

HOUSE BILL 334

F3

EMERGENCY BILL

2lr0924

By: **Delegate Impallaria**

Introduced and read first time: January 19, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Harford County Board of Education – Alterations, Vacancy Procedures, and**
3 **Funding for Independent Positions**

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

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

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

21 **Article – Education**

22 3–6A–01.

23 (a) (1) In this subtitle, “elected member” means a voting member elected under
24 subsection (d) or (e) of this section or a member appointed to an elected position on the
25 Harford County Board of Education under subsection [(f)(1)] **(F)** of this section.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) "Elected member" does not include a:

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

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

5 (b) The county board consists of:

6 (1) Six elected members;

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

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

10 (4) One student member.

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

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

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

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

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

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

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

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

27 (e) (1) An elected member serves for a term of 4 years beginning on the first
28 Monday in December after the election of the member and until a successor is elected and
29 qualifies.

1 (2) [An] **THE** appointed member serves for a term of [4] **2** years beginning
2 [July] **JANUARY** 1 after the appointment of the member and until a successor is appointed
3 and qualifies.

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

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

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

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

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

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

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

21 **(II) THE HARFORD COUNTY PUBLIC SCHOOLS WEBSITE.**

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

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

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

30 **1. AT LEAST 2 WEEKS BEFORE THE INTERVIEW IS**
31 **SCHEDULED TO OCCUR; AND**

1 **2. IN THE SAME MANNER AS A PUBLIC NOTICE OF A**
2 **REGULAR MEETING OF THE BOARD IS PUBLISHED.**

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

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

9 (2) The student member shall:

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

12 (ii) Be a student government association representative at the
13 student's high school;

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

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

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

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

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

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

29 1. Geographical attendance areas under § 4-109 of this
30 article;

31 2. Acquisition and disposition of real property and matters
32 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 **(1) ONE-THIRD OF THE COMPENSATION TO WHICH AN ATTORNEY AT**
2 **THE HARFORD COUNTY LEGAL COUNSEL OFFICE IS ENTITLED, TO BE USED FOR AN**
3 **OUTSIDE COUNSEL POSITION WITH THE COUNTY BOARD; AND**

4 **(2) THE AVERAGE COMPENSATION TO WHICH A BUDGET ANALYST**
5 **WITH THE HARFORD COUNTY PUBLIC SCHOOLS IS ENTITLED, TO BE USED FOR AN**
6 **INDEPENDENT BUDGET ANALYST POSITION WITH THE COUNTY BOARD.**

7 3-6A-04.

8 (a) [Each] **BEGINNING IN 2023 AND EACH YEAR THEREAFTER, EACH**
9 nonstudent member of the Harford County Board is entitled to receive [~~\$3,600~~] **\$4,680**
10 annually for travel and other expenses related to the performance of duties as a member of
11 the board.

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

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

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

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

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

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

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

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