

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

Drafted by: King  
Typed by: David  
Stored – 11/17/16  
Proofread by \_\_\_\_\_  
Checked by \_\_\_\_\_

By: **Senator Bates**

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County Board of Education – Independent Redistricting Commission**

3 **Ho. Co. 12–17**

4 FOR the purpose of requiring that, beginning with a certain election, the members of the  
5 Howard County Board of Education be elected by districts; providing that a member  
6 elected to the county board from a certain geographic area but whose district  
7 boundaries are subsequently altered may remain as a member of the county board  
8 for a certain period; prohibiting a member of the county board from being a candidate  
9 for another elected public office while serving as a member of the county board;  
10 providing that in making an appointment to the county board the County Executive  
11 of Howard County shall endeavor to ensure that the county board reflects certain  
12 characteristics of the county population; establishing the Howard County Board of  
13 Education Redistricting Commission; providing for the membership of the  
14 Commission and the filling of a vacancy on the Commission; authorizing certain  
15 organizations to appoint certain members of the Commission; specifying certain  
16 qualifications and limitations concerning the members of the Commission; specifying  
17 certain standards and requirements to which the Commission must adhere when  
18 establishing districts for the election of the members of the county board; requiring  
19 the Commission to produce certain maps and reports, to hold certain hearings, and  
20 to allow for certain public participation and review during its proceedings; requiring  
21 the County Council of Howard County, the Howard County Public School System,

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 and the Howard County Board of Elections to provide certain assistance to the  
2 Commission; requiring the Commission to establish the districts for the election of  
3 the members of the county board by a certain date; providing for the termination of  
4 the terms of certain members of the county board; providing for the application of  
5 this Act; defining certain terms; and generally relating to the election of the members  
6 of the Howard County Board of Education by districts.

7 BY repealing and reenacting, with amendments,  
8 Article – Education  
9 Section 3–701  
10 Annotated Code of Maryland  
11 (2014 Replacement Volume and 2016 Supplement)

12 BY adding to  
13 Article – Education  
14 Section 3–705  
15 Annotated Code of Maryland  
16 (2014 Replacement Volume and 2016 Supplement)

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

19 **Article – Education**

20 3–701.

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

22 **[(1)] (I)** Seven elected members; and

23 **[(2)] (II)** One student member.

24 **(2) AS TO THE ELECTED MEMBERS, ONE MEMBER SHALL BE ELECTED**  
25 **FROM EACH OF THE SEVEN HOWARD COUNTY BOARD OF EDUCATION DISTRICTS**  
26 **ESTABLISHED IN ACCORDANCE WITH § 3–705 OF THIS SUBTITLE BY THE VOTERS OF**  
27 **THAT DISTRICT.**

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

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

5 (II) ANY MEMBER ELECTED FROM A BOARD OF EDUCATION  
6 DISTRICT WHO NO LONGER RESIDES IN THAT DISTRICT MAY NOT CONTINUE AS A  
7 MEMBER OF THE BOARD.

8 (3) IF THE BOUNDARY LINE OF A BOARD OF EDUCATION DISTRICT IS  
9 CHANGED, THE TERM OF AN INCUMBENT MEMBER OF THE COUNTY BOARD WHO NO  
10 LONGER RESIDES IN THAT BOARD OF EDUCATION DISTRICT BECAUSE OF THE  
11 CHANGE IS NOT AFFECTED DURING THIS TERM.

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

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

15 (2) From Howard County [at large] BY DISTRICT, AS SPECIFIED IN  
16 SUBSECTION (A) OF THIS SECTION.

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

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

21 (2) (i) The term of office of [the] EACH member elected at the [2002]  
22 2020 election is 4 years.

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

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

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

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

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

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

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

9   2.   The successor to the office for the member elected at the  
10 2006 election who receives the lowest number of votes among the five members elected in  
11 that election shall be elected at the 2008 election and shall serve for a term of 4 years.]

12                   **(3)   WHILE SERVING ON THE COUNTY BOARD, A MEMBER MAY NOT BE**  
13 **A CANDIDATE FOR AN ELECTED PUBLIC OFFICE OTHER THAN THE COUNTY BOARD.**

14                   **[(6)] (4)**   Except as provided in paragraph **[(7)] (5)** of this subsection and  
15 subject to the confirmation of the County Council, the County Executive of Howard County  
16 shall appoint a qualified individual to fill any vacancy on the county board for the  
17 remainder of that term and until a successor is appointed and qualifies.

18                   **[(7)] (5)**   If a vacancy **FOR AN ELECTED MEMBER** occurs before the date  
19 that is 1 year following the date of the member's election, the individual appointed under  
20 paragraph **[(6)] (4)** of this subsection shall serve only until a successor is elected by the  
21 voters at the next general election.

22                   **[(8)] (6)**   Candidates for the vacated office may be nominated at a primary  
23 election in the same manner as for any other position on the **[Howard County Board]**  
24 **COUNTY BOARD.**

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

1            **[(10)] (7)**    The candidate receiving the vacated position shall take office on  
2 the first Monday in December after the election and shall continue to serve for the  
3 remainder of the vacated term and until a successor is elected and qualifies.

4            **[(11)] (8)**    Except as provided in this subsection, an election to fill a vacancy  
5 on the Howard County Board of Education shall be governed by §§ 8–801 through 8–806 of  
6 the Election Law Article.

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

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

14           (2)    The student member shall serve for a term of 1 year beginning on July  
15 1 after the member’s election, subject to confirmation of the election results by the county  
16 board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15                   (vi) Consolidation of schools and transportation of students under §  
16 4–120 of this article;

17                   (vii) Appointment and salary of a county superintendent under §§  
18 4–201 and 4–202 of this article;

19                   (viii) Employee discipline and other appeals under § 4–205(c) of this  
20 article;

21                   (ix) Budgetary matters under Title 5 of this article;

22                   (x) Appointment and promotion of staff under § 6–201 of this article;

23                   (xi) Discipline of certificated staff under § 6–202 of this article;

1 (xii) Collective bargaining for certificated employees under Title 6,  
2 Subtitle 4 of this article;

3 (xiii) Collective bargaining for noncertificated employees under Title  
4 6, Subtitle 5 of this article; and

5 (xiv) Student suspension and expulsion under § 7–305 of this article.

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

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

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

13 (2) Four members if the student member is not authorized to vote **OR IS**  
14 **NOT PRESENT.**

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

16 (i) Immorality;

17 (ii) Misconduct in office;

18 (iii) Incompetency; or

19 (iv) Willful neglect of duty.

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

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

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

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

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

8 **3-705.**

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
10 INDICATED.

11 (2) "COMMISSION" MEANS THE HOWARD COUNTY BOARD OF  
12 EDUCATION REDISTRICTING COMMISSION.

13 (3) "DAY" MEANS A CALENDAR DAY, EXCEPT THAT IF THE FINAL DAY  
14 OF A PERIOD WITHIN WHICH AN ACT IS TO BE PERFORMED IS A SATURDAY, SUNDAY,  
15 OR HOLIDAY, THE PERIOD IS EXTENDED TO THE NEXT DAY THAT IS NOT A SATURDAY,  
16 SUNDAY, OR HOLIDAY.

17 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DISTRICTS  
18 FOR THE HOWARD COUNTY BOARD OF EDUCATION NOT BE DRAWN FOR THE  
19 PURPOSE OF FAVORING OR DISCRIMINATING AGAINST AN INCUMBENT  
20 OFFICEHOLDER OR A CANDIDATE.

21 (C) (1) (I) IN THE YEAR FOLLOWING THE YEAR IN WHICH THE  
22 NATIONAL CENSUS IS TAKEN UNDER THE DIRECTION OF CONGRESS AT THE  
23 BEGINNING OF EACH DECADE, THE COMMISSION SHALL ADJUST THE BOUNDARY  
24 LINES OF THE HOWARD COUNTY BOARD OF EDUCATION DISTRICTS IN  
25 ACCORDANCE WITH THE STANDARDS AND PROCEDURES ESTABLISHED IN THIS  
26 SECTION.

27 (II) THE COMMISSION SHALL BE ESTABLISHED NOT LATER  
28 THAN APRIL 1 OF THE YEAR FOLLOWING THE YEAR IN WHICH THE NATIONAL  
29 CENSUS IS TAKEN.



1           **(2) THE COUNTY SHALL BE DIVIDED INTO SEVEN SINGLE-MEMBER**  
2 **BOARD OF EDUCATION DISTRICTS AND LABELED CONSECUTIVELY FROM “A” TO “G”.**

3           **(3) A HOWARD COUNTY HIGH SCHOOL ATTENDANCE AREA MAY NOT**  
4 **BE SPLIT BETWEEN MORE THAN TWO BOARD OF EDUCATION DISTRICTS.**

5           **(4) EACH BOARD OF EDUCATION DISTRICT SHALL BE REASONABLY**  
6 **EQUAL IN POPULATION BUT MAY NOT DEVIATE MORE THAN 2% FROM ANY OTHER**  
7 **DISTRICT.**

8           **(5) EACH BOARD OF EDUCATION DISTRICT SHALL CONSIST OF**  
9 **ADJOINING TERRITORY AND BE COMPACT IN FORM.**

10          **(D) (1) FOLLOWING THE CRITERIA SPECIFIED UNDER SUBSECTION (C) OF**  
11 **THIS SECTION, THE COMMISSION SHALL ADJUST THE BOUNDARY LINES ACCORDING**  
12 **TO THE CRITERIA SET FORTH AND PRIORITIZED IN THIS SUBTITLE.**

13           **(2) THE COMMISSION SHALL ISSUE WITH ITS FINAL MAPS A REPORT**  
14 **THAT:**

15                   **(I) EXPLAINS THE BASIS ON WHICH THE COMMISSION MADE**  
16 **THE DECISIONS IN ACHIEVING COMPLIANCE WITH THE CRITERIA; AND**

17                   **(II) INCLUDES DEFINITIONS OF THE TERMS AND STANDARDS**  
18 **USED IN DRAWING THE FINAL MAPS.**

19           **(3) IN DEVELOPING THE MAPS, THE COMMISSION SHALL PROVIDE**  
20 **ACCESS TO ANY REDISTRICTING DATA AND SOFTWARE THAT IT UTILIZES TO**  
21 **DEVELOP THE MAPS.**

22           **(4) THE COMMISSION SHALL:**

23                   **(I) CONDUCT AN OPEN AND TRANSPARENT PROCESS**  
24 **ENABLING FULL PUBLIC CONSIDERATION OF AND COMMENT ON THE DRAWING OF**  
25 **DISTRICT LINES; AND**

26                   **(II) CONDUCT ITS BUSINESS WITH INTEGRITY AND FAIRNESS.**

1           **(E) (1) THE SELECTION PROCESS FOR THE COMMISSION IS DESIGNED TO**  
2 **PRODUCE A COMMISSION THAT IS INDEPENDENT OF PARTISAN INFLUENCE AND**  
3 **REASONABLY REPRESENTATIVE OF THE COUNTY’S DIVERSITY.**

4           **(2) THE COMMISSION SHALL CONSIST OF THE FOLLOWING NINE**  
5 **MEMBERS:**

6                   **(I) THREE MEMBERS APPOINTED BY THE HOWARD COUNTY**  
7 **EDUCATORS’ ASSOCIATION;**

8                   **(II) THREE MEMBERS APPOINTED BY THE PARENT-TEACHER**  
9 **ASSOCIATION COUNCIL OF HOWARD COUNTY, EACH OF WHOM IS NOT:**

10                           **1. EMPLOYED BY THE HOWARD COUNTY PUBLIC**  
11 **SCHOOL SYSTEM; OR**

12                           **2. AFFILIATED IN ANY WAY WITH ANY PUBLIC SCHOOLS**  
13 **TEACHERS’ EMPLOYEE ORGANIZATION OR ASSOCIATION; AND**

14                   **(III) THREE MEMBERS APPOINTED BY THE HOWARD COUNTY**  
15 **ADMINISTRATORS ASSOCIATION.**

16           **(3) AN APPOINTING AUTHORITY FOR THE COMMISSION MAY NOT**  
17 **APPOINT MORE THAN ONE INDIVIDUAL FROM ANY HOWARD COUNTY**  
18 **COUNCILMANIC DISTRICT AS A MEMBER OF THE COMMISSION.**

19           **(4) EACH MEMBER OF THE COMMISSION:**

20                   **(I) SHALL BE A VOTER WHO, FOR 5 OR MORE YEARS**  
21 **IMMEDIATELY PRECEDING THE DATE OF THE INDIVIDUAL’S APPOINTMENT, HAS**  
22 **BEEEN REGISTERED CONTINUOUSLY IN THE COUNTY; AND**

23                   **(II) MAY NOT HAVE BEEN A CANDIDATE FOR ELECTION TO OR**  
24 **SERVED AS A MEMBER OF THE HOWARD COUNTY BOARD OF EDUCATION DURING**  
25 **THE 5 YEARS IMMEDIATELY PRECEDING THE DATE OF THE INDIVIDUAL’S**  
26 **APPOINTMENT, OR AN IMMEDIATE FAMILY MEMBER ESTABLISHED THROUGH BLOOD**  
27 **OR LEGAL RELATION OF SUCH CANDIDATE OR MEMBER.**

1           **(5) THE TERM OF OFFICE OF EACH MEMBER OF THE COMMISSION**  
2 **EXPIRES ON THE APPOINTMENT OF THE FIRST MEMBER OF THE SUCCEEDING**  
3 **COMMISSION.**

4           **(6) (I) FIVE MEMBERS OF THE COMMISSION SHALL CONSTITUTE A**  
5 **QUORUM.**

6           **(II) FIVE OR MORE AFFIRMATIVE VOTES OF THE COMMISSION**  
7 **SHALL BE REQUIRED FOR ANY OFFICIAL ACTION, INCLUDING ANY FINAL PROPOSED**  
8 **MAPS AND PLANS FOR HOWARD COUNTY BOARD OF EDUCATION DISTRICTS**  
9 **ADOPTED BY THE COMMISSION.**

10          **(F) (1) THE COMMISSION MAY NOT CONSIDER THE ADDRESS OF A**  
11 **RESIDENCE OF AN INCUMBENT OFFICEHOLDER OR THE CANDIDATE ENDORSED BY A**  
12 **POLITICAL PARTY OR OF ANY OTHER PERSON IN THE CREATION OF A BOARD OF**  
13 **EDUCATION DISTRICT MAP.**

14          **(2) THE COMMISSION MAY NOT USE ANY SOFTWARE THAT INCLUDES**  
15 **DATA CONCERNING THE POLITICAL PARTY AFFILIATION OF VOTERS IN THE**  
16 **CREATION OF A BOARD OF EDUCATION DISTRICT MAP.**

17          **(G) BY OCTOBER 15 OF EACH YEAR ENDING IN THE NUMBER 1, THE**  
18 **COMMISSION SHALL APPROVE A FINAL MAP THAT SEPARATELY SETS FORTH THE**  
19 **DISTRICT BOUNDARY LINES FOR THE MEMBERS OF THE HOWARD COUNTY BOARD**  
20 **OF EDUCATION.**

21          **(H) IN THE EVENT OF A VACANCY ON THE COMMISSION, THE VACANCY**  
22 **SHALL BE FILLED WITHIN 10 DAYS OF THE VACANCY BY THE APPOINTING**  
23 **AUTHORITY FOR THE VACATING MEMBER.**

24          **(I) (1) THE ACTIVITIES OF THE COMMISSION SHALL BE SUBJECT TO**  
25 **APPLICABLE STATE LAW GOVERNING OPEN MEETINGS AND ACCESS TO PUBLIC**  
26 **INFORMATION.**

27          **(2) THE COMMISSION SHALL PROVIDE NOT LESS THAN 14 DAYS'**  
28 **PUBLIC NOTICE FOR A COMMISSION MEETING.**

1           **(J) THE COMMISSION SHALL SELECT ONE OF THE MEMBERS OF THE**  
2 **COMMISSION TO SERVE AS CHAIR.**

3           **(K) (1) THE COMMISSION SHALL ESTABLISH AND IMPLEMENT AN OPEN**  
4 **HEARING PROCESS FOR PUBLIC INPUT AND DELIBERATION CONCERNING**  
5 **REDISTRICTING AND THE DEVELOPMENT OF BOARD OF EDUCATION DISTRICTS**  
6 **THAT:**

7                           **(I) IS SUBJECT TO TIMELY PUBLIC NOTICE;**

8                           **(II) PROMOTES CITIZEN OUTREACH; AND**

9                           **(III) INVITES BROAD PUBLIC PARTICIPATION IN THE PROCESS.**

10                   **(2) (I) THE HEARING PROCESS SHALL INCLUDE THE**  
11 **OPPORTUNITY TO RECEIVE PUBLIC INPUT BOTH BEFORE THE COMMISSION DRAWS**  
12 **ANY MAPS AND AFTER ANY COMMISSION MAPS ARE DRAWN FOR PUBLIC DISPLAY.**

13                           **(II) THE COMMISSION SHALL:**

14                                   **1. DISPLAY ANY MAP FOR PUBLIC COMMENT IN A**  
15 **MANNER DESIGNED TO ACHIEVE THE WIDEST PUBLIC ACCESS REASONABLY**  
16 **POSSIBLE; AND**

17                                   **2. ALLOW AT LEAST 14 DAYS FOR PUBLIC COMMENT**  
18 **FROM THE DATE OF THE PUBLIC DISPLAY OF A MAP.**

19           SECTION 2. AND BE IT FURTHER ENACTED, That the County Council of Howard  
20 County shall make adequate office space available and provide sufficient funding to the  
21 Howard County Board of Education Redistricting Commission to allow the Commission to  
22 perform its duties as specified under this Act.

23           SECTION 3. AND BE IT FURTHER ENACTED, That, on the request of the Howard  
24 County Board of Education Redistricting Commission, the Howard County Public School  
25 System and the Howard County Board of Elections shall provide assistance to the  
26 Commission to draw and implement a districting plan for the election of the members of  
27 the Howard County Board of Education.

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

2                   (1)     Notwithstanding Section 3–705(c) of the Education Article as enacted  
3 by this Act, on or before July 1, 2019, the Howard County Board of Education Redistricting  
4 Commission shall use the 2010 national census data to establish districts in accordance  
5 with this Act for the 2020 election of the members of the Howard County Board of  
6 Education; and

7                   (2)     In establishing the Howard County Board of Education districts for the  
8 2020 election, the Commission shall use the school boundary lines for the Howard County  
9 schools in effect on July 1, 2019.

10           SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall apply to the  
11 election of the members of the Howard County Board of Education for the term of office  
12 that begins on December 7, 2020.

13           SECTION 6. AND BE IT FURTHER ENACTED, That the terms of the elected  
14 members of the Howard County Board of Education in office on December 6, 2020, shall  
15 expire at the end of December 6, 2020.

16           SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2017.