
By: **Senator Pipkin**

Introduced and read first time: February 2, 2006

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 25, 2006

CHAPTER_____

1 AN ACT concerning

2 **Queen Anne's County - Board of Education - Selection of Members**

3 FOR the purpose of requiring that the members of the Queen Anne's County Board of
4 Education be elected; establishing a procedure for the election of members of the
5 Queen Anne's County Board of Education; establishing a certain term of office
6 for elected members and staggering the terms of the members; providing for the
7 removal of members under certain circumstances; providing for certain
8 nonvoting student members; providing a procedure for filling a vacancy on the
9 County Board; providing for the election of the president and vice president of
10 the County Board; providing for the compensation of the members of the County
11 Board; requiring the County Board to meet at certain intervals; submitting this
12 Act to a referendum of the legally qualified voters of Queen Anne's County;
13 providing for the effective date of certain provisions of this Act; and generally
14 relating to the Queen Anne's County Board of Education.

15 BY repealing and reenacting, with amendments,
16 Article - Education
17 Section 3-114(a)
18 Annotated Code of Maryland
19 (2004 Replacement Volume and 2005 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Education
22 Section 3-114(a)
23 Annotated Code of Maryland
24 (2004 Replacement Volume and 2005 Supplement)

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

2 BY adding to

3 Article - Education

4 Section 3-10A-01 through 3-10A-04, inclusive, to be under the new subtitle

5 "Subtitle 10A. Queen Anne's County"

6 Annotated Code of Maryland

7 (2004 Replacement Volume and 2005 Supplement)

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

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

10 **Article - Education**

11 3-114.

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

13 (1) Allegany;

14 (2) Calvert;

15 (3) Carroll;

16 (4) Cecil;

17 (5) Charles;

18 (6) Dorchester;

19 (7) Frederick;

20 (8) Garrett;

21 (9) Howard;

22 (10) Kent;

23 (11) Montgomery;

24 (12) QUEEN ANNE'S;

25 [(12)] (13) St. Mary's;

26 [(13)] (14) Somerset;

27 [(14)] (15) Talbot;

28 [(15)] (16) Washington; and

1 **Article - Education**

2 SUBTITLE 10A. QUEEN ANNE'S COUNTY.

3 3-10A-01.

4 (A) THE QUEEN ANNE'S COUNTY BOARD CONSISTS OF:

5 (1) FIVE VOTING, NONPARTISAN, ELECTED MEMBERS; AND

6 (2) ONE NONVOTING STUDENT REPRESENTATIVE FROM EACH PUBLIC
7 HIGH SCHOOL IN THE COUNTY.8 (B) THE FIVE VOTING, NONPARTISAN, ELECTED MEMBERS SHALL BE
9 ELECTED BY THE VOTERS OF THE ENTIRE COUNTY AT A GENERAL ELECTION IN
10 ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.11 (C) (1) (I) ONE VOTING MEMBER SHALL RESIDE IN AND BE ELECTED
12 FROM EACH OF THE FOUR COUNTY COMMISSIONER DISTRICTS; AND13 (II) ONE MEMBER SHALL RESIDE IN THE COUNTY AND BE ELECTED
14 FROM THE COUNTY AT LARGE.15 (2) (I) A MEMBER FROM A COUNTY COMMISSIONER DISTRICT WHO NO
16 LONGER RESIDES IN THE DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE
17 COUNTY BOARD.18 (II) A MEMBER AT LARGE WHO NO LONGER RESIDES IN THE
19 COUNTY MAY NOT CONTINUE AS A MEMBER OF THE COUNTY BOARD.20 (3) A CANDIDATE ELECTED TO THE COUNTY BOARD SHALL BE A
21 REGISTERED VOTER AND RESIDENT OF QUEEN ANNE'S COUNTY FOR AT LEAST 3
22 YEARS.23 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH ELECTED
24 VOTING MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE FIRST
25 MONDAY IN DECEMBER AFTER THE MEMBER'S ELECTION AND UNTIL A SUCCESSOR
26 IS ELECTED AND QUALIFIES.27 (2) THE INITIAL TERMS OF THE ELECTED VOTING MEMBERS ARE
28 STAGGERED AS FOLLOWS:29 (I) THE THREE MEMBERS ELECTED TO THE COUNTY BOARD AT
30 THE GENERAL ELECTION IN NOVEMBER 2008 WHO RECEIVE THE HIGHEST NUMBER
31 OF VOTES CAST FROM AMONG THE SUCCESSFUL CANDIDATES AT THAT ELECTION
32 SHALL SERVE FOR A TERM OF 6 YEARS; AND33 (II) THE TWO MEMBERS ELECTED TO THE COUNTY BOARD AT THE
34 GENERAL ELECTION IN NOVEMBER 2008 WHO RECEIVE THE LEAST NUMBER OF

1 VOTES CAST FROM AMONG THE SUCCESSFUL CANDIDATES AT THAT ELECTION
2 SHALL SERVE FOR A TERM OF 4 YEARS.

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

6 (E) (1) THE NONVOTING STUDENT MEMBERS OF THE COUNTY BOARD
7 SHALL BE ELECTED FROM EACH OF THE PUBLIC HIGH SCHOOLS IN THE COUNTY BY
8 THEIR RESPECTIVE STUDENT BODIES.

9 (2) EACH STUDENT MEMBER SHALL:

10 (I) BE AN ELEVENTH OR TWELFTH GRADE STUDENT IN GOOD
11 STANDING IN THE QUEEN ANNE'S COUNTY PUBLIC SCHOOL SYSTEM;

12 (II) BE A STUDENT GOVERNMENT ASSOCIATION REPRESENTATIVE
13 AT THE STUDENT'S HIGH SCHOOL;

14 (III) SERVE FOR 1 YEAR BEGINNING ON JULY 1 AFTER THE
15 ELECTION OF THE MEMBER;

16 (IV) BE NONVOTING; AND

17 (V) ADVISE THE COUNTY BOARD ON THE THOUGHTS AND
18 FEELINGS OF STUDENTS IN THE QUEEN ANNE'S COUNTY PUBLIC SCHOOLS.

19 (3) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A
20 MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBER MAY NOT ATTEND AN
21 EXECUTIVE SESSION OF THE COUNTY BOARD.

22 3-10A-02.

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

25 (1) IMMORALITY;

26 (2) MISCONDUCT IN OFFICE;

27 (3) INCOMPETENCY;

28 (4) WILLFUL NEGLECT OF DUTY; OR

29 (5) FAILURE TO ATTEND, WITHOUT GOOD CAUSE, AT LEAST 75% OF THE
30 SCHEDULED MEETINGS OF THE COUNTY BOARD IN ANY 1 CALENDAR YEAR.

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 QUEEN ANNE'S
10 COUNTY.

11 3-10A-03.

12 (A) AT ITS FIRST MEETING IN DECEMBER OF EACH YEAR, THE COUNTY BOARD
13 SHALL ELECT A PRESIDENT AND VICE PRESIDENT FROM AMONG THE BOARD
14 MEMBERS.

15 (B) THE COUNTY BOARD SHALL MEET AT LEAST ONCE EACH MONTH.

16 3-10A-04.

17 (A) THE PRESIDENT OF THE COUNTY BOARD IS ENTITLED TO RECEIVE \$4,000
18 ANNUALLY AS COMPENSATION AND THE OTHER VOTING MEMBERS EACH ARE
19 ENTITLED TO RECEIVE \$3,500 ANNUALLY AS COMPENSATION.

20 (B) THE PRESIDENT OF THE COUNTY BOARD AND OTHER MEMBERS EACH ARE
21 ENTITLED TO REIMBURSEMENT NOT TO EXCEED \$1,000 A YEAR FOR TRAVEL AND
22 OTHER EXPENSES.

23 (C) THE QUEEN ANNE'S COUNTY COMMISSIONERS MAY INCREASE THE
24 ANNUAL SALARY OF THE COUNTY BOARD.

25 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
26 take effect on the taking effect of the termination provision specified in Section 20 of
27 Chapter 289 of the Acts of the General Assembly of 2002. If that termination provision
28 takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.
29 This Act may not be interpreted to have any effect on that termination provision.

30 SECTION 5. AND BE IT FURTHER ENACTED, That the terms of the
31 appointed members of the Queen Anne's County Board of Education shall expire at
32 the end of November 30, 2008.

33 SECTION 6. AND BE IT FURTHER ENACTED, That before Sections 1 through
34 5 of this Act become effective, this Act shall first be submitted to a referendum of the
35 legally qualified voters of Queen Anne's County at the general election to be held in
36 November of 2006. The cost of the election, if any, shall be paid by the County
37 governing body. The County governing body and the County Board of Elections shall

1 do those things necessary and proper to provide for and hold the referendum required
2 by this section. There shall be printed on the ballot to be used at this election the title
3 of this Act and underneath the title, on separate lines, a square or box opposite the
4 words "For a Board of Education Elected by the Voters of Queen Anne's County" and
5 a corresponding square or box opposite the words "For a Board of Education
6 Appointed by the Governor". A voter may choose only one of the methods of selection.
7 If a majority of the votes cast on the question are "For a Board of Education Elected
8 by the Voters of Queen Anne's County", Sections 1 through 5 of this Act shall become
9 effective on the 30th day following the official canvass of votes for the referendum, but
10 if a majority of the votes cast on the question are "For a Board of Education Appointed
11 by the Governor", the provisions of this Act are of no effect and null and void.

12 SECTION 7. AND BE IT FURTHER ENACTED, That, subject to the provisions
13 of Section 6 of this Act, this Act shall take effect June 1, 2006.