

SENATE BILL 964

F3

(9lr3265)

ENROLLED BILL

—Education, Health, and Environmental Affairs / Ways and Means—

Introduced by **Senators Colburn and Pipkin**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Caroline County Board of Education – Election and Appointment of Members**
3 **– Referendum**

4 FOR the purpose of requiring that ~~the~~ certain members of the Caroline County Board
5 of Education be elected; requiring that certain members of the Caroline County
6 Board of Education be appointed by the Governor with the advice and consent of
7 the Senate; establishing a procedure for the election of certain members of the
8 county board; specifying that ~~the~~ certain members be elected by certain
9 districts; specifying elected member qualifications; establishing qualifications
10 for certain student members; providing that certain high schools in Caroline
11 County have representation through a student member of the county board;
12 providing for the appointment of certain members by the Governor with the
13 advice and consent of the Senate; specifying certain criteria for the Governor
14 with regard to the appointment of certain members; providing for the
15 nomination and selection of certain student members; establishing a certain

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.

Italics indicate opposite chamber / conference committee amendments.



term of office for the elected members; specifying the initial terms of the elected members and staggering their terms; providing a procedure for filling ~~a vacancy~~ certain vacancies on the county board; requiring the county board to conduct certain interviews and publish certain notices when filling a vacancy; providing for the removal of certain members under certain circumstances; providing for the election of the president and vice president of the county board; providing for the compensation and expenses of ~~the~~ certain members of the county board; requiring the county board to meet at certain intervals; providing that the terms of certain appointed members of the county board shall expire on a certain date; making a stylistic change; submitting this Act to a referendum of the legally qualified voters of Caroline County; and generally relating to the Caroline County Board of Education and the election and appointment of its members.

BY repealing and reenacting, with amendments,

Article – Education

Section ~~3–114(a)~~ 3–108(a) and 3–114

Annotated Code of Maryland

(2008 Replacement Volume)

BY adding to

Article – Education

Section 3–3A–01 through 3–3A–06 to be under the new subtitle “Subtitle 3A.
Caroline County”

Annotated Code of Maryland

(2008 Replacement Volume)

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

Article – Education

3–108.

(a) **(1)** Except [for the Baltimore City Board of School Commissioners established under § 3–108.1 of this subtitle, counties listed in § 3–114 of this subtitle, and subject to the provisions of § 3–110 of this subtitle with respect to the Anne Arundel County Board of Education] AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, the Governor shall appoint the members of each county board from the residents of that county.

(2) THE MEMBERS OF THE FOLLOWING COUNTY BOARDS OF EDUCATION SHALL BE SELECTED AS FOLLOWS:

(I) THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS IN ACCORDANCE WITH § 3–108.1 OF THIS SUBTITLE;

(II) THE CAROLINE COUNTY BOARD OF EDUCATION IN
ACCORDANCE WITH § 3-3A-02 OF THIS TITLE;

(III) THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION
IN ACCORDANCE WITH § 3-110 OF THIS SUBTITLE; AND

(IV) THE COUNTY BOARDS OF EDUCATION IN THE COUNTIES
LISTED IN § 3-114 OF THIS SUBTITLE IN ACCORDANCE WITH THE PROVISIONS
OF THAT SECTION.

3-114.

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

(1) Allegany;

(2) Calvert;

~~(3) CAROLINE;~~

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

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

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

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

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

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

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

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

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

~~(12) Montgomery;~~

~~(12) MONTGOMERY;~~

~~(13) PRINCE GEORGE'S;~~

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

(B) IN CAROLINE COUNTY, IN ACCORDANCE WITH SUBTITLE 3A OF THIS TITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A COMBINATION OF MEMBERS WHO ARE ELECTED AND APPOINTED.

[(b)] (C) An individual subject to the authority of the county board may not serve as a member of the county board. At the time of filing a certificate of candidacy for election to a county board, a person shall certify to the local board of supervisors of election whether or not he is subject to the authority of the county board. The Governor shall not issue a commission of election to a person who has certified affirmatively and who is elected to a county board until the member-elect offers proof that he is no longer subject to the authority of the county board.

[(c)] (D) The election of the county boards shall be held as provided in Subtitles 2 through 14 of this title and the Election Law Article.

SUBTITLE 3A. CAROLINE COUNTY.

3-3A-01.

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

(B) “APPOINTED MEMBER” MEANS ONE OF THE ~~THREE~~ TWO VOTING MEMBERS APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE, UNDER ~~§ 3-3A-02(B)(2)~~ § 3-3A-02(B)(3)(I)1 OF THIS SUBTITLE.

~~(B)~~ (C) “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)~~ (D) (1) “ELECTED MEMBER” MEANS ONE OF THE ~~FIVE~~ THREE NONPARTISAN VOTING MEMBERS OF THE CAROLINE COUNTY BOARD OF EDUCATION ELECTED BY THE VOTERS OF CAROLINE COUNTY.

(2) “ELECTED MEMBER” DOES NOT INCLUDE THE NONVOTING STUDENT MEMBERS SELECTED UNDER § 3-3A-02(F) OF THIS SUBTITLE.

3-3A-02.

(A) THE CAROLINE COUNTY BOARD OF EDUCATION CONSISTS OF ~~FIVE~~:

(1) ~~FIVE~~ THREE ELECTED MEMBERS;

(2) ~~THREE~~ TWO APPOINTED MEMBERS; AND

(3) TWO NONVOTING STUDENT MEMBERS.

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

(2) AN ELECTED MEMBER SHALL BE:

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

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

(3) (I) 1. ~~THREE~~ TWO APPOINTED MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE, FROM THE COUNTY AT-LARGE.

2. EACH APPOINTED MEMBER SHALL BE A RESIDENT OF THE COUNTY.

(II) IN APPOINTING MEMBERS TO THE COUNTY BOARD, THE GOVERNOR SHALL ENSURE, TO THE EXTENT PRACTICABLE, THAT THE TOTAL MAKEUP OF THE COUNTY BOARD REFLECTS GENDER, ETHNIC, AND RACIAL DIVERSITY.

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

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

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

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

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

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

4 (E) (1) AN INDIVIDUAL ELECTED TO THE COUNTY BOARD SHALL BE
5 AT LEAST 21 YEARS OLD AND A REGISTERED VOTER AND RESIDENT OF
6 CAROLINE COUNTY FOR AT LEAST 3 YEARS.

7 (2) A MEMBER MAY NOT CONTINUE AS A MEMBER OF THE COUNTY
8 BOARD IF THE MEMBER:

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

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

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

15 (F) (1) A STUDENT MEMBER OF THE COUNTY BOARD SHALL:

16 (I) BE A REGULARLY ENROLLED ELEVENTH OR TWELFTH
17 GRADE STUDENT OF GOOD CHARACTER AND IN GOOD STANDING IN A CAROLINE
18 COUNTY PUBLIC HIGH SCHOOL DURING THE STUDENT'S TERM IN OFFICE;

19 (II) BE SELECTED IN THE STUDENT'S TENTH OR ELEVENTH
20 GRADE IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION; AND

21 (III) 1. SERVE FOR A TERM OF 1 YEAR; AND

22 2. IF THE STUDENT IS IN THE TWELFTH GRADE,
23 CONTINUE TO SERVE AFTER GRADUATION AND UNTIL A SUCCESSOR IS
24 SELECTED AND QUALIFIES.

25 (2) EACH HIGH SCHOOL IN THE COUNTY SHALL BE REPRESENTED
26 BY A STUDENT MEMBER OF THE COUNTY BOARD.

27 (3) (I) FOR NOMINATION TO THE COUNTY BOARD, THE
28 STUDENT BODY SHALL SUBMIT TO THE PRINCIPAL OF THE HIGH SCHOOL A LIST
29 OF NOMINEES THAT CONTAINS THE NAMES OF ELIGIBLE STUDENTS.

1 **(II) THE PRINCIPAL OF THE HIGH SCHOOL SHALL SELECT**
2 **THE STUDENT MEMBER FROM THE LIST OF NOMINEES SUBMITTED TO THE**
3 **PRINCIPAL UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

4 **(4) IF A VACANCY IN THE POSITION OF STUDENT MEMBER**
5 **OCCURS DURING THE TERM OF A STUDENT MEMBER, THE PRINCIPAL OF THE**
6 **HIGH SCHOOL REPRESENTED ON THE COUNTY BOARD SHALL SELECT ANOTHER**
7 **STUDENT MEMBER USING THE METHOD SET FORTH UNDER PARAGRAPH (3) OF**
8 **THIS SUBSECTION.**

9 ~~(F)~~ **(G)** **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**
10 **EACH ELECTED MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE**
11 **FIRST MONDAY IN DECEMBER AFTER THE MEMBER'S ELECTION AND UNTIL A**
12 **SUCCESSOR IS ELECTED AND QUALIFIES.**

13 **(2) THE INITIAL TERMS OF THE ELECTED MEMBERS ARE**
14 **STAGGERED AS FOLLOWS:**

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

19 **(II) THE ~~TWO MEMBERS~~ MEMBER ELECTED TO THE COUNTY**
20 **BOARD AT THE GENERAL ELECTION IN NOVEMBER 2012 WHO ~~RECEIVE~~**
21 **RECEIVES THE LEAST NUMBER OF VOTES CAST FROM AMONG THE SUCCESSFUL**
22 **CANDIDATES AT THAT ELECTION SHALL SERVE FOR A TERM OF 2 YEARS.**

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

29 **(2) AN INDIVIDUAL APPOINTED TO FILL A VACANCY FOR AN**
30 **ELECTED MEMBER SHALL BE A RESIDENT OF THE SAME BOARD OF EDUCATION**
31 **DISTRICT AS THAT OF THE VACATING MEMBER.**

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

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

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

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

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

(5) THE COUNTY BOARD IS NOT REQUIRED TO CONDUCT DISCUSSIONS OF THE APPLICANTS OR MAKE THE FINAL SELECTION OF THE ELECTED MEMBER TO FILL THE VACANCY AT AN OPEN MEETING.

(I) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH APPOINTED MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE FIRST MONDAY IN DECEMBER 2012.

(2) THE INITIAL TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS FOLLOWS:

(I) ONE APPOINTED MEMBER SHALL SERVE FOR A TERM OF 6 YEARS; AND

(II) ONE APPOINTED MEMBER SHALL SERVE FOR A TERM OF 4 YEARS.

(3) IN THE EVENT OF A VACANCY OF AN APPOINTED MEMBER DUE TO DEATH, RESIGNATION, DISQUALIFICATION, OR REMOVAL, THE GOVERNOR SHALL APPOINT ANOTHER INDIVIDUAL TO COMPLETE THE TERM OF THE VACATING APPOINTED MEMBER.

3-3A-03.

(A) WITH THE APPROVAL OF THE GOVERNOR, THE STATE BOARD MAY REMOVE ANY MEMBER OF THE COUNTY BOARD FOR ANY OF THE FOLLOWING REASONS:

(1) IMMORALITY;

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

2 (3) **INCOMPETENCY; OR**

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

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

7 **(C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY**
8 **PERIOD:**

9 **(1) (I) THE STATE BOARD PROMPTLY SHALL HOLD A**
10 **HEARING; BUT**

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

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

16 **(D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE**
17 **NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR CAROLINE**
18 **COUNTY.**

19 **3-3A-04.**

20 **(A) AT ITS FIRST MEETING IN DECEMBER OF EACH YEAR, THE ~~ELECTED~~**
21 **VOTING MEMBERS OF THE COUNTY BOARD SHALL ELECT A PRESIDENT AND**
22 **VICE PRESIDENT FROM AMONG ITS MEMBERS.**

23 **(B) IN THE EVENT OF A VACANCY IN THE OFFICE OF PRESIDENT OR**
24 **VICE PRESIDENT OF THE COUNTY BOARD, THE ~~ELECTED~~ VOTING MEMBERS OF**
25 **THE COUNTY BOARD SHALL ELECT A NEW OFFICER TO FILL THE VACANCY**
26 **WITHIN 30 DAYS AFTER THE VACANCY OCCURS.**

27 **3-3A-05.**

28 **(A) THE PRESIDENT OF THE COUNTY BOARD IS ENTITLED TO RECEIVE**
29 **\$4,000 ANNUALLY AS COMPENSATION, AND THE OTHER VOTING MEMBERS ARE**
30 **ENTITLED TO RECEIVE \$3,500 EACH ANNUALLY AS COMPENSATION.**

1 (B) AS PROVIDED IN THE CAROLINE COUNTY BUDGET, EACH ~~ELECTED~~
2 ~~VOTING~~ MEMBER IS ENTITLED TO AN ALLOWANCE FOR TRAVEL AND OTHER
3 EXPENSES.

4 (C) ~~AN ELECTED~~ A VOTING MEMBER IS NOT ELIGIBLE FOR ANY FRINGE
5 BENEFIT PROVIDED BY THE CAROLINE COUNTY PUBLIC SCHOOL SYSTEM, THE
6 CAROLINE COUNTY BOARD OF EDUCATION, OR THE COUNTY COMMISSIONERS
7 OF CAROLINE COUNTY, INCLUDING:

8 (1) HEALTH INSURANCE;

9 (2) LIFE INSURANCE; AND

10 (3) A PENSION.

11 **3-3A-06.**

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

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the
19 provisions of this Act, the terms of the appointed members of the Caroline County
20 Board of Education in office on the effective date of this Act shall expire at the end of
21 December 2, 2012.

22 SECTION 3. AND BE IT FURTHER ENACTED, That before this Act becomes
23 effective it shall first be submitted to a referendum of the legally qualified voters of
24 Caroline County at the general election to be held in November of 2010. The County
25 governing body and the Caroline County Board of Elections shall do those things
26 necessary and proper to provide for and hold the referendum required by this section.
27 There shall be printed on the ballot to be used at this election the title of this Act and
28 underneath the title, on separate lines, a square or box opposite the words "For a
29 Board of Education ~~Elected by the Voters of Caroline County~~ Elected in Part by the
30 Voters of Caroline County (3 members) and Appointed in Part by the Governor (2
31 members)" and a corresponding square box opposite the words "For a Board of
32 Education Appointed by the Governor". A voter may choose only one of the methods of
33 selection. If a majority of the votes cast on the question are "For a Board of Education
34 ~~Elected by the Voters of Caroline County~~ Elected in Part by the Voters of Caroline

1 County (3 members) and Appointed in Part by the Governor (2 members)", the
2 provisions of this Act shall become effective on the 30th day following the official
3 canvass of votes for the referendum.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.