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By: **Frederick County Delegation**

Introduced and read first time: February 3, 2000

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County - Education - School Board Membership Qualification**

3 FOR the purpose of requiring a candidate elected to the Frederick County Board of  
4 Education to meet certain requirements; and generally relating to the Frederick  
5 County Board of Education.

6 BY repealing and reenacting, with amendments,  
7 Article - Education  
8 Section 3-5A-01  
9 Annotated Code of Maryland  
10 (1999 Replacement Volume)

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

13 **Article - Education**

14 3-5A-01.

15 (a) The Frederick County Board consists of seven members elected from the  
16 County at large.

17 (b) (1) A candidate elected to the County Board shall [be]:

18 (I) BE a resident [and] OF FREDERICK COUNTY FOR AT LEAST 1  
19 YEAR BEFORE THE DATE OF THE GENERAL ELECTION;

20 (II) HAVE ATTAINED THE AGE OF 21 YEARS BEFORE THE DATE OF  
21 THE GENERAL ELECTION; AND

22 (III) BE A registered voter of Frederick County.

23 (2) Any member who no longer resides in the County may not continue  
24 as a member of the Board.

1 (c) (1) A member serves for a term of 4 years beginning the first Tuesday in  
2 December after the member's election and until a successor is elected and qualifies.

3 (2) Members of the Frederick County Board shall be elected as follows:

4 (i) Three members of the County Board shall be elected in the  
5 November general election of 2000 and every 4 years thereafter; and

6 (ii) Four members of the County Board shall be elected in the  
7 November general election of 2002 and every 4 years thereafter.

8 (3) An individual may not serve for more than two consecutive terms.

9 (d) (1) The terms of members are staggered as provided in subsection (c) of  
10 this section.

11 (2) The County Commissioners shall appoint a qualified individual to fill  
12 a vacancy on the County Board for the remainder of the term and until a successor is  
13 elected and qualifies.

14 (e) (1) The State Board may remove a member of the County Board for:

15 (i) Immorality;

16 (ii) Misconduct in office;

17 (iii) Incompetency; or

18 (iv) Willful neglect of duty.

19 (2) Before removing a member, the State Board shall send the member a  
20 copy of the charges against the member and give the member an opportunity within  
21 10 days to request a hearing.

22 (3) If the member requests a hearing within the 10-day period:

23 (i) The State Board promptly shall hold a hearing, but a hearing  
24 may not be set within 10 days after the State Board sends the member a notice of the  
25 hearing; and

26 (ii) The member shall have an opportunity to be heard publicly  
27 before the State Board in the member's own defense, in person or by counsel.

28 (4) A member removed under this subsection has the right to a de novo  
29 review of the removal by the Circuit Court for Frederick County.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2000.