

SENATE BILL 464

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2003 Regular Session
3r1104
CF 3r1103

By: **Senator Colburn**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of providing that members of the Dorchester County Board of
4 Education shall be elected; establishing a procedure for the election of members
5 of the Dorchester County Board of Education; establishing a certain term of
6 office for elected members; providing for the removal of members under certain
7 circumstances; providing for certain student nonvoting members; providing a
8 procedure for filling a vacancy on the County Board; providing for the election of
9 the president and vice president of the County Board; providing for the
10 compensation of the members of the County Board; providing for the
11 termination of the terms of the appointed members of the County Board;
12 requiring the County Board to meet at certain intervals; providing for the
13 effective date of certain provisions of this Act; providing for the termination of
14 certain provisions of this Act; and generally relating to the Dorchester County
15 Board of Education.

16 BY repealing and reenacting, with amendments,
17 Article - Education
18 Section 3-114(a)
19 Annotated Code of Maryland
20 (2001 Replacement Volume and 2002 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Education
23 Section 3-114(a)
24 Annotated Code of Maryland
25 (2001 Replacement Volume and 2002 Supplement)
26 (As enacted by Chapter 289 of the Acts of the General Assembly of 2002)

27 BY renumbering
28 Article - Education
29 Section 3-5A-01 through 3-5A-05, respectively, and the subtitle "Subtitle 5A.
30 Frederick County"

1 to be Section 3-5B-01 through 3-5B-05, respectively, and the subtitle "Subtitle
2 5B. Frederick County"
3 Annotated Code of Maryland
4 (2001 Replacement Volume and 2002 Supplement)

5 BY adding to
6 Article - Education
7 Section 3-5A-01 through 3-5A-05, inclusive, to be under the new subtitle
8 "Subtitle 5A. Dorchester County"
9 Annotated Code of Maryland
10 (2001 Replacement Volume and 2002 Supplement)

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 3-114.

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

- 16 (1) Allegany;
17 (2) Calvert;
18 (3) Carroll;
19 (4) Charles;
20 (5) DORCHESTER;
21 (6) Frederick;
22 [(6)] (7) Garrett;
23 [(7)] (8) Howard;
24 [(8)] (9) Kent;
25 [(9)] (10) Montgomery;
26 [(10)] (11) St. Mary's;
27 [(11)] (12) Somerset;
28 [(12)] (13) Washington; and
29 [(13)] (14) Worcester.

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

3

Article - Education

4 3-114.

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

6 (1) Allegany;

7 (2) Calvert;

8 (3) Carroll;

9 (4) Charles;

10 (5) DORCHESTER;

11 (6) Frederick;

12 [(6)] (7) Garrett;

13 [(7)] (8) Howard;

14 [(8)] (9) Kent;

15 [(9)] (10) Prince George's;

16 [(10)] (11) Montgomery;

17 [(11)] (12) St. Mary's;

18 [(12)] (13) Somerset;

19 [(13)] (14) Washington; and

20 [(14)] (15) Worcester.

21 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 3-5A-01
22 through 3-5A-05, respectively, and the subtitle "Subtitle 5A. Frederick County" of
23 Article - Education of the Annotated Code of Maryland be renumbered to be
24 Section(s) 3-5B-01 through 3-5B-05, respectively, and the subtitle "Subtitle 5B.
25 Frederick County".

26 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland
27 read as follows:

1 **Article - Education**

2 SUBTITLE 5A. DORCHESTER COUNTY.

3 3-5A-01.

4 (A) THE DORCHESTER COUNTY BOARD CONSISTS OF:

5 (1) FIVE VOTING MEMBERS, ONE MEMBER ELECTED FROM EACH OF THE
6 FIVE COUNCILMANIC DISTRICTS; AND7 (2) ONE NONVOTING STUDENT MEMBER FROM EACH PUBLIC HIGH
8 SCHOOL IN THE COUNTY.

9 (B) THE ELECTED MEMBERS OF THE COUNTY BOARD SHALL BE ELECTED:

10 (1) AT THE GENERAL ELECTION; AND

11 (2) IN ACCORDANCE WITH TITLE 8, SUBTITLE 8 OF THE ELECTION LAW
12 ARTICLE.13 (C) (1) A MEMBER ELECTED FROM A COUNCILMANIC DISTRICT SHALL BE A
14 RESIDENT OF THE DISTRICT.15 (2) A MEMBER ELECTED OR APPOINTED FROM A COUNCILMANIC
16 DISTRICT WHO NO LONGER RESIDES IN THE DISTRICT MAY NOT CONTINUE AS A
17 MEMBER OF THE COUNTY BOARD.18 (D) (1) EACH VOTING MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING
19 ON JANUARY 1 AFTER THE MEMBER'S ELECTION AND UNTIL A SUCCESSOR IS
20 ELECTED AND QUALIFIES.21 (2) A VOTING MEMBER MAY NOT SERVE FOR MORE THAN THREE
22 CONSECUTIVE TERMS.

23 (E) THE TERMS OF THE VOTING MEMBERS ARE STAGGERED AS FOLLOWS:

24 (1) ONE MEMBER ELECTED FROM EACH OF THE COUNCILMANIC
25 DISTRICTS 1, 3, AND 5 AT THE 2004 GENERAL ELECTION, AND EVERY 4 YEARS
26 THEREAFTER; AND27 (2) ONE MEMBER ELECTED FROM EACH OF THE COUNCILMANIC
28 DISTRICTS 2 AND 4 AT THE 2006 GENERAL ELECTION, AND EVERY 4 YEARS
29 THEREAFTER.30 (F) (1) THE COUNTY COUNCIL SHALL APPOINT A NEW MEMBER TO FILL ANY
31 VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF THAT TERM AND UNTIL
32 A SUCCESSOR IS ELECTED AND QUALIFIES.33 (2) A RESIDENT OF THE DISTRICT IN WHICH A VACANCY EXISTS MAY
34 APPLY FOR APPOINTMENT BY THE COUNTY COUNCIL TO FILL THE VACANCY.

1 (3) THE COUNTY COUNCIL SHALL ADOPT RULES GOVERNING THE
2 PROCEDURE THROUGH WHICH AN INDIVIDUAL MAY APPLY TO FILL A VACANCY ON
3 THE COUNTY BOARD.

4 (G) (1) EACH STUDENT MEMBER SHALL:

5 (I) BE A TWELFTH GRADE STUDENT IN THE DORCHESTER COUNTY
6 PUBLIC SCHOOL SYSTEM ELECTED BY THE HIGH SCHOOL STUDENTS OF THE PUBLIC
7 SCHOOL THAT THE STUDENT ATTENDS, IN ACCORDANCE WITH PROCEDURES
8 ESTABLISHED BY THE SCHOOL SYSTEM;

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

11 (III) BE A NONVOTING MEMBER; AND

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

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

16 3-5A-02.

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

19 (1) IMMORALITY;

20 (2) MISCONDUCT IN OFFICE;

21 (3) INCOMPETENCY;

22 (4) WILLFUL NEGLIGENCE OF DUTY; OR

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

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

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

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

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

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

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

4 (D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE
5 NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR DORCHESTER COUNTY.
6 3-5A-03.

7 AT ITS FIRST MEETING AT THE BEGINNING OF EACH CALENDAR YEAR, THE
8 COUNTY BOARD SHALL ELECT A PRESIDENT AND A VICE PRESIDENT FROM AMONG
9 ITS MEMBERS.

10 3-5A-04.

11 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE VOTING MEMBERS
12 SHALL RECEIVE COMPENSATION AS SET BY THE COUNTY COUNCIL.

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

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

17 3-5A-05.

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

19 (B) EXCEPT FOR THOSE ACTIONS AUTHORIZED BY SUBSECTION (C) OF THIS
20 SECTION, ALL ACTIONS OF THE COUNTY BOARD SHALL BE TAKEN AT A PUBLIC
21 MEETING AND A RECORD OF THE MEETING AND ALL ACTIONS SHALL BE MADE
22 PUBLIC.

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

25 SECTION 5. AND BE IT FURTHER ENACTED, That the terms of the
26 appointed members of the Dorchester County Board expire as follows:

27 (a) (1) The term of the appointed member from councilmanic district 3,
28 scheduled to expire on June 30, 2003, shall terminate at the end of December 31,
29 2004;

30 (2) The term of the appointed member from councilmanic district 1,
31 scheduled to expire on June 30, 2005, shall terminate at the end of December 31,
32 2004; and

33 (3) The term of the appointed member from councilmanic district 5,
34 scheduled to expire on June 30, 2004, shall terminate at the end of December 31,
35 2004.

1 (b) (1) The term of the appointed member from councilmanic district 4,
2 scheduled to expire on June 30, 2005, shall terminate at the end of December 31,
3 2006;

4 (2) The term of the appointed member from councilmanic district 2,
5 scheduled to expire on June 30, 2006, shall terminate at the end of December 31,
6 2006; and

7 (3) The term of the appointed member from councilmanic district 1,
8 scheduled to expire on June 30, 2007, shall terminate at the end of December 31,
9 2006.

10 SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
11 take effect on the taking effect of the termination provision specified in Section 20 of
12 Chapter 289 of the Acts of the General Assembly of 2002. If that termination provision
13 takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.
14 This Act may not be interpreted to have any effect on that termination provision.

15 SECTION 7. AND BE IT FURTHER ENACTED, That, subject to the provisions
16 of Section 6 of this Act, this Act shall take effect October 1, 2003.