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By: **Delegates Bozman, Conway, and McClenahan**  
Introduced and read first time: February 19, 2001  
Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Worcester County - Board of Education - Election of Members**

3 FOR the purpose of providing that members to the Worcester County Board of  
4 Education shall be elected; establishing a procedure for the election of members  
5 to the Worcester County Board of Education; providing for the termination of  
6 the incumbent appointed members holding office on a certain date under certain  
7 circumstances; establishing a certain term of office for elected members;  
8 providing for the removal of members under certain circumstances; providing  
9 for certain student nonvoting members; providing a procedure for filling a  
10 vacancy on the County Board; providing for the election of the president and vice  
11 president of the County Board; providing for the compensation of the members  
12 of the County Board; requiring the County Board to meet at certain intervals;  
13 altering the number of members on the County Board, subject to a certain  
14 contingency; providing for the construction of this Act; making certain portions  
15 of this Act subject to certain contingencies; and generally relating to the election  
16 of members to the Worcester County Board of Education.

17 BY repealing and reenacting, with amendments,  
18 Article - Education  
19 Section 3-105(e) and 3-114(a)  
20 Annotated Code of Maryland  
21 (1999 Replacement Volume and 2000 Supplement)

22 BY adding to  
23 Article - Education  
24 Section 3-1401 through 3-1405 to be under the new subtitle "Subtitle 14.  
25 Worcester County"  
26 Annotated Code of Maryland  
27 (1999 Replacement Volume and 2000 Supplement)

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

1

**Article - Education**

2 3-105.

3 (e) The Worcester County Board consists of seven [members and includes the  
4 five members serving on July 1, 1974 and the two additional members appointed on  
5 July 1, 1974. One of the additional members serves for a term of 4 years and the other  
6 for a term of 5 years and, at the expiration of these terms, they or their successors  
7 serve for a term of 5 years each] VOTING MEMBERS AND ONE NONVOTING STUDENT  
8 MEMBER FROM EACH PUBLIC HIGH SCHOOL IN THE COUNTY.

9 3-114.

10 (a) In the following counties, the members of the county board shall be elected:

- 11 (1) Allegany;
- 12 (2) Calvert;
- 13 (3) Carroll;
- 14 (4) Charles;
- 15 (5) Frederick;
- 16 (6) Garrett;
- 17 (7) Howard;
- 18 (8) Kent;
- 19 (9) Prince George's;
- 20 (10) Montgomery;
- 21 (11) St. Mary's;
- 22 (12) Somerset; [and]
- 23 (13) Washington; AND
- 24 (14) WORCESTER.

25

**SUBTITLE 14. WORCESTER COUNTY.**

26 3-1401.

27 (A) THE WORCESTER COUNTY BOARD CONSISTS OF SEVEN VOTING MEMBERS  
28 AND ONE NONVOTING STUDENT MEMBER FROM EACH PUBLIC HIGH SCHOOL IN THE  
29 COUNTY.

1 (B) (1) THE SEVEN VOTING MEMBERS OF THE WORCESTER COUNTY BOARD  
2 SHALL BE ELECTED AT A GENERAL ELECTION.

3 (2) MEMBERS OF THE WORCESTER COUNTY BOARD SHALL BE ELECTED  
4 IN ACCORDANCE WITH ARTICLE 33, TITLE 8, SUBTITLE 8 OF THE CODE.

5 (C) (1) A MEMBER FROM A COUNTY COMMISSIONER DISTRICT SHALL BE A  
6 RESIDENT OF THE DISTRICT.

7 (2) A MEMBER FROM A COUNTY COMMISSIONER DISTRICT WHO NO  
8 LONGER RESIDES IN THE DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE  
9 COUNTY BOARD.

10 (D) OF THE SEVEN VOTING MEMBERS OF THE COUNTY BOARD, ONE SHALL BE  
11 ELECTED FROM EACH OF THE SEVEN COUNTY COMMISSIONER DISTRICTS.

12 (E) A MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE JANUARY  
13 1 AFTER THE MEMBER'S ELECTION AND UNTIL A SUCCESSOR IS ELECTED AND  
14 QUALIFIES.

15 (F) (1) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE COUNTY  
16 COMMISSIONER DISTRICTS 1, 4, 6, AND 7 AT THE NOVEMBER 2002 GENERAL  
17 ELECTION.

18 (2) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE COUNTY  
19 COMMISSIONER DISTRICTS 2, 3, AND 5 AT THE NOVEMBER 2004 GENERAL ELECTION.

20 (G) (1) THE COUNTY COMMISSIONERS SHALL APPOINT A NEW MEMBER TO  
21 FILL ANY VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF THAT TERM  
22 AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

23 (2) A RESIDENT OF THE DISTRICT IN WHICH A VACANCY EXISTS MAY  
24 APPLY TO THE COUNTY COMMISSIONERS TO FILL THE VACANCY.

25 (3) THE COUNTY COMMISSIONERS SHALL ADOPT RULES FOR THE  
26 APPLICATION PROCEDURE TO FILL A VACANCY ON THE COUNTY BOARD.

27 (H) (1) EACH STUDENT MEMBER SHALL:

28 (I) BE A 12TH GRADE STUDENT IN THE WORCESTER COUNTY  
29 PUBLIC SCHOOL SYSTEM ELECTED BY THE HIGH SCHOOL STUDENTS OF THE PUBLIC  
30 SCHOOL WHICH THE STUDENT ATTENDS, IN ACCORDANCE WITH PROCEDURES  
31 ESTABLISHED BY THE SCHOOL SYSTEM;

32 (II) SERVE FOR 1 YEAR BEGINNING ON JULY 1 AFTER THE  
33 ELECTION OF THE MEMBER;

34 (III) BE A NONVOTING MEMBER; AND

35 (IV) ADVISE THE BOARD ON THE INTERESTS OF STUDENTS.

1 (2) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A  
2 MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBERS MAY NOT ATTEND AN  
3 EXECUTIVE SESSION.

4 3-1402.

5 (A) THE STATE BOARD MAY REMOVE A MEMBER OF THE COUNTY BOARD FOR  
6 ANY OF THE FOLLOWING REASONS:

7 (1) IMMORALITY;

8 (2) MISCONDUCT IN OFFICE;

9 (3) INCOMPETENCY;

10 (4) WILLFUL NEGLIGENCE OF DUTY; OR

11 (5) FAILURE TO ATTEND, WITHOUT GOOD CAUSE:

12 (I) AT LEAST 75% OF THE SCHEDULED MEETINGS OF THE BOARD  
13 IN ANY 1 CALENDAR YEAR; OR

14 (II) THREE CONSECUTIVE SCHEDULED MEETINGS OF THE BOARD.

15 (B) BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL SEND THE  
16 MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE MEMBER  
17 AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.

18 (C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY PERIOD:

19 (1) THE STATE BOARD SHALL PROMPTLY HOLD A HEARING, BUT A  
20 HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS THE  
21 MEMBER A NOTICE OF THE HEARING; AND

22 (2) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD  
23 PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE, IN PERSON,  
24 OR BY COUNSEL.

25 (D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE  
26 NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR WORCESTER COUNTY.  
27 3-1403.

28 AT ITS FIRST MEETING AT THE BEGINNING OF EACH CALENDAR YEAR, THE  
29 COUNTY BOARD SHALL ELECT A PRESIDENT AND A VICE PRESIDENT FROM AMONG  
30 ITS MEMBERS.

31 3-1404.

32 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE MEMBERS SHALL  
33 RECEIVE COMPENSATION AS SET BY THE COUNTY COMMISSIONERS.

1 (B) (1) THE SALARY OF EACH MEMBER OF THE COUNTY BOARD SHALL BE  
2 AT LEAST \$3,200.

3 (2) THE SALARY OF THE PRESIDENT OF THE COUNTY BOARD SHALL BE  
4 AT LEAST \$3,600.

5 3-1405.

6 (A) THE COUNTY BOARD SHALL MEET AT LEAST ONCE EACH MONTH.

7 (B) EXCEPT FOR THOSE ACTIONS AUTHORIZED BY SUBSECTION (C) OF THIS  
8 SECTION, ALL ACTIONS OF THE COUNTY BOARD SHALL BE TAKEN AT A PUBLIC  
9 MEETING AND A RECORD OF THE MEETING AND ALL ACTIONS SHALL BE MADE  
10 PUBLIC.

11 (C) THE COUNTY BOARD MAY TAKE ACTIONS IN EXECUTIVE SESSION IN  
12 ACCORDANCE WITH § 10-508 OF THE STATE GOVERNMENT ARTICLE.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
14 read as follows:

15 **Article - Education**

16 3-105.

17 (e) The Worcester County Board consists of [seven members and includes the  
18 five members serving on July 1, 1974 and the two additional members appointed on  
19 July 1, 1974. One of the additional members serves for a term of 4 years and the other  
20 for a term of 5 years and, at the expiration of these terms, they or their successors  
21 serve for a term of 5 years each] FIVE VOTING MEMBERS AND ONE NONVOTING  
22 STUDENT MEMBER FROM EACH PUBLIC HIGH SCHOOL IN THE COUNTY.

23 3-114.

24 (a) In the following counties, the members of the county board shall be elected:

25 (1) Allegany;

26 (2) Calvert;

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28 (4) Charles;

29 (5) Frederick;

30 (6) Garrett;

31 (7) Howard;

32 (8) Kent;

1 (9) Prince George's;

2 (10) Montgomery;

3 (11) St. Mary's;

4 (12) Somerset; [and]

5 (13) Washington; AND

6 (14) WORCESTER.

7 SUBTITLE 14. WORCESTER COUNTY.

8 3-1401.

9 (A) THE WORCESTER COUNTY BOARD CONSISTS OF FIVE VOTING MEMBERS  
10 AND ONE NONVOTING STUDENT MEMBER FROM EACH PUBLIC HIGH SCHOOL IN THE  
11 COUNTY.

12 (B) (1) THE FIVE VOTING MEMBERS OF THE WORCESTER COUNTY BOARD  
13 SHALL BE ELECTED AT A GENERAL ELECTION.

14 (2) THE TERMS OF THE MEMBERS SHALL BE STAGGERED AS PROVIDED  
15 IN SUBSECTION (E) OF THIS SECTION.

16 (3) MEMBERS OF THE WORCESTER COUNTY BOARD SHALL BE ELECTED  
17 IN ACCORDANCE WITH ARTICLE 33, TITLE 8, SUBTITLE 8 OF THE CODE.

18 (C) (1) A MEMBER FROM A COUNTY COMMISSIONER DISTRICT SHALL BE A  
19 RESIDENT OF THE DISTRICT.

20 (2) A MEMBER FROM A COUNTY COMMISSIONER DISTRICT WHO NO  
21 LONGER RESIDES IN THE DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE  
22 COUNTY BOARD.

23 (D) OF THE FIVE VOTING MEMBERS OF THE COUNTY BOARD, ONE SHALL BE  
24 ELECTED FROM EACH OF THE FIVE COUNTY COMMISSIONER DISTRICTS.

25 (E) (1) A MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE  
26 JANUARY 1 AFTER THE MEMBER'S ELECTION AND UNTIL A SUCCESSOR IS ELECTED  
27 AND QUALIFIES.

28 (2) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE COUNTY  
29 COMMISSIONER DISTRICTS 1 AND 4 AT THE NOVEMBER 2002 GENERAL ELECTION.

30 (3) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE COUNTY  
31 COMMISSIONER DISTRICTS 2, 3, AND 5 AT THE NOVEMBER 2004 GENERAL ELECTION.

1 (F) (1) THE COUNTY COMMISSIONERS SHALL APPOINT A NEW MEMBER TO  
2 FILL ANY VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF THAT TERM  
3 AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

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5 APPLY TO THE COUNTY COMMISSIONERS TO FILL THE VACANCY.

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7 APPLICATION PROCEDURE TO FILL A VACANCY ON THE COUNTY BOARD.

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11 SCHOOL WHICH THE STUDENT ATTENDS, IN ACCORDANCE WITH PROCEDURES  
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13 (II) SERVE FOR 1 YEAR BEGINNING ON JULY 1 AFTER THE  
14 ELECTION OF THE MEMBER;

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16 (IV) ADVISE THE BOARD ON THE INTERESTS OF STUDENTS.

17 (2) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A  
18 MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBERS MAY NOT ATTEND AN  
19 EXECUTIVE SESSION.

20 3-1402.

21 (A) THE STATE BOARD MAY REMOVE A MEMBER OF THE COUNTY BOARD FOR  
22 ANY OF THE FOLLOWING REASONS:

23 (1) IMMORALITY;

24 (2) MISCONDUCT IN OFFICE;

25 (3) INCOMPETENCY;

26 (4) WILLFUL NEGLECT OF DUTY; OR

27 (5) FAILURE TO ATTEND, WITHOUT GOOD CAUSE:

28 (I) AT LEAST 75% OF THE SCHEDULED MEETINGS OF THE BOARD  
29 IN ANY 1 CALENDAR YEAR; OR

30 (II) THREE CONSECUTIVE SCHEDULED MEETINGS OF THE BOARD.

31 (B) BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL SEND THE  
32 MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE MEMBER  
33 AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.

1 (C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY PERIOD:

2 (1) THE STATE BOARD SHALL PROMPTLY HOLD A HEARING, BUT A  
3 HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS THE  
4 MEMBER A NOTICE OF THE HEARING; AND

5 (2) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD  
6 PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE, IN PERSON,  
7 OR BY COUNSEL.

8 (D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE  
9 NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR WORCESTER COUNTY.  
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12 COUNTY BOARD SHALL ELECT A PRESIDENT AND A VICE PRESIDENT FROM AMONG  
13 ITS MEMBERS.

14 3-1404.

15 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE MEMBERS SHALL  
16 RECEIVE COMPENSATION AS SET BY THE COUNTY COMMISSIONERS.

17 (B) (1) THE SALARY OF EACH MEMBER OF THE COUNTY BOARD SHALL BE  
18 AT LEAST \$3,200.

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21 3-1405.

22 (A) THE COUNTY BOARD SHALL MEET AT LEAST ONCE EACH MONTH.

23 (B) EXCEPT FOR THOSE ACTIONS AUTHORIZED BY SUBSECTION (C) OF THIS  
24 SECTION, ALL ACTIONS OF THE COUNTY BOARD SHALL BE TAKEN AT A PUBLIC  
25 MEETING AND A RECORD OF THE MEETING AND ALL ACTIONS SHALL BE MADE  
26 PUBLIC.

27 (C) THE COUNTY BOARD MAY TAKE ACTIONS IN EXECUTIVE SESSION IN  
28 ACCORDANCE WITH § 10-508 OF THE STATE GOVERNMENT ARTICLE.

29 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the  
30 appointed members of the Worcester County Board of Education serving on June 30,  
31 2001 shall terminate as follows:

32 (a) The terms of appointed members which were scheduled to expire on June  
33 30, 2003 shall terminate at the end of December 31, 2002; and

34 (b) The term of the appointed member which was scheduled to expire on June  
35 30, 2005 shall terminate at the end of December 31, 2004.



1 SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the  
2 appointed members of the Worcester County Board of Education serving on June 30,  
3 2001 shall terminate as follows:

4 (a) The two offices in which the terms of the incumbent appointed members  
5 expire prior to November 1, 2002 shall terminate upon the expiration of the terms;

6 (b) The terms of appointed members which were scheduled to expire on June  
7 30, 2003 shall terminate at the end of December 31, 2002; and

8 (c) The term of the appointed member which was scheduled to expire on June  
9 30, 2005 shall terminate at the end of December 31, 2004.

10 SECTION 5. AND BE IT FURTHER ENACTED, That, except as expressly  
11 provided in this Act, this Act may not be construed to affect the terms of the appointed  
12 members of the Worcester County Board of Education.

13 SECTION 6. AND BE IT FURTHER ENACTED, That Sections 1 and 3 of this  
14 Act shall take effect July 1, 2001, contingent on the taking effect of a redistricting  
15 plan for the Worcester County Commissioner districts that provides for seven county  
16 commissioner districts. If a redistricting plan for the seven commissioner districts for  
17 Worcester County takes effect after July 1, 2001, but before the filing deadline for  
18 candidates to file for election as Worcester County Commissioners in the November  
19 2002 general election, Sections 1 and 3 shall take effect on the date that the  
20 redistricting plan takes effect. If a redistricting plan for the seven commissioner  
21 districts for Worcester County Commissioners does not take effect by the filing  
22 deadline for candidates to file for election as Worcester County Commissioners in the  
23 November 2002 general election, Sections 1 and 3 of this Act shall be null and void  
24 without the necessity of further action by the General Assembly. On or before the  
25 filing deadline for candidates to file for election as Worcester County Commissioners  
26 in the November 2002 general election, the Worcester County Commissioners shall  
27 certify to the Department of Legislative Services whether a redistricting plan for the  
28 Worcester County Commissioner districts that provides for seven commissioner  
29 districts took effect before the filing deadline, and, if so, on what date the redistricting  
30 plan took effect.

31 SECTION 7. AND BE IT FURTHER ENACTED, That Sections 2 and 4 of this  
32 Act shall take effect on the failure of Sections 1 and 3 to take effect as provided in  
33 Section 6 of this Act. If Sections 1 and 3 of this Act take effect, Sections 2 and 4 of this  
34 Act shall be null and void without the necessity of further action by the General  
35 Assembly.

36 SECTION 8. AND BE IT FURTHER ENACTED, That, except as provided in  
37 Sections 6 and 7 of this Act, this Act shall take effect July 1, 2001.