

HB1453/145769/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1453
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in its entirety the sponsor line and substitute “Baltimore County Delegation and Delegate Cardin”; strike line 2 in its entirety and substitute “Baltimore County – Board of Education – Selection of Members”; in line 3, after “of” insert “establishing a procedure for the election and appointment of certain members of the Baltimore County Board of Education; repealing certain provisions governing the appointment of all members of the county board; establishing the composition of the county board; providing for the qualifications, terms of office, and the filling of a vacancy of certain members of the county board; requiring the elected members of the county board to reside in, be a registered voter in, and be elected from certain districts; specifying that a member may not be elected or appointed to serve for more than a certain number of consecutive terms;”; strike beginning with “providing” in line 8 down through “Education” in line 12 and substitute “providing for a student member of the county board; providing for the term and duties of the student member; providing for the compensation of the members of the county board; providing for the removal of, and hearings and appeal procedures for, certain members of the county board; providing for the election of the chair and vice chair of the county board; providing for the termination of the terms of the appointed members of the county board; making certain conforming nomenclature changes; and generally relating to the election and appointment of members of the Baltimore County Board of Education”; in line 15, strike “3-108 and”; in the same line, after “3-109” insert “and 3-114”; and after line 17, insert:

“BY adding to

Article – Education

Section 3-2A-01 through 3-2A-09 to be under the new subtitle “Subtitle 2A.

Baltimore County”

Annotated Code of Maryland

(Over)

(2008 Replacement Volume and 2013 Supplement)”.

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 21 on page 1 through line 30 on page 3, inclusive, and substitute:

“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) Montgomery;

(12) Queen Anne's;

(13) St. Mary's;

(14) Somerset;

(15) Talbot;

(16) Washington; and

(17) Worcester.

(B) IN BALTIMORE COUNTY, IN ACCORDANCE WITH SUBTITLE 2A 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) In Prince George's County, in accordance with Subtitle 10 of this title, the members of the county board shall be a combination of members who are elected and appointed.

[(e)] (F) 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

(Over)

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

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

SUBTITLE 2A. BALTIMORE COUNTY.

3-2A-01.

(A) THE BALTIMORE COUNTY BOARD OF EDUCATION CONSISTS OF:

(1) SEVEN NONPARTISAN ELECTED MEMBERS;

(2) FOUR APPOINTED MEMBERS; AND

(3) ONE STUDENT MEMBER.

(B) (1) OF THE 11 ELECTED AND APPOINTED MEMBERS OF THE COUNTY BOARD:

(i) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE SEVEN COUNCILMANIC DISTRICTS IN THE COUNTY, ESTABLISHED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, BY THE VOTERS OF THAT DISTRICT; AND

(ii) FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR FROM THE COUNTY AT LARGE.

(2) (I) THE SEVEN ELECTED MEMBERS SHALL BE ELECTED AT A GENERAL ELECTION IN ACCORDANCE WITH § 3-2A-02 OF THIS SUBTITLE.

(II) THE FOUR APPOINTED MEMBERS SHALL BE APPOINTED BY THE GOVERNOR FROM A LIST OF NOMINEES SUBMITTED BY THE BALTIMORE COUNTY SCHOOL BOARD NOMINATING COMMISSION AS PROVIDED IN § 3-2A-03 OF THIS SUBTITLE:

1. ON THE EXPIRATION OF THE TERM OF AN INCUMBENT APPOINTED MEMBER WITHIN 30 DAYS AFTER THE GENERAL ELECTION; OR

2. WITHIN THE 30-DAY PERIOD OTHERWISE REQUIRED UNDER THIS SUBTITLE.

(3) (I) A MEMBER FROM A SCHOOL BOARD DISTRICT SHALL BE AT LEAST 21 YEARS OLD, A RESIDENT OF THAT DISTRICT FOR AT LEAST 2 YEARS, AND A REGISTERED VOTER OF THE COUNTY BEFORE THE ELECTION.

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

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

(4) (I) A MEMBER MAY NOT BE ELECTED OR APPOINTED TO SERVE ON THE COUNTY BOARD FOR MORE THAN THREE CONSECUTIVE TERMS.

(II) A MEMBER WHO HAS SERVED THREE CONSECUTIVE 4-YEAR TERMS MAY NOT BE ELECTED OR APPOINTED TO THE COUNTY BOARD UNTIL AT LEAST 4 YEARS HAVE ELAPSED SINCE THE END OF THE MEMBER'S LAST TERM ON THE COUNTY BOARD.

3-2A-02.

(A) AT THE GENERAL ELECTION FOR THE ELECTED MEMBERS OF THE COUNTY BOARD, THE BALLOT SHALL PROVIDE THE VOTERS OF THAT SCHOOL BOARD DISTRICT WITH THE CHOICE TO CAST A VOTE "FOR" A CANDIDATE FOR ELECTION FROM THAT DISTRICT ONLY.

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

(C) IN ANY ELECTION, IF NO CANDIDATE FILES A CERTIFICATE OF CANDIDACY FOR THE OFFICE OR IF NO INDIVIDUAL OTHERWISE QUALIFIES TO HAVE THE INDIVIDUAL'S NAME PLACED ON THE BALLOT, THE GOVERNOR SHALL APPOINT A MEMBER FROM A LIST OF NOMINEES SUBMITTED BY THE BALTIMORE COUNTY SCHOOL BOARD NOMINATING COMMISSION TO FILL THAT VACANCY NO LATER THAN 30 DAYS AFTER THE GENERAL ELECTION.

3-2A-03."

On page 4, in lines 1 and 2, strike "SCHOOL BOARD NOMINATING COMMISSION OF BALTIMORE COUNTY" and substitute "BALTIMORE COUNTY

SCHOOL BOARD NOMINATING COMMISSION"; in lines 1, 3, 7, 10, 12, 15, 19, 21, 23, 25, 27, 29, and 30, strike "~~(B) (1) (I)~~", "~~(II)~~", "~~(III)~~", "~~(2) (I)~~", "~~(II)~~", "~~(III)~~", "~~(IV)~~", "~~(V)~~", "~~1.~~", "~~2.~~", "~~3.~~", "~~4.~~", and "~~5.~~", respectively, and substitute "(A) (1)", "(2)", "(3)", "(B) (1)", "(2)", "(3)", "(4)", "(5)", "(I)", "(II)", "(III)", "(IV)", and "(V)", respectively; in line 10, strike "~~17~~" and substitute "19"; and in line 11, strike "~~PARAGRAPH~~" and substitute "SUBSECTION".

On page 5, in lines 1, 3, 5, 6, 9, 11, 13, 15, 17, 20, 21, 24, and 27, strike "~~6.~~", "~~7.~~", "~~8.~~", "~~(3) (I)~~", "~~(II)~~", "~~(III)~~", "~~(IV)~~", "~~(4)~~", "~~(5)~~", "~~(I)~~", "~~(II)~~", "~~(6) (I)~~", and "~~(II)~~", respectively, and substitute "(VI)", "(VII)", "(VIII)", "(C) (1)", "(2)", "(3)", "(4)", "(D)", "(E)", "(1)", "(2)", "(F) (1)", and "(2)", respectively; in line 4, strike "~~AND~~"; in line 5, after "~~COUNCILS~~" insert ";

(IX) THE COUNCIL OF ADMINISTRATIVE AND SUPERVISORY EMPLOYEES; AND

(X) THE EDUCATION SUPPORT PERSONNEL OF BALTIMORE COUNTY";

in line 8, strike "~~PARAGRAPH (2)(III) OF THIS SUBSECTION~~" and substitute "SUBSECTION (B)(3) OF THIS SECTION"; in line 17, strike "~~JANUARY 1, 2015~~" and substitute "OCTOBER 1, 2018"; and in the same line, strike "~~TO~~" and substitute "FOR A VACANCY ON"; and in line 24, after "~~ABSENT~~" insert "AN".

On pages 6 and 7, strike in their entirety the lines beginning with line 1 on page 6 through line 17 on page 7, inclusive.

On page 7, after line 17, insert:

"3-2A-04.

(Over)

(A) EXCEPT FOR THE STUDENT MEMBER, A MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE FIRST MONDAY IN DECEMBER AFTER THE MEMBER'S ELECTION OR APPOINTMENT AND UNTIL A SUCCESSOR IS ELECTED OR APPOINTED AND QUALIFIES.

(B) (1) AN INDIVIDUAL WHO TAKES OFFICE TO FILL A VACANCY FOR AN ELECTED OR APPOINTED MEMBER SERVES FOR THE REMAINDER OF THE TERM FOR WHICH THE APPOINTMENT WAS MADE AND UNTIL A SUCCESSOR IS ELECTED OR APPOINTED AND QUALIFIES.

(2) THE GOVERNOR SHALL ACT WITHIN 30 DAYS TO MAKE ANY APPOINTMENT TO THE COUNTY BOARD.

3-2A-05.

(A) THE STUDENT MEMBER SHALL:

(1) BE AN 11TH OR A 12TH GRADE STUDENT IN THE BALTIMORE COUNTY PUBLIC SCHOOL SYSTEM;

(2) SERVE FOR 1 YEAR; AND

(3) ADVISE THE COUNTY BOARD ON THE THOUGHTS AND FEELINGS OF STUDENTS.

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

(1) HEARINGS ON APPEALS OF SPECIAL EDUCATION PLACEMENTS;

(2) HEARINGS HELD UNDER § 6-202(A) OF THIS ARTICLE; OR

(3) COLLECTIVE BARGAINING.

(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE STUDENT MEMBER MAY VOTE ON ALL MATTERS EXCEPT THOSE RELATING TO:

(1) § 6-202(A) OF THIS ARTICLE;

(2) COLLECTIVE BARGAINING;

(3) CAPITAL AND OPERATING BUDGETS; AND

(4) SCHOOL CLOSINGS, REOPENINGS, AND BOUNDARIES.

(D) ON A MAJORITY VOTE OF THE NONSTUDENT MEMBERS, THE COUNTY BOARD MAY DETERMINE, ON A CASE-BY-CASE BASIS, WHETHER A MATTER UNDER CONSIDERATION IS COVERED BY THE EXCLUSIONARY PROVISIONS LISTED IN SUBSECTION (C) OF THIS SECTION.

3-2A-06.

(A) (1) EACH NONSTUDENT MEMBER OF THE COUNTY BOARD IS ENTITLED TO RECEIVE \$100 ANNUALLY AS COMPENSATION.

(2) A STUDENT MEMBER WHO COMPLETES A FULL TERM ON THE COUNTY BOARD SHALL BE GRANTED A SCHOLARSHIP OF \$100 TO BE APPLIED TOWARD THE STUDENT'S HIGHER EDUCATION COSTS.

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

3-2A-07.

A NONSTUDENT MEMBER OF THE COUNTY BOARD MAY NOT:

(1) BE A CANDIDATE FOR OR HOLD ELECTED OR APPOINTED OFFICE FOR:

(I) A POLITICAL PARTY; OR

(II) THE LOCAL, STATE, OR FEDERAL GOVERNMENT; OR

(2) BE A CURRENT EMPLOYEE OF THE BALTIMORE COUNTY PUBLIC SCHOOL SYSTEM.

3-2A-08.

(A) THE STATE BOARD MAY REMOVE AN ELECTED OR APPOINTED MEMBER OF THE COUNTY BOARD OR A MEMBER APPOINTED BY THE GOVERNOR TO FILL A VACANCY IN OFFICE FOR AN ELECTED OR APPOINTED MEMBER FOR ANY OF THE FOLLOWING REASONS:

(1) IMMORALITY;

(2) MISCONDUCT IN OFFICE;

(3) INCOMPETENCY;

(4) WILLFUL NEGLECT OF DUTY; OR

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

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

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

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

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

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

3-2A-09.

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

On page 7, before line 18, insert “[3-109.] **3-2A-10.**”; in line 18, strike “(F)” and substitute “(A)”; in line 20, after “the” insert “**COUNTY**”; and in line 21, strike “of education”.

On page 8, in lines 7, 9, and 27, strike “(G)”, “(H)”, and “(I)”, respectively, and substitute “(B)”, “(C)”, and “(D)”, respectively; strike beginning with “The” in line 16 down through “terms” in line 21 and substitute “**EACH MEMBER SHALL BE SELECTED TO SERVE A 2-YEAR TERM**”; and in lines 31 and 32, strike “of education”.

On page 9, in line 1, strike “(J)” and substitute “(E)”; after line 2, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the appointed members of the Baltimore County Board of Education shall expire as follows:

(a) The terms of the four members appointed at large who are in office on the effective date of this Act shall expire as follows:

(1) the term of the member whose term is scheduled to expire on June 30, 2015, shall expire at the end of December 6, 2015, and the Governor shall appoint a member to succeed that member to serve for a term of 4 years beginning on December 7, 2015, until a successor is appointed and qualifies;

(2) the term of the member whose term is scheduled to expire on June 30, 2016, shall expire at the end of December 4, 2016, and the Governor shall appoint a member to succeed that member to serve for a term of 4 years beginning on December 5, 2016, until a successor is appointed and qualifies; and

(3) the terms of the two members whose terms are scheduled to expire on June 30, 2018, shall expire at the end of December 2, 2018, and the Governor shall appoint two members from a list of nominees submitted by the Baltimore County School Board Nominating Commission as established by Section 1 of this Act to succeed those two departing members, each to serve for a term of 4 years beginning on December 3, 2018, until a successor is appointed and qualifies.

(b) The terms of the seven members appointed from councilmanic districts 1, 2, 3, 4, 5, 6, and 7 of Baltimore County, or their successors, who are in office on June 1, 2016, shall terminate at the end of December 2, 2018, and the members elected from those councilmanic/school board districts in Baltimore County at the general election in November 2018, shall succeed those appointed members and serve for a term of 4 years beginning on December 3, 2018, until a successor is elected and qualifies.

SECTION 3. AND BE IT FURTHER ENACTED, That the initial elected members of the Baltimore County Board of Education as provided under this Act shall be elected from the seven councilmanic/school board districts in Baltimore County at the general election in November 2018 and take office on December 3, 2018.

SECTION 4. AND BE IT FURTHER ENACTED, That, in appointing members to the Baltimore County Board of Education, the Governor shall ensure, to the extent practicable, that the total makeup of the county board reflects gender, ethnic, and racial diversity.”;

and in line 3, strike “2.” and substitute “5.”.