
By: **Delegates Bozman, Conway, and McClenahan**

Introduced and read first time: February 19, 2001

Assigned to: Rules and Executive Nominations

Re-referred to: Ways and Means, March 1, 2001

Committee Report: Favorable

House action: Adopted

Read second time: March 20, 2001

CHAPTER 323

1 AN ACT concerning

2 **Worcester County - Board of Education - Election of Members**

3 FOR the purpose of providing that members to the Worcester County Board of
4 Education shall be elected; establishing a procedure for the election of members
5 to the Worcester County Board of Education; providing for the termination of
6 the incumbent appointed members holding office on a certain date under certain
7 circumstances; establishing a certain term of office for elected members;
8 providing for the removal of members under certain circumstances; providing
9 for certain student nonvoting members; providing a procedure for filling a
10 vacancy on the County Board; providing for the election of the president and vice
11 president of the County Board; providing for the compensation of the members
12 of the County Board; requiring the County Board to meet at certain intervals;
13 altering the number of members on the County Board, subject to a certain
14 contingency; providing for the construction of this Act; making certain portions
15 of this Act subject to certain contingencies; and generally relating to the election
16 of members to the Worcester County Board of Education.

17 BY repealing and reenacting, with amendments,
18 Article - Education
19 Section 3-105(e) and 3-114(a)
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2000 Supplement)

22 BY adding to
23 Article - Education
24 Section 3-1401 through 3-1405 to be under the new subtitle "Subtitle 14.

1 Worcester County"
2 Annotated Code of Maryland
3 (1999 Replacement Volume and 2000 Supplement)

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

6 **Article - Education**

7 3-105.

8 (e) The Worcester County Board consists of seven [members and includes the
9 five members serving on July 1, 1974 and the two additional members appointed on
10 July 1, 1974. One of the additional members serves for a term of 4 years and the other
11 for a term of 5 years and, at the expiration of these terms, they or their successors
12 serve for a term of 5 years each] VOTING MEMBERS AND ONE NONVOTING STUDENT
13 MEMBER FROM EACH PUBLIC HIGH SCHOOL IN THE COUNTY.

14 3-114.

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

- 16 (1) Allegany;
- 17 (2) Calvert;
- 18 (3) Carroll;
- 19 (4) Charles;
- 20 (5) Frederick;
- 21 (6) Garrett;
- 22 (7) Howard;
- 23 (8) Kent;
- 24 (9) Prince George's;
- 25 (10) Montgomery;
- 26 (11) St. Mary's;
- 27 (12) Somerset; [and]
- 28 (13) Washington; AND
- 29 (14) WORCESTER.

SUBTITLE 14. WORCESTER COUNTY.

2 3-1401.

3 (A) THE WORCESTER COUNTY BOARD CONSISTS OF SEVEN VOTING MEMBERS
4 AND ONE NONVOTING STUDENT MEMBER FROM EACH PUBLIC HIGH SCHOOL IN THE
5 COUNTY.

6 (B) (1) THE SEVEN VOTING MEMBERS OF THE WORCESTER COUNTY BOARD
7 SHALL BE ELECTED AT A GENERAL ELECTION.

8 (2) MEMBERS OF THE WORCESTER COUNTY BOARD SHALL BE ELECTED
9 IN ACCORDANCE WITH ARTICLE 33, TITLE 8, SUBTITLE 8 OF THE CODE.

10 (C) (1) A MEMBER FROM A COUNTY COMMISSIONER DISTRICT SHALL BE A
11 RESIDENT OF THE DISTRICT.

12 (2) A MEMBER FROM A COUNTY COMMISSIONER DISTRICT WHO NO
13 LONGER RESIDES IN THE DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE
14 COUNTY BOARD.

15 (D) OF THE SEVEN VOTING MEMBERS OF THE COUNTY BOARD, ONE SHALL BE
16 ELECTED FROM EACH OF THE SEVEN COUNTY COMMISSIONER DISTRICTS.

17 (E) A MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE JANUARY
18 1 AFTER THE MEMBER'S ELECTION AND UNTIL A SUCCESSOR IS ELECTED AND
19 QUALIFIES.

20 (F) (1) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE COUNTY
21 COMMISSIONER DISTRICTS 1, 4, 6, AND 7 AT THE NOVEMBER 2002 GENERAL
22 ELECTION.

23 (2) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE COUNTY
24 COMMISSIONER DISTRICTS 2, 3, AND 5 AT THE NOVEMBER 2004 GENERAL ELECTION.

25 (G) (1) THE COUNTY COMMISSIONERS SHALL APPOINT A NEW MEMBER TO
26 FILL ANY VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF THAT TERM
27 AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

28 (2) A RESIDENT OF THE DISTRICT IN WHICH A VACANCY EXISTS MAY
29 APPLY TO THE COUNTY COMMISSIONERS TO FILL THE VACANCY.

30 (3) THE COUNTY COMMISSIONERS SHALL ADOPT RULES FOR THE
31 APPLICATION PROCEDURE TO FILL A VACANCY ON THE COUNTY BOARD.

32 (H) (1) EACH STUDENT MEMBER SHALL:

33 (I) BE A 12TH GRADE STUDENT IN THE WORCESTER COUNTY
34 PUBLIC SCHOOL SYSTEM ELECTED BY THE HIGH SCHOOL STUDENTS OF THE PUBLIC
35 SCHOOL WHICH THE STUDENT ATTENDS, IN ACCORDANCE WITH PROCEDURES
36 ESTABLISHED BY THE SCHOOL SYSTEM;

1 (II) SERVE FOR 1 YEAR BEGINNING ON JULY 1 AFTER THE
2 ELECTION OF THE MEMBER;

3 (III) BE A NONVOTING MEMBER; AND

4 (IV) ADVISE THE BOARD ON THE INTERESTS OF STUDENTS.

5 (2) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A
6 MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBERS MAY NOT ATTEND AN
7 EXECUTIVE SESSION.

8 3-1402.

9 (A) THE STATE BOARD MAY REMOVE A MEMBER OF THE COUNTY BOARD FOR
10 ANY OF THE FOLLOWING REASONS:

11 (1) IMMORALITY;

12 (2) MISCONDUCT IN OFFICE;

13 (3) INCOMPETENCY;

14 (4) WILLFUL NEGLECT OF DUTY; OR

15 (5) FAILURE TO ATTEND, WITHOUT GOOD CAUSE:

16 (I) AT LEAST 75% OF THE SCHEDULED MEETINGS OF THE BOARD
17 IN ANY 1 CALENDAR YEAR; OR

18 (II) THREE CONSECUTIVE SCHEDULED MEETINGS OF THE BOARD.

19 (B) BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL SEND THE
20 MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE MEMBER
21 AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.

22 (C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY PERIOD:

23 (1) THE STATE BOARD SHALL PROMPTLY HOLD A HEARING, BUT A
24 HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS THE
25 MEMBER A NOTICE OF THE HEARING; AND

26 (2) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD
27 PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE, IN PERSON,
28 OR BY COUNSEL.

29 (D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE
30 NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR WORCESTER COUNTY.

1 3-1403.

2 AT ITS FIRST MEETING AT THE BEGINNING OF EACH CALENDAR YEAR, THE
3 COUNTY BOARD SHALL ELECT A PRESIDENT AND A VICE PRESIDENT FROM AMONG
4 ITS MEMBERS.

5 3-1404.

6 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE MEMBERS SHALL
7 RECEIVE COMPENSATION AS SET BY THE COUNTY COMMISSIONERS.

8 (B) (1) THE SALARY OF EACH MEMBER OF THE COUNTY BOARD SHALL BE
9 AT LEAST \$3,200.

10 (2) THE SALARY OF THE PRESIDENT OF THE COUNTY BOARD SHALL BE
11 AT LEAST \$3,600.

12 3-1405.

13 (A) THE COUNTY BOARD SHALL MEET AT LEAST ONCE EACH MONTH.

14 (B) EXCEPT FOR THOSE ACTIONS AUTHORIZED BY SUBSECTION (C) OF THIS
15 SECTION, ALL ACTIONS OF THE COUNTY BOARD SHALL BE TAKEN AT A PUBLIC
16 MEETING AND A RECORD OF THE MEETING AND ALL ACTIONS SHALL BE MADE
17 PUBLIC.

18 (C) THE COUNTY BOARD MAY TAKE ACTIONS IN EXECUTIVE SESSION IN
19 ACCORDANCE WITH § 10-508 OF THE STATE GOVERNMENT ARTICLE.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
21 read as follows:

22

Article - Education

23 3-105.

24 (e) The Worcester County Board consists of [seven members and includes the
25 five members serving on July 1, 1974 and the two additional members appointed on
26 July 1, 1974. One of the additional members serves for a term of 4 years and the other
27 for a term of 5 years and, at the expiration of these terms, they or their successors
28 serve for a term of 5 years each] FIVE VOTING MEMBERS AND ONE NONVOTING
29 STUDENT MEMBER FROM EACH PUBLIC HIGH SCHOOL IN THE COUNTY.

30 3-114.

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

32 (1) Allegany;

33 (2) Calvert;

- 1 (3) Carroll;
- 2 (4) Charles;
- 3 (5) Frederick;
- 4 (6) Garrett;
- 5 (7) Howard;
- 6 (8) Kent;
- 7 (9) Prince George's;
- 8 (10) Montgomery;
- 9 (11) St. Mary's;
- 10 (12) Somerset; [and]
- 11 (13) Washington; AND
- 12 (14) WORCESTER.

13 SUBTITLE 14. WORCESTER COUNTY.

14 3-1401.

15 (A) THE WORCESTER COUNTY BOARD CONSISTS OF FIVE VOTING MEMBERS
16 AND ONE NONVOTING STUDENT MEMBER FROM EACH PUBLIC HIGH SCHOOL IN THE
17 COUNTY.

18 (B) (1) THE FIVE VOTING MEMBERS OF THE WORCESTER COUNTY BOARD
19 SHALL BE ELECTED AT A GENERAL ELECTION.

20 (2) THE TERMS OF THE MEMBERS SHALL BE STAGGERED AS PROVIDED
21 IN SUBSECTION (E) OF THIS SECTION.

22 (3) MEMBERS OF THE WORCESTER COUNTY BOARD SHALL BE ELECTED
23 IN ACCORDANCE WITH ARTICLE 33, TITLE 8, SUBTITLE 8 OF THE CODE.

24 (C) (1) A MEMBER FROM A COUNTY COMMISSIONER DISTRICT SHALL BE A
25 RESIDENT OF THE DISTRICT.

26 (2) A MEMBER FROM A COUNTY COMMISSIONER DISTRICT WHO NO
27 LONGER RESIDES IN THE DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE
28 COUNTY BOARD.

29 (D) OF THE FIVE VOTING MEMBERS OF THE COUNTY BOARD, ONE SHALL BE
30 ELECTED FROM EACH OF THE FIVE COUNTY COMMISSIONER DISTRICTS.

1 (E) (1) A MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE
2 JANUARY 1 AFTER THE MEMBER'S ELECTION AND UNTIL A SUCCESSOR IS ELECTED
3 AND QUALIFIES.

4 (2) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE COUNTY
5 COMMISSIONER DISTRICTS 1 AND 4 AT THE NOVEMBER 2002 GENERAL ELECTION.

6 (3) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE COUNTY
7 COMMISSIONER DISTRICTS 2, 3, AND 5 AT THE NOVEMBER 2004 GENERAL ELECTION.

8 (F) (1) THE COUNTY COMMISSIONERS SHALL APPOINT A NEW MEMBER TO
9 FILL ANY VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF THAT TERM
10 AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

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12 APPLY TO THE COUNTY COMMISSIONERS TO FILL THE VACANCY.

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14 APPLICATION PROCEDURE TO FILL A VACANCY ON THE COUNTY BOARD.

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18 SCHOOL WHICH THE STUDENT ATTENDS, IN ACCORDANCE WITH PROCEDURES
19 ESTABLISHED BY THE SCHOOL SYSTEM;

20 (II) SERVE FOR 1 YEAR BEGINNING ON JULY 1 AFTER THE
21 ELECTION OF THE MEMBER;

22 (III) BE A NONVOTING MEMBER; AND

23 (IV) ADVISE THE BOARD ON THE INTERESTS OF STUDENTS.

24 (2) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A
25 MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBERS MAY NOT ATTEND AN
26 EXECUTIVE SESSION.

27 3-1402.

28 (A) THE STATE BOARD MAY REMOVE A MEMBER OF THE COUNTY BOARD FOR
29 ANY OF THE FOLLOWING REASONS:

30 (1) IMMORALITY;

31 (2) MISCONDUCT IN OFFICE;

32 (3) INCOMPETENCY;

33 (4) WILLFUL NEGLECT OF DUTY; OR

1 (5) FAILURE TO ATTEND, WITHOUT GOOD CAUSE:

2 (I) AT LEAST 75% OF THE SCHEDULED MEETINGS OF THE BOARD
3 IN ANY 1 CALENDAR YEAR; OR

4 (II) THREE CONSECUTIVE SCHEDULED MEETINGS OF THE BOARD.

5 (B) BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL SEND THE
6 MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE MEMBER
7 AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.

8 (C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY PERIOD:

9 (1) THE STATE BOARD SHALL PROMPTLY HOLD A HEARING, BUT A
10 HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS THE
11 MEMBER A NOTICE OF THE HEARING; AND

12 (2) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD
13 PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE, IN PERSON,
14 OR BY COUNSEL.

15 (D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE
16 NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR WORCESTER COUNTY.
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18 AT ITS FIRST MEETING AT THE BEGINNING OF EACH CALENDAR YEAR, THE
19 COUNTY BOARD SHALL ELECT A PRESIDENT AND A VICE PRESIDENT FROM AMONG
20 ITS MEMBERS.

21 3-1404.

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23 RECEIVE COMPENSATION AS SET BY THE COUNTY COMMISSIONERS.

24 (B) (1) THE SALARY OF EACH MEMBER OF THE COUNTY BOARD SHALL BE
25 AT LEAST \$3,200.

26 (2) THE SALARY OF THE PRESIDENT OF THE COUNTY BOARD SHALL BE
27 AT LEAST \$3,600.

28 3-1405.

29 (A) THE COUNTY BOARD SHALL MEET AT LEAST ONCE EACH MONTH.

30 (B) EXCEPT FOR THOSE ACTIONS AUTHORIZED BY SUBSECTION (C) OF THIS
31 SECTION, ALL ACTIONS OF THE COUNTY BOARD SHALL BE TAKEN AT A PUBLIC
32 MEETING AND A RECORD OF THE MEETING AND ALL ACTIONS SHALL BE MADE
33 PUBLIC.

1 (C) THE COUNTY BOARD MAY TAKE ACTIONS IN EXECUTIVE SESSION IN
2 ACCORDANCE WITH § 10-508 OF THE STATE GOVERNMENT ARTICLE.

3 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the
4 appointed members of the Worcester County Board of Education serving on June 30,
5 2001 shall terminate as follows:

6 (a) The terms of appointed members which were scheduled to expire on June
7 30, 2003 shall terminate at the end of December 31, 2002; and

8 (b) The term of the appointed member which was scheduled to expire on June
9 30, 2005 shall terminate at the end of December 31, 2004.

10 SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the
11 appointed members of the Worcester County Board of Education serving on June 30,
12 2001 shall terminate as follows:

13 (a) The two offices in which the terms of the incumbent appointed members
14 expire prior to November 1, 2002 shall terminate upon the expiration of the terms;

15 (b) The terms of appointed members which were scheduled to expire on June
16 30, 2003 shall terminate at the end of December 31, 2002; and

17 (c) The term of the appointed member which was scheduled to expire on June
18 30, 2005 shall terminate at the end of December 31, 2004.

19 SECTION 5. AND BE IT FURTHER ENACTED, That, except as expressly
20 provided in this Act, this Act may not be construed to affect the terms of the appointed
21 members of the Worcester County Board of Education.

22 SECTION 6. AND BE IT FURTHER ENACTED, That Sections 1 and 3 of this
23 Act shall take effect July 1, 2001, contingent on the taking effect of a redistricting
24 plan for the Worcester County Commissioner districts that provides for seven county
25 commissioner districts. If a redistricting plan for the seven commissioner districts for
26 Worcester County takes effect after July 1, 2001, but before the filing deadline for
27 candidates to file for election as Worcester County Commissioners in the November
28 2002 general election, Sections 1 and 3 shall take effect on the date that the
29 redistricting plan takes effect. If a redistricting plan for the seven commissioner
30 districts for Worcester County Commissioners does not take effect by the filing
31 deadline for candidates to file for election as Worcester County Commissioners in the
32 November 2002 general election, Sections 1 and 3 of this Act shall be null and void
33 without the necessity of further action by the General Assembly. On or before the
34 filing deadline for candidates to file for election as Worcester County Commissioners
35 in the November 2002 general election, the Worcester County Commissioners shall
36 certify to the Department of Legislative Services whether a redistricting plan for the
37 Worcester County Commissioner districts that provides for seven commissioner
38 districts took effect before the filing deadline, and, if so, on what date the redistricting
39 plan took effect.

1 SECTION 7. AND BE IT FURTHER ENACTED, That Sections 2 and 4 of this
2 Act shall take effect on the failure of Sections 1 and 3 to take effect as provided in
3 Section 6 of this Act. If Sections 1 and 3 of this Act take effect, Sections 2 and 4 of this
4 Act shall be null and void without the necessity of further action by the General
5 Assembly.

6 SECTION 8. AND BE IT FURTHER ENACTED, That, except as provided in
7 Sections 6 and 7 of this Act, this Act shall take effect July 1, 2001.