

## CHAPTER 454

(House Bill 1114)

AN ACT concerning

### **Anne Arundel County – Board of Education – Appointment Process**

FOR the purpose of requiring the Governor to appoint a member of the Anne Arundel County Board of Education from a list of nominees submitted by the School Board Nominating Commission of Anne Arundel County; requiring the Commission to hold certain public hearings before recommending to the Governor nominees for appointment to the County Board; providing for the establishment, purpose, membership, terms of office, and chair of the Commission; requiring the Commission to submit to the Governor a certain list of nominees for each nomination to the County Board beginning on a certain date; authorizing members of the County Board to serve the remainder of a member's first term or a second consecutive term subject to the results of a certain retention election at a certain time; specifying the process of reappointment of members serving on the County Board as of a certain date; specifying the terms of the initial members of the Commission; requiring the County Board to provide written notice to the State Board of Elections of the name of the member to be placed on a certain ballot at a certain time; providing that an incumbent member of the County Board is not required to file a certain certificate of candidacy for an election for continuance in office; providing certain members of the County Board certain compensation, payment for certain expenses, and eligibility for certain benefit programs; providing that this Act does not apply to the salary or compensation of the incumbent President and members of the Board; making a stylistic change; and generally relating to the ~~appointment process for members of the~~ Anne Arundel County Board of Education.

BY repealing and reenacting, with amendments,

Article – Education  
 Section 3–108(a) and (c) and 3–110  
 Annotated Code of Maryland  
 (2006 Replacement Volume)

~~BY adding to~~  
~~Article – Education~~  
~~Section 3–110.1~~

Annotated Code of Maryland  
(2006 Replacement Volume)

BY adding to  
 Article – Election Law  
 Section 5–301(h)  
 Annotated Code of Maryland  
 (2003 Volume and 2006 Supplement)

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

**Article – Education**

3–108.

(a) Except for the Baltimore City Board of School Commissioners established under § 3–108.1 of this subtitle [and], counties listed in § 3–114 of this subtitle, **AND SUBJECT TO THE PROVISIONS OF § 3–110 OF THIS SUBTITLE WITH RESPECT TO THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION**, the Governor shall appoint the members of each county board from the residents of that county.

(c) (1) Each member serves for a term of 5 years beginning July 1 after [his] **THE MEMBER’S** appointment and until a successor is appointed and qualifies.

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

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

3–110.

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

~~[(1)]~~ **(1)** ~~3~~ **2** from the county at large;

**[(2)] (II) 1 each from Legislative Districts 30, 31, [and] 32, 33, AND THAT PORTION OF LEGISLATIVE DISTRICT 21 THAT LIES WITHIN ANNE ARUNDEL COUNTY; AND**

**[(3) 1 from either:**

**(i) Legislative District 32; or**

**(ii) That portion of Legislative District 21 that lies within Anne Arundel County; and**

**(4)] (III) 1 student member.**

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

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

**(II) THE PURPOSE OF THE COMMISSION IS TO SELECT NOMINEES TO BE RECOMMENDED TO THE GOVERNOR AS QUALIFIED CANDIDATES FOR APPOINTMENT TO THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION.**

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

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

**(II) THE GOVERNOR SHALL APPOINT FIVE MEMBERS, ONE FROM EACH LEGISLATIVE DISTRICT THAT LIES IN WHOLE OR IN PART IN ANNE ARUNDEL COUNTY.**

**(III) THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY SHALL APPOINT ONE MEMBER FROM THE COUNTY AT LARGE.**

**(IV) THE FOLLOWING ORGANIZATIONS SHALL EACH APPOINT ONE MEMBER:**

- 1. THE TEACHERS ASSOCIATION OF ANNE ARUNDEL COUNTY;**
- 2. THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CHAMBER OF COMMERCE;**
- 3. THE ANNE ARUNDEL COUNTY COUNCIL OF PARENT TEACHER ASSOCIATIONS;**
- 4. THE ANNE ARUNDEL COUNTY COMMUNITY COLLEGE BOARD OF TRUSTEES; AND**
- 5. THE ASSOCIATION OF EDUCATIONAL LEADERS (AEL).**

**(3) (I) THE GOVERNOR SHALL DESIGNATE AS CHAIR OF THE COMMISSION ONE OF THE FIVE MEMBERS APPOINTED BY THE GOVERNOR UNDER SUBSECTION (B)(2)(II) OF THIS SECTION.**

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

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

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

**(4) BEGINNING JANUARY 1, 2008, FOR EACH NOMINATION TO THE COUNTY BOARD, THE COMMISSION SHALL SUBMIT TO THE GOVERNOR A LIST OF NOMINEES THAT CONTAINS:**

- (I) AT LEAST TWO NAMES FOR EACH VACANCY; OR**
- (II) IF THERE ARE FEWER THAN TWO APPLICANTS FOR A VACANCY, THE NUMBER OF NAMES THAT IS EQUAL TO THE NUMBER OF APPLICANTS FOR THE VACANCY.**

**(C) (1) FOLLOWING THE INITIAL APPOINTMENT OF A MEMBER OF THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION BY THE GOVERNOR, A MEMBER MAY CONTINUE TO SERVE FOR THE REMAINDER OF THE MEMBER'S FIRST TERM SUBJECT TO THE APPROVAL OR REJECTION OF THE REGISTERED VOTERS OF THE COUNTY AT THE NEXT GENERAL ELECTION.**

**(2) A MEMBER OF THE COUNTY BOARD MAY SERVE FOR A SECOND CONSECUTIVE TERM SUBJECT TO THE APPROVAL OF OR REJECTION BY THE REGISTERED VOTERS OF THE COUNTY AT THE NEXT GENERAL ELECTION.**

**(3) (I) THE APPROVAL OR REJECTION OF A MEMBER OF THE COUNTY BOARD BY THE REGISTERED VOTERS OF THE COUNTY PROVIDED FOR IN SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE A VOTE FOR THE MEMBER'S RETENTION OR REMOVAL.**

**(II) ON RECEIPT OF THE NOTICE REQUIRED UNDER § 5-301(H) OF THE ELECTION LAW ARTICLE, THE NAME OF THE MEMBER OF THE COUNTY BOARD SHALL BE PLACED ON THE APPROPRIATE BALLOT AND SHOWN, WITHOUT OPPOSITION, AND THE VOTERS SHALL VOTE FOR OR AGAINST THE MEMBER'S RETENTION AS A MEMBER OF THE COUNTY BOARD.**

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

**(I) THE POSITION SHALL BECOME VACANT 10 DAYS AFTER CERTIFICATION OF THE ELECTION RETURNS; AND**

**(II) THE MEMBER SERVES UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

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

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

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

**(iii) 1. Serve a term of 1 year; and**

2. Continue to serve after graduation and until a successor is appointed and qualifies.

(2) If a vacancy in the position of the student member occurs during the term of the student member, the Chesapeake Regional Association of Student Councils shall:

(i) Conduct a special election at its next general meeting; and

(ii) By utilizing the same method that it used to select the previous student member of the Board, select another student member to fill the vacancy.

[(c)] (E) A Board member who does not maintain the residency qualification shall be replaced as a member.

[(d)] (F) If the boundary line of a legislative district changes, an incumbent member of the County Board who, because of the change, no longer resides in the legislative district from which the member was appointed may complete the term.

~~3-110.1~~

~~(A) (G) THE PRESIDENT OF THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION IS ENTITLED TO RECEIVE \$14,000 \$8,000 ANNUALLY AS COMPENSATION AND, EXCEPT FOR THE STUDENT MEMBER, THE OTHER BOARD MEMBERS ARE ENTITLED TO RECEIVE \$12,000 \$6,000 EACH ANNUALLY AS COMPENSATION.~~

~~(B) AFTER SUBMITTING VOUCHERS UNDER THE RULES AND REGULATIONS ADOPTED BY THE COUNTY BOARD, THE PRESIDENT AND THE OTHER BOARD MEMBERS ARE ENTITLED TO RECEIVE REIMBURSEMENT FOR TRAVEL AND OTHER EXPENSES AS PROVIDED IN THE ANNE ARUNDEL COUNTY BUDGET.~~

~~(C) THE EMPLOYER'S SHARE FOR STATE RETIREMENT AND PENSION CONTRIBUTIONS MADE ON BEHALF OF THE PRESIDENT AND OTHER BOARD MEMBERS MAY NOT BE CONSIDERED COMPENSATION FOR THE PURPOSE OF CALCULATING COMPENSATION UNDER SUBSECTION (A) OF THIS SECTION.~~

~~(D) (1) THE PRESIDENT AND OTHER BOARD MEMBERS MAY PARTICIPATE IN HEALTH INSURANCE AND OTHER BENEFIT PROGRAMS SPONSORED BY THE BOARD.~~

~~(2) A BOARD MEMBER'S PARTICIPATION IN A BENEFIT PROGRAM SPONSORED BY THE BOARD UNDER THIS SUBSECTION MAY NOT BE CONSIDERED COMPENSATION FOR THE PURPOSE OF CALCULATING COMPENSATION UNDER SUBSECTION (A) OF THIS SECTION.~~

**Article - Election Law**

5-301.

(H) (1) ON OR BEFORE AUGUST 31 IN THE YEAR IN WHICH A MEMBER OF THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION MUST STAND FOR CONTINUANCE IN OFFICE, THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION SHALL PROVIDE WRITTEN NOTICE TO THE STATE BOARD OF THE NAME OF THE MEMBER THAT IS TO BE PLACED ON THE BALLOT AT THE NEXT SUCCEEDING GENERAL ELECTION.

(2) AN INCUMBENT MEMBER OF THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION IS NOT REQUIRED TO FILE A CERTIFICATE OF CANDIDACY FOR AN ELECTION FOR CONTINUANCE IN OFFICE.

SECTION 2. AND BE IT FURTHER ENACTED, That a member serving a first term on the Anne Arundel County Board of Education on or before June 30, 2008:

(a) (1) shall be eligible to be included in the list of nominees submitted by the School Board Nominating Commission of Anne Arundel County to the Governor to serve a second term when the first term ends; and

(2) may be reappointed by the Governor to the Anne Arundel County Board of Education subject to the approval or rejection of the registered voters of the county at the next general election; and

(b) as provided in § 3-108(c)(3) of the Education Article, is not eligible to serve another consecutive term following the second term by a reappointment.

SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial members of the School Board Nominating Commission of Anne Arundel County shall expire January 18, 2009.

SECTION 4. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the President and members of the Anne Arundel County Board of Education in office on the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the President and members of the Anne Arundel County Board of Education shall take effect at the beginning of the next following term of office.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2007.

**Approved by the Governor, May 8, 2007.**