

Chapter 716

(House Bill 87)

AN ACT concerning

Montgomery County Board of Education – Student Member – Voting

MC 11–16

FOR the purpose of authorizing the student member of the Montgomery County Board of Education to attend an executive session of the Board of Education that relates to a certain matter; authorizing the student member of the Montgomery County Board of Education to vote on certain matters; and generally relating to the voting rights of the student member of the Montgomery County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–901(e)
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 6–202(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

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

Article – Education

3–901.

(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] **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] **PROVISION** in paragraph (6) of this subsection.

6–202.

(a) (1) On the recommendation of the county superintendent, a county board may suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other professional assistant for:

(i) Immorality;

(ii) Misconduct in office, including knowingly failing to report suspected child abuse in violation of § 5–704 of the Family Law Article;

(iii) Insubordination;

(iv) Incompetency; or

(v) Willful neglect of duty.

(2) Before removing an individual, the county board shall send the individual a copy of the charges against him and give him an opportunity within 10 days to request a hearing.

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

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

(ii) The individual shall have an opportunity to be heard before the county board, in person or by counsel, and to bring witnesses to the hearing.

(4) The individual may appeal from the decision of the county board to the State Board.

(5) Notwithstanding any provision of local law, in Baltimore City the suspension and removal of assistant superintendents and higher levels shall be as provided by the personnel system established by the Baltimore City Board of School Commissioners under § 4–311 of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.