A BILL ENTITLED

1 AN ACT concerning
2
3 Harford County Board of Education – Alterations, Vacancy Procedures, and
4 Funding for Independent Positions

5 FOR the purpose of altering the number of appointed members on the Harford County
6 Board of Education, the appointment procedures, the beginning date and length of a
7 term, and the matters on which the appointed member is authorized to vote;
8 requiring the county board to fill a vacancy of an elected or appointed member on the
9 county board in a certain manner; altering the length of the initial terms of certain
10 elected members on the county board; requiring the Harford County government to
11 make a certain appropriation in the county budget for the county board beginning in
12 a certain fiscal year; increasing the annual stipend to which a nonstudent member
13 of the county board is entitled; and generally relating to the Harford County Board
14 of Education.

15 BY repealing and reenacting, with amendments,
16 Article – Education
17 Section 3–6A–01 and 3–6A–04
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2021 Supplement)

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

22 Article – Education

23 3–6A–01.

24 (a) (1) In this subtitle, “elected member” means a voting member elected under
25 subsection (d) or (e) of this section or a member appointed to an elected position on the
26 Harford County Board of Education under subsection [(f)(1)] (F) of this section.
“Elected member” does not include a:

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

(ii) Student member selected under subsection (g) of this section.

(b) The county board consists of:

(1) Six elected members;

(2) [Three] **ONE** appointed [members] MEMBER;

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

(4) One student member.

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

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

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

(d) (1) Of the [nine] **SEVEN** voting members of the county board elected or appointed under this subsection:

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

(ii) [Three members] **ONE** MEMBER shall be appointed by the [Governor] COUNTY EXECUTIVE.

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

(3) The appointed [members] MEMBER shall be appointed[, when appropriate,] within [90] **30** days of [the] EACH general election.

(e) (1) An elected member serves for a term of 4 years beginning on the first Monday in December after the election of the member and until a successor is elected and qualifies.
(2) [An] THE appointed member serves for a term of [4] 2 years beginning [July] JANUARY 1 after the appointment of the member and until a successor is appointed and qualifies.

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

(ii) A voting elected member or an appointed member may not serve for more than two consecutive terms as a voting member.

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

(f) (1) [The Harford County Council shall appoint] THE MEMBERS OF THE COUNTY BOARD SHALL SELECT a qualified individual to fill any vacancy of an elected OR APPOINTED member on the county board for the remainder of the term and until a successor is elected OR APPOINTED and qualifies.

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

(2) THE COUNTY BOARD SHALL ADVERTISE THE VACANCY IN AT LEAST ONE MEDIUM ACCESSIBLE TO THE GENERAL PUBLIC, INCLUDING:

(I) A NEWSPAPER OF GENERAL CIRCULATION IN THE REGION; OR

(II) THE HARFORD COUNTY PUBLIC SCHOOLS WEBSITE.

(3) AN INTERVIEW OF AN APPLICANT FOR A VACANCY ON THE COUNTY BOARD SHALL BE CONDUCTED BY THE BOARD AT A MEETING OPEN TO THE PUBLIC.

(4) (I) THE COUNTY BOARD SHALL PUBLISH A LIST OF THE NAMES OF THE APPLICANTS FOR A VACANCY ON THE BOARD AT LEAST 2 WEEKS BEFORE THE INTERVIEW OF THE FIRST APPLICANT IS SCHEDULED TO OCCUR.

(II) PUBLIC NOTICE OF THE DATE, TIME, AND LOCATION OF EACH INTERVIEW SHALL BE PUBLISHED:

1. AT LEAST 2 WEEKS BEFORE THE INTERVIEW IS SCHEDULED TO OCCUR; AND
2. **IN THE SAME MANNER AS A PUBLIC NOTICE OF A REGULAR MEETING OF THE BOARD IS PUBLISHED.**

(5) **THE COUNTY BOARD IS NOT REQUIRED TO CONDUCT DISCUSSIONS OF THE APPLICANTS OR MAKE THE FINAL SELECTION OF AN ELECTED OR APPOINTED MEMBER AT A MEETING OPEN TO THE PUBLIC.**

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

(2) The student member shall:

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

(ii) Be a student government association representative at the student’s high school;

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

(iv) Except as otherwise provided in paragraph (3) of this subsection, be a voting member; and

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

(3) (i) Except as otherwise provided in subparagraph (iii) of this paragraph, the student member of the county board has the same rights and privileges as a member appointed or elected under subsection (d) of this section.

(ii) Unless invited to attend by an affirmative vote of a majority of the county board, the student member may not attend an executive session of the county board addressing a matter on which a student member is prohibited from voting on under subparagraph (iii) of this paragraph.

(iii) The student member shall vote on and participate in all matters except those relating to:

1. Geographical attendance areas under § 4–109 of this article;

2. Acquisition and disposition of real property and matters pertaining to school construction under § 4–115 of this article;
3. Employment of architects under § 4–117 of this article;
4. Donations under § 4–118 of this article;
5. Condemnation under § 4–119 of this article;
6. Consolidation of schools and transportation of students under § 4–120 of this article;
7. Appointment and salary of a county superintendent under §§ 4–201 and 4–202 of this article;
8. Employee discipline and other appeals under § 4–205(c) of this article;
9. Budgetary matters under Title 5 of this article;
10. Appointment and promotion of staff under § 6–201 of this article;
11. Discipline of certificated staff under § 6–202 of this article;
12. Collective bargaining for certificated employees under Title 6, Subtitle 4 of this article;
13. Collective bargaining for noncertificated employees under Title 6, Subtitle 5 of this article;
14. Student suspension and expulsion under § 7–305 of this article; and
15. School calendar and curriculum.

(H) THE APPOINTED MEMBER MAY VOTE:

(1) ONLY ON THOSE MATTERS FOR WHICH THE STUDENT MEMBER MAY VOTE UNDER SUBSECTION (G)(3) OF THIS SECTION; OR

(2) TO BREAK A TIE IN VOTES OF THE ELECTED MEMBERS.

(I) BEGINNING IN FISCAL YEAR 2023 AND EACH FISCAL YEAR THEREAFTER, THE HARFORD COUNTY GOVERNMENT SHALL INCLUDE IN THE ANNUAL COUNTY BUDGET AN APPROPRIATION TO THE COUNTY BOARD EQUAL TO:
(1) **One-third of the compensation to which an attorney at the Harford County Legal Counsel Office is entitled, to be used for an outside counsel position with the County Board; and**

(2) **The average compensation to which a budget analyst with the Harford County Public Schools is entitled, to be used for an independent budget analyst position with the County Board.**

3–6A–04.

(a) **Beginning in 2023 and each year thereafter, each nonstudent member of the Harford County Board is entitled to receive $3,600 $4,680 annually for travel and other expenses related to the performance of duties as a member of the board.**

(b) Payments to a nonstudent member for the expenses described in subsection (a) of this section shall be paid in 12 equal monthly installments.

(c) Subject to the approval of the board, a nonstudent member may be reimbursed for additional travel and other expenses.

**SECTION 2. AND BE IT FURTHER ENACTED, That:**

(a) (1) To implement the reduction in the number of appointed members of the Harford County Board of Education from three to one as provided in § 3–6A–01(b) of the Education Article, as enacted by Section 1 of this Act, the positions of two of the current appointed members of the county board shall be eliminated in accordance with paragraph (2) of this subsection on June 1, 2022.

(2) The appointed members of the county board shall draw lots to determine which positions are eliminated in accordance with paragraph (1) of this subsection.

(b) (1) The initial terms of the members elected from the councilmanic districts C, E, and F at the general election in November 2022 shall expire in 2024.

(2) The initial terms under paragraph (1) of this subsection may not count toward the term limits as provided in § 3–6A–01(e) of the Education Article, as enacted by Section 1 of this Act.

**SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.**