEMBER, OR AN APPOINTED MEMBER  
14 NOMINATED BY THE COUNTY EXECUTIVE TO FILL A VACANCY FOR AN ELECTED  
15 MEMBER, SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE FIRST MONDAY  
16 IN DECEMBER AFTER THE GENERAL ELECTION TO ELECT MEMBERS.

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

22           (4) THE INITIAL TERMS OF THE ELECTED OR APPOINTED  
23 MEMBERS UNDER THIS SUBSECTION ARE NOT STAGGERED.

24           (5) THE COUNTY EXECUTIVE SHALL ACT PROMPTLY TO FILL ANY  
25 APPOINTMENT TO THE COUNTY BOARD THAT THE COUNTY EXECUTIVE IS  
26 AUTHORIZED TO MAKE.

27           (F) (1) WITH REGARD TO AN ELECTED MEMBER OR A MEMBER  
28 APPOINTED BY THE COUNTY EXECUTIVE AND CONFIRMED BY THE COUNTY  
29 COUNCIL TO FILL A VACANCY FOR AN ELECTED MEMBER AFTER A TERM HAS  
30 BEGUN, THE MEMBER SERVES ONLY FOR THE REMAINDER OF THAT TERM AND  
31 UNTIL A SUCCESSOR IS ELECTED OR APPOINTED AND QUALIFIES.



1           **(2) TO THE EXTENT PRACTICABLE, THE COUNTY EXECUTIVE**  
2 **SHALL NOMINATE AND THE COUNTY COUNCIL SHALL ACT ON A NOMINATION TO**  
3 **FILL ANY VACANCY THAT THE COUNTY EXECUTIVE IS AUTHORIZED TO MAKE**  
4 **WITHIN 60 DAYS AFTER THE DATE OF THE VACANCY OR, IF APPLICABLE, THE**  
5 **COMMENCEMENT OF THE TERM FOLLOWING AN ELECTION.**

6 **3-2A-02.**

7           **(A) THE STATE BOARD MAY REMOVE AN ELECTED MEMBER OF THE**  
8 **COUNTY BOARD OR A MEMBER APPOINTED BY THE COUNTY EXECUTIVE AND**  
9 **CONFIRMED BY THE COUNTY COUNCIL TO FILL A VACANCY IN OFFICE FOR AN**  
10 **ELECTED MEMBER FOR ANY OF THE FOLLOWING REASONS:**

11           **(1) IMMORALITY;**

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

13           **(3) INCOMPETENCY;**

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

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

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

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

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

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

1           (D)    **A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE**  
2 **NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR BALTIMORE**  
3 **COUNTY.**

4   **3-2A-03.**

5           **AT ITS FIRST MEETING IN DECEMBER OF EACH YEAR, THE COUNTY**  
6 **BOARD SHALL ELECT A CHAIR AND VICE CHAIR FROM AMONG THE BOARD**  
7 **MEMBERS.**

8   **3-2A-04.**

9           (A)    **A MEMBER OF THE COUNTY BOARD IS ENTITLED TO ANNUAL**  
10 **COMPENSATION AS PROVIDED IN THE BALTIMORE COUNTY BUDGET.**

11           (B)    **AFTER SUBMITTING VOUCHERS UNDER THE RULES AND**  
12 **REGULATIONS ADOPTED BY THE COUNTY BOARD, A MEMBER IS ENTITLED TO**  
13 **THE ALLOWANCES FOR TRAVEL AND OTHER EXPENSES PROVIDED IN THE**  
14 **BALTIMORE COUNTY BUDGET.**

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2007.