

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2003

CHAPTER _____

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)

1 (As enacted by Chapter 289 of the Acts of the General Assembly of 2002)

2 BY renumbering

3 Article - Education

4 Section 3-5A-01 through 3-5A-05, respectively, and the subtitle "Subtitle 5A.

5 Frederick County"

6 to be Section 3-5B-01 through 3-5B-05, respectively, and the subtitle "Subtitle

7 5B. Frederick County"

8 Annotated Code of Maryland

9 (2001 Replacement Volume and 2002 Supplement)

10 BY adding to

11 Article - Education

12 Section 3-5A-01 through 3-5A-05, inclusive, to be under the new subtitle

13 "Subtitle 5A. Dorchester County"

14 Annotated Code of Maryland

15 (2001 Replacement Volume and 2002 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

17 MARYLAND, That the Laws of Maryland read as follows:

18

Article - Education

19 3-114.

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

21 (1) Allegany;

22 (2) Calvert;

23 (3) Carroll;

24 (4) Charles;

25 (5) DORCHESTER;

26 (6) Frederick;

27 [(6)] (7) Garrett;

28 [(7)] (8) Howard;

29 [(8)] (9) Kent;

30 [(9)] (10) Montgomery;

31 [(10)] (11) St. Mary's;

1 [(11)] (12) Somerset;
 2 [(12)] (13) Washington; and
 3 [(13)] (14) Worcester.

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

6 **Article - Education**

7 3-114.

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

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

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

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

3 **Article - Education**

4 SUBTITLE 5A. DORCHESTER COUNTY.

5 3-5A-01.

6 (A) THE DORCHESTER COUNTY BOARD CONSISTS OF:

7 (1) FIVE VOTING MEMBERS, ~~ONE MEMBER ELECTED FROM EACH OF THE~~
8 ~~FIVE COUNCILMANIC DISTRICTS ELECTED IN ACCORDANCE WITH SUBSECTION (B)~~
9 ~~OF THIS SECTION; AND~~

10 (2) ONE NONVOTING STUDENT MEMBER FROM EACH PUBLIC HIGH
11 SCHOOL IN THE COUNTY.

12 (B) (1) THE ELECTED MEMBERS OF THE COUNTY BOARD SHALL BE
13 ELECTED:

14 (1) AT THE GENERAL ELECTION; ~~AND,~~

15 (2) ~~IN ACCORDANCE WITH TITLE 8, SUBTITLE 8 OF THE ELECTION LAW~~
16 ~~ARTICLE ONE MEMBER SHALL BE ELECTED FROM EACH OF THE FIVE~~
17 ~~COUNCILMANIC DISTRICTS ONLY BY THE VOTERS OF THAT COUNCILMANIC~~
18 ~~DISTRICT.~~

19 (C) (1) A MEMBER ELECTED FROM A COUNCILMANIC DISTRICT SHALL BE A
20 RESIDENT OF THE DISTRICT.

21 (2) A MEMBER ELECTED OR APPOINTED FROM A COUNCILMANIC
22 DISTRICT WHO NO LONGER RESIDES IN THE DISTRICT MAY NOT CONTINUE AS A
23 MEMBER OF THE COUNTY BOARD.

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

27 (2) A VOTING MEMBER MAY NOT SERVE FOR MORE THAN THREE
28 CONSECUTIVE TERMS.

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

30 (1) ONE MEMBER ELECTED FROM EACH OF THE COUNCILMANIC
31 DISTRICTS 1, 3, AND 5 AT THE 2004 GENERAL ELECTION, AND EVERY 4 YEARS
32 THEREAFTER; AND

1 (2) ONE MEMBER ELECTED FROM EACH OF THE COUNCILMANIC
2 DISTRICTS 2 AND 4 AT THE 2006 GENERAL ELECTION, AND EVERY 4 YEARS
3 THEREAFTER.

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

7 (2) A RESIDENT OF THE DISTRICT IN WHICH A VACANCY EXISTS MAY
8 APPLY FOR APPOINTMENT BY THE COUNTY COUNCIL TO FILL THE VACANCY.

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

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

13 (I) BE A TWELFTH GRADE STUDENT IN THE DORCHESTER COUNTY
14 PUBLIC SCHOOL SYSTEM ELECTED BY THE HIGH SCHOOL STUDENTS OF THE PUBLIC
15 SCHOOL THAT THE STUDENT ATTENDS, IN ACCORDANCE WITH PROCEDURES
16 ESTABLISHED BY THE SCHOOL SYSTEM;

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

19 (III) BE A NONVOTING MEMBER; AND

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

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

24 3-5A-02.

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

27 (1) IMMORALITY;

28 (2) MISCONDUCT IN OFFICE;

29 (3) INCOMPETENCY;

30 (4) WILLFUL NEGLECT OF DUTY; OR

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

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

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

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

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

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

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

12 (D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE
13 NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR DORCHESTER COUNTY.
14 3-5A-03.

15 AT ITS FIRST MEETING AT THE BEGINNING OF EACH CALENDAR YEAR, THE
16 COUNTY BOARD SHALL ELECT A PRESIDENT AND A VICE PRESIDENT FROM AMONG
17 ITS MEMBERS.

18 3-5A-04.

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

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

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

25 3-5A-05.

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

27 (B) EXCEPT FOR THOSE ACTIONS AUTHORIZED BY SUBSECTION (C) OF THIS
28 SECTION, ALL ACTIONS OF THE COUNTY BOARD SHALL BE TAKEN AT A PUBLIC
29 MEETING AND A RECORD OF THE MEETING AND ALL ACTIONS SHALL BE MADE
30 PUBLIC.

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

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

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

4 (2) The term of the appointed member from councilmanic district 1,
5 scheduled to expire on June 30, 2005, shall terminate at the end of December 31,
6 2004; and

7 (3) The term of the appointed member from councilmanic district 5,
8 scheduled to expire on June 30, 2004, shall terminate at the end of December 31,
9 2004.

10 (b) (1) The term of the appointed member from councilmanic district 4,
11 scheduled to expire on June 30, 2005, shall terminate at the end of December 31,
12 2006;

13 (2) The term of the appointed member from councilmanic district 2,
14 scheduled to expire on June 30, 2006, shall terminate at the end of December 31,
15 2006; and

16 (3) The term of the appointed member from councilmanic district 1,
17 scheduled to expire on June 30, 2007, shall terminate at the end of December 31,
18 2006.

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

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