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§3–901.

(a) (1) In this subtitle the following words have the meanings indicated.

(2) "Board of Education District" means a geographic area of Montgomery County in which an elected member of the Montgomery County Board of Education must be a legal resident. The geographic area of each district is described in subsection (f) of this section. Each district shall be substantially equal in population, and the districts shall be reapportioned on the basis of each decennial census of the United States.

(3) "Elected member" means 1 of the 7 elected and voting members of the Montgomery County Board or a member appointed to fill a vacancy of 1 of these 7 members.

(b) The Montgomery County Board consists of:

(1) 5 elected members, each of whom resides in a different board of education district;

(2) 2 elected members who may reside anywhere in the county; and

(3) 1 student member.

(c) An elected member of the county board shall be a registered voter of Montgomery County.

(d) Members of the Montgomery County Board shall be elected at the general election every 2 years as required by subsection (f) of this section.

(e) (1) The student member shall be a bona fide resident of Montgomery County and a regularly enrolled junior or senior year student from a Montgomery County public high school.

(2) The nomination and election process shall be as agreed on by the county board and the Montgomery County region of the Maryland Association of Student Councils. This agreement shall include a process by which to replace one or both of the final candidates if they are unable to proceed in the election. Any student enrolled in a middle or high school in the Montgomery County public schools may:

(i) Nominate a student member candidate;

(ii) Vote for delegates from the student's school, who in turn vote in a nominating convention to reduce to 2 the number of candidates for student board member if there are 3 or more candidates; and

(iii) Vote directly for 1 of the 2 remaining student board member candidates.

(3) The candidate receiving the second highest number of votes in the direct election shall become the alternate student member. The alternate shall serve if the student member is unable to complete his elected term.

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

(5) Unless invited to attend by the affirmative vote of a majority of the county board, the student member may not attend an executive session that relates to:

(i) Hearings held under § 6–202(a) of this article; or

(ii) Collective bargaining.

(6) As provided in paragraph (7) of this subsection, the student member shall vote on all matters except those relating to:

(i) § 6–202(a) of this article;

(ii) Collective bargaining;

(iii) Capital and operating budgets; and

(iv) School closings, reopenings, and boundaries.

(7) On a majority vote of the elected members, the board may determine, on a case by case basis, whether a matter under consideration is covered by the exclusionary provisions listed in paragraph (6) of this subsection.

(f) (1) Each elected member serves for a term of 4 years beginning on December 1 after the member's election and until a successor is elected and qualifies. The terms of elected members are staggered as required by the terms of the members serving on the county board as of July 1, 1978 so that 4 members are elected in gubernatorial election years and 3 members are elected in presidential election years.

(2) Elected members of the county board shall be elected by the voters of the entire county.

(3) (i) Of the 3 members elected in 1992 and every 4 years thereafter, 1 shall reside in Board of Education District 2 and 1 shall reside in Board of Education District 4. The third member may reside in any part of the county.

(ii) Of the 4 members elected in 1990 and every 4 years thereafter, 1 shall reside in Board of Education District 1, 1 shall reside in Board of Education District 3, and 1 shall reside in Board of Education District 5. The fourth member may

reside in any part of the county.

(iii) The descriptions of board of education districts in this subsection refer to the geographical boundaries of the election districts and the precincts:

1. As reviewed and certified by the Montgomery County Board of Elections or its designees, before the precinct boundaries were reported to the U.S. Bureau of the Census as part of the 2010 Census Redistricting Data Program; and

2. As those precinct lines are specifically shown on the P.L. 94–171 census block maps provided by the U.S. Bureau of the Census and as reviewed and corrected by the Division of Long–range Planning of the Montgomery County Public Schools.

(iv) Where precincts are split between Board of Education Districts, census tract and block numbers, as indicated in the P.L. 94–171 data or shown on the P.L. 171 census block maps provided by the U.S. Bureau of the Census and referred to in this subtitle, are used to define the boundaries of the education districts.

(v) Board of Education District 1 consists of:

1. Election district 1;

2. Election district 2, precincts 1, 3, 4, 5, 6, 7, 8, 10, and 11;

3. Election district 3;

4. Election district 9, precincts 4, 5, 7, 9, 11, 12, 15, 17, 18, 19, 20, 21, 22, 23, 25, 28, 29, 30, 32, 34, and 37;

5. Election district 11;

6. Election district 12;

7. That part of election district 2, precinct 9 that is generally the western part of precinct 9 which is bounded by Little Seneca Creek to the east, and also generally the far eastern part of precinct 9 from Father Hurley Boulevard east to the precinct boundary;

8. That part of election district 6, precinct 1 that is generally the western part of precinct 1 which extends from the precinct boundary north along South Germantown Tributary (a creek), then east along the center of Schaeffer Road to the precinct boundary;

9. That part of election district 6, precinct 11 that is generally the western part of precinct 11 which extends from the precinct boundary northeast along the center of Schaeffer Road, then runs northwest across the Soccerplex at the intersection of Schaeffer Road and Burdette Lane, then west and north along Hoyles

Mill Tributary (a creek), then northeast along Little Seneca Creek to the precinct boundary;

10. That part of election district 9, precinct 1 that is generally the northern part of precinct 1 which extends from the precinct boundary east along the center of CSX railroad tracks to the precinct boundary;

11. That part of election district 9, precinct 8 that is generally the eastern part of precinct 8 which extends from the precinct boundary southeast along the center of Wisteria Drive, then southwest along the center of Great Seneca Highway to the precinct boundary;

12. That part of election district 9, precinct 10 that is generally the northern part of precinct 10 which extends from the precinct boundary northeast along the center of Washington Grove Lane to the precinct boundary;

13. That part of election district 9, precinct 16 that is generally the northern part of precinct 16 which extends from the precinct boundary south along Interstate 270, then east along CSX railroad tracks to the precinct boundary; and

14. That part of election district 9, precinct 24 that is generally the northeastern part of precinct 24 which extends from the precinct boundary southeast along Interstate 270 to the precinct boundary.

(vi) Board of Education District 2 consists of:

1. Election district 2, precinct 2;

2. Election district 4, precincts 2, 3, 5, 6, 7, 14, 16, 21, 22, 23, 24, 25, 26, and 30;

3. Election district 6, precincts 3, 4, 5 through 10, 13, and 14;

4. Election district 9, precincts 2, 3, 6, 13, 14, 26, 27, 31, 33, 35, 36, and 38;

5. That part of election district 2, precinct 9 that is generally the central part of precinct 9 which is bounded by Little Seneca Creek to the west and Father Hurley Boulevard to the east;

6. That part of election district 4, precinct 19 that is generally the eastern part of precinct 19 from the precinct boundary at the intersection of Gude Drive and Calhoun Drive running northeast and approximately 200 feet east of Dubuque Court and Grinnell Terrace, then west along Crabbs Branch Tributary (a creek), then north along the center of Ottenbrook Terrace, then northeast along the center of Deer Lake Lane, then east along the center of Deer Lake Road, then west along the center of Needwood Road to the precinct boundary;

7. That part of election district 4, precinct 20 that is generally the eastern part of precinct 20 which extends from the precinct boundary north along Piney Branch Creek to the precinct boundary;

8. That part of election district 6, precinct 1 that is generally the eastern part of precinct 1 which extends from the precinct boundary north along South Germantown Tributary (a creek), then east along the center of Schaeffer Road to the precinct boundary;

9. That part of election district 6, precinct 11 that is generally the eastern part of precinct 11 which extends from the precinct boundary northeast along the center of Schaeffer Road, then runs northwest across the Soccerplex at the intersection of Schaeffer Road and Burdette Lane, then west and north along Hoyles Mill Tributary (a creek), then northeast along Little Seneca Creek to the precinct boundary;

10. That part of election district 6, precinct 12 that is generally the eastern part of precinct 12 which extends from the precinct boundary north along Sandy Branch Creek, then north along the center of Potomac Riding Lane to the precinct boundary;

11. That part of election district 9, precinct 1 that is generally the southern part of precinct 1 which extends from the precinct boundary east along the center of CSX railroad tracks to the precinct boundary;

12. That part of election district 9, precinct 8 that is generally the western part of precinct 8 which extends from the precinct boundary southeast along the center of Wisteria Drive, then southwest along the center of Great Seneca Highway to the precinct boundary;

13. That part of election district 9, precinct 10 that is generally the southern part of precinct 10 which extends from the precinct boundary northeast along the center of Washington Grove Lane to the precinct boundary;

14. That part of election district 9, precinct 16 that is generally the southern part of precinct 16 which extends from the precinct boundary south along Interstate 270, then east along CSX railroad tracks to the precinct boundary; and

15. That part of election district 9, precinct 24 that is generally the southwestern part of precinct 24 which extends from the precinct boundary southeast along Interstate 270 to the precinct boundary.

(vii) Board of Education District 3 consists of:

1. Election district 4, precincts 4, 8, 10, 12, 13, 17, 18, 27, 28, 31, and 32;

2. Election district 6, precinct 2;

3. Election district 7;

4. Election district 10;

5. Election district 13, precincts 3, 16, 26, 34, 38, 39, and 65;

6. That part of election district 4, precinct 15 that is generally the northern part of precinct 15 which extends from the precinct boundary east along the center of Randolph Road to the precinct boundary;

7. That part of election district 4, precinct 20 that is generally the western part of precinct 20 which extends from the precinct boundary north along Piney Branch Creek to the precinct boundary; and

8. That part of election district 6, precinct 12 that is generally the western part of precinct 12 which extends from the precinct boundary north along Sandy Branch Creek, then north along the center of Potomac Riding Lane to the precinct boundary.

(viii) Board of Education District 4 consists of:

1. Election district 13, precincts 1, 2, 4 through 15, 17 through 25, 27 through 33, 35, 36, 37, 40 through 45, 47, 48, 50, 53, 55, 56, 57, 58, 59, 62, 63, 66, 67, and 68; and

2. That part of election district 4, precinct 15 that is generally the southern part of precinct 15 which extends from the precinct boundary east along the center of Randolph Road to the precinct boundary.

(ix) Board of Education District 5 consists of:

1. Election district 4, precincts 1, 9, and 34;

2. Election district 5;

3. Election district 8;

4. Election district 13, precincts 46, 49, 51, 52, 54, 61, 64, and 69; and

5. That part of election district 4, precinct 19 that is generally the western part of precinct 19 from the precinct boundary at the intersection of Gude Drive and Calhoun Drive running northeast and approximately 200 feet east of Dubuque Court and Grinnell Terrace, then west along Crabbs Branch Tributary (a creek), then north along the center of Ottenbrook Terrace, then northeast along the center of Deer Lake Lane, then east along the center of Deer Lake Road, then west along the center of Needwood Road to the precinct boundary.

(4) (i) The student member serves for a term of 1 year beginning on July 1 after the election.

(ii) The student member shall be replaced for the remainder of the term by the alternate student member if the student member:

1. Resigns or otherwise is unable to complete the term; or

2. Is removed under the provisions of subsection (g) of this section.

(iii) The elected members of the county board shall select a student to complete the remainder of the term if the student member is replaced as provided in subparagraph (ii) of this paragraph and the alternate member:

1. Resigns or otherwise is unable to complete the term; or

2. Is removed under the provisions of subsection (g) of this section.

(5) The remaining members of the county board shall select a qualified individual to fill any vacancy on the elected board for the remainder of that term and until a successor is elected and qualifies.

(6) (i) Subject to subparagraph (ii) of this paragraph, an elected county board member shall forfeit the office if the member fails to reside in the board of education district from which the member was elected.

(ii) If the failure to continue to reside in the district is caused by an alteration in the board of education district boundaries because of reapportionment, the member may complete the term for which the member was elected.

(iii) In the event of a vacancy caused by a member who is required to reside in a particular board of education district, the person appointed to fill the vacancy shall reside in the same district at the time of appointment and while filling out the unexpired term.

(g) (1) The Montgomery County Council may remove a member of the county board for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency; or

(iv) Willful neglect of duty.

(2) Before removing a member, the County Council shall provide the

member a copy of the charges against him and give him an opportunity within 10 days to request a hearing.

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

(i) The County Council promptly shall hold a hearing, but a hearing may not be set within 10 days after the County Council sends the member a notice of the hearing; and

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

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

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