

HOUSE BILL 455

F3

9lr2139

By: **Caroline County Delegation**

Introduced and read first time: February 4, 2009

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Caroline County - Elected School Board**

3 FOR the purpose of requiring that the members of the Caroline County Board of
4 Education be elected; establishing a procedure for the election of members of the
5 county board; specifying member qualifications; establishing a certain term of
6 office for elected members, specifying the initial terms of the elected members,
7 and staggering the terms of the members; providing a procedure for filling a
8 vacancy on the county board; requiring the county board to conduct certain
9 interviews and publish certain notices when filling a vacancy; providing for a
10 nonvoting student member; providing for the removal of members under certain
11 circumstances; providing for the election of the president and vice president of
12 the county board; providing for the compensation and expenses of the members
13 of the county board; requiring the county board to meet at certain intervals;
14 providing that the terms of the appointed members of the county board shall
15 expire on a certain date; making a stylistic change; and generally relating to the
16 Caroline County Board of Education and the election of its members.

17 BY repealing and reenacting, with amendments,
18 Article – Education
19 Section 3–114(a)
20 Annotated Code of Maryland
21 (2008 Replacement Volume)

22 BY adding to
23 Article – Education
24 Section 3–3A–01 through 3–3A–05 to be under the new subtitle “Subtitle 3A.
25 Caroline County”
26 Annotated Code of Maryland
27 (2008 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article - Education**

4 3-114.

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

7 (1) Allegany;

8 (2) Calvert;

9 **(3) CAROLINE;**

10 ~~[(3)]~~ **(4)** Carroll;

11 ~~[(4)]~~ **(5)** Cecil;

12 ~~[(5)]~~ **(6)** Charles;

13 ~~[(6)]~~ **(7)** Dorchester;

14 ~~[(7)]~~ **(8)** Frederick;

15 ~~[(8)]~~ **(9)** Garrett;

16 ~~[(9)]~~ **(10)** Howard;

17 ~~[(10)]~~ **(11)** Kent;

18 ~~[(11)]~~ Prince George's;

19 (12) Montgomery;]

20 **(12) MONTGOMERY;**

21 **(13) PRINCE GEORGE'S;**

22 ~~[(13)]~~ **(14)** Queen Anne's;

23 ~~[(14)]~~ **(15)** St. Mary's;

24 ~~[(15)]~~ **(16)** Somerset;

1 [(16)] (17) Talbot;
2 [(17)] (18) Washington; and
3 [(18)] (19) Worcester.

4 **SUBTITLE 3A. CAROLINE COUNTY.**

5 **3-3A-01.**

6 (A) **THE CAROLINE COUNTY BOARD OF EDUCATION CONSISTS OF:**

7 (1) **FIVE VOTING, NONPARTISAN, ELECTED MEMBERS; AND**

8 (2) **ONE NONVOTING STUDENT MEMBER.**

9 (B) **THE FIVE VOTING, NONPARTISAN, ELECTED MEMBERS SHALL BE**
10 **ELECTED AT-LARGE BY THE VOTERS OF THE ENTIRE COUNTY AT A GENERAL**
11 **ELECTION IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.**

12 (C) (1) **A CANDIDATE ELECTED TO THE COUNTY BOARD SHALL BE AT**
13 **LEAST 21 YEARS OLD AND A REGISTERED VOTER AND RESIDENT OF CAROLINE**
14 **COUNTY FOR AT LEAST 3 YEARS.**

15 (2) **A MEMBER WHO NO LONGER RESIDES IN CAROLINE COUNTY**
16 **OR WHO IS NOT A REGISTERED VOTER OF CAROLINE COUNTY MAY NOT**
17 **CONTINUE AS A MEMBER OF THE COUNTY BOARD.**

18 (3) **AN INDIVIDUAL EMPLOYED BY, OR UNDER THE DIRECTION OF,**
19 **THE COUNTY BOARD OR OF THE CAROLINE COUNTY SUPERINTENDENT OF**
20 **SCHOOLS IS NOT ELIGIBLE TO SERVE ON THE COUNTY BOARD.**

21 (D) (1) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH**
22 **VOTING, NONPARTISAN, ELECTED MEMBER SERVES FOR A TERM OF 4 YEARS**
23 **BEGINNING ON THE FIRST MONDAY IN DECEMBER AFTER THE MEMBER'S**
24 **ELECTION AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.**

25 (2) **THE INITIAL TERMS OF THE ELECTED VOTING MEMBERS ARE**
26 **STAGGERED AS FOLLOWS:**

27 (I) **THE THREE MEMBERS ELECTED TO THE COUNTY BOARD**
28 **AT THE GENERAL ELECTION IN NOVEMBER 2010 WHO RECEIVE THE HIGHEST**
29 **NUMBER OF VOTES CAST FROM AMONG THE SUCCESSFUL CANDIDATES AT THAT**
30 **ELECTION SHALL SERVE FOR A TERM OF 4 YEARS; AND**

1 **(II) THE TWO MEMBERS ELECTED TO THE COUNTY BOARD**
2 **AT THE GENERAL ELECTION IN NOVEMBER 2010 WHO RECEIVE THE LEAST**
3 **NUMBER OF VOTES CAST FROM AMONG THE SUCCESSFUL CANDIDATES AT THAT**
4 **ELECTION SHALL SERVE FOR A TERM OF 2 YEARS.**

5 **(E) (1) IN THE EVENT OF A VACANCY ON THE COUNTY BOARD DUE TO**
6 **DEATH, RESIGNATION, DISQUALIFICATION, OR REMOVAL, THE REMAINING**
7 **VOTING, NONPARTISAN, ELECTED, MEMBERS OF THE COUNTY BOARD SHALL**
8 **SELECT A QUALIFIED INDIVIDUAL TO FILL THE VACANCY FOR THE REMAINDER**
9 **OF THE TERM OF THE VACATING MEMBER AND UNTIL A SUCCESSOR IS ELECTED**
10 **AND QUALIFIES.**

11 **(2) BEFORE FILLING A VACANCY, THE REMAINING VOTING,**
12 **NONPARTISAN, ELECTED MEMBERS OF THE COUNTY BOARD SHALL CONDUCT AN**
13 **INTERVIEW OF EACH APPLICANT AT AN OPEN MEETING.**

14 **(3) (I) THE COUNTY BOARD SHALL PUBLISH A LIST OF THE**
15 **NAMES OF THE APPLICANTS FOR A VACANCY ON THE COUNTY BOARD AT LEAST 2**
16 **WEEKS BEFORE THE INTERVIEW OF THE FIRST APPLICANT IS SCHEDULED TO**
17 **OCCUR.**

18 **(II) THE COUNTY BOARD SHALL CAUSE PUBLIC NOTICE OF**
19 **THE DATE, TIME, AND LOCATION OF THE INTERVIEW FOR EACH APPLICANT TO**
20 **BE PUBLISHED:**

21 **1. AT LEAST 2 WEEKS BEFORE THE INTERVIEW IS**
22 **SCHEDULED TO OCCUR; AND**

23 **2. IN THE SAME MANNER AS PUBLIC NOTICE OF A**
24 **REGULAR MEETING OF THE COUNTY BOARD IS PUBLISHED.**

25 **(4) THE COUNTY BOARD IS NOT REQUIRED TO CONDUCT**
26 **DISCUSSIONS OF THE APPLICANTS OR MAKE THE FINAL SELECTION OF THE**
27 **VOTING, NONPARTISAN, ELECTED MEMBER TO FILL THE VACANCY AT AN OPEN**
28 **MEETING.**

29 **(F) (1) THE NONVOTING STUDENT MEMBER OF THE COUNTY BOARD**
30 **SHALL BE AN 11TH- OR 12TH-GRADE STUDENT IN GOOD STANDING IN THE**
31 **CAROLINE COUNTY PUBLIC SCHOOL SYSTEM.**

32 **(2) (I) THE STUDENT MEMBER AND AN ALTERNATE STUDENT**
33 **MEMBER SHALL BE SELECTED IN ACCORDANCE WITH PROCEDURES APPROVED**
34 **BY THE COUNTY BOARD.**

1 **(II) THE PROCEDURES APPROVED BY THE COUNTY BOARD**
2 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL REFLECT**
3 **RECOMMENDATIONS BY AND THE INVOLVEMENT OF THE STUDENT COUNCILS OF**
4 **CAROLINE COUNTY.**

5 **(3) THE TERM OF THE STUDENT MEMBER IS 1 YEAR.**

6 **(4) THE STUDENT MEMBER MAY NOT VOTE, BUT MAY INDICATE A**
7 **PREFERENCE FOR OR AGAINST ANY QUESTION BEFORE THE COUNTY BOARD.**

8 **(5) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A**
9 **MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBER MAY NOT ATTEND**
10 **ANY EXECUTIVE SESSION OF THE COUNTY BOARD THAT RELATES TO**
11 **PERSONNEL, SPECIAL EDUCATION PLACEMENTS, COLLECTIVE BARGAINING, OR**
12 **HEARINGS HELD UNDER § 6-202 OF THIS ARTICLE.**

13 **(6) THE STUDENT MEMBER MAY NOT RECEIVE COMPENSATION,**
14 **BUT MAY BE REIMBURSED FOR OUT-OF-POCKET EXPENSES INCURRED IN**
15 **CONNECTION WITH OFFICIAL DUTIES APPROVED BY THE COUNTY BOARD IN**
16 **ACCORDANCE WITH THE POLICIES OF THE CAROLINE COUNTY PUBLIC SCHOOL**
17 **SYSTEM.**

18 **3-3A-02.**

19 **(A) WITH THE APPROVAL OF THE GOVERNOR, THE STATE BOARD MAY**
20 **REMOVE A VOTING, NONPARTISAN, ELECTED MEMBER OF THE COUNTY BOARD**
21 **FOR ANY OF THE FOLLOWING REASONS:**

22 **(1) IMMORALITY;**

23 **(2) MISCONDUCT IN OFFICE;**

24 **(3) INCOMPETENCY; OR**

25 **(4) WILLFUL NEGLECT OF DUTY.**

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

30 **(C) IF THE VOTING, NONPARTISAN, ELECTED MEMBER REQUESTS A**
31 **HEARING WITHIN THE 10-DAY PERIOD:**

1 (1) (I) THE STATE BOARD PROMPTLY SHALL HOLD A
2 HEARING; BUT

3 (II) A HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER
4 THE STATE BOARD SENDS THE MEMBER A NOTICE OF THE HEARING; AND

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

8 (D) A VOTING, NONPARTISAN, ELECTED MEMBER REMOVED UNDER
9 THIS SECTION HAS THE RIGHT TO A DE NOVO REVIEW OF THE REMOVAL BY THE
10 CIRCUIT COURT FOR CAROLINE COUNTY.

11 **3-3A-03.**

12 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AT ITS
13 FIRST MEETING IN DECEMBER OF EACH YEAR, THE VOTING, NONPARTISAN,
14 ELECTED MEMBERS OF THE COUNTY BOARD SHALL ELECT A PRESIDENT AND
15 VICE PRESIDENT FROM AMONG ITS MEMBERS.

16 (2) IN AN ELECTION YEAR, THE COUNTY BOARD SHALL ELECT ITS
17 OFFICERS AT THE FIRST MEETING OF THE NEW COUNTY BOARD.

18 (B) IN THE EVENT OF A VACANCY IN THE OFFICE OF PRESIDENT OR
19 VICE PRESIDENT OF THE COUNTY BOARD, THE VOTING, NONPARTISAN,
20 ELECTED MEMBERS OF THE COUNTY BOARD SHALL ELECT A NEW OFFICER TO
21 FILL THE VACANCY WITHIN 30 DAYS AFTER THE VACANCY OCCURS.

22 **3-3A-04.**

23 (A) THE PRESIDENT OF THE COUNTY BOARD IS ENTITLED TO RECEIVE
24 \$4,000 ANNUALLY AS COMPENSATION AND THE OTHER VOTING, NONPARTISAN,
25 ELECTED MEMBERS EACH ARE ENTITLED TO RECEIVE \$3,500 ANNUALLY AS
26 COMPENSATION.

27 (B) AS PROVIDED IN THE CAROLINE COUNTY BUDGET, EACH VOTING,
28 NONPARTISAN, ELECTED MEMBER IS ENTITLED TO AN ALLOWANCE FOR TRAVEL
29 AND OTHER EXPENSES.

30 (C) A VOTING, NONPARTISAN, ELECTED MEMBER IS NOT ELIGIBLE FOR
31 ANY FRINGE BENEFIT PROVIDED BY THE CAROLINE COUNTY PUBLIC SCHOOL

1 **SYSTEM, THE CAROLINE COUNTY BOARD OF EDUCATION, OR THE COUNTY**
2 **COMMISSIONERS OF CAROLINE COUNTY, INCLUDING:**

3 **(1) HEALTH INSURANCE;**

4 **(2) LIFE INSURANCE; AND**

5 **(3) A PENSION.**

6 **3-3A-05.**

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

8 **(B) (1) EACH MEETING OF THE COUNTY BOARD SHALL BE**
9 **CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE MARYLAND OPEN**
10 **MEETINGS ACT, TITLE 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE.**

11 **(2) THE COUNTY BOARD MAY AVAIL ITSELF OF ANY EXCLUSION**
12 **AUTHORIZED UNDER THE MARYLAND OPEN MEETINGS ACT.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the
14 provisions of this Act, the terms of the appointed members of the Caroline County
15 Board of Education in office on the effective date of this Act shall expire at the end of
16 December 5, 2010.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2009.