

HOUSE BILL 555

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7lr0514

By: **Delegates Saab, Angel, S. Howard, Kipke, Malone, and McConkey**

Introduced and read first time: January 30, 2017

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Board of Education – Selection of Members**

3 FOR the purpose of requiring that, beginning with a certain election, the members of the
4 Anne Arundel County Board of Education be a combination of members who are
5 elected and appointed; repealing certain provisions of law governing the
6 appointment of members of the county board; establishing the composition of the
7 county board; requiring certain members of the county board to be elected from
8 certain districts; establishing certain procedures for the election of certain members
9 of the county board; providing for the residency requirements, terms of office, and
10 filling of a vacancy in the office of certain members of the county board; providing
11 that a certain member elected to the county board from a certain geographic area
12 but whose district boundaries subsequently are altered may remain as a member of
13 the county board for a certain period of time; authorizing the Anne Arundel County
14 Board of Elections to adopt certain regulations; repealing certain provisions of law
15 establishing and relating to the School Board Nominating Commission of Anne
16 Arundel County; repealing certain provisions of law relating to the approval or
17 rejection of the retention of a certain member by county voters in a certain general
18 election; providing for the removal of, and hearings and appeal procedures for,
19 certain members of the county board; providing for the expiration of the terms of
20 certain appointed members of the county board; making certain conforming changes;
21 and generally relating to the election and appointment of the members of the Anne
22 Arundel County Board of Education.

23 BY renumbering

24 Article – Education

25 Section 3–2A–01 through 3–2A–10, respectively, and the subtitle “Subtitle 2A.
26 Baltimore County”

27 to be Section 3–2B–01 through 3–2B–10, respectively, and the subtitle “Subtitle 2B.
28 Baltimore County”

29 Annotated Code of Maryland

30 (2014 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Education
3 Section 3–108(a), 3–110, and 3–114
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2016 Supplement)

6 BY adding to
7 Article – Education
8 Section 3–2A–01 through 3–2A–03 and 3–2A–06 to be under the new subtitle
9 “Subtitle 2A. Anne Arundel County”
10 Annotated Code of Maryland
11 (2014 Replacement Volume and 2016 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Education
14 Section 3–2B–01(a)
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2016 Supplement)
17 (As enacted by Section 1 of this Act)

18 BY repealing and reenacting, with amendments,
19 Article – Education
20 Section 3–2B–01(b)(2)
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2016 Supplement)
23 (As enacted by Section 1 of this Act)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
25 That Section(s) 3–2A–01 through 3–2A–10, respectively, and the subtitle “Subtitle 2A.
26 Baltimore County” of Article – Education of the Annotated Code of Maryland be
27 renumbered to be Section(s) 3–2B–01 through 3–2B–10, respectively, and the subtitle
28 “Subtitle 2B. Baltimore County”.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
30 as follows:

31 **Article – Education**

32 3–108.

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

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

1 (i) The Baltimore City Board of School Commissioners in
2 accordance with § 3-108.1 of this subtitle;

3 (ii) The Harford County Board of Education in accordance with
4 § 3-6A-01 of this title;

5 (iii) The Caroline County Board of Education in accordance with
6 § 3-3A-02 of this title;

7 (iv) The Anne Arundel County Board of Education in accordance with
8 [§ 3-110 of this subtitle] **SUBTITLE 2A OF THIS TITLE**; and

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

11 3-114.

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

13 (1) Allegany;

14 (2) Calvert;

15 (3) Carroll;

16 (4) Cecil;

17 (5) Charles;

18 (6) Dorchester;

19 (7) Frederick;

20 (8) Garrett;

21 (9) Howard;

22 (10) Kent;

23 (11) Montgomery;

24 (12) Queen Anne's;

25 (13) St. Mary's;

26 (14) Somerset;

1 (15) Talbot;

2 (16) Washington; and

3 (17) Worcester.

4 **(B) IN ANNE ARUNDEL COUNTY, IN ACCORDANCE WITH SUBTITLE 2A OF**
5 **THIS TITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A COMBINATION OF**
6 **MEMBERS WHO ARE ELECTED AND APPOINTED.**

7 **[(b)] (C)** In Baltimore City, in accordance with § 3–108.1 of this subtitle, the
8 members of the Baltimore City Board of School Commissioners shall be a combination of
9 members who are elected and appointed.

10 **[(c)] (D)** In Baltimore County, in accordance with **[Subtitle 2A] SUBTITLE 2B**
11 of this title, the members of the county board shall be a combination of members who are
12 elected and appointed.

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

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

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

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

29 **[(h)] (I)** The election of the county boards shall be held as provided in Subtitles
30 2 through 14 of this title and the Election Law Article.

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

32 **3–2A–01.**

33 **(A) THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION CONSISTS OF:**

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

2 **(2) ONE APPOINTED MEMBER; AND**

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

4 **(B) (1) OF THE EIGHT ELECTED AND APPOINTED MEMBERS OF THE**
5 **COUNTY BOARD:**

6 **(I) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE**
7 **SEVEN COUNCILMANIC DISTRICTS IN THE COUNTY, ESTABLISHED BY THE ANNE**
8 **ARUNDEL COUNTY COUNCIL, BY THE VOTERS OF THAT DISTRICT; AND**

9 **(II) ONE MEMBER SHALL BE APPOINTED BY THE COUNTY**
10 **EXECUTIVE OF ANNE ARUNDEL COUNTY FROM THE COUNTY AT LARGE.**

11 **(2) THE SEVEN ELECTED MEMBERS SHALL BE ELECTED AT A**
12 **GENERAL ELECTION IN ACCORDANCE WITH § 3-2A-02 OF THIS SUBTITLE AND TITLE**
13 **8, SUBTITLE 8 OF THE ELECTION LAW ARTICLE.**

14 **(C) THE STUDENT MEMBER SHALL BE SELECTED IN ACCORDANCE WITH**
15 **§ 3-2A-04 OF THIS SUBTITLE.**

16 **(D) (1) EACH MEMBER OF THE COUNTY BOARD MUST BE A RESIDENT OF**
17 **ANNE ARUNDEL COUNTY.**

18 **(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A MEMBER**
19 **FROM A DISTRICT WHO DOES NOT MAINTAIN RESIDENCY IN THAT DISTRICT MAY NOT**
20 **CONTINUE AS A MEMBER OF THE COUNTY BOARD AND THE OFFICE SHALL BE**
21 **DEEMED VACANT.**

22 **(3) IF THE BOUNDARY LINE OF A DISTRICT IS CHANGED, THE TERM OF**
23 **AN INCUMBENT MEMBER OF THE COUNTY BOARD WHO NO LONGER RESIDES IN THE**
24 **DISTRICT BECAUSE OF THE CHANGE IS NOT AFFECTED DURING THAT TERM.**

25 **3-2A-02.**

26 **(A) AT THE GENERAL ELECTION FOR THE ELECTED MEMBERS OF THE**
27 **COUNTY BOARD, THE BALLOT SHALL PROVIDE THE VOTERS OF A DISTRICT WITH THE**
28 **CHOICE TO CAST A VOTE “FOR” A CANDIDATE FOR ELECTION FROM THAT DISTRICT**
29 **ONLY.**

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

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

9 3-2A-03.

10 (A) (1) EACH ELECTED MEMBER OF THE COUNTY BOARD SERVES FOR A
11 TERM OF 4 YEARS BEGINNING ON THE FIRST MONDAY IN DECEMBER AFTER THE
12 MEMBER'S ELECTION AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

13 (2) THE TERMS OF THE ELECTED MEMBERS OF THE COUNTY BOARD
14 ARE STAGGERED AS FOLLOWS:

15 (I) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE
16 COUNCILMANIC DISTRICTS 1, 3, 4, AND 7 AT THE 2018 GENERAL ELECTION, AND
17 EVERY 4 YEARS THEREAFTER; AND

18 (II) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE
19 COUNCILMANIC DISTRICTS 2, 5, AND 6 AT THE 2020 GENERAL ELECTION, AND EVERY
20 4 YEARS THEREAFTER.

21 (B) BEGINNING JULY 1, 2019, AN APPOINTED MEMBER OF THE COUNTY
22 BOARD SERVES FOR A TERM OF 4 YEARS AND UNTIL A SUCCESSOR IS APPOINTED
23 AND QUALIFIES.

24 (C) A MEMBER OF THE COUNTY BOARD IS ELIGIBLE FOR REELECTION OR
25 REAPPOINTMENT FOR A SECOND CONSECUTIVE 4-YEAR TERM IN ACCORDANCE
26 WITH THE PROVISIONS OF THIS SUBTITLE.

27 (D) (1) THE ANNE ARUNDEL COUNTY COUNCIL SHALL APPOINT A
28 QUALIFIED INDIVIDUAL TO FILL ANY VACANCY IN AN ELECTED MEMBER'S POSITION
29 ON THE COUNTY BOARD FOR THE REMAINDER OF THE TERM AND UNTIL A
30 SUCCESSOR IS ELECTED AND QUALIFIES.

31 (2) THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY SHALL
32 APPOINT A QUALIFIED INDIVIDUAL TO FILL ANY VACANCY IN AN APPOINTED
33 MEMBER'S POSITION ON THE COUNTY BOARD FOR THE REMAINDER OF THE TERM
34 AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

1 **(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MEMBER**
2 **MAY NOT BE ELECTED OR APPOINTED TO SERVE ON THE COUNTY BOARD FOR MORE**
3 **THAN TWO CONSECUTIVE 4-YEAR TERMS.**

4 **(2) A MEMBER WHO IS APPOINTED TO FILL A VACANCY MAY NOT**
5 **SERVE ON THE COUNTY BOARD FOR MORE THAN 10 CONSECUTIVE YEARS.**

6 **(F) THE ANNE ARUNDEL COUNTY BOARD OF ELECTIONS MAY ADOPT**
7 **REGULATIONS TO IMPLEMENT THIS SECTION.**

8 **[3-110.] 3-2A-04.**

9 **[(a) (1) The Anne Arundel County Board consists of 9 members who shall be**
10 **appointed as follows:**

11 (i) 3 from the county at large;

12 (ii) 1 each from legislative districts 30, 31, 32, 33, and that portion
13 of legislative district 21 that lies within Anne Arundel County; and

14 (iii) 1 student member.

15 **(2) Except for the student member, the Governor shall appoint a member**
16 **of the county board from a list of nominees submitted by the School Board Nominating**
17 **Commission of Anne Arundel County as provided in subsection (b) of this section.**

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

20 (ii) The purpose of the Commission is to select nominees to be
21 recommended to the Governor as qualified candidates for appointment to the Anne Arundel
22 County Board of Education.

23 (iii) The Commission shall hold at least two public hearings on the
24 selection of nominees before recommending to the Governor nominees for appointment to
25 the county board.

26 **(2) The Commission consists of the following 13 members:**

27 (i) Three members appointed by the County Executive of Anne
28 Arundel County from the county at large:

29 1. One of whom shall be a parent of a child enrolled in the
30 Anne Arundel County public school system; and

- 1
2 Anne Arundel County;
- 3 (ii) One member appointed by the Teachers Association of Anne
4 Arundel County;
- 5 (iii) One member appointed by the Annapolis and Anne Arundel
6 County Chamber of Commerce;
- 7 (iv) One member appointed by the Anne Arundel County Community
8 College Board of Trustees;
- 9 (v) One member appointed by the Association of Educational
10 Leaders (AEL);
- 11 (vi) Two members appointed by the Anne Arundel County Council of
12 Parent Teacher Associations who may not:
- 13 1. Be affiliated with a teachers' union or association; or
14 2. Be a current employee of Anne Arundel County;
- 15 (vii) One member appointed by the Anne Arundel County Branch of
16 the National Association for the Advancement of Colored People (NAACP);
- 17 (viii) One member appointed by CASA de Maryland;
- 18 (ix) One member appointed by the Anne Arundel Special Education
19 Citizens' Advisory Committee who is a parent of a child with special needs in the Anne
20 Arundel County public school system; and
- 21 (x) Beginning June 1, 2016, and every 2 years thereafter, one
22 member appointed by a chamber of commerce based in Anne Arundel County on a rotating
23 basis in the following order:
- 24 1. The West Anne Arundel County Chamber of Commerce;
25 2. The Northern Anne Arundel County Chamber of
26 Commerce;
27 3. The Southern Anne Arundel Chamber of Commerce;
28 4. The Greater Crofton Chamber of Commerce; and
29 5. The Greater Severna Park and Arnold Chamber of
30 Commerce.

1 (3) (i) Each member of the Commission must be a resident of Anne
2 Arundel County.

3 (ii) Except for the members appointed under paragraph (2)(ii) and
4 (v) of this subsection, a member of the Commission may not be a current employee of a
5 county school board.

6 (4) (i) The Commission shall select a chair from among its members.

7 (ii) The term of the chair of the Commission is 2 years.

8 (5) (i) Except as provided in subparagraph (ii) of this paragraph, the
9 term of a member of the Commission is 4 years.

10 (ii) The term of a member appointed by a chamber of commerce
11 under paragraph (2)(x) of this subsection is 2 years.

12 (iii) A member may be reappointed but may not serve more than 8
13 years.

14 (6) The Anne Arundel County Board of Education shall provide staff for
15 the Commission.

16 (7) (i) The affirmative vote of at least eight members of the Commission
17 is required for the approval of any action.

18 (ii) A member of the Commission may not vote by proxy.

19 (8) (i) The Commission shall require each applicant for nomination to
20 complete an application that includes:

21 1. The full name and address of the individual;

22 2. Any former name used by the individual;

23 3. A statement as to whether the individual has any
24 conviction for a crime that:

25 A. Relates to the responsibilities of a member of the county
26 board; and

27 B. Has not been expunged or otherwise shielded;

28 4. A statement as to whether the individual has been
29 adjudged bankrupt or insolvent; and

1 5. A declaration that the statements made in the application
2 are true, correct, and complete to the best of the individual's knowledge and belief.

3 (ii) The Commission shall consult the Maryland Judiciary Case
4 Search to verify the statements made by the applicant under subparagraph (i) of this
5 paragraph.

6 (9) Beginning January 1, 2008, for each nomination to the county board,
7 the Commission shall submit to the Governor a list of nominees that contains:

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

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

11 (c) (1) Following the appointment of a member of the Anne Arundel County
12 Board of Education by the Governor, a member may serve for the remainder of the
13 member's term, as provided in § 3-108(c) of this subtitle, subject to the approval or rejection
14 of the registered voters of the county at the next general election.

15 (2) A member of the county board is eligible for nomination and
16 reappointment for a second consecutive term in accordance with the provisions of
17 subsections (a) and (b) of this section.

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

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

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

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

28 (ii) The member shall resign from the county board effective 10 days
29 after certification of the election returns; and

30 (iii) The member may not continue to serve on the county board.]

31 [(d) (1)] (A) The student member shall:

32 [(i)] (1) Be a regularly enrolled senior year student of good
33 character and in good standing in an Anne Arundel County public high school;

1 [(ii) (2) Be selected in the student's junior year by a method
2 selected by the Chesapeake Regional Association of Student Councils of Anne Arundel
3 County; AND

4 [(iii) 1.] (3) (I) Serve a term of 1 year; and

5 [2.] (II) Continue to serve after graduation and until a
6 successor is appointed and qualifies.

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

10 [(i) (1) Conduct a special election at its next general meeting; and

11 [(ii) (2) By utilizing the same method that it used to select the
12 previous student member of the board, select another student member to fill the vacancy.

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

15 (f) If the boundary line of a legislative district changes, an incumbent member of
16 the county board who, because of the change, no longer resides in the legislative district
17 from which the member was appointed may complete the term.]

18 **3-2A-05.**

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

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

26 **3-2A-06.**

27 (A) **THE STATE BOARD MAY REMOVE AN ELECTED OR APPOINTED MEMBER
28 OF THE COUNTY BOARD FOR ANY OF THE FOLLOWING REASONS:**

29 (1) **IMMORALITY;**

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

1 **(3) INCOMPETENCY;**

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

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

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

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

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

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

15 **(D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE**
16 **NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR ANNE ARUNDEL**
17 **COUNTY.**

18 3-2B-01.

19 (a) The Baltimore County Board of Education consists of:

20 (1) Seven nonpartisan elected members;

21 (2) Four appointed members; and

22 (3) One student member.

23 (b) (2) (i) The seven elected members shall be elected at a general election
24 in accordance with [§ 3-2A-02] **§ 3-2B-02** of this subtitle.

25 (ii) The four appointed members shall be appointed by the Governor
26 from a list of nominees submitted by the Baltimore County School Board Nominating
27 Commission as provided in [§ 3-2A-03] **§ 3-2B-03** of this subtitle:

28 1. On the expiration of the term of an incumbent appointed
29 member within 30 days after the general election; or

1 County at the general election in November 2020 shall succeed that member and serve for
2 a term of 4 years beginning on December 7, 2020, until a successor is elected and qualifies;
3 and

4 (8) the term of the member appointed from the county at large whose term
5 is scheduled to expire on June 30, 2019, shall expire at the end of June 30, 2019, and the
6 County Executive of Anne Arundel County shall appoint a member to succeed that member
7 and serve for a term of 4 years beginning on July 1, 2019, until a successor is elected and
8 qualifies.

9 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2017.