

SENATE BILL 749

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1lr2154
CF HB 1060

By: **Senator Ellis**

Introduced and read first time: February 5, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2021

CHAPTER _____

1 AN ACT concerning

2 **Charles County – Board of Education – Membership Alterations**

3 FOR the purpose of altering the manner of election for certain members of the Charles
4 County Board of Education by specifying that certain members be elected from
5 certain ~~school board~~ county commissioner districts; ~~requiring the Board of Charles~~
6 ~~County Commissioners to establish a certain number of school board districts in a~~
7 ~~certain manner~~; providing for the ballot requirements for a certain election;
8 requiring the State Board of Elections declare the election of certain candidates;
9 providing for the qualifications of the elected members of the county board; ~~altering~~
10 ~~the day the term of an elected member begins~~; establishing staggered terms for the
11 elected members of the county board beginning with a certain election; prohibiting
12 elected members from serving more than a certain number of consecutive terms;
13 ~~requiring the County Commissioners to fill a certain vacancy under certain~~
14 ~~circumstances~~; establishing a residency requirement for an individual appointed to
15 fill a certain vacancy; ~~requiring the County Commissioners to interview an applicant~~
16 ~~for a certain vacancy on the county board in a certain manner~~; ~~requiring the County~~
17 ~~Commissioners to publish a certain list of applicants in a certain manner at least a~~
18 ~~certain amount of time before interviews are scheduled to occur~~; requiring a student
19 member of the county board, and an alternate, to be selected by a certain entity;
20 providing that a student member of the county board is a voting member; authorizing
21 the student member of the county board to vote on all matters before the county
22 board, with the exception of certain specified matters; prohibiting the student
23 member of the county board from attending a certain executive session that relates
24 to certain matters except under certain circumstances; authorizing the county board
25 to determine, in a certain manner, whether a certain matter is a matter on which

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 the student member may not vote; authorizing the State Board of Education to
 2 remove a student member from the county board in a certain manner; ~~requiring a~~
 3 ~~certain member of the county board to serve as chair; repealing the requirement that~~
 4 ~~the county board elect a chair in a certain manner;~~ providing for the initial terms of
 5 the elected members of the county board; making conforming changes; ~~defining a~~
 6 ~~certain term;~~ and generally relating to the membership of the Charles County Board
 7 of Education.

8 BY repealing and reenacting, with amendments,
 9 Article – Education
 10 Section 3–501 ~~and 3–502~~
 11 Annotated Code of Maryland
 12 (2018 Replacement Volume and 2020 Supplement)

13 BY repealing and reenacting, without amendments,
 14 Article – Education
 15 Section 3–502
 16 Annotated Code of Maryland
 17 (2018 Replacement Volume and 2020 Supplement)

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

20 **Article – Education**

21 3–501.

22 ~~(A) IN THIS SECTION, “COUNTY COMMISSIONERS” MEANS THE BOARD OF~~
 23 ~~CHARLES COUNTY COMMISSIONERS.~~

24 ~~{(a)}~~ ~~(B)~~ (1) The Charles County Board consists of:

25 [(1)] (I) ~~Seven~~ NINE [voting] ELECTED members; and

26 [(2)] (II) One [nonvoting] student member.

27 (2) **OF THE ~~SEVEN~~ NINE ELECTED MEMBERS:**

28 (I) **~~SIX~~ TWO MEMBERS SHALL:**

29 **1. BE ELECTED FROM EACH OF THE FOUR COUNTY**
 30 **COMMISSIONER DISTRICTS;**

31 **2. BE A RESIDENT OF THE ~~SCHOOL BOARD~~ COUNTY**
 32 **COMMISSIONER DISTRICT FROM WHICH THE MEMBER IS ELECTED; AND**

1 ~~2. 3.~~ BE ELECTED ONLY BY THE VOTERS OF THAT ~~SCHOOL~~
2 ~~BOARD COUNTY COMMISSIONER~~ DISTRICT; AND

3 (II) ONE MEMBER SHALL BE ELECTED FROM THE COUNTY
4 AT-LARGE.

5 ~~(C) (1) THE COUNTY COMMISSIONERS SHALL ESTABLISH SIX SCHOOL~~
6 ~~BOARD DISTRICTS IN THE COUNTY.~~

7 ~~(2) (I) THE SCHOOL BOARD DISTRICTS ESTABLISHED UNDER~~
8 ~~PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBSTANTIALLY EQUAL IN~~
9 ~~POPULATION AND REAPPORTIONED ON THE BASIS OF EACH DECENNIAL CENSUS.~~

10 ~~(H) REAPPORTIONED DISTRICTS SHALL BECOME EFFECTIVE~~
11 ~~FOR THE TERM OF OFFICE COMMENCING AFTER THE FIRST REGULAR PRIMARY~~
12 ~~ELECTION HELD NOT LESS THAN 15 MONTHS AFTER THE OFFICIAL REPORT ON~~
13 ~~POPULATION IS RECEIVED BY THE STATE FROM THE U.S. CENSUS BUREAU.~~

14 ~~(D) (B) (1) AS APPLICABLE FOR THAT SCHOOL BOARD COUNTY~~
15 ~~COMMISSIONER~~ DISTRICT, AT THE GENERAL ELECTION THE BALLOT SHALL
16 PROVIDE THE VOTER WITH THE CHOICE TO CAST A VOTE "FOR" A CANDIDATE FOR
17 ELECTION FROM THAT ~~SCHOOL BOARD~~ COUNTY COMMISSIONER DISTRICT.

18 (2) AFTER THE ELECTION RESULTS ARE CERTIFIED, THE STATE
19 BOARD OF ELECTIONS SHALL DECLARE FOR EACH ~~SCHOOL BOARD~~ COUNTY
20 COMMISSIONER DISTRICT WHETHER A CANDIDATE HAS BEEN ELECTED.

21 [(b)] ~~(E) (C)~~ (1) An individual [nominated for a voting membership on]
22 ELECTED TO the county board shall be:

23 (I) AT LEAST 21 YEARS OLD; AND

24 (II) [a] A resident and registered voter of Charles County FOR AT
25 LEAST 3 YEARS.

26 (2) [Any member who no longer resides in Charles County or who is not a
27 registered voter of Charles County may not continue as a voting member of the board.] AN
28 ELECTED MEMBER SHALL FORFEIT THE OFFICE IF THE MEMBER:

29 (I) FAILS TO RESIDE IN THE ~~SCHOOL BOARD~~ COUNTY
30 COMMISSIONER DISTRICT FROM WHICH THE MEMBER WAS ELECTED, UNLESS THIS
31 CHANGE IS CAUSED BY A CHANGE IN BOUNDARIES OF THE DISTRICT;

32 (II) FAILS TO BE A RESIDENT OF THE COUNTY; OR

1 (III) FAILS TO BE A REGISTERED VOTER OF THE COUNTY.

2 (3) AN INDIVIDUAL EMPLOYED BY OR UNDER THE DIRECTION OF THE
3 COUNTY BOARD OR THE COUNTY SUPERINTENDENT IS NOT ELIGIBLE TO SERVE ON
4 THE COUNTY BOARD.

5 [(c)] ~~(F)~~ (D) All [voting] ELECTED members of the Charles County Board shall be
6 elected[:

7 (1) At] AT a general election as required by subsection [(d)] ~~(G)~~ (E) of this
8 section[; and

9 (2) From Charles County at large].

10 [(d)] ~~(G)~~ (E) (1) (I) [Each voting] SUBJECT TO PARAGRAPH (2) OF THIS
11 SUBSECTION, EACH ELECTED member serves for a term of 4 years beginning on the
12 ~~[third]~~ FIRST Monday in December after the [gubernatorial] GENERAL election and until
13 a successor is elected and qualifies.

14 (II) If the ~~[third]~~ FIRST Monday in December is a legal holiday, the
15 term begins on the first day after the ~~[third]~~ FIRST Monday in December that is not a legal
16 holiday.

17 (2) THE TERMS OF MEMBERS, BEGINNING WITH MEMBERS ELECTED
18 AT THE GENERAL ELECTION IN NOVEMBER 2022, ARE STAGGERED AS REQUIRED BY
19 THE TERMS PROVIDED FOR ELECTED MEMBERS OF THE COUNTY BOARD ON JULY 1,
20 2021.

21 (3) AN ELECTED MEMBER MAY NOT SERVE FOR MORE THAN TWO
22 CONSECUTIVE TERMS.

23 [(e)] ~~(H)~~ (F) (1) ~~[The voting ELECTED members of the county board]~~ ~~IN THE~~
24 ~~EVENT OF A VACANCY OF AN ELECTED MEMBER OF THE COUNTY BOARD, THE~~
25 ~~COUNTY COMMISSIONERS~~ shall select a qualified individual to fill any vacancy on the
26 board for the remainder of that term and until a successor is elected and qualifies.

27 (2) AN INDIVIDUAL APPOINTED TO FILL A VACANCY OF ~~A MEMBER~~
28 ~~ELECTED FROM A SCHOOL BOARD DISTRICT~~ AN ELECTED MEMBER SHALL BE A
29 RESIDENT OF THE SAME ~~SCHOOL BOARD~~ COUNTY COMMISSIONER DISTRICT AS THAT
30 OF THE VACATING MEMBER.

31 [(2)] (3) An interview of an applicant for a vacancy on the board shall be
32 conducted by the ~~[board]~~ COUNTY COMMISSIONERS at a meeting open to the public.

1 ~~[(3)] (4)~~ (i) The ~~[board] COUNTY COMMISSIONERS~~ shall publish a
2 list of the names of the applicants for a vacancy on the board at least 2 weeks before the
3 interview of the first applicant is scheduled to occur.

4 (ii) Public notice of the date, time, and location of each interview
5 shall be published:

6 1. At least 2 weeks before the interview is scheduled to occur;
7 and

8 2. In the same manner as a public notice of a regular meeting
9 of the board is published.

10 ~~[(4)] (5)~~ The ~~[board is] COUNTY COMMISSIONERS ARE~~ not required to
11 conduct discussions of the applicants or make the final selection of the [voting] member **TO**
12 **FILL A VACANCY OF THE ELECTED MEMBER** at a meeting open to the public.

13 ~~[(f)] ~~(F)~~ (G)~~ (1) With the approval of the Governor, the State Board may remove
14 [a voting] **AN ELECTED** member of the county board for any of the following reasons:

15 (i) Immorality;

16 (ii) Misconduct in office;

17 (iii) Incompetency; or

18 (iv) Willful neglect of duty.

19 (2) Before removing [a voting] **AN ELECTED** member, the State Board
20 shall send the [voting] **ELECTED** member a copy of the charges pending and give the
21 [voting] **ELECTED** member an opportunity within 10 days to request a hearing.

22 (3) If the [voting] **ELECTED** member requests a hearing within the 10-day
23 period:

24 (i) The State Board shall promptly hold a hearing, but a hearing
25 may not be set within 10 days after the State Board sends the [voting] **ELECTED** member
26 a notice of the hearing; and

27 (ii) The [voting] **ELECTED** member shall have an opportunity to be
28 heard publicly before the State Board in the [voting] **ELECTED** member's own defense, in
29 person or by counsel.

30 (4) [A voting] **AN ELECTED** member removed under this subsection has
31 the right to a de novo review of the removal by the Circuit Court for Charles County.

1 ~~[(g)]~~ ~~(J)~~ **(H)** (1) The student member of the Charles County Board shall be an
2 11th or 12th grade student in the Charles County Public School System.

3 (2) The student member, and an alternate, shall be selected [in accordance
4 with procedures approved by the board. These procedures shall reflect recommendations
5 by and involvement of] **BY** the Charles County Association of Student Councils.

6 (3) The term of the student member shall be 1 year.

7 (4) **(I)** The student member [may not vote, but may indicate a
8 preference for or against any question before] **SHALL BE A VOTING MEMBER OF** the board.

9 **(II) THE STUDENT MEMBER MAY VOTE ON ALL MATTERS**
10 **BEFORE THE BOARD EXCEPT THOSE RELATING TO:**

11 **1. HEARINGS ON APPEALS OF SPECIAL EDUCATION**
12 **PLACEMENTS;**

13 **2. HEARINGS HELD UNDER §§ 4-205 AND 7-305 OF THIS**
14 **ARTICLE;**

15 **3. PERSONNEL MATTERS, INCLUDING THOSE UNDER §§**
16 **6-201 AND 6-202 OF THIS ARTICLE;**

17 **4. APPOINTMENT, SALARY, AND EVALUATION OF THE**
18 **COUNTY SUPERINTENDENT;**

19 **5. COLLECTIVE BARGAINING DECISIONS;**

20 **6. CAPITAL AND OPERATING BUDGETS; AND**

21 **7. SCHOOL CLOSINGS, OPENINGS, AND BOUNDARIES.**

22 ¶(5) Unless invited to attend by an affirmative vote of a majority of the
23 county board, the student member may not attend an executive session that relates to
24 ~~special education placements, collective bargaining, or hearings held under § 6-202 of this~~
25 ~~article~~ **ANY MATTER FOR WHICH THE STUDENT MEMBER MAY NOT VOTE.¶**

26 **(6) ON A MAJORITY VOTE OF THE ELECTED MEMBERS, THE COUNTY**
27 **BOARD MAY DETERMINE, ON A CASE-BY-CASE BASIS, WHETHER A MATTER UNDER**
28 **CONSIDERATION IS COVERED BY THE EXCLUSIONARY PROVISIONS LISTED IN**
29 **PARAGRAPH (4) OF THIS SUBSECTION.**

30 **(7) THE STATE BOARD MAY REMOVE THE STUDENT MEMBER FROM**
31 **THE COUNTY BOARD IN THE SAME MANNER AS AN ELECTED MEMBER.**

1 3-502.

2 ~~(A) THE MEMBER ELECTED FROM THE COUNTY AT LARGE SHALL SERVE AS~~
3 ~~CHAIR OF THE COUNTY BOARD.~~

4 ~~[(a)] (B)~~ The county board shall elect ~~[(a)]~~ a chair and ~~[(a)]~~ a vice chair from among its
5 ~~REMAINING ELECTED~~ members at an annual meeting to be held on the second Tuesday
6 in January.

7 ~~[(b)] (C)~~ If there is a vacancy in the office of chair or vice chair, the county board
8 shall elect a replacement within 30 days after the vacancy occurs.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the initial terms of the elected
10 members of the Charles County Board of Education shall expire as follows:

11 (1) the members elected from ~~school board~~ the county commissioner
12 ~~districts 1, 3, and 5 and the member elected from the county at large~~ at the general election
13 in November 2022, shall serve for a term of 4 years until a successor is elected and qualifies;
14 and

15 (2) the members elected from ~~school board districts 2, 4, and 6~~ the county
16 at-large at the general election in November 2022, shall serve for a term of 2 years until a
17 successor is elected and qualifies.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
19 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.