

# HOUSE BILL 857

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By: **Montgomery County Delegation**

Introduced and read first time: February 10, 2010

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Montgomery County Board of Education – Student Member – Voting**

3 **MC 12-10**

4 FOR the purpose of ~~authorizing the student member of the Montgomery County Board~~  
5 ~~of Education to attend an executive session of the Board of Education that~~  
6 ~~relates to a certain matter;~~ authorizing the student member of the Montgomery  
7 County Board of Education to vote on certain matters; and generally relating to  
8 the voting rights of the student member of the Montgomery County Board of  
9 Education.

10 BY repealing and reenacting, with amendments,

11 Article – Education

12 Section 3-901(e)

13 Annotated Code of Maryland

14 (2008 Replacement Volume and 2009 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article – Education

17 Section 6-202

18 Annotated Code of Maryland

19 (2008 Replacement Volume and 2009 Supplement)

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

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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 **Article – Education**

2 3–901.

3 (e) (1) The student member shall be a bona fide resident of Montgomery  
4 County and a regularly enrolled junior or senior year student from a Montgomery  
5 County public high school.

6 (2) The nomination and election process shall be as agreed on by the  
7 county board and the Montgomery County region of the Maryland Association of  
8 Student Councils. This agreement shall include a process by which to replace one or  
9 both of the final candidates if they are unable to proceed in the election. Any student  
10 enrolled in a middle or high school in the Montgomery County public schools may:

11 (i) Nominate a student member candidate;

12 (ii) Vote for delegates from the student's school, who in turn  
13 vote in a nominating convention to reduce to 2 the number of candidates for student  
14 board member if there are 3 or more candidates; and

15 (iii) Vote directly for 1 of the 2 remaining student board member  
16 candidates.

17 (3) The candidate receiving the second highest number of votes in the  
18 direct election shall become the alternate student member. The alternate shall serve if  
19 the student member is unable to complete his elected term.

20 (4) Except as provided in paragraphs (5), (6), and (7) of this  
21 subsection, the student member has the same rights and privileges of an elected  
22 member.

23 (5) Unless invited to attend by the affirmative vote of a majority of the  
24 county board, the student member may not attend an executive session that relates  
25 to~~;~~:

26 (i) ~~Hearings~~ ~~HEARINGS~~ held under § 6–202(a) of this article~~;~~  
27 or

28 (ii) ~~Collective bargaining~~.

29 (6) As provided in paragraph (7) of this subsection, the student  
30 member shall vote on all matters except those relating to~~;~~:

31 (i)~~;~~ § 6–202(a) of this article~~;~~ AND

32 (ii) ~~Collective bargaining~~;

1 (iii) Capital and operating budgets; and

2 (iv) School closings, reopenings, and boundaries].

3 (7) On a majority vote of the elected members, the board may  
4 determine, on a case by case basis, whether a matter under consideration is covered by  
5 the exclusionary ~~provisions listed~~ ~~PROVISION~~ in paragraph (6) of this subsection.

6 6–202.

7 (a) (1) On the recommendation of the county superintendent, a county  
8 board may suspend or dismiss a teacher, principal, supervisor, assistant  
9 superintendent, or other professional assistant for:

10 (i) Immorality;

11 (ii) Misconduct in office, including knowingly failing to report  
12 suspected child abuse in violation of § 5–704 of the Family Law Article;

13 (iii) Insubordination;

14 (iv) Incompetency; or

15 (v) Willful neglect of duty.

16 (2) Before removing an individual, the county board shall send the  
17 individual a copy of the charges against him and give him an opportunity within 10  
18 days to request a hearing.

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

20 (i) The county board promptly shall hold a hearing, but a  
21 hearing may not be set within 10 days after the county board sends the individual a  
22 notice of the hearing; and

23 (ii) The individual shall have an opportunity to be heard before  
24 the county board, in person or by counsel, and to bring witnesses to the hearing.

25 (4) The individual may appeal from the decision of the county board to  
26 the State Board.

27 (5) Notwithstanding any provision of local law, in Baltimore City the  
28 suspension and removal of assistant superintendents and higher levels shall be as  
29 provided by the personnel system established by the Baltimore City Board of School  
30 Commissioners under § 4–311 of this article.

1 (b) (1) Except as provided in paragraph (2) of this subsection, the  
2 probationary period of employment of a certificated employee in a public school system  
3 shall cover a period of 2 years from the date of employment and shall consist of a  
4 1-year employment contract that may be renewed by the county board.

5 (2) (i) A probationary period for a certificated employee in a public  
6 school system may be extended for a third year from the date of employment if the  
7 certificated employee does not qualify for tenure at the end of the second year based on  
8 established performance evaluation criteria and the employee demonstrates a strong  
9 potential for improvement.

10 (ii) If the probationary period of a certificated employee is  
11 extended as provided in this paragraph, a mentor shall be assigned to the employee  
12 and the employee shall be evaluated at the end of the third year based on established  
13 performance evaluation criteria.

14 (3) The State Board shall adopt regulations that implement the  
15 provisions of paragraphs (1) and (2) of this subsection and define the scope of a  
16 mentoring program that will be aligned with the 2-year probationary period and the  
17 1-year extension as provided in paragraph (2) of this subsection.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 July 1, 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.