

HOUSE BILL 1213

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2lr2914

By: **Delegates McComas, Impallaria, James, McDonough, Norman, Stifler, and Szeliga**

Introduced and read first time: February 10, 2012

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Harford County Board of Education – Student Member – Voting Rights**

3 FOR the purpose of providing that the student member of the Harford County Board
4 of Education has certain rights and privileges; prohibiting the student member
5 from voting on or participating in certain matters; making certain clarifying
6 changes; altering a certain definition; and generally relating to the Harford
7 County Board of Education and student member voting rights.

8 BY repealing and reenacting, with amendments,
9 Article – Education
10 Section 3–6A–01 and 3–6A–02
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2011 Supplement)

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

15 **Article – Education**

16 3–6A–01.

17 (a) (1) In this subtitle, “elected member” means a voting member elected
18 under subsection (d) or (e) of this section or a member appointed to an elected position
19 on the Harford County Board of Education under subsection (e)(2) of this section.

20 (2) “Elected member” does not include a:

21 (i) County superintendent of schools serving as an ex officio
22 member of the county board; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) [Nonvoting student] **STUDENT** member selected under
2 subsection (f) of this section.

3 (b) The county board consists of:

4 (1) Six elected members;

5 (2) Three appointed members;

6 (3) The county superintendent of schools, who is an ex officio
7 nonvoting member; and

8 (4) One [nonvoting] student member.

9 (c) (1) (i) A member from a councilmanic district shall be a resident of
10 that district.

11 (ii) A member from a councilmanic district who no longer
12 resides in that district may not continue as a member of the county board.

13 (2) A member of the county board shall be a registered voter of the
14 county for at least 3 years prior to the date of the beginning of the term of office of the
15 member.

16 (d) (1) Of the nine voting members of the county board **ELECTED OR**
17 **APPOINTED UNDER THIS SUBSECTION:**

18 (i) One member shall be elected from each of the six
19 councilmanic districts only by the voters of that councilmanic district; and

20 (ii) Three members shall be appointed by the Governor.

21 (2) The elected members shall be elected at a general election as
22 required by subsection (e) of this section.

23 (3) The appointed members shall be appointed, when appropriate,
24 within 90 days of the general election.

25 (e) (1) Except for the [nonvoting members] **EX OFFICIO MEMBER AND**
26 **THE STUDENT MEMBER**, a member serves for a term of 4 years beginning July 1 after
27 the election or appointment of the member and until a successor is elected or
28 appointed and qualifies.

29 (2) (i) Unless otherwise disqualified under this section, a member
30 of the county board is eligible for reelection or reappointment.

1 (ii) A voting **ELECTED** member **OR AN APPOINTED MEMBER**
2 may not serve for more than two consecutive terms as a voting member.

3 (3) The Harford County Board of Elections may adopt regulations to
4 implement this subsection.

5 (f) (1) The Harford County Council shall appoint a qualified individual to
6 fill any vacancy of an elected member on the county board for the remainder of the
7 term and until a successor is elected and qualifies.

8 (2) The Governor shall appoint a qualified individual to fill any
9 vacancy of an appointed member of the county board for the remainder of the term and
10 until a successor is appointed and qualifies.

11 (g) (1) The [nonvoting] student member of the county board shall be
12 elected by the high school students of the county in accordance with procedures
13 established by the Harford County public school system.

14 (2) The student member shall:

15 (i) Be an eleventh or twelfth grade student, in good standing,
16 and regularly enrolled in the Harford County public school system;

17 (ii) Be a student government association representative at the
18 student's high school;

19 (iii) Serve for 1 year beginning on July 1 after the election of the
20 member;

21 (iv) [Be a nonvoting] **EXCEPT AS OTHERWISE PROVIDED IN**
22 **PARAGRAPH (3) OF THIS SECTION, BE A VOTING** member; and

23 (v) Advise the county board on the thoughts and feelings of
24 students in the Harford County public schools.

25 (3) **(I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH**
26 **(III) OF THIS PARAGRAPH, THE STUDENT MEMBER OF THE HARFORD COUNTY**
27 **BOARD OF EDUCATION HAS THE SAME RIGHTS AND PRIVILEGES AS A MEMBER**
28 **APPOINTED OR ELECTED UNDER SUBSECTION (D) OF THIS SECTION.**

29 **(II) Unless invited to attend by an affirmative vote of a majority**
30 **of the county board, the student member may not attend an executive session of the**
31 **county board ADDRESSING A MATTER ON WHICH A STUDENT MEMBER IS**
32 **PROHIBITED FROM VOTING ON UNDER SUBPARAGRAPH (III) OF THIS**
33 **SUBSECTION.**

1 **(III) THE STUDENT MEMBER SHALL VOTE ON AND**
2 **PARTICIPATE IN ALL MATTERS EXCEPT THOSE RELATING TO:**

3 1. **GEOGRAPHICAL ATTENDANCE AREAS UNDER**
4 **§ 4-109 OF THIS ARTICLE;**

5 2. **ACQUISITION AND DISPOSITION OF REAL**
6 **PROPERTY AND MATTERS PERTAINING TO SCHOOL CONSTRUCTION UNDER**
7 **§ 4-115 OF THIS ARTICLE;**

8 3. **EMPLOYMENT OF ARCHITECTS UNDER § 4-117 OF**
9 **THIS ARTICLE;**

10 4. **DONATIONS UNDER § 4-118 OF THIS ARTICLE;**

11 5. **CONDEMNATION UNDER § 4-119 OF THIS**
12 **ARTICLE;**

13 6. **CONSOLIDATION OF SCHOOLS AND**
14 **TRANSPORTATION OF STUDENTS UNDER § 4-120 OF THIS ARTICLE;**

15 7. **APPOINTMENT AND SALARY OF A COUNTY**
16 **SUPERINTENDENT UNDER §§ 4-201 AND 4-202 OF THIS ARTICLE;**

17 8. **EMPLOYEE DISCIPLINE AND OTHER APPEALS**
18 **UNDER § 4-205(C) OF THIS ARTICLE;**

19 9. **BUDGETARY MATTERS UNDER TITLE 5 OF THIS**
20 **ARTICLE;**

21 10. **APPOINTMENT AND PROMOTION OF STAFF UNDER**
22 **§ 6-201 OF THIS ARTICLE;**

23 11. **DISCIPLINE OF CERTIFICATED STAFF UNDER**
24 **§ 6-202 OF THIS ARTICLE;**

25 12. **COLLECTIVE BARGAINING FOR CERTIFICATED**
26 **EMPLOYEES UNDER TITLE 6, SUBTITLE 4 OF THIS ARTICLE;**

27 13. **COLLECTIVE BARGAINING FOR**
28 **NONCERTIFICATED EMPLOYEES UNDER TITLE 6, SUBTITLE 5 OF THIS ARTICLE;**

1 **14. STUDENT SUSPENSION AND EXPULSION UNDER §**
2 **7-305 OF THIS ARTICLE; AND**

3 **15. SCHOOL CALENDAR AND CURRICULUM.**

4 3-6A-02.

5 (a) [The] **EXCEPT FOR THE STUDENT MEMBER, THE** State Board may
6 remove a voting member of the county board for:

7 (1) Immorality;

8 (2) Misconduct in office;

9 (3) Incompetency;

10 (4) Willful neglect of duty; or

11 (5) Failure to attend, without good cause, at least 75% of the
12 scheduled meetings of the county board in any 1 calendar year.

13 (b) Before removing a member, the State Board shall send the member a
14 copy of the charges and give the member an opportunity to request a hearing within
15 10 days.

16 (c) If the member requests a hearing within the 10-day period:

17 (1) The State Board promptly shall hold a hearing, but a hearing may
18 not be set within 10 days after the State Board sends the member a notice of the
19 hearing; and

20 (2) The member shall have an opportunity to be heard publicly before
21 the State Board in the member's own defense, in person or by counsel.

22 (d) A member removed under this section has the right to a de novo review of
23 the removal by the Circuit Court for Harford County.

24 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
25 **July 1, 2012.**