

SENATE BILL 306

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8lr2397
CF HB 779

By: ~~Senator Glassman~~ **Senators Glassman and Harris**

Introduced and read first time: January 28, 2008

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 11, 2008

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of requiring that ~~the~~ certain members of the Harford County Board
4 of Education be elected; requiring that certain members of the County Board be
5 appointed within a certain period of time; establishing the composition of the
6 County Board; providing for the qualifications, terms of office, and vacancy of
7 certain members of the County Board; establishing a procedure for the election
8 and appointment of members of the County Board; authorizing the Harford
9 County Board of Elections to adopt certain regulations; providing for the
10 election, terms, qualifications, and duty of a certain student member of the
11 County Board; establishing certain removal, hearing, and appeal procedures for
12 certain members of the County Board; providing for the election of a certain
13 president and vice president of the County Board; providing for the termination
14 of the terms of the appointed members of the County Board; requiring the
15 Governor to ensure a certain makeup of the Board; defining a certain term; and
16 generally relating to the Harford County Board of 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 and 2007 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Education

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 Section 3-108(a) and 3-114
 2 Annotated Code of Maryland
 3 (2006 Replacement Volume and 2007 Supplement)

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 and 2007 Supplement)

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
 19 established under § 3-108.1 of this subtitle, counties listed in § 3-114 of this subtitle,
 20 and subject to the provisions of § 3-110 of this subtitle with respect to the Anne
 21 Arundel County Board of Education, the] THE Governor shall appoint the members of
 22 each county board from the residents of that county:

23 **(1) EXCEPT FOR:**

24 **(I) THE BALTIMORE CITY BOARD OF SCHOOL**
 25 **COMMISSIONERS ESTABLISHED UNDER § 3-108.1 OF THIS SUBTITLE;**

26 **(II) THE COUNTIES LISTED IN § 3-114 OF THIS SUBTITLE;**
 27 **AND**

28 **(III) THE HARFORD COUNTY BOARD OF EDUCATION**
 29 **ESTABLISHED UNDER § 3-6A-01 OF THIS TITLE; AND**

30 **(2) WITH RESPECT TO THE ANNE ARUNDEL COUNTY BOARD OF**
 31 **EDUCATION, SUBJECT TO THE PROVISIONS OF § 3-110 OF THIS SUBTITLE.**

32 3-114.

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

3 (1) Allegany;

4 (2) Calvert;

5 (3) Carroll;

6 (4) Cecil;

7 (5) Charles;

8 (6) Dorchester;

9 (7) Frederick;

10 (8) Garrett;

11 ~~(9) HARFORD;~~

12 ~~{(9)}~~ ~~(10)~~ Howard;

13 ~~{(10)}~~ ~~(11)~~ Kent;

14 ~~{(11)}~~ ~~(12)~~ Prince George's;

15 ~~{(12)}~~ ~~(13)~~ Montgomery;

16 ~~{(13)}~~ ~~(14)~~ Queen Anne's;

17 ~~{(14)}~~ ~~(15)~~ St. Mary's;

18 ~~{(15)}~~ ~~(16)~~ Somerset;

19 ~~{(16)}~~ ~~(17)~~ Talbot;

20 ~~{(17)}~~ ~~(18)~~ Washington; and

21 ~~{(18)}~~ ~~(19)~~ Worcester.

22 (B) IN HARFORD COUNTY, IN ACCORDANCE WITH SUBTITLE 6A OF THIS
 23 TITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A COMBINATION OF
 24 MEMBERS WHO ARE ELECTED AND APPOINTED.

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

~~(e)~~ **(D)** The election of the county boards shall be held as provided in Subtitles 2 through 14 of this title and the Election Law Article.

10 **SUBTITLE 6A. HARFORD COUNTY.**

11 **3-6A-01.**

12 **(A) (1) IN THIS SUBTITLE, "ELECTED MEMBER" MEANS A VOTING**
 13 **MEMBER ELECTED UNDER SUBSECTION (D) OR (E) OF THIS SECTION OR A**
 14 **MEMBER APPOINTED TO AN ELECTED POSITION ON THE COUNTY BOARD UNDER**
 15 **SUBSECTION (E)(2) OF THIS SECTION.**

16 **(2) "ELECTED MEMBER" DOES NOT INCLUDE A:**

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

19 **(II) NONVOTING STUDENT MEMBER SELECTED UNDER**
 20 **SUBSECTION (F) OF THIS SECTION.**

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

22 **(1) ~~SEVEN~~ SIX ELECTED MEMBERS;**

23 **(2) THREE APPOINTED MEMBERS;**

24 **~~(2)~~ (3) THE COUNTY SUPERINTENDENT OF SCHOOLS, WHO IS**
 25 **AN EX OFFICIO NONVOTING MEMBER; AND**

26 **~~(3)~~ (4) ONE NONVOTING STUDENT MEMBER.**

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

29 **(II) A MEMBER FROM A COUNCILMANIC DISTRICT WHO NO**
 30 **LONGER RESIDES IN THE DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE**
 31 **COUNTY BOARD.**

1 (2) ~~(I) A MEMBER FROM THE COUNTY AT LARGE SHALL BE A~~
2 ~~RESIDENT OF THE COUNTY.~~

3 ~~(H) A MEMBER FROM THE COUNTY AT LARGE WHO NO~~
4 ~~LONGER RESIDES IN THE COUNTY MAY NOT CONTINUE AS A MEMBER OF THE~~
5 ~~COUNTY BOARD.~~

6 ~~(3)~~ A MEMBER OF THE COUNTY BOARD SHALL BE A REGISTERED
7 VOTER OF THE COUNTY FOR AT LEAST 3 YEARS PRIOR TO THE DATE OF THE
8 BEGINNING OF THE TERM OF OFFICE OF THE MEMBER.

9 (D) (1) OF THE ~~SEVEN~~ NINE VOTING MEMBERS OF THE COUNTY
10 BOARD:

11 (I) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE
12 SIX COUNCILMANIC DISTRICTS ONLY BY THE VOTERS OF THAT COUNCILMANIC
13 DISTRICT; AND

14 ~~(II) ONE MEMBER SHALL BE ELECTED FROM HARFORD~~
15 ~~COUNTY AT LARGE~~ THREE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR.

16 (2) THE ELECTED MEMBERS SHALL BE ELECTED AT THE
17 GENERAL ELECTION.

18 (3) THE APPOINTED MEMBERS SHALL BE APPOINTED, WHEN
19 APPROPRIATE, WITHIN 90 DAYS OF THE GENERAL ELECTION.

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

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

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

31 ~~(II)~~ A VOTING MEMBER MAY NOT SERVE FOR MORE THAN
32 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; AND

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 TERMS OF THE APPOINTED MEMBERS ARE STAGGERED
12 AS FOLLOWS:

13 (I) TWO MEMBERS SHALL BE APPOINTED IN 2012; AND

14 (II) ONE MEMBER SHALL BE APPOINTED IN 2014.

15 ~~(5)~~ (6) THE HARFORD COUNTY BOARD OF ELECTIONS MAY ADOPT
16 REGULATIONS TO IMPLEMENT THIS SUBSECTION.

17 (F) (1) THE NONVOTING STUDENT MEMBER OF THE COUNTY BOARD
18 SHALL BE ELECTED BY THE HIGH SCHOOL STUDENTS OF THE COUNTY IN
19 ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE SCHOOL SYSTEM.

20 (2) EACH STUDENT MEMBER SHALL:

21 (I) BE AN ELEVENTH OR TWELFTH GRADE STUDENT, IN
22 GOOD STANDING, AND REGULARLY ENROLLED IN THE HARFORD COUNTY
23 PUBLIC SCHOOL SYSTEM;

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

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

28 (IV) BE NONVOTING; AND

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

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

4 **3-6A-02.**

5 (A) THE STATE BOARD MAY REMOVE ~~AN ELECTED~~ A VOTING MEMBER
6 OF THE COUNTY BOARD FOR:

7 (1) IMMORALITY;

8 (2) MISCONDUCT IN OFFICE;

9 (3) INCOMPETENCY;

10 (4) WILLFUL NEGLECT OF DUTY; OR

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

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

17 (C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY
18 PERIOD:

19 (1) THE STATE BOARD PROMPTLY SHALL HOLD A HEARING, BUT
20 A HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS
21 THE MEMBER A NOTICE OF THE HEARING; AND

22 (2) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD
23 PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE, IN
24 PERSON OR BY COUNSEL.

25 (D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE
26 NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR HARFORD
27 COUNTY.

28 **3-6A-03.**

29 (A) THE COUNTY BOARD SHALL ELECT A PRESIDENT AND VICE
30 PRESIDENT FROM AMONG THE ~~ELECTED~~ VOTING BOARD MEMBERS.

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

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

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

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

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

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

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

27 SECTION 4. AND BE IT FURTHER ENACTED, That, in appointing members
28 to the Harford County Board of Education, the Governor shall ensure, to the extent
29 practicable, that the total makeup of the Board reflects gender, ethnic, and racial
30 diversity.

31 SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take
32 effect July 1, 2008.