

# HOUSE BILL 455

F3

9lr2139

---

By: **Caroline County Delegation**

Introduced and read first time: February 4, 2009

Assigned to: Ways and Means

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 26, 2009

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Caroline County ~~Elected School Board~~ Board of Education - Election of**  
3 **Members - Referendum**

4 FOR the purpose of requiring that the members of the Caroline County Board of  
5 Education be elected; establishing a procedure for the election of members of the  
6 county board; ~~specifying member qualifications; establishing a certain term of~~  
7 ~~office for elected members; specifying the initial terms of the elected members;~~  
8 ~~and staggering the terms of the members; providing a procedure for filling a~~  
9 ~~vacancy on the county board; requiring the county board to conduct certain~~  
10 ~~interviews and publish certain notices when filling a vacancy; providing for a~~  
11 ~~nonvoting student member; providing for the removal of members under certain~~  
12 ~~circumstances; providing for the election of the president and vice president of~~  
13 ~~the county board; providing for the compensation and expenses of the members~~  
14 ~~of the county board; requiring the county board to meet at certain intervals;~~  
15 ~~providing that the terms of the appointed members of the county board shall~~  
16 ~~expire on a certain date; making a stylistic change; specifying that the members~~  
17 ~~be elected by certain districts; specifying member qualifications; establishing a~~  
18 ~~certain term of office for the members; specifying the initial terms of the~~  
19 ~~members and staggering their terms; providing a procedure for filling a vacancy~~  
20 ~~on the county board; requiring the county board to conduct certain interviews~~  
21 ~~and publish certain notices when filling a vacancy; providing for the removal of~~  
22 ~~members under certain circumstances; providing for the election of the~~  
23 ~~president and vice president of the county board; providing for the~~  
24 ~~compensation and expenses of the members of the county board; requiring the~~  
25 ~~county board to meet at certain intervals; providing that the terms of certain~~  
26 ~~appointed members of the county board shall expire on a certain date; making a~~

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 stylistic change; submitting this Act to a referendum of the legally qualified  
2 voters of Caroline County; and generally relating to the Caroline County Board  
3 of Education and the election of its members.

4 BY repealing and reenacting, with amendments,  
5 Article – Education  
6 Section 3–114(a)  
7 Annotated Code of Maryland  
8 (2008 Replacement Volume)

9 BY adding to  
10 Article – Education  
11 Section 3–3A–01 through ~~3–3A–05~~ 3–3A–06 to be under the new subtitle  
12 “Subtitle 3A. Caroline County”  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume)

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

17 **Article – Education**

18 3–114.

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

21 (1) Allegany;

22 (2) Calvert;

23 **(3) CAROLINE;**

24 [(3)] **(4)** Carroll;

25 [(4)] **(5)** Cecil;

26 [(5)] **(6)** Charles;

27 [(6)] **(7)** Dorchester;

28 [(7)] **(8)** Frederick;

29 [(8)] **(9)** Garrett;

30 [(9)] **(10)** Howard;

- 1 [(10)] (11) Kent;
- 2 [(11) Prince George’s;
- 3 (12) Montgomery;]
- 4 (12) MONTGOMERY;
- 5 (13) PRINCE GEORGE’S;
- 6 [(13)] (14) Queen Anne’s;
- 7 [(14)] (15) St. Mary’s;
- 8 [(15)] (16) Somerset;
- 9 [(16)] (17) Talbot;
- 10 [(17)] (18) Washington; and
- 11 [(18)] (19) Worcester.

**SUBTITLE 3A. CAROLINE COUNTY.**

**3-3A-01.**

**(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(B) “BOARD OF EDUCATION DISTRICT” OR “DISTRICT” MEANS A GEOGRAPHIC AREA OF CAROLINE COUNTY IN WHICH AN ELECTED MEMBER OF THE CAROLINE COUNTY BOARD OF EDUCATION MUST BE A LEGAL RESIDENT.**

**(C) “ELECTED MEMBER” MEANS ONE OF THE FIVE NONPARTISAN VOTING MEMBERS OF THE CAROLINE COUNTY BOARD OF EDUCATION.**

**3-3A-02.**

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

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

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

1       ~~(B) THE FIVE VOTING, NONPARTISAN, ELECTED MEMBERS SHALL BE~~  
2 ~~ELECTED AT LARGE BY THE VOTERS OF THE ENTIRE COUNTY AT A GENERAL~~  
3 ~~ELECTION IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION. FIVE~~  
4 ~~ELECTED MEMBERS.~~

5       (B) (1) ONE ELECTED MEMBER SHALL BE ELECTED FROM EACH OF  
6 THE FIVE BOARD OF EDUCATION DISTRICTS ESTABLISHED IN CAROLINE  
7 COUNTY.

8           (2) AN ELECTED MEMBER SHALL BE:

9                   (I) A RESIDENT OF THE DISTRICT FROM WHICH THE  
10 MEMBER IS ELECTED; AND

11                   (II) ELECTED ONLY BY THE VOTERS OF THAT DISTRICT.

12       (C) (1) THE BOARD OF EDUCATION DISTRICTS SHALL:

13                   (I) BE ESTABLISHED BY THE COUNTY COMMISSIONERS OF  
14 CAROLINE COUNTY; AND

15                   (II) BE SUBSTANTIALLY EQUAL IN POPULATION AND  
16 REAPPORTIONED ON THE BASIS OF EACH DECENNIAL CENSUS OF THE UNITED  
17 STATES.

18           (2) REAPPORTIONED DISTRICTS SHALL BECOME EFFECTIVE FOR  
19 THE TERM OF OFFICE COMMENCING AFTER THE FIRST REGULAR PRIMARY  
20 ELECTION HELD AT LEAST 15 MONTHS AFTER THE OFFICIAL REPORT ON  
21 POPULATION IS RECEIVED BY THE STATE FROM THE BUREAU OF THE CENSUS.

22       (D) (1) AS APPLICABLE FOR THAT BOARD OF EDUCATION DISTRICT,  
23 AT THE GENERAL ELECTION THE BALLOT SHALL PROVIDE THE VOTER WITH THE  
24 CHOICE TO CAST A VOTE "FOR" A CANDIDATE FOR ELECTION FROM THAT  
25 DISTRICT.

26           (2) AFTER THE ELECTION RESULTS ARE CERTIFIED, THE STATE  
27 BOARD OF ELECTIONS SHALL DECLARE FOR EACH DISTRICT WHETHER A  
28 CANDIDATE HAS BEEN ELECTED.

29       ~~(E)~~ (E) (1) A CANDIDATE AN INDIVIDUAL ELECTED TO THE  
30 COUNTY BOARD SHALL BE AT LEAST 21 YEARS OLD AND A REGISTERED VOTER  
31 AND RESIDENT OF CAROLINE COUNTY FOR AT LEAST 3 YEARS.

1 ~~(2) A MEMBER WHO NO LONGER RESIDES IN CAROLINE COUNTY~~  
2 ~~OR WHO IS NOT A REGISTERED VOTER OF CAROLINE COUNTY MAY NOT~~  
3 ~~CONTINUE AS A MEMBER OF THE COUNTY BOARD.~~

4 (2) A MEMBER MAY NOT CONTINUE AS A MEMBER OF THE COUNTY  
5 BOARD IF THE MEMBER:

6 (I) NO LONGER RESIDES IN THE BOARD OF EDUCATION  
7 DISTRICT THAT THE MEMBER IS DESIGNATED TO REPRESENT; OR

8 (II) IS NOT A REGISTERED VOTER OF CAROLINE COUNTY.

9 (3) AN INDIVIDUAL EMPLOYED BY, OR UNDER THE DIRECTION OF,  
10 THE COUNTY BOARD OR OF THE CAROLINE COUNTY SUPERINTENDENT OF  
11 SCHOOLS IS NOT ELIGIBLE TO SERVE ON THE COUNTY BOARD.

12 ~~(D)~~ (F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,  
13 EACH ~~VOTING, NONPARTISAN,~~ ELECTED MEMBER SERVES FOR A TERM OF 4  
14 YEARS BEGINNING ON THE FIRST MONDAY IN DECEMBER AFTER THE MEMBER'S  
15 ELECTION AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

16 (2) THE INITIAL TERMS OF THE ELECTED ~~VOTING~~ MEMBERS ARE  
17 STAGGERED AS FOLLOWS:

18 (I) THE THREE MEMBERS ELECTED TO THE COUNTY BOARD  
19 AT THE GENERAL ELECTION IN NOVEMBER ~~2010~~ 2012 WHO RECEIVE THE  
20 HIGHEST NUMBER OF VOTES CAST FROM AMONG THE SUCCESSFUL CANDIDATES  
21 AT THAT ELECTION SHALL SERVE FOR A TERM OF 4 YEARS; AND

22 (II) THE TWO MEMBERS ELECTED TO THE COUNTY BOARD  
23 AT THE GENERAL ELECTION IN NOVEMBER ~~2010~~ 2012 WHO RECEIVE THE LEAST  
24 NUMBER OF VOTES CAST FROM AMONG THE SUCCESSFUL CANDIDATES AT THAT  
25 ELECTION SHALL SERVE FOR A TERM OF 2 YEARS.

26 ~~(E)~~ (G) (1) IN THE EVENT OF A VACANCY ON THE COUNTY BOARD DUE  
27 TO DEATH, RESIGNATION, DISQUALIFICATION, OR REMOVAL, THE REMAINING  
28 ~~VOTING, NONPARTISAN, ELECTED,~~ ELECTED MEMBERS ~~OF THE COUNTY BOARD~~  
29 SHALL SELECT A QUALIFIED INDIVIDUAL TO FILL THE VACANCY FOR THE  
30 REMAINDER OF THE TERM OF THE VACATING MEMBER AND UNTIL A SUCCESSOR  
31 IS ELECTED AND QUALIFIES.

32 (2) AN INDIVIDUAL APPOINTED TO FILL A VACANCY FOR AN  
33 ELECTED MEMBER SHALL BE A RESIDENT OF THE SAME BOARD OF EDUCATION  
34 DISTRICT AS THAT OF THE VACATING MEMBER.

1           ~~(2)~~ **(3)**       **BEFORE FILLING A VACANCY FOR AN ELECTED**  
 2 **MEMBER, THE REMAINING VOTING, NONPARTISAN, ELECTED MEMBERS OF THE**  
 3 **COUNTY BOARD SHALL CONDUCT AN INTERVIEW OF EACH APPLICANT AT AN**  
 4 **OPEN MEETING.**

5           ~~(3)~~ **(4)**       **(I) THE COUNTY BOARD SHALL PUBLISH A LIST OF**  
 6 **THE NAMES OF THE APPLICANTS FOR A VACANCY ON THE COUNTY BOARD AT**  
 7 **LEAST 2 WEEKS BEFORE THE INTERVIEW OF THE FIRST APPLICANT IS**  
 8 **SCHEDULED TO OCCUR.**

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

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

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

16           ~~(4)~~ **(5)**       **THE COUNTY BOARD IS NOT REQUIRED TO CONDUCT**  
 17 **DISCUSSIONS OF THE APPLICANTS OR MAKE THE FINAL SELECTION OF THE**  
 18 **VOTING, NONPARTISAN, ELECTED MEMBER TO FILL THE VACANCY AT AN OPEN**  
 19 **MEETING.**

20           ~~(F)~~ **(1) THE NONVOTING STUDENT MEMBER OF THE COUNTY BOARD**  
 21 **SHALL BE AN 11TH OR 12TH GRADE STUDENT IN GOOD STANDING IN THE**  
 22 **CAROLINE COUNTY PUBLIC SCHOOL SYSTEM.**

23           ~~(2)~~ **(I) THE STUDENT MEMBER AND AN ALTERNATE STUDENT**  
 24 **MEMBER SHALL BE SELECTED IN ACCORDANCE WITH PROCEDURES APPROVED**  
 25 **BY THE COUNTY BOARD.**

26           ~~(H)~~ **THE PROCEDURES APPROVED BY THE COUNTY BOARD**  
 27 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL REFLECT**  
 28 **RECOMMENDATIONS BY AND THE INVOLVEMENT OF THE STUDENT COUNCILS OF**  
 29 **CAROLINE COUNTY.**

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

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

33           ~~(5)~~ **UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A**  
 34 **MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBER MAY NOT ATTEND**

1 ~~ANY EXECUTIVE SESSION OF THE COUNTY BOARD THAT RELATES TO~~  
 2 ~~PERSONNEL, SPECIAL EDUCATION PLACEMENTS, COLLECTIVE BARGAINING, OR~~  
 3 ~~HEARINGS HELD UNDER § 6-202 OF THIS ARTICLE.~~

4 ~~(6) THE STUDENT MEMBER MAY NOT RECEIVE COMPENSATION,~~  
 5 ~~BUT MAY BE REIMBURSED FOR OUT-OF-POCKET EXPENSES INCURRED IN~~  
 6 ~~CONNECTION WITH OFFICIAL DUTIES APPROVED BY THE COUNTY BOARD IN~~  
 7 ~~ACCORDANCE WITH THE POLICIES OF THE CAROLINE COUNTY PUBLIC SCHOOL~~  
 8 ~~SYSTEM.~~

9 ~~3-3A-02.~~ 3-3A-03.

10 (A) WITH THE APPROVAL OF THE GOVERNOR, THE STATE BOARD MAY  
 11 REMOVE ~~A VOTING, NONPARTISAN, ELECTED~~ ANY MEMBER OF THE COUNTY  
 12 BOARD FOR ANY OF THE FOLLOWING REASONS:

- 13 (1) IMMORALITY;
- 14 (2) MISCONDUCT IN OFFICE;
- 15 (3) INCOMPETENCY; OR
- 16 (4) WILLFUL NEGLECT OF DUTY.

17 (B) BEFORE REMOVING A ~~VOTING, NONPARTISAN, ELECTED~~ MEMBER,  
 18 THE STATE BOARD SHALL SEND THE MEMBER A COPY OF THE CHARGES  
 19 AGAINST THE MEMBER AND GIVE THE MEMBER AN OPPORTUNITY WITHIN 10  
 20 DAYS TO REQUEST A HEARING.

21 (C) IF THE ~~VOTING, NONPARTISAN, ELECTED~~ MEMBER REQUESTS A  
 22 HEARING WITHIN THE 10-DAY PERIOD:

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

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

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

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

1 ~~3-3A-03, 3-3A-04.~~

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

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

8 (B) IN THE EVENT OF A VACANCY IN THE OFFICE OF PRESIDENT OR  
 9 VICE PRESIDENT OF THE COUNTY BOARD, THE ~~VOTING, NONPARTISAN,~~  
 10 ELECTED MEMBERS OF THE COUNTY BOARD SHALL ELECT A NEW OFFICER TO  
 11 FILL THE VACANCY WITHIN 30 DAYS AFTER THE VACANCY OCCURS.

12 ~~3-3A-04, 3-3A-05.~~

13 (A) THE PRESIDENT OF THE COUNTY BOARD IS ENTITLED TO RECEIVE  
 14 \$4,000 ANNUALLY AS COMPENSATION , AND THE OTHER ~~VOTING, NONPARTISAN,~~  
 15 ~~ELECTED~~ MEMBERS EACH ARE ENTITLED TO RECEIVE \$3,500 ANNUALLY AS  
 16 COMPENSATION.

17 (B) AS PROVIDED IN THE CAROLINE COUNTY BUDGET, EACH ~~VOTING,~~  
 18 ~~NONPARTISAN,~~ ELECTED MEMBER IS ENTITLED TO AN ALLOWANCE FOR TRAVEL  
 19 AND OTHER EXPENSES.

20 (C) ~~A VOTING, NONPARTISAN,~~ AN ELECTED MEMBER IS NOT ELIGIBLE  
 21 FOR ANY FRINGE BENEFIT PROVIDED BY THE CAROLINE COUNTY PUBLIC  
 22 SCHOOL SYSTEM, THE CAROLINE COUNTY BOARD OF EDUCATION, OR THE  
 23 COUNTY COMMISSIONERS OF CAROLINE COUNTY, INCLUDING:

24 (1) HEALTH INSURANCE;

25 (2) LIFE INSURANCE; AND

26 (3) A PENSION.

27 ~~3-3A-05, 3-3A-06.~~

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

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



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

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

7           SECTION 3. AND BE IT FURTHER ENACTED, That before this Act becomes  
8 effective it shall first be submitted to a referendum of the legally qualified voters of  
9 Caroline County at the general election to be held in November of 2010. The County  
10 governing body and the Caroline County Board of Elections shall do those things  
11 necessary and proper to provide for and hold the referendum required by this section.  
12 There shall be printed on the ballot to be used at this election the title of this Act and  
13 underneath the title, on separate lines, a square or box opposite the words “For a  
14 Board of Education Elected by the Voters of Caroline County” and a corresponding  
15 square box opposite the words “For a Board of Education Appointed by the Governor”.  
16 A voter may choose only one of the methods of selection. If a majority of the votes cast  
17 on the question are “For a Board of Education Elected by the Voters of Caroline  
18 County”, the provisions of this Act shall become effective on the 30th day following the  
19 official canvass of votes for the referendum.

20           SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, ~~That this Act shall take~~  
21 ~~effect October 1, 2009.~~ That, subject to the provisions of Section 3 of this Act and for  
22 the sole purpose of providing for the referendum required by Section 3 of this Act, this  
23 Act shall take effect October 1, 2009.

Approved:

\_\_\_\_\_ Governor.

\_\_\_\_\_ Speaker of the House of Delegates.

\_\_\_\_\_ President of the Senate.