SENATE BILL 379

By: Senators Patterson, Benson, Augustine, Eckardt, Ellis, Griffith, Jackson, Pinsky, Rosapepe, and Watson
Introduced and read first time: January 21, 2022
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Caroline County, Charles County, and Prince George’s County Boards of Education – Removal of Member

FOR the purpose of repealing the requirement that the State Board of Education have the approval of the Governor in order to remove a member of the Caroline County Board of Education, the Charles County Board of Education, or the Prince George’s County Board of Education under certain circumstances; and generally relating to the State Board of Education and removal of a member of the Caroline County Board of Education, the Charles County Board of Education, or the Prince George’s County Board of Education.

BY repealing and reenacting, without amendments,
Article – Education
Section 3–3A–02, 3–501(a)(1), and 3–1002(b)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–3A–03, 3–501(g), and 3–1002(i)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

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

Article – Education

3–3A–02.
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1 (a) The Caroline County Board of Education consists of:

2 (1) Three elected members;

3 (2) Two appointed members; and

4 (3) Two nonvoting student members.

5 3–3A–03.

6 (a) [With the approval of the Governor, the] THE State Board may remove any
7 member of the county board for any of the following reasons:

8 (1) Immorality;

9 (2) Misconduct in office;

10 (3) Incompetency; or

11 (4) Willful neglect of duty.

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

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

16 (1) (i) The State Board promptly shall hold a hearing; but

17 (ii) A hearing may not be set within 10 days after the State Board
18 sends the member a notice of the hearing; and

19 (2) The member shall have an opportunity to be heard publicly before the
20 State Board in the member's own defense, in person or by counsel.

21 (d) A member removed under this section has the right to a de novo review of the
22 removal by the Circuit Court for Caroline County.

23 3–501.

24 (a) (1) The Charles County Board consists of:

25 (i) Nine elected members; and

26 (ii) One student member.

27 (g) (1) [With the approval of the Governor, the] THE State Board may remove
an elected member of the county board for any of the following reasons:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency; or

(iv) Willful neglect of duty.

(2) Before removing an elected member, the State Board shall send the elected member a copy of the charges pending and give the elected member an opportunity within 10 days to request a hearing.

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

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

(ii) The elected member shall have an opportunity to be heard publicly before the State Board in the elected member's own defense, in person or by counsel.

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

3–1002.

(b) The Prince George's County Board consists of 14 members as follows:

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

(2) Four appointed members; and

(3) One student member selected under subsection (g)(2) of this section.

(i) With the approval of the Governor, the State Board may remove a member of the county board for any of the following reasons:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency; or
(iv) Willful neglect of duty.

(2) Before removing a member, the State Board shall send the member a copy of the charges pending and give the member an opportunity within 10 days to request a hearing.

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

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

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

(4) A member removed under this subsection has the right to judicial review of the removal by the Circuit Court for Prince George’s County based on an administrative record and such additional evidence as would be authorized by § 10–222(f) and (g) of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.