

# HOUSE BILL 777

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By: **Delegate McDonough**

Introduced and read first time: February 3, 2014

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring that certain members of the Baltimore County Board of  
4 Education be elected; requiring that certain members of the county board be  
5 appointed within a certain period of time; establishing the composition of the  
6 county board; providing for the qualifications, terms of office, and filling of a  
7 vacancy of certain members of the county board; establishing a procedure for  
8 the election and appointment of members of the county board; authorizing the  
9 Baltimore County Board of Elections to adopt certain regulations; providing for  
10 the election, terms, qualifications, and duty of a certain student member of the  
11 county board; providing for the election of the president and vice president of  
12 the county board; establishing certain removal, hearing, and appeal procedures  
13 for certain members of the county board; providing for the termination of the  
14 terms of certain appointed members of the county board; requiring the Governor  
15 to ensure a certain makeup of the county board; providing for the termination of  
16 the terms of certain members of the county board; defining a certain term;  
17 making conforming changes; and generally relating to the Baltimore County  
18 Board of Education.

19 BY repealing and reenacting, with amendments,  
20 Article – Education  
21 Section 3–108(a) and 3–114  
22 Annotated Code of Maryland  
23 (2008 Replacement Volume and 2013 Supplement)

24 BY repealing  
25 Article – Education  
26 Section 3–109  
27 Annotated Code of Maryland  
28 (2008 Replacement Volume and 2013 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – Education  
3 Section 3–109 and 3–109.1 through 3–109.3  
4 Annotated Code of Maryland  
5 (2008 Replacement Volume and 2013 Supplement)

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

8 **Article – Education**

9 3–108.

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

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

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

17 (ii) The Harford County Board of Education in accordance with  
18 § 3–6A–01 of this title;

19 (iii) The Caroline County Board of Education in accordance with  
20 § 3–3A–02 of this title;

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

23 **(v) THE BALTIMORE COUNTY BOARD OF EDUCATION IN**  
24 **ACCORDANCE WITH § 3–109 OF THIS SUBTITLE; AND**

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

27 [3–109.

28 (a) The Baltimore County Board consists of 12 members who shall be  
29 appointed as follows:

30 (1) Four from the county at large;

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

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

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

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

7                           (ii)   Serve for 1 year; and

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

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

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

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

13                           (iii)  Collective bargaining.

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

16                           (i)    § 6–202(a) of this article;

17                           (ii)   Collective bargaining;

18                           (iii)  Capital and operating budgets; and

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

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

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

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

1 (e) There is a School Shared Space Council in Baltimore County consisting of  
2 12 employees of the county appointed by the County Executive for a term coterminous  
3 with that of the board as follows:

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

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

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

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

9 (5) One from the Department of Aging;

10 (6) One from the Health Department;

11 (7) One from the county community colleges, subject to the following  
12 conditions:

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

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

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

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

18 (10) One from the Department of Planning.

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

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

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

27 (2) The initial members selected to represent legislative districts 5, 7,  
28 9, and 11 shall each serve for a 2-year term beginning June 1, 1979, and ending May  
29 31, 1981. Thereafter all members shall be selected to serve 2-year terms. The initial  
30 members selected to represent legislative districts 8, 10, 12, and 13 shall each serve

1 for a 1-year term beginning June 1, 1979, and ending May 31, 1980, and thereafter all  
2 members shall be selected for 2-year terms;

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

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

8 (h) The Council shall:

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

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

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

16 **3-109.**

17 (A) (1) IN THIS SUBTITLE, "VOTING MEMBER" MEANS A MEMBER  
18 ELECTED OR APPOINTED TO THE COUNTY BOARD UNDER SUBSECTION (D) OR  
19 (F) OF THIS SECTION.

20 (2) "VOTING MEMBER" DOES NOT INCLUDE THE STUDENT  
21 MEMBER SELECTED UNDER SUBSECTION (G) OF THIS SECTION.

22 (B) THE COUNTY BOARD CONSISTS OF:

23 (1) SEVEN ELECTED MEMBERS;

24 (2) FOUR APPOINTED MEMBERS; AND

25 (3) ONE STUDENT MEMBER.

26 (C) (1) (I) A MEMBER FROM A COUNCILMANIC DISTRICT SHALL BE  
27 A RESIDENT OF THAT DISTRICT.

28 (II) A MEMBER FROM A COUNCILMANIC DISTRICT WHO NO  
29 LONGER RESIDES IN THAT DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE  
30 COUNTY BOARD.

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

5                   (2) A MEMBER OF THE COUNTY BOARD SHALL BE A REGISTERED  
6 VOTER OF THE COUNTY FOR AT LEAST 3 YEARS PRIOR TO THE DATE OF THE  
7 BEGINNING OF THE TERM OF OFFICE OF THE MEMBER.

8                   (D) (1) OF THE 11 VOTING MEMBERS OF THE COUNTY BOARD  
9 ELECTED OR APPOINTED UNDER THIS SECTION:

10                   (I) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE  
11 SEVEN COUNCILMANIC DISTRICTS ONLY BY THE VOTERS OF THAT  
12 COUNCILMANIC DISTRICT; AND

13                   (II) FOUR MEMBERS SHALL BE APPOINTED BY THE COUNTY  
14 EXECUTIVE OF BALTIMORE COUNTY FROM THE COUNTY AT LARGE.

15                   (2) THE ELECTED MEMBERS SHALL BE ELECTED AT A GENERAL  
16 GUBERNATORIAL ELECTION AS REQUIRED BY THIS SUBSECTION.

17                   (3) THE APPOINTED MEMBERS SHALL BE APPOINTED, WHEN  
18 APPROPRIATE, WITHIN 90 DAYS AFTER THE GENERAL ELECTION.

19                   (E) (1) EXCEPT FOR THE STUDENT MEMBER, A MEMBER SERVES FOR  
20 A TERM OF 4 YEARS BEGINNING THE FIRST MONDAY IN JANUARY AFTER THE  
21 GUBERNATORIAL ELECTION OR APPOINTMENT OF THE MEMBER AND UNTIL A  
22 SUCCESSOR IS ELECTED OR APPOINTED AND QUALIFIES.

23                   (2) (I) UNLESS OTHERWISE DISQUALIFIED UNDER THIS  
24 SECTION, A MEMBER OF THE COUNTY BOARD IS ELIGIBLE FOR REELECTION OR  
25 REAPPOINTMENT.

26                   (II) AN ELECTED MEMBER OR AN APPOINTED MEMBER MAY  
27 NOT SERVE FOR MORE THAN TWO CONSECUTIVE TERMS AS A VOTING MEMBER.

28                   (3) THE BALTIMORE COUNTY BOARD OF ELECTIONS MAY ADOPT  
29 REGULATIONS TO IMPLEMENT THIS SUBSECTION.

30                   (F) THE COUNTY EXECUTIVE SHALL APPOINT A QUALIFIED INDIVIDUAL  
31 TO FILL ANY VACANCY OF AN ELECTED OR APPOINTED MEMBER ON THE

1 COUNTY BOARD FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS  
2 ELECTED AND QUALIFIES.

3 (G) (1) THE STUDENT MEMBER OF THE COUNTY BOARD SHALL BE  
4 ELECTED BY THE HIGH SCHOOL STUDENTS OF BALTIMORE COUNTY IN  
5 ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE BALTIMORE COUNTY  
6 PUBLIC SCHOOL SYSTEM.

7 (2) THE STUDENT MEMBER SHALL:

8 (I) BE AN 11TH OR 12TH GRADE STUDENT, IN GOOD  
9 STANDING, AND REGULARLY ENROLLED IN THE BALTIMORE COUNTY PUBLIC  
10 SCHOOL SYSTEM;

11 (II) SERVE FOR 1 YEAR BEGINNING ON JULY 1 AFTER THE  
12 ELECTION OF THE MEMBER;

13 (III) BE A NONVOTING MEMBER; AND

14 (IV) ADVISE THE COUNTY BOARD ON THE THOUGHTS AND  
15 FEELINGS OF STUDENTS IN THE BALTIMORE COUNTY PUBLIC SCHOOLS.

16 **3-109.1.**

17 (A) THE BALTIMORE COUNTY BOARD SHALL ELECT A PRESIDENT AND  
18 VICE PRESIDENT FROM AMONG THE VOTING MEMBERS.

19 (B) THE COUNTY BOARD SHALL ELECT A PRESIDENT AND VICE  
20 PRESIDENT AT ITS FIRST MEETING IN JANUARY.

21 (C) THE PRESIDENT AND VICE PRESIDENT SHALL SERVE A TERM OF 2  
22 YEARS.

23 (D) IF THERE IS A VACANCY IN THE OFFICE OF PRESIDENT OR VICE  
24 PRESIDENT, THE COUNTY BOARD SHALL FILL THE VACANCY WITHIN 30 DAYS  
25 AFTER THE VACANCY OCCURS.

26 **3-109.2.**

27 (A) EXCEPT FOR THE STUDENT MEMBER, THE STATE BOARD MAY  
28 REMOVE A VOTING MEMBER OF THE BALTIMORE COUNTY BOARD FOR:

29 (1) IMMORALITY;

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

2           (3)    **INCOMPETENCY;**

3           (4)    **WILLFUL NEGLIGENCE OF DUTY; OR**

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

7           **(B)    BEFORE REMOVING A VOTING MEMBER, THE STATE BOARD SHALL**  
8 **SEND THE MEMBER A COPY OF THE CHARGES AND GIVE THE MEMBER AN**  
9 **OPPORTUNITY TO REQUEST A HEARING WITHIN 10 DAYS AFTER THE STATE**  
10 **BOARD SENDS A COPY OF THE CHARGES.**

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

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

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

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

22   **3-109.3.**

23          **(A)    THERE IS A SCHOOL SHARED SPACE COUNCIL IN BALTIMORE**  
24 **COUNTY CONSISTING OF 12 EMPLOYEES OF THE COUNTY APPOINTED BY THE**  
25 **COUNTY EXECUTIVE FOR A TERM COTERMINOUS WITH THAT OF THE BOARD AS**  
26 **FOLLOWS:**

27           **(1)    TWO FROM THE STAFF OF THE BALTIMORE COUNTY BOARD**  
28 **OF EDUCATION;**

29           **(2)    TWO FROM THE COUNTY EXECUTIVE'S ADMINISTRATIVE**  
30 **STAFF, ONE OF WHOM SHALL BE THE DIRECTOR OF CENTRAL SERVICES;**



1           **(3) ONE FROM THE DEPARTMENT OF SOCIAL SERVICES;**

2           **(4) ONE FROM THE DEPARTMENT OF RECREATION AND PARKS;**

3           **(5) ONE FROM THE DEPARTMENT OF AGING;**

4           **(6) ONE FROM THE HEALTH DEPARTMENT;**

5           **(7) ONE FROM THE COUNTY COMMUNITY COLLEGES, SUBJECT TO**  
6 **THE FOLLOWING CONDITIONS:**

7                   **(I) REPRESENTATION SHALL BE DETERMINED ON A**  
8 **ROTATING BASIS BY ALPHABETICAL ORDER BY COMMUNITY COLLEGE NAME;**  
9 **AND**

10                   **(II) EACH MEMBER FROM THE COUNTY COMMUNITY**  
11 **COLLEGES SHALL SERVE FOR 1 YEAR;**

12           **(8) ONE FROM THE DEPARTMENT OF JUVENILE SERVICES;**

13           **(9) ONE FROM THE COUNTY PUBLIC LIBRARIES; AND**

14           **(10) ONE FROM THE DEPARTMENT OF PLANNING.**

15           **(B) A COUNCIL MEMBER WHO IS A COUNTY EMPLOYEE AND DOES NOT**  
16 **MAINTAIN EMPLOYMENT IN THE COUNTY SHALL BE REPLACED.**

17           **(C) IN ADDITION TO THE COUNTY EMPLOYEE MEMBERS, THERE SHALL**  
18 **BE EIGHT COUNTY CITIZENS SELECTED AS MEMBERS OF THE COUNCIL AS**  
19 **FOLLOWS AND WITH THE FOLLOWING DUTIES:**

20                   **(1) THE COUNTY CITIZEN MEMBERS SHALL BE SELECTED BY THE**  
21 **COUNTY EXECUTIVE. ONE MEMBER SHALL BE SELECTED FROM EACH**  
22 **LEGISLATIVE DISTRICT OF BALTIMORE COUNTY WITH THE APPROVAL OF THE**  
23 **STATE SENATOR FROM THAT DISTRICT. EACH LEGISLATIVE DISTRICT**  
24 **REPRESENTATIVE SHALL RESIDE IN THAT DISTRICT;**

25                   **(2) THE INITIAL MEMBERS SELECTED TO REPRESENT**  
26 **LEGISLATIVE DISTRICTS 5, 7, 9, AND 11 SHALL EACH SERVE FOR A 2-YEAR TERM**  
27 **BEGINNING JUNE 1, 1979, AND ENDING MAY 31, 1981. THEREAFTER ALL**  
28 **MEMBERS SHALL BE SELECTED TO SERVE 2-YEAR TERMS. THE INITIAL**  
29 **MEMBERS SELECTED TO REPRESENT LEGISLATIVE DISTRICTS 8, 10, 12, AND 13**

1 SHALL EACH SERVE FOR A 1-YEAR TERM BEGINNING JUNE 1, 1979, AND ENDING  
2 MAY 31, 1980, AND THEREAFTER ALL MEMBERS SHALL BE SELECTED FOR  
3 2-YEAR TERMS;

4 (3) A CITIZEN MEMBER SHALL BE ENTITLED TO ATTEND AND  
5 VOTE AT A COUNCIL SESSION WHERE AN ISSUE BEFORE THE COUNCIL  
6 CONCERNS THE SCHOOL OR SCHOOLS IN THE CITIZEN MEMBER'S RESPECTIVE  
7 DISTRICT; AND

8 (4) WHEN THE COUNCIL MEETS TO CONSIDER COUNTYWIDE  
9 ISSUES, ALL SELECTED CITIZEN MEMBERS SHALL BE ENTITLED TO ATTEND THE  
10 SESSIONS AND VOTE.

11 (D) THE COUNCIL SHALL:

12 (1) MEET AS NEEDED TO COMPILE THE NUMBER OF SPACES IN  
13 THE PUBLIC SCHOOLS OF THE COUNTY THAT ARE NOT FILLED AND TO  
14 EVALUATE THE FEASIBILITY OF THE UTILIZATION OF THE SPACES BY THE  
15 COMMUNITY AND COUNTY DEPARTMENTS; AND

16 (2) REPORT THE FINDINGS AND RECOMMENDATIONS OF THE  
17 COUNCIL TO THE COUNTY BOARD OF EDUCATION AND THE COUNTY EXECUTIVE  
18 AT LEAST TWICE DURING THE SCHOOL YEAR.

19 (E) THE COUNTY EXECUTIVE MAY, BY EXECUTIVE ORDER, APPOINT UP  
20 TO TWO ADDITIONAL MEMBERS TO THE COUNCIL FROM AGENCIES OF THE  
21 COUNTY GOVERNMENT.

22 3-114.

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

25 (1) Allegany;

26 (2) Calvert;

27 (3) Carroll;

28 (4) Cecil;

29 (5) Charles;

30 (6) Dorchester;

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

12           **(B)    IN BALTIMORE COUNTY, IN ACCORDANCE WITH § 3-109 OF THIS**  
13 **SUBTITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A COMBINATION OF**  
14 **MEMBERS WHO ARE ELECTED AND APPOINTED.**

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

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

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

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

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

3           SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the  
4 appointed members of the Baltimore County Board of Education who are then serving  
5 on the county board shall terminate at the end of January 6, 2019.

6           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 July 1, 2014.