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**By: Delegate Slade (St. Mary's County Delegation)**

Introduced and read first time: February 5, 1996

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County - County Board of Education - Election of Members**

3 FOR the purpose of requiring the members of the St. Mary's County Board of Education  
4 to be elected; exempting a certain election from certain requirements; providing for  
5 the membership of the County Board; establishing certain qualifications and terms  
6 for members; authorizing the State Board to remove members of the County Board  
7 under certain circumstances; providing for the annual compensation of County  
8 Board members; requiring the County Board to hold a public meeting before taking  
9 action; authorizing certain executive sessions; requiring the County Board to hold  
10 its annual meeting after a certain date; and generally relating to the St. Mary's  
11 County Board of Education.

12 BY renumbering

13 Article - Education  
14 Section 4-106(f)(5) and (6), respectively  
15 to be 4-106(f)(6) and (7), respectively  
16 Annotated Code of Maryland  
17 (1992 Replacement Volume and 1995 Supplement)

18 BY repealing

19 Article - Education  
20 Section 3-112.1  
21 Annotated Code of Maryland  
22 (1992 Replacement Volume and 1995 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article - Education  
25 Section 3-113(a) and 4-106(b)  
26 Annotated Code of Maryland  
27 (1992 Replacement Volume and 1995 Supplement)

28 BY adding to

29 Article - Education  
30 Section 3-8A-01 through 3-8A-04, inclusive, to be under the new subtitle "Subtitle  
31 8A. St. Mary's County"; and 4-106(f)(5)

2

1 Annotated Code of Maryland  
2 (1992 Replacement Volume and 1995 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
4 MARYLAND, That Section(s) 4-106(f)(5) and (6), respectively, of Article- Education  
5 of the Annotated Code of Maryland be renumbered to be Section(s) 4-106(f)(6) and (7),  
6 respectively.

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

9 **Article - Education**

10 [3-112.1.

11 (a) The St. Mary's County Board of Education consists of:

12 (1) Five voting members; and

13 (2) One student member.

14 (b) The student member shall:

15 (1) Be an eleventh or twelfth grade student in the St. Mary's County School  
16 System;

17 (2) Serve for 1 year;

18 (3) Be a nonvoting member; and

19 (4) Advise the Board on the thoughts and feelings of students.

20 (c) Unless invited to attend by an affirmative vote of a majority of the County  
21 Board, the student member may not attend an executive session of the County Board.]

22 3-113.

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

24 (1) Allegany;

25 (2) Calvert;

26 (3) Carroll;

27 (4) Charles;

28 (5) Garrett;

29 (6) Howard;

30 (7) Kent;

31 (8) Prince George's;

32 (9) Montgomery;

3

1 (10) ST. MARY'S;

2 [(10)] (11) Somerset; and

3 [(11)] (12) Washington.

4 SUBTITLE 8A. ST. MARY'S COUNTY.

5 3-8A-01.

6 (A) THE ST. MARY'S BOARD CONSISTS OF:

7 (1) FIVE VOTING MEMBERS; AND

8 (2) ONE STUDENT MEMBER.

9 (B) THE STUDENT MEMBER SHALL:

10 (1) BE AN 11TH OR 12TH GRADE STUDENT IN THE ST. MARY'S COUNTY  
11 PUBLIC SCHOOL SYSTEM;

12 (2) SERVE FOR 1 YEAR;

13 (3) BE A NONVOTING MEMBER; AND

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

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

19 (D) (1) (I) A CANDIDATE ELECTED TO THE COUNTY BOARD SHALL BE A  
20 RESIDENT AND REGISTERED VOTER OF ST. MARY'S COUNTY. A MEMBER WHO IS NO  
21 LONGER A RESIDENT AND A REGISTERED VOTER OF ST. MARY'S COUNTY MAY NOT  
22 CONTINUE AS A MEMBER OF THE BOARD.

23 (II) A CANDIDATE WHO FILES TO REPRESENT ONE OF THE  
24 COMMISSIONER ELECTION DISTRICTS MUST BE A RESIDENT OF THAT ELECTION  
25 DISTRICT.

26 (III) CANDIDATES FILING FOR OFFICE TO REPRESENT THE COUNTY  
27 AT LARGE MAY RESIDE ANYWHERE IN THE COUNTY.

28 (2) (I) AN INDIVIDUAL SUBJECT TO THE AUTHORITY OF THE COUNTY  
29 BOARD AT THE TIME OF FILING IS INELIGIBLE TO BE A CANDIDATE.

30 (II) AN INDIVIDUAL WHO HAS AN IMMEDIATE FAMILY MEMBER,  
31 INCLUDING A SPOUSE, SUBJECT TO THE AUTHORITY OF THE COUNTY BOARD MAY  
32 NOT SERVE AS A MEMBER OF THE BOARD.

33 (E) (1) THE ST. MARY'S COUNTY BOARD CONSISTS OF FIVE VOTING  
34 MEMBERS WHO SHALL BE ELECTED AS FOLLOWS:

4

1 (I) ONE MEMBER SHALL BE ELECTED FROM THE COUNTY AT  
2 LARGE; AND

3 (II) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE FOUR  
4 COMMISSIONER DISTRICTS.

5 (2) VOTING MEMBERS OF THE COUNTY BOARD SHALL BE ELECTED:

6 (I) AT A GENERAL ELECTION AS REQUIRED BY THIS SECTION;  
7 AND

8 (II) ON A GENERAL COUNTYWIDE TICKET.

9 (3) MEMBERS OF THE COUNTY BOARD ELECTED IN THE 1996 GENERAL  
10 ELECTION FROM COMMISSIONER DISTRICTS ONE AND THREE SHALL SERVE FOR AN  
11 INITIAL TERM OF 2 YEARS. AN ELECTION SHALL BE CONDUCTED IN 1998 AND EVERY  
12 4 YEARS THEREAFTER.

13 (4) MEMBERS OF THE COUNTY BOARD ELECTED IN THE 1996 GENERAL  
14 ELECTION FROM COMMISSIONER ELECTION DISTRICTS TWO AND FOUR AND FROM  
15 THE COUNTY AT LARGE SHALL SERVE FOR AN INITIAL TERM OF 4 YEARS. AN  
16 ELECTION SHALL BE CONDUCTED IN 2000 AND EVERY 4 YEARS THEREAFTER.

17 (5) EXCEPT AS SPECIFIED IN THIS SECTION, ELECTIONS SHALL BE  
18 CONDUCTED IN ACCORDANCE WITH ARTICLE 33, SUBTITLE 32 OF THE ANNOTATED  
19 CODE OF MARYLAND.

20 (F) (1) THE STUDENT MEMBER OF THE COUNTY BOARD SHALL BE ELECTED  
21 BY QUALIFIED STUDENTS OF THE ST. MARY'S COUNTY PUBLIC SCHOOL SYSTEM. THE  
22 STUDENT MEMBER SHALL NOT BE SUBJECT TO APPROVAL BY THE BOARD.

23 (2) THE VOTING MEMBERS OF THE COUNTY BOARD SHALL:

24 (I) DETERMINE WHICH STUDENTS IN THE ST. MARY'S COUNTY  
25 PUBLIC SCHOOL SYSTEM MAY ELECT THE STUDENT MEMBER OF THE BOARD; AND

26 (II) DEVELOP NOMINATION AND ELECTION PROCEDURES  
27 GOVERNING THE ELECTION OF THE STUDENT MEMBER.

28 (G) (1) EXCEPT AS SPECIFIED IN THIS SECTION, AN ELECTED MEMBER  
29 SHALL SERVE FOR A TERM OF 4 YEARS. THE TERM OF EACH MEMBER SHALL  
30 COMMENCE ON THE FIRST MONDAY IN DECEMBER AFTER THE MEMBER'S ELECTION  
31 AND SHALL CONTINUE UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

32 (2) THE TERM OF THE STUDENT MEMBER SHALL COMMENCE ON THE  
33 FIRST MONDAY IN JULY AND CONTINUE FOR 1 YEAR.

34 (3) IF A VACANCY OCCURS ON THE COUNTY BOARD, THE BOARD SHALL  
35 APPOINT A QUALIFIED INDIVIDUAL TO SERVE FOR THE REMAINDER OF THAT TERM  
36 AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

37 (H) (1) THE STATE BOARD MAY REMOVE A MEMBER OF THE COUNTY  
38 BOARD FOR:

5

1 (I) IMMORALITY;

2 (II) MISCONDUCT IN OFFICE;

3 (III) INCOMPETENCE; OR

4 (IV) WILLFUL NEGLECT OF DUTY.

5 (2) BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL SEND  
6 THE MEMBER A NOTICE, BY REGISTERED MAIL, RETURN RECEIPT REQUESTED,  
7 THAT SPECIFIES THE CHARGES AGAINST THE MEMBER.

8 (3) (I) WITHIN 15 DAYS FROM THE DATE THE STATE BOARD SENDS  
9 THE NOTICE, THE MEMBER MAY REQUEST A PUBLIC HEARING. THE MEMBER SHALL  
10 SEND THIS REQUEST TO THE BOARD BY REGISTERED MAIL, RETURN RECEIPT  
11 REQUESTED.

12 (II) IF THE MEMBER REQUESTS A HEARING, THE STATE BOARD  
13 SHALL CONDUCT A HEARING PROMPTLY, BUT NOT BEFORE THE 11TH DAY FROM  
14 THE DATE THE STATE BOARD SENT NOTICE TO THE MEMBER.

15 (III) THE MEMBER SHALL HAVE THE RIGHT TO A PUBLIC HEARING  
16 AND TO REPRESENTATION BY COUNSEL AT THE HEARING.

17 (4) A MEMBER REMOVED UNDER THIS SUBSECTION HAS THE RIGHT TO  
18 A DE NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT OF ST. MARY'S  
19 COUNTY.

20 3-8A-02.

21 AT ITS FIRST MEETING FOLLOWING THE FIRST MONDAY IN DECEMBER OF  
22 EACH CALENDAR YEAR, THE COUNTY BOARD SHALL ELECT A CHAIRMAN FROM  
23 AMONG ITS MEMBERS.

24 3-8A-03.

25 THE COUNTY SHALL PAY THE ANNUAL COMPENSATION OF EACH ELECTED  
26 MEMBER OF THE COUNTY BOARD WITH FUNDS FROM ST. MARY'S COUNTY  
27 OPERATING ACCOUNTS IN 12 MONTHLY INSTALLMENTS.

28 3-8A-04.

29 (A) THE COUNTY BOARD SHALL MEET AT LEAST ONCE EACH MONTH.

30 (B) THE BOARD SHALL TAKE ACTION ONLY AFTER A PUBLIC MEETING. A  
31 RECORD OF THE MEETING AND ALL ACTION TAKEN SHALL BE MADE AVAILABLE TO  
32 THE PUBLIC.

33 (C) THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT THE COUNTY  
34 BOARD FROM MEETING AND DELIBERATING IN EXECUTIVE SESSION, PROVIDED  
35 THAT THE BOARD TAKES ACTION ONLY AFTER A PUBLIC MEETING AND MAKES A  
36 RECORD OF THE MEETING AND ALL ACTION TAKEN AVAILABLE TO THE PUBLIC.

6

1 4-106.

2 (b) Each county board shall hold an annual meeting on or as near as possible to  
3 the second Tuesday in July, except that:

4 (1) In Allegany County, the annual meeting shall be held on the second  
5 Tuesday of January;

6 (2) In Montgomery County, the annual meeting shall be held on or before  
7 January 10;

8 (3) In Prince George's County, the annual meeting shall be held on the first  
9 Monday in December; [and]

10 (4) IN ST. MARY'S COUNTY, THE ANNUAL MEETING SHALL BE HELD  
11 FOLLOWING THE FIRST MONDAY IN DECEMBER; AND

12 (5) In Washington County, the annual meeting shall be held in December,  
13 on or before the 16th day.

14 (f) (5) EACH MEMBER OF THE ST. MARY'S COUNTY BOARD SHALL RECEIVE  
15 THE FOLLOWING AMOUNTS ANNUALLY AS COMPENSATION:

16 (I) MEMBER .....\$4,000; AND

17 (II) CHAIRMAN ..... \$4,300.

18 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the members  
19 of the St. Mary's County Board serving on the effective date of this Act shall terminate at  
20 the end of December 1, 1996.

21 SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any  
22 other provision of law, the requirement of a primary election under Article 33, Subtitle 32  
23 of the Annotated Code of Maryland does not apply to the election of voting members to  
24 the St. Mary's County Board of Education in November, 1996.

25 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 June 1, 1996.