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By: **Frederick County Delegation**

Introduced and read first time: February 5, 1998

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County - Elected Board of Education**

3 FOR the purpose of providing that the members of the Board of Education of  
4 Frederick County shall be elected by the voters of the County; providing for the  
5 terms, removal, and compensation of members of the Board; providing for the  
6 election of a president; providing for the filling of vacancies on and meetings of  
7 the Board; providing for the termination of the terms of the appointed members  
8 of the Board in accordance with a certain schedule; making this Act contingent  
9 on a referendum of the voters of Frederick County; and generally relating to the  
10 conversion of the Frederick County Board of Education from an appointed board  
11 to an elected board.

12 BY repealing and reenacting, with amendments,  
13 Article - Education  
14 Section 3-108(b) and 3-114(a)  
15 Annotated Code of Maryland  
16 (1997 Replacement Volume and 1997 Supplement)

17 BY adding to  
18 Article - Education  
19 Section 3-5A-01 through 3-5A-05, inclusive, to be under the new subtitle  
20 "Subtitle 5A. Frederick County"  
21 Annotated Code of Maryland  
22 (1997 Replacement Volume and 1997 Supplement)

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

25 **Article - Education**

26 3-108.

27 (b) (1) Each member shall be appointed solely because of [his] character  
28 and fitness and without regard to political affiliation.

1 (2) An individual who is subject to the authority of the county board may  
2 not be appointed to or serve on the county board.

3 [(3) (i) This paragraph applies only to Frederick County.

4 (ii) An individual who is married to an administrator or teacher of  
5 the county board may not be appointed to or serve on the county board.

6 (iii) An individual who is married to a member of the county board  
7 may not be hired as an administrator or teacher by the county board unless the  
8 individual's spouse first resigns from the county board.]

9 3-114.

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

11 (1) Allegany;

12 (2) Calvert;

13 (3) Carroll;

14 (4) Charles;

15 (5) FREDERICK;

16 [(5)] (6) Garrett;

17 [(6)] (7) Howard;

18 [(7)] (8) Kent;

19 [(8)] (9) Prince George's;

20 [(9)] (10) Montgomery;

21 [(10)] (11) St. Mary's;

22 [(11)] (12) Somerset; and

23 [(12)] (13) Washington.

24 SUBTITLE 5A. FREDERICK COUNTY.

25 3-5A-01.

26 (A) THE FREDERICK COUNTY BOARD CONSISTS OF SEVEN MEMBERS ELECTED  
27 FROM THE COUNTY AT LARGE.

28 (B) (1) A CANDIDATE ELECTED TO THE COUNTY BOARD SHALL BE A  
29 RESIDENT AND REGISTERED VOTER OF FREDERICK COUNTY.

1           (2)     ANY MEMBER WHO NO LONGER RESIDES IN THE COUNTY MAY NOT  
2 CONTINUE AS A MEMBER OF THE BOARD.

3     (C)     (1)     A MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING THE FIRST  
4 TUESDAY IN DECEMBER AFTER THE MEMBER'S ELECTION AND UNTIL A SUCCESSOR  
5 IS ELECTED AND QUALIFIES.

6           (2)     MEMBERS OF THE FREDERICK COUNTY BOARD SHALL BE ELECTED  
7 AS FOLLOWS:

8                   (I)     THREE MEMBERS OF THE COUNTY BOARD SHALL BE ELECTED  
9 IN THE NOVEMBER GENERAL ELECTION OF 2000 AND EVERY 4 YEARS THEREAFTER;  
10 AND

11                   (II)    FOUR MEMBERS OF THE COUNTY BOARD SHALL BE ELECTED IN  
12 THE NOVEMBER GENERAL ELECTION OF 2002 AND EVERY 4 YEARS THEREAFTER.

13           (3)     AN INDIVIDUAL MAY NOT SERVE FOR MORE THAN TWO  
14 CONSECUTIVE TERMS.

15     (D)     (1)     THE TERMS OF MEMBERS ARE STAGGERED AS PROVIDED IN  
16 SUBSECTION (C) OF THIS SECTION.

17           (2)     THE COUNTY COMMISSIONERS SHALL APPOINT A QUALIFIED  
18 INDIVIDUAL TO FILL A VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF  
19 THE TERM AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

20     (E)     (1)     THE STATE BOARD MAY REMOVE A MEMBER OF THE COUNTY BOARD  
21 FOR:

22                   (I)     IMMORALITY;

23                   (II)    MISCONDUCT IN OFFICE;

24                   (III)   INCOMPETENCY; OR

25                   (IV)   WILLFUL NEGLIGENCE OF DUTY.

26           (2)     BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL SEND THE  
27 MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE MEMBER  
28 AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.

29           (3)     IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY PERIOD:

30                   (I)     THE STATE BOARD PROMPTLY SHALL HOLD A HEARING, BUT A  
31 HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS THE  
32 MEMBER A NOTICE OF THE HEARING; AND

33                   (II)    THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD  
34 PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE, IN PERSON  
35 OR BY COUNSEL.

1 (4) A MEMBER REMOVED UNDER THIS SUBSECTION HAS THE RIGHT TO  
2 A DE NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR FREDERICK  
3 COUNTY.

4 3-5A-02.

5 (A) AN INDIVIDUAL WHO IS MARRIED TO AN ADMINISTRATOR OR TEACHER OF  
6 THE COUNTY BOARD MAY NOT BE ELECTED TO OR SERVE ON THE COUNTY BOARD.

7 (B) AN INDIVIDUAL WHO IS MARRIED TO A MEMBER OF THE COUNTY BOARD  
8 MAY NOT BE HIRED AS AN ADMINISTRATOR OR TEACHER BY THE COUNTY BOARD  
9 UNLESS THE INDIVIDUAL'S SPOUSE FIRST RESIGNS FROM THE COUNTY BOARD.

10 3-5A-03.

11 AT ITS FIRST MEETING AFTER THE FIRST TUESDAY IN DECEMBER, THE COUNTY  
12 BOARD SHALL ELECT A PRESIDENT FROM AMONG ITS MEMBERS.

13 3-5A-04.

14 THE PRESIDENT AND THE OTHER MEMBERS ARE ENTITLED TO THE  
15 COMPENSATION PROVIDED IN THE FREDERICK COUNTY BUDGET.

16 3-5A-05.

17 (A) ALL ACTIONS OF THE COUNTY BOARD SHALL BE TAKEN AT A PUBLIC  
18 MEETING AND A RECORD OF THE MEETING AND ALL ACTIONS SHALL BE MADE  
19 PUBLIC.

20 (B) THE COUNTY BOARD MAY TAKE ACTIONS IN CLOSED SESSION IN  
21 ACCORDANCE WITH § 10-508 OF THE STATE GOVERNMENT ARTICLE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the  
23 appointed members of the Frederick County Board of Education serving on December  
24 4, 2000 shall terminate as follows:

25 (a) The terms of appointed members which were scheduled to end on July 1,  
26 2001 or July 1, 2002 shall terminate at the end of December 4, 2000; and

27 (b) The terms of appointed members which were scheduled to end on July 1,  
28 2003, July 1, 2004, or July 1, 2005 shall terminate at the end of December 2, 2002.

29 SECTION 3. AND BE IT FURTHER ENACTED, That before this Act becomes  
30 effective it shall first be submitted to a referendum of the legally qualified voters of  
31 Frederick County at the general election to be held in November of 1998. The cost of  
32 the special election, if any, shall be paid by the County governing body. The County  
33 governing body and the Board of Supervisors of Elections of Frederick County shall do  
34 those things necessary and proper to provide for and hold the referendum required by  
35 this section. If a majority of the votes cast on the question are "For the referred law"  
36 the provisions of this Act shall become effective on December 1, 1998, but if a majority

1 of the votes cast on the question are "Against the referred law" the provisions of this  
2 Act are of no effect and null and void.

3 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions  
4 of Section 3 of this Act and for the sole purpose of providing for the referendum  
5 required by Section 3, this Act shall take effect July 1, 1998.