

SENATE BILL 3

F3

EMERGENCY BILL

2lr4519
CF HB 3

By: **Montgomery County Senators**

Introduced and read first time: December 6, 2021

Assigned to: Reapportionment and Redistricting

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Board of Education Residence Districts –**
3 **Redistricting Plan**

4 **MC 01–21SS**

5 FOR the purpose of altering the boundaries of the residence districts for the Montgomery
6 County Board of Education; and generally relating to the residence districts for the
7 Montgomery County Board of Education.

8 BY repealing and reenacting, with amendments,
9 Article – Education
10 Section 3–901
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2021 Supplement)

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

15 **Article – Education**

16 3–901.

17 (a) (1) In this subtitle the following words have the meanings indicated.

18 (2) “Board of Education District” means a geographic area of Montgomery
19 County in which an elected member of the Montgomery County Board of Education must
20 be a legal resident. The geographic area of each district is described in subsection (f) of this
21 section. Each district shall be substantially equal in population, and the districts shall be
22 reapportioned on the basis of each decennial census of the United States.

23 (3) “Elected member” means 1 of the 7 elected and voting members of the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Montgomery County Board or a member appointed to fill a vacancy of 1 of these 7 members.

2 (b) The Montgomery County Board consists of:

3 (1) 5 elected members, each of whom resides in a different board of
4 education district;

5 (2) 2 elected members who may reside anywhere in the county; and

6 (3) 1 student member.

7 (c) An elected member of the county board shall be a registered voter of
8 Montgomery County.

9 (d) Members of the Montgomery County Board shall be elected at the general
10 election every 2 years as required by subsection (f) of this section.

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

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

19 (i) Nominate a student member candidate;

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

23 (iii) Vote directly for 1 of the 2 remaining student member
24 candidates.

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

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

30 (5) Unless invited to attend by the affirmative vote of a majority of the
31 county board, the student member may not attend an executive session that relates to
32 hearings held under § 6-202(a) of this article.

1 (6) As provided in paragraph (7) of this subsection, the student member
2 shall vote on all matters except those relating to § 6–202(a) of this article.

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

6 (f) (1) Each elected member serves for a term of 4 years beginning on
7 December 1 after the member's election and until a successor is elected and qualifies. The
8 terms of elected members are staggered as required by the terms of the members serving
9 on the county board as of July 1, 1978 so that 4 members are elected in gubernatorial
10 election years and 3 members are elected in presidential election years.

11 (2) Elected members of the county board shall be elected by the voters of
12 the entire county.

13 (3) (i) Of the 3 members elected in 1992 and every 4 years thereafter, 1
14 shall reside in Board of Education District 2 and 1 shall reside in Board of Education
15 District 4. The third member may reside in any part of the county.

16 (ii) Of the 4 members elected in 1990 and every 4 years thereafter, 1
17 shall reside in Board of Education District 1, 1 shall reside in Board of Education District
18 3, and 1 shall reside in Board of Education District 5. The fourth member may reside in
19 any part of the county.

20 (iii) The descriptions of board of education districts in this subsection
21 refer to the geographical boundaries of the election districts and the precincts:

22 1. As reviewed and certified by the Montgomery County
23 Board of Elections or its designees, before the precinct boundaries were reported to the U.S.
24 Bureau of the Census as part of the [2010] **2020** Census Redistricting Data Program; and

25 2. As those precinct lines are specifically shown on the P.L.
26 94–171 census block maps provided by the U.S. Bureau of the Census and as reviewed and
27 corrected by the Division of [Long–range] **CAPITAL Planning AND REAL ESTATE** of the
28 Montgomery County Public Schools.

29 [(iv) Where precincts are split between Board of Education Districts,
30 census tract and block numbers, as indicated in the P.L. 94–171 data or shown on the P.L.
31 171 census block maps provided by the U.S. Bureau of the Census and referred to in this
32 subtitle, are used to define the boundaries of the education districts.

33 (v) Board of Education District 1 consists of:

34 1. Election district 1;

35 2. Election district 2, precincts 1, 3, 4, 5, 6, 7, 8, 10, and 11;

- 1 (vi) Board of Education District 2 consists of:
- 2 1. Election district 2, precinct 2;
- 3 2. Election district 4, precincts 2, 3, 5, 6, 7, 14, 16, 21, 22, 23,
4 24, 25, 26, and 30;
- 5 3. Election district 6, precincts 3, 4, 5 through 10, 13, and 14;
- 6 4. Election district 9, precincts 2, 3, 6, 13, 14, 26, 27, 31, 33,
7 35, 36, and 38;
- 8 5. That part of election district 2, precinct 9 that is generally
9 the central part of precinct 9 which is bounded by Little Seneca Creek to the west and
10 Father Hurley Boulevard to the east;
- 11 6. That part of election district 4, precinct 19 that is
12 generally the eastern part of precinct 19 from the precinct boundary at the intersection of
13 Gude Drive and Calhoun Drive running northeast and approximately 200 feet east of
14 Dubuque Court and Grinnell Terrace, then west along Crabbs Branch Tributary (a creek),
15 then north along the center of Ottenbrook Terrace, then northeast along the center of Deer
16 Lake Lane, then east along the center of Deer Lake Road, then west along the center of
17 Needwood Road to the precinct boundary;
- 18 7. That part of election district 4, precinct 20 that is
19 generally the eastern part of precinct 20 which extends from the precinct boundary north
20 along Piney Branch Creek to the precinct boundary;
- 21 8. That part of election district 6, precinct 1 that is generally
22 the eastern part of precinct 1 which extends from the precinct boundary north along South
23 Germantown Tributary (a creek), then east along the center of Schaeffer Road to the
24 precinct boundary;
- 25 9. That part of election district 6, precinct 11 that is
26 generally the eastern part of precinct 11 which extends from the precinct boundary
27 northeast along the center of Schaeffer Road, then runs northwest across the Soccerplex at
28 the intersection of Schaeffer Road and Burdette Lane, then west and north along Hoyles
29 Mill Tributary (a creek), then northeast along Little Seneca Creek to the precinct boundary;
- 30 10. That part of election district 6, precinct 12 that is
31 generally the eastern part of precinct 12 which extends from the precinct boundary north
32 along Sandy Branch Creek, then north along the center of Potomac Riding Lane to the
33 precinct boundary;
- 34 11. That part of election district 9, precinct 1 that is generally
35 the southern part of precinct 1 which extends from the precinct boundary east along the
36 center of CSX railroad tracks to the precinct boundary;

1 12. That part of election district 9, precinct 8 that is generally
2 the western part of precinct 8 which extends from the precinct boundary southeast along
3 the center of Wisteria Drive, then southwest along the center of Great Seneca Highway to
4 the precinct boundary;

5 13. That part of election district 9, precinct 10 that is
6 generally the southern part of precinct 10 which extends from the precinct boundary
7 northeast along the center of Washington Grove Lane to the precinct boundary;

8 14. That part of election district 9, precinct 16 that is
9 generally the southern part of precinct 16 which extends from the precinct boundary south
10 along Interstate 270, then east along CSX railroad tracks to the precinct boundary; and

11 15. That part of election district 9, precinct 24 that is
12 generally the southwestern part of precinct 24 which extends from the precinct boundary
13 southeast along Interstate 270 to the precinct boundary.

14 (vii) Board of Education District 3 consists of:

15 1. Election district 4, precincts 4, 8, 10, 12, 13, 17, 18, 27, 28,
16 31, and 32;

17 2. Election district 6, precinct 2;

18 3. Election district 7;

19 4. Election district 10;

20 5. Election district 13, precincts 3, 16, 26, 34, 38, 39, and 65;

21 6. That part of election district 4, precinct 15 that is
22 generally the northern part of precinct 15 which extends from the precinct boundary east
23 along the center of Randolph Road to the precinct boundary;

24 7. That part of election district 4, precinct 20 that is
25 generally the western part of precinct 20 which extends from the precinct boundary north
26 along Piney Branch Creek to the precinct boundary; and

27 8. That part of election district 6, precinct 12 that is
28 generally the western part of precinct 12 which extends from the precinct boundary north
29 along Sandy Branch Creek, then north along the center of Potomac Riding Lane to the
30 precinct boundary.

31 (viii) Board of Education District 4 consists of:

32 1. Election district 13, precincts 1, 2, 4 through 15, 17

1 through 25, 27 through 33, 35, 36, 37, 40 through 45, 47, 48, 50, 53, 55, 56, 57, 58, 59, 62,
2 63, 66, 67, and 68; and

3 2. That part of election district 4, precinct 15 that is
4 generally the southern part of precinct 15 which extends from the precinct boundary east
5 along the center of Randolph Road to the precinct boundary.

6 (ix) Board of Education District 5 consists of:

- 7 1. Election district 4, precincts 1, 9, and 34;
- 8 2. Election district 5;
- 9 3. Election district 8;
- 10 4. Election district 13, precincts 46, 49, 51, 52, 54, 61, 64, and
11 69; and

12 5. That part of election district 4, precinct 19 that is
13 generally the western part of precinct 19 from the precinct boundary at the intersection of
14 Gude Drive and Calhoun Drive running northeast and approximately 200 feet east of
15 Dubuque Court and Grinnell Terrace, then west along Crabbs Branch Tributary (a creek),
16 then north along the center of Ottenbrook Terrace, then northeast along the center of Deer
17 Lake Lane, then east along the center of Deer Lake Road, then west along the center of
18 Needwood Road to the precinct boundary.]

19 **(IV) BOARD OF EDUCATION DISTRICT 1 CONSISTS OF:**

- 20 1. **ELECTION DISTRICT 1;**
- 21 2. **ELECTION DISTRICT 2, PRECINCTS 1 AND 3 THROUGH**
22 **11;**
- 23 3. **ELECTION DISTRICT 3;**
- 24 4. **ELECTION DISTRICT 6, PRECINCT 11;**
- 25 5. **ELECTION DISTRICT 9, PRECINCTS 1, 4, 5, 7, 8, 9, 11,**
26 **12, 15, 18, 20, 21, 22, 25, 28, 29, 30, 32, 34, 37, AND 39;**
- 27 6. **ELECTION DISTRICT 11; AND**
- 28 7. **ELECTION DISTRICT 12.**

29 **(V) BOARD OF EDUCATION DISTRICT 2 CONSISTS OF:**

1 1. **ELECTION DISTRICT 2, PRECINCT 2;**

2 2. **ELECTION DISTRICT 4, PRECINCTS 2, 3, 5, 6, 7, 11, 14,**
3 **16, 19, 20, 21, 23, 24, 25, 27, 29, 30, 35, 37, 38, 40, 42, AND 43;**

4 3. **ELECTION DISTRICT 6, PRECINCTS 1 THROUGH 10**
5 **AND 13 THROUGH 16; AND**

6 4. **ELECTION DISTRICT 9, PRECINCTS 2, 3, 6, 10, 13, 14,**
7 **16, 24, 26, 27, 31, 33, 35, 36, 38, 40, AND 41.**

8 **(VI) BOARD OF EDUCATION DISTRICT 3 CONSISTS OF:**

9 1. **ELECTION DISTRICT 4, PRECINCTS 4, 8, 10, 12, 13, 15,**
10 **17, 18, 28, 31, 32, AND 33;**

11 2. **ELECTION DISTRICT 7;**

12 3. **ELECTION DISTRICT 10; AND**

13 4. **ELECTION DISTRICT 13, PRECINCTS 3, 16, 34, 38, 39,**
14 **AND 65.**

15 **(VII) BOARD OF EDUCATION DISTRICT 4 CONSISTS OF:**

16 1. **ELECTION DISTRICT 4, PRECINCT 26; AND**

17 2. **ELECTION DISTRICT 13, PRECINCTS 1, 2, 4 THROUGH**
18 **8, 10, 11, 13, 14, 15, 18 THROUGH 25, 27 THROUGH 33, 35, 36, 37, 40, 42, 43, 44, 47,**
19 **50, 53, 55 THROUGH 59, 63, 67, AND 68.**

20 **(VIII) BOARD OF EDUCATION DISTRICT 5 CONSISTS OF:**

21 1. **ELECTION DISTRICT 4, PRECINCTS 1, 9, 34, 36, AND**
22 **41;**

23 2. **ELECTION DISTRICT 5;**

24 3. **ELECTION DISTRICT 8; AND**

25 4. **ELECTION DISTRICT 13, PRECINCTS 45, 46, 49, 51, 52,**
26 **54, 60, 61, 64, 69, 70, AND 71.**

1 (4) (i) The student member serves for a term of 1 year beginning on
2 July 1 after the election.

3 (ii) The student member shall be replaced for the remainder of the
4 term by the alternate student member if the student member:

5 1. Resigns or otherwise is unable to complete the term; or

6 2. Is removed under the provisions of subsection (g) of this
7 section.

8 (iii) The elected members of the county board shall select a student
9 to complete the remainder of the term if the student member is replaced as provided in
10 subparagraph (ii) of this paragraph and the alternate member:

11 1. Resigns or otherwise is unable to complete the term; or

12 2. Is removed under the provisions of subsection (g) of this
13 section.

14 (5) The remaining members of the county board shall select a qualified
15 individual to fill any vacancy on the elected board for the remainder of that term and until
16 a successor is elected and qualifies.

17 (6) (i) Subject to subparagraph (ii) of this paragraph, an elected county
18 board member shall forfeit the office if the member fails to reside in the board of education
19 district from which the member was elected.

20 (ii) If the failure to continue to reside in the district is caused by an
21 alteration in the board of education district boundaries because of reapportionment, the
22 member may complete the term for which the member was elected.

23 (iii) In the event of a vacancy caused by a member who is required to
24 reside in a particular board of education district, the person appointed to fill the vacancy
25 shall reside in the same district at the time of appointment and while filling out the
26 unexpired term.

27 (g) (1) The Montgomery County Council may remove a member of the county
28 board for:

29 (i) Immorality;

30 (ii) Misconduct in office;

31 (iii) Incompetency; or

1 (iv) Willful neglect of duty.

2 (2) Before removing a member, the County Council shall provide the
3 member a copy of the charges against him and give him an opportunity within 10 days to
4 request a hearing.

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

6 (i) The County Council promptly shall hold a hearing, but a hearing
7 may not be set within 10 days after the County Council sends the member a notice of the
8 hearing; and

9 (ii) The member shall have an opportunity to be heard publicly
10 before the County Council in the member's own defense, in person or by counsel.

11 (4) A member removed under this subsection has the right to a de novo
12 review of the removal by the Circuit Court for Montgomery County.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
14 measure, is necessary for the immediate preservation of the public health or safety, has
15 been passed by a yea and nay vote supported by three-fifths of all the members elected to
16 each of the two Houses of the General Assembly, and shall take effect from the date it is
17 enacted.