

SENATE BILL 885

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5lr3258
CF HB 1118

By: **Carroll County Senators**

Introduced and read first time: January 28, 2025

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable

Senate action: Adopted

Read second time: February 24, 2025

CHAPTER _____

1 AN ACT concerning

2 **Carroll County Board of Education – Vacancy Procedures – Alterations**

3 FOR the purpose of altering the procedures used to fill a vacancy of a voting member of the
4 Carroll County Board of Education under certain circumstances; and generally
5 relating to vacancy procedures for the Carroll County Board of Education.

6 BY repealing and reenacting, with amendments,
7 Article – Education
8 Section 3–401
9 Annotated Code of Maryland
10 (2022 Replacement Volume and 2024 Supplement)

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

13 **Article – Education**

14 3–401.

15 (a) The Carroll County Board consists of:

16 (1) Five voting members;

17 (2) Subject to subsection (f) of this section, one nonvoting student
18 representative; and

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.



(3) The County Commissioners, who are nonvoting ex officio members.

(b) A candidate elected to the county board shall be a resident and registered voter of Carroll County. Any member who no longer resides in Carroll County may not continue as a member of the board.

(c) (1) Voting members of the Carroll County Board shall be elected as follows:

(i) Two members of the board shall be elected in the November general election of 1994 and every 4 years thereafter;

(ii) Two members of the county board shall be elected in the November general election of 1996 and every 4 years thereafter; and

(iii) One member of the county board shall be elected in the November general election of 1998 and every 4 years thereafter.

(2) Voting members of the county board shall be elected:

(i) At a general election as required by this section; and

(ii) On a general countywide ticket.

(d) (1) Each voting member serves for a term of 4 years beginning the first Monday in December immediately following the voting member's election and until a successor is elected and qualifies. The terms of the voting members are staggered as required for the elections to the county board in subsection (c)(1) of this section.

(2) A voting member may not serve for more than two consecutive terms.

[(3) The Governor shall appoint a new voting member to fill any vacancy on the board for the remainder of that term and until a successor is elected and qualifies.]

(3) (I) IF THERE IS A VACANCY OF A VOTING MEMBER OF THE COUNTY BOARD OCCURRING 30 DAYS OR LESS BEFORE THE CANDIDATE FILING DEADLINE FOR THE PRIMARY ELECTION THAT IS HELD IN THE SECOND YEAR OF THE VACATING MEMBER'S TERM, THE COUNTY COMMISSIONERS SHALL APPOINT A QUALIFIED INDIVIDUAL TO FILL THE VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

(II) IF THERE IS A VACANCY OF A VOTING MEMBER OF THE COUNTY BOARD OCCURRING 31 DAYS OR MORE BEFORE THE CANDIDATE FILING DEADLINE FOR THE PRIMARY ELECTION THAT IS HELD IN THE SECOND YEAR OF THE VACATING MEMBER'S TERM:

1 **1. THE COUNTY COMMISSIONERS SHALL APPOINT A**
2 **QUALIFIED INDIVIDUAL TO FILL THE VACANCY ON THE COUNTY BOARD UNTIL A**
3 **MEMBER IS ELECTED AND QUALIFIES UNDER ITEM 2 OF THIS SUBPARAGRAPH; AND**

4 **2. AN INDIVIDUAL SHALL BE ELECTED AT THE NEXT**
5 **GENERAL ELECTION TO FILL THE VACANCY ON THE COUNTY BOARD FOR THE**
6 **REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.**

7 (4) A voting member of the county board as of October 1, 1993, and any
8 voting member appointed to fill a vacancy in an unexpired term of such member, shall hold
9 office during his term and until a successor is elected and qualifies.

10 (e) (1) The State Board may remove a voting member of the county board for:

11 (i) Immorality;

12 (ii) Misconduct in office;

13 (iii) Incompetency; or

14 (iv) Willful neglect of duty.

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

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

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

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

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

26 (f) (1) The student representative shall:

27 (i) Be an eleventh or twelfth grade student in the Carroll County
28 public school system elected by the high school students of the county in accordance with
29 procedures established by the school system;

30 (ii) Be a student government association representative at the
31 student's high school;

1 (iii) Serve for 1 year beginning on July 1 after the election of the
2 student representative; and

3 (iv) Advise the county board on the thoughts and feelings of students
4 in Carroll County public schools.

5 (2) Unless invited to attend by an affirmative vote of a majority of the
6 county board, the student representative may not attend an executive session of the county
7 board.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.