

SENATE BILL 804

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By: **Senator Young**

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County Board of Education – Student Member**

3 FOR the purpose of altering the duties, rights, and privileges of the student member of the
4 Frederick County Board of Education; altering the group of students who elect the
5 student member; requiring the student member to serve as the student
6 member–elect and shadow a certain member for a certain time period; requiring the
7 student member to comply with certain ethics and financial disclosure requirements
8 and vote on certain matters; authorizing the student member to attend an executive
9 session of the county board that relates to certain matters; prohibiting the student
10 member from participating when the county board is carrying out a quasi–judicial
11 function; authorizing the nonstudent members of the county board, on a majority
12 vote, to determine in a certain manner whether a matter under consideration is
13 covered by certain exclusionary provisions and to rescind certain voting rights of the
14 student member under certain circumstances; providing that the student member
15 may not be counted in a certain quorum determination; providing for the resolution
16 of a certain tie vote; making certain conforming changes; and generally relating to
17 the student member of the Frederick County Board of Education.

18 BY repealing and reenacting, with amendments,
19 Article – Education
20 Section 3–5B–01, 3–5B–03, and 3–5B–04
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2016 Supplement)

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

25 **Article – Education**

26 3–5B–01.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) The Frederick County Board consists of eight members as follows:

2 (1) Seven members elected from the county at large; and

3 (2) One [nonvoting] student member.

4 (b) (1) A candidate elected to the county board shall be a resident and
5 registered voter of Frederick County.

6 (2) Any member who no longer resides in the county may not continue as a
7 member of the board.

8 (c) (1) [A voting] **AN ELECTED** member serves for a term of 4 years beginning
9 the first Tuesday in December after the member's election and until a successor is elected
10 and qualifies.

11 (2) [Voting] **ELECTED** members of the Frederick County Board shall be
12 elected as follows:

13 (i) Three members of the county board shall be elected in the
14 November general election of 2000 and every 4 years thereafter; and

15 (ii) Four members of the county board shall be elected in the
16 November general election of 2002 and every 4 years thereafter.

17 (d) (1) The terms of [voting] **ELECTED** members are staggered as provided in
18 subsection (c) of this section.

19 (2) Subject to confirmation of the County Council, the County Executive
20 shall appoint a qualified individual to fill a vacancy on the county board for the remainder
21 of the term and until a successor is elected and qualifies.

22 (e) (1) The student member shall:

23 (i) Be an eleventh or twelfth grade student in the Frederick County
24 public school system elected by the **MIDDLE AND** high school students of the county in
25 accordance with procedures established by the school system;

26 (ii) **SERVE AS THE STUDENT MEMBER-ELECT AND SHADOW THE**
27 **STUDENT MEMBER OFFICEHOLDER FOR THE PERIOD OF TIME BETWEEN THE**
28 **ELECTION AND THE END OF THE OFFICEHOLDER'S TERM;**

29 (iii) **Serve AS THE STUDENT MEMBER** for 1 year beginning on July
30 1 after the election of the member;

1 ~~[(iii)]~~ **(IV)** ~~[Be a nonvoting]~~ **EXCEPT AS OTHERWISE PROVIDED IN**
2 **THIS SUBSECTION, BE A VOTING** member;

3 **(V)** **COMPLY WITH ALL ETHICS AND FINANCIAL DISCLOSURE**
4 **REQUIREMENTS THAT APPLY TO NONSTUDENT MEMBERS;** and

5 ~~[(iv)]~~ **(VI)** Advise the county board on the thoughts and feelings of
6 students.

7 (2) **(I)** Unless invited to attend by an affirmative vote of a majority of
8 the **NONSTUDENT MEMBERS OF THE** county board **AND SUBJECT TO SUBPARAGRAPH**
9 **(II) OF THIS PARAGRAPH**, the student member may not attend an executive session **THAT**
10 **RELATES TO ANY MATTER THE STUDENT MEMBER IS PROHIBITED FROM VOTING ON**
11 **UNDER PARAGRAPH (3) OF THIS SUBSECTION.**

12 **(II)** **THE STUDENT MEMBER MAY NOT PARTICIPATE WHEN THE**
13 **COUNTY BOARD IS CARRYING OUT A QUASI-JUDICIAL FUNCTION.**

14 **(3)** **SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE STUDENT**
15 **MEMBER SHALL VOTE ON ALL MATTERS EXCEPT THOSE RELATING TO:**

16 **(I)** **BUDGETARY EXPENDITURES;**

17 **(II)** **CHANGES IN GEOGRAPHICAL ATTENDANCE AREAS;**

18 **(III)** **ELECTIONS OF OFFICERS OF THE COUNTY BOARD;**

19 **(IV)** **PERSONNEL MATTERS;**

20 **(V)** **CONTRACTS;**

21 **(VI)** **COLLECTIVE BARGAINING;**

22 **(VII)** **SCHOOL CALENDAR; AND**

23 **(VIII)** **ANY JUDICIAL FUNCTION OF THE COUNTY BOARD.**

24 **(4)** **ON A MAJORITY VOTE OF THE NONSTUDENT MEMBERS, THE**
25 **COUNTY BOARD MAY:**

26 **(I)** **DETERMINE, ON A CASE-BY-CASE BASIS, WHETHER A**
27 **MATTER UNDER CONSIDERATION IS COVERED BY THE EXCLUSIONARY PROVISIONS**
28 **LISTED IN PARAGRAPH (3) OF THIS SUBSECTION; OR**

1 **(II) RESCIND THE STUDENT MEMBER’S RIGHT TO VOTE ON ANY**
2 **OR ALL MATTERS IF THE STUDENT MEMBER:**

3 **1. FAILS TO ATTEND 25% OF THE SCHEDULED**
4 **MEETINGS AND WORK SESSIONS OF THE COUNTY BOARD; OR**

5 **2. DEMONSTRATES A PATTERN OF INADEQUATE**
6 **PREPARATION FOR PARTICIPATION IN MEETINGS OF THE COUNTY BOARD.**

7 (f) (1) The State Board may remove a [voting] **NONSTUDENT** member of the
8 county board for:

9 (i) Immorality;

10 (ii) Misconduct in office;

11 (iii) Incompetency; or

12 (iv) Willful neglect of duty.

13 (2) Before removing a [voting] member, the State Board shall send the
14 member a copy of the charges against the member and give the member an opportunity
15 within 10 days to request a hearing.

16 (3) If the [voting] member requests a hearing within the 10–day period:

17 (i) The State Board promptly shall hold a hearing, but a hearing
18 may not be set within 10 days after the State Board sends the [voting] member a notice of
19 the hearing; and

20 (ii) The [voting] member shall have an opportunity to be heard
21 publicly before the State Board in the member’s own defense, in person or by counsel.

22 (4) A [voting] member removed under this subsection has the right to a de
23 novo review of the removal by the Circuit Court for Frederick County.

24 3–5B–03.

25 (a) The president of the Frederick County Board is entitled to receive \$11,000
26 annually as compensation, and each other [voting] **NONSTUDENT** member of the Frederick
27 County Board is entitled to receive \$10,000 annually as compensation.

28 (b) The president and all other **NONSTUDENT** members of the Frederick County
29 Board are entitled to health insurance benefits regularly provided to employees of the
30 Frederick County public school system.

1 3-5B-04.

2 (a) All actions of the county board shall be taken at a public meeting and a record
3 of the meeting and all actions shall be made public.

4 (b) The county board may take actions in closed session in accordance with §
5 3-305 of the General Provisions Article.

6 **(C) THE STUDENT MEMBER MAY NOT BE COUNTED IN DETERMINING**
7 **WHETHER THE NUMBER OF BOARD MEMBERS PRESENT AT A MEETING CONSTITUTES**
8 **A QUORUM OF THE COUNTY BOARD.**

9 **(D) IF THE STUDENT MEMBER'S VOTE RESULTS IN A TIE VOTE AMONG THE**
10 **BOARD MEMBERS, THE MATTER SHALL BE DECIDED WITHOUT COUNTING THE**
11 **STUDENT MEMBER'S VOTE.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2017.