

Chapter 121

**(House Bill 150)**

AN ACT concerning

**Montgomery County Board of Education Compensation Commission**

**MC 1-18**

FOR the purpose of establishing the Montgomery County Board of Education Compensation Commission; providing for the membership, appointment, removal, terms, chair, meeting requirements, and staffing of the Commission; prohibiting members of the Commission from being employed by the Montgomery County Board of Education or having relatives who serve on the county board; requiring the Commission to issue a report and make recommendations to the members of the Montgomery County delegation to the General Assembly regarding the compensation of the members of the Montgomery County Board of Education on or before a certain date and at a certain interval thereafter; requiring the Commission to consider certain information in formulating its report and recommendations; providing that the members of the Montgomery County delegation to the General Assembly may introduce certain legislation based on the Commission's report and recommendations; altering the compensation structure for the members of the Montgomery County Board of Education; defining a certain term; and generally relating to compensation for the Montgomery County Board of Education.

BY repealing and reenacting, without amendments,  
Article – Education  
Section 3-901(b) and (g)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,  
Article – Education  
Section 3-902  
Annotated Code of Maryland  
(2014 Replacement Volume and 2017 Supplement)

BY adding to  
Article – Local Government  
Section 28-1A-01 through 28-1A-07 to be under the new subtitle “Subtitle 1A.  
Montgomery County Board of Education Compensation Commission”  
Annotated Code of Maryland  
(2013 Volume and 2017 Supplement)

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

**Article – Education**

3–901.

(b) The Montgomery County Board consists of:

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

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

(3) 1 student member.

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

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency; or

(iv) Willful neglect of duty.

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

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

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

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

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

3–902.

(a) An elected member of the county board is entitled to reimbursement for travel and other expenses as provided by the Montgomery County Council.

(b) (1) An elected member of the county board is entitled to receive:

(I) \$25,000 annually as compensation [and the]; OR

(II) AN ANNUAL SALARY SET THROUGH LEGISLATION BASED ON THE RECOMMENDATIONS OF THE MONTGOMERY COUNTY BOARD OF EDUCATION COMPENSATION COMMISSION IN ACCORDANCE WITH TITLE 28, SUBTITLE 1A OF THE LOCAL GOVERNMENT ARTICLE.

(2) THE president of the county board is entitled to [an additional \$4,000] RECEIVE:

(I) \$29,000 annually as compensation; OR

(II) AN ANNUAL SALARY SET THROUGH LEGISLATION BASED ON THE RECOMMENDATIONS OF THE MONTGOMERY COUNTY BOARD OF EDUCATION COMPENSATION COMMISSION IN ACCORDANCE WITH TITLE 28, SUBTITLE 1A OF THE LOCAL GOVERNMENT ARTICLE.

[(2)] (3) An elected member is entitled to health insurance and to other fringe benefits regularly provided to employees of the board of education under the same terms and conditions extended to other employees of the board of education.

(c) (1) The student member may not receive compensation but, after submitting expense vouchers, may be reimbursed for out-of-pocket expenses incurred in connection with official duties.

(2) A student member who completes a full term on the COUNTY board shall be granted a scholarship of:

(I) \$5,000 to be applied toward the student’s higher education costs;

OR

(II) A SCHOLARSHIP SET THROUGH LEGISLATION BASED ON THE RECOMMENDATIONS OF THE MONTGOMERY COUNTY BOARD OF EDUCATION COMPENSATION COMMISSION IN ACCORDANCE WITH TITLE 28, SUBTITLE 1A OF THE LOCAL GOVERNMENT ARTICLE.

**Article – Local Government**

**SUBTITLE 1A. MONTGOMERY COUNTY BOARD OF EDUCATION COMPENSATION COMMISSION.**

28-1A-01.

**IN THIS SUBTITLE, “COMMISSION” MEANS THE MONTGOMERY COUNTY BOARD OF EDUCATION COMPENSATION COMMISSION.**

**28-1A-02.**

**THERE IS A MONTGOMERY COUNTY BOARD OF EDUCATION COMPENSATION COMMISSION.**

**28-1A-03.**

**(A) (1) THE COMMISSION CONSISTS OF FIVE RESIDENTS OF MONTGOMERY COUNTY APPOINTED BY THE MONTGOMERY COUNTY EXECUTIVE AND CONFIRMED BY THE MONTGOMERY COUNTY COUNCIL.**

**(2) MEMBERS OF THE COMMISSION SHALL BE APPOINTED ON OR BEFORE JANUARY 1, 2019, AND EVERY 4 YEARS THEREAFTER.**

**(B) A MEMBER OF THE COMMISSION MAY NOT:**

**(1) BE EMPLOYED BY THE MONTGOMERY COUNTY BOARD OF EDUCATION; OR**

**(2) HAVE A RELATIVE WHO IS A MEMBER OF THE MONTGOMERY COUNTY BOARD OF EDUCATION.**

**(C) A MEMBER OF THE COMMISSION MAY BE REMOVED BY THE MONTGOMERY COUNTY COUNCIL FOR THE SAME CAUSES AND SUBJECT TO THE SAME PROCEDURES AS SET FORTH IN § 3-901(G) OF THE EDUCATION ARTICLE.**

**28-1A-04.**

**(A) THE COMMISSION SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.**

**(B) THE COMMISSION SHALL DETERMINE THE TIMES AND PLACES OF ITS MEETINGS.**

**(C) (1) A MAJORITY OF THE MEMBERS OF THE COMMISSION IS A QUORUM.**

**(2) ACTION BY THE COMMISSION REQUIRES THE AFFIRMATIVE VOTE OF A MAJORITY OF THE COMMISSION MEMBERS PRESENT.**

**(D) THE MONTGOMERY COUNTY GOVERNMENT SHALL PROVIDE STAFF FOR THE COMMISSION.**

**28-1A-05.**

**(A) THE COMMISSION SHALL STUDY THE SALARIES OF THE MEMBERS OF THE MONTGOMERY COUNTY BOARD OF EDUCATION.**

**(B) THE COMMISSION SHALL ISSUE A REPORT TO THE MEMBERS OF THE MONTGOMERY COUNTY DELEGATION TO THE GENERAL ASSEMBLY ON OR BEFORE SEPTEMBER 1, 2019, AND EVERY 4 YEARS THEREAFTER, REGARDING ITS RECOMMENDATIONS FOR THE APPROPRIATE COMPENSATION FOR MEMBERS OF THE MONTGOMERY COUNTY BOARD OF EDUCATION, INCLUDING:**

**(1) ANY ADDITIONAL STIPEND FOR THE PRESIDENT OF THE COUNTY BOARD; AND**

**(2) A SCHOLARSHIP AMOUNT TO BE AWARDED TO A STUDENT MEMBER OF THE COUNTY BOARD WHO COMPLETES A FULL TERM ON THE COUNTY BOARD TO BE APPLIED TOWARD THE STUDENT'S HIGHER EDUCATION COSTS.**

**28-1A-06.**

**IN FORMULATING ITS REPORT AND RECOMMENDATIONS, THE COMMISSION SHALL CONSIDER FOR EACH MEMBER OF THE MONTGOMERY COUNTY BOARD OF EDUCATION:**

**(1) THE SCOPE OF RESPONSIBILITIES OF A COUNTY BOARD MEMBER;**

**(2) THE EDUCATION, SKILLS, AND ABILITIES NECESSARY TO PERFORM THE DUTIES OF A COUNTY BOARD MEMBER;**

**(3) THE SALARIES OF SIMILAR COUNTY BOARD MEMBERS IN OTHER JURISDICTIONS;**

**(4) THE TIME REQUIRED TO PERFORM THE DUTIES OF A COUNTY BOARD MEMBER;**

**(5) THE SALARIES OF SUBORDINATE EMPLOYEES UNDER THE DIRECT SUPERVISION OF THE COUNTY BOARD;**

**(6) THE VOLUME AND WORKLOAD OF THE COUNTY BOARD; AND**

**(7) ANY OTHER RELEVANT INFORMATION.**

**28-1A-07.**

**AFTER REVIEWING THE COMMISSION’S REPORT AND RECOMMENDATIONS, THE MEMBERS OF THE MONTGOMERY COUNTY DELEGATION TO THE GENERAL ASSEMBLY MAY INTRODUCE LEGISLATION TO ALTER THE SALARY OF MEMBERS OF THE MONTGOMERY COUNTY BOARD OF EDUCATION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

**Approved by the Governor, April 10, 2018.**