

SENATE BILL 518

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2003 Regular Session
3lr1236
CF 3lr2298

By: **Cecil County Senators**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2003

CHAPTER 390

1 AN ACT concerning

2 **Cecil County - Board of Education - Selection of Members**

3 FOR the purpose of altering the method of selection of the members of the Cecil
4 County Board of Education from appointment to election, ~~for at least a certain~~
5 ~~length of time~~; establishing a procedure for the election of members of the Cecil
6 County Board of Education; establishing a certain term of office for elected
7 members; providing for the removal of members under certain circumstances;
8 providing for certain student nonvoting members; providing a procedure for
9 filling a vacancy on the County Board; providing for the election of the president
10 and vice president of the County Board; providing for the compensation of the
11 members of the County Board; requiring the County Board to meet at certain
12 intervals; providing for the termination of the terms of the appointed members
13 of the County Board; ~~providing for the termination of the elected members of the~~
14 ~~County Board~~; submitting this Act to a referendum of the legally qualified
15 voters of Cecil County; providing for the effective date of certain provisions of
16 this Act; ~~providing for the termination of certain provisions of this Act~~; and
17 generally relating to the Cecil County Board of Education.

18 BY repealing and reenacting, with amendments,
19 Article - Education
20 Section 3-114(a)
21 Annotated Code of Maryland
22 (2001 Replacement Volume and 2002 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article - Education
25 Section 3-114(a)

1 Annotated Code of Maryland
2 (2001 Replacement Volume and 2002 Supplement)
3 (As enacted by Chapter 289 of the Acts of the General Assembly of 2002)

4 BY adding to
5 Article - Education
6 Section 3-4A-01 through 3-4A-04, inclusive, to be under the new subtitle
7 "Subtitle 4A. Cecil County"
8 Annotated Code of Maryland
9 (2001 Replacement Volume and 2002 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That the Laws of Maryland 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) CECIL;
- 19 (5) Charles;
- 20 [(5)] (6) Frederick;
- 21 [(6)] (7) Garrett;
- 22 [(7)] (8) Howard;
- 23 [(8)] (9) Kent;
- 24 [(9)] (10) Montgomery;
- 25 [(10)] (11) St. Mary's;
- 26 [(11)] (12) Somerset;
- 27 [(12)] (13) Washington; and
- 28 [(13)] (14) Worcester.

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

1

Article - Education

2 3-114.

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

4 (1) Allegany;

5 (2) Calvert;

6 (3) Carroll;

7 (4) CECIL;

8 (5) Charles;

9 [(5)] (6) Frederick;

10 [(6)] (7) Garrett;

11 [(7)] (8) Howard;

12 [(8)] (9) Kent;

13 [(9)] (10) Prince George's;

14 [(10)] (11) Montgomery;

15 [(11)] (12) St. Mary's;

16 [(12)] (13) Somerset;

17 [(13)] (14) Washington; and

18 [(14)] (15) Worcester.

19 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
20 read as follows:

21

Article - Education

22

SUBTITLE 4A. CECIL COUNTY.

23 3-4A-01.

24 (A) THE CECIL COUNTY BOARD CONSISTS OF SIX MEMBERS AS FOLLOWS:

25 (1) ONE VOTING MEMBER ELECTED FROM EACH OF THE FIVE
26 COMMISSIONER DISTRICTS; AND

27 (2) ONE NONVOTING STUDENT MEMBER.

1 (B) THE FIVE VOTING MEMBERS OF THE COUNTY BOARD SHALL BE ELECTED
2 AT A GENERAL ELECTION AS REQUIRED BY SUBSECTION (C) OF THIS SECTION.

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

5 (2) A MEMBER FROM A COUNTY COMMISSIONER DISTRICT WHO NO
6 LONGER RESIDES IN THE DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE
7 COUNTY BOARD.

8 (3) A CANDIDATE ELECTED TO THE COUNTY BOARD SHALL BE A
9 REGISTERED VOTER AND RESIDENT OF CECIL COUNTY FOR AT LEAST 3 YEARS.

10 ~~(4) (I) AN INDIVIDUAL WHO IS SUBJECT TO THE AUTHORITY OF THE~~
11 ~~COUNTY BOARD AT THE TIME OF FILING IS INELIGIBLE TO BE A CANDIDATE.~~

12 ~~(II) AN INDIVIDUAL WHO IS AN ADMINISTRATOR, COUNTY~~
13 ~~EMPLOYEE, TEACHER OR THE SPOUSE OF AN ADMINISTRATOR, COUNTY EMPLOYEE,~~
14 ~~OR TEACHER AT THE TIME OF FILING IS INELIGIBLE TO BE A CANDIDATE.~~

15 (D) (1) EXCEPT AS PROVIDED UNDER SUBSECTION (E) OF THIS SECTION,
16 EACH VOTING MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON ~~JANUARY 1~~
17 THE FIRST MONDAY IN DECEMBER AFTER THE MEMBER'S ELECTION AND UNTIL A
18 SUCCESSOR IS ELECTED AND QUALIFIES.

19 (2) ~~(I)~~ A VOTING MEMBER MAY NOT SERVE FOR MORE THAN TWO
20 TERMS.

21 ~~(II) FOR THE PURPOSES OF THE TERM LIMIT ESTABLISHED UNDER~~
22 ~~THIS SECTION, A VOTING MEMBER WHO SERVES AN INITIAL TERM OF 2 YEARS~~
23 ~~UNDER SUBSECTION (E) OF THIS SECTION IS CONSIDERED TO HAVE SERVED ONE~~
24 ~~COMPLETE TERM.~~

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

28 (E) ~~(I) THE VOTING MEMBERS FROM COMMISSIONER DISTRICTS 1~~
29 ~~THROUGH 5 SHALL BE ELECTED AT THE 2004 GENERAL ELECTION.~~

30 ~~(2)~~ THE TERMS OF THE VOTING MEMBERS ARE STAGGERED AS
31 FOLLOWS:

32 ~~(I)~~ ~~1-~~ (1) MEMBERS OF THE COUNTY BOARD FROM
33 COMMISSIONER DISTRICTS ~~2, 3, AND 4~~ 3, 4, AND 5 SHALL ~~SERVE FOR AN INITIAL TERM~~
34 ~~OF 2 YEARS. BE ELECTED AT THE 2006 GENERAL ELECTION AND EVERY 4 YEARS~~
35 THEREAFTER; AND

36 ~~2-~~ AN ELECTION SHALL BE CONDUCTED IN 2006 AND EVERY
37 ~~4 YEARS THEREAFTER.~~

1 ~~(H)~~ ~~+~~ (2) MEMBERS OF THE COUNTY BOARD FROM
2 COMMISSIONER DISTRICTS 1 AND ~~5~~ 2 SHALL ~~SERVE AN INITIAL TERM OF 4 YEARS BE~~
3 ELECTED AT THE 2008 GENERAL ELECTION AND EVERY 4 YEARS THEREAFTER.

4 ~~2-~~ ~~AN ELECTION SHALL BE CONDUCTED IN 2008 AND EVERY~~
5 ~~4 YEARS THEREAFTER.~~

6 (F) (1) THE STUDENT MEMBER SHALL:

7 (1) BE AN ELEVENTH OR TWELFTH GRADE STUDENT IN THE CECIL
8 COUNTY PUBLIC SCHOOL SYSTEM ELECTED BY THE HIGH SCHOOL STUDENTS OF
9 THE COUNTY IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE SCHOOL
10 SYSTEM;

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

13 (III) BE A NONVOTING MEMBER; AND

14 (IV) ADVISE THE BOARD ON THE THOUGHTS AND FEELINGS OF
15 STUDENTS.

16 (2) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A
17 MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBER MAY NOT ATTEND AN
18 EXECUTIVE SESSION.

19 3-4A-02.

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

22 (1) IMMORALITY;

23 (2) MISCONDUCT IN OFFICE;

24 (3) INCOMPETENCY;

25 (4) WILLFUL NEGLECT OF DUTY; OR

26 (5) FAILURE TO ATTEND, WITHOUT GOOD CAUSE, AT LEAST 75% OF THE
27 SCHEDULED MEETINGS OF THE COUNTY BOARD IN ANY 1 CALENDAR YEAR.

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

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

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

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

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

6 3-4A-03.

7 (A) AT ITS FIRST MEETING ~~AT THE BEGINNING~~ IN DECEMBER OF EACH YEAR,
8 THE COUNTY BOARD SHALL ELECT A PRESIDENT AND VICE PRESIDENT FROM
9 AMONG THE BOARD MEMBERS.

10 (B) THE COUNTY BOARD SHALL MEET AT LEAST ONCE EACH MONTH.

11 3-4A-04.

12 (A) THE PRESIDENT OF THE COUNTY BOARD IS ENTITLED TO RECEIVE \$4,000
13 ANNUALLY AS COMPENSATION AND THE OTHER VOTING MEMBERS ARE ENTITLED
14 TO RECEIVE \$3,500 EACH ANNUALLY AS COMPENSATION.

15 (B) THE ~~CHAIRMAN~~ PRESIDENT OF THE COUNTY BOARD AND OTHER
16 MEMBERS ARE ENTITLED TO REIMBURSEMENT NOT TO EXCEED \$1,000 A YEAR FOR
17 TRAVEL AND OTHER EXPENSES.

18 (C) THE CECIL COUNTY COMMISSIONERS MAY INCREASE THE ANNUAL
19 SALARY OF THE COUNTY BOARD.

20 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
21 take effect on the taking effect of the termination provision specified in Section 20 of
22 Chapter 289 of the Acts of the General Assembly of 2002. If that termination provision
23 takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.
24 This Act may not be interpreted to have any effect on that termination provision.

25 ~~SECTION 5. AND BE IT FURTHER ENACTED, That the terms of the~~
26 ~~appointed members of the Cecil County Board shall expire at the end of December 31,~~
27 ~~2004.~~

28 ~~SECTION 6. AND BE IT FURTHER ENACTED, That the terms of the elected~~
29 ~~members of the Cecil County Board shall expire as follows:~~

30 (1) ~~The members elected from commissioner districts 2, 3, and 4 shall~~
31 ~~terminate on June 30, 2010; and~~

32 (2) ~~The members elected from commissioner districts 1 and 5 shall~~
33 ~~terminate on June 30, 2008.~~

34 ~~SECTION 7. AND BE IT FURTHER ENACTED, That the Governor shall~~
35 ~~appoint the Cecil County Board of Education in accordance with § 3-108 of the~~
36 ~~Education Article as follows:~~

1 (1) ~~Three members appointed on July 1, 2010; and~~

2 (2) ~~Two members appointed on July 1, 2008.~~

3 SECTION 5. AND BE IT FURTHER ENACTED, That the terms of the
4 appointed members of the Cecil County Board shall expire as follows:

5 (1) The members appointed from the Perryville/Port Deposit District,
6 the North East District, and the Rising Sun District on or before June 30, 2003, shall
7 terminate on December 3, 2006; and

8 (2) The members appointed from the Cecilton District and the Elkton
9 District on or before June 30, 2003, shall terminate on November 30, 2008.

10 ~~SECTION 8. 6.~~ AND BE IT FURTHER ENACTED, That before Sections 6 and 7
11 1 through 5 of this Act become effective, this Act shall first be submitted to a
12 referendum of the legally qualified voters of Cecil County at the general election to be
13 held in November of 2006 2004. The county governing body and the Board of
14 Supervisors of Elections of Cecil County shall do those things necessary and proper to
15 provide for and hold the referendum required by this section. There shall be printed
16 on the ballot to be used at this election the title of this Act and underneath the title,
17 on separate lines, a square or box opposite the words "For a Board of Education
18 Elected by the Voters of Cecil County" and a corresponding square box opposite the
19 words "For a Board of Education Appointed by the Governor". A voter may choose only
20 one of the methods of selection. If a majority of the votes cast on the question are "For
21 a Board of Education Elected by the Voters of Cecil County", Sections 6 and 7 of this
22 Act are of no effect and null and void, but if a majority of the votes cast on the
23 question is "For a Board of Education Appointed by the Governor", the provisions of
24 Sections 6 and 7 1 through 5 of this Act shall become effective on the 30th day
25 following the official canvass of votes for the referendum.

26 ~~SECTION 9. 7.~~ AND BE IT FURTHER ENACTED, That, subject to the
27 provisions of Section 8 6 of this Act, this Act shall take effect October 1, 2003.

28 ~~SECTION 10. AND BE IT FURTHER ENACTED, That subject to the provisions~~
29 ~~of Sections 8 and 9 of this Act, Sections 1 through 5 of this Act shall take effect~~
30 ~~October 1, 2003. They shall remain effective until the taking effect of Sections 6 and~~
31 ~~7 of this Act. If Sections 6 and 7 of this Act take effect, Sections 1 through 5 shall be~~
32 ~~abrogated and of no further force and effect.~~