
By: **Senators Haines and Ferguson (Carroll County Senators)**

Introduced and read first time: February 6, 1998

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 27, 1998

CHAPTER_____

1 AN ACT concerning

2 **Education - Carroll County - Hearing Officers**

3 FOR the purpose of authorizing the appointment of a hearing officer in Carroll
4 County to conduct certain education-related hearings; prohibiting a hearing
5 officer appointed in Carroll County from being a partner or employee of the law
6 firm that represents the Carroll County Board of Education; and generally
7 relating to the appointment of hearing officers by the Carroll County Board of
8 Education.

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

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

16 **Article - Education**

17 6-203.

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

19 (1) Anne Arundel;

20 (2) Baltimore;

- 1 (3) Baltimore City;
- 2 (4) Calvert;
- 3 (5) CARROLL;
- 4 [(5)] (6) Charles;
- 5 [(6)] (7) Harford;
- 6 [(7)] (8) Howard;
- 7 [(8)] (9) Montgomery; and
- 8 [(9)] (10) 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) Except in Anne Arundel County, the hearing examiner shall be an
16 attorney admitted to practice before the Maryland Court of Appeals. In Anne Arundel
17 County, the hearing examiner may, but need not, be an attorney.

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

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

21 (4) In CARROLL AND Howard [County] COUNTIES, the hearing
22 examiner may not be a partner or an employee of the law firm representing the
23 [Howard County Board of Education] COUNTY BOARD.

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

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

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

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

30 (f) (1) After it reviews the record and the recommendation of the hearing
31 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.