

SENATE BILL 145

F3

6lr1329

By: **Senators Mathias and Eckardt**

Introduced and read first time: January 15, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 16, 2016

CHAPTER _____

1 AN ACT concerning

2 **Wicomico County Board of Education – Election and Appointment of Members**

3 FOR the purpose of requiring that, beginning with a certain election, certain members of
4 the Wicomico County Board of Education be elected by districts and certain members
5 be elected at large; providing that, alternatively, beginning with a certain election,
6 certain members of the Wicomico County Board of Education be elected by districts
7 and certain members be appointed; establishing the composition of the county board;
8 providing for the qualifications, terms of office, and filling of a vacancy of certain
9 members of the county board; establishing certain removal, hearing, and appeal
10 procedures for certain members of the county board; establishing a Wicomico County
11 School Board Nominating Commission to select nominees to be recommended to the
12 Wicomico County Council to fill certain appointments or vacancies on the county
13 board; providing for the membership and duties of the Commission; repealing certain
14 provisions concerning the appointment by the Governor of the members of the
15 Wicomico County Board of Education; providing for the termination of the terms of
16 certain members of the county board; submitting this Act to a referendum of the
17 qualified voters of Wicomico County for their adoption or rejection of certain
18 provisions of this Act; and generally relating to the election and appointment of the
19 members of the Wicomico County Board of Education.

20 BY repealing and reenacting, with amendments,
21 Article – Education
22 Section 3–105 and 3–114
23 Annotated Code of Maryland
24 (2014 Replacement Volume and 2015 Supplement)

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 BY adding to
2 Article – Education
3 Section 3–13A–01 through 3–13A–06 to be under the new subtitle “Subtitle 13A.
4 Wicomico County”
5 Annotated Code of Maryland
6 (2014 Replacement Volume and 2015 Supplement)

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

9 **Article – Education**

10 3–105.

11 (a) Subsections (b), (c), and (d) of this section do not apply to a county if the
12 number of members of the county board is regulated by other provisions of this title.

13 (b) If a county school system has an enrollment of less than 50,000 students, the
14 county board shall have five members, except that:

15 (1) The Worcester County Board shall have the number of members
16 provided in subsection (e) of this section; **AND**

17 (2) Any county board that had more than five members on July 1, 1969,
18 shall retain that number of members[; and

19 (3) The Wicomico County Board shall have the number of members
20 provided in subsection (f) of this section].

21 (c) If a county school system has an enrollment of 50,000 students or more but
22 less than 100,000 students, the county board shall have seven members.

23 (d) If a county school system has an enrollment of 100,000 students or more, the
24 county board shall have nine members except as provided in § 3–901 of this title for
25 Montgomery County and § 3–1002 of this title for Prince George’s County.

26 (e) The Worcester County Board consists of seven voting members and one
27 nonvoting student member from each public high school in the county.

28 [(f) (1) The Wicomico County Board consists of seven members.

29 (2) The term of a member is 5 years.]

30 3–114.

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

- 1 (1) Allegany;
- 2 (2) Calvert;
- 3 (3) Carroll;
- 4 (4) Cecil;
- 5 (5) Charles;
- 6 (6) Dorchester;
- 7 (7) Frederick;
- 8 (8) Garrett;
- 9 (9) Howard;
- 10 (10) Kent;
- 11 (11) Montgomery;
- 12 (12) Queen Anne's;
- 13 (13) St. Mary's;
- 14 (14) Somerset;
- 15 (15) Talbot;
- 16 (16) Washington; [and]
- 17 **(17) WICOMICO; AND**
- 18 **[(17)] (18) Worcester.**

19 (b) In Baltimore County, in accordance with Subtitle 2A of this title, the members
20 of the county board shall be a combination of members who are elected and appointed.

21 (c) In Caroline County, in accordance with Subtitle 3A of this title, the members
22 of the county board shall be a combination of members who are elected and appointed.

23 (d) In Harford County, in accordance with Subtitle 6A of this title, the members
24 of the county board shall be a combination of members who are elected and appointed.

1 (e) In Prince George's County, in accordance with Subtitle 10 of this title, the
2 members of the county board shall be a combination of members who are elected and
3 appointed.

4 (f) An individual subject to the authority of the county board may not serve as a
5 member of the county board. At the time of filing a certificate of candidacy for election to a
6 county board, a person shall certify to the local board of supervisors of elections whether or
7 not the person is subject to the authority of the county board. The Governor may not issue
8 a commission of election to a person who has certified affirmatively and who is elected to a
9 county board until the member-elect offers proof that the member-elect is no longer subject
10 to the authority of the county board.

11 (g) The election of the county boards shall be held as provided in Subtitles 2
12 through 14 of this title and the Election Law Article.

13 SUBTITLE 13A. WICOMICO COUNTY.

14 3-13A-01.

15 (A) (1) THE WICOMICO COUNTY BOARD CONSISTS OF SEVEN
16 NONPARTISAN ELECTED VOTING MEMBERS.

17 (2) THE SEVEN MEMBERS SHALL BE ELECTED AS FOLLOWS:

18 (I) ONE MEMBER FROM EACH OF THE FIVE COUNCILMANIC
19 DISTRICTS IN THE COUNTY, ELECTED BY THE VOTERS OF THAT DISTRICT; AND

20 (II) TWO MEMBERS AT LARGE, ELECTED BY THE VOTERS OF THE
21 COUNTY.

22 (B) (1) A CANDIDATE WHO BECOMES AN ELECTED MEMBER OF THE
23 COUNTY BOARD MUST BE A RESIDENT AND REGISTERED VOTER OF WICOMICO
24 COUNTY.

25 (2) (I) AN ELECTED MEMBER WHO NO LONGER RESIDES IN
26 WICOMICO COUNTY MAY NOT CONTINUE AS A MEMBER OF THE BOARD.

27 (II) A MEMBER ELECTED FROM A COUNCILMANIC DISTRICT
28 WHO NO LONGER RESIDES IN THAT DISTRICT MAY NOT CONTINUE AS A MEMBER OF
29 THE BOARD.

30 (3) IF THE BOUNDARY LINE OF A WICOMICO COUNTY COUNCILMANIC
31 DISTRICT IS CHANGED, THE TERM OF AN INCUMBENT MEMBER OF THE COUNTY
32 BOARD WHO NO LONGER RESIDES IN THAT COUNCILMANIC DISTRICT BECAUSE OF
33 THE CHANGE IS NOT AFFECTED DURING THIS TERM.

1 **3-13A-02.**

2 (A) THE SEVEN MEMBERS OF THE WICOMICO COUNTY BOARD SHALL BE
3 ELECTED:

4 (1) AT THE GENERAL ELECTION IN 2018 AND AT THE GENERAL
5 ELECTION EVERY 4 YEARS THEREAFTER; AND

6 (2) IN ACCORDANCE WITH § 3-13A-01 OF THIS SUBTITLE AND TITLE
7 8, SUBTITLE 8 OF THIS ARTICLE.

8 (B) THE TERMS OF THE MEMBERS ARE AS PROVIDED IN THIS SUBSECTION.

9 (1) EACH TERM OF OFFICE BEGINS ON THE FIRST MONDAY IN
10 DECEMBER AFTER THE ELECTION OF A MEMBER AND UNTIL A SUCCESSOR IS
11 ELECTED AND QUALIFIES.

12 (2) THE TERM OF OFFICE OF EACH MEMBER IS 4 YEARS.

13 **3-13A-03.**

14 (A) (1) THERE IS A WICOMICO COUNTY SCHOOL BOARD NOMINATING
15 COMMISSION.

16 (2) THE PURPOSE OF THE COMMISSION IS TO SELECT NOMINEES TO
17 RECOMMEND TO THE WICOMICO COUNTY COUNCIL AS QUALIFIED CANDIDATES FOR
18 APPOINTMENT TO FILL A VACANCY ON THE WICOMICO COUNTY BOARD.

19 (3) WITHIN 60 DAYS OF A VACANCY ON THE COUNTY BOARD, THE
20 COMMISSION SHALL:

21 (I) DEVELOP AND PUBLICIZE CRITERIA FOR CHOOSING
22 NOMINEES TO FILL THE VACANCY;

23 (II) MAKE PUBLIC THE NAMES OF THE CANDIDATES THAT
24 APPLY FOR APPOINTMENT TO FILL A VACANCY ON THE COUNTY BOARD;

25 (III) HOLD AT LEAST TWO PUBLIC HEARINGS ON THE
26 APPLICANTS FOR APPOINTMENT; AND

27 (IV) MAKE PUBLIC AND SUBMIT TO THE COUNTY COUNCIL THE
28 NAMES OF TWO NOMINEES FOR ANY VACANCY.

1 (4) (I) WITHIN 60 DAYS AFTER THE COUNTY COUNCIL RECEIVES
2 THE NAMES OF THE NOMINEES FROM THE COMMISSION, THE COUNTY COUNCIL
3 SHALL HOLD A PUBLIC HEARING REGARDING THE NOMINEES.

4 (II) AFTER THE HEARING, IF THE COUNTY COUNCIL DEEMS AT
5 LEAST ONE OF THE NOMINEES ACCEPTABLE, THE COUNTY COUNCIL SHALL VOTE ON
6 THE NOMINEES AND FILL THE VACANCY.

7 (III) IF THE COUNTY COUNCIL DEEMS BOTH NOMINEES
8 UNACCEPTABLE, THE COUNTY COUNCIL SHALL RETURN THE NAMES TO THE
9 COMMISSION AND REQUEST THAT THE COMMISSION SUBMIT THE NAMES OF AT
10 LEAST TWO ADDITIONAL QUALIFIED NOMINEES FROM WHICH THE COUNTY
11 COUNCIL SHALL SELECT AN INDIVIDUAL TO FILL THE VACANCY.

12 (5) (I) THE COMMISSION CONSISTS OF 14 MEMBERS.

13 (II) THE MEMBERS OF THE COMMISSION SHALL BE APPOINTED
14 ~~BY THE COUNTY EXECUTIVE OF WICOMICO COUNTY, SUBJECT TO CONFIRMATION~~
15 ~~BY THE COUNTY COUNCIL,~~ FROM THE NAMES SUBMITTED BY THE FOLLOWING
16 ORGANIZATIONS, ENTITIES, OR COMMUNITIES OF INTEREST:

17 1. ONE MEMBER FROM THE WICOMICO COUNTY
18 BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED
19 PEOPLE;

20 2. ONE MEMBER FROM THE WICOMICO COUNTY
21 EDUCATION ASSOCIATION;

22 3. ONE MEMBER FROM THE WICOMICO COUNTY AREA
23 CHAMBERS OF COMMERCE, SELECTED BY THE CHAMBERS BY CONSENSUS;

24 4. ONE MEMBER FROM THE WICOMICO COUNTY
25 EDUCATIONAL SUPPORT PROFESSIONALS ASSOCIATION;

26 5. ONE MEMBER FROM THE WICOMICO COUNTY
27 COUNCIL OF PTAS;

28 6. ONE MEMBER FROM EACH OF THE EIGHT
29 INCORPORATED MUNICIPALITIES IN WICOMICO COUNTY; AND

30 7. ONE MEMBER WHO IS A PARENT OF A CHILD WITH
31 SPECIAL NEEDS IN THE WICOMICO COUNTY PUBLIC SCHOOL SYSTEM AND WHO IS
32 AFFILIATED WITH AN ADVOCACY GROUP FOR CHILDREN WITH SPECIAL NEEDS IN
33 THE COUNTY.

1 **(6) TO THE EXTENT PRACTICABLE, THE COMMISSION SHALL**
2 **REFLECT THE GENDER, ETHNIC, AND RACIAL MAKEUP OF THE COUNTY.**

3 **(7) THE COUNTY EXECUTIVE OF WICOMICO COUNTY SHALL APPOINT**
4 **THE MEMBERS OF THE COMMISSION, WITH THE ADVICE AND CONSENT OF THE**
5 **COUNTY COUNCIL, FROM THE NAMES SUBMITTED BY THE ORGANIZATIONS,**
6 **ENTITIES, OR COMMUNITIES OF INTEREST LISTED UNDER PARAGRAPH (5) OF THIS**
7 **SUBSECTION.**

8 **(8) THE TERM OF A MEMBER OF THE COMMISSION IS 4 YEARS.**

9 **(9) THE COMMISSION SHALL SELECT A CHAIR AND VICE CHAIR FROM**
10 **AMONG THE MEMBERS.**

11 **(B) THE WICOMICO COUNTY PUBLIC SCHOOL SYSTEM SHALL PROVIDE**
12 **STAFF FOR THE COMMISSION.**

13 **3-13A-04.**

14 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**
15 **WICOMICO COUNTY COUNCIL SHALL APPOINT AN INDIVIDUAL TO FILL A VACANCY**
16 **ON THE COUNTY BOARD IN ACCORDANCE WITH § 3-13A-03 OF THIS SUBTITLE.**

17 **(B) (1) IF A VACANCY FOR A MEMBER OCCURS BEFORE THE DATE THAT IS**
18 **30 DAYS BEFORE THE DATE FOR FILING A CERTIFICATE OF CANDIDACY FOR THE**
19 **PRIMARY ELECTION IN THE PRESIDENTIAL ELECTION YEAR, THE INDIVIDUAL**
20 **APPOINTED UNDER SUBSECTION (A) OF THIS SECTION SHALL SERVE ONLY UNTIL A**
21 **SUCCESSOR IS ELECTED BY THE VOTERS AT THE NEXT GENERAL ELECTION.**

22 **(2) CANDIDATES FOR THE VACATED OFFICE MAY BE NOMINATED AT A**
23 **PRIMARY ELECTION IN THE SAME MANNER AS FOR ANY OTHER POSITION ON THE**
24 **COUNTY BOARD.**

25 **3-13A-05.**

26 **(A) THE STATE BOARD MAY REMOVE AN ELECTED OR APPOINTED MEMBER**
27 **OF THE COUNTY BOARD FOR ANY OF THE FOLLOWING REASONS:**

28 **(1) IMMORALITY;**

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

30 **(3) INCOMPETENCY;**

1 (2) Any county board that had more than five members on July 1, 1969,
2 shall retain that number of members[; and

3 (3) The Wicomico County Board shall have the number of members
4 provided in subsection (f) of this section].

5 (c) If a county school system has an enrollment of 50,000 students or more but
6 less than 100,000 students, the county board shall have seven members.

7 (d) If a county school system has an enrollment of 100,000 students or more, the
8 county board shall have nine members except as provided in § 3–901 of this title for
9 Montgomery County and § 3–1002 of this title for Prince George’s County.

10 (e) The Worcester County Board consists of seven voting members and one
11 nonvoting student member from each public high school in the county.

12 [(f) (1) The Wicomico County Board consists of seven members.

13 (2) The term of a member is 5 years.]

14 3–114.

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

16 (1) Allegany;

17 (2) Calvert;

18 (3) Carroll;

19 (4) Cecil;

20 (5) Charles;

21 (6) Dorchester;

22 (7) Frederick;

23 (8) Garrett;

24 (9) Howard;

25 (10) Kent;

26 (11) Montgomery;

27 (12) Queen Anne’s;

- 1 (13) St. Mary's;
- 2 (14) Somerset;
- 3 (15) Talbot;
- 4 (16) Washington; and
- 5 (17) Worcester.

6 (b) In Baltimore County, in accordance with Subtitle 2A of this title, the members
7 of the county board shall be a combination of members who are elected and appointed.

8 (c) In Caroline County, in accordance with Subtitle 3A of this title, the members
9 of the county board shall be a combination of members who are elected and appointed.

10 (d) In Harford County, in accordance with Subtitle 6A of this title, the members
11 of the county board shall be a combination of members who are elected and appointed.

12 (e) In Prince George's County, in accordance with Subtitle 10 of this title, the
13 members of the county board shall be a combination of members who are elected and
14 appointed.

15 **(F) IN WICOMICO COUNTY, IN ACCORDANCE WITH SUBTITLE 13A OF THIS**
16 **TITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A COMBINATION OF**
17 **MEMBERS WHO ARE ELECTED AND APPOINTED.**

18 **[(f)] (G)** An individual subject to the authority of the county board may not serve
19 as a member of the county board. At the time of filing a certificate of candidacy for election
20 to a county board, a person shall certify to the local board of supervisors of elections whether
21 or not the person is subject to the authority of the county board. The Governor may not
22 issue a commission of election to a person who has certified affirmatively and who is elected
23 to a county board until the member-elect offers proof that the member-elect is no longer
24 subject to the authority of the county board.

25 **[(g)] (H)** The election of the county boards shall be held as provided in Subtitles
26 2 through 14 of this title and the Election Law Article.

27 **SUBTITLE 13A. WICOMICO COUNTY.**

28 **3-13A-01.**

29 **(A) THE WICOMICO COUNTY BOARD OF EDUCATION CONSISTS OF:**

30 **(1) FIVE NONPARTISAN ELECTED MEMBERS; AND**

1 **(2) TWO APPOINTED MEMBERS.**

2 **(B) (1) OF THE SEVEN ELECTED AND APPOINTED MEMBERS OF THE**
3 **COUNTY BOARD:**

4 **(I) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE FIVE**
5 **COUNCILMANIC DISTRICTS IN THE COUNTY, ESTABLISHED BY THE WICOMICO**
6 **COUNTY COUNCIL, BY THE VOTERS OF THAT DISTRICT; AND**

7 **(II) TWO MEMBERS SHALL BE APPOINTED BY THE WICOMICO**
8 **COUNTY COUNCIL FROM THE COUNTY AT LARGE.**

9 **(2) (I) THE FIVE ELECTED MEMBERS SHALL BE ELECTED AT A**
10 **GENERAL ELECTION IN ACCORDANCE WITH § 3-13A-02 OF THIS SUBTITLE AND**
11 **TITLE 8, SUBTITLE 8 OF THIS ARTICLE.**

12 **(II) THE TWO APPOINTED MEMBERS SHALL BE APPOINTED BY**
13 **THE WICOMICO COUNTY COUNCIL FROM A LIST OF NOMINEES SUBMITTED BY THE**
14 **WICOMICO COUNTY SCHOOL BOARD NOMINATING COMMISSION AS PROVIDED IN §**
15 **3-13A-03 OF THIS SUBTITLE:**

16 **1. ON THE EXPIRATION OF THE TERM OF AN INCUMBENT**
17 **APPOINTED MEMBER AND WITHIN ~~30~~ 60 DAYS AFTER THE GENERAL ELECTION; OR**

18 **2. WITHIN THE ~~30-DAY~~ 60-DAY PERIOD OTHERWISE**
19 **REQUIRED UNDER THIS SUBTITLE.**

20 **(III) WHEN APPOINTING MEMBERS TO THE COUNTY BOARD, THE**
21 **WICOMICO COUNTY COUNCIL SHALL ENDEAVOR TO ENSURE, TO THE EXTENT**
22 **PRACTICABLE, THAT THE COUNTY BOARD REFLECTS THE GENDER, ETHNIC, AND**
23 **RACIAL MAKEUP OF THE COUNTY.**

24 **(3) (I) A MEMBER FROM A DISTRICT MUST BE AT LEAST 21 YEARS**
25 **OLD, A RESIDENT OF THAT DISTRICT FOR AT LEAST 2 YEARS, AND A REGISTERED**
26 **VOTER OF THE COUNTY BEFORE THE ELECTION.**

27 **(II) A MEMBER FROM A DISTRICT WHO DOES NOT MAINTAIN**
28 **RESIDENCY IN THAT DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE COUNTY**
29 **BOARD AND THE OFFICE SHALL BE DEEMED VACANT.**

30 **(III) IF THE BOUNDARY LINE OF A DISTRICT IS CHANGED, THE**
31 **TERM OF AN INCUMBENT MEMBER OF THE COUNTY BOARD WHO NO LONGER**

1 RESIDES IN THE DISTRICT BECAUSE OF THE CHANGE IS NOT AFFECTED DURING THIS
2 TERM.

3 **3-13A-02.**

4 (A) AT THE GENERAL ELECTION FOR THE ELECTED MEMBERS OF THE
5 COUNTY BOARD, THE BALLOT SHALL PROVIDE THE VOTERS OF THAT DISTRICT WITH
6 THE CHOICE TO CAST A VOTE "FOR" A CANDIDATE FOR ELECTION FROM THAT
7 DISTRICT ONLY.

8 (B) AFTER THE ELECTION RESULTS ARE CERTIFIED, THE STATE BOARD
9 SHALL DECLARE FOR EACH DISTRICT WHETHER A CANDIDATE HAS BEEN ELECTED.

10 (C) IN ANY ELECTION, IF NO CANDIDATE FILES A CERTIFICATE OF
11 CANDIDACY FOR THE OFFICE OR IF NO INDIVIDUAL OTHERWISE QUALIFIES TO HAVE
12 THE INDIVIDUAL'S NAME PLACED ON THE BALLOT, THE WICOMICO COUNTY
13 COUNCIL SHALL APPOINT A MEMBER FROM A LIST OF NOMINEES SUBMITTED BY THE
14 WICOMICO COUNTY SCHOOL BOARD NOMINATING COMMISSION TO FILL THAT
15 VACANCY NO LATER THAN 30 DAYS AFTER THE GENERAL ELECTION.

16 **3-13A-03.**

17 (A) (1) THERE IS A WICOMICO COUNTY SCHOOL BOARD NOMINATING
18 COMMISSION.

19 (2) THE PURPOSE OF THE COMMISSION IS TO SELECT NOMINEES TO
20 RECOMMEND TO THE WICOMICO COUNTY COUNCIL AS QUALIFIED CANDIDATES FOR
21 APPOINTMENT TO FILL A VACANCY ON THE WICOMICO COUNTY BOARD.

22 (3) WITHIN 60 DAYS OF A VACANCY ON THE COUNTY BOARD, THE
23 COMMISSION SHALL:

24 (I) DEVELOP AND PUBLICIZE CRITERIA FOR CHOOSING
25 NOMINEES TO FILL THE VACANCY;

26 (II) MAKE PUBLIC THE NAMES OF THE CANDIDATES THAT
27 APPLY FOR APPOINTMENT TO FILL A VACANCY ON THE COUNTY BOARD;

28 (III) HOLD AT LEAST TWO PUBLIC HEARINGS ON THE
29 APPLICANTS FOR APPOINTMENT; AND

30 (IV) MAKE PUBLIC AND SUBMIT TO THE COUNTY COUNCIL THE
31 NAMES OF TWO NOMINEES FOR ANY VACANCY.

1 (4) (I) WITHIN 60 DAYS AFTER THE COUNTY COUNCIL RECEIVES
2 THE NAMES OF THE NOMINEES FROM THE COMMISSION, THE COUNTY COUNCIL
3 SHALL HOLD A PUBLIC HEARING REGARDING THE NOMINEES.

4 (II) AFTER THE HEARING, IF THE COUNTY COUNCIL DEEMS AT
5 LEAST ONE OF THE NOMINEES ACCEPTABLE, THE COUNTY COUNCIL SHALL VOTE ON
6 THE NOMINEES AND FILL THE VACANCY.

7 (III) IF THE COUNTY COUNCIL DEEMS BOTH NOMINEES
8 UNACCEPTABLE, THE COUNTY COUNCIL SHALL RETURN THE NAMES TO THE
9 COMMISSION AND REQUEST THAT THE COMMISSION SUBMIT THE NAMES OF AT
10 LEAST TWO ADDITIONAL QUALIFIED NOMINEES FROM WHICH THE COUNTY
11 COUNCIL SHALL SELECT AN INDIVIDUAL TO FILL THE VACANCY.

12 (5) (I) THE COMMISSION CONSISTS OF 14 MEMBERS.

13 (II) THE MEMBERS OF THE COMMISSION SHALL BE APPOINTED
14 ~~BY THE COUNTY EXECUTIVE OF WICOMICO COUNTY, SUBJECT TO CONFIRMATION~~
15 ~~BY THE COUNTY COUNCIL,~~ FROM THE NAMES SUBMITTED BY THE FOLLOWING
16 ORGANIZATIONS, ENTITIES, OR COMMUNITIES OF INTEREST:

17 1. ONE MEMBER FROM THE WICOMICO COUNTY
18 BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED
19 PEOPLE;

20 2. ONE MEMBER FROM THE WICOMICO COUNTY
21 EDUCATION ASSOCIATION;

22 3. ONE MEMBER FROM THE WICOMICO COUNTY AREA
23 CHAMBERS OF COMMERCE, SELECTED BY THE CHAMBERS BY CONSENSUS;

24 4. ONE MEMBER FROM THE WICOMICO COUNTY
25 EDUCATIONAL SUPPORT PROFESSIONALS ASSOCIATION;

26 5. ONE MEMBER FROM THE WICOMICO COUNTY
27 COUNCIL OF PTAS;

28 6. ONE MEMBER FROM EACH OF THE EIGHT
29 INCORPORATED MUNICIPALITIES IN WICOMICO COUNTY; AND

30 7. ONE MEMBER WHO IS A PARENT OF A CHILD WITH
31 SPECIAL NEEDS IN THE WICOMICO COUNTY PUBLIC SCHOOL SYSTEM AND WHO IS
32 AFFILIATED WITH AN ADVOCACY GROUP FOR CHILDREN WITH SPECIAL NEEDS IN
33 THE COUNTY.

1 **(6) TO THE EXTENT PRACTICABLE, THE COMMISSION SHALL**
2 **REFLECT THE GENDER, ETHNIC, AND RACIAL MAKEUP OF THE COUNTY.**

3 **(7) THE COUNTY EXECUTIVE OF WICOMICO COUNTY SHALL APPOINT**
4 **THE MEMBERS OF THE COMMISSION, WITH THE ADVICE AND CONSENT OF THE**
5 **COUNTY COUNCIL, FROM THE NAMES SUBMITTED BY THE ORGANIZATIONS,**
6 **ENTITIES, OR COMMUNITIES OF INTEREST LISTED UNDER PARAGRAPH (5) OF THIS**
7 **SUBSECTION.**

8 **(8) THE TERM OF A MEMBER OF THE COMMISSION IS 4 YEARS.**

9 **(9) THE COMMISSION SHALL SELECT A CHAIR AND VICE CHAIR FROM**
10 **AMONG THE MEMBERS.**

11 **(B) THE WICOMICO COUNTY PUBLIC SCHOOL SYSTEM SHALL PROVIDE**
12 **STAFF FOR THE COMMISSION.**

13 **3-13A-04.**

14 **(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MEMBER OF**
15 **THE COUNTY BOARD SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE FIRST**
16 **MONDAY IN DECEMBER, IN THE YEAR IN WHICH THE GOVERNOR IS ELECTED, AFTER**
17 **THE MEMBER'S ELECTION OR APPOINTMENT AND UNTIL A SUCCESSOR IS ELECTED**
18 **OR APPOINTED AND QUALIFIES.**

19 **(2) (I) THE INITIAL TERM OF THE TWO MEMBERS AT LARGE OF THE**
20 **COUNTY BOARD WHOSE TERM BEGINS IN DECEMBER 2018 IS 2 YEARS.**

21 **(II) THE SUCCESSORS OF THE TWO MEMBERS AT LARGE SHALL**
22 **BE APPOINTED IN 2020 AND BE APPOINTED EVERY 4 YEARS THEREAFTER FOR A**
23 **TERM OF 4 YEARS.**

24 **(B) AN INDIVIDUAL WHO TAKES OFFICE TO FILL A VACANCY FOR AN**
25 **ELECTED OR APPOINTED MEMBER SERVES FOR THE REMAINDER OF THE TERM FOR**
26 **WHICH THE APPOINTMENT WAS MADE AND UNTIL A SUCCESSOR IS ELECTED OR**
27 **APPOINTED AND QUALIFIES.**

28 **3-13A-05.**

29 **(A) THE STATE BOARD MAY REMOVE AN ELECTED OR APPOINTED MEMBER**
30 **OF THE COUNTY BOARD FOR ANY OF THE FOLLOWING REASONS:**

31 **(1) IMMORALITY;**

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

2 **(3) INCOMPETENCY;**

3 **(4) WILLFUL NEGLECT OF DUTY; OR**

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

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

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

10 **(1) THE STATE BOARD PROMPTLY SHALL HOLD A HEARING, BUT A**
11 **HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS THE**
12 **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 PERSON**
15 **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 WICOMICO COUNTY.**

18 **3-13A-06.**

19 **AT THE FIRST MEETING OF THE COUNTY BOARD IN DECEMBER OF EACH YEAR,**
20 **THE COUNTY BOARD SHALL ELECT A CHAIR AND VICE CHAIR FROM AMONG THE**
21 **MEMBERS.**

22 **SECTION 3. AND BE IT FURTHER ENACTED,** That the terms of the members of
23 the Wicomico County Board of Education in office at the end of December 2, 2018, shall
24 expire at the end of December 2, 2018.

25 **SECTION 4. AND BE IT FURTHER ENACTED,** That before this Act becomes
26 effective it shall first be submitted to a referendum of the qualified voters of Wicomico
27 County at the general election to be held in November of 2016. The cost of the election shall
28 be paid by the County governing body. The County governing body and the Wicomico
29 County Board of Elections shall do those things necessary and proper to provide for and
30 hold the referendum required by this section. There shall be printed on the ballot to be used
31 at this election the title of this Act and underneath the title, on separate lines, a square or
32 box for each of the following questions:

1 Question 1: “For the current system, a Board of Education with Seven Members
2 Appointed by the Governor”;

3 Question 2: “For a Board of Education with Five Members Elected by District and
4 Two Members Elected At Large”; and

5 Question 3: “For a Board of Education with Five Members Elected by District and
6 Two Members Appointed by the Wicomico County Council”.

7 A voter may cast a vote only on one of the questions.

8 If the highest number of the votes cast on the three questions is “For the current
9 system, a Board of Education with Seven Members Appointed by the Governor”, the
10 provisions of Sections 1, 2, and 3 of this Act are of no effect and null and void. If the highest
11 number of votes cast on the three questions is “For a Board of Education with Five Members
12 Elected by District and Two Members Elected At Large”, the provisions of Section 2 of this
13 Act are of no effect and null and void. If the highest number of votes cast on the three
14 questions is “For a Board of Education with Five Members Elected by District and Two
15 Members Appointed by the Wicomico County Council”, the provisions of Section 1 of this
16 Act are of no effect and null and void.

17 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions of
18 Section 4 of this Act and for the sole purpose of providing for the referendum required by
19 Section 4 of this Act, this Act shall take effect July 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.