
By: **Senators Craig, Fry, and Collins**
Introduced and read first time: January 30, 1998
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 26, 1998

CHAPTER _____

1 AN ACT concerning

2 **Harford County - School Board - Hearing Examiners - Bar Membership**
3 **Optional for Certain Proceedings**

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

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

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

14 **Article - Education**

15 6-203.

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

17 (1) Anne Arundel;

18 (2) Baltimore;

19 (3) Baltimore City;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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