

HOUSE BILL 384

F3, G1
SB 10/13 – EHE

4r1444
CF SB 290

By: **Delegates Lafferty, Bromwell, Frank, and Morhaim**

Introduced and read first time: January 23, 2014

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of establishing a procedure for the election and appointment of
4 certain members of the Baltimore County Board of Education; repealing certain
5 provisions governing the appointment of all members of the county board;
6 establishing the composition of the county board; providing for the
7 qualifications, terms of office, and the filling of a vacancy of certain members of
8 the county board; requiring the elected members of the county board to reside
9 in, be a registered voter in, and be elected from certain districts; specifying that
10 a member may not be elected or appointed to serve for more than a certain
11 number of consecutive terms; providing for a student member of the county
12 board; providing for the term and duties of the student member; providing for
13 the removal of, and hearings and appeal procedures for, certain members of the
14 county board; providing for the election of the chair and vice chair of the county
15 board; providing for the compensation of the members of the county board;
16 providing for the termination of the terms of the appointed members of the
17 county board; making certain conforming nomenclature changes; and generally
18 relating to the election and appointment of members of the Baltimore County
19 Board of Education.

20 BY repealing and reenacting, with amendments,
21 Article – Education
22 Section 3–109 and 3–114
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2013 Supplement)

25 BY adding to
26 Article – Education
27 Section 3–2A–01 through 3–2A–08 to be under the new subtitle “Subtitle 2A.
28 Baltimore County”
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2008 Replacement Volume and 2013 Supplement)

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

4 **Article – Education**

5 3–114.

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

- 8 (1) Allegany;
- 9 (2) Calvert;
- 10 (3) Carroll;
- 11 (4) Cecil;
- 12 (5) Charles;
- 13 (6) Dorchester;
- 14 (7) Frederick;
- 15 (8) Garrett;
- 16 (9) Howard;
- 17 (10) Kent;
- 18 (11) Montgomery;
- 19 (12) Queen Anne’s;
- 20 (13) St. Mary’s;
- 21 (14) Somerset;
- 22 (15) Talbot;
- 23 (16) Washington; and
- 24 (17) Worcester.

1 **(B) IN BALTIMORE COUNTY, IN ACCORDANCE WITH SUBTITLE 2A OF**
2 **THIS TITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A COMBINATION**
3 **OF MEMBERS WHO ARE ELECTED AND APPOINTED.**

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

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

10 **[(d)] (E)** In Prince George's County, in accordance with Subtitle 10 of this
11 title, the members of the county board shall be a combination of members who are
12 elected and appointed.

13 **[(e)] (F)** An individual subject to the authority of the county board may not
14 serve as a member of the county board. At the time of filing a certificate of candidacy
15 for election to a county board, a person shall certify to the local board of supervisors of
16 elections whether or not he is subject to the authority of the county board. The
17 Governor shall not issue a commission of election to a person who has certified
18 affirmatively and who is elected to a county board until the member-elect offers proof
19 that he is no longer subject to the authority of the county board.

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

22 **SUBTITLE 2A. BALTIMORE COUNTY.**

23 **3-2A-01.**

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

25 **(1) SEVEN NONPARTISAN ELECTED MEMBERS;**

26 **(2) FOUR APPOINTED MEMBERS; AND**

27 **(3) ONE STUDENT MEMBER.**

28 **(B) (1) OF THE ELEVEN ELECTED AND APPOINTED MEMBERS OF THE**
29 **COUNTY BOARD:**

30 **(i) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE**
31 **SEVEN COUNCILMANIC DISTRICTS IN THE COUNTY, ESTABLISHED BY THE**

1 COUNTY COUNCIL OF BALTIMORE COUNTY, BY THE VOTERS OF THAT DISTRICT;
2 AND

3 (II) FOUR MEMBERS SHALL BE APPOINTED BY THE
4 GOVERNOR FROM THE COUNTY AT LARGE.

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

7 (II) THE FOUR APPOINTED MEMBERS SHALL BE APPOINTED
8 BY THE GOVERNOR:

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

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

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

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

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

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

26 (II) A MEMBER WHO HAS SERVED THREE CONSECUTIVE
27 4-YEAR TERMS MAY NOT BE ELECTED OR APPOINTED TO THE COUNTY BOARD
28 UNTIL AT LEAST 4 YEARS HAVE ELAPSED SINCE THE END OF THE MEMBER'S
29 LAST TERM ON THE COUNTY BOARD.

30 3-2A-02.

31 (A) AT THE GENERAL ELECTION FOR THE ELECTED MEMBERS OF THE
32 COUNTY BOARD, THE BALLOT SHALL PROVIDE THE VOTERS OF THAT SCHOOL

1 BOARD DISTRICT WITH THE CHOICE TO CAST A VOTE “FOR” A CANDIDATE FOR
2 ELECTION FROM THAT DISTRICT ONLY.

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

6 (C) IN ANY ELECTION, IF NO CANDIDATE FILES A CERTIFICATE OF
7 CANDIDACY FOR THE OFFICE OR IF NO INDIVIDUAL OTHERWISE QUALIFIES TO
8 HAVE THE INDIVIDUAL’S NAME PLACED ON THE BALLOT, THE GOVERNOR SHALL
9 APPOINT A MEMBER TO FILL THAT VACANCY NO LATER THAN 30 DAYS AFTER
10 THE GENERAL ELECTION.

11 **3-2A-03.**

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

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

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

22 **3-2A-04.**

23 (A) THE STUDENT MEMBER SHALL:

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

26 (2) SERVE FOR 1 YEAR; AND

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

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

1 (1) HEARINGS ON APPEALS OF SPECIAL EDUCATION
2 PLACEMENTS;

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

4 (3) COLLECTIVE BARGAINING.

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

7 (1) § 6-202(A) OF THIS ARTICLE;

8 (2) COLLECTIVE BARGAINING;

9 (3) CAPITAL AND OPERATING BUDGETS; AND

10 (4) SCHOOL CLOSINGS, REOPENINGS, AND BOUNDARIES.

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

15 **3-2A-05.**

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

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

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

25 **3-2A-06.**

26 A NONSTUDENT MEMBER OF THE COUNTY BOARD MAY NOT:

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

29 (I) A POLITICAL PARTY; OR

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

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

4 **3-2A-07.**

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

9 **(1) IMMORALITY;**

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

11 **(3) INCOMPETENCY;**

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

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

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

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

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

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

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

1 **3-2A-08.**

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

5 **[3-109.] 3-2A-09.**

6 [(a) The Baltimore County Board consists of 12 members who shall be
7 appointed as follows:

8 (1) Four from the county at large;

9 (2) One from each of the seven councilmanic districts in Baltimore
10 County; and

11 (3) One student member from the county at large.

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

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

15 (ii) Serve for 1 year; and

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

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

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

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

21 (iii) Collective bargaining.

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

24 (i) § 6-202(a) of this article;

25 (ii) Collective bargaining;

26 (iii) Capital and operating budgets; and

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

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

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

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

9 **[(e)] (A)** There is a School Shared Space Council in Baltimore County
10 consisting of 12 employees of the county appointed by the County Executive for a term
11 coterminous with that of the COUNTY board as follows:

12 (1) Two from the staff of the county board [of education];

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

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

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

17 (5) One from the Department of Aging;

18 (6) One from the Health Department;

19 (7) One from the county community colleges, subject to the following
20 conditions:

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

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

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

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

26 (10) One from the Department of Planning.

27 **[(f)] (B)** A county employee Council member who does not maintain his
28 employment in the county shall be replaced.

1 **[(g)] (C)** In addition to the county employee members, there shall be eight
2 county citizens selected as members of the Council as follows and with the following
3 duties:

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

8 (2) **[The initial members selected to represent legislative districts 5, 7,**
9 **9, and 11 shall each serve for a 2–year term beginning June 1, 1979, and ending May**
10 **31, 1981. Thereafter all members shall be selected to serve 2–year terms. The initial**
11 **members selected to represent legislative districts 8, 10, 12, and 13 shall each serve**
12 **for a 1–year term beginning June 1, 1979, and ending May 31, 1980, and thereafter all**
13 **members shall be selected for 2–year terms] EACH MEMBER SHALL BE SELECTED**
14 **TO SERVE A 2–YEAR TERM;**

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

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

20 **[(h)] (D)** The Council shall:

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

24 (2) Report its findings and recommendations to the county board **[of**
25 **education]** and the County Executive at least twice during the school year.

26 **[(i)] (E)** The County Executive may, by executive order, appoint up to two
27 additional members to the Council from agencies of the county government.

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

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

33 (1) the term of the member whose term is scheduled to expire on June
34 30, 2015, shall expire at the end of December 6, 2015, and the Governor shall appoint

1 a member to succeed that member to serve for a term of 4 years beginning on
2 December 7, 2015, until a successor is appointed and qualifies;

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

7 (3) the terms of the two members whose terms are scheduled to expire
8 on June 30, 2018, shall expire at the end of December 2, 2018, and the Governor shall
9 appoint two members to succeed those two departing members, each to serve for a
10 term of 4 years beginning on December 3, 2018, until a successor is appointed and
11 qualifies.

12 (b) The terms of the seven members appointed from councilmanic districts 1,
13 2, 3, 4, 5, 6, and 7 of Baltimore County, or their successors, who are in office on the
14 effective date of this Act, shall terminate at the end of December 4, 2016, and the
15 members elected from those councilmanic/school board districts in Baltimore County
16 at the general election in November 2016, shall succeed those appointed members and
17 serve for a term of 4 years beginning on December 5, 2016, until a successor is elected
18 and qualifies.

19 SECTION 3. AND BE IT FURTHER ENACTED, That the initial elected
20 members of the Baltimore County Board of Education as provided under this Act shall
21 be elected from the seven councilmanic/school board districts in Baltimore County at
22 the general election in November 2016 and take office on December 5, 2016.

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

27 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2014.