

HOUSE BILL 954

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8lr0801

By: **Delegates Lafferty, Bromwell, DeBoy, Nathan-Pulliam, Schuler, and Stein**
Introduced and read first time: February 7, 2008
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Board of Education – Appointment Process**

3 FOR the purpose of requiring the Governor to appoint a member of the Baltimore
4 County Board of Education from a list of nominees submitted by the School
5 Board Nominating Commission of Baltimore County; requiring the Commission
6 to hold certain public hearings before recommending to the Governor nominees
7 for appointment to the County Board; providing for the establishment, purpose,
8 membership, terms of office, and chair of the Commission; requiring the
9 Commission to submit to the Governor a certain list of nominees for each
10 nomination to the County Board beginning on a certain date; authorizing
11 members of the County Board to serve the remainder of a member's first term
12 or a second consecutive term; specifying the process of reappointment of
13 members serving on the County Board as of a certain date; altering the regions
14 from which members of the County Board are appointed; providing for the
15 appointment of members to the County Board; and generally relating to the
16 Baltimore County Board of Education.

17 BY repealing and reenacting, with amendments,
18 Article – Education
19 Section 3–108(a) and 3–109
20 Annotated Code of Maryland
21 (2006 Replacement Volume and 2007 Supplement)

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

24 **Article – Education**

25 3–108.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Except for the Baltimore City Board of School Commissioners established
2 under § 3-108.1 of this subtitle, counties listed in § 3-114 of this subtitle, [and]
3 subject to the provisions of § 3-110 of this subtitle with respect to the Anne Arundel
4 County Board of Education, **AND SUBJECT TO THE PROVISIONS OF § 3-109 OF**
5 **THIS SUBTITLE WITH RESPECT TO BALTIMORE COUNTY**, the Governor shall
6 appoint the members of each county board from the residents of that county.

7 3-109.

8 (a) (1) The Baltimore County Board consists of [12] **10** members who
9 shall be appointed as follows:

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

11 [(2)] (II) One from each of the [seven councilmanic districts in
12 Baltimore County]**FIVE ADMINISTRATIVE AREAS OF THE BALTIMORE COUNTY**
13 **PUBLIC SCHOOL SYSTEM**; and

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

15 (2) **EXCEPT FOR THE STUDENT MEMBER, THE GOVERNOR SHALL**
16 **APPOINT A MEMBER OF THE COUNTY BOARD FROM A LIST OF NOMINEES**
17 **SUBMITTED BY THE SCHOOL BOARD NOMINATING COMMISSION OF BALTIMORE**
18 **COUNTY AS PROVIDED IN SUBSECTION (B) OF THIS SECTION.**

19 (B) (1) (I) **THERE IS A SCHOOL BOARD NOMINATING COMMISSION**
20 **OF BALTIMORE COUNTY.**

21 (II) **THE PURPOSE OF THE COMMISSION IS TO SELECT**
22 **NOMINEES TO BE RECOMMENDED TO THE GOVERNOR AS QUALIFIED**
23 **CANDIDATES FOR APPOINTMENT TO THE BALTIMORE COUNTY BOARD OF**
24 **EDUCATION.**

25 (III) **THE COMMISSION SHALL HOLD AT LEAST THREE**
26 **PUBLIC MEETINGS ON THE SELECTION OF NOMINEES BEFORE RECOMMENDING**
27 **TO THE GOVERNOR NOMINEES FOR APPOINTMENT TO THE COUNTY BOARD.**

28 (2) (I) **THE COMMISSION CONSISTS OF 13 MEMBERS WHO**
29 **SHALL BE APPOINTED IN ACCORDANCE WITH THIS PARAGRAPH.**

30 (II) **THE GOVERNOR SHALL APPOINT THREE MEMBERS**
31 **FROM THE COUNTY AT LARGE.**

32 (III) **THE COUNTY EXECUTIVE OF BALTIMORE COUNTY**
33 **SHALL APPOINT THREE MEMBERS FROM THE COUNTY AT LARGE.**

1 (IV) THE FOLLOWING ORGANIZATIONS SHALL EACH
2 APPOINT ONE MEMBER:

3 1. THE TEACHERS ASSOCIATION OF BALTIMORE
4 COUNTY;

5 2. THE BALTIMORE COUNTY CHAMBER OF
6 COMMERCE;

7 3. THE PARENT TEACHER ASSOCIATION COUNCIL
8 OF BALTIMORE COUNTY;

9 4. THE COMMUNITY COLLEGE OF BALTIMORE
10 COUNTY BOARD OF TRUSTEES;

11 5. THE BALTIMORE COUNTY STUDENT COUNCILS;

12 6. THE NATIONAL ASSOCIATION FOR THE
13 ADVANCEMENT OF COLORED PEOPLE, BALTIMORE COUNTY CHAPTER; AND

14 7. THE BALTIMORE COUNTY LEAGUE OF WOMEN
15 VOTERS.

16 (V) AN APPOINTMENT UNDER SUBPARAGRAPHS (II) AND
17 (III) OF THIS PARAGRAPH SHALL BE MADE WITH CONSIDERATION OF THE
18 GEOGRAPHIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE
19 COMMISSION.

20 (3) (I) THE GOVERNOR SHALL DESIGNATE AS CHAIR OF THE
21 COMMISSION ONE OF THE MEMBERS OF THE COMMISSION.

22 (II) THE TERM OF THE CHAIR OF THE COMMISSION IS 2
23 YEARS.

24 (III) THE GOVERNOR MAY REAPPOINT THE CHAIR OF THE
25 COMMISSION FOR A SECOND TERM.

26 (IV) THE TERM OF A MEMBER OF THE COMMISSION
27 APPOINTED BY THE GOVERNOR OR THE COUNTY EXECUTIVE IS 4 YEARS.

28 (V) THE TERM OF A MEMBER OF THE COMMISSION
29 APPOINTED BY AN ORGANIZATION UNDER PARAGRAPH (2)(IV) OF THIS
30 SUBSECTION SHALL BE DETERMINED BY THE APPOINTING ORGANIZATION.

1 **(4) BEGINNING JANUARY 1, 2009, FOR EACH NOMINATION TO**
2 **THE COUNTY BOARD, THE COMMISSION SHALL SUBMIT TO THE GOVERNOR A**
3 **LIST OF NOMINEES THAT CONTAINS:**

4 **(I) NO MORE THAN THREE NAMES FOR EACH VACANCY; OR**

5 **(II) IF THERE ARE FEWER THAN THREE APPLICANTS FOR A**
6 **VACANCY, THE NUMBER OF NAMES THAT IS EQUAL TO THE NUMBER OF**
7 **APPLICANTS FOR THE VACANCY.**

8 **(5) IF THE GOVERNOR REJECTS ALL OF THE NOMINEES FOR A**
9 **VACANCY SUBMITTED BY THE SCHOOL BOARD NOMINATING COMMISSION IN**
10 **ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION, THE COMMISSION**
11 **SHALL SUBMIT TO THE GOVERNOR THREE ADDITIONAL NAMES FOR EACH**
12 **VACANCY, OR IF THERE ARE FEWER THAN THREE APPLICANTS FOR A VACANCY,**
13 **THE NUMBER OF NAMES THAT IS EQUAL TO THE NUMBER OF APPLICANTS FOR**
14 **THE VACANCY.**

15 **(6) ADMINISTRATIVE SUPPORT FOR THE COMMISSION SHALL BE**
16 **PROVIDED BY THE BALTIMORE COUNTY BOARD OF EDUCATION.**

17 **[(b)] (C) (1) The student member shall:**

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

20 (ii) Serve for 1 year; and

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

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

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

26 (ii) Hearings held under § 6-202(a) of this article; or

27 (iii) Collective bargaining.

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

30 (i) § 6-202(a) of this article;

- 1 (ii) Collective bargaining;
- 2 (iii) Capital and operating budgets; and
- 3 (iv) School closings, reopenings, and boundaries.

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

7 [(c)] (D) A Board member who does not maintain his residential
 8 qualification shall be replaced as a member.

9 [(d)] (E) If the boundary line of [a councilmanic district]**AN**
 10 **ADMINISTRATIVE AREA OF THE BALTIMORE COUNTY PUBLIC SCHOOL SYSTEM** is
 11 changed, the term of an incumbent member of the County Board who no longer resides
 12 in the [councilmanic district]**ADMINISTRATIVE AREA** because of the change is not
 13 affected during this term.

14 [(e)] (F) There is a School Shared Space Council in Baltimore County
 15 consisting of 12 employees of the county appointed by the County Executive for a term
 16 coterminous with that of the Board as follows:

- 17 (1) Two from the staff of the County Board of Education;
- 18 (2) Two from the County Executive’s administrative staff, one of whom
 19 shall be the Director of Central Services;
- 20 (3) One from the Department of Social Services;
- 21 (4) One from the Department of Recreation and Parks;
- 22 (5) One from the Department of Aging;
- 23 (6) One from the Health Department;
- 24 (7) One from the county community colleges, subject to the following
 25 conditions:
 - 26 (i) Representation shall be determined on a rotating basis by
 27 alphabetical order by community college name; and
 - 28 (ii) Each such member shall serve for 1 year;
 - 29 (8) One from the Department of Juvenile Services;
 - 30 (9) One from the county public libraries; and

1 (10) One from the Department of Planning.

2 [(f)] (G) A county employee Council member who does not maintain his
3 employment in the county shall be replaced.

4 [(g)] (H) In addition to the county employee members, there shall be eight
5 county citizens selected as members of the Council as follows and with the following
6 duties:

7 (1) The county citizen members shall be selected by the County
8 Executive. One member shall be selected from each legislative district of Baltimore
9 County with the approval of the State Senator from that district. Each legislative
10 district representative shall reside in that district;

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

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

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

22 [(h)] (I) The Council shall:

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

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

28 [(i)] (J) The County Executive may, by executive order, appoint up to two
29 additional members to the Council from agencies of the county government.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall make
31 appointments to the Baltimore County Board of Education as follows:

32 (a) The Governor shall appoint a member to the Baltimore County Board of
33 Education from the Central administrative area of the Baltimore County public school
34 system to the vacancy on the Baltimore County Board resulting from the expiration of

1 the term of the appointed member from councilmanic district 5, set to expire on June
2 30, 2008;

3 (b) The Governor shall appoint a member to the Baltimore County Board
4 from the Northwest administrative area of the Baltimore County public school system
5 to the vacancy on the Baltimore County Board resulting from the expiration of the
6 term of the appointed member from councilmanic district 2, set to expire on June 30,
7 2009;

8 (c) The position on the Baltimore County Board representing councilmanic
9 district 3, shall be abolished at the end of June 30, 2009;

10 (d) The Governor shall appoint a member to the Baltimore County Board
11 from the Northeast administrative area of the Baltimore County public school system
12 to the vacancy on the Baltimore County Board resulting from the expiration of the
13 term of the appointed member from councilmanic district 6, set to expire on June 30,
14 2009;

15 (e) The Governor shall appoint a member to the Baltimore County Board
16 from the Southeast administrative area of the Baltimore County public school system
17 to the vacancy on the Baltimore County Board resulting from the expiration of the
18 term of the appointed member from councilmanic district 7, set to expire on June 30,
19 2009;

20 (f) The Governor shall appoint a member to the Baltimore County Board
21 from the Southwest administrative area of the Baltimore County public school system
22 to the vacancy on the Baltimore County Board resulting from the expiration of the
23 term of the appointed member from councilmanic district 1, set to expire on June 30,
24 2010;

25 (g) The position on the Baltimore County Board representing the county at
26 large that is set to expire on June 30, 2010 shall be abolished at the end of June 30,
27 2010; and

28 (h) The Governor shall appoint a member to the Baltimore County Board
29 from the county at large to the vacancy on the Baltimore County Board resulting from
30 the expiration of the term of the appointed member from councilmanic district 4, set to
31 expire on June 30, 2012.

32 SECTION 3. AND BE IT FURTHER ENACTED, That a member serving a first
33 term on the Baltimore County Board of Education on or before June 30, 2009:

34 (a) (1) shall be eligible to be included in the list of nominees submitted by
35 the School Board Nominating Commission of Baltimore County to the Governor to
36 serve a second term when the first term ends; and

37 (2) may be reappointed by the Governor; and

1 (b) as provided in § 3-108(c)(3) of the Education Article, is not eligible to
2 serve another consecutive term following the second term by a reappointment.

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