

HOUSE BILL 734

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5lr1206
CF SB 406

By: **Delegates Saab, S. Howard, Kipke, McMillan, Simonaire, and Vitale**

Introduced and read first time: February 13, 2015

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 establishing a procedure for the election and appointment of certain
4 members of the Anne Arundel County Board of Education; repealing certain
5 provisions governing the appointment of all members of the county board;
6 establishing the composition of the county board; providing for the qualifications,
7 terms of offices, and the filling of a vacancy of certain members of the county board;
8 repealing certain provisions relating to the retention election of certain appointed
9 members of the county board; requiring the County Executive of Anne Arundel
10 County and the Governor to appoint certain members of the School Board
11 Nominating Commission of Anne Arundel County; requiring the elected members of
12 the county board to reside in, be a registered voter in, and be elected from certain
13 districts; specifying that a member may not be elected or appointed to serve for more
14 than a certain number of terms; providing for the removal of, and hearings and
15 appeal procedures for, certain members of the county board; altering the amount of
16 compensation for certain members of the county board; providing for the termination
17 of terms of the appointed members of the county board; and generally relating to the
18 election and appointment of members of the Anne Arundel County Board of
19 Education.

20 BY renumbering

21 Article – Education

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

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

26 Annotated Code of Maryland

27 (2014 Replacement Volume and 2014 Supplement)

28 BY repealing and reenacting, with amendments,

29 Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 3–110 and 3–114
2 Annotated Code of Maryland
3 (2014 Replacement Volume and 2014 Supplement)

4 BY adding to
5 Article – Education
6 Section 3–2A–01 through 3–2A–09 to be under the new subtitle “Subtitle 2A. Anne
7 Arundel County”
8 Annotated Code of Maryland
9 (2014 Replacement Volume and 2014 Supplement)

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

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

17 **Article – Education**

18 3–114.

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

- 20 (1) Allegany;
21 (2) Calvert;
22 (3) Carroll;
23 (4) Cecil;
24 (5) Charles;
25 (6) Dorchester;
26 (7) Frederick;
27 (8) Garrett;
28 (9) Howard;
29 (10) Kent;
30 (11) Montgomery;

- 1 (12) Queen Anne's;
2 (13) St. Mary's;
3 (14) Somerset;
4 (15) Talbot;
5 (16) Washington; and
6 (17) Worcester.

7 (b) **IN ANNE ARUNDEL COUNTY, IN ACCORDANCE WITH SUBTITLE 2A OF**
8 **THIS TITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A COMBINATION OF**
9 **MEMBERS WHO ARE ELECTED AND APPOINTED.**

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

13 [(c)] (d) 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 [(d)] (e) 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 [(e)] (f) 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 [(f)] (g) 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 he is subject to the authority of the county board. The Governor shall not issue a
26 commission of election to a person who has certified affirmatively and who is elected to a
27 county board until the member-elect offers proof that he is no longer subject to the
28 authority of the county board.

29 [(g)] (h) 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.**

1 **3-2A-01.**

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

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

4 (2) **THREE APPOINTED MEMBERS; AND**

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

6 (B) (1) **OF THE 10 ELECTED AND APPOINTED MEMBERS OF THE COUNTY**
7 **BOARD:**

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

11 (II) **THREE MEMBERS SHALL BE APPOINTED BY THE COUNTY**
12 **EXECUTIVE OF ANNE ARUNDEL COUNTY FROM THE COUNTY AT LARGE.**

13 (2) (I) **THE SEVEN ELECTED MEMBERS SHALL BE ELECTED AT A**
14 **GENERAL ELECTION IN ACCORDANCE WITH § 3-2A-02 OF THIS SUBTITLE.**

15 (II) **THE THREE APPOINTED MEMBERS SHALL BE APPOINTED BY**
16 **THE COUNTY EXECUTIVE FROM A LIST OF NOMINEES SUBMITTED BY THE SCHOOL**
17 **BOARD NOMINATING COMMISSION OF ANNE ARUNDEL COUNTY AS PROVIDED IN §**
18 **3-2A-03 OF THIS SUBTITLE:**

19 1. **ON THE EXPIRATION OF THE TERM OF AN INCUMBENT**
20 **APPOINTED MEMBER WITHIN 30 DAYS AFTER THE GENERAL ELECTION; OR**

21 2. **WITHIN THE 30-DAY PERIOD OTHERWISE REQUIRED**
22 **UNDER THIS SUBTITLE.**

23 (3) (I) **A MEMBER FROM A COUNCILMANIC DISTRICT SHALL BE AT**
24 **LEAST 21 YEARS OLD, A RESIDENT OF THAT DISTRICT FOR AT LEAST 2 YEARS, AND A**
25 **REGISTERED VOTER OF THE COUNTY BEFORE THE ELECTION.**

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

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

5 **(4) A MEMBER MAY NOT BE ELECTED OR APPOINTED TO SERVE ON**
6 **THE COUNTY BOARD FOR MORE THAN TWO TERMS.**

7 **3-2A-02.**

8 **(A) AT THE GENERAL ELECTION FOR THE ELECTED MEMBERS OF THE**
9 **COUNTY BOARD, THE BALLOT SHALL PROVIDE THE VOTERS OF THAT COUNCILMANIC**
10 **DISTRICT WITH THE CHOICE TO CAST A VOTE “FOR” A CANDIDATE FOR ELECTION**
11 **FROM THAT DISTRICT ONLY.**

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

14 **(C) IN ANY ELECTION, IF NO CANDIDATE FILES A CERTIFICATE OF**
15 **CANDIDACY FOR THE OFFICE OR IF NO INDIVIDUAL OTHERWISE QUALIFIES TO HAVE**
16 **THE INDIVIDUAL’S NAME PLACED ON THE BALLOT, THE COUNTY EXECUTIVE OF**
17 **ANNE ARUNDEL COUNTY SHALL APPOINT A MEMBER FROM A LIST OF NOMINEES**
18 **SUBMITTED BY THE SCHOOL BOARD NOMINATING COMMISSION OF ANNE ARUNDEL**
19 **COUNTY TO FILL THAT VACANCY NO LATER THAN 30 DAYS AFTER THE GENERAL**
20 **ELECTION.**

21 **[3-110.] 3-2A-03.**

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

24 **(i) 3 from the county at large;**

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

27 **(iii) 1 student member.**

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

31 **[(b) (A) (1) [(i) There is a School Board Nominating Commission of Anne**
32 **Arundel County.**

1 [(ii) (2)] The purpose of the Commission is to select nominees to be
2 recommended to the [Governor] **COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY** as
3 qualified candidates for appointment to the Anne Arundel County Board of Education.

4 [(iii) (3)] The Commission shall hold at least two public hearings on
5 the selection of nominees before recommending to the [Governor] **COUNTY EXECUTIVE**
6 nominees for appointment to the county board.

7 [(2) (i)](B) (1) The Commission consists of 11 members who shall be
8 appointed in accordance with this paragraph.

9 [(ii) (2) (I)] The [Governor] **COUNTY EXECUTIVE** shall appoint five
10 members, one from each **GENERAL ASSEMBLY** legislative district that lies in whole or in
11 part in Anne Arundel County.

12 [(iii) (II)] The [County Executive of Anne Arundel County]
13 **GOVERNOR** shall appoint one member from the county at large.

14 [(iv) (3)] The following organizations shall each appoint one
15 member:

16 [1.] (I) The Teachers Association of Anne Arundel County;

17 [2.] (II) The Annapolis and Anne Arundel County Chamber
18 of Commerce;

19 [3.] (III) The Anne Arundel County Council of Parent
20 Teacher Associations;

21 [4.] (IV) The Anne Arundel County Community College
22 Board of Trustees; and

23 [5.] (V) The Association of Educational Leaders (AEL).

24 [(3) (i) (C) (1)] The [Governor] **COUNTY EXECUTIVE** shall designate as
25 chair of the Commission one of the five members appointed [by the Governor] under
26 [paragraph (2)(ii) of this] subsection **(B)(2)(I) OF THIS SECTION**.

27 [(ii) (2)] The term of the chair of the Commission is 4 years.

28 [(iii) (3)] The [Governor] **COUNTY EXECUTIVE** may reappoint the
29 chair of the Commission for a second term.

30 [(iv) (4)] The term of a member of the Commission is 4 years.

1 **[(4)] (D)** The Department of Legislative Services shall provide staff for the
2 Commission.

3 **[(5)] (E)** Beginning January 1, 2008, for each nomination to the county
4 board, the Commission shall submit to the **[Governor] COUNTY EXECUTIVE** a list of
5 nominees that contains:

6 **[(i)] (1)** At least two names for each vacancy; or

7 **[(ii)] (2)** If there are fewer than two applicants for a vacancy, the
8 number of names that is equal to the number of applicants for the vacancy.

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

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

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

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

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

24 (i) The position shall become vacant 10 days after certification of the
25 election returns; and

26 (ii) The member serves until a successor is appointed and qualifies.]

27 **3-2A-04.**

28 **(A) EXCEPT FOR THE STUDENT MEMBER, A MEMBER SERVES FOR A TERM**
29 **OF 4 YEARS BEGINNING ON THE FIRST MONDAY IN DECEMBER AFTER THE**
30 **MEMBER'S ELECTION OR APPOINTMENT AND UNTIL A SUCCESSOR IS ELECTED OR**
31 **APPOINTED AND QUALIFIES.**

1 **(B) (1) AN INDIVIDUAL WHO TAKES OFFICE TO FILL A VACANCY FOR AN**
2 **ELECTED OR APPOINTED MEMBER SERVES FOR THE REMAINDER OF THE TERM FOR**
3 **WHICH THE APPOINTMENT WAS MADE AND UNTIL A SUCCESSOR IS ELECTED OR**
4 **APPOINTED AND QUALIFIES.**

5 **(2) THE COUNTY EXECUTIVE SHALL ACT WITHIN 30 DAYS TO MAKE**
6 **ANY APPOINTMENT TO THE COUNTY BOARD.**

7 **3-2A-05.**

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

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

11 **[(ii)] (2)** Be selected in the student's junior year by a method
12 selected by the Chesapeake Regional Association of Student Councils of Anne Arundel
13 County;

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

15 **[2.] (II)** Continue to serve after graduation and until a
16 successor is appointed and qualifies.

17 **[(2)] (B)** If a vacancy in the position of the student member occurs during
18 the term of the student member, the Chesapeake Regional Association of Student Councils
19 shall:

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

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

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

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

28 **3-2A-06.**

29 **A NONSTUDENT MEMBER OF THE COUNTY BOARD MAY NOT:**

1 **(1) BE A CANDIDATE FOR OR HOLD ELECTED OR APPOINTED OFFICE**
2 **FOR:**

3 **(I) A POLITICAL PARTY; OR**

4 **(II) THE LOCAL, STATE, OR FEDERAL GOVERNMENT; OR**

5 **(2) BE A CURRENT EMPLOYEE OF THE ANNE ARUNDEL COUNTY**
6 **PUBLIC SCHOOL SYSTEM.**

7 **3-2A-07.**

8 **(A) WITH THE APPROVAL OF THE COUNTY EXECUTIVE, THE STATE BOARD**
9 **MAY REMOVE A MEMBER OF THE COUNTY BOARD FOR ANY OF THE FOLLOWING**
10 **REASONS:**

11 **(1) IMMORALITY;**

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

13 **(3) INCOMPETENCY;**

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

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

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

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

21 **(1) THE STATE BOARD PROMPTLY SHALL HOLD A HEARING, BUT A**
22 **HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS THE**
23 **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 PERSON**
26 **OR BY COUNSEL.**

1 (D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE
2 NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR ANNE ARUNDEL
3 COUNTY.

4 3-2A-08.

5 AT THE FIRST MEETING OF THE COUNTY BOARD IN DECEMBER OF EACH YEAR,
6 THE COUNTY BOARD SHALL ELECT A CHAIR AND VICE CHAIR FROM AMONG THE
7 MEMBERS.

8 3-2A-09.

9 [(g)] (A) [(1)] The President of the Anne Arundel County Board of Education is
10 entitled to receive [\$8,000] **\$14,000** annually as compensation and, except for the student
11 member, the other board members are entitled to receive [\$6,000] **\$12,000** each annually
12 as compensation.

13 [(2)] (B) A student member who completes a full term on the board shall
14 be granted a scholarship of [\$6,000] **\$12,000** to be applied toward the student's higher
15 education costs.

16 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the appointed
17 members of the Anne Arundel County Board of Education shall expire as follows:

18 (a) The terms of the three members appointed at large shall expire as follows:

19 (1) the term of the member whose term is scheduled to expire on June 30,
20 2017, shall expire at the end of December 3, 2017, and the County Executive of Anne
21 Arundel County shall appoint a member to succeed that member to serve for a term of 5
22 years beginning on December 4, 2017, until a successor is appointed and qualifies;

23 (2) the term of the member whose term is scheduled to expire on June 30,
24 2018, shall expire at the end of December 2, 2018, and the County Executive of Anne
25 Arundel County shall appoint a member to succeed that member to serve for a term of 4
26 years beginning on December 3, 2018, until a successor is appointed and qualifies; and

27 (3) the term of the member whose term is scheduled to expire on June 30,
28 2019, shall expire at the end of December 1, 2019, and the County Executive of Anne
29 Arundel County shall appoint a member to succeed that member to serve for a term of 4
30 years beginning on December 2, 2019, until a successor is appointed and qualifies.

31 (b) The terms of the five members appointed from legislative districts 30, 31, 32,
32 33, and for that portion of legislative district 21 that lies within Anne Arundel County, or
33 their successors, who are in office on July 1, 2018, shall terminate at the end of December
34 2, 2018, and the members elected from the councilmanic districts in Anne Arundel County
35 at the general election in November 2018, shall succeed those appointed members and serve

1 for a term of 4 years beginning on December 3, 2018, until a successor is elected and
2 qualifies.

3 SECTION 4. AND BE IT FURTHER ENACTED, That the initial elected members
4 of the Anne Arundel County Board of Education as provided under this Act shall be elected
5 from the seven councilmanic districts in Anne Arundel County at the general election in
6 November 2018 and take office on December 3, 2018.

7 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2015.