

Bill No.: \_\_\_\_\_  
Requested: \_\_\_\_\_  
Committee: \_\_\_\_\_

Drafted by: Edwards  
Typed by: Julia  
Stored – 10/18/22  
Proofread by \_\_\_\_\_  
Checked by \_\_\_\_\_

By: **Howard County Delegation, Chair**

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County Board of Education – Membership – Alterations**

3 **Ho. Co. 10–23**

4 FOR the purpose of altering the membership of the Howard County Board of Education to  
5 consist of both elected and appointed members beginning in a certain year; and  
6 generally relating to the Howard County Board of Education.

7 BY repealing and reenacting, with amendments,  
8 Article – Education  
9 Section 3–114, 3–701, and 3–703(a) through (d)  
10 Annotated Code of Maryland  
11 (2022 Replacement Volume)

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

14 **Article – Education**

15 3–114.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) Allegany;
- 2 (2) Anne Arundel;
- 3 (3) Calvert;
- 4 (4) Carroll;
- 5 (5) Cecil;
- 6 (6) Charles;
- 7 (7) Dorchester;
- 8 (8) Frederick;
- 9 (9) Garrett;
- 10 (10) [Howard;
- 11 (11)] Kent;
- 12 [(12)] (11) Montgomery;
- 13 [(13)] (12) Queen Anne's;
- 14 [(14)] (13) St. Mary's;
- 15 [(15)] (14) Somerset;
- 16 [(16)] (15) Talbot;
- 17 [(17)] (16) Washington;
- 18 [(18)] (17) Wicomico; and
- 19 [(19)] (18) Worcester.

1 (b) In Baltimore City, in accordance with § 3–108.1 of this subtitle, the members  
2 of the Baltimore City Board of School Commissioners shall be a combination of members  
3 who are elected and appointed.

4 (c) In Baltimore County, in accordance with Subtitle 2A of this title, the members  
5 of the county board shall be a combination of members who are elected and appointed.

6 (d) In Caroline County, in accordance with Subtitle 3A of this title, the members  
7 of the county board shall be a combination of members who are elected and appointed.

8 (e) In Harford County, in accordance with Subtitle 6A of this title, the members  
9 of the county board shall be a combination of members who are elected and appointed.

10 **(F) IN HOWARD COUNTY, BEGINNING IN 2024 AND IN ACCORDANCE WITH**  
11 **SUBTITLE 7 OF THIS TITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A**  
12 **COMBINATION OF MEMBERS WHO ARE ELECTED AND APPOINTED.**

13 **[(f)] (G)** In Prince George’s County, in accordance with Subtitle 10 of this title,  
14 the members of the county board shall be a combination of members who are elected and  
15 appointed.

16 **[(g)] (H)** An individual subject to the authority of the county board may not serve  
17 as a member of the county board. At the time of filing a certificate of candidacy for election  
18 to a county board, a person shall certify to the local board of supervisors of elections whether  
19 or not the person is subject to the authority of the county board. The Governor may not  
20 issue a commission of election to a person who has certified affirmatively and who is elected  
21 to a county board until the member–elect offers proof that the member–elect is no longer  
22 subject to the authority of the county board.

23 **[(h)] (I)** The election of the county boards shall be held as provided in Subtitles  
24 2 through 14 of this title and the Election Law Article.

25 3–701.

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

27 (i) **[Seven] FIVE** elected members; **[and]**

1 (ii) **TWO APPOINTED MEMBERS; AND**

2 (iii) One student member.

3 (2) (i) [The seven] **BEGINNING IN 2024, THE FIVE** elected members  
4 shall be elected as follows:

5 [(i)] 1. One member from [each of the five councilmanic districts  
6 in the county, elected by the voters of that district; and] **THAT PORTION WITHIN HOWARD**  
7 **COUNTY OF EACH STATE SENATORIAL DISTRICT THAT IS PARTIALLY CONTAINED**  
8 **WITHIN HOWARD COUNTY, ELECTED BY THE VOTERS OF THE DISTRICT WITHIN**  
9 **HOWARD COUNTY;**

10 2. **ONE MEMBER FROM THE STATE SENATORIAL**  
11 **DISTRICT WHOLLY CONTAINED WITHIN HOWARD COUNTY, ELECTED FROM THE**  
12 **VOTERS OF THAT DISTRICT; AND**

13 [(ii)] 3. Two members at large, elected by the voters of the county.

14 (ii) 1. **THE TWO APPOINTED MEMBERS SHALL BE**  
15 **APPOINTED BY THE COUNTY EXECUTIVE OF HOWARD COUNTY FROM A LIST OF**  
16 **CANDIDATES SUBMITTED BY THE HOWARD COUNTY DELEGATION TO THE**  
17 **MARYLAND GENERAL ASSEMBLY.**

18 2. **THE LIST SUBMITTED TO THE COUNTY EXECUTIVE IN**  
19 **ACCORDANCE WITH THIS SUBPARAGRAPH SHALL CONTAIN BETWEEN THREE AND**  
20 **FIVE CANDIDATES.**

21 (b) (1) A candidate who becomes an elected **OR APPOINTED** member of the  
22 county board shall be a resident and registered voter of Howard County.

23 (2) (i) Any elected **OR APPOINTED** member who no longer resides in  
24 Howard County may not continue as a member of the board.

25 (ii) Any member elected from a [councilmanic] **STATE SENATORIAL**  
26 district who no longer resides in that district may not continue as a member of the board.

1           (3) If the boundary line of a [Howard County Council District] **STATE**  
2 **SENATORIAL DISTRICT** is changed, the term of an incumbent member of the county board  
3 who no longer resides in that [councilmanic] **STATE SENATORIAL** district because of the  
4 change is not affected during this term.

5           (c) The [seven] **FIVE** elected members of the Howard County Board shall be  
6 elected:

7           (1) Beginning in [2020] **2024**, at the general election every 2 years as  
8 required by subsection (d) of this section; and

9           (2) As specified in subsection (a) of this section.

10          (d) (1) (i) [The terms of the elected members are staggered as provided in  
11 this subsection] **BEGINNING IN 2024, THE TERM OF AN ELECTED MEMBER IS 4 YEARS.**

12                               (ii) **THE TERMS OF ELECTED MEMBERS ARE STAGGERED AS**  
13 **REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1,**  
14 **2023.**

15                               (III) Each term of office **OF AN ELECTED MEMBER** begins on the first  
16 Monday in December after the election of [a] **THE** member and until a successor is elected  
17 and qualifies.

18           (2) [(i) 1. The term of office of each member elected from a  
19 councilmanic district, beginning at the 2020 election, is 4 years.

20                               2. The term of office of each member elected at large,  
21 beginning at the 2022 election, is 4 years.

22                               (ii) The successors to the offices elected at the 2020 and 2022  
23 elections, respectively, shall serve for a term of 4 years.

24           (3) Except as provided in paragraph [(4)] **(3)** of this subsection and subject  
25 to the confirmation of the County Council, the County Executive of Howard County shall  
26 appoint a qualified individual to fill any vacancy for an elected member on the county board  
27 for the remainder of that term and until a successor is appointed and qualifies.

1            **[(4)] (3)**      If a vacancy for an elected member occurs before the date that is  
2 1 year following the date of the member’s election, the individual appointed under  
3 paragraph **[(3)] (2)** of this subsection shall serve only until a successor is elected by the  
4 voters at the next general election.

5            **[(5)] (4)**      Candidates for the vacated office may be nominated at a primary  
6 election in the same manner as for any other position on the county board.

7            **[(6)] (5)**      The candidate receiving the vacated position shall take office on  
8 the first Monday in December after the election and shall continue to serve for the  
9 remainder of the vacated term and until a successor is elected and qualifies.

10           **[(7)] (6)**      Except as provided in this subsection, an election to fill a vacancy  
11 on the Howard County Board of Education shall be governed by §§ 8–801 through 8–806 of  
12 the Election Law Article.

13           (e)      **(1) BEGINNING IN 2024, THE TERM OF AN APPOINTED MEMBER IS 4**  
14 **YEARS.**

15                      **(2) THE COUNTY EXECUTIVE OF HOWARD COUNTY SHALL APPOINT**  
16 **THE APPOINTED MEMBERS WITHIN 30 DAYS AFTER THE GENERAL ELECTION.**

17                      **(3)**      When making an appointment to the county board, the County  
18 Executive of Howard County shall endeavor to ensure that the county board reflects the  
19 race, gender, and ethnic diversity of the population of Howard County.

20           (f)      (1)      The student member shall be a bona fide resident of Howard County  
21 and a regularly enrolled junior or senior year student from a Howard County public high  
22 school.

23                      (2)      The student member shall serve for a term of 1 year beginning on July  
24 1 after the member’s election, subject to confirmation of the election results by the county  
25 board.

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

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

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

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

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

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

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

11                  (5)    Except as provided in paragraphs (6) and (7) of this subsection, the  
12 student member has the same rights and privileges as an elected **OR APPOINTED** member.

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

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

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

18                   (ii)   Acquisition and disposition of real property and matters  
19 pertaining to school construction under § 4–115 of this article;

20                   (iii)   Employment of architects under § 4–117 of this article;

21                   (iv)   Donations under § 4–118 of this article;

22                   (v)    Condemnation under § 4–119 of this article;

23                   (vi)   Consolidation of schools and transportation of students under §  
24 4–120 of this article;

- 1                   (vii) Appointment and salary of a county superintendent under §§  
2 4–201 and 4–202 of this article;
- 3                   (viii) Employee discipline and other appeals under § 4–205(c) of this  
4 article;
- 5                   (ix) Budgetary matters under Title 5 of this article;
- 6                   (x) Appointment and promotion of staff under § 6–201 of this article;
- 7                   (xi) Discipline of certificated staff under § 6–202 of this article;
- 8                   (xii) Collective bargaining for certificated employees under Title 6,  
9 Subtitle 4 of this article;
- 10                  (xiii) Collective bargaining for noncertificated employees under Title  
11 6, Subtitle 5 of this article; and
- 12                  (xiv) Student suspension and expulsion under § 7–305 of this article.

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

17                  (g) Passage of a motion by the county board requires the affirmative vote of:

18                   (1) Five members if the student member is authorized to vote; or

19                   (2) Four members if the student member is not authorized to vote.

20                  (h) (1) The State Board may remove a member of the county board for:

21                   (i) Immorality;

22                   (ii) Misconduct in office;

23                   (iii) Incompetency; or



1 (iv) Willful neglect of duty.

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

5 (3) If the member requests a hearing within the 10–day period:

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

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

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

13 3–703.

14 (a) The chair of the county board is entitled to receive \$18,000 annually as  
15 compensation and the other [elected] **NONSTUDENT** members are entitled to receive  
16 \$16,000 each annually as compensation.

17 (b) After submitting vouchers under the rules and regulations adopted by the  
18 county board, the chair and the other [elected] **NONSTUDENT** members are entitled to  
19 receive reimbursement for travel and other expenses as provided in the Howard County  
20 budget.

21 (c) The employer’s share for State retirement and pension contributions made on  
22 behalf of the chair and other [elected] **NONSTUDENT** board members may not be  
23 considered compensation for the purpose of calculating compensation under subsection (a)  
24 of this section.

25 (d) (1) The chair and other [elected] **NONSTUDENT** board members may  
26 participate in health insurance and other benefit programs sponsored by the board.

1                   (2)     [An elected] **A NONSTUDENT** board member’s participation in a benefit  
2 program sponsored by the board under this subsection may not be considered compensation  
3 for the purpose of calculating compensation under subsection (a) of this section.

4                   SECTION 2. AND BE IT FURTHER ENACTED, That:

5                   (a)     To implement the reduction in the number of elected members of the Howard  
6 County Board of Education from seven to five as provided in § 3–701(a) of the Education  
7 Article, as enacted by Section 1 of this Act, the positions of the two elected members whose  
8 terms are set to expire on December 1, 2026, shall be eliminated on December 1, 2024.

9                   (b)     The initial terms of the at–large members elected in 2024 shall expire in 2026.

10                  SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
11 1, 2023.