

HOUSE BILL 481

F3, G1

2lr1699
CF SB 407

By: ~~Delegates Lafferty, Kach, Aumann, Boteler, DeBoy, Frank, Impallaria,
McDonough, and Morhaim~~ **Baltimore County Delegation**

Introduced and read first time: February 2, 2012

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2012

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County – Elected School Board**

3 FOR the purpose of establishing a procedure for the election of certain members of the
4 Baltimore County Board of Education; repealing certain provisions governing
5 the appointment of members of the Baltimore County Board of Education;
6 requiring the elected members of the county board to reside in, be a registered
7 voter in, and be elected from certain districts; establishing a certain term of
8 office for the elected members; specifying that a member may not be elected to
9 serve for more than a certain number of consecutive terms; providing for the
10 removal of members under certain circumstances; providing a procedure for
11 filling a vacancy for an elected member on the county board; providing for the
12 election of the chair and vice chair of the county board; providing for the
13 compensation of the members of the county board; providing for a School Board
14 Redistricting Commission for Baltimore County; specifying the membership,
15 appointment process, powers and duties, staffing, and termination of the
16 Commission; providing for the termination of the terms of the appointed
17 members of the county board; providing for the staggering of the initial terms of
18 the elected members of the county board; making certain conforming
19 nomenclature changes; and generally relating to the election of members for the
20 Baltimore County Board of Education.

21 BY repealing and reenacting, with amendments,

22 Article – Education

23 Section 3–109 and 3–114

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2008 Replacement Volume and 2011 Supplement)

3 BY adding to
4 Article – Education
5 Section 3–2A–01 through 3–2A–09 to be under the new subtitle “Subtitle 2A.
6 Baltimore County”
7 Annotated Code of Maryland
8 (2008 Replacement Volume and 2011 Supplement)

9 BY repealing and reenacting, without amendments,
10 Article – Election Law
11 Section 8–801
12 Annotated Code of Maryland
13 (2010 Replacement Volume and 2011 Supplement)

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

16 **Article – Education**

17 3–114.

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

- 20 (1) Allegany;
- 21 **(2) BALTIMORE;**
- 22 ~~[(2)] (3)~~ Calvert;
- 23 ~~[(3)] (4)~~ Carroll;
- 24 ~~[(4)] (5)~~ Cecil;
- 25 ~~[(5)] (6)~~ Charles;
- 26 ~~[(6)] (7)~~ Dorchester;
- 27 ~~[(7)] (8)~~ Frederick;
- 28 ~~[(8)] (9)~~ Garrett;
- 29 ~~[(9)] (10)~~ Howard;

- 1 [(10)] **(11)** Kent;
- 2 [(11)] **(12)** Prince George's;
- 3 [(12)] **(13)** Montgomery;
- 4 [(13)] **(14)** Queen Anne's;
- 5 [(14)] **(15)** St. Mary's;
- 6 [(15)] **(16)** Somerset;
- 7 [(16)] **(17)** Talbot;
- 8 [(17)] **(18)** Washington; and
- 9 [(18)] **(19)** Worcester.

10 (b) In Caroline County, in accordance with Subtitle 3A of this title, the
 11 members of the county board shall be a combination of members who are elected and
 12 appointed.

13 (c) In Harford County, in accordance with Subtitle 6A of this title, the
 14 members of the county board shall be a combination of members who are elected and
 15 appointed.

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

23 (e) The election of the county boards shall be held as provided in Subtitles 2
 24 through 14 of this title and the Election Law Article.

SUBTITLE 2A. BALTIMORE COUNTY.

3–2A–01.

(A) THE BALTIMORE COUNTY BOARD CONSISTS OF:

28 **(1) NINE NONPARTISAN MEMBERS ELECTED AS PROVIDED IN**
 29 **SUBSECTION (B) OF THIS SECTION; AND**

1 **(2) ONE STUDENT MEMBER FROM THE COUNTY AT LARGE.**

2 **(B) (1) THE NINE ELECTED MEMBERS SHALL BE ELECTED AT THE**
3 **GENERAL ELECTION.**

4 **(2) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE NINE**
5 **SCHOOL BOARD DISTRICTS IN THE COUNTY BY THE VOTERS OF THAT DISTRICT.**

6 **(3) (I) A MEMBER FROM A SCHOOL BOARD DISTRICT SHALL BE**
7 **A RESIDENT OF THAT DISTRICT AND A REGISTERED VOTER OF THE COUNTY**
8 **BEFORE THE ELECTION.**

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

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

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

18 **(II) A MEMBER WHO HAS SERVED THREE CONSECUTIVE**
19 **4-YEAR TERMS MAY NOT BE ELECTED OR APPOINTED TO THE COUNTY BOARD**
20 **UNTIL AT LEAST 4 YEARS HAVE ELAPSED SINCE THE END OF THE MEMBER'S**
21 **LAST TERM ON THE COUNTY BOARD.**

22 **3-2A-02.**

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

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

30 **(C) IN ANY ELECTION, IF NO CANDIDATE FILES A CERTIFICATE OF**
31 **CANDIDACY FOR THE OFFICE OR IF NO INDIVIDUAL OTHERWISE QUALIFIES TO**
32 **HAVE THE INDIVIDUAL'S NAME PLACED ON THE BALLOT, THE COUNTY**

1 EXECUTIVE SHALL APPOINT A MEMBER TO FILL THAT VACANCY WITH THE
2 ADVICE AND CONSENT OF THE COUNTY COUNCIL.

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

4 (A) EACH ELECTED MEMBER SERVES FOR A TERM OF 4 YEARS
5 BEGINNING ON THE ~~FIRST MONDAY IN DECEMBER AFTER~~ FIRST DAY IN JULY IN
6 THE YEAR FOLLOWING THE MEMBER'S ELECTION AND UNTIL A SUCCESSOR IS
7 ELECTED AND QUALIFIES.

8 (B) (1) (I) AN INDIVIDUAL NOMINATED BY THE COUNTY
9 EXECUTIVE AND AFFIRMED BY THE COUNTY COUNCIL TO FILL A VACANCY FOR
10 AN ELECTED MEMBER SERVES FOR THE REMAINDER OF THE TERM FOR WHICH
11 THE APPOINTMENT WAS MADE AND UNTIL A SUCCESSOR IS ELECTED AND
12 QUALIFIES.

13 (II) A NOMINEE MAY NOT TAKE OFFICE UNTIL THE COUNTY
14 COUNCIL HAS CONFIRMED THE NOMINATION.

15 (2) (I) THE COUNTY EXECUTIVE SHALL ACT PROMPTLY TO
16 FILL ANY APPOINTMENT TO THE COUNTY BOARD THAT THE COUNTY EXECUTIVE
17 IS AUTHORIZED TO MAKE.

18 (II) TO THE EXTENT PRACTICABLE, THE COUNTY
19 EXECUTIVE SHALL NOMINATE AND THE COUNTY COUNCIL SHALL ACT ON A
20 NOMINATION TO FILL ANY VACANCY THAT THE COUNTY EXECUTIVE IS
21 AUTHORIZED TO MAKE WITHIN 60 DAYS AFTER THE DATE OF THE VACANCY.

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

23 (A) THE STUDENT MEMBER SHALL:

24 (1) BE AN 11TH OR 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 ELECTED MEMBER OF THE COUNTY BOARD IS ENTITLED
17 TO RECEIVE ~~\$3,000~~ \$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 ~~\$3,000~~ \$100 TO BE
20 APPLIED 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 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 **SCHOOL SYSTEM.**

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

5 **(A) THE STATE BOARD MAY REMOVE AN ELECTED MEMBER OF THE**
6 **COUNTY BOARD OR A MEMBER APPOINTED BY THE COUNTY EXECUTIVE AND**
7 **CONFIRMED BY THE COUNTY COUNCIL TO FILL A VACANCY IN OFFICE FOR AN**
8 **ELECTED MEMBER FOR 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~~ JULY OF**
3 **EACH YEAR, THE COUNTY BOARD SHALL ELECT A CHAIR AND VICE CHAIR FROM**
4 **AMONG THE MEMBERS.**

5 **3-2A-09.**

6 **(A) THERE IS A SCHOOL BOARD REDISTRICTING COMMISSION FOR**
7 **BALTIMORE COUNTY.**

8 **(B) FOLLOWING EACH DECENNIAL CENSUS, THE COUNTY EXECUTIVE,**
9 **ON NOTICE TO THE COUNTY COUNCIL AND THE RESPECTIVE CHAIRS OF THE**
10 **BALTIMORE COUNTY SENATE AND HOUSE DELEGATIONS TO THE GENERAL**
11 **ASSEMBLY, SHALL CALL FOR THE SCHOOL BOARD REDISTRICTING**
12 **COMMISSION TO BE CONVENED.**

13 **(C) (1) THE SCHOOL BOARD REDISTRICTING COMMISSION CONSISTS**
14 **OF THE FOLLOWING INDIVIDUALS:**

15 **(I) THREE MEMBERS OF WHOM AT LEAST ONE SHALL BE A**
16 **MEMBER OF THE MINORITY PARTY OF THE DELEGATION, APPOINTED BY THE**
17 **CHAIR OF THE SENATE DELEGATION;**

18 **(II) THREE MEMBERS OF WHOM AT LEAST ONE SHALL BE A**
19 **MEMBER OF THE MINORITY PARTY OF THE DELEGATION, APPOINTED BY THE**
20 **CHAIR OF THE HOUSE DELEGATION; AND**

21 **(III) ONE MEMBER APPOINTED BY THE COUNTY EXECUTIVE.**

22 **(2) NO INDIVIDUAL WHO HOLDS AN ELECTED OFFICE IN THE**
23 **LOCAL, STATE, OR FEDERAL GOVERNMENT MAY BE APPOINTED TO THE SCHOOL**
24 **BOARD REDISTRICTING COMMISSION.**

25 **(D) THE SCHOOL BOARD REDISTRICTING COMMISSION SHALL ELECT A**
26 **CHAIR FROM AMONG ITS MEMBERS.**

27 **(E) THE COUNTY EXECUTIVE AND THE COUNTY COUNCIL SHALL**
28 **PROVIDE STAFF SUPPORT FOR THE SCHOOL BOARD REDISTRICTING**
29 **COMMISSION.**

30 **(F) (1) THE SCHOOL BOARD REDISTRICTING COMMISSION SHALL**
31 **RECOMMEND THE ESTABLISHMENT OF NINE SCHOOL BOARD DISTRICTS FROM**
32 **WHICH THE ELECTED MEMBERS OF THE COUNTY BOARD SHALL BE ELECTED.**

1 (2) THE SCHOOL BOARD REDISTRICTING COMMISSION SHALL
2 ENDEAVOR TO ESTABLISH SCHOOL BOARD DISTRICTS THAT, TO THE EXTENT
3 PRACTICABLE:

4 (I) ARE OF SUBSTANTIALLY EQUAL POPULATION SO THAT
5 THE POPULATION OF A DISTRICT IS NOT GREATER THAN OR LESS THAN THE
6 IDEAL DISTRICT SIZE BY AN AMOUNT THAT IS MORE THAN 3% OF THE IDEAL
7 DISTRICT SIZE;

8 (II) ARE COMPACT;

9 (III) ARE CONTIGUOUS;

10 (IV) ENHANCE THE OPPORTUNITY FOR MINORITY
11 REPRESENTATION; ~~AND~~

12 (V) ARE MINDFUL OF SCHOOL ATTENDANCE BOUNDARIES
13 AND FEEDER ALIGNMENTS FOR ELEMENTARY, MIDDLE, AND HIGH SCHOOLS;
14 AND

15 ~~(V)~~ (VI) KEEP COMMUNITIES OF INTEREST TOGETHER.

16 (G) AFTER ITS ESTABLISHMENT FOLLOWING EACH DECENNIAL CENSUS,
17 THE SCHOOL BOARD REDISTRICTING COMMISSION SHALL COMPLETE ITS TASK
18 AS SOON AS PRACTICABLE AND ON COMPLETION SHALL REPORT ITS FINDINGS
19 AND RECOMMENDATIONS TO THE PUBLIC.

20 ~~(H) THIRTY DAYS AFTER ENACTMENT OF LEGISLATION TO ESTABLISH~~
21 ~~THE SCHOOL BOARD DISTRICTS BY THE COUNTY COUNCIL AND COUNTY~~
22 ~~EXECUTIVE OR A FINAL ORDER ESTABLISHING THE SCHOOL BOARD DISTRICTS~~
23 ~~BY A JUDICIAL AUTHORITY, THE SCHOOL BOARD REDISTRICTING COMMISSION~~
24 ~~FOR THAT CENSUS SHALL TERMINATE.~~

25 (H) THIRTY DAYS AFTER THE RELEASE OF THE SCHOOL BOARD
26 REDISTRICTING COMMISSION RECOMMENDATIONS TO THE PUBLIC:

27 (1) THE RECOMMENDATIONS SHALL TAKE EFFECT, UNLESS
28 OTHERWISE DIRECTED BY A JUDICIAL AUTHORITY; AND

29 (2) THE SCHOOL BOARD REDISTRICTING COMMISSION FOR
30 THAT CENSUS SHALL TERMINATE.

31 [3-109.] 3-2A-10.

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

3 (1) Four from the county at large;

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

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

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

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

10 (ii) Serve for 1 year; and

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

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

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

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

16 (iii) Collective bargaining.

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

19 (i) § 6–202(a) of this article;

20 (ii) Collective bargaining;

21 (iii) Capital and operating budgets; and

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

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

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

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

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

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

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

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

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

12 (5) One from the Department of Aging;

13 (6) One from the Health Department;

14 (7) One from the county community colleges, subject to the following
15 conditions:

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

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

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

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

21 (10) One from the Department of Planning.

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

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

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

1 SECTION 3. AND BE IT FURTHER ENACTED, That the initial terms of the
2 elected members of the Baltimore County Board of Education as required under this
3 Act are staggered as follows:

4 (a) five members shall be elected to the county board at the general election
5 of November 2014, one each from school board districts 1, 3, 5, 7, and 9, and serve for a
6 term of 4 years, commencing on July 1, 2015; and

7 (b) four members shall be elected to the county board at the general election
8 of November 2016, one each from school board districts 2, 4, 6, and 8, and serve for a
9 term of 4 years, commencing on July 1, 2017.

10 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.