
By: **Delegates Guns, Rudolph, Bozman, W. Baker, McClenahan, and Conway**
Introduced and read first time: February 11, 1999
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - County Board Hearing Examiners**

3 FOR the purpose of extending to all county boards of education the authority to have
4 certain proceedings heard by a hearing examiner; specifying that the hearing
5 officer need not be an attorney; altering a requirement relating to the record of
6 a proceeding before a hearing examiner; and generally relating to certain
7 administrative hearings conducted under the education law.

8 BY repealing and reenacting, with amendments,
9 Article - Education
10 Section 6-203
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 1998 Supplement)

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 6-203.

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

- 18 (1) Anne Arundel;
19 (2) Baltimore;
20 (3) Baltimore City;
21 (4) Calvert;
22 (5) Carroll;
23 (6) Charles;
24 (7) Harford;

1 (8) Howard;

2 (9) Montgomery; and

3 (10) Prince George's.

4 (b) (1)] (A) For all proceedings before a county board under §§ 4-205(c),
5 6-202, and 7-305 of this article, the county board may have the proceedings heard
6 first by a hearing examiner.

7 [(2) Notwithstanding any provision of local law, in Baltimore City the
8 New Baltimore City Board of School Commissioners may have proceedings under §
9 6-202 of this subtitle heard first by a hearing examiner.

10 (c)] (B) (1) [(i) Except in Anne Arundel County and as provided in
11 subparagraph (ii) of this paragraph, the hearing examiner shall be an attorney
12 admitted to practice before the Maryland Court of Appeals. In Anne Arundel County,
13 the] A hearing examiner may, but need not, be an attorney.

14 [(ii) In Harford County, for proceedings before the Harford County
15 Board under § 7-305 of this article, the hearing examiner may, but need not, be an
16 attorney.]

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

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

20 (4) In Carroll and Howard Counties, the hearing examiner may not be a
21 partner or an employee of the law firm representing the county board.

22 [(d)] (C) The hearing examiner shall submit to the county board and
23 appellant:

24 (1) A [transcript] RECORD of the proceedings and exhibits; and

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

27 [(e)] (D) Parties to the proceedings before the hearing examiner may make
28 arguments before the county board.

29 [(f)] (E) (1) After it reviews the record and the recommendation of the
30 hearing examiner, the county board shall make a decision.

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

33 [(g)] (F) Each county board shall adopt reasonable rules and regulations to
34 regulate the proceedings before the hearing examiner.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 1999.