

# HOUSE BILL 779

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8lr1788  
CF SB 306

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By: **Harford County Delegation**

Introduced and read first time: February 4, 2008

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Harford County - Board of Education - Election of Members**

3 FOR the purpose of requiring that the members of the Harford County Board of  
4 Education be elected; establishing the composition of the County Board;  
5 providing for the qualifications, terms of office, and vacancy of certain members  
6 of the County Board; authorizing the Harford County Board of Elections to  
7 adopt certain regulations; providing for the election, terms, qualifications, and  
8 duty of a certain student member of the County Board; establishing certain  
9 removal, hearing, and appeal procedures for members of the County Board;  
10 providing for the election of a certain president and vice president of the County  
11 Board; providing for the termination of the terms of the appointed members of  
12 the County Board; defining a certain term; and generally relating to the Harford  
13 County Board of Education.

14 BY renumbering

15 Article - Education

16 Section 3-111 and 3-112, respectively

17 to be Section 3-6A-05 and 3-6A-04, respectively

18 Annotated Code of Maryland

19 (2006 Replacement Volume and 2007 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article - Education

22 Section 3-114

23 Annotated Code of Maryland

24 (2006 Replacement Volume and 2007 Supplement)

25 BY adding to

26 Article - Education

27 Section 3-6A-01 through 3-6A-03 to be under the new subtitle "Subtitle 6A.  
28 Harford County"

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2006 Replacement Volume and 2007 Supplement)

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

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

9 **Article – Education**

10 3–114.

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

13 (1) Allegany;

14 (2) Calvert;

15 (3) Carroll;

16 (4) Cecil;

17 (5) Charles;

18 (6) Dorchester;

19 (7) Frederick;

20 (8) Garrett;

21 **(9) HARFORD;**

22 ~~[(9)]~~ **(10)** Howard;

23 ~~[(10)]~~ **(11)** Kent;

24 ~~[(11)]~~ **(12)** Prince George's;

25 ~~[(12)]~~ **(13)** Montgomery;

26 ~~[(13)]~~ **(14)** Queen Anne's;

27 ~~[(14)]~~ **(15)** St. Mary's;

- 1 [(15)] (16) Somerset;
- 2 [(16)] (17) Talbot;
- 3 [(17)] (18) Washington; and
- 4 [(18)] (19) Worcester.

5 (b) An individual subject to the authority of the county board may not serve  
 6 as a member of the county board. At the time of filing a certificate of candidacy for  
 7 election to a county board, a person shall certify to the local board of supervisors of  
 8 election whether or not he is subject to the authority of the county board. The  
 9 Governor shall not issue a commission of election to a person who has certified  
 10 affirmatively and who is elected to a county board until the member-elect offers proof  
 11 that he is no longer subject to the authority of the county board.

12 (c) The election of the county boards shall be held as provided in Subtitles 2  
 13 through 14 of this title and the Election Law Article.

14 **SUBTITLE 6A. HARFORD COUNTY.**

15 **3-6A-01.**

16 (A) (1) **IN THIS SUBTITLE, “ELECTED MEMBER” MEANS A VOTING**  
 17 **MEMBER ELECTED UNDER SUBSECTION (D) OR (E) OF THIS SECTION OR A**  
 18 **MEMBER APPOINTED TO AN ELECTED POSITION ON THE COUNTY BOARD UNDER**  
 19 **SUBSECTION (E)(2) OF THIS SECTION.**

20 (2) **“ELECTED MEMBER” DOES NOT INCLUDE A:**

21 (I) **COUNTY SUPERINTENDENT OF SCHOOLS SERVING AS**  
 22 **AN EX OFFICIO MEMBER OF THE COUNTY BOARD; OR**

23 (II) **NONVOTING STUDENT MEMBER SELECTED UNDER**  
 24 **SUBSECTION (F) OF THIS SECTION.**

25 (B) **THE HARFORD COUNTY BOARD CONSISTS OF:**

26 (1) **SEVEN ELECTED MEMBERS;**

27 (2) **THE COUNTY SUPERINTENDENT OF SCHOOLS, WHO IS AN EX**  
 28 **OFFICIO NONVOTING MEMBER; AND**

29 (3) **ONE NONVOTING STUDENT MEMBER.**

1           **(C) (1) (I) A MEMBER FROM A COUNCILMANIC DISTRICT SHALL BE**  
2 **A RESIDENT OF THE DISTRICT.**

3                           **(II) A MEMBER FROM A COUNCILMANIC DISTRICT WHO NO**  
4 **LONGER RESIDES IN THE DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE**  
5 **COUNTY BOARD.**

6           **(2) (I) A MEMBER FROM THE COUNTY AT LARGE SHALL BE A**  
7 **RESIDENT OF THE COUNTY.**

8                           **(II) A MEMBER FROM THE COUNTY AT LARGE WHO NO**  
9 **LONGER RESIDES IN THE COUNTY MAY NOT CONTINUE AS A MEMBER OF THE**  
10 **COUNTY BOARD.**

11           **(3) A MEMBER OF THE COUNTY BOARD SHALL BE A REGISTERED**  
12 **VOTER OF THE COUNTY FOR AT LEAST 3 YEARS PRIOR TO THE DATE OF THE**  
13 **BEGINNING OF THE TERM OF OFFICE OF THE MEMBER.**

14           **(D) (1) OF THE SEVEN VOTING MEMBERS OF THE COUNTY BOARD:**

15                           **(I) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE**  
16 **SIX COUNCILMANIC DISTRICTS ONLY BY THE VOTERS OF THAT COUNCILMANIC**  
17 **DISTRICT; AND**

18                           **(II) ONE MEMBER SHALL BE ELECTED FROM HARFORD**  
19 **COUNTY AT LARGE.**

20           **(2) THE ELECTED MEMBERS SHALL BE ELECTED AT THE**  
21 **GENERAL ELECTION.**

22           **(E) (1) EXCEPT FOR THE NONVOTING MEMBERS, A MEMBER SERVES**  
23 **FOR A TERM OF 4 YEARS BEGINNING JULY 1 AFTER THE ELECTION OF THE**  
24 **MEMBER AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.**

25                           **(2) THE COUNTY COUNCIL SHALL APPOINT A NEW MEMBER TO**  
26 **FILL ANY VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF THAT**  
27 **TERM AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.**

28           **(3) (I) UNLESS OTHERWISE DISQUALIFIED UNDER THIS**  
29 **SECTION, A MEMBER OF THE COUNTY BOARD IS ELIGIBLE FOR REELECTION.**

30                           **(II) A VOTING MEMBER MAY NOT SERVE FOR MORE THAN**  
31 **TWO CONSECUTIVE TERMS AS A VOTING MEMBER.**

1           **(4) THE TERMS OF ELECTED MEMBERS ARE STAGGERED AS**  
2 **FOLLOWS:**

3           **(I) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE**  
4 **COUNCILMANIC DISTRICTS A, B, AND C AT THE 2012 GENERAL ELECTION, AND**  
5 **EVERY 4 YEARS THEREAFTER;**

6           **(II) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE**  
7 **COUNCILMANIC DISTRICTS D, E, AND F AT THE 2014 GENERAL ELECTION, AND**  
8 **EVERY 4 YEARS THEREAFTER; AND**

9           **(III) ONE MEMBER SHALL BE ELECTED FROM THE COUNTY**  
10 **AT LARGE AT THE 2014 GENERAL ELECTION, AND EVERY 4 YEARS THEREAFTER.**

11           **(5) THE HARFORD COUNTY BOARD OF ELECTIONS MAY ADOPT**  
12 **REGULATIONS TO IMPLEMENT THIS SUBSECTION.**

13           **(F) (1) THE NONVOTING STUDENT MEMBER OF THE COUNTY BOARD**  
14 **SHALL BE ELECTED BY THE HIGH SCHOOL STUDENTS OF THE COUNTY IN**  
15 **ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE SCHOOL SYSTEM.**

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

17           **(I) BE AN ELEVENTH OR TWELFTH GRADE STUDENT, IN**  
18 **GOOD STANDING, AND REGULARLY ENROLLED IN THE HARFORD COUNTY**  
19 **PUBLIC SCHOOL SYSTEM;**

20           **(II) BE A STUDENT GOVERNMENT ASSOCIATION**  
21 **REPRESENTATIVE AT THE STUDENT'S HIGH SCHOOL;**

22           **(III) SERVE FOR 1 YEAR BEGINNING ON JULY 1 AFTER THE**  
23 **ELECTION OF THE MEMBER;**

24           **(IV) BE NONVOTING; AND**

25           **(V) ADVISE THE COUNTY BOARD ON THE THOUGHTS AND**  
26 **FEELINGS OF STUDENTS IN THE HARFORD COUNTY PUBLIC SCHOOLS.**

27           **(3) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A**  
28 **MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBER MAY NOT ATTEND**  
29 **AN EXECUTIVE SESSION OF THE COUNTY BOARD.**

1           **(A) THE STATE BOARD MAY REMOVE AN ELECTED MEMBER OF THE**  
2 **COUNTY BOARD FOR:**

3                   **(1) IMMORALITY;**

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

5                   **(3) INCOMPETENCY;**

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

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

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

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

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

18                   **(2) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD**  
19 **PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE, IN**  
20 **PERSON OR BY COUNSEL.**

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

24 **3-6A-03.**

25           **(A) THE COUNTY BOARD SHALL ELECT A PRESIDENT AND VICE**  
26 **PRESIDENT FROM AMONG THE ELECTED BOARD MEMBERS.**

27           **(B) THE BOARD SHALL ELECT A PRESIDENT AND VICE PRESIDENT AT**  
28 **ITS FIRST MEETING IN JULY OF EACH YEAR.**

1           **(C) THE PRESIDENT AND VICE PRESIDENT SHALL SERVE A TERM OF 1**  
2 **YEAR.**

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

6           SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the  
7 appointed members of the Harford County Board of Education shall expire as follows:

8           (a) The terms of the two appointed members whose terms are scheduled to  
9 expire on June 30, 2012, and one of the two appointed members whose term is  
10 scheduled to expire on June 30, 2013, shall terminate at the end of June 30, 2012, and  
11 the members elected from councilmanic districts A, B, and C at the general election in  
12 November 2011 shall succeed those appointed members and serve for a term of 4 years  
13 until a successor is elected and qualifies.

14           (b) The term of the one appointed member whose term is scheduled to expire  
15 on June 30, 2013, shall terminate at the end of June 30, 2014, and the member elected  
16 from Harford County at large at the general election in November 2013 shall succeed  
17 the appointed member and serve for a term of 4 years until a successor is elected and  
18 qualifies.

19           (c) The terms of the two appointed members whose terms are scheduled to  
20 expire on June 30, 2014, and the term of the appointed member whose term is  
21 scheduled to expire on June 30, 2015, shall terminate at the end of June 30, 2014, and  
22 the members elected from councilmanic districts D, E, and F at the general election in  
23 November 2013 shall succeed those appointed members and serve for a term of 4 years  
24 until a successor is elected and qualifies.

25           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 July 1, 2008.