

HOUSE BILL 971

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1998 Regular Session
8lr2040

By: **Harford County Delegation**

Introduced and read first time: February 13, 1998

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 1998

CHAPTER _____

1 AN ACT concerning

2 **Harford County ~~Board of Education~~ - School Board Hearing Examiner -**
3 **Qualification Bar Membership Optional for Certain Proceedings**

4 ~~FOR the purpose of providing that, in Harford County, the hearing examiner chosen~~
5 ~~by the County Board of Education for certain personnel issues is not required to~~
6 ~~be an attorney admitted to practice before the Maryland Court of Appeals.~~

7 FOR the purpose of allowing Harford County to employ nonattorneys, as well as
8 attorneys, as hearing examiners for certain school board disciplinary
9 proceedings involving students.

10 BY repealing and reenacting, with amendments,
11 Article - Education
12 Section 6-203
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 1997 Supplement)

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

17 **Article - Education**

18 6-203.

19 (a) This section applies only to the county boards of the following counties:

20 (1) Anne Arundel;

- 1 (2) Baltimore;
- 2 (3) Baltimore City;
- 3 (4) Calvert;
- 4 (5) Charles;
- 5 (6) Harford;
- 6 (7) Howard;
- 7 (8) Montgomery; and
- 8 (9) Prince George's.

9 (b) (1) For all proceedings before a county board under §§ 4-205(c), 6-202,
10 and 7-305 of this article, the county board may have the proceedings heard first by a
11 hearing examiner.

12 (2) Notwithstanding any provision of local law, in Baltimore City the
13 New Baltimore City Board of School Commissioners may have proceedings under §
14 6-202 of this subtitle heard first by a hearing examiner.

15 (c) (1) (I) Except in Anne Arundel County AND ~~HARFORD COUNTY~~ AS
16 PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, the hearing examiner shall
17 be an attorney admitted to practice before the Maryland Court of Appeals. In Anne
18 Arundel County ~~AND HARFORD COUNTY~~, the hearing examiner may, but need not, be
19 an attorney.

20 (II) IN HARFORD COUNTY, FOR PROCEEDINGS BEFORE THE
21 HARFORD COUNTY BOARD UNDER § 7-305 OF THIS ARTICLE, THE HEARING
22 EXAMINER MAY, BUT NEED NOT, BE AN ATTORNEY.

23 (2) The hearing examiner shall be chosen by the county board.

24 (3) In Calvert and Charles Counties, the hearing examiner may not be
25 the attorney to the county board or be connected in any way with that attorney.

26 (4) In Howard County, the hearing examiner may not be a partner or an
27 employee of the law firm representing the Howard County Board of Education.

28 (d) The hearing examiner shall submit to the county board and appellant:

29 (1) A transcript of the proceedings and exhibits; and

30 (2) The hearing examiner's findings of fact, conclusions of law, and
31 recommendation.

32 (e) Parties to the proceedings before the hearing examiner may make
33 arguments before the county board.

1 (f) (1) After it reviews the record and the recommendation of the hearing
2 examiner, the county board shall make a decision.

3 (2) The decision may be appealed to the State Board as provided in this
4 article.

5 (g) Each county board shall adopt reasonable rules and regulations to regulate
6 the proceedings before the hearing examiner.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 1998.