

HOUSE BILL 670

F3, G1

EMERGENCY BILL

3lr0304

By: **Montgomery County Delegation**

Introduced and read first time: February 1, 2013

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2013

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Board of Education Districts – Town of Kensington in**
3 **One District**

4 **MC 1–13**

5 FOR the purpose of altering the boundaries of certain board of education districts for
6 the election of the members of the Montgomery County Board of Education;
7 combining a certain split precinct for the Town of Kensington to place all of the
8 residents of the precinct and of the Town of Kensington in one board of
9 education district; making this Act an emergency measure; and generally
10 relating to precincts and board of education districts for Montgomery County.

11 BY repealing and reenacting, with amendments,
12 Article – Education
13 Section 3–901
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2012 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 3–901.

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 (a) (1) In this subtitle the following words have the meanings indicated.

2 (2) "Elected member" means 1 of the 7 elected and voting members of
3 the Montgomery County Board or a member appointed to fill a vacancy of 1 of these 7
4 members.

5 (3) "Board of Education District" means a geographic area of
6 Montgomery County in which an elected member of the Montgomery County Board of
7 Education must be a legal resident. The geographic area of each district is described in
8 subsection (f) of this section. Each district shall be substantially equal in population,
9 and the districts shall be reapportioned on the basis of each decennial census of the
10 United States.

11 (b) The Montgomery County Board consists of:

12 (1) 5 elected members, each of whom resides in a different board of
13 education district;

14 (2) 2 elected members who may reside anywhere in the county; and

15 (3) 1 student member.

16 (c) An elected member of the county board shall be a registered voter of
17 Montgomery County.

18 (d) Members of the Montgomery County Board shall be elected at the general
19 election every 2 years as required by subsection (f) of this section.

20 (e) (1) The student member shall be a bona fide resident of Montgomery
21 County and a regularly enrolled junior or senior year student from a Montgomery
22 County public high school.

23 (2) The nomination and election process shall be as agreed on by the
24 county board and the Montgomery County region of the Maryland Association of
25 Student Councils. This agreement shall include a process by which to replace one or
26 both of the final candidates if they are unable to proceed in the election. Any student
27 enrolled in a middle or high school in the Montgomery County public schools may:

28 (i) Nominate a student member candidate;

29 (ii) Vote for delegates from the student's school, who in turn
30 vote in a nominating convention to reduce to 2 the number of candidates for student
31 board member if there are 3 or more candidates; and

32 (iii) Vote directly for 1 of the 2 remaining student board member
33 candidates.

1 (3) The candidate receiving the second highest number of votes in the
2 direct election shall become the alternate student member. The alternate shall serve if
3 the student member is unable to complete his elected term.

4 (4) Except as provided in paragraphs (5), (6), and (7) of this
5 subsection, the student member has the same rights and privileges of an elected
6 member.

7 (5) Unless invited to attend by the affirmative vote of a majority of the
8 county board, the student member may not attend an executive session that relates to:

9 (i) Hearings held under § 6–202(a) of this article; or

10 (ii) Collective bargaining.

11 (6) As provided in paragraph (7) of this subsection, the student
12 member shall vote on all matters except those relating to:

13 (i) § 6–202(a) of this article;

14 (ii) Collective bargaining;

15 (iii) Capital and operating budgets; and

16 (iv) School closings, reopenings, and boundaries.

17 (7) On a majority vote of the elected members, the board may
18 determine, on a case by case basis, whether a matter under consideration is covered by
19 the exclusionary provisions listed in paragraph (6) of this subsection.

20 (f) (1) Each elected member serves for a term of 4 years beginning on
21 December 1 after the member's election and until a successor is elected and qualifies.
22 The terms of elected members are staggered as required by the terms of the members
23 serving on the county board as of July 1, 1978 so that 4 members are elected in
24 gubernatorial election years and 3 members are elected in presidential election years.

25 (2) Elected members of the county board shall be elected by the voters
26 of the entire county.

27 (3) (i) Of the 3 members elected in 1992 and every 4 years
28 thereafter, 1 shall reside in Board of Education District 2 and 1 shall reside in Board
29 of Education District 4. The third member may reside in any part of the county.

30 (ii) Of the 4 members elected in 1990 and every 4 years
31 thereafter, 1 shall reside in Board of Education District 1, 1 shall reside in Board of
32 Education District 3, and 1 shall reside in Board of Education District 5. The fourth
33 member may reside in any part of the county.

1 (iii) The descriptions of board of education districts in this
2 subsection refer to the geographical boundaries of the election districts and the
3 precincts:

4 1. As reviewed and certified by the Montgomery County
5 Board of Elections or its designees, before the precinct boundaries were reported to the
6 U.S. Bureau of the Census as part of the 2010 Census Redistricting Data Program;
7 and

8 2. As those precinct lines are specifically shown on the
9 P.L. 94–171 census block maps provided by the U.S. Bureau of the Census and as
10 reviewed and corrected by the Division of Long–range Planning of the Montgomery
11 County Public Schools.

12 (iv) Where precincts are split between Board of Education
13 Districts, census tract and block numbers, as indicated in the P.L. 94–171 data or
14 shown on the P.L. 171 census block maps provided by the U.S. Bureau of the Census
15 and referred to in this subtitle, are used to define the boundaries of the education
16 districts.

17 (v) Board of Education District 1 consists of:

18 1. Election district 1;

19 2. Election district 2, precincts 1, 3, 4, 5, 6, 7, 8, 10, and
20 11;

21 3. Election district 3;

22 4. Election district 9, precincts 4, 5, 7, 9, 11, 12, 15, 17,
23 18, 19, 20, 21, 22, 23, 25, 28, 29, 30, 32, 34, and 37;

24 5. Election district 11;

25 6. Election district 12;

26 7. That part of election district 2, precinct 9 that is
27 generally the western part of precinct 9 which is bounded by Little Seneca Creek to
28 the east, and also generally the far eastern part of precinct 9 from Father Hurley
29 Boulevard east to the precinct boundary;

30 8. That part of election district 6, precinct 1 that is
31 generally the western part of precinct 1 which extends from the precinct boundary
32 north along South Germantown Tributary (a creek), then east along the center of
33 Schaeffer Road to the precinct boundary;

1 9. That part of election district 6, precinct 11 that is
2 generally the western part of precinct 11 which extends from the precinct boundary
3 northeast along the center of Schaeffer Road, then runs northwest across the
4 Soccerplex at the intersection of Schaeffer Road and Burdette Lane, then west and
5 north along Hoyles Mill Tributary (a creek), then northeast along Little Seneca Creek
6 to the precinct boundary;

7 10. That part of election district 9, precinct 1 that is
8 generally the northern part of precinct 1 which extends from the precinct boundary
9 east along the center of CSX railroad tracks to the precinct boundary;

10 11. That part of election district 9, precinct 8 that is
11 generally the eastern part of precinct 8 which extends from the precinct boundary
12 southeast along the center of Wisteria Drive, then southwest along the center of Great
13 Seneca Highway to the precinct boundary;

14 12. That part of election district 9, precinct 10 that is
15 generally the northern part of precinct 10 which extends from the precinct boundary
16 northeast along the center of Washington Grove Lane to the precinct boundary;

17 13. That part of election district 9, precinct 16 that is
18 generally the northern part of precinct 16 which extends from the precinct boundary
19 south along Interstate 270, then east along CSX railroad tracks to the precinct
20 boundary; and

21 14. That part of election district 9, precinct 24 that is
22 generally the northeastern part of precinct 24 which extends from the precinct
23 boundary southeast along Interstate 270 to the precinct boundary.

24 (vi) Board of Education District 2 consists of:

25 1. Election district 2, precinct 2;

26 2. Election district 4, precincts 2, 3, 5, 6, 7, 14, 16, 21,
27 22, 23, 24, 25, 26, and 30;

28 3. Election district 6, precincts 3, 4, 5 through 10, 13,
29 and 14;

30 4. Election district 9, precincts 2, 3, 6, 13, 14, 26, 27, 31,
31 33, 35, 36, and 38;

32 5. That part of election district 2, precinct 9 that is
33 generally the central part of precinct 9 which is bounded by Little Seneca Creek to the
34 west and Father Hurley Boulevard to the east;

1 6. That part of election district 4, precinct 19 that is
2 generally the eastern part of precinct 19 from the precinct boundary at the
3 intersection of Gude Drive and Calhoun Drive running northeast and approximately
4 200 feet east of Dubuque Court and Grinnell Terrace, then west along Crabbs Branch
5 Tributary (a creek), then north along the center of Ottenbrook Terrace, then northeast
6 along the center of Deer Lake Lane, then east along the center of Deer Lake Road,
7 then west along the center of Needwood Road to the precinct boundary;

8 7. That part of election district 4, precinct 20 that is
9 generally the eastern part of precinct 20 which extends from the precinct boundary
10 north along Piney Branch Creek to the precinct boundary;

11 8. That part of election district 6, precinct 1 that is
12 generally the eastern part of precinct 1 which extends from the precinct boundary
13 north along South Germantown Tributary (a creek), then east along the center of
14 Schaeffer Road to the precinct boundary;

15 9. That part of election district 6, precinct 11 that is
16 generally the eastern part of precinct 11 which extends from the precinct boundary
17 northeast along the center of Schaeffer Road, then runs northwest across the
18 Soccerplex at the intersection of Schaeffer Road and Burdette Lane, then west and
19 north along Hoyles Mill Tributary (a creek), then northeast along Little Seneca Creek
20 to the precinct boundary;

21 10. That part of election district 6, precinct 12 that is
22 generally the eastern part of precinct 12 which extends from the precinct boundary
23 north along Sandy Branch Creek, then north along the center of Potomac Riding Lane
24 to the precinct boundary;

25 11. That part of election district 9, precinct 1 that is
26 generally the southern part of precinct 1 which extends from the precinct boundary
27 east along the center of CSX railroad tracks to the precinct boundary;

28 12. That part of election district 9, precinct 8 that is
29 generally the western part of precinct 8 which extends from the precinct boundary
30 southeast along the center of Wisteria Drive, then southwest along the center of Great
31 Seneca Highway to the precinct boundary;

32 13. That part of election district 9, precinct 10 that is
33 generally the southern part of precinct 10 which extends from the precinct boundary
34 northeast along the center of Washington Grove Lane to the precinct boundary;

35 14. That part of election district 9, precinct 16 that is
36 generally the southern part of precinct 16 which extends from the precinct boundary
37 south along Interstate 270, then east along CSX railroad tracks to the precinct
38 boundary; and

1 15. That part of election district 9, precinct 24 that is
2 generally the southwestern part of precinct 24 which extends from the precinct
3 boundary southeast along Interstate 270 to the precinct boundary.

4 (vii) Board of Education District 3 consists of:

5 1. Election district 4, precincts 4, 8, 10, 12, 13, 17, 18,
6 27, 28, 31, and 32;

7 2. Election district 6, precinct 2;

8 3. Election district 7;

9 4. Election district 10;

10 5. Election district 13, precincts 3, 16, 26, **34**, 38, 39, and
11 65;

12 6. That part of election district 4, precinct 15 that is
13 generally the northern part of precinct 15 which extends from the precinct boundary
14 east along the center of Randolph Road to the precinct boundary;

15 7. That part of election district 4, precinct 20 that is
16 generally the western part of precinct 20 which extends from the precinct boundary
17 north along Piney Branch Creek to the precinct boundary; **AND**

18 8. That part of election district 6, precinct 12 that is
19 generally the western part of precinct 12 which extends from the precinct boundary
20 north along Sandy Branch Creek, then north along the center of Potomac Riding Lane
21 to the precinct boundary]; and

22 9. That part of election district 13, precinct 34 that is
23 generally the southern part of precinct 34 which extends from the precinct boundary
24 east along CSX railroad tracks to the precinct boundary].

25 (viii) Board of Education District 4 consists of:

26 1. Election district 13, precincts 1, 2, 4 through 15, 17
27 through 25, 27 through 33, 35, 36, 37, 40 through 45, 47, 48, 50, 53, 55, 56, 57, 58, 59,
28 62, 63, 66, 67, and 68; **AND**

29 2. That part of election district 4, precinct 15 that is
30 generally the southern part of precinct 15 which extends from the precinct boundary
31 east along the center of Randolph Road to the precinct boundary]; and

1 3. That part of election district 13, precinct 34 that is
2 generally the northern part of precinct 34 which extends from the precinct boundary
3 east along CSX railroad tracks to the precinct boundary].

4 (ix) Board of Education District 5 consists of:

5 1. Election district 4, precincts 1, 9, and 34;

6 2. Election district 5;

7 3. Election district 8;

8 4. Election district 13, precincts 46, 49, 51, 52, 54, 61,
9 64, and 69; and

10 5. That part of election district 4, precinct 19 that is
11 generally the western part of precinct 19 from the precinct boundary at the
12 intersection of Gude Drive and Calhoun Drive running northeast and approximately
13 200 feet east of Dubuque Court and Grinnell Terrace, then west along Crabbs Branch
14 Tributary (a creek), then north along the center of Ottenbrook Terrace, then northeast
15 along the center of Deer Lake Lane, then east along the center of Deer Lake Road,
16 then west along the center of Needwood Road to the precinct boundary.

17 (4) (i) The student member serves for a term of 1 year beginning
18 on July 1 after the election.

19 (ii) The student member shall be replaced for the remainder of
20 the term by the alternate student member if the student member:

21 1. Resigns or otherwise is unable to complete the term;
22 or

23 2. Is removed under the provisions of subsection (g) of
24 this section.

25 (iii) The elected members of the county board shall select a
26 student to complete the remainder of the term if the student member is replaced as
27 provided in subparagraph (ii) of this paragraph and the alternate member:

28 1. Resigns or otherwise is unable to complete the term;
29 or

30 2. Is removed under the provisions of subsection (g) of
31 this section.

1 (5) The remaining members of the county board shall select a qualified
2 individual to fill any vacancy on the elected board for the remainder of that term and
3 until a successor is elected and qualifies.

4 (6) (i) Subject to subparagraph (ii) of this paragraph, an elected
5 county board member shall forfeit the office if the member fails to reside in the board
6 of education district from which the member was elected.

7 (ii) If the failure to continue to reside in the district is caused by
8 an alteration in the board of education district boundaries because of reapportionment,
9 the member may complete the term for which the member was elected.

10 (iii) In the event of a vacancy caused by a member who is
11 required to reside in a particular board of education district, the person appointed to
12 fill the vacancy shall reside in the same district at the time of appointment and while
13 filling out the unexpired term.

14 (g) (1) The Montgomery County Council may remove a member of the
15 county board for:

16 (i) Immorality;

17 (ii) Misconduct in office;

18 (iii) Incompetency; or

19 (iv) Willful neglect of duty.

20 (2) Before removing a member, the County Council shall provide the
21 member a copy of the charges against him and give him an opportunity within 10 days
22 to request a hearing.

23 (3) If the member requests a hearing within the 10-day period:

24 (i) The County Council promptly shall hold a hearing, but a
25 hearing may not be set within 10 days after the County Council sends the member a
26 notice of the hearing; and

27 (ii) The member shall have an opportunity to be heard publicly
28 before the County Council in the member's own defense, in person or by counsel.

29 (4) A member removed under this subsection has the right to a de
30 novo review of the removal by the Circuit Court for Montgomery County.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect~~
32 ~~October 1, 2013~~ is an emergency measure, is necessary for the immediate preservation
33 of the public health or safety, has been passed by a yea and nay vote supported by

1 three-fifths of all the members elected to each of the two Houses of the General
2 Assembly, and shall take effect from the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.