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**By: Montgomery County and Prince George's County Delegations**

Introduced and read first time: January 31, 1997

Assigned to: Ways and Means

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Committee Report: Favorable

House action: Adopted

Read second time: March 14, 1997

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Montgomery County and Prince George's County - School Board Election Districts -**

3 **Boundaries**

4 **MC/PG 5-97**

5 FOR the purpose of altering the boundaries of the school board districts for the election

6 of members to the Board of Education for Montgomery County and for the election

7 of the members to the Board of Education for Prince George's County.

8 BY repealing and reenacting, with amendments,

9 Article - Education

10 Section 3-901 and 3-1001

11 Annotated Code of Maryland

12 (1997 Replacement Volume)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Education**

16 3-901.

17 (a) In this subtitle, the following words have the meanings indicated:

18 (1) "Elected member" means 1 of the 7 elected and voting members of the

19 Montgomery County Board or a member appointed to fill a vacancy of 1 of these 7

20 members.

21 (2) "Board of Education District" means a geographic area of Montgomery

22 County in which an elected member of the Montgomery County Board of Education must

2

1 be a legal resident. The geographic area of each district is described in subsection (f) of  
 2 this section. Each district shall be substantially equal in population, and the districts shall  
 3 be reapportioned on the basis of each decennial census of the United States.  
 4 Reapportioned districts shall become effective for the term of office commencing after  
 5 the first regular primary election held at least 15 months after the official report on  
 6 population is received by the State from the Bureau of the Census.

7 (b) The Montgomery County Board consists of:

8 (1) 5 elected members, each of whom resides in a different board of  
 9 education district;

10 (2) 2 elected members who may reside anywhere in the county; and

11 (3) 1 student member.

12 (c) An elected member of the County Board shall be a registered voter of  
 13 Montgomery County.

14 (d) Members of the Montgomery County Board shall be elected at the general  
 15 election every 2 years as required by subsection (f) of this section.

16 (e) (1) The student member shall be a bona fide resident of Montgomery  
 17 County and a regularly enrolled junior or senior year student from a Montgomery County  
 18 public high school.

19 (2) The nomination and election process shall be as agreed on by the  
 20 County Board and the Montgomery County region of the Maryland Association of  
 21 Student Councils. This agreement shall include a process by which to replace one or both  
 22 of the final candidates if they are unable to proceed in the election. Any student enrolled  
 23 in grades 7 through 12 in the Montgomery County public schools may:

24 (i) Nominate a student member candidate;

25 (ii) Vote for delegates from the student's school, who in turn vote in a  
 26 nominating convention to reduce to 2 the number of candidates for student Board  
 27 member if there are 3 or more candidates; and

28 (iii) Vote directly for 1 of the 2 remaining student Board member  
 29 candidates.

30 (3) The candidate receiving the second highest number of votes in the direct  
 31 election shall become the alternate student member. The alternate shall serve if the  
 32 student member is unable to complete his elected term.

33 (4) Except as provided in paragraphs (5), (6), and (7) of this subsection, the  
 34 student member has the same rights and privileges of an elected member.

35 (5) Unless invited to attend by the affirmative vote of a majority of the  
 36 County Board, the student member may not attend an executive session that relates to:

37 (i) Hearings held under § 6-202(a) of this article; or

38 (ii) Collective bargaining.

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1 (6) As provided in paragraph (7) of this subsection, the student member  
2 shall vote on all matters except those relating to:

3 (i) § 6-202(a) of this article;

4 (ii) Collective bargaining;

5 (iii) Capital and operating budgets; and

6 (iv) School closings, reopenings, and boundaries.

7 (7) On a majority vote of the elected members, the Board may determine,  
8 on a case by case basis, whether a matter under consideration is covered by the  
9 exclusionary provisions listed in paragraph (6) of this subsection.

10 (f) (1) Each elected member serves for a term of 4 years beginning on  
11 December 1 after the member's election and until a successor is elected and qualifies.  
12 The terms of elected members are staggered as required by the terms of the members  
13 serving on the County Board as of July 1, 1978 so that 4 members are elected in  
14 gubernatorial election years and 3 members are elected in presidential election years.

15 (2) Elected members of the County Board shall be elected by the voters of  
16 the entire county.

17 (3) (i) Of the 3 members elected in 1992 and every 4 years thereafter, 1  
18 shall reside in Board of Education District 2 and 1 shall reside in Board of Education  
19 District 4. The third member may reside in any part of the county.

20 (ii) Of the 4 members elected in 1990 and every 4 years thereafter, 1  
21 shall reside in Board of Education District 1, 1 shall reside in Board of Education District  
22 3, and 1 shall reside in Board of Education District 5. The fourth member may reside in  
23 any part of the county.

24 (iii) The descriptions of board of education districts in this subsection  
25 refer to the geographical boundaries of:

26 1. The election districts as they existed as of April 1, 1990; and

27 2. The precincts:

28 A. As reviewed and certified by the Montgomery County Board  
29 of Supervisors of Elections or its designees, before the precinct boundaries were reported  
30 to the U.S. Bureau of the Census as part of the 1990 Census Redistricting Data Program;  
31 and

32 B. As those precinct lines are specifically shown on the P.L.  
33 94-171 census block maps provided by the U.S. Bureau of the Census and as reviewed  
34 and corrected by the Maryland Office of Planning.

35 (iv) Board of Education District 1 consists of all of Election Districts 1,  
36 2, 3, 11, and 12; Precinct 3 in Election District 6; and Precincts 1, 2, 5, 7, 8, 9, 10, 11, 12,  
37 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26 in Election District 9.

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1 (v) Board of Education District 2 consists of Precincts 1, 2, 3, 5, 6, 7, 9,  
 2 12, 13, 14, 16, 17, 18, 20, 21, 22, 23, 25, 29, 30, 32, and 33 in Election District 4; Precincts  
 3 1, 2, 4, 5, and 6 in Election District 6; Precincts 3, 6, 13, and 16 in Election District 9;  
 4 Precincts 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, and 13 in Election District 10; and Precincts 35, 37,  
 5 43, 45, 51, 52, and 60 in Election District 13.

6 (vi) Board of Education District 3 consists of Precincts 4, 8, 10, 11, 15,  
 7 24, 26, 27, 28, and 31 in Election District 4; all of Election District 7; Precincts 7 and 10  
 8 in Election District 10; and Precincts 3, 7, 16, 26, 27, 34, 38, 39, 40, and 62 in Election  
 9 District 13.

10 (vii) Board of Education District 4 consists of Precincts 4 and 14 in  
 11 Election District 5; and Precincts 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21,  
 12 22, 23, 24, 25, 28, 29, 30, 31, 32, 33, 36, 41, 42, 44, 47, 48, 50, 53, 55, 56, 57, 58, 59, [and]  
 13 63, 67, AND 68 in Election District 13.

14 (viii) Board of Education District 5 consists of Precinct 19 in Election  
 15 District 4; Precincts 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, and 20 in Election  
 16 District 5; Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 in Election District 8; Precincts 4 and  
 17 14 in Election District 9; and Precincts 46, 49, 54, and 64 in Election District 13.

18 (4) (i) The student member serves for a term of 1 year beginning on July  
 19 1 after his election.

20 (ii) The student member shall be replaced for the remainder of the  
 21 term by the alternate student member if the student member:

22 1. Resigns or otherwise is unable to complete the term; or

23 2. Is removed under the provisions of subsection (g) of this  
 24 section.

25 (iii) The elected members of the County Board shall select a student to  
 26 complete the remainder of the term if the student member is replaced as provided in  
 27 subparagraph (ii) of this paragraph and the alternate member:

28 1. Resigns or otherwise is unable to complete the term; or

29 2. Is removed under the provisions of subsection (g) of this  
 30 section.

31 (5) The remaining members of the County Board shall select a qualified  
 32 individual to fill any vacancy on the elected Board for the remainder of that term and  
 33 until a successor is elected and qualifies.

34 (6) (i) Subject to subparagraph (ii) of this paragraph, an elected County  
 35 Board member shall forfeit the office if the member fails to reside in the board of  
 36 education district from which the member was elected.

37 (ii) If the failure to continue to reside in the district is caused by an  
 38 alteration in the board of education district boundaries because of reapportionment, the  
 39 member may complete the term for which the member was elected.

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1 (iii) In the event of a vacancy caused by a member who is required to  
2 reside in a particular board of education district, the person appointed to fill the vacancy  
3 shall reside in the same district at the time of appointment and while filling out the  
4 unexpired term.

5 (g) (1) The Montgomery County Council may remove a member of the County  
6 Board for:

- 7 (i) Immorality;
- 8 (ii) Misconduct in office;
- 9 (iii) Incompetency; or
- 10 (iv) Willful neglect of duty.

11 (2) Before removing a member, the County Council shall provide the  
12 member a copy of the charges against him and give him an opportunity within 10 days to  
13 request a hearing.

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

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

18 (ii) The member shall have an opportunity to be heard publicly before  
19 the County Council in the member's own defense, in person or by counsel.

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

22 3-1001.

23 (a) When the description of a school board district in this section refers to an  
24 election district, it refers to the Prince George's County election district or precinct as  
25 reviewed and certified by the Prince George's County Board of Supervisors of Elections  
26 prior to their submission to the United States Bureau of the Census and on April 1, 1990.

27 (b) School board district I consists of:

- 28 (1) Election district 1, precincts 1 through 5;
- 29 (2) Election district 10, precincts 1 through 10; and
- 30 (3) Election district 21, precincts 4, 5, and 14.

31 (c) School board district II consists of:

- 32 (1) Election district 14, precincts 2 and 8;
- 33 (2) Election district 16, precincts 1 through 5;
- 34 (3) Election district 19, precincts 1 and 2; and
- 35 (4) Election district 21, precincts 1, 2, 3, and 6 through 13.

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1 (d) School board district III consists of:

2 (1) Election district 17, precincts [1 through 15] 1, 2, 3, AND 5 THROUGH  
3 15;

4 (2) Election district 19, precinct 3; and

5 (3) Election district 21, precinct 15.

6 (e) School board district IV consists of:

7 (1) Election district 2, precincts 1 through 9;

8 (2) Election district 13, precinct 2;

9 (3) Election district 18, precincts 3 and 5;

10 (4) Election district 19, precincts 4 and 5;

11 (5) Election district 20, precincts 1, 2, 3, 6, and 7;

12 (6) Election district 21, precinct 16; and

13 (7) That part of election district 20, precinct 9 that is generally north of a  
14 line that runs along the center of Electric Avenue from Glenn Dale Road to Walnut  
15 Avenue, thence along the center of Walnut Avenue to Maryland Street, thence along the  
16 center of Maryland Street to Lincoln Avenue, thence along the center of Lincoln Avenue  
17 to Crescent Avenue, thence along the center of Crescent Avenue to Elm Street, thence  
18 along the center of Elm Street to Baltimore Lane, thence along the center of Baltimore  
19 Lane to Annapolis Road.

20 (f) School board district V consists of:

21 (1) Election district 3, precincts 1, 2, and 3;

22 (2) Election district 7, precincts 1 through 8;

23 (3) Election district 14, precincts 1 and 3 through 7;

24 (4) Election district 20, precinct 5;

25 (5) That part of election district 20, precinct 9 that is generally south of a  
26 line that runs along the center of Electric Avenue from Glenn Dale Road to Walnut  
27 Avenue, thence along the center of Walnut Avenue to Maryland Street, thence along the  
28 center of Maryland Street to Lincoln Avenue, thence along the center of Lincoln Avenue  
29 to Crescent Avenue, thence along the center of Crescent Avenue to Elm Street, thence  
30 along the center of Elm Street to Baltimore Lane, thence along the center of Baltimore  
31 Lane to Annapolis Road;

32 (6) That part of election district 7, precinct 9 that is generally south and east  
33 of a line that runs along the center of the Northeast Branch from Central Avenue to the  
34 western branch tributary, thence along the center of the western branch tributary to Old  
35 Enterprise Road, thence along the center of Old Enterprise Road to Chesterton Drive,  
36 thence along the center of Chesterton Drive to Blaketon Street, thence along the center  
37 of Blaketon Street to Hunterton Street, thence along the center of Hunterton Street to

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1 Chesterton Drive, thence along the center of Chesterton Drive to Middleham Drive,  
 2 thence along the center of Middleham Drive to West Branch Drive, thence along the  
 3 center of West Branch Drive to Kettering Drive; and

4 (7) (i) That part of election district 15, precinct 2 that is generally east of  
 5 a line that runs along the center of Ritchie Branch from Darcy Road to a point that is  
 6 generally east of the intersection of Ritchboro Road and Tulip Avenue; thence along an  
 7 imaginary line to Ritchboro Road; thence along the center of Ritchboro Road to Forest  
 8 Park Drive, thence along the center of Forest Park Drive to Ritchie Road; and

9 (ii) That part of election district 15, precinct 2 that is south of a line  
 10 that runs along the center of the Ritchie Road spur from Ritchie Marlboro Road to  
 11 Ritchie Road.

12 (iii) That part of election district 15, precinct 2 that is generally north  
 13 and east of a line that runs along the center of Washington Avenue from Darcy Road to  
 14 Douglas Avenue; thence along the center of Douglas Avenue to Sansbury Road; thence  
 15 along the center of Sansbury Road to Darcy Road.

16 (g) School board district VI consists of:

17 (1) Election district 6, precinct 20;

18 (2) Election district 13, precincts 1, 3 through 8, 10, and 11;

19 (3) Election district 18, precincts 1, 2, 4, 6, 7, 8, and 10;

20 (4) Election district 20, precincts 4 and 8;

21 (5) That part of election district 7, precinct 9 that is generally north and  
 22 west of a line that runs along the center of the northeast branch from Central Avenue to  
 23 the Western Branch Tributary, thence along the center of the Western Branch Tributary  
 24 to Old Enterprise Road, thence along the center of Old Enterprise Road to Chesterton  
 25 Drive, thence along the center of Chesterton Drive to Blaketon Street, thence along the  
 26 center of Blaketon Street to Hunterton Street, thence along the center of Hunterton  
 27 Street to Chesterton Drive, thence along the center of Chesterton Drive to Middleham  
 28 Drive, thence along the center of Middleham Drive to West Branch Drive, thence along  
 29 the center of West Branch Drive to Kettering Drive; and

30 (6) (i) That part of election district 15, precinct 2 that is generally west of  
 31 a line that runs along the center of Ritchie Branch from Darcy Road to a point that is  
 32 generally east of the intersection of Ritchboro Road and Tulip Avenue, thence along an  
 33 imaginary line to Ritchboro Road; thence along the center of Ritchboro Road to Forest  
 34 Park Drive; thence along the center of Forest Park Drive to Ritchie Road; and

35 (ii) That part of election district 15, precinct 2 that is north of a line  
 36 that runs along the center of the Ritchie Road spur from Ritchie Marlboro Road to  
 37 Ritchie Road.

38 (h) School board district VII consists of:

39 (1) Election district 6, precincts 1, 3 through 7, 10, 11, 12, 15 through 19, 21,  
 40 and 22;

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1           (2) Election district 9, precinct 3; and

2           (3) That part of election district 15, precinct 2 that is generally south and  
3 west of a line that runs along the center of Washington Avenue from Darcy Road to  
4 Douglas Avenue, thence along the center of Douglas Avenue to Sansbury Road, thence  
5 along the center of Sansbury Road to Darcy Road.

6           (i) School board district VIII consists of:

7           (1) Election district 6, precincts 2, 8, 9, 13, and 14; and

8           (2) Election district 12, precincts 1 through 14.

9           (j) School board district IX consists of:

10          (1) Election district 4, precinct 1;

11          (2) Election district 5, precincts 1 through 6;

12          (3) Election district 8, precinct 1;

13          (4) Election district 9, precincts 1, 2, and 4 through 9;

14          (5) Election district 11, precincts 1 and 2; and

15          (6) Election district 15, precincts 1 and 3.

16          (k) (1) Beginning in 1981, there shall be a redistricting every 10 years based on  
17 the latest U.S. census data.

18          (2) The school board districts shall be divided into three groups:

19           (i) Group I consists of school board districts I, IV, and VII;

20           (ii) Group II consists of school board districts II, V, and VIII; and

21           (iii) Group III consists of school board districts III, VI, and IX.

22          SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 July 1, 1997.