
By: Senator Hafer

Introduced and read first time: January 31, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Garrett County Board of Education - Student Member**

3 FOR the purpose of adding a nonvoting student member to the Garrett County Board of
4 Education; specifying certain qualifications and requirements concerning the
5 student member position; establishing certain procedures regarding the selection of
6 the student member and an alternate; requiring the Garrett County Association of
7 Student Councils to propose, and the elected members of the Garrett County Board
8 of Education to approve, certain procedures; specifying the type of meetings the
9 student member may attend; limiting eligibility for the positions of president and
10 vice-president of the Board to elected members; defining "elected member";
11 making stylistic changes; providing for the application of this Act; and generally
12 relating to the membership of the Board of Education of Garrett County.

13 BY repealing and reenacting, with amendments,
14 Article - Education
15 Section 3-4A-01 through 3-4A-03
16 Annotated Code of Maryland
17 (1992 Replacement Volume and 1995 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article - Education
20 Section 3-4A-04
21 Annotated Code of Maryland
22 (1992 Replacement Volume and 1995 Supplement)

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

25 **Article - Education**

26 3-4A-01.

27 (a) (1) IN THIS SUBTITLE, "ELECTED MEMBER" MEANS A MEMBER OF THE
28 COUNTY BOARD ELECTED UNDER SUBSECTION (B)(1) OR (2) OF THIS SECTION OR
29 APPOINTED TO FILL A VACANCY UNDER SUBSECTION (E)(3) OF THIS SECTION.

30 (2) "ELECTED MEMBER" DOES NOT INCLUDE:

2

1 (I) THE CHAIRMAN OR VICE CHAIRMAN OF THE BOARD OF
2 COUNTY COMMISSIONERS; OR

3 (II) A STUDENT MEMBER SELECTED UNDER SUBSECTION (F) OF
4 THIS SECTION.

5 (B) The Garrett County Board consists of:

6 (1) One ELECTED member from each County commissioner district;

7 (2) Two ELECTED members from the County at large; [and]

8 (3) The Chairman or Vice Chairman of the Board of County
9 Commissioners, who shall be a nonvoting, ex officio member; AND

10 (4) ONE NONVOTING STUDENT MEMBER.

11 [(b)] (C) (1) A candidate from a County commissioner district shall be a
12 resident of that district.

13 (2) The member from the County at large shall be a resident of the County.

14 (3) A candidate for the County Board shall be a registered voter of the
15 County.

16 (4) (i) A member from a County commissioner district who no longer
17 resides in that district may not continue as a member of the County Board.

18 (ii) A member at large who no longer resides in the County may not
19 continue as a member of the County Board.

20 [(c)] (D) (1) [Members] ELECTED MEMBERS of the Board shall be elected at
21 a general election as required by subsection [(d)] (E) of this section.

22 (2) THE STUDENT MEMBER SHALL BE SELECTED IN ACCORDANCE WITH
23 SUBSECTION (F) OF THIS SECTION.

24 [(d)] (E) (1) [Except for the Chairman or Vice Chairman of the County
25 Commissioners, each] EACH ELECTED member serves for a term of 4 years beginning on
26 January 1 after the member's election and until a successor is elected and qualifies.

27 (2) The terms FOR ELECTED MEMBERS are staggered as required by the
28 terms of the members serving on January 1, 1985.

29 (3) The County Commissioners shall appoint a qualified individual to fill
30 any vacancy IN AN ELECTED MEMBER'S POSITION on the Board for the remainder of the
31 term and until a successor is elected and qualifies.

32 (F) (1) EACH MAY, THE ELECTED MEMBERS OF THE COUNTY BOARD SHALL
33 SELECT A STUDENT MEMBER, AND AN ALTERNATE TO SERVE IN THE EVENT OF A
34 VACANCY IN THE STUDENT MEMBER'S POSITION, FROM AMONG CANDIDATES
35 RECOMMENDED BY THE GARRETT COUNTY ASSOCIATION OF STUDENT COUNCILS.

36 (2) THE TERM OF THE STUDENT MEMBER IS 1 YEAR AND BEGINS ON
37 JULY 1.

3

1 (3) TO BE CONSIDERED FOR THE POSITION OF STUDENT MEMBER, OR
2 AS THE ALTERNATE FOR THE STUDENT MEMBER'S POSITION, A STUDENT SHALL:

3 (I) BE A SOPHOMORE OR JUNIOR IN HIGH SCHOOL AT THE TIME
4 OF APPLYING;

5 (II) HAVE ATTENDED GARRETT COUNTY PUBLIC SCHOOLS FOR AT
6 LEAST 2 YEARS;

7 (III) BE IN GOOD ACADEMIC STANDING AND HAVE MAINTAINED A
8 GRADE AVERAGE OF AT LEAST 80% DURING THE PREVIOUS 2 ACADEMIC YEARS;
9 AND

10 (IV) NOT HAVE EXPERIENCED SIGNIFICANT ATTENDANCE OR
11 DISCIPLINARY PROBLEMS DURING THE STUDENT'S HIGH SCHOOL CAREER.

12 (4) (I) THE GARRETT COUNTY ASSOCIATION OF STUDENT COUNCILS
13 SHALL PROPOSE PROCEDURES GOVERNING THE SELECTION OF CANDIDATES FOR
14 THE STUDENT MEMBER'S POSITION.

15 (II) THE PROCEDURES PROPOSED UNDER THIS PARAGRAPH ARE
16 SUBJECT TO THE APPROVAL BY THE ELECTED MEMBERS OF THE BOARD.

17 (III) THE PROCEDURES ADOPTED UNDER THIS PARAGRAPH SHALL
18 PROVIDE FOR THE SELECTION OF UP TO FOUR CANDIDATES, SELECTED BY THE
19 GARRETT COUNTY ASSOCIATION OF STUDENT COUNCILS BY SECRET BALLOT, FOR
20 THE POSITION OF STUDENT MEMBER. THE NAMES OF THE CANDIDATES SHALL BE
21 FORWARDED TO THE ELECTED MEMBERS OF THE COUNTY BOARD FOR FINAL
22 SELECTION OF THE STUDENT MEMBER AND OF AN ALTERNATE.

23 (5) THE STUDENT MEMBER:

24 (I) SHALL ATTEND ALL REGULAR MEETINGS OF THE COUNTY
25 BOARD;

26 (II) MAY ATTEND SPECIAL PUBLIC MEETINGS OF THE COUNTY
27 BOARD;

28 (III) SHALL ATTEND ALL MEETINGS OF THE GARRETT COUNTY
29 ASSOCIATION OF STUDENT COUNCILS; AND

30 (IV) SHALL CONTINUE TO MEET ALL THE REQUIREMENTS FOR
31 SELECTION TO THE STUDENT MEMBER POSITION.

32 (6) THE STUDENT MEMBER MAY NOT ATTEND EXECUTIVE SESSIONS OF
33 THE COUNTY BOARD.

34 [(e)] (G) (1) The State Board may remove [a] AN ELECTED member of the
35 County Board [, except the Chairman or Vice Chairman of the Board of County
36 Commissioners,] for:

37 (i) Immorality;

38 (ii) Misconduct in office;

4

1 (iii) Incompetency; or

2 (iv) Willful neglect of duty.

3 (2) Before removing a member, the State Board shall send the member a
4 copy of the charges [against him] and give [him] THE MEMBER an opportunity within
5 10 days to request a hearing.

6 (3) If the member requests a hearing within the 10-day period:

7 (i) The State Board promptly shall hold a hearing, but a hearing may
8 not be set within 10 days after the State Board sends the member a notice of the hearing;
9 and

10 (ii) The member shall have an opportunity to be heard publicly before
11 the State Board in his own defense, in person or by counsel.

12 (4) A member removed under this subsection has the right to a de novo
13 review of the removal by the Circuit Court for Garrett County.

14 3-4A-02.

15 At its first meeting at the beginning of each year, the County Board shall elect a
16 president and a vice-president from among its ELECTED members.

17 3-4A-03.

18 [Except for the Chairman or Vice Chairman of the County Commissioners, each]
19 EACH ELECTED member of the County Board is entitled to:

20 (1) The salary set by the County Commissioners in accordance with Chapter
21 91 of the Public Local Laws of Garrett County; and

22 (2) Reimbursement not exceeding \$400 a year for travel and other expenses,
23 including travel expenses to and from board meetings held in the county at the rate
24 Garrett County pays for mileage.

25 3-4A-04.

26 (a) All final actions of the County Board shall be taken at a public meeting. The
27 Board shall keep a formal record of each public meeting.

28 (b) This section does not prohibit the Board from meeting and deliberating in
29 executive session provided that all action is taken at a public meeting.

30 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the
31 effective date of this Act, a nonvoting student member selected during the 1995-1996
32 school year in accordance with procedures similar to § 3-4A-01(f) of the Education
33 Article, as enacted by Section 1 of this Act, may serve on the Garrett County Board of
34 Education for the period beginning July 1, 1996.

35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 July 1, 1996.