

HOUSE BILL 1299

F3

7lr0670

By: **Howard County Delegation**

Introduced and read first time: February 10, 2017

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County Board of Education – Elected School Board**

3 **Ho. Co. 11-17**

4 FOR the purpose of requiring that, beginning with a certain election, certain members of
5 the Howard County Board of Education shall reside in certain districts and be elected
6 by the voters of the entire county and that certain members may reside anywhere in
7 the county and shall be elected at large by the voters of the entire county; providing
8 that a member elected to the county board from a certain geographic area but whose
9 district boundaries are subsequently altered may remain as a member of the county
10 board for a certain period; providing that in making an appointment to fill a vacancy
11 on the county board the County Executive of Howard County shall endeavor to
12 ensure that the county board reflects certain characteristics of the county population;
13 providing for the termination of the terms of certain members of the county board;
14 providing for the terms of certain members of the county board; providing for the
15 application of this Act; and generally relating to the election of the members of the
16 Howard County Board of Education.

17 BY repealing and reenacting, with amendments,
18 Article – Education
19 Section 3-701
20 Annotated Code of Maryland
21 (2014 Replacement Volume and 2016 Supplement)

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

24 **Article – Education**

25 3-701.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) The Howard County Board consists of:

2 [(1)] (I) Seven elected members; and

3 [(2)] (II) One student member.

4 (2) **THE SEVEN ELECTED MEMBERS SHALL BE ELECTED AS FOLLOWS:**

5 (I) **FIVE MEMBERS, EACH OF WHOM RESIDES IN A DIFFERENT**
6 **ONE OF THE FIVE COUNCILMANIC DISTRICTS IN THE COUNTY; AND**

7 (II) **TWO MEMBERS WHO MAY RESIDE ANYWHERE IN THE**
8 **COUNTY.**

9 (b) (1) A candidate who becomes an elected member of the county board shall
10 be a resident and registered voter of Howard County.

11 (2) (I) Any elected member who no longer resides in Howard County
12 may not continue as a member of the board.

13 (II) **ANY MEMBER ELECTED FROM A COUNCILMANIC DISTRICT**
14 **WHO NO LONGER RESIDES IN THAT DISTRICT MAY NOT CONTINUE AS A MEMBER OF**
15 **THE BOARD.**

16 (3) **IF THE BOUNDARY LINE OF A HOWARD COUNTY COUNCIL**
17 **DISTRICT IS CHANGED, THE TERM OF AN INCUMBENT MEMBER OF THE COUNTY**
18 **BOARD WHO NO LONGER RESIDES IN THAT COUNCILMANIC DISTRICT BECAUSE OF**
19 **THE CHANGE IS NOT AFFECTED DURING THIS TERM.**

20 (c) The seven elected members of the Howard County Board shall be elected:

21 (1) [At] **BEGINNING IN 2020, AT** the general election every [2] 4 years as
22 required by subsection (d) of this section; and

23 (2) From Howard County at large **BY THE VOTERS OF THE ENTIRE**
24 **COUNTY.**

25 (d) (1) (i) The terms of the elected members are [staggered] as provided in
26 this subsection.

27 (ii) Each term of office begins on the first Monday in December after
28 the election of a member and until a successor is elected and qualifies.

29 (2) (i) The term of office of [the] **EACH** member elected at the [2002]
30 **2020** election is 4 years.

1 (ii) The successor to this office shall serve for a term of 4 years.

2 [(3) (i) Two members shall be elected at the 2004 election.

3 (ii) The successors to these offices elected at the 2008 election shall
4 serve a term of 4 years.

5 (4) (i) Five members shall be elected at the 2006 election.

6 (ii) Subject to paragraph (5) of this subsection, the successors to
7 these offices shall be elected at the 2010 election and shall serve for a term of 4 years.

8 (5) (i) Except as provided in subparagraph (ii) of this paragraph, as of
9 the 2006 election, the term of each office is 4 years.

10 (ii) 1. At the 2006 election, the individual elected as a member
11 who receives the lowest number of votes among the five members elected in that election
12 shall serve for a term of 2 years.

13 2. The successor to the office for the member elected at the
14 2006 election who receives the lowest number of votes among the five members elected in
15 that election shall be elected at the 2008 election and shall serve for a term of 4 years.]

16 [(6) (3) Except as provided in paragraph [(7) (4) of this subsection and
17 subject to the confirmation of the County Council, the County Executive of Howard County
18 shall appoint a qualified individual to fill any vacancy **FOR AN ELECTED MEMBER** on the
19 county board for the remainder of that term and until a successor is appointed and qualifies.

20 [(7) (4) If a vacancy **FOR AN ELECTED MEMBER** occurs before the date
21 that is 1 year following the date of the member's election, the individual appointed under
22 paragraph [(6) (3) of this subsection shall serve only until a successor is elected by the
23 voters at the next general election.

24 [(8) (5) Candidates for the vacated office may be nominated at a primary
25 election in the same manner as for any other position on the [Howard County Board]
26 **COUNTY BOARD.**

27 [(9) When more than two members of the county board are to be elected at
28 an election and the terms of the offices to be filled at the election vary, the elected
29 candidates receiving the greater number of votes shall fill the offices with the longer terms.]

30 [(10) (6) The candidate receiving the vacated position shall take office on
31 the first Monday in December after the election and shall continue to serve for the
32 remainder of the vacated term and until a successor is elected and qualifies.

1 **[(11)] (7)** Except as provided in this subsection, an election to fill a vacancy
2 on the Howard County Board of Education shall be governed by §§ 8–801 through 8–806 of
3 the Election Law Article.

4 **(E) WHEN MAKING AN APPOINTMENT TO THE COUNTY BOARD, THE COUNTY**
5 **EXECUTIVE OF HOWARD COUNTY SHALL ENDEAVOR TO ENSURE THAT THE COUNTY**
6 **BOARD REFLECTS THE RACE, GENDER, AND ETHNIC DIVERSITY OF THE POPULATION**
7 **OF HOWARD COUNTY.**

8 **[(e)] (F)** (1) The student member shall be a bona fide resident of Howard
9 County and a regularly enrolled junior or senior year student from a Howard County public
10 high school.

11 (2) The student member shall serve for a term of 1 year beginning on July
12 1 after the member’s election, subject to confirmation of the election results by the county
13 board.

14 (3) The nomination and election process for the student member:

15 (i) Shall be approved by the Howard County Board of Education;

16 (ii) Shall include a provision that provides for the replacement of one
17 or both of the final candidates if one or both of them are unable, ineligible, or disqualified
18 to proceed in the election; and

19 (iii) Shall allow for any student in grades 6 through 11 enrolled in a
20 Howard County public school to vote directly for one of the two student member candidates.

21 (4) The student member candidate who receives the second highest
22 number of votes in the direct election:

23 (i) Shall become the alternate student member; and

24 (ii) Shall serve if the student member who is elected is unable,
25 ineligible, or disqualified to complete the student member’s term of office.

26 (5) Except as provided in paragraphs (6) and (7) of this subsection, the
27 student member has the same rights and privileges as an elected member.

28 (6) Unless invited to attend by the affirmative vote of a majority of the
29 county board, the student member may not attend a closed session addressing a matter on
30 which a student member is prohibited from voting under paragraph (7) of this subsection.

31 (7) The student member shall vote on all matters except those relating to:

32 (i) Geographical attendance areas under § 4–109 of this article;

- 1 (ii) Acquisition and disposition of real property and matters
2 pertaining to school construction under § 4–115 of this article;
- 3 (iii) Employment of architects under § 4–117 of this article;
- 4 (iv) Donations under § 4–118 of this article;
- 5 (v) Condemnation under § 4–119 of this article;
- 6 (vi) Consolidation of schools and transportation of students under §
7 4–120 of this article;
- 8 (vii) Appointment and salary of a county superintendent under §§
9 4–201 and 4–202 of this article;
- 10 (viii) Employee discipline and other appeals under § 4–205(c) of this
11 article;
- 12 (ix) Budgetary matters under Title 5 of this article;
- 13 (x) Appointment and promotion of staff under § 6–201 of this article;
- 14 (xi) Discipline of certificated staff under § 6–202 of this article;
- 15 (xii) Collective bargaining for certificated employees under Title 6,
16 Subtitle 4 of this article;
- 17 (xiii) Collective bargaining for noncertificated employees under Title
18 6, Subtitle 5 of this article; and
- 19 (xiv) Student suspension and expulsion under § 7–305 of this article.

20 (8) The student member may not receive compensation but, after
21 submitting expense vouchers, shall be reimbursed for out-of-pocket expenses incurred in
22 connection with official duties, in accordance with the procedures and regulations
23 established by the county board.

24 **[(f)] (G)** Passage of a motion by the county board requires the affirmative vote
25 of:

- 26 (1) Five members if the student member is authorized to vote; or
- 27 (2) Four members if the student member is not authorized to vote **OR IS**
28 **NOT PRESENT.**

29 **[(g)] (H)** (1) The State Board may remove a member of the county board for:

- 1 (i) Immorality;
- 2 (ii) Misconduct in office;
- 3 (iii) Incompetency; or
- 4 (iv) Willful neglect of duty.

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

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

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

12 (ii) The member shall have an opportunity to be heard publicly
13 before the State Board in the member's own defense, in person or by counsel.

14 (4) A member removed under this subsection has the right to a de novo
15 review of the removal by the Circuit Court for Howard County.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to the
17 election of the members of the Howard County Board of Education for the term of office
18 that begins on December 7, 2020.

19 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 4 of this
20 Act, the terms of the elected members of the Howard County Board of Education in office
21 on the effective date of this Act shall expire at the end of December 6, 2020.

22 SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the four members
23 of the Howard County Board of Education elected at the general election in 2018 shall
24 expire as follows:

25 (1) the two members that receive the highest number of votes at the
26 November 2018 general election shall serve for a term of 4 years, with the later 2 years of
27 that term beginning on December 7, 2020, and expiring at the end of December 4, 2022, to
28 be served as the two at large members of the county board as established under this Act;
29 and

30 (2) the two members that receive the lowest number of votes at the
31 November 2018 general election shall serve for a term of 2 years, beginning on December
32 3, 2018, and expiring at the end of December 6, 2020.

1 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2017.