

# HOUSE BILL 1072

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By: **Delegates Lafferty, Boteler, DeBoy, Kach, Malone, Morhaim, and Stein**  
Introduced and read first time: February 17, 2010  
Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County Board of Education – Election of Members**

3 FOR the purpose of establishing a procedure for the election of certain members of the  
4 Baltimore County Board of Education; repealing certain provisions governing  
5 the appointment of the members of the Baltimore County Board of Education;  
6 requiring some of the members of the county board to reside in and be elected  
7 from certain districts; providing that some of the members of the county board  
8 be elected at large; establishing a certain term of office for the elected members;  
9 providing for the removal of members under certain circumstances; providing a  
10 procedure for filling a vacancy for an elected member on the county board;  
11 providing for the election of the chair and vice chair of the county board;  
12 providing for the compensation of the members of the county board; providing  
13 for the termination of the terms of the appointed members of the county board;  
14 and generally relating to the election of members for the Baltimore County  
15 Board of Education.

16 BY repealing

17 Article – Education  
18 Section 3–109(a) through (d)  
19 Annotated Code of Maryland  
20 (2008 Replacement Volume and 2009 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article – Education  
23 Section 3–109(e) through (i) and 3–114  
24 Annotated Code of Maryland  
25 (2008 Replacement Volume and 2009 Supplement)

26 BY adding to

27 Article – Education

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 Section 3–2A–01 through 3–2A–04 to be under the new subtitle “Subtitle 2A.  
2 Baltimore County”  
3 Annotated Code of Maryland  
4 (2008 Replacement Volume and 2009 Supplement)

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

7 **Article – Education**

8 3–109.

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

11 (1) Four from the county at large;

12 (2) One from each of the seven councilmanic districts in Baltimore  
13 County; and

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

15 (b) (1) The student member shall:

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

18 (ii) Serve for 1 year; and

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

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

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

24 (ii) Hearings held under § 6–202(a) of this article; or

25 (iii) Collective bargaining.

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

28 (i) § 6–202(a) of this article;

29 (ii) Collective bargaining;

1 (iii) Capital and operating budgets; and

2 (iv) School closings, reopenings, and boundaries.

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

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

8 (d) If the boundary line of a councilmanic district is changed, the term of an  
9 incumbent member of the County Board who no longer resides in the councilmanic  
10 district because of the change is not affected during this term.]

11 3-114.

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

14 (1) Allegany;

15 **(2) BALTIMORE;**

16 ~~[(2)]~~ **(3)** Calvert;

17 ~~[(3)]~~ **(4)** Carroll;

18 ~~[(4)]~~ **(5)** Cecil;

19 ~~[(5)]~~ **(6)** Charles;

20 ~~[(6)]~~ **(7)** Dorchester;

21 ~~[(7)]~~ **(8)** Frederick;

22 ~~[(8)]~~ **(9)** Garrett;

23 ~~[(9)]~~ **(10)** Howard;

24 ~~[(10)]~~ **(11)** Kent;

25 ~~[(11)]~~ **(12)** Prince George's;

26 ~~[(12)]~~ **(13)** Montgomery;



1                   **(2) (I) A MEMBER FROM A DISTRICT SHALL BE A RESIDENT OF**  
2 **THAT DISTRICT.**

3                   **(II) A MEMBER FROM A DISTRICT WHO DOES NOT MAINTAIN**  
4 **RESIDENCY IN THAT DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE**  
5 **COUNTY BOARD AND THE OFFICE SHALL BE DEEMED VACANT.**

6                   **(III) IF THE BOUNDARY LINE OF A COUNCILMANIC DISTRICT**  
7 **IS CHANGED, THE TERM OF AN INCUMBENT MEMBER OF THE COUNTY BOARD**  
8 **WHO NO LONGER RESIDES IN THE COUNCILMANIC DISTRICT BECAUSE OF THE**  
9 **CHANGE IS NOT AFFECTED DURING THIS TERM.**

10           **(C) (1) AT THE GENERAL ELECTION FOR THE ELECTION OF THE**  
11 **MEMBERS TO THE COUNTY BOARD:**

12                   **(I) FOR MEMBERS TO BE ELECTED FROM THE SEVEN**  
13 **COUNCILMANIC DISTRICTS IN THE COUNTY, THE BALLOT SHALL PROVIDE THE**  
14 **VOTERS OF THAT DISTRICT WITH THE CHOICE TO CAST A VOTE “FOR” A**  
15 **CANDIDATE FOR ELECTION FROM THAT DISTRICT; AND**

16                   **(II) FOR MEMBERS TO BE ELECTED FROM THE COUNTY AT**  
17 **LARGE, THE BALLOT SHALL PROVIDE THE VOTERS OF THE COUNTY WITH THE**  
18 **CHOICE TO CAST A VOTE FOR NO MORE THAN FOUR CANDIDATES FOR ELECTION**  
19 **AT LARGE.**

20                   **(2) AFTER THE ELECTION RESULTS ARE CERTIFIED, THE STATE**  
21 **BOARD SHALL DECLARE FOR EACH DISTRICT AND FOR THE COUNTY AT LARGE**  
22 **WHETHER A CANDIDATE HAS BEEN ELECTED.**

23                   **(3) IN ANY ELECTION, IF NO CANDIDATE FILES A CERTIFICATE OF**  
24 **CANDIDACY FOR THE OFFICE OR IF NO INDIVIDUAL OTHERWISE QUALIFIES TO**  
25 **HAVE THE INDIVIDUAL’S NAME PLACED ON THE BALLOT, THE COUNTY**  
26 **EXECUTIVE SHALL APPOINT A MEMBER TO FILL THAT VACANCY WITH THE**  
27 **ADVICE AND CONSENT OF THE COUNTY COUNCIL.**

28           **(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH**  
29 **ELECTED MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE FIRST**  
30 **MONDAY IN DECEMBER AFTER THE MEMBER’S ELECTION AND UNTIL A**  
31 **SUCCESSOR IS ELECTED AND QUALIFIES.**

32                   **(2) THE INITIAL TERMS OF THE ELECTED MEMBERS UNDER THIS**  
33 **SUBSECTION ARE NOT STAGGERED.**

1           **(3) (I) AN INDIVIDUAL NOMINATED BY THE COUNTY**  
2 **EXECUTIVE AND AFFIRMED BY THE COUNTY COUNCIL TO FILL A VACANCY FOR**  
3 **AN ELECTED MEMBER SERVES FOR THE REMAINDER OF THE TERM FOR WHICH**  
4 **THE APPOINTMENT WAS MADE AND UNTIL A SUCCESSOR IS ELECTED AND**  
5 **QUALIFIES.**

6                   **(II) A NOMINEE MAY NOT TAKE OFFICE UNTIL THE COUNTY**  
7 **COUNCIL HAS CONFIRMED THE NOMINATION.**

8           **(4) (I) THE COUNTY EXECUTIVE SHALL ACT PROMPTLY TO**  
9 **FILL ANY APPOINTMENT TO THE COUNTY BOARD THAT THE COUNTY EXECUTIVE**  
10 **IS AUTHORIZED TO MAKE.**

11                   **(II) TO THE EXTENT PRACTICABLE, THE COUNTY**  
12 **EXECUTIVE SHALL NOMINATE AND THE COUNTY COUNCIL SHALL ACT ON A**  
13 **NOMINATION TO FILL ANY VACANCY THAT THE COUNTY EXECUTIVE IS**  
14 **AUTHORIZED TO MAKE WITHIN 60 DAYS AFTER THE DATE OF THE VACANCY.**

15           **(E) (1) THE STUDENT MEMBER SHALL:**

16                   **(I) BE AN 11TH OR 12TH GRADE STUDENT IN THE**  
17 **BALTIMORE COUNTY PUBLIC SCHOOL SYSTEM;**

18                   **(II) SERVE FOR 1 YEAR; AND**

19                   **(III) ADVISE THE COUNTY BOARD ON THE THOUGHTS AND**  
20 **FEELINGS OF STUDENTS.**

21           **(2) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A**  
22 **MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBER MAY NOT ATTEND AN**  
23 **EXECUTIVE SESSION THAT RELATES TO:**

24                   **(I) HEARINGS ON APPEALS OF SPECIAL EDUCATION**  
25 **PLACEMENTS;**

26                   **(II) HEARINGS HELD UNDER § 6-202(A) OF THIS ARTICLE;**  
27 **OR**

28                   **(III) COLLECTIVE BARGAINING.**

29           **(3) AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE**  
30 **STUDENT MEMBER MAY VOTE ON ALL MATTERS EXCEPT THOSE RELATING TO:**

31                   **(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**  
5 **COUNTY BOARD MAY DETERMINE, ON A CASE-BY-CASE BASIS, WHETHER A**  
6 **MATTER UNDER CONSIDERATION IS COVERED BY THE EXCLUSIONARY**  
7 **PROVISIONS LISTED IN PARAGRAPH (3) OF THIS SUBSECTION.**

8 **3-2A-02.**

9                   **(A) THE STATE BOARD MAY REMOVE AN ELECTED MEMBER OF THE**  
10 **COUNTY BOARD OR A MEMBER APPOINTED BY THE COUNTY EXECUTIVE AND**  
11 **CONFIRMED BY THE COUNTY COUNCIL TO FILL A VACANCY IN OFFICE FOR AN**  
12 **ELECTED MEMBER FOR ANY OF THE FOLLOWING REASONS:**

- 13                   **(1) IMMORALITY;**
- 14                   **(2) MISCONDUCT IN OFFICE;**
- 15                   **(3) INCOMPETENCY;**
- 16                   **(4) WILLFUL NEGLECT OF DUTY; OR**
- 17                   **(5) FAILURE TO ATTEND, WITHOUT GOOD CAUSE, AT LEAST 75%**  
18 **OF THE SCHEDULED MEETINGS OF THE COUNTY BOARD IN ANY 1 CALENDAR**  
19 **YEAR.**

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

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

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

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

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

7 **3-2A-03.**

8           **AT THE FIRST MEETING OF THE COUNTY BOARD IN DECEMBER OF EACH**  
9 **YEAR, THE COUNTY BOARD SHALL ELECT A CHAIR AND VICE CHAIR FROM**  
10 **AMONG THE MEMBERS.**

11 **3-2A-04.**

12           **(A) A MEMBER OF THE COUNTY BOARD IS ENTITLED TO ANNUAL**  
13 **COMPENSATION AS PROVIDED IN THE BALTIMORE COUNTY BUDGET.**

14           **(B) AFTER SUBMITTING VOUCHERS UNDER THE REGULATIONS**  
15 **ADOPTED BY THE COUNTY BOARD, A MEMBER IS ENTITLED TO THE**  
16 **ALLOWANCES FOR TRAVEL AND OTHER EXPENSES PROVIDED FOR IN THE**  
17 **BALTIMORE COUNTY BUDGET.**

18 **[3-109] 3-2A-05.**

19           **[(e)] (A) There is a School Shared Space Council in Baltimore County**  
20 **consisting of 12 employees of the county appointed by the County Executive for a term**  
21 **coterminous with that of the [Board] COUNTY BOARD as follows:**

22                   (1) Two from the staff of the **[County Board of Education] COUNTY**  
23 **BOARD;**

24                   (2) Two from the County Executive's administrative staff, one of whom  
25 shall be the Director of Central Services;

26                   (3) One from the Department of Social Services;

27                   (4) One from the Department of Recreation and Parks;

28                   (5) One from the Department of Aging;

29                   (6) One from the Health Department;



1                   (7)    One from the county community colleges, subject to the following  
2 conditions:

3                   (i)    Representation shall be determined on a rotating basis by  
4 alphabetical order by community college name; and

5                   (ii)   Each such member shall serve for 1 year;

6                   (8)    One from the Department of Juvenile Services;

7                   (9)    One from the county public libraries; and

8                   (10)   One from the Department of Planning.

9           **[(f)] (B)**    A county employee Council member who does not maintain his  
10 employment in the county shall be replaced.

11           **[(g)] (C)**    In addition to the county employee members, there shall be eight  
12 county citizens selected as members of the Council as follows and with the following  
13 duties:

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

18                   (2)    The initial members selected to represent legislative districts 5, 7,  
19 9, and 11 shall each serve for a 2-year term beginning June 1, 1979, and ending May  
20 31, 1981. Thereafter all members shall be selected to serve 2-year terms. The initial  
21 members selected to represent legislative districts 8, 10, 12, and 13 shall each serve  
22 for a 1-year term beginning June 1, 1979, and ending May 31, 1980, and thereafter all  
23 members shall be selected for 2-year terms;

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

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

29           **[(h)] (D)**    The Council shall:

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

1                   (2) Report its findings and recommendations to the [County Board of  
2 Education] **COUNTY BOARD** and the County Executive at least twice during the  
3 school year.

4                   [(i)] **(E)** The County Executive may, by executive order, appoint up to two  
5 additional members to the Council from agencies of the county government.

6                   SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the  
7 appointed members of the Baltimore County Board of Education shall expire on  
8 December 5, 2010.

9                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 June 1, 2010.