

HOUSE BILL 596

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F3

2003 Regular Session
(3r1103)

ENROLLED BILL

-- *Ways and Means/Education, Health, and Environmental Affairs* --

Introduced by **Delegates Eckardt and Schisler**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 168

1 AN ACT concerning

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

3 FOR the purpose of providing that members of the Dorchester County Board of
4 Education shall be elected; establishing a procedure for the election of members
5 of the Dorchester County Board of Education; establishing a certain term of
6 office for elected members; providing for the removal of members under certain
7 circumstances; providing for certain student nonvoting members; providing a
8 procedure for filling a vacancy on the County Board; providing for the election of
9 the president and vice president of the County Board; providing for the
10 compensation of the members of the County Board; providing for the
11 termination of the terms of the appointed members of the County Board;
12 requiring the County Board to meet at certain intervals; providing for the
13 effective date of certain provisions of this Act; providing for the termination of
14 certain provisions of this Act; and generally relating to the Dorchester County
15 Board of Education.

16 BY repealing and reenacting, with amendments,

1 Article - Education
2 Section 3-114(a)
3 Annotated Code of Maryland
4 (2001 Replacement Volume and 2002 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article - Education
7 Section 3-114(a)
8 Annotated Code of Maryland
9 (2001 Replacement Volume and 2002 Supplement)
10 (As enacted by Chapter 289 of the Acts of the General Assembly of 2002)

11 BY renumbering
12 Article - Education
13 Section 3-5A-01 through 3-5A-05, respectively, and the subtitle "Subtitle 5A.
14 Frederick County"
15 to be Section 3-5B-01 through 3-5B-05, respectively, and the subtitle "Subtitle
16 5B. Frederick County"
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2002 Supplement)

19 BY adding to
20 Article - Education
21 Section 3-5A-01 through 3-5A-05, inclusive, to be under the new subtitle
22 "Subtitle 5A. Dorchester County"
23 Annotated Code of Maryland
24 (2001 Replacement Volume and 2002 Supplement)

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

27 **Article - Education**

28 3-114.

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

30 (1) Allegany;

31 (2) Calvert;

32 (3) Carroll;

33 (4) Charles;

34 (5) DORCHESTER;

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

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

12 **Article - Education**

13 3-114.

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

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

1 [(13)] (14) Washington; and

2 [(14)] (15) Worcester.

3 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 3-5A-01
4 through 3-5A-05, respectively, and the subtitle "Subtitle 5A. Frederick County" of
5 Article - Education of the Annotated Code of Maryland be renumbered to be
6 Section(s) 3-5B-01 through 3-5B-05, respectively, and the subtitle "Subtitle 5B.
7 Frederick County".

8 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland
9 read as follows:

10 **Article - Education**

11 **SUBTITLE 5A. DORCHESTER COUNTY.**

12 3-5A-01.

13 (A) THE DORCHESTER COUNTY BOARD CONSISTS OF:

14 (1) FIVE VOTING MEMBERS, ~~ONE MEMBER ELECTED FROM EACH OF THE~~
15 ~~FIVE COUNCILMANIC DISTRICTS~~ ELECTED IN ACCORDANCE WITH SUBSECTION (B)
16 OF THIS SECTION; AND

17 (2) ONE NONVOTING STUDENT MEMBER FROM EACH PUBLIC HIGH
18 SCHOOL IN THE COUNTY.

19 (B) (1) THE ELECTED MEMBERS OF THE COUNTY BOARD SHALL BE
20 ELECTED:

21 ~~(1)~~ AT THE GENERAL ELECTION; ~~AND~~.

22 ~~(2) IN ACCORDANCE WITH TITLE 8, SUBTITLE 8 OF THE ELECTION LAW~~
23 ~~ARTICLE~~ ONE MEMBER SHALL BE ELECTED FROM EACH OF THE FIVE
24 COUNCILMANIC DISTRICTS ONLY BY THE VOTERS OF THAT COUNCILMANIC
25 DISTRICT.

26 (C) (1) A MEMBER ELECTED FROM A COUNCILMANIC DISTRICT SHALL BE A
27 RESIDENT OF THE DISTRICT.

28 (2) A MEMBER ELECTED OR APPOINTED FROM A COUNCILMANIC
29 DISTRICT WHO NO LONGER RESIDES IN THE DISTRICT MAY NOT CONTINUE AS A
30 MEMBER OF THE COUNTY BOARD.

31 (D) (1) EACH VOTING MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING
32 ON JANUARY 1 AFTER THE MEMBER'S ELECTION AND UNTIL A SUCCESSOR IS
33 ELECTED AND QUALIFIES.

1 (2) A VOTING MEMBER MAY NOT SERVE FOR MORE THAN THREE
2 CONSECUTIVE TERMS.

3 (E) THE TERMS OF THE VOTING MEMBERS ARE STAGGERED AS FOLLOWS:

4 (1) ONE MEMBER ELECTED FROM EACH OF THE COUNCILMANIC
5 DISTRICTS 1, 3, AND 5 AT THE 2004 GENERAL ELECTION, AND EVERY 4 YEARS
6 THEREAFTER; AND

7 (2) ONE MEMBER ELECTED FROM EACH OF THE COUNCILMANIC
8 DISTRICTS 2 AND 4 AT THE 2006 GENERAL ELECTION, AND EVERY 4 YEARS
9 THEREAFTER.

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

13 (2) A RESIDENT OF THE DISTRICT IN WHICH A VACANCY EXISTS MAY
14 APPLY FOR APPOINTMENT BY THE COUNTY COUNCIL TO FILL THE VACANCY.

15 (3) THE COUNTY COUNCIL SHALL ADOPT RULES GOVERNING THE
16 PROCEDURE THROUGH WHICH AN INDIVIDUAL MAY APPLY TO FILL A VACANCY ON
17 THE COUNTY BOARD.

18 (G) (1) EACH STUDENT MEMBER SHALL:

19 (I) BE A TWELFTH GRADE STUDENT IN THE DORCHESTER COUNTY
20 PUBLIC SCHOOL SYSTEM ELECTED BY THE HIGH SCHOOL STUDENTS OF THE PUBLIC
21 SCHOOL THAT THE STUDENT ATTENDS, IN ACCORDANCE WITH PROCEDURES
22 ESTABLISHED BY THE SCHOOL SYSTEM;

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

25 (III) BE A NONVOTING MEMBER; AND

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

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

30 3-5A-02.

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

33 (1) IMMORALITY;

34 (2) MISCONDUCT IN OFFICE;

1 (3) INCOMPETENCY;

2 (4) WILLFUL NEGLECT OF DUTY; OR

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

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

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

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

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

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

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

17 (D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE
18 NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR DORCHESTER COUNTY.
19 3-5A-03.

20 AT ITS FIRST MEETING AT THE BEGINNING OF EACH CALENDAR YEAR, THE
21 COUNTY BOARD SHALL ELECT A PRESIDENT AND A VICE PRESIDENT FROM AMONG
22 ITS MEMBERS.

23 3-5A-04.

24 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE VOTING MEMBERS
25 SHALL RECEIVE COMPENSATION AS SET BY THE COUNTY COUNCIL.

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

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

30 3-5A-05.

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

32 (B) EXCEPT FOR THOSE ACTIONS AUTHORIZED BY SUBSECTION (C) OF THIS
33 SECTION, ALL ACTIONS OF THE COUNTY BOARD SHALL BE TAKEN AT A PUBLIC

1 MEETING AND A RECORD OF THE MEETING AND ALL ACTIONS SHALL BE MADE
2 PUBLIC.

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

5 SECTION 5. AND BE IT FURTHER ENACTED, That the terms of the
6 appointed members of the Dorchester County Board expire as follows:

7 (a) (1) The term of the appointed member from councilmanic district 3,
8 scheduled to expire on June 30, 2003, shall terminate at the end of December 31,
9 2004;

10 (2) The term of the appointed member from councilmanic district 1,
11 scheduled to expire on June 30, 2005, shall terminate at the end of December 31,
12 2004; and

13 (3) The term of the appointed member from councilmanic district 5,
14 scheduled to expire on June 30, 2004, shall terminate at the end of December 31,
15 2004.

16 (b) (1) The term of the appointed member from councilmanic district 4,
17 scheduled to expire on June 30, 2005, shall terminate at the end of December 31,
18 2006;

19 (2) The term of the appointed member from councilmanic district 2,
20 scheduled to expire on June 30, 2006, shall terminate at the end of December 31,
21 2006; and

22 (3) The term of the appointed member from councilmanic district 1,
23 scheduled to expire on June 30, 2007, shall terminate at the end of December 31,
24 2006.

25 SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
26 take effect on the taking effect of the termination provision specified in Section 20 of
27 Chapter 289 of the Acts of the General Assembly of 2002. If that termination provision
28 takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.
29 This Act may not be interpreted to have any effect on that termination provision.

30 SECTION 7. AND BE IT FURTHER ENACTED, That, subject to the provisions
31 of Section 6 of this Act, this Act shall take effect October 1, 2003.

