

SENATE BILL 379

F3

2lr2221
CF 2lr2242

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

Committee Report: Favorable

Senate action: Adopted

Read second time: February 22, 2022

CHAPTER _____

1 AN ACT concerning

2 **Caroline County, Charles County, and Prince George's County Boards of**
3 **Education – Removal of Member**

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

11 BY repealing and reenacting, without amendments,
12 Article – Education
13 Section 3–3A–02, 3–501(a)(1), and 3–1002(b)
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Education
18 Section 3–3A–03, 3–501(g), and 3–1002(i)
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2021 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

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 That the Laws of Maryland read as follows:

2 **Article – Education**

3 3–3A–02.

4 (a) The Caroline County Board of Education consists of:

- 5 (1) Three elected members;
- 6 (2) Two appointed members; and
- 7 (3) Two nonvoting student members.

8 3–3A–03.

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

- 11 (1) Immorality;
- 12 (2) Misconduct in office;
- 13 (3) Incompetency; or
- 14 (4) Willful neglect of duty.

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

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

- 19 (1) (i) The State Board promptly shall hold a hearing; but
- 20 (ii) A hearing may not be set within 10 days after the State Board
21 sends the member a notice of the hearing; and

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

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

26 3–501.

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

1 (i) Nine elected members; and

2 (ii) One student member.

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

5 (i) Immorality;

6 (ii) Misconduct in office;

7 (iii) Incompetency; or

8 (iv) Willful neglect of duty.

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

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

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

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

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

21 3-1002.

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

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

25 (2) Four appointed members; and

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

27 (i) (1) [With the approval of the Governor, the] **THE** State Board may remove
28 a member of the county board for any of the following reasons:

- 1 (i) Immorality;
- 2 (ii) Misconduct in office;
- 3 (iii) Incompetency; or
- 4 (iv) Willful neglect of duty.

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

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

- 9 (i) The State Board promptly shall hold a hearing, but a hearing
 10 may not be set within 10 days after the State Board sends the member a notice of the
 11 hearing; and
- 12 (ii) The member shall have an opportunity to be heard publicly
 13 before the State Board in the member’s own defense, in person or by counsel.

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 19 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.