

SENATE BILL 1062

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4lr3296
CF HB 1453

By: **Senator Kelley**

Introduced and read first time: February 20, 2014

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Baltimore County School Board Nominating Commission**

3 FOR the purpose of establishing the Baltimore County School Board Nominating
4 Commission; providing for the membership, duties, terms, and staffing of the
5 Commission; requiring the Governor to designate a chair of the Commission;
6 requiring the Governor to make appointments to the Baltimore County Board of
7 Education from a list of nominees submitted to the Governor by the
8 Commission; providing that a member's appointment to the Baltimore County
9 Board of Education is subject to approval or rejection by the registered voters of
10 Baltimore County at the general election following the appointment; and
11 generally relating to the Baltimore County School Board Nominating
12 Commission and appointments to the Baltimore County Board of Education.

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 3–108 and 3–109
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2013 Supplement)

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

20 **Article – Education**

21 3–108.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

7 (iii) The Caroline County Board of Education in accordance with
8 § 3-3A-02 of this title;

9 (iv) The Anne Arundel County Board of Education in accordance
10 with § 3-110 of this subtitle; [and]

11 **(v) THE BALTIMORE COUNTY BOARD OF EDUCATION IN**
12 **ACCORDANCE WITH § 3-109 OF THIS SUBTITLE; AND**

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

15 (b) (1) Each member shall be appointed solely because of character and
16 fitness and without regard to political affiliation.

17 (2) An individual who is subject to the authority of the county board
18 may not be appointed to or serve on the county board.

19 (c) (1) Each member serves for a term of 5 years beginning July 1 after
20 the member's appointment and until a successor is appointed and qualifies.

21 (2) The Governor shall appoint a new member to fill any vacancy on
22 an appointed board for the remainder of that term and until a successor is appointed
23 and qualifies.

24 (3) Unless otherwise disqualified under this section, a member of a
25 board is eligible for reappointment. However, an individual may not serve for more
26 than 2 consecutive terms.

27 (d) (1) With the approval of the Governor, the State Superintendent may
28 remove any member of a county board appointed under this section for:

29 (i) Immorality;

30 (ii) Misconduct in office;

31 (iii) Incompetency;

1 (iv) Willful neglect of duty; or

2 (v) Failure to attend, without good cause, at least half of the
3 scheduled meetings of the board in any one calendar year.

4 (2) Before removing a member, the State Superintendent shall send
5 the member a copy of the charges against him and give him an opportunity within 10
6 days to request a hearing.

7 (3) If the member requests a hearing within the 10-day period:

8 (i) The State Superintendent promptly shall hold a hearing, but
9 a hearing may not be set within 10 days after the State Superintendent sends the
10 member a notice of the hearing; and

11 (ii) The member shall have an opportunity to be heard publicly
12 before the State Superintendent in his own defense, in person or by counsel.

13 (4) If a member who is removed so requests, the State Superintendent
14 shall file with the clerk of the circuit court for the county from which the member was
15 appointed:

16 (i) A complete statement of all charges made against the
17 member;

18 (ii) The findings of the State Superintendent; and

19 (iii) A complete record of the proceedings.

20 3-109.

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

23 [(1)] (I) Four from the county at large;

24 [(2)] (II) One from each of the seven councilmanic districts in
25 Baltimore County; and

26 [(3)] (III) One student member from the county at large.

27 (2) **EXCEPT FOR THE STUDENT MEMBER, THE GOVERNOR SHALL**
28 **APPOINT A MEMBER OF THE COUNTY BOARD FROM A LIST OF NOMINEES**
29 **SUBMITTED BY THE SCHOOL BOARD NOMINATING COMMISSION OF BALTIMORE**
30 **COUNTY AS PROVIDED IN SUBSECTION (B) OF THIS SECTION.**

1 **(B) (1) (I) THERE IS A SCHOOL BOARD NOMINATING COMMISSION**
2 **OF BALTIMORE COUNTY.**

3 **(II) THE PURPOSE OF THE COMMISSION IS TO SELECT**
4 **NOMINEES TO BE RECOMMENDED TO THE GOVERNOR AS QUALIFIED**
5 **CANDIDATES FOR APPOINTMENT TO THE BALTIMORE COUNTY BOARD OF**
6 **EDUCATION.**

7 **(III) THE COMMISSION SHALL HOLD AT LEAST TWO PUBLIC**
8 **HEARINGS ON THE SELECTION OF NOMINEES BEFORE RECOMMENDING TO THE**
9 **GOVERNOR NOMINEES FOR APPOINTMENT TO THE COUNTY BOARD.**

10 **(2) (I) THE COMMISSION CONSISTS OF 17 MEMBERS WHO**
11 **SHALL BE APPOINTED IN ACCORDANCE WITH THIS PARAGRAPH.**

12 **(II) THE COMMISSION SHALL REFLECT THE RICH**
13 **CULTURAL, GEOGRAPHIC, ETHNIC, AND RACIAL DIVERSITY OF BALTIMORE**
14 **COUNTY.**

15 **(III) THE GOVERNOR, IN CONSULTATION WITH THE COUNTY**
16 **EXECUTIVE OF BALTIMORE COUNTY, SHALL APPOINT EIGHT MEMBERS, ONE**
17 **FROM EACH LEGISLATIVE DISTRICT THAT LIES IN WHOLE OR IN PART IN**
18 **BALTIMORE COUNTY.**

19 **(IV) THE COUNTY EXECUTIVE OF BALTIMORE COUNTY**
20 **SHALL APPOINT ONE MEMBER FROM THE COUNTY AT LARGE.**

21 **(V) THE FOLLOWING ORGANIZATIONS EACH SHALL**
22 **APPOINT ONE MEMBER:**

23 **1. THE TEACHERS ASSOCIATION OF BALTIMORE**
24 **COUNTY;**

25 **2. THE BALTIMORE COUNTY CHAMBER OF**
26 **COMMERCE;**

27 **3. THE BALTIMORE COUNTY PARENT TEACHER**
28 **ASSOCIATION COUNCIL;**

29 **4. TOWSON UNIVERSITY;**

30 **5. THE LEAGUE OF WOMEN VOTERS OF BALTIMORE**
31 **COUNTY;**

1 **6. THE BALTIMORE COUNTY BRANCH OF THE**
2 **NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE;**

3 **7. THE BALTIMORE COUNTY PUBLIC SCHOOLS'**
4 **SPECIAL EDUCATION CITIZENS' ADVISORY COMMITTEE; AND**

5 **8. THE BALTIMORE COUNTY STUDENT COUNCILS.**

6 **(3) (I) THE GOVERNOR SHALL DESIGNATE AS CHAIR OF THE**
7 **COMMISSION ONE OF THE EIGHT MEMBERS APPOINTED BY THE GOVERNOR**
8 **UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION.**

9 **(II) THE TERM OF THE CHAIR OF THE COMMISSION IS 4**
10 **YEARS.**

11 **(III) THE GOVERNOR MAY REAPPOINT THE CHAIR OF THE**
12 **COMMISSION FOR A SECOND TERM.**

13 **(IV) THE TERM OF A MEMBER OF THE COMMISSION IS 4**
14 **YEARS.**

15 **(4) THE BALTIMORE COUNTY PUBLIC SCHOOLS SHALL PROVIDE**
16 **STAFF FOR THE COMMISSION.**

17 **(5) BEGINNING JANUARY 1, 2015, FOR EACH NOMINATION TO**
18 **THE COUNTY BOARD, THE COMMISSION SHALL SUBMIT TO THE GOVERNOR A**
19 **LIST OF NOMINEES THAT CONTAINS:**

20 **(I) AT LEAST TWO NAMES FOR EACH VACANCY; OR**

21 **(II) IF THERE ARE FEWER THAN TWO APPLICANTS FOR A**
22 **VACANCY, THE NUMBER OF NAMES THAT IS EQUAL TO THE NUMBER OF**
23 **APPLICANTS FOR THE VACANCY.**

24 **(6) (I) ABSENT EXTRAORDINARY CIRCUMSTANCE, THE**
25 **GOVERNOR SHALL APPOINT A MEMBER TO THE COUNTY BOARD FROM THE LIST**
26 **PROVIDED BY THE COMMISSION.**

27 **(II) IF THE GOVERNOR ELECTS NOT TO APPOINT A MEMBER**
28 **FROM A LIST SUBMITTED BY THE COMMISSION, THE GOVERNOR SHALL RETURN**
29 **THE LIST TO THE COMMISSION AND REQUEST THAT THE COMMISSION SUBMIT**
30 **THE NAMES OF ADDITIONAL QUALIFIED CANDIDATES.**

1 **(7) (I) FOLLOWING THE APPOINTMENT OF A MEMBER OF THE**
 2 **BALTIMORE COUNTY BOARD OF EDUCATION BY THE GOVERNOR, A MEMBER**
 3 **MAY SERVE FOR THE REMAINDER OF THE MEMBER’S TERM, AS PROVIDED IN §**
 4 **3–108(C) OF THIS SUBTITLE, SUBJECT TO THE APPROVAL OR REJECTION OF**
 5 **THE REGISTERED VOTERS OF THE COUNTY AT THE NEXT GENERAL ELECTION.**

6 **(II) A MEMBER OF THE COUNTY BOARD IS ELIGIBLE FOR**
 7 **NOMINATION AND REAPPOINTMENT FOR A SECOND CONSECUTIVE TERM IN**
 8 **ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION AND**
 9 **PARAGRAPHS (1) THROUGH (6) OF THIS SUBSECTION.**

10 **(III) 1. THE APPROVAL OR REJECTION OF A MEMBER OF**
 11 **THE COUNTY BOARD BY THE REGISTERED VOTERS OF THE COUNTY PROVIDED**
 12 **FOR IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH SHALL BE A VOTE FOR**
 13 **THE MEMBER’S RETENTION OR REMOVAL.**

14 **2. ON RECEIPT OF THE NOTICE REQUIRED UNDER §**
 15 **5–301(H) OF THE ELECTION LAW ARTICLE, THE NAME OF THE MEMBER OF THE**
 16 **COUNTY BOARD SHALL BE PLACED ON THE APPROPRIATE BALLOT AND SHOWN,**
 17 **WITHOUT OPPOSITION, AND THE VOTERS SHALL VOTE FOR OR AGAINST THE**
 18 **MEMBER’S RETENTION AS A MEMBER OF THE COUNTY BOARD.**

19 **(IV) IF THE VOTERS REJECT THE RETENTION OF THE**
 20 **MEMBER, OR THE VOTE IS TIED:**

21 **1. THE POSITION SHALL BECOME VACANT 10 DAYS**
 22 **AFTER CERTIFICATION OF THE ELECTION RETURNS; AND**

23 **2. THE MEMBER SERVES UNTIL A SUCCESSOR IS**
 24 **APPOINTED AND QUALIFIES.**

25 **[(b)] (C) (1) The student member shall:**

26 **(i) Be an eleventh or twelfth grade student in the Baltimore**
 27 **County public school system;**

28 **(ii) Serve for 1 year; and**

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

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

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

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

3 (iii) Collective bargaining.

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

6 (i) § 6–202(a) of this article;

7 (ii) Collective bargaining;

8 (iii) Capital and operating budgets; and

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

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

13 **[(c)] (D)** A board member who does not maintain his residential
14 qualification shall be replaced as a member.

15 **[(d)] (E)** If the boundary line of a councilmanic district is changed, the term
16 of an incumbent member of the county board who no longer resides in the
17 councilmanic district because of the change is not affected during this term.

18 **[(e)] (F)** There is a School Shared Space Council in Baltimore County
19 consisting of 12 employees of the county appointed by the County Executive for a term
20 coterminous with that of the board as follows:

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

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

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

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

26 (5) One from the Department of Aging;

27 (6) One from the Health Department;

28 (7) One from the county community colleges, subject to the following
29 conditions:

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

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

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

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

6 (10) One from the Department of Planning.

7 **[(f)] (G)** A county employee Council member who does not maintain his
8 employment in the county shall be replaced.

9 **[(g)] (H)** In addition to the county employee members, there shall be eight
10 county citizens selected as members of the Council as follows and with the following
11 duties:

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

16 (2) The initial members selected to represent legislative districts 5, 7,
17 9, and 11 shall each serve for a 2-year term beginning June 1, 1979, and ending May
18 31, 1981. Thereafter all members shall be selected to serve 2-year terms. The initial
19 members selected to represent legislative districts 8, 10, 12, and 13 shall each serve
20 for a 1-year term beginning June 1, 1979, and ending May 31, 1980, and thereafter all
21 members shall be selected for 2-year terms;

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

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

27 **[(h)] (I)** The Council shall:

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

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

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2014.