

HOUSE BILL 1352

F3, F1

(6lr3008)

ENROLLED BILL

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

Introduced by **Wicomico County Delegation**

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 _____

1 AN ACT concerning

2 **Wicomico County Board of Education – Election and Appointment of Members**

3 FOR the purpose of requiring that, beginning with a certain election, certain members of
4 the Wicomico County Board of Education be elected by districts and certain members
5 be elected at large; providing that, alternatively, beginning with a certain election,
6 certain members of the Wicomico County Board of Education be elected by districts
7 and certain members be appointed; establishing the composition of the county board;
8 providing for the qualifications, terms of office, and filling of a vacancy of certain
9 members of the county board; establishing certain removal, hearing, and appeal
10 procedures for certain members of the county board; establishing a Wicomico County
11 School Board Nominating Commission to select nominees to be recommended to the
12 Wicomico County Council to fill certain appointments or vacancies on the county
13 board; providing for the membership and duties of the Commission; repealing certain
14 provisions concerning the appointment by the Governor of the members of the
15 Wicomico County Board of Education; providing for the termination of the terms of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 certain members of the county board; submitting this Act to a referendum of the
2 qualified voters of Wicomico County for their adoption or rejection of certain
3 provisions of this Act; and generally relating to the election and appointment of the
4 members of the Wicomico County Board of Education.

5 BY repealing and reenacting, with amendments,
6 Article – Education
7 Section 3–105 and 3–114
8 Annotated Code of Maryland
9 (2014 Replacement Volume and 2015 Supplement)

10 BY adding to
11 Article – Education
12 Section 3–13A–01 through 3–13A–06 to be under the new subtitle “Subtitle 13A.
13 Wicomico County”
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2015 Supplement)

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

18 **Article – Education**

19 3–105.

20 (a) Subsections (b), (c), and (d) of this section do not apply to a county if the
21 number of members of the county board is regulated by other provisions of this title.

22 (b) If a county school system has an enrollment of less than 50,000 students, the
23 county board shall have five members, except that:

24 (1) The Worcester County Board shall have the number of members
25 provided in subsection (e) of this section; **AND**

26 (2) Any county board that had more than five members on July 1, 1969,
27 shall retain that number of members[; and

28 (3) The Wicomico County Board shall have the number of members
29 provided in subsection (f) of this section].

30 (c) If a county school system has an enrollment of 50,000 students or more but
31 less than 100,000 students, the county board shall have seven members.

32 (d) If a county school system has an enrollment of 100,000 students or more, the
33 county board shall have nine members except as provided in § 3–901 of this title for
34 Montgomery County and § 3–1002 of this title for Prince George’s County.

1 (e) The Worcester County Board consists of seven voting members and one
2 nonvoting student member from each public high school in the county.

3 [(f) (1) The Wicomico County Board consists of seven members.

4 (2) The term of a member is 5 years.]

5 3-114.

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

7 (1) Allegany;

8 (2) Calvert;

9 (3) Carroll;

10 (4) Cecil;

11 (5) Charles;

12 (6) Dorchester;

13 (7) Frederick;

14 (8) Garrett;

15 (9) Howard;

16 (10) Kent;

17 (11) Montgomery;

18 (12) Queen Anne's;

19 (13) St. Mary's;

20 (14) Somerset;

21 (15) Talbot;

22 (16) Washington; [and]

23 **(17) WICOMICO; AND**

1 [(17)] (18) Worcester.

2 (b) In Baltimore County, in accordance with Subtitle 2A of this title, the members
3 of the county board shall be a combination of members who are elected and appointed.

4 (c) In Caroline County, in accordance with Subtitle 3A of this title, the members
5 of the county board shall be a combination of members who are elected and appointed.

6 (d) In Harford County, in accordance with Subtitle 6A of this title, the members
7 of the county board shall be a combination of members who are elected and appointed.

8 (e) In Prince George's County, in accordance with Subtitle 10 of this title, the
9 members of the county board shall be a combination of members who are elected and
10 appointed.

11 (f) An individual subject to the authority of the county board may not serve as a
12 member of the county board. At the time of filing a certificate of candidacy for election to a
13 county board, a person shall certify to the local board of supervisors of elections whether or
14 not the person is subject to the authority of the county board. The Governor may not issue
15 a commission of election to a person who has certified affirmatively and who is elected to a
16 county board until the member-elect offers proof that the member-elect is no longer subject
17 to the authority of the county board.

18 (g) The election of the county boards shall be held as provided in Subtitles 2
19 through 14 of this title and the Election Law Article.

20 **SUBTITLE 13A. WICOMICO COUNTY.**

21 **3-13A-01.**

22 **(A) (1) THE WICOMICO COUNTY BOARD CONSISTS OF SEVEN**
23 **NONPARTISAN ELECTED VOTING MEMBERS.**

24 **(2) THE SEVEN MEMBERS SHALL BE ELECTED AS FOLLOWS:**

25 **(I) ONE MEMBER FROM EACH OF THE FIVE COUNCILMANIC**
26 **DISTRICTS IN THE COUNTY, ELECTED BY THE VOTERS OF THAT DISTRICT; AND**

27 **(II) TWO MEMBERS AT LARGE, ELECTED BY THE VOTERS OF THE**
28 **COUNTY.**

29 **(B) (1) A CANDIDATE WHO BECOMES AN ELECTED MEMBER OF THE**
30 **COUNTY BOARD MUST BE A RESIDENT AND REGISTERED VOTER OF WICOMICO**
31 **COUNTY.**

1 **(2) (I) AN ELECTED MEMBER WHO NO LONGER RESIDES IN**
2 **WICOMICO COUNTY MAY NOT CONTINUE AS A MEMBER OF THE BOARD.**

3 **(II) A MEMBER ELECTED FROM A COUNCILMANIC DISTRICT**
4 **WHO NO LONGER RESIDES IN THAT DISTRICT MAY NOT CONTINUE AS A MEMBER OF**
5 **THE BOARD.**

6 **(3) IF THE BOUNDARY LINE OF A WICOMICO COUNTY COUNCILMANIC**
7 **DISTRICT IS CHANGED, THE TERM OF AN INCUMBENT MEMBER OF THE COUNTY**
8 **BOARD WHO NO LONGER RESIDES IN THAT COUNCILMANIC DISTRICT BECAUSE OF**
9 **THE CHANGE IS NOT AFFECTED DURING THIS TERM.**

10 **3-13A-02.**

11 **(A) THE SEVEN MEMBERS OF THE WICOMICO COUNTY BOARD SHALL BE**
12 **ELECTED:**

13 **(1) AT THE GENERAL ELECTION IN 2018 AND AT THE GENERAL**
14 **ELECTION EVERY 4 YEARS THEREAFTER; AND**

15 **(2) IN ACCORDANCE WITH § 3-13A-01 OF THIS SUBTITLE AND TITLE**
16 **8, SUBTITLE 8 OF THIS ARTICLE.**

17 **(B) THE TERMS OF THE MEMBERS ARE AS PROVIDED IN THIS SUBSECTION.**

18 **(1) EACH TERM OF OFFICE BEGINS ON THE FIRST MONDAY IN**
19 **DECEMBER AFTER THE ELECTION OF A MEMBER AND UNTIL A SUCCESSOR IS**
20 **ELECTED AND QUALIFIES.**

21 **(2) THE TERM OF OFFICE OF EACH MEMBER IS 4 YEARS.**

22 **3-13A-03.**

23 **(A) (1) THERE IS A WICOMICO COUNTY SCHOOL BOARD NOMINATING**
24 **COMMISSION.**

25 **(2) THE PURPOSE OF THE COMMISSION IS TO SELECT NOMINEES TO**
26 **RECOMMEND TO THE WICOMICO COUNTY COUNCIL AS QUALIFIED CANDIDATES FOR**
27 **APPOINTMENT TO FILL A VACANCY ON THE WICOMICO COUNTY BOARD.**

28 **(3) WITHIN 60 DAYS OF A VACANCY ON THE COUNTY BOARD, THE**
29 **COMMISSION SHALL:**

1 (I) DEVELOP AND PUBLICIZE CRITERIA FOR CHOOSING
2 NOMINEES TO FILL THE VACANCY;

3 (II) MAKE PUBLIC THE NAMES OF THE CANDIDATES THAT
4 APPLY FOR APPOINTMENT TO FILL A VACANCY ON THE COUNTY BOARD;

5 (III) HOLD AT LEAST TWO PUBLIC HEARINGS ON THE
6 APPLICANTS FOR APPOINTMENT; AND

7 (IV) MAKE PUBLIC AND SUBMIT TO THE COUNTY COUNCIL THE
8 NAMES OF TWO NOMINEES FOR ANY VACANCY.

9 (4) (I) WITHIN 60 DAYS AFTER THE COUNTY COUNCIL RECEIVES
10 THE NAMES OF THE NOMINEES FROM THE COMMISSION, THE COUNTY COUNCIL
11 SHALL HOLD A PUBLIC HEARING REGARDING THE NOMINEES.

12 (II) AFTER THE HEARING, IF THE COUNTY COUNCIL DEEMS AT
13 LEAST ONE OF THE NOMINEES ACCEPTABLE, THE COUNTY COUNCIL SHALL VOTE ON
14 THE NOMINEES AND FILL THE VACANCY.

15 (III) IF THE COUNTY COUNCIL DEEMS BOTH NOMINEES
16 UNACCEPTABLE, THE COUNTY COUNCIL SHALL RETURN THE NAMES TO THE
17 COMMISSION AND REQUEST THAT THE COMMISSION SUBMIT THE NAMES OF AT
18 LEAST TWO ADDITIONAL QUALIFIED NOMINEES FROM WHICH THE COUNTY
19 COUNCIL SHALL SELECT AN INDIVIDUAL TO FILL THE VACANCY.

20 (5) (I) THE COMMISSION CONSISTS OF 14 MEMBERS.

21 (II) THE MEMBERS OF THE COMMISSION SHALL BE APPOINTED
22 ~~BY THE COUNTY EXECUTIVE OF WICOMICO COUNTY, SUBJECT TO CONFIRMATION~~
23 ~~BY THE COUNTY COUNCIL,~~ FROM THE NAMES SUBMITTED BY THE FOLLOWING
24 ORGANIZATIONS, ENTITIES, OR COMMUNITIES OF INTEREST:

25 1. ONE MEMBER FROM THE WICOMICO COUNTY
26 BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED
27 PEOPLE;

28 2. ONE MEMBER FROM THE WICOMICO COUNTY
29 EDUCATION ASSOCIATION;

30 3. ONE MEMBER FROM THE WICOMICO COUNTY AREA
31 CHAMBERS OF COMMERCE, SELECTED BY THE CHAMBERS BY CONSENSUS;

1 4. ONE MEMBER FROM THE WICOMICO COUNTY
2 EDUCATIONAL SUPPORT PROFESSIONALS ASSOCIATION;

3 5. ONE MEMBER FROM THE WICOMICO COUNTY
4 COUNCIL OF PTAS;

5 6. ONE MEMBER FROM EACH OF THE EIGHT
6 INCORPORATED MUNICIPALITIES IN WICOMICO COUNTY; AND

7 7. ONE MEMBER WHO IS A PARENT OF A CHILD WITH
8 SPECIAL NEEDS IN THE WICOMICO COUNTY PUBLIC SCHOOL SYSTEM AND WHO IS
9 AFFILIATED WITH AN ADVOCACY GROUP FOR CHILDREN WITH SPECIAL NEEDS IN
10 THE COUNTY.

11 (6) TO THE EXTENT PRACTICABLE, THE COMMISSION SHALL
12 REFLECT THE GENDER, ETHNIC, AND RACIAL MAKEUP OF THE COUNTY.

13 (7) THE COUNTY EXECUTIVE OF WICOMICO COUNTY SHALL APPOINT
14 THE MEMBERS OF THE COMMISSION, WITH THE ADVICE AND CONSENT OF THE
15 COUNTY COUNCIL, FROM THE NAMES SUBMITTED BY THE ORGANIZATIONS,
16 ENTITIES, OR COMMUNITIES OF INTEREST LISTED UNDER PARAGRAPH (5) OF THIS
17 SUBSECTION.

18 (8) THE TERM OF A MEMBER OF THE COMMISSION IS 4 YEARS.

19 (9) THE COMMISSION SHALL SELECT A CHAIR AND VICE CHAIR FROM
20 AMONG THE MEMBERS.

21 (B) THE WICOMICO COUNTY PUBLIC SCHOOL SYSTEM SHALL PROVIDE
22 STAFF FOR THE COMMISSION.

23 **3-13A-04.**

24 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE
25 WICOMICO COUNTY COUNCIL SHALL APPOINT AN INDIVIDUAL TO FILL A VACANCY
26 ON THE COUNTY BOARD IN ACCORDANCE WITH § 3-13A-03 OF THIS SUBTITLE.

27 (B) (1) IF A VACANCY FOR A MEMBER OCCURS BEFORE THE DATE THAT IS
28 30 DAYS BEFORE THE DATE FOR FILING A CERTIFICATE OF CANDIDACY FOR THE
29 PRIMARY ELECTION IN THE PRESIDENTIAL ELECTION YEAR, THE INDIVIDUAL
30 APPOINTED UNDER SUBSECTION (A) OF THIS SECTION SHALL SERVE ONLY UNTIL A
31 SUCCESSOR IS ELECTED BY THE VOTERS AT THE NEXT GENERAL ELECTION.

1 **(2) CANDIDATES FOR THE VACATED OFFICE MAY BE NOMINATED AT A**
2 **PRIMARY ELECTION IN THE SAME MANNER AS FOR ANY OTHER POSITION ON THE**
3 **COUNTY BOARD.**

4 **3-13A-05.**

5 **(A) THE STATE BOARD MAY REMOVE AN ELECTED OR APPOINTED MEMBER**
6 **OF THE COUNTY BOARD FOR ANY OF THE FOLLOWING REASONS:**

7 **(1) IMMORALITY;**

8 **(2) MISCONDUCT IN OFFICE;**

9 **(3) INCOMPETENCY;**

10 **(4) WILLFUL NEGLECT OF DUTY; OR**

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

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

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

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

20 **(2) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD**
21 **PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE IN PERSON**
22 **OR BY COUNSEL.**

23 **(D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE**
24 **NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR WICOMICO COUNTY.**

25 **3-13A-06.**

26 **AT THE FIRST MEETING OF THE COUNTY BOARD IN DECEMBER OF EACH YEAR,**
27 **THE COUNTY BOARD SHALL ELECT A CHAIR AND VICE CHAIR FROM AMONG THE**
28 **MEMBERS.**

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

3 **Article – Education**

4 3–105.

5 (a) Subsections (b), (c), and (d) of this section do not apply to a county if the
6 number of members of the county board is regulated by other provisions of this title.

7 (b) If a county school system has an enrollment of less than 50,000 students, the
8 county board shall have five members, except that:

9 (1) The Worcester County Board shall have the number of members
10 provided in subsection (e) of this section; AND

11 (2) Any county board that had more than five members on July 1, 1969,
12 shall retain that number of members[; and

13 (3) The Wicomico County Board shall have the number of members
14 provided in subsection (f) of this section].

15 (c) If a county school system has an enrollment of 50,000 students or more but
16 less than 100,000 students, the county board shall have seven members.

17 (d) If a county school system has an enrollment of 100,000 students or more, the
18 county board shall have nine members except as provided in § 3–901 of this title for
19 Montgomery County and § 3–1002 of this title for Prince George’s County.

20 (e) The Worcester County Board consists of seven voting members and one
21 nonvoting student member from each public high school in the county.

22 [(f) (1) The Wicomico County Board consists of seven members.

23 (2) The term of a member is 5 years.]

24 3–114.

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

26 (1) Allegany;

27 (2) Calvert;

28 (3) Carroll;

- 1 (4) Cecil;
- 2 (5) Charles;
- 3 (6) Dorchester;
- 4 (7) Frederick;
- 5 (8) Garrett;
- 6 (9) Howard;
- 7 (10) Kent;
- 8 (11) Montgomery;
- 9 (12) Queen Anne's;
- 10 (13) St. Mary's;
- 11 (14) Somerset;
- 12 (15) Talbot;
- 13 (16) Washington; and
- 14 (17) Worcester.

15 (b) In Baltimore County, in accordance with Subtitle 2A of this title, the members
16 of the county board shall be a combination of members who are elected and appointed.

17 (c) In Caroline County, in accordance with Subtitle 3A of this title, the members
18 of the county board shall be a combination of members who are elected and appointed.

19 (d) In Harford County, in accordance with Subtitle 6A of this title, the members
20 of the county board shall be a combination of members who are elected and appointed.

21 (e) In Prince George's County, in accordance with Subtitle 10 of this title, the
22 members of the county board shall be a combination of members who are elected and
23 appointed.

24 **(F) IN WICOMICO COUNTY, IN ACCORDANCE WITH SUBTITLE 13A OF THIS**
25 **TITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A COMBINATION OF**
26 **MEMBERS WHO ARE ELECTED AND APPOINTED.**

1 **[(f)] (G)** An individual subject to the authority of the county board may not serve
2 as a member of the county board. At the time of filing a certificate of candidacy for election
3 to a county board, a person shall certify to the local board of supervisors of elections whether
4 or not the person is subject to the authority of the county board. The Governor may not
5 issue a commission of election to a person who has certified affirmatively and who is elected
6 to a county board until the member–elect offers proof that the member–elect is no longer
7 subject to the authority of the county board.

8 **[(g)] (H)** The election of the county boards shall be held as provided in Subtitles
9 2 through 14 of this title and the Election Law Article.

10 **SUBTITLE 13A. WICOMICO COUNTY.**

11 **3–13A–01.**

12 **(A) THE WICOMICO COUNTY BOARD OF EDUCATION CONSISTS OF:**

13 **(1) FIVE NONPARTISAN ELECTED MEMBERS; AND**

14 **(2) TWO APPOINTED MEMBERS.**

15 **(B) (1) OF THE SEVEN ELECTED AND APPOINTED MEMBERS OF THE**
16 **COUNTY BOARD:**

17 **(i) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE FIVE**
18 **COUNCILMANIC DISTRICTS IN THE COUNTY, ESTABLISHED BY THE WICOMICO**
19 **COUNTY COUNCIL, BY THE VOTERS OF THAT DISTRICT; AND**

20 **(ii) TWO MEMBERS SHALL BE APPOINTED BY THE WICOMICO**
21 **COUNTY COUNCIL FROM THE COUNTY AT LARGE.**

22 **(2) (i) THE FIVE ELECTED MEMBERS SHALL BE ELECTED AT A**
23 **GENERAL ELECTION IN ACCORDANCE WITH § 3–13A–02 OF THIS SUBTITLE AND**
24 **TITLE 8, SUBTITLE 8 OF THIS ARTICLE.**

25 **(ii) THE TWO APPOINTED MEMBERS SHALL BE APPOINTED BY**
26 **THE WICOMICO COUNTY COUNCIL FROM A LIST OF NOMINEES SUBMITTED BY THE**
27 **WICOMICO COUNTY SCHOOL BOARD NOMINATING COMMISSION AS PROVIDED IN §**
28 **3–13A–03 OF THIS SUBTITLE:**

29 **1. ON THE EXPIRATION OF THE TERM OF AN INCUMBENT**
30 **APPOINTED MEMBER AND WITHIN ~~30~~ 60 DAYS AFTER THE GENERAL ELECTION; OR**

31 **2. WITHIN THE ~~30-DAY~~ 60-DAY PERIOD OTHERWISE**
32 **REQUIRED UNDER THIS SUBTITLE.**

1 (III) WHEN APPOINTING MEMBERS TO THE COUNTY BOARD, THE
2 WICOMICO COUNTY COUNCIL SHALL ENDEAVOR TO ENSURE, TO THE EXTENT
3 PRACTICABLE, THAT THE COUNTY BOARD REFLECTS THE GENDER, ETHNIC, AND
4 RACIAL MAKEUP OF THE COUNTY.

5 (3) (I) A MEMBER FROM A DISTRICT MUST BE AT LEAST 21 YEARS
6 OLD, A RESIDENT OF THAT DISTRICT FOR AT LEAST 2 YEARS, AND A REGISTERED
7 VOTER OF THE COUNTY BEFORE THE ELECTION.

8 (II) A MEMBER FROM A DISTRICT WHO DOES NOT MAINTAIN
9 RESIDENCY IN THAT DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE COUNTY
10 BOARD AND THE OFFICE SHALL BE DEEMED VACANT.

11 (III) IF THE BOUNDARY LINE OF A DISTRICT IS CHANGED, THE
12 TERM OF AN INCUMBENT MEMBER OF THE COUNTY BOARD WHO NO LONGER
13 RESIDES IN THE DISTRICT BECAUSE OF THE CHANGE IS NOT AFFECTED DURING THIS
14 TERM.

15 3-13A-02.

16 (A) AT THE GENERAL ELECTION FOR THE ELECTED MEMBERS OF THE
17 COUNTY BOARD, THE BALLOT SHALL PROVIDE THE VOTERS OF THAT DISTRICT WITH
18 THE CHOICE TO CAST A VOTE "FOR" A CANDIDATE FOR ELECTION FROM THAT
19 DISTRICT ONLY.

20 (B) AFTER THE ELECTION RESULTS ARE CERTIFIED, THE STATE BOARD
21 SHALL DECLARE FOR EACH DISTRICT WHETHER A CANDIDATE HAS BEEN ELECTED.

22 (C) IN ANY ELECTION, IF NO CANDIDATE FILES A CERTIFICATE OF
23 CANDIDACY FOR THE OFFICE OR IF NO INDIVIDUAL OTHERWISE QUALIFIES TO HAVE
24 THE INDIVIDUAL'S NAME PLACED ON THE BALLOT, THE WICOMICO COUNTY
25 COUNCIL SHALL APPOINT A MEMBER FROM A LIST OF NOMINEES SUBMITTED BY THE
26 WICOMICO COUNTY SCHOOL BOARD NOMINATING COMMISSION TO FILL THAT
27 VACANCY NO LATER THAN 30 DAYS AFTER THE GENERAL ELECTION.

28 3-13A-03.

29 (A) (1) THERE IS A WICOMICO COUNTY SCHOOL BOARD NOMINATING
30 COMMISSION.

31 (2) THE PURPOSE OF THE COMMISSION IS TO SELECT NOMINEES TO
32 RECOMMEND TO THE WICOMICO COUNTY COUNCIL AS QUALIFIED CANDIDATES FOR
33 APPOINTMENT TO FILL A VACANCY ON THE WICOMICO COUNTY BOARD.

1 **(3) WITHIN 60 DAYS OF A VACANCY ON THE COUNTY BOARD, THE**
2 **COMMISSION SHALL:**

3 **(I) DEVELOP AND PUBLICIZE CRITERIA FOR CHOOSING**
4 **NOMINEES TO FILL THE VACANCY;**

5 **(II) MAKE PUBLIC THE NAMES OF THE CANDIDATES THAT**
6 **APPLY FOR APPOINTMENT TO FILL A VACANCY ON THE COUNTY BOARD;**

7 **(III) HOLD AT LEAST TWO PUBLIC HEARINGS ON THE**
8 **APPLICANTS FOR APPOINTMENT; AND**

9 **(IV) MAKE PUBLIC AND SUBMIT TO THE COUNTY COUNCIL THE**
10 **NAMES OF TWO NOMINEES FOR ANY VACANCY.**

11 **(4) (I) WITHIN 60 DAYS AFTER THE COUNTY COUNCIL RECEIVES**
12 **THE NAMES OF THE NOMINEES FROM THE COMMISSION, THE COUNTY COUNCIL**
13 **SHALL HOLD A PUBLIC HEARING REGARDING THE NOMINEES.**

14 **(II) AFTER THE HEARING, IF THE COUNTY COUNCIL DEEMS AT**
15 **LEAST ONE OF THE NOMINEES ACCEPTABLE, THE COUNTY COUNCIL SHALL VOTE ON**
16 **THE NOMINEES AND FILL THE VACANCY.**

17 **(III) IF THE COUNTY COUNCIL DEEMS BOTH NOMINEES**
18 **UNACCEPTABLE, THE COUNTY COUNCIL SHALL RETURN THE NAMES TO THE**
19 **COMMISSION AND REQUEST THAT THE COMMISSION SUBMIT THE NAMES OF AT**
20 **LEAST TWO ADDITIONAL QUALIFIED NOMINEES FROM WHICH THE COUNTY**
21 **COUNCIL SHALL SELECT AN INDIVIDUAL TO FILL THE VACANCY.**

22 **(5) (I) THE COMMISSION CONSISTS OF 14 MEMBERS.**

23 **(II) THE MEMBERS OF THE COMMISSION SHALL BE APPOINTED**
24 ~~**BY THE COUNTY EXECUTIVE OF WICOMICO COUNTY, SUBJECT TO CONFIRMATION**~~
25 ~~**BY THE COUNTY COUNCIL,**~~ **FROM THE NAMES SUBMITTED BY THE FOLLOWING**
26 **ORGANIZATIONS, ENTITIES, OR COMMUNITIES OF INTEREST:**

27 **1. ONE MEMBER FROM THE WICOMICO COUNTY**
28 **BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED**
29 **PEOPLE;**

30 **2. ONE MEMBER FROM THE WICOMICO COUNTY**
31 **EDUCATION ASSOCIATION;**

1 **3. ONE MEMBER FROM THE WICOMICO COUNTY AREA**
2 **CHAMBERS OF COMMERCE, SELECTED BY THE CHAMBERS BY CONSENSUS;**

3 **4. ONE MEMBER FROM THE WICOMICO COUNTY**
4 **EDUCATIONAL SUPPORT PROFESSIONALS ASSOCIATION;**

5 **5. ONE MEMBER FROM THE WICOMICO COUNTY**
6 **COUNCIL OF PTAS;**

7 **6. ONE MEMBER FROM EACH OF THE EIGHT**
8 **INCORPORATED MUNICIPALITIES IN WICOMICO COUNTY; AND**

9 **7. ONE MEMBER WHO IS A PARENT OF A CHILD WITH**
10 **SPECIAL NEEDS IN THE WICOMICO COUNTY PUBLIC SCHOOL SYSTEM AND WHO IS**
11 **AFFILIATED WITH AN ADVOCACY GROUP FOR CHILDREN WITH SPECIAL NEEDS IN**
12 **THE COUNTY.**

13 **(6) TO THE EXTENT PRACTICABLE, THE COMMISSION SHALL**
14 **REFLECT THE GENDER, ETHNIC, AND RACIAL MAKEUP OF THE COUNTY.**

15 **(7) THE COUNTY EXECUTIVE OF WICOMICO COUNTY SHALL APPOINT**
16 **THE MEMBERS OF THE COMMISSION, WITH THE ADVICE AND CONSENT OF THE**
17 **COUNTY COUNCIL, FROM THE NAMES SUBMITTED BY THE ORGANIZATIONS,**
18 **ENTITIES, OR COMMUNITIES OF INTEREST LISTED UNDER PARAGRAPH (5) OF THIS**
19 **SUBSECTION.**

20 **(8) THE TERM OF A MEMBER OF THE COMMISSION IS 4 YEARS.**

21 **(9) THE COMMISSION SHALL SELECT A CHAIR AND VICE CHAIR FROM**
22 **AMONG THE MEMBERS.**

23 **(B) THE WICOMICO COUNTY PUBLIC SCHOOL SYSTEM SHALL PROVIDE**
24 **STAFF FOR THE COMMISSION.**

25 **3-13A-04.**

26 **(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MEMBER OF**
27 **THE COUNTY BOARD SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE FIRST**
28 **MONDAY IN DECEMBER, IN THE YEAR IN WHICH THE GOVERNOR IS ELECTED, AFTER**
29 **THE MEMBER'S ELECTION OR APPOINTMENT AND UNTIL A SUCCESSOR IS ELECTED**
30 **OR APPOINTED AND QUALIFIES.**

31 **(2) (1) THE INITIAL TERM OF THE TWO MEMBERS AT LARGE OF THE**
32 **COUNTY BOARD WHOSE TERM BEGINS IN DECEMBER 2018 IS 2 YEARS.**

1 **(II) THE SUCCESSORS OF THE TWO MEMBERS AT LARGE SHALL**
2 **BE APPOINTED IN 2020 AND BE APPOINTED EVERY 4 YEARS THEREAFTER FOR A**
3 **TERM OF 4 YEARS.**

4 **(B) AN INDIVIDUAL WHO TAKES OFFICE TO FILL A VACANCY FOR AN**
5 **ELECTED OR APPOINTED MEMBER SERVES FOR THE REMAINDER OF THE TERM FOR**
6 **WHICH THE APPOINTMENT WAS MADE AND UNTIL A SUCCESSOR IS ELECTED OR**
7 **APPOINTED AND QUALIFIES.**

8 **3-13A-05.**

9 **(A) THE STATE BOARD MAY REMOVE AN ELECTED OR APPOINTED MEMBER**
10 **OF THE COUNTY BOARD FOR 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, AT LEAST 75% OF**
16 **THE SCHEDULED MEETINGS OF THE COUNTY BOARD IN ANY 1 CALENDAR YEAR.**

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

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

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

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

27 **(D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE**
28 **NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR WICOMICO COUNTY.**

29 **3-13A-06.**

1 **AT THE FIRST MEETING OF THE COUNTY BOARD IN DECEMBER OF EACH YEAR,**
2 **THE COUNTY BOARD SHALL ELECT A CHAIR AND VICE CHAIR FROM AMONG THE**
3 **MEMBERS.**

4 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the members of
5 the Wicomico County Board of Education in office at the end of December 2, 2018, shall
6 expire at the end of December 2, 2018.

7 SECTION 4. AND BE IT FURTHER ENACTED, That before this Act becomes
8 effective it shall first be submitted to a referendum of the qualified voters of Wicomico
9 County at the general election to be held in November of 2016. The cost of the election shall
10 be paid by the County governing body. The County governing body and the Wicomico
11 County Board of Elections shall do those things necessary and proper to provide for and
12 hold the referendum required by this section. There shall be printed on the ballot to be used
13 at this election the title of this Act and underneath the title, on separate lines, a square or
14 box for each of the following questions:

15 Question 1: “For Retaining the Current System, a Board of Education with Seven
16 Members Appointed by the Governor”;

17 Question 2: “For a Board of Education with Five Members Elected by District and
18 Two Members Elected At Large”; and

19 Question 3: “For a Board of Education with Five Members Elected by District and
20 Two Members Appointed by the Wicomico County Council”.

21 A voter may cast a vote only on one of the questions.

22 If the highest number of the votes cast on the three questions is “For Retaining the
23 Current System, a Board of Education with Seven Members Appointed by the Governor”,
24 the provisions of Sections 1, 2, and 3 of this Act are of no effect and null and void. If the
25 highest number of votes cast on the three questions is “For a Board of Education with Five
26 Members Elected by District and Two Members Elected At Large”, the provisions of Section
27 2 of this Act are of no effect and null and void. If the highest number of votes cast on the
28 three questions is “For a Board of Education with Five Members Elected by District and
29 Two Members Appointed by the Wicomico County Council”, the provisions of Section 1 of
30 this Act are of no effect and null and void.

31 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions of
32 Section 4 of this Act and for the sole purpose of providing for the referendum required by
33 Section 4 of this Act, this Act shall take effect July 1, 2016.