

SENATE BILL 982

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SB 82/07 – EHE

0lr3250

By: **Senators Zirkin and Brochin**
Introduced and read first time: February 22, 2010
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of establishing a procedure for the election of certain members of the
4 Baltimore County Board of Education; requiring some of the members of the
5 County Board to reside in and be elected from certain districts; establishing a
6 certain term of office for the elected members; providing for the removal of
7 members under certain circumstances; providing a procedure for filling a
8 vacancy for an elected member on the County Board; providing for the election
9 of the chair and vice chair of the County Board; providing for the compensation
10 of the members of the County Board; and generally relating to the election of
11 members for the Baltimore County Board of Education.

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 3–108(a), 3–109, and 3–114
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2009 Supplement)

17 BY adding to
18 Article – Education
19 Section 3–2A–01 through 3–2A–04 to be under the new subtitle “Subtitle 2A.
20 Baltimore County”
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2009 Supplement)

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

25 **Article – Education**

26 3–108.

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



1 (a) (1) Except as provided in paragraph (2) of this subsection, the
 2 Governor shall appoint the members of each county board from the residents of that
 3 county.

4 (2) The members of the following county boards of education shall be
 5 selected as follows:

6 (i) The Baltimore City Board of School Commissioners in
 7 accordance with § 3-108.1 of this subtitle;

8 (ii) The Harford County Board of Education in accordance with
 9 § 3-6A-01 of this title;

10 (iii) The Anne Arundel County Board of Education in accordance
 11 with § 3-110 of this subtitle; [and]

12 (IV) **THE BALTIMORE COUNTY BOARD OF EDUCATION IN**
 13 **ACCORDANCE WITH § 3-109 OF THIS SUBTITLE AND § 3-2A-01 OF THIS TITLE;**
 14 **AND**

15 [(iv)] (V) The county boards of education in the counties listed
 16 in § 3-114 of this subtitle in accordance with the provisions of that section.

17 3-109.

18 (a) (1) [The] **UNTIL THE MEMBERS ELECTED IN ACCORDANCE WITH**
 19 **SUBTITLE 2A OF THIS TITLE TAKE OFFICE FOLLOWING THE 2010 GENERAL**
 20 **ELECTION, THE** Baltimore County Board consists **SOLELY** of 12 members who shall
 21 be appointed as follows:

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

23 [(2)] (II) One from each of the seven councilmanic districts in
 24 Baltimore County; and

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

26 (2) **EFFECTIVE WITH THE TERM THAT COMMENCES FOLLOWING**
 27 **THE 2010 GENERAL ELECTION, THE BALTIMORE COUNTY BOARD CONSISTS OF**
 28 **A COMBINATION OF APPOINTED MEMBERS AS PROVIDED IN THIS SECTION AND**
 29 **ELECTED MEMBERS AS PROVIDED UNDER SUBTITLE 2A OF THIS TITLE,**
 30 **INCLUDING:**

31 (I) **EIGHT APPOINTED MEMBERS AS FOLLOWS:**

1 **1. ONE FROM EACH OF THE SEVEN COUNCILMANIC**
2 **DISTRICTS IN BALTIMORE COUNTY; AND**

3 **2. ONE STUDENT MEMBER FROM THE COUNTY AT**
4 **LARGE; AND**

5 **(II) ONE ELECTED MEMBER FROM EACH OF THE SEVEN**
6 **COUNCILMANIC DISTRICTS IN BALTIMORE COUNTY.**

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

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

10 (ii) Serve for 1 year; and

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

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

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

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

17 (iii) Collective bargaining.

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

20 (i) § 6-202(a) of this article;

21 (ii) Collective bargaining;

22 (iii) Capital and operating budgets; and

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

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

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

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

4 (e) There is a School Shared Space Council in Baltimore County consisting of
5 12 employees of the county appointed by the County Executive for a term coterminous
6 with that of the Board as follows:

7 (1) Two from the staff of the County Board of Education;

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

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

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

12 (5) One from the Department of Aging;

13 (6) One from the Health Department;

14 (7) One from the county community colleges, subject to the following
15 conditions:

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

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

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

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

21 (10) One from the Department of Planning.

22 (f) A county employee Council member who does not maintain his
23 employment in the county shall be replaced.

24 (g) In addition to the county employee members, there shall be eight county
25 citizens selected as members of the Council as follows and with the following duties:

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

30 (2) The initial members selected to represent legislative districts 5, 7,
31 9, and 11 shall each serve for a 2-year term beginning June 1, 1979, and ending May

1 31, 1981. Thereafter all members shall be selected to serve 2-year terms. The initial
2 members selected to represent legislative districts 8, 10, 12, and 13 shall each serve
3 for a 1-year term beginning June 1, 1979, and ending May 31, 1980, and thereafter all
4 members shall be selected for 2-year terms;

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

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

10 (h) The Council shall:

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

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

16 (i) The County Executive may, by executive order, appoint up to two
17 additional members to the Council from agencies of the county government.

18 3-114.

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

21 (1) Allegany;

22 (2) Calvert;

23 (3) Carroll;

24 (4) Cecil;

25 (5) Charles;

26 (6) Dorchester;

27 (7) Frederick;

28 (8) Garrett;

29 (9) Howard;

30 (10) Kent;

- 1 (11) Prince George's;
2 (12) Montgomery;
3 (13) Queen Anne's;
4 (14) St. Mary's;
5 (15) Somerset;
6 (16) Talbot;
7 (17) Washington; and
8 (18) Worcester.

9 (B) IN BALTIMORE COUNTY, THE MEMBERS OF THE COUNTY BOARD
10 SHALL BE A COMBINATION OF MEMBERS WHO ARE:

11 (1) ELECTED IN ACCORDANCE WITH SUBTITLE 2A OF THIS TITLE;

12 AND

13 (2) APPOINTED IN ACCORDANCE WITH § 3-109 OF THIS
14 SUBTITLE.

15 [(b)] (C) In Harford County, in accordance with Subtitle 6A of this title, the
16 members of the county board shall be a combination of members who are elected and
17 appointed.

18 [(c)] (D) An individual subject to the authority of the county board may not
19 serve as a member of the county board. At the time of filing a certificate of candidacy
20 for election to a county board, a person shall certify to the local board of supervisors of
21 election whether or not he is subject to the authority of the county board. The
22 Governor shall not issue a commission of election to a person who has certified
23 affirmatively and who is elected to a county board until the member-elect offers proof
24 that he is no longer subject to the authority of the county board.

25 [(d)] (E) The election of the county boards shall be held as provided in
26 Subtitles 2 through 14 of this title and the Election Law Article.

27 SUBTITLE 2A. BALTIMORE COUNTY.

28 3-2A-01.

1 (A) IN ADDITION TO THE MEMBERS APPOINTED BY THE GOVERNOR
2 UNDER § 3-109 OF THIS TITLE, THE BALTIMORE COUNTY BOARD CONSISTS OF
3 SEVEN NONPARTISAN ELECTED MEMBERS.

4 (B) (1) THE SEVEN NONPARTISAN ELECTED MEMBERS SHALL BE
5 ELECTED BY THE VOTERS AT A GENERAL ELECTION IN ACCORDANCE WITH
6 SUBSECTIONS (C) AND (D) OF THIS SECTION.

7 (2) NOTWITHSTANDING § 8-804 OF THE ELECTION LAW
8 ARTICLE, A PRIMARY ELECTION MAY NOT BE HELD IN CONNECTION WITH THE
9 ELECTION OF THE ELECTED MEMBERS OF THE COUNTY BOARD.

10 (C) (1) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE SEVEN
11 COUNCILMANIC DISTRICTS IN THE COUNTY BY THE VOTERS OF THAT DISTRICT.

12 (2) A MEMBER FROM A DISTRICT SHALL BE A RESIDENT OF THAT
13 DISTRICT.

14 (3) A MEMBER FROM A DISTRICT WHO NO LONGER RESIDES IN
15 THE DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE COUNTY BOARD.

16 (4) A CANDIDATE ELECTED TO THE COUNTY BOARD OR
17 APPOINTED TO FILL A VACANCY OF AN ELECTED MEMBER SHALL BE A
18 REGISTERED VOTER AND RESIDENT OF BALTIMORE COUNTY.

19 (D) (1) AT THE GENERAL ELECTION FOR THE SEVEN NONPARTISAN
20 ELECTED MEMBERS OF THE COUNTY BOARD, THE BALLOT SHALL PROVIDE THE
21 VOTER WITH THE CHOICE TO CAST A VOTE "FOR" A CANDIDATE FOR ELECTION
22 FROM THAT DISTRICT.

23 (2) AFTER THE ELECTION RESULTS ARE CERTIFIED, THE STATE
24 BOARD SHALL DECLARE FOR EACH DISTRICT WHETHER A CANDIDATE HAS BEEN
25 ELECTED.

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

31 (E) (1) SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION,
32 EACH ELECTED MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE
33 FIRST MONDAY IN DECEMBER AFTER THE MEMBER'S ELECTION AND UNTIL A
34 SUCCESSOR IS ELECTED AND QUALIFIES.

1 (2) AN ELECTED MEMBER, OR AN APPOINTED MEMBER
2 NOMINATED BY THE COUNTY EXECUTIVE TO FILL A VACANCY FOR AN ELECTED
3 MEMBER, SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE FIRST MONDAY
4 IN DECEMBER AFTER THE GENERAL ELECTION TO ELECT MEMBERS.

5 (3) FOLLOWING A GENERAL ELECTION FOR MEMBERS TO THE
6 COUNTY BOARD, IF A NOMINEE PUT FORTH FOR APPOINTMENT BY THE COUNTY
7 EXECUTIVE HAS NOT BEEN CONFIRMED BEFORE THE FIRST MONDAY IN
8 DECEMBER FOLLOWING THAT GENERAL ELECTION, THE NOMINEE MAY NOT
9 TAKE OFFICE UNTIL THE COUNTY COUNCIL HAS CONFIRMED THE NOMINATION.

10 (4) THE INITIAL TERMS OF THE ELECTED OR APPOINTED
11 MEMBERS UNDER THIS SUBSECTION ARE NOT STAGGERED.

12 (5) THE COUNTY EXECUTIVE SHALL ACT PROMPTLY TO FILL ANY
13 APPOINTMENT TO THE COUNTY BOARD THAT THE COUNTY EXECUTIVE IS
14 AUTHORIZED TO MAKE.

15 (F) (1) WITH REGARD TO AN ELECTED MEMBER OR A MEMBER
16 APPOINTED BY THE COUNTY EXECUTIVE AND CONFIRMED BY THE COUNTY
17 COUNCIL TO FILL A VACANCY FOR AN ELECTED MEMBER AFTER A TERM HAS
18 BEGUN, THE MEMBER SERVES ONLY FOR THE REMAINDER OF THAT TERM AND
19 UNTIL A SUCCESSOR IS ELECTED OR APPOINTED AND QUALIFIES.

20 (2) TO THE EXTENT PRACTICABLE, THE COUNTY EXECUTIVE
21 SHALL NOMINATE AND THE COUNTY COUNCIL SHALL ACT ON A NOMINATION TO
22 FILL ANY VACANCY THAT THE COUNTY EXECUTIVE IS AUTHORIZED TO MAKE
23 WITHIN 60 DAYS AFTER THE DATE OF THE VACANCY OR, IF APPLICABLE, THE
24 COMMENCEMENT OF THE TERM FOLLOWING AN ELECTION.

25 **3-2A-02.**

26 (A) THE STATE BOARD MAY REMOVE AN ELECTED MEMBER OF THE
27 COUNTY BOARD OR A MEMBER APPOINTED BY THE COUNTY EXECUTIVE AND
28 CONFIRMED BY THE COUNTY COUNCIL TO FILL A VACANCY IN OFFICE FOR AN
29 ELECTED MEMBER FOR ANY OF THE FOLLOWING REASONS:

30 (1) IMMORALITY;

31 (2) MISCONDUCT IN OFFICE;

32 (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 AGAINST THE MEMBER AND GIVE THE
7 MEMBER AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.

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 BALTIMORE
18 COUNTY.

19 **3-2A-03.**

20 AT ITS FIRST MEETING IN DECEMBER OF EACH YEAR, THE COUNTY
21 BOARD SHALL ELECT A CHAIR AND VICE CHAIR FROM AMONG THE BOARD
22 MEMBERS.

23 **3-2A-04.**

24 (A) A MEMBER OF THE COUNTY BOARD IS ENTITLED TO ANNUAL
25 COMPENSATION AS PROVIDED IN THE BALTIMORE COUNTY BUDGET.

26 (B) AFTER SUBMITTING VOUCHERS UNDER THE RULES AND
27 REGULATIONS ADOPTED BY THE COUNTY BOARD, A MEMBER IS ENTITLED TO
28 THE ALLOWANCES FOR TRAVEL AND OTHER EXPENSES PROVIDED IN THE
29 BALTIMORE COUNTY BUDGET.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2010.