
By: **Frederick County Delegation**

Introduced and read first time: February 5, 1998

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: March 25, 1998

CHAPTER _____

1 AN ACT concerning

2 **Frederick County - Elected Board of Education**

3 FOR the purpose of providing that the members of the Board of Education of
4 Frederick County shall be elected by the voters of the County; providing for the
5 terms, removal, and compensation of members of the Board; providing for the
6 election of a president; providing for the filling of vacancies on and meetings of
7 the Board; providing for the termination of the terms of the appointed members
8 of the Board in accordance with a certain schedule; making this Act contingent
9 on a referendum of the voters of Frederick County; and generally relating to the
10 conversion of the Frederick County Board of Education from an appointed board
11 to an elected board.

12 BY repealing and reenacting, with amendments,
13 Article - Education
14 Section 3-108(b) and 3-114(a)
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 1997 Supplement)

17 BY adding to
18 Article - Education
19 Section 3-5A-01 through 3-5A-05, inclusive, to be under the new subtitle
20 "Subtitle 5A. Frederick County"
21 Annotated Code of Maryland
22 (1997 Replacement Volume and 1997 Supplement)

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

1

Article - Education

2 3-108.

3 (b) (1) Each member shall be appointed solely because of [his] character
4 and fitness and without regard to political affiliation.

5 (2) An individual who is subject to the authority of the county board may
6 not be appointed to or serve on the county board.

7 [(3) (i) This paragraph applies only to Frederick County.

8 (ii) An individual who is married to an administrator or teacher of
9 the county board may not be appointed to or serve on the county board.

10 (iii) An individual who is married to a member of the county board
11 may not be hired as an administrator or teacher by the county board unless the
12 individual's spouse first resigns from the county board.]

13 3-114.

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

15 (1) Allegany;

16 (2) Calvert;

17 (3) Carroll;

18 (4) Charles;

19 (5) FREDERICK;

20 [(5)] (6) Garrett;

21 [(6)] (7) Howard;

22 [(7)] (8) Kent;

23 [(8)] (9) Prince George's;

24 [(9)] (10) Montgomery;

25 [(10)] (11) St. Mary's;

26 [(11)] (12) Somerset; and

27 [(12)] (13) Washington.

SUBTITLE 5A. FREDERICK COUNTY.

1
2 3-5A-01.

3 (A) THE FREDERICK COUNTY BOARD CONSISTS OF SEVEN MEMBERS ELECTED
4 FROM THE COUNTY AT LARGE.

5 (B) (1) A CANDIDATE ELECTED TO THE COUNTY BOARD SHALL BE A
6 RESIDENT AND REGISTERED VOTER OF FREDERICK COUNTY.

7 (2) ANY MEMBER WHO NO LONGER RESIDES IN THE COUNTY MAY NOT
8 CONTINUE AS A MEMBER OF THE BOARD.

9 (C) (1) A MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING THE FIRST
10 TUESDAY IN DECEMBER AFTER THE MEMBER'S ELECTION AND UNTIL A SUCCESSOR
11 IS ELECTED AND QUALIFIES.

12 (2) MEMBERS OF THE FREDERICK COUNTY BOARD SHALL BE ELECTED
13 AS FOLLOWS:

14 (I) THREE MEMBERS OF THE COUNTY BOARD SHALL BE ELECTED
15 IN THE NOVEMBER GENERAL ELECTION OF 2000 AND EVERY 4 YEARS THEREAFTER;
16 AND

17 (II) FOUR MEMBERS OF THE COUNTY BOARD SHALL BE ELECTED IN
18 THE NOVEMBER GENERAL ELECTION OF 2002 AND EVERY 4 YEARS THEREAFTER.

19 (3) AN INDIVIDUAL MAY NOT SERVE FOR MORE THAN TWO
20 CONSECUTIVE TERMS.

21 (D) (1) THE TERMS OF MEMBERS ARE STAGGERED AS PROVIDED IN
22 SUBSECTION (C) OF THIS SECTION.

23 (2) THE COUNTY COMMISSIONERS SHALL APPOINT A QUALIFIED
24 INDIVIDUAL TO FILL A VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF
25 THE TERM AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

26 (E) (1) THE STATE BOARD MAY REMOVE A MEMBER OF THE COUNTY BOARD
27 FOR:

28 (I) IMMORALITY;

29 (II) MISCONDUCT IN OFFICE;

30 (III) INCOMPETENCY; OR

31 (IV) WILLFUL NEGLECT OF DUTY.

32 (2) BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL SEND THE
33 MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE MEMBER
34 AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.

1 (3) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY PERIOD:

2 (I) THE STATE BOARD PROMPTLY SHALL HOLD A HEARING, BUT A
3 HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS THE
4 MEMBER A NOTICE OF THE HEARING; AND

5 (II) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD
6 PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE, IN PERSON
7 OR BY COUNSEL.

8 (4) A MEMBER REMOVED UNDER THIS SUBSECTION HAS THE RIGHT TO
9 A DE NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR FREDERICK
10 COUNTY.

11 3-5A-02.

12 (A) AN INDIVIDUAL WHO IS MARRIED TO AN ADMINISTRATOR OR TEACHER OF
13 THE COUNTY BOARD MAY NOT BE ELECTED TO OR SERVE ON THE COUNTY BOARD.

14 (B) AN INDIVIDUAL WHO IS MARRIED TO A MEMBER OF THE COUNTY BOARD
15 MAY NOT BE HIRED AS AN ADMINISTRATOR OR TEACHER BY THE COUNTY BOARD
16 UNLESS THE INDIVIDUAL'S SPOUSE FIRST RESIGNS FROM THE COUNTY BOARD.

17 3-5A-03.

18 AT ITS FIRST MEETING AFTER THE FIRST TUESDAY IN DECEMBER, THE COUNTY
19 BOARD SHALL ELECT A PRESIDENT FROM AMONG ITS MEMBERS.

20 3-5A-04.

21 THE PRESIDENT AND THE OTHER MEMBERS ARE ENTITLED TO THE
22 COMPENSATION PROVIDED IN THE FREDERICK COUNTY BUDGET.

23 3-5A-05.

24 (A) ALL ACTIONS OF THE COUNTY BOARD SHALL BE TAKEN AT A PUBLIC
25 MEETING AND A RECORD OF THE MEETING AND ALL ACTIONS SHALL BE MADE
26 PUBLIC.

27 (B) THE COUNTY BOARD MAY TAKE ACTIONS IN CLOSED SESSION IN
28 ACCORDANCE WITH § 10-508 OF THE STATE GOVERNMENT ARTICLE.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the
30 appointed members of the Frederick County Board of Education serving on December
31 4, 2000 shall terminate as follows:

32 (a) The terms of appointed members which were scheduled to end on July 1,
33 2001 or July 1, 2002 shall terminate at the end of December 4, 2000; and

34 (b) The terms of appointed members which were scheduled to end on July 1,
35 2003, July 1, 2004, or July 1, 2005 shall terminate at the end of December 2, 2002.

1 SECTION 3. AND BE IT FURTHER ENACTED, That before this Act becomes
2 effective it shall first be submitted to a referendum of the legally qualified voters of
3 Frederick County at the general election to be held in November of 1998. The cost of
4 the special election, if any, shall be paid by the County governing body. The County
5 governing body and the Board of Supervisors of Elections of Frederick County shall do
6 those things necessary and proper to provide for and hold the referendum required by
7 this section. If a majority of the votes cast on the question are "For the referred law"
8 the provisions of this Act shall become effective on December 1, 1998, but if a majority
9 of the votes cast on the question are "Against the referred law" the provisions of this
10 Act are of no effect and null and void.

11 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
12 of Section 3 of this Act and for the sole purpose of providing for the referendum
13 required by Section 3, this Act shall take effect July 1, 1998.