

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 379

(Senator Patterson, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

Caroline County, Charles County, and Prince George's County Boards of
Education - Removal of Member

This bill repeals the requirement that the Governor must approve any decision by the Maryland State Board of Education to remove a member of a local board of education in Caroline, Charles, or Prince George's counties. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: None. The change is procedural in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

Caroline County

The Caroline County Board of Education is a hybrid appointed and elected school board with seven members, including three elected members, two appointed members, and two nonvoting student members. One elected member must be elected from each of the three board of education districts established in Caroline County. The two appointed members must be appointed by the Governor with the advice and consent of the Senate.

With the approval of the Governor, the State Board may remove a voting member of the county board for immorality, misconduct in office, incompetency, or willful neglect of duty. Before removing a member, the State Board must send a member a copy of the charges pending and give the member an opportunity within 10 days to request a hearing. If the member requests a hearing, the State Board must promptly hold a hearing where the member must have an opportunity to be heard publicly before the State Board in the member's own defense, in person or by counsel. A removed voting member has the right to a review of the removal by the Caroline County Circuit Court.

Charles County

The Charles County Board of Education is an elected school board with 10 members, nine elected members and one student member. Chapters 404 and 405 of 2021 added two new members to the Charles County Board of Education (to bring the total up to the current 10 members) and altered the selection method for board members by requiring that eight board members be elected from the county commissioner districts (two from each of the four districts) and one board member be elected from the county at-large. Previously, seven board members were all elected from the county at-large. All seats are subject to election in November 2022, however, the at-large member elected in November 2022 must serve for a two-year (instead of the usual four-year) term until a successor is elected to a full term in November 2024.

With the approval of the Governor, the State Board may remove an elected member of the county board for immorality, misconduct in office, incompetency, or willful neglect of duty. Before removing a member, the State Board must send a member a copy of the charges pending and give the member an opportunity within 10 days to request a hearing. If the member requests a hearing, the State Board must promptly hold a hearing where the member must have an opportunity to be heard publicly before the State Board in the member's own defense, in person or by counsel. A removed voting member has the right to a review of the removal by the Charles County Circuit Court.

Prince George's County

The Prince George's County Board of Education is a hybrid appointed and elected school board with 14 members, nine elected from school board districts, four appointed, and one student member. Three of the appointed members must be appointed by the Prince George's County Executive and possess specified experience, and one must be appointed by the Prince George's County Council and be a parent of a student enrolled in the Prince George's County public school system.

With the approval of the Governor, the State Board may remove a member of the county board for immorality, misconduct in office, incompetency, or willful neglect of duty.

Before removing a member, the State Board must send a member a copy of the charges pending and give the member an opportunity within 10 days to request a hearing. If the member requests a hearing, the State Board must promptly hold a hearing where the member must have an opportunity to be heard publicly before the State Board in the member's own defense, in person or by counsel. A removed member has the right to judicial review of the removal by the Prince George's County Circuit Court based on an administrative record.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Caroline County; Governor's Office; Maryland State Department of Education; Prince George's County Public Schools; Department of Legislative Services

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Analysis by: Michael E. Sousane

Direct Inquiries to:
(410) 946-5510
(301) 970-5510