

SENATE BILL 141

F3

11r0820

By: **Senators Zirkin, Brochin, and Getty**

Introduced and read first time: January 24, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Hybrid School Board – Election and Appointment of**
3 **Members**

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

17 BY repealing and reenacting, with amendments,
18 Article – Education
19 Section 3–108(a), 3–109, and 3–114
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2010 Supplement)

22 BY adding to
23 Article – Education
24 Section 3–2A–01 through 3–2A–04 to be under the new subtitle “Subtitle 2A.
25 Baltimore County”
26 Annotated Code of Maryland
27 (2008 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 3–108.

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

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

10 (i) The Baltimore City Board of School Commissioners in
11 accordance with § 3–108.1 of this subtitle;

12 (ii) The Harford County Board of Education in accordance with
13 § 3–6A–01 of this title;

14 (iii) The Caroline County Board of Education in accordance with
15 § 3–3A–02 of this title;

16 (iv) The Anne Arundel County Board of Education in accordance
17 with § 3–110 of this subtitle; [and]

18 **(v) THE BALTIMORE COUNTY BOARD OF EDUCATION IN**
19 **ACCORDANCE WITH § 3–109 OF THIS SUBTITLE AND § 3–2A–01 OF THIS TITLE;**
20 **AND**

21 **[(v)] (VI)** The county boards of education in the counties listed
22 in § 3–114 of this subtitle in accordance with the provisions of that section.

23 3–109.

24 (a) **(1) [The] UNTIL THE MEMBERS ELECTED IN ACCORDANCE WITH**
25 **SUBTITLE 2A OF THIS TITLE TAKE OFFICE FOLLOWING THE 2014 GENERAL**
26 **ELECTION, THE** Baltimore County Board consists **SOLELY** of 12 members who shall
27 be appointed as follows:

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

29 **[(2)] (II)** One from each of the seven councilmanic districts in
30 Baltimore County; and

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

1 **(2) EFFECTIVE WITH THE TERM THAT COMMENCES FOLLOWING**
2 **THE 2014 GENERAL ELECTION, THE BALTIMORE COUNTY BOARD CONSISTS OF**
3 **A COMBINATION OF APPOINTED MEMBERS AND ELECTED MEMBERS AS**
4 **FOLLOWS:**

5 **(I) FOUR APPOINTED MEMBERS FROM THE COUNTY AT**
6 **LARGE;**

7 **(II) SEVEN ELECTED MEMBERS AS PROVIDED UNDER**
8 **SUBTITLE 2A OF THIS TITLE; AND**

9 **(III) ONE STUDENT MEMBER FROM THE COUNTY AT LARGE.**

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

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

13 (ii) Serve for 1 year; and

14 (iii) Advise the board on the thoughts and feelings of students.

15 (2) Unless invited to attend by an affirmative vote of a majority of the
16 county board, the student member may not attend an executive session that relates to:

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

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

19 (iii) Collective bargaining.

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

22 (i) § 6–202(a) of this article;

23 (ii) Collective bargaining;

24 (iii) Capital and operating budgets; and

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

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

1 (c) A board member who does not maintain his residential qualification shall
2 be replaced as a member.

3 (d) If the boundary line of a councilmanic district is changed, the term of an
4 incumbent member of the county board who no longer resides in the councilmanic
5 district because of the change is not affected during this term.

6 (e) There is a School Shared Space Council in Baltimore County consisting of
7 12 employees of the county appointed by the County Executive for a term coterminous
8 with that of the board as follows:

9 (1) Two from the staff of the county board of education;

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

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

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

14 (5) One from the Department of Aging;

15 (6) One from the Health Department;

16 (7) One from the county community colleges, subject to the following
17 conditions:

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

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

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

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

23 (10) One from the Department of Planning.

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

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

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

1 (2) The initial members selected to represent legislative districts 5, 7,
2 9, and 11 shall each serve for a 2–year term beginning June 1, 1979, and ending May
3 31, 1981. Thereafter all members shall be selected to serve 2–year terms. The initial
4 members selected to represent legislative districts 8, 10, 12, and 13 shall each serve
5 for a 1–year term beginning June 1, 1979, and ending May 31, 1980, and thereafter all
6 members shall be selected for 2–year terms;

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

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

12 (h) The Council shall:

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

16 (2) Report its findings and recommendations to the county board of
17 education and the County Executive at least twice during the school year.

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

20 3–114.

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

23 (1) Allegany;

24 (2) Calvert;

25 (3) Carroll;

26 (4) Cecil;

27 (5) Charles;

28 (6) Dorchester;

29 (7) Frederick;

30 (8) Garrett;

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

11 **(B) IN BALTIMORE COUNTY, THE MEMBERS OF THE COUNTY BOARD**
12 **SHALL BE A COMBINATION OF MEMBERS WHO ARE:**

13 **(1) ELECTED IN ACCORDANCE WITH SUBTITLE 2A OF THIS TITLE;**
14 **AND**

15 **(2) APPOINTED IN ACCORDANCE WITH § 3-109 OF THIS**
16 **SUBTITLE.**

17 **[(b)] (C)** In Caroline County, in accordance with Subtitle 3A of this title, the
18 members of the county board shall be a combination of members who are elected and
19 appointed.

20 **[(c)] (D)** In Harford County, in accordance with Subtitle 6A of this title, the
21 members of the county board shall be a combination of members who are elected and
22 appointed.

23 **[(d)] (E)** An individual subject to the authority of the county board may not
24 serve as a member of the county board. At the time of filing a certificate of candidacy
25 for election to a county board, a person shall certify to the local board of supervisors of
26 election whether or not he is subject to the authority of the county board. The
27 Governor shall not issue a commission of election to a person who has certified
28 affirmatively and who is elected to a county board until the member-elect offers proof
29 that he is no longer subject to the authority of the county board.

30 **[(e)] (F)** The election of the county boards shall be held as provided in
31 Subtitles 2 through 14 of this title and the Election Law Article.

1 **SUBTITLE 2A. BALTIMORE COUNTY.**

2 **3-2A-01.**

3 **(A) IN ADDITION TO THE MEMBERS APPOINTED BY THE GOVERNOR IN**
4 **ACCORDANCE WITH § 3-109 OF THIS TITLE, THE BALTIMORE COUNTY BOARD**
5 **CONSISTS OF SEVEN NONPARTISAN ELECTED MEMBERS.**

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

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

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

14 **(2) A MEMBER FROM A DISTRICT SHALL BE A RESIDENT OF THAT**
15 **DISTRICT.**

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

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

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

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

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

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

5 **(2) AN ELECTED MEMBER, OR AN APPOINTED MEMBER**
6 **NOMINATED BY THE COUNTY EXECUTIVE UNDER SUBSECTION (D)(3) OF THIS**
7 **SECTION TO FILL A VACANCY FOR AN ELECTED MEMBER, SERVES FOR A TERM**
8 **OF 4 YEARS BEGINNING ON THE FIRST MONDAY IN DECEMBER AFTER THE**
9 **GENERAL ELECTION TO ELECT MEMBERS.**

10 **(3) FOLLOWING A GENERAL ELECTION FOR MEMBERS TO THE**
11 **COUNTY BOARD, IF A NOMINEE PUT FORTH FOR APPOINTMENT BY THE COUNTY**
12 **EXECUTIVE HAS NOT BEEN CONFIRMED BY THE COUNTY COUNCIL BEFORE THE**
13 **FIRST MONDAY IN DECEMBER FOLLOWING THAT GENERAL ELECTION, THE**
14 **NOMINEE:**

15 **(I) MAY NOT TAKE OFFICE UNTIL THE COUNTY COUNCIL**
16 **HAS CONFIRMED THE NOMINATION; AND**

17 **(II) SERVES FOR THE REMAINDER OF THE TERM**
18 **FOLLOWING THE CONFIRMATION BY THE COUNTY COUNCIL AND THE TAKING**
19 **OF THE OATH OF OFFICE.**

20 **(4) THE INITIAL TERMS OF THE ELECTED OR APPOINTED**
21 **MEMBERS UNDER THIS SUBSECTION ARE NOT STAGGERED.**

22 **(5) THE COUNTY EXECUTIVE SHALL ACT PROMPTLY TO FILL ANY**
23 **APPOINTMENT TO THE COUNTY BOARD THAT THE COUNTY EXECUTIVE IS**
24 **AUTHORIZED TO MAKE.**

25 **(F) (1) WITH REGARD TO AN ELECTED MEMBER OR A MEMBER**
26 **APPOINTED BY THE COUNTY EXECUTIVE AND CONFIRMED BY THE COUNTY**
27 **COUNCIL TO FILL A VACANCY FOR AN ELECTED MEMBER AFTER A TERM HAS**
28 **BEGUN, THE MEMBER SERVES ONLY FOR THE REMAINDER OF THAT TERM AND**
29 **UNTIL A SUCCESSOR IS ELECTED OR APPOINTED AND QUALIFIES.**

30 **(2) TO THE EXTENT PRACTICABLE, THE COUNTY EXECUTIVE**
31 **SHALL NOMINATE AND THE COUNTY COUNCIL SHALL ACT ON A NOMINATION TO**
32 **FILL ANY VACANCY THAT THE COUNTY EXECUTIVE IS AUTHORIZED TO MAKE**
33 **WITHIN 60 DAYS AFTER THE DATE OF THE VACANCY OR, IF APPLICABLE, THE**
34 **COMMENCEMENT OF THE TERM FOLLOWING AN ELECTION.**

1 **3-2A-02.**

2 **(A) THE STATE BOARD MAY REMOVE AN ELECTED MEMBER OF THE**
3 **COUNTY BOARD OR A MEMBER APPOINTED BY THE COUNTY EXECUTIVE AND**
4 **CONFIRMED BY THE COUNTY COUNCIL TO FILL A VACANCY IN OFFICE FOR AN**
5 **ELECTED MEMBER FOR ANY OF THE FOLLOWING REASONS:**

6 **(1) IMMORALITY;**

7 **(2) MISCONDUCT IN OFFICE;**

8 **(3) INCOMPETENCY;**

9 **(4) WILLFUL NEGLECT OF DUTY; OR**

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

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

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

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

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

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

27 **3-2A-03.**

28 **AT ITS FIRST MEETING IN DECEMBER OF EACH YEAR, THE COUNTY BOARD**
29 **SHALL ELECT A CHAIR AND VICE CHAIR FROM AMONG THE BOARD MEMBERS.**

30 **3-2A-04.**

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

3 **(B) AFTER SUBMITTING VOUCHERS UNDER THE RULES AND**
4 **REGULATIONS ADOPTED BY THE COUNTY BOARD, A MEMBER IS ENTITLED TO**
5 **THE ALLOWANCES FOR TRAVEL AND OTHER EXPENSES PROVIDED IN THE**
6 **BALTIMORE COUNTY BUDGET.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the seven
8 appointed members of the Baltimore County Board of Education, one each from the
9 seven councilmanic districts in Baltimore County, in office on November 30, 2014,
10 shall terminate at the end of November 30, 2014, except that if the member elected in
11 accordance with this Act from the councilmanic district that the appointee represents
12 does not qualify and takes office on December 1, 2014, then the appointed member
13 from that councilmanic district shall serve until the member elected from that
14 councilmanic district qualifies and takes office.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2011.