

# HOUSE BILL 580

F3

2lr1059  
CF SB 22

---

By: **Delegate McConkey**

Introduced and read first time: February 6, 2012

Assigned to: Ways and Means

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – School Board – Membership**

3 FOR the purpose of requiring that certain members of the Anne Arundel County  
4 Board of Education be elected; requiring that certain members of the county  
5 board be appointed; repealing certain provisions relating to a retention election  
6 for certain appointed members of the county board; establishing procedures for  
7 the election and appointment of certain members of the county board; providing  
8 for a nonpartisan election for certain members of the county board under  
9 certain circumstances; providing that a certain member elected to the county  
10 board from a certain geographic area but whose district boundaries  
11 subsequently are altered may remain as a member of the county board for a  
12 certain period; providing for the termination of the terms of certain members of  
13 the county board; and generally relating to contested elections for certain  
14 appointed members of the Anne Arundel County Board of Education.

15 BY repealing and reenacting, with amendments,  
16 Article – Education  
17 Section 3–108, 3–110, and 3–114  
18 Annotated Code of Maryland  
19 (2008 Replacement Volume and 2011 Supplement)

20 BY adding to  
21 Article – Education  
22 Section 3–2A–01 to be under the new subtitle “Subtitle 2A. Anne Arundel  
23 County”  
24 Annotated Code of Maryland  
25 (2008 Replacement Volume and 2011 Supplement)

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Education

3–108.

(a) (1) Except 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 Caroline County Board of Education in accordance with § 3–3A–02 of this title;

(iv) The Anne Arundel County Board of Education in accordance with § 3–110 of this subtitle **AND § 3–2A–01 OF THIS TITLE**; and

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

(b) (1) Each member shall be appointed solely because of character and fitness and without regard to political affiliation.

(2) An individual who is subject to the authority of the county board may not be appointed to or serve on the county board.

(c) (1) Each member serves for a term of 5 years beginning July 1 after the member's appointment and until a successor is appointed and qualifies.

(2) The Governor shall appoint a new member to fill any vacancy on an appointed board for the remainder of that term and until a successor is appointed and qualifies.

(3) Unless otherwise disqualified under this section, a member of a board is eligible for reappointment. However, an individual may not serve for more than 2 consecutive terms.

(d) (1) With the approval of the Governor, the State Superintendent may remove any member of a county board appointed under this section for:

(i) Immorality;

- 1 (ii) Misconduct in office;
- 2 (iii) Incompetency;
- 3 (iv) Willful neglect of duty; or
- 4 (v) Failure to attend, without good cause, at least half of the
- 5 scheduled meetings of the board in any one calendar year.

6 (2) Before removing a member, the State Superintendent shall send

7 the member a copy of the charges against him and give him an opportunity within 10

8 days to request a hearing.

9 (3) If the member requests a hearing within the 10-day period:

10 (i) The State Superintendent promptly shall hold a hearing, but

11 a hearing may not be set within 10 days after the State Superintendent sends the

12 member a notice of the hearing; and

13 (ii) The member shall have an opportunity to be heard publicly

14 before the State Superintendent in his own defense, in person or by counsel.

15 (4) If a member who is removed so requests, the State Superintendent

16 shall file with the clerk of the circuit court for the county from which the member was

17 appointed:

18 (i) A complete statement of all charges made against the

19 member;

20 (ii) The findings of the State Superintendent; and

21 (iii) A complete record of the proceedings.

22 3-110.

23 (a) (1) **[The] UNTIL THE ELECTION OF MEMBERS OF THE COUNTY**

24 **BOARD AT THE PRIMARY AND GENERAL ELECTIONS OF 2014 AND THE**

25 **COMMENCEMENT OF THEIR TERMS ON DECEMBER 1, 2014, AND SUBJECT TO §**

26 **3-2A-01 OF THIS TITLE, THE** Anne Arundel County Board consists of 9 members

27 who shall be appointed as follows:

28 (i) 3 from the county at large, **APPOINTED BY THE**

29 **GOVERNOR;**

(ii) 1 each from legislative districts 30, 31, 32, 33, and that portion of legislative district 21 that lies within Anne Arundel County, **APPOINTED BY THE GOVERNOR**; and

(iii) 1 student member, **SELECTED BY THE CHESAPEAKE REGIONAL ASSOCIATION OF STUDENT COUNCILS OF ANNE ARUNDEL COUNTY.**

**(2) AFTER THE PRIMARY AND GENERAL ELECTIONS OF 2014 AND THE COMMENCEMENT OF THE TERMS OF THE MEMBERS ELECTED FOLLOWING THOSE ELECTIONS, AND SUBJECT TO § 3-2A-01 OF THIS TITLE, THE COUNTY BOARD SHALL CONSIST OF:**

**(I) 7 ELECTED MEMBERS, ONE FROM EACH OF THE 7 COUNCILMANIC DISTRICTS IN THE COUNTY ELECTED BY THE VOTERS OF EACH DISTRICT;**

**(II) 3 APPOINTED MEMBERS FROM THE COUNTY AT LARGE, 1 EACH APPOINTED BY:**

- 1. THE GOVERNOR;**
- 2. THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY; AND**
- 3. THE COUNTY COUNCIL OF ANNE ARUNDEL COUNTY; AND**

**(III) 1 STUDENT MEMBER, SELECTED BY THE CHESAPEAKE REGIONAL ASSOCIATION OF STUDENT COUNCILS OF ANNE ARUNDEL COUNTY.**

**[(2)] (3) Except for the student member:**

**(I) [, the] THE Governor shall appoint a member of the county board from a list of nominees submitted by the School Board Nominating Commission of Anne Arundel County as provided in subsection (b) of this section; AND**

**(II) EFFECTIVE FOR THE TERM THAT BEGINS ON DECEMBER 1, 2014, THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY AND THE COUNTY COUNCIL OF ANNE ARUNDEL COUNTY EACH SHALL APPOINT A MEMBER OF THE COUNTY BOARD FROM A LIST OF NOMINEES SUBMITTED BY THE SCHOOL BOARD NOMINATING COMMISSION OF ANNE ARUNDEL COUNTY AS PROVIDED IN SUBSECTION (B) OF THIS SECTION.**

(b) (1) (i) There is a School Board Nominating Commission of Anne Arundel County.

(ii) The purpose of the Commission is to select nominees to be recommended to the [Governor] **APPOINTING AUTHORITIES SPECIFIED UNDER SUBSECTION (A) OF THIS SECTION** as qualified candidates for appointment to the Anne Arundel County Board of Education.

(iii) The Commission shall hold at least two public hearings on the selection of nominees before recommending to the [Governor] **SPECIFIED APPOINTING AUTHORITY** nominees for appointment to the county board.

(2) (i) The Commission consists of 11 members who shall be appointed in accordance with this paragraph.

(ii) The Governor shall appoint five members, one from each legislative district that lies in whole or in part in Anne Arundel County.

(iii) The County Executive of Anne Arundel County shall appoint one member from the county at large.

(iv) The following organizations shall each appoint one member:

1. The Teachers Association of Anne Arundel County;
2. The Annapolis and Anne Arundel County Chamber of Commerce;
3. The Anne Arundel County Council of Parent Teacher Associations;
4. The Anne Arundel County Community College Board of Trustees; and
5. The Association of Educational Leaders (AEL).

(3) (i) The Governor shall designate as chair of the Commission one of the five members appointed by the Governor under subsection (b)(2)(ii) of this section.

(ii) The term of the chair of the Commission is 4 years.

(iii) The Governor may reappoint the chair of the Commission for a second term.

(iv) The term of a member of the Commission is 4 years.

(4) The Department of Legislative Services shall provide staff for the Commission.

(5) [Beginning January 1, 2008, for] **FOR** each nomination to the county board, the Commission shall submit to the [Governor] **APPOINTING AUTHORITY SPECIFIED UNDER SUBSECTION (A) OF THIS SECTION DESIGNATED TO MAKE THAT NOMINATION** a list of nominees that contains:

(i) At least two names for each vacancy; or

(ii) If there are fewer than two applicants for a vacancy, the number of names that is equal to the number of applicants for the vacancy.

(c) (1) Following the appointment of a member of the Anne Arundel County Board of Education by the [Governor] **APPOINTING AUTHORITY SPECIFIED UNDER SUBSECTION (A) OF THIS SECTION**, a member may serve for the remainder of the member's term, as provided in § 3-108(c) of this subtitle[, subject to the approval or rejection of the registered voters of the county at the next general election].

(2) **[A] AN APPOINTED** member of the county board is eligible for nomination and reappointment for a second consecutive term in accordance with the provisions of subsections (a) and (b) of this section.

[(3) (i) The approval or rejection of a member of the county board by the registered voters of the county provided for in subparagraph (ii) of this paragraph shall be a vote for the member's retention or removal.

(ii) On receipt of the notice required under § 5-301(h) of the Election Law Article, the name of the member of the county board shall be placed on the appropriate ballot and shown, without opposition, and the voters shall vote for or against the member's retention as a member of the county board.

(4) If the voters reject the retention of the member, or the vote is tied:

(i) The position shall become vacant 10 days after certification of the election returns; and

(ii) The member serves until a successor is appointed and qualifies.]

(d) (1) The student member shall:

(i) Be a regularly enrolled senior year student of good character and in good standing in an Anne Arundel County public high school;

(ii) Be selected in the student's junior year by a method selected by the Chesapeake Regional Association of Student Councils of Anne Arundel County;

(iii) 1. Serve a term of 1 year; and

2. Continue to serve after graduation and until a successor is appointed and qualifies.

(2) If a vacancy in the position of the student member occurs during the term of the student member, the Chesapeake Regional Association of Student Councils shall:

(i) Conduct a special election at its next general meeting; and

(ii) By utilizing the same method that it used to select the previous student member of the board, select another student member to fill the vacancy.

(e) A board member who does not maintain the residency qualification shall be replaced as a member.

(f) If the boundary line of a legislative district changes, an incumbent member of the county board who, because of the change, no longer resides in the legislative district **OR COUNCILMANIC DISTRICT** from which the member was appointed **OR ELECTED** may complete the term.

(g) (1) The President of the Anne Arundel County Board of Education is entitled to receive \$8,000 annually as compensation and, except for the student member, the other board members are entitled to receive \$6,000 each annually as compensation.

(2) A student member who completes a full term on the board shall be granted a scholarship of \$6,000 to be applied toward the student's higher education costs.

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 ANNE ARUNDEL COUNTY, IN ACCORDANCE WITH § 3-110 OF THIS SUBTITLE AND § 3-2A-01 OF THIS TITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A COMBINATION OF MEMBERS WHO ARE ELECTED AND APPOINTED.**

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

**[(c)] (D)** 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.

**[(d)] (E)** 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 elections whether or not he is subject to the authority of the county board. The



1 Governor shall not issue a commission of election to a person who has certified  
2 affirmatively and who is elected to a county board until the member—elect offers proof  
3 that he is no longer subject to the authority of the county board.

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

6 **SUBTITLE 2A. ANNE ARUNDEL COUNTY.**

7 **3-2A-01.**

8 (A) IN ANNE ARUNDEL COUNTY, A MEMBER APPOINTED TO THE  
9 COUNTY BOARD BY THE GOVERNOR, THE COUNTY EXECUTIVE OF ANNE  
10 ARUNDEL COUNTY, OR THE COUNTY COUNCIL OF ANNE ARUNDEL COUNTY  
11 SHALL BE SELECTED FROM A LIST SUBMITTED TO THE APPOINTING AUTHORITY  
12 BY THE SCHOOL BOARD NOMINATING COMMISSION FOR ANNE ARUNDEL  
13 COUNTY UNDER § 3-110 OF THIS TITLE.

14 (B) THE ELECTED MEMBERS OF THE COUNTY BOARD SHALL BE  
15 ELECTED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 8 OF  
16 THE ELECTION LAW ARTICLE GOVERNING THE ELECTION OF MEMBERS OF  
17 COUNTY BOARDS OF EDUCATION.

18 SECTION 2. AND BE IT FURTHER ENACTED, That, except for the student  
19 member, the terms of the appointed members of the Anne Arundel County Board of  
20 Education in office on November 30, 2014, shall terminate at the end of November 30,  
21 2014.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2012.