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**By: Senator Hafer**

Introduced and read first time: January 31, 1996

Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 5, 1996

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CHAPTER \_\_\_\_

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:

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1                   **Article - Education**

2 3-4A-01.

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

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

7                                 (I) THE CHAIRMAN OR VICE CHAIRMAN OF THE BOARD OF  
8 COUNTY COMMISSIONERS; OR

9                                 (II) A STUDENT MEMBER SELECTED UNDER SUBSECTION (F) OF  
10 THIS SECTION.

11                   (B) The Garrett County Board consists of:

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

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

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

16                                 (4) ONE NONVOTING STUDENT MEMBER.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (II) HAVE ATTENDED GARRETT COUNTY PUBLIC SCHOOLS FOR AT  
15 LEAST 2 YEARS;

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

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

21 (4) (I) THE GARRETT COUNTY ASSOCIATION OF STUDENT COUNCILS  
22 SHALL PROPOSE PROCEDURES GOVERNING THE SELECTION OF CANDIDATES FOR  
23 THE STUDENT MEMBER'S POSITION.

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

26 (III) THE PROCEDURES ADOPTED UNDER THIS PARAGRAPH SHALL  
27 PROVIDE FOR THE SELECTION OF UP TO FOUR CANDIDATES, SELECTED BY THE  
28 GARRETT COUNTY ASSOCIATION OF STUDENT COUNCILS BY SECRET BALLOT, FOR  
29 THE POSITION OF STUDENT MEMBER. THE NAMES OF THE CANDIDATES SHALL BE  
30 FORWARDED TO THE ELECTED MEMBERS OF THE COUNTY BOARD FOR FINAL  
31 SELECTION OF THE STUDENT MEMBER AND OF AN ALTERNATE.

32 (5) THE STUDENT MEMBER:

33 (I) SHALL ATTEND ALL REGULAR MEETINGS OF THE COUNTY  
34 BOARD;

35 (II) MAY ATTEND SPECIAL PUBLIC MEETINGS OF THE COUNTY  
36 BOARD;

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

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

3 (6) THE STUDENT MEMBER MAY NOT ATTEND EXECUTIVE SESSIONS OF  
4 THE COUNTY BOARD.

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

8 (i) Immorality;

9 (ii) Misconduct in office;

10 (iii) Incompetency; or

11 (iv) Willful neglect of duty.

12 (2) Before removing a member, the State Board shall send the member a  
13 copy of the charges [against him] and give [him] THE MEMBER an opportunity within  
14 10 days to request a hearing.

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

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

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

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

23 3-4A-02.

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

26 3-4A-03.

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

29 (1) The salary set by the County Commissioners in accordance with Chapter  
30 91 of the Public Local Laws of Garrett County; and

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

34 3-4A-04.

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

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

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

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