

CHAPTER 746

(House Bill 639)

AN ACT concerning

Harford County – Board of Education – Selection of Members

FOR the purpose of requiring that certain members of the Harford County Board of Education be elected; requiring that certain members of the county board be appointed within a certain period of time; establishing the composition of the county board; providing for the qualifications, terms of office, and the filling of a vacancy of certain members of the county board; establishing a procedure for the election and appointment of members of the county board; authorizing the Harford County Board of Elections to adopt certain regulations; providing for the election, terms, qualifications, and duty of a certain student member of the county board; establishing certain removal, hearing, and appeal procedures for certain members of the county board; providing for the election of the president and vice president of the county board; providing for the termination of the terms of certain appointed members of the county board; requiring the Governor to ensure a certain makeup of the county board; defining a certain term; and generally relating to the Harford County Board of Education.

BY renumbering

Article – Education

Section 3–111 and 3–112, respectively

to be Section 3–6A–05 and 3–6A–04, respectively

Annotated Code of Maryland

(2008 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Education

Section 3–108(a) and 3–114

Annotated Code of Maryland

(2008 Replacement Volume)

BY adding to

Article – Education

Section 3–6A–01 through 3–6A–03 to be under the new subtitle “Subtitle 6A.
Harford County”

Annotated Code of Maryland

(2008 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 3–111 and 3–112, respectively, of Article – Education of

the Annotated Code of Maryland be renumbered to be Section(s) 3-6A-05 and 3-6A-04, respectively.

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

Article - Education

3-108.

(a) **(1)** Except [for the Baltimore City Board of School Commissioners established under § 3-108.1 of this subtitle, counties listed in § 3-114 of this subtitle, and subject to the provisions of § 3-110 of this subtitle with respect to the Anne Arundel County Board of Education, the] **AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** Governor shall appoint the members of each county board from the residents of that county.

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

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

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

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

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

3-114.

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

- (1) Allegany;
- (2) Calvert;
- (3) Carroll;
- (4) Cecil;

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

(B) IN HARFORD COUNTY, IN ACCORDANCE WITH SUBTITLE 6A OF THIS TITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A COMBINATION OF 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.

[(c)] (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.

SUBTITLE 6A. HARFORD COUNTY.

3-6A-01.

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

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

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

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

(B) THE COUNTY BOARD CONSISTS OF:

(1) SIX ELECTED MEMBERS;

(2) THREE APPOINTED MEMBERS;

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

(4) ONE NONVOTING STUDENT MEMBER.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) (1) THE HARFORD COUNTY COUNCIL SHALL APPOINT A QUALIFIED INDIVIDUAL TO FILL ANY VACANCY OF AN ELECTED MEMBER ON THE COUNTY BOARD FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

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

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

(2) THE STUDENT MEMBER SHALL:

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

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

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

(IV) BE A NONVOTING MEMBER; AND

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

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

3-6A-02.

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

(1) IMMORALITY;

(2) MISCONDUCT IN OFFICE;

(3) INCOMPETENCY;

(4) WILLFUL NEGLECT OF DUTY; OR

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

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

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

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

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

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

3-6A-03.

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

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

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

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

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

(a) The terms of the one appointed member whose term is scheduled to expire on June 30, 2010, the term of one appointed member whose term is scheduled to expire on June 30, 2011, and one of the two appointed members whose terms is scheduled to expire on June 30, 2012, shall terminate at the end of June 30, 2011, and the members elected from the councilmanic districts A, B, and D at the general

election in November 2010, shall succeed those appointed members and serve for a term of 4 years until a successor is elected and qualifies.

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

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

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

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

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

Approved by the Governor, May 19, 2009.