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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 22, 1999

CHAPTER _____

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 to hear certain proceedings; altering a
6 requirement relating to the record of a proceeding before a hearing examiner;
7 and generally relating to certain administrative hearings conducted under the
8 education law.

9 BY repealing and reenacting, with amendments,
10 Article - Education
11 Section 6-203
12 Annotated Code of Maryland
13 (1997 Replacement Volume and 1998 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 (6) Charles;
- 5 (7) Harford;
- 6 (8) Howard;
- 7 (9) Montgomery; and
- 8 (10) Prince George's.

9 (b) (1)] (A) For all proceedings before a county board under §§ 4-205(c),
 10 6-202, and 7-305 of this article, the county board may have the proceedings heard
 11 first by a 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)] (B) (1) [(i) Except in Anne Arundel County and as provided in
 16 subparagraph (ii) of this paragraph, the hearing examiner shall be an attorney
 17 admitted to practice before the Maryland Court of Appeals. In Anne Arundel County,
 18 the] ~~A hearing examiner may, but need not, be an attorney~~ EXCEPT AS PROVIDED IN
 19 PARAGRAPH (2) OF THIS SUBSECTION, FOR PROCEEDINGS BEFORE A COUNTY BOARD
 20 UNDER § 6-202 OF THIS SUBTITLE, THE HEARING EXAMINER SHALL BE AN ATTORNEY
 21 ADMITTED TO PRACTICE BEFORE THE MARYLAND COURT OF APPEALS.

22 (2) IN ANNE ARUNDEL COUNTY, FOR PROCEEDINGS BEFORE THE ANNE
 23 ARUNDEL COUNTY BOARD UNDER § 6-202 OF THIS SUBTITLE, THE HEARING
 24 EXAMINER MAY, BUT NEED NOT, BE AN ATTORNEY.

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

28 ~~(2)~~ (3) The hearing examiner shall be chosen by the county board.

29 ~~(3)~~ (4) In Calvert and Charles Counties, the hearing examiner may not
 30 be the attorney to the county board or be connected in any way with that attorney.

31 ~~(4)~~ (5) In Carroll and Howard Counties, the hearing examiner may not
 32 be a partner or an employee of the law firm representing the county board.

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

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

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

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

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

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

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

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