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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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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 20, 1996

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CHAPTER \_\_\_\_

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; making special provisions for the election of  
11 members of the County Board in 1996; and generally relating to the St. Mary's  
12 County Board of Education.

13 BY renumbering

14 Article - Education

15 Section 4-106(f)(5) and (6), respectively

16 to be 4-106(f)(6) and (7), respectively

17 Annotated Code of Maryland

18 (1992 Replacement Volume and 1995 Supplement)

19 BY repealing

20 Article - Education

21 Section 3-112.1

22 Annotated Code of Maryland

23 (1992 Replacement Volume and 1995 Supplement)

24 BY repealing and reenacting, with amendments,

2

1 Article - Education  
2 Section 3-113(a) and 4-106(b)  
3 Annotated Code of Maryland  
4 (1992 Replacement Volume and 1995 Supplement)

5 BY adding to

6 Article - Education  
7 Section 3-8A-01 through 3-8A-04, inclusive, to be under the new subtitle "Subtitle  
8 8A. St. Mary's County"; and 4-106(f)(5)  
9 Annotated Code of Maryland  
10 (1992 Replacement Volume and 1995 Supplement)

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

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

17 **Article - Education**

18 [3-112.1.

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

- 20 (1) Five voting members; and  
21 (2) One student member.

22 (b) The student member shall:

- 23 (1) Be an eleventh or twelfth grade student in the St. Mary's County School  
24 System;  
25 (2) Serve for 1 year;  
26 (3) Be a nonvoting member; and  
27 (4) Advise the Board on the thoughts and feelings of students.

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

30 3-113.

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

- 32 (1) Allegany;  
33 (2) Calvert;  
34 (3) Carroll;

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- 1 (4) Charles;
- 2 (5) Garrett;
- 3 (6) Howard;
- 4 (7) Kent;
- 5 (8) Prince George's;
- 6 (9) Montgomery;
- 7 (10) ST. MARY'S;
- 8 [(10)] (11) Somerset; and
- 9 [(11)] (12) Washington.

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

11 3-8A-01.

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

- 13 (1) FIVE VOTING MEMBERS; AND
- 14 (2) ONE STUDENT MEMBER.

15 (B) THE STUDENT MEMBER SHALL:

- 16 (1) BE AN 11TH OR 12TH GRADE STUDENT IN THE ST. MARY'S COUNTY
- 17 PUBLIC SCHOOL SYSTEM;
- 18 (2) SERVE FOR 1 YEAR;
- 19 (3) BE A NONVOTING MEMBER; AND
- 20 (4) ADVISE THE COUNTY BOARD ON THE THOUGHTS AND FEELINGS OF
- 21 THE STUDENTS.

22 (C) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A MAJORITY

23 OF THE COUNTY BOARD, THE STUDENT MEMBER MAY NOT ATTEND AN EXECUTIVE

24 SESSION OF THE COUNTY BOARD.

25 (D) (1) (I) A CANDIDATE ELECTED TO THE COUNTY BOARD SHALL BE A

26 RESIDENT AND REGISTERED VOTER OF ST. MARY'S COUNTY. A MEMBER WHO IS NO

27 LONGER A RESIDENT AND A REGISTERED VOTER OF ST. MARY'S COUNTY MAY NOT

28 CONTINUE AS A MEMBER OF THE COUNTY BOARD.

29 (II) A CANDIDATE WHO FILES TO REPRESENT ONE OF THE

30 COMMISSIONER ELECTION DISTRICTS MUST BE A RESIDENT OF THAT ELECTION

31 DISTRICT.

32 (III) CANDIDATES FILING FOR OFFICE TO REPRESENT THE COUNTY

33 AT LARGE MAY RESIDE ANYWHERE IN THE COUNTY.

1 (2) ~~(F)~~ AN INDIVIDUAL SUBJECT TO THE AUTHORITY OF THE COUNTY  
2 BOARD AT THE TIME OF FILING IS INELIGIBLE TO BE A CANDIDATE.

3 ~~(H) AN INDIVIDUAL WHO HAS AN IMMEDIATE FAMILY MEMBER,~~  
4 ~~INCLUDING A SPOUSE, SUBJECT TO THE AUTHORITY OF THE COUNTY BOARD MAY~~  
5 ~~NOT SERVE AS A MEMBER OF THE COUNTY BOARD.~~

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

8 (I) ONE MEMBER SHALL BE ELECTED FROM THE COUNTY AT  
9 LARGE; AND

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

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

13 (I) AT A GENERAL ELECTION AS REQUIRED BY THIS SECTION;  
14 AND

15 (II) ON A GENERAL COUNTYWIDE TICKET.

16 (3) MEMBERS OF THE COUNTY BOARD ELECTED IN THE 1996 GENERAL  
17 ELECTION FROM COMMISSIONER DISTRICTS ONE AND THREE SHALL SERVE FOR AN  
18 INITIAL TERM OF 2 YEARS. AN ELECTION SHALL BE CONDUCTED IN 1998 AND EVERY  
19 4 YEARS THEREAFTER.

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

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

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

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

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

34 (II) DEVELOP NOMINATION AND ELECTION PROCEDURES  
35 GOVERNING THE ELECTION OF THE STUDENT MEMBER.

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

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

3 (3) IF A VACANCY OCCURS ON THE COUNTY BOARD, THE ~~BOARD ST.~~  
4 MARY'S BOARD OF COUNTY COMMISSIONERS SHALL APPOINT A QUALIFIED  
5 INDIVIDUAL TO SERVE FOR THE REMAINDER OF THAT TERM AND UNTIL A  
6 SUCCESSOR IS ELECTED AND QUALIFIES.

7 (H) (1) THE STATE BOARD MAY REMOVE A MEMBER OF THE COUNTY  
8 BOARD FOR:

9 (I) IMMORALITY;

10 (II) MISCONDUCT IN OFFICE;

11 (III) INCOMPETENCE; OR

12 (IV) WILLFUL NEGLECT OF DUTY.

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

16 (3) (I) WITHIN 15 DAYS FROM THE DATE THE STATE BOARD SENDS  
17 THE NOTICE, THE MEMBER MAY REQUEST A PUBLIC HEARING. THE MEMBER SHALL  
18 SEND THIS REQUEST TO THE COUNTY BOARD BY REGISTERED MAIL, RETURN  
19 RECEIPT REQUESTED.

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

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

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

28 3-8A-02.

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

32 3-8A-03.

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

36 3-8A-04.

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

1 ~~(B) THE BOARD SHALL TAKE ACTION ONLY AFTER A PUBLIC MEETING. A~~  
2 ~~RECORD OF THE MEETING AND ALL ACTION TAKEN SHALL BE MADE AVAILABLE TO~~  
3 ~~THE PUBLIC. ALL ACTIONS OF THE COUNTY BOARD SHALL BE TAKEN AT A PUBLIC~~  
4 ~~MEETING AND A RECORD OF THE MEETING AND ALL ACTIONS SHALL BE MADE~~  
5 ~~PUBLIC.~~

6 (C) THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT THE COUNTY  
7 BOARD FROM MEETING AND DELIBERATING IN EXECUTIVE SESSION, PROVIDED  
8 ~~THAT THE BOARD TAKES ACTION ONLY AFTER A PUBLIC MEETING AND MAKES A~~  
9 ~~RECORD OF THE MEETING AND ALL ACTION TAKEN AVAILABLE TO THE PUBLIC.~~  
10 THAT ANY ACTION OF THE COUNTY BOARD, TOGETHER WITH THE INDIVIDUAL  
11 VOTE OF EACH MEMBER, IS CONTAINED IN A PUBLIC RECORD.

12 4-106.

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

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

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

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

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

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

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

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

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

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

32 SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any  
33 other provision of law, the requirement of a primary election under Article 33, Subtitle 32  
34 of the Annotated Code of Maryland does not apply to the election of voting members to  
35 the St. Mary's County Board of Education in November, 1996. The filing deadline for  
36 candidates for election in November 1996 shall be 5:00 p.m. on August 5, 1996. The St.  
37 Mary's County Board of Supervisors of Elections shall take any steps necessary to  
38 implement the election of members of the St. Mary's County Board of Education in  
39 November, 1996.

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