

# HOUSE BILL 639

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CF SB 629

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By: **Harford County Delegation**

Introduced and read first time: February 6, 2009

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2009

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## CHAPTER \_\_\_\_\_

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 within a certain period of time; establishing the composition of the  
6 county board; providing for the qualifications, terms of office, and the filling of a  
7 vacancy of certain members of the county board; establishing a procedure for  
8 the election and appointment of members of the county board; authorizing the  
9 Harford County Board of Elections to adopt certain regulations; providing for  
10 the 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 the president  
13 and vice president of the county board; providing for the termination of the  
14 terms of certain appointed members of the county board; requiring the Governor  
15 to ensure a certain makeup of the county 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 (2008 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.

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 (2008 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 (2008 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) (1) 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] **AS PROVIDED IN PARAGRAPH (2) OF THIS**  
 22 **SUBSECTION, THE** Governor shall appoint the members of each county board from  
 23 the residents of that county.

24 (2) **THE MEMBERS OF THE FOLLOWING COUNTY BOARDS OF**  
 25 **EDUCATION SHALL BE SELECTED AS FOLLOWS:**

26 (I) **THE BALTIMORE CITY BOARD OF SCHOOL**  
 27 **COMMISSIONERS IN ACCORDANCE WITH § 3-108.1 OF THIS SUBTITLE;**

28 (II) **THE HARFORD COUNTY BOARD OF EDUCATION IN**  
 29 **ACCORDANCE WITH § 3-6A-01 OF THIS TITLE;**

30 (III) **THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION**  
 31 **IN ACCORDANCE WITH § 3-110 OF THIS SUBTITLE; AND**

32 (IV) **THE COUNTY BOARDS OF EDUCATION IN THE COUNTIES**  
 33 **LISTED IN § 3-114 OF THIS SUBTITLE IN ACCORDANCE WITH THE PROVISIONS**  
 34 **OF THAT SECTION.**

1 3-114.

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

- 4 (1) Allegany;
- 5 (2) Calvert;
- 6 (3) Carroll;
- 7 (4) Cecil;
- 8 (5) Charles;
- 9 (6) Dorchester;
- 10 (7) Frederick;
- 11 (8) Garrett;
- 12 (9) Howard;
- 13 (10) Kent;
- 14 (11) Prince George's;
- 15 (12) Montgomery;
- 16 (13) Queen Anne's;
- 17 (14) St. Mary's;
- 18 (15) Somerset;
- 19 (16) Talbot;
- 20 (17) Washington; and
- 21 (18) 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.**

25 [(b)] (C) An individual subject to the authority of the county board may not  
26 serve as a member of the county board. At the time of filing a certificate of candidacy

1 for election to a county board, a person shall certify to the local board of supervisors of  
2 election whether or not he is subject to the authority of the county board. The  
3 Governor shall not issue a commission of election to a person who has certified  
4 affirmatively and who is elected to a county board until the member-elect offers proof  
5 that he is no longer subject to the authority of the county board.

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

8 **SUBTITLE 6A. HARFORD COUNTY.**

9 **3-6A-01.**

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

14 (2) "ELECTED MEMBER" DOES NOT INCLUDE A:

15 (I) COUNTY SUPERINTENDENT OF SCHOOLS SERVING AS  
16 AN EX OFFICIO MEMBER OF THE COUNTY BOARD; OR

17 (II) NONVOTING STUDENT MEMBER SELECTED UNDER  
18 SUBSECTION (F) OF THIS SECTION.

19 (B) THE COUNTY BOARD CONSISTS OF:

20 (1) SIX ELECTED MEMBERS;

21 (2) THREE APPOINTED MEMBERS;

22 (3) THE COUNTY SUPERINTENDENT OF SCHOOLS, WHO IS AN EX  
23 OFFICIO NONVOTING MEMBER; AND

24 (4) ONE NONVOTING STUDENT MEMBER.

25 (C) (1) (I) A MEMBER FROM A COUNCILMANIC DISTRICT SHALL BE  
26 A RESIDENT OF THAT DISTRICT.

27 (II) A MEMBER FROM A COUNCILMANIC DISTRICT WHO NO  
28 LONGER RESIDES IN THAT DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE  
29 COUNTY BOARD.

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

4 (D) (1) OF THE NINE VOTING MEMBERS OF THE COUNTY BOARD:

5 (I) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE  
6 SIX COUNCILMANIC DISTRICTS ONLY BY THE VOTERS OF THAT COUNCILMANIC  
7 DISTRICT; AND

8 (II) THREE MEMBERS SHALL BE APPOINTED BY THE  
9 GOVERNOR.

10 (2) THE ELECTED MEMBERS SHALL BE ELECTED AT A GENERAL  
11 ELECTION AS REQUIRED BY SUBSECTION (E) OF THIS SECTION.

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

14 (E) (1) EXCEPT FOR THE NONVOTING MEMBERS, A MEMBER SERVES  
15 FOR A TERM OF 4 YEARS BEGINNING JULY 1 AFTER THE ELECTION OR  
16 APPOINTMENT OF THE MEMBER AND UNTIL A SUCCESSOR IS ELECTED OR  
17 APPOINTED AND QUALIFIES.

18 (2) (I) UNLESS OTHERWISE DISQUALIFIED UNDER THIS  
19 SECTION, A MEMBER OF THE COUNTY BOARD IS ELIGIBLE FOR REELECTION OR  
20 REAPPOINTMENT.

21 (II) A VOTING MEMBER MAY NOT SERVE FOR MORE THAN  
22 TWO CONSECUTIVE TERMS AS A VOTING MEMBER.

23 ~~(3) THE TERMS OF THE APPOINTED MEMBERS SHALL BE~~  
24 ~~STAGGERED AS FOLLOWS:~~

25 ~~(I) TWO MEMBERS SHALL BE APPOINTED IN 2012 AND~~  
26 ~~EVERY 4 YEARS THEREAFTER; AND~~

27 ~~(II) ONE MEMBER SHALL BE APPOINTED IN 2014 AND~~  
28 ~~EVERY 4 YEARS THEREAFTER.~~

29 ~~(4)~~ (3) THE HARFORD COUNTY BOARD OF ELECTIONS MAY  
30 ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.

31 (F) (1) THE HARFORD COUNTY COUNCIL SHALL APPOINT A  
32 QUALIFIED INDIVIDUAL TO FILL ANY VACANCY OF AN ELECTED MEMBER ON THE

1 COUNTY BOARD FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS  
2 ELECTED AND QUALIFIES.

3 (2) THE GOVERNOR SHALL APPOINT A QUALIFIED INDIVIDUAL TO  
4 FILL ANY VACANCY OF AN APPOINTED MEMBER OF THE COUNTY BOARD FOR  
5 THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
6 QUALIFIES.

7 (G) (1) THE NONVOTING STUDENT MEMBER OF THE COUNTY BOARD  
8 SHALL BE ELECTED BY THE HIGH SCHOOL STUDENTS OF THE COUNTY IN  
9 ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE HARFORD COUNTY  
10 PUBLIC SCHOOL SYSTEM.

11 (2) THE STUDENT MEMBER SHALL:

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

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

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

19 (IV) BE A NONVOTING MEMBER; AND

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

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

25 **3-6A-02.**

26 (A) THE STATE BOARD MAY REMOVE A VOTING MEMBER OF THE  
27 COUNTY BOARD FOR:

28 (1) IMMORALITY;

29 (2) MISCONDUCT IN OFFICE;

30 (3) INCOMPETENCY;

1           (4) **WILLFUL NEGLIGENCE OF DUTY; OR**

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

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

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

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

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

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

19 **3-6A-03.**

20           **(A) THE COUNTY BOARD SHALL ELECT A PRESIDENT AND VICE**  
21 **PRESIDENT FROM AMONG THE VOTING COUNTY BOARD MEMBERS.**

22           **(B) THE COUNTY BOARD SHALL ELECT A PRESIDENT AND VICE**  
23 **PRESIDENT AT ITS FIRST MEETING IN JULY AS REQUIRED TO IMPLEMENT THE**  
24 **PROVISIONS OF THIS SECTION.**

25           **(C) THE PRESIDENT AND VICE PRESIDENT SHALL SERVE A TERM OF 2**  
26 **YEARS.**

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

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

1 (a) The terms of the one appointed member whose term is scheduled to  
2 expire on June 30, 2010, the term of one appointed member whose term is scheduled to  
3 expire on June 30, 2011, and one of the two appointed members whose terms is  
4 scheduled to expire on June 30, 2012, shall terminate at the end of June 30, 2011, and  
5 the members elected from the councilmanic districts A, B, and D at the general  
6 election in November 2010, shall succeed those appointed members and serve for a  
7 term of 4 years until a successor is elected and qualifies.

8 (b) The Governor shall appoint two members in 2010, and the two appointed  
9 members shall serve for a term of 4 years beginning on July 1, 2011, until a successor  
10 is appointed and qualifies.

11 (c) The term of the one appointed member whose term is scheduled to expire  
12 on June 30, 2012, and the two appointed members whose terms are scheduled to  
13 expire on June 30, 2013, shall terminate at the end of June 30, 2015, and the members  
14 elected from the councilmanic districts C, E, and F at the general election in November  
15 2014 shall succeed those appointed members and serve for a term of 4 years until a  
16 successor is elected and qualifies.

17 (d) The term of the one appointed member whose term is scheduled to expire  
18 on June 30, 2015, shall terminate at the end of June 30, 2015, and the member  
19 appointed by the Governor in 2014 shall succeed the appointed member whose term  
20 expires on June 30, 2015, and serve for a term of 4 years until a successor is appointed  
21 and qualifies.

22 SECTION 4. AND BE IT FURTHER ENACTED, That, in appointing members  
23 to the Harford County Board of Education, the Governor shall ensure, to the extent  
24 practicable, that the total makeup of the county board reflects gender, ethnic, and  
25 racial diversity.

26 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 July 1, 2009.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.