

# HOUSE BILL 1060

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11r2155  
CF SB 749

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By: **Delegate Patterson**

Introduced and read first time: February 5, 2021

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Charles County – Board of Education – Membership Alterations**

3 FOR the purpose of altering the manner of election for certain members of the Charles  
4 County Board of Education by specifying that certain members be elected from  
5 certain school board districts; requiring the Board of Charles County Commissioners  
6 to establish a certain number of school board districts in a certain manner; providing  
7 for the ballot requirements for a certain election; requiring the State Board of  
8 Elections declare the election of certain candidates; providing for the qualifications  
9 of the elected members of the county board; altering the day the term of an elected  
10 member begins; establishing staggered terms for the elected members of the county  
11 board beginning with a certain election; prohibiting elected members from serving  
12 more than a certain number of consecutive terms; requiring the County  
13 Commissioners to fill a certain vacancy under certain circumstances; establishing a  
14 residency requirement for an individual appointed to fill a certain vacancy; requiring  
15 the County Commissioners to interview an applicant for a certain vacancy on the  
16 county board in a certain manner; requiring the County Commissioners to publish a  
17 certain list of applicants in a certain manner at least a certain amount of time before  
18 interviews are scheduled to occur; requiring a student member of the county board,  
19 and an alternate, to be selected by a certain entity; providing that a student member  
20 of the county board is a voting member; requiring a certain member of the county  
21 board to serve as chair; repealing the requirement that the county board elect a chair  
22 in a certain manner; providing for the initial terms of the elected members of the  
23 county board; making conforming changes; defining a certain term; and generally  
24 relating to the membership of the Charles County Board of Education.

25 BY repealing and reenacting, with amendments,  
26 Article – Education  
27 Section 3–501 and 3–502  
28 Annotated Code of Maryland  
29 (2018 Replacement Volume and 2020 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 3–501.

5 **(A) IN THIS SECTION, “COUNTY COMMISSIONERS” MEANS THE BOARD OF**  
6 **CHARLES COUNTY COMMISSIONERS.**

7 **[(a)] (B) (1)** The Charles County Board consists of:

8 **[(1)] (I)** Seven [voting] ELECTED members; and

9 **[(2)] (II)** One [nonvoting] student member.

10 **(2) OF THE SEVEN ELECTED MEMBERS:**

11 **(I) SIX MEMBERS SHALL:**

12 **1. BE A RESIDENT OF THE SCHOOL BOARD DISTRICT**  
13 **FROM WHICH THE MEMBER IS ELECTED; AND**

14 **2. BE ELECTED ONLY BY THE VOTERS OF THAT SCHOOL**  
15 **BOARD DISTRICT; AND**

16 **(II) ONE MEMBER SHALL BE ELECTED FROM THE COUNTY**  
17 **AT-LARGE.**

18 **(C) (1) THE COUNTY COMMISSIONERS SHALL ESTABLISH SIX SCHOOL**  
19 **BOARD DISTRICTS IN THE COUNTY.**

20 **(2) (I) THE SCHOOL BOARD DISTRICTS ESTABLISHED UNDER**  
21 **PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBSTANTIALLY EQUAL IN**  
22 **POPULATION AND REAPPORTIONED ON THE BASIS OF EACH DECENNIAL CENSUS.**

23 **(II) REAPPORTIONED DISTRICTS SHALL BECOME EFFECTIVE**  
24 **FOR THE TERM OF OFFICE COMMENCING AFTER THE FIRST REGULAR PRIMARY**  
25 **ELECTION HELD NOT LESS THAN 15 MONTHS AFTER THE OFFICIAL REPORT ON**  
26 **POPULATION IS RECEIVED BY THE STATE FROM THE U.S. CENSUS BUREAU.**

27 **(D) (1) AS APPLICABLE FOR THAT SCHOOL BOARD DISTRICT, AT THE**  
28 **GENERAL ELECTION THE BALLOT SHALL PROVIDE THE VOTER WITH THE CHOICE TO**  
29 **CAST A VOTE “FOR” A CANDIDATE FOR ELECTION FROM THAT SCHOOL BOARD**

1 DISTRICT.

2 (2) AFTER THE ELECTION RESULTS ARE CERTIFIED, THE STATE  
3 BOARD OF ELECTIONS SHALL DECLARE FOR EACH SCHOOL BOARD DISTRICT  
4 WHETHER A CANDIDATE HAS BEEN ELECTED.

5 [(b)] (E) (1) An individual [nominated for a voting membership on]  
6 ELECTED TO the county board shall be [a]:

7 (I) AT LEAST 21 YEARS OLD; AND

8 (II) A resident and registered voter of Charles County FOR AT  
9 LEAST 3 YEARS.

10 (2) [Any member who no longer resides in Charles County or who is not a  
11 registered voter of Charles County may not continue as a voting member of the board.] AN  
12 ELECTED MEMBER SHALL FORFEIT THE OFFICE IF THE MEMBER:

13 (I) FAILS TO RESIDE IN THE SCHOOL BOARD DISTRICT FROM  
14 WHICH THE MEMBER WAS ELECTED, UNLESS THIS CHANGE IS CAUSED BY A CHANGE  
15 IN BOUNDARIES OF THE DISTRICT;

16 (II) FAILS TO BE A RESIDENT OF THE COUNTY; OR

17 (III) FAILS TO BE A REGISTERED VOTER OF THE COUNTY.

18 (3) AN INDIVIDUAL EMPLOYED BY OR UNDER THE DIRECTION OF THE  
19 COUNTY BOARD OR THE COUNTY SUPERINTENDENT IS NOT ELIGIBLE TO SERVE ON  
20 THE COUNTY BOARD.

21 [(c)] (F) All [voting] ELECTED members of the Charles County Board shall be  
22 elected[:

23 (1) At] AT a general election as required by subsection [(d)] (G) of this  
24 section[; and

25 (2) From Charles County at large].

26 [(d)] (G) (1) (I) [Each voting] SUBJECT TO PARAGRAPH (2) OF THIS  
27 SUBSECTION, EACH ELECTED member serves for a term of 4 years beginning on the  
28 [third] FIRST Monday in December after the [gubernatorial] GENERAL election and until  
29 a successor is elected and qualifies.

30 (II) If the [third] FIRST Monday in December is a legal holiday, the

1 term begins on the first day after the [third] FIRST Monday in December that is not a legal  
2 holiday.

3 **(2) THE TERMS OF MEMBERS, BEGINNING WITH MEMBERS ELECTED**  
4 **AT THE GENERAL ELECTION IN NOVEMBER 2022, ARE STAGGERED AS REQUIRED BY**  
5 **THE TERMS PROVIDED FOR ELECTED MEMBERS OF THE COUNTY BOARD ON JULY 1,**  
6 **2021.**

7 **(3) AN ELECTED MEMBER MAY NOT SERVE FOR MORE THAN TWO**  
8 **CONSECUTIVE TERMS.**

9 **[(e)] (H) (1) [The voting members of the county board] IN THE EVENT OF A**  
10 **VACANCY OF AN ELECTED MEMBER OF THE COUNTY BOARD, THE COUNTY**  
11 **COMMISSIONERS shall select a qualified individual to fill any vacancy on the board for the**  
12 **remainder of that term and until a successor is elected and qualifies.**

13 **(2) AN INDIVIDUAL APPOINTED TO FILL A VACANCY OF A MEMBER**  
14 **ELECTED FROM A SCHOOL BOARD DISTRICT SHALL BE A RESIDENT OF THE SAME**  
15 **SCHOOL BOARD DISTRICT AS THAT OF THE VACATING MEMBER.**

16 **[(2)] (3) An interview of an applicant for a vacancy on the board shall be**  
17 **conducted by the [board] COUNTY COMMISSIONERS at a meeting open to the public.**

18 **[(3)] (4) (i) The [board] COUNTY COMMISSIONERS shall publish a**  
19 **list of the names of the applicants for a vacancy on the board at least 2 weeks before the**  
20 **interview of the first applicant is scheduled to occur.**

21 **(ii) Public notice of the date, time, and location of each interview**  
22 **shall be published:**

23 1. At least 2 weeks before the interview is scheduled to occur;  
24 and

25 2. In the same manner as a public notice of a regular meeting  
26 of the board is published.

27 **[(4)] (5) The [board is] COUNTY COMMISSIONERS ARE not required to**  
28 **conduct discussions of the applicants or make the final selection of the [voting] member TO**  
29 **FILL A VACANCY OF THE ELECTED MEMBER at a meeting open to the public.**

30 **[(f)] (I) (1) With the approval of the Governor, the State Board may remove**  
31 **[a voting] AN ELECTED member of the county board for any of the following reasons:**

32 (i) Immorality;

1 (ii) Misconduct in office;

2 (iii) Incompetency; or

3 (iv) Willful neglect of duty.

4 (2) Before removing [a voting] **AN ELECTED** member, the State Board  
5 shall send the [voting] **ELECTED** member a copy of the charges pending and give the  
6 [voting] **ELECTED** member an opportunity within 10 days to request a hearing.

7 (3) If the [voting] **ELECTED** member requests a hearing within the 10-day  
8 period:

9 (i) The State Board shall promptly hold a hearing, but a hearing  
10 may not be set within 10 days after the State Board sends the [voting] **ELECTED** member  
11 a notice of the hearing; and

12 (ii) The [voting] **ELECTED** member shall have an opportunity to be  
13 heard publicly before the State Board in the [voting] **ELECTED** member's own defense, in  
14 person or by counsel.

15 (4) [A voting] **AN ELECTED** member removed under this subsection has  
16 the right to a de novo review of the removal by the Circuit Court for Charles County.

17 **[(g)] (J)** (1) The student member of the Charles County Board shall be an  
18 11th or 12th grade student in the Charles County Public School System.

19 (2) The student member, and an alternate, shall be selected [in accordance  
20 with procedures approved by the board. These procedures shall reflect recommendations  
21 by and involvement of] **BY** the Charles County Association of Student Councils.

22 (3) The term of the student member shall be 1 year.

23 (4) The student member [may not vote, but may indicate a preference for  
24 or against any question before] **SHALL BE A VOTING MEMBER OF** the board.

25 **[(5)** Unless invited to attend by an affirmative vote of a majority of the  
26 county board, the student member may not attend an executive session that relates to  
27 special education placements, collective bargaining, or hearings held under § 6-202 of this  
28 article.]

29 3-502.

30 **(A) THE MEMBER ELECTED FROM THE COUNTY AT-LARGE SHALL SERVE AS**  
31 **CHAIR OF THE COUNTY BOARD.**

1            ~~[(a)]~~ (B)        The county board shall elect [a chair and] a vice chair from among its  
2 **REMAINING ELECTED** members at an annual meeting to be held on the second Tuesday  
3 in January.

4            ~~[(b)]~~ (C)        If there is a vacancy in the office of chair or vice chair, the county board  
5 shall elect a replacement within 30 days after the vacancy occurs.

6            SECTION 2. AND BE IT FURTHER ENACTED, That the initial terms of the elected  
7 members of the Charles County Board of Education shall expire as follows:

8                    (1)        the members elected from school board districts 1, 3, and 5 and the  
9 member elected from the county at-large at the general election in November 2022, shall  
10 serve for a term of 4 years until a successor is elected and qualifies; and

11                    (2)        the members elected from school board districts 2, 4, and 6 at the  
12 general election in November 2022, shall serve for a term of 2 years until a successor is  
13 elected and qualifies.

14            SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
15 1, 2021.