

HOUSE BILL 831
EMERGENCY BILL

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1999 Regular Session
9lr0342

By: **Prince George's County Delegation**

Introduced and read first time: February 12, 1999

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Primary and Secondary Education - Prince George's County Public School**
3 **System**
4 **PG 414-99**

5 FOR the purpose of altering the composition of the Prince George's County Board of
6 Education; establishing procedures for the selection of a new School
7 Superintendent; requiring the School Superintendent to incorporate the
8 recommendations of the performance audit into the annual school budget;
9 requiring the School Superintendent to submit the budget to the Management
10 Oversight Panel for comment at a certain time; requiring the Board of
11 Education to provide certain information to the County Executive and County
12 Council with the annual budget; authorizing the County Council and County
13 Executive to deny or reduce certain items within the Board of Education budget;
14 authorizing the County Executive to veto certain items and providing for a veto
15 override; prohibiting the County Board from spending certain revenue if a
16 certain result would occur; requiring the school system to implement certain
17 recommendations, unless waived; altering the composition of the Management
18 Oversight Panel; requiring the Management Oversight Panel to promulgate and
19 publish a certain protocol for certain communications and requests for
20 information; authorizing the Management Oversight Panel to meet and
21 deliberate in executive session under certain conditions; providing for a
22 minimum affirmative vote of the Management Oversight Panel to take action;
23 providing for the termination of this Act; making this Act an emergency
24 measure; and generally relating to primary and secondary education in Prince
25 George's County.

26 BY repealing and reenacting, with amendments,
27 Article - Education
28 Section 3-1002, 3-1004(d), 4-201(b), 4-205(k), 5-101(f), 5-102(c), 5-105, and
29 5-206(g)
30 Annotated Code of Maryland
31 (1997 Replacement Volume and 1998 Supplement)

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

3 **Article - Education**

4 3-1002.

5 (a) In this subtitle, "elected member" means one of the nine elected members
6 of the Prince George's County Board or a member appointed to fill a vacancy of one of
7 these nine members.

8 (b) The Prince George's County Board consists of nine elected [members and]
9 MEMBERS, one student member selected under subsection (f)(2) of this [section]
10 SECTION, AND THREE MEMBERS WITH EXTENSIVE EXPERTISE IN MANAGEMENT OR
11 BUSINESS ENTERPRISES APPOINTED BY THE GOVERNOR AND CONFIRMED BY THE
12 COUNTY COUNCIL.

13 (c) (1) A MEMBER OF THE COUNTY BOARD APPOINTED BY THE GOVERNOR
14 SHALL BE A RESIDENT AND A REGISTERED VOTER OF PRINCE GEORGE'S COUNTY.

15 [(1)] (2) A candidate for the County Board shall be a resident of Prince
16 George's County for at least 3 years and a registered voter of the County before the
17 election.

18 [(2)] (3) From the time of filing as a candidate for election, each
19 candidate for the County Board shall reside in the school board district the candidate
20 seeks to represent.

21 [(3)] (4) An elected County Board member shall forfeit [his] THE office
22 if [he] THE MEMBER:

23 (i) Fails to reside in the school board district from which [he] THE
24 MEMBER was elected, unless this change is caused by a change in the boundaries of
25 the district; or

26 (ii) Fails to be a registered voter of the County.

27 [(4)] (4) A County Board member may not hold another office of profit in
28 county government during his term.]

29 (5) Each elected member of the County Board shall be nominated by the
30 registered voters of [his] THE MEMBER'S school board district.

31 (d) [Members] THE ELECTED MEMBERS of the Prince George's County Board
32 shall be elected:

33 (1) At the general election every 2 years as required by subsection (g) of
34 this section; and

35 (2) By the registered voters of [his] THE MEMBER'S school board district.

1 (e) (1) If a candidate for the County Board dies or withdraws the candidacy
2 during the period beginning with the date of the primary and ending 70 days before
3 the date of the general election, the Board of Supervisors of Elections shall:

4 (i) Replace the name of the deceased or withdrawn candidate on
5 the ballot for the general election with the name of the candidate who received the
6 next highest number of votes in the primary election; or

7 (ii) If a contested primary was not held, reopen the filing process to
8 allow other persons to file as candidates.

9 (2) (i) Except as otherwise provided in subparagraph (ii) of this
10 paragraph, the Board of Supervisors of Elections shall add to the ballot for the
11 general election the name of any person who files as a candidate in accordance with
12 paragraph (1)(i) of this subsection.

13 (ii) The Board of Supervisors of Elections may not add additional
14 candidates to the ballot for the general election within 70 days before the date of the
15 election.

16 (f) (1) The student member shall be an eleventh or twelfth grade student in
17 the Prince George's County public school system during the student's term in office.

18 (2) An eligible student shall file a nomination form at least 2 weeks
19 before a special election meeting of the Prince George's regional association of student
20 governments. Nomination forms shall be made available in the administrative offices
21 of all public senior high schools in the County, the office of student concerns, and the
22 office of the president of the regional association. The delegates to the regional
23 association annually shall elect the student member to the Board at a special election
24 meeting to be held each school year.

25 (3) The student member may vote on all matters before the Board except
26 those relating to:

27 (i) Capital and operating budgets;

28 (ii) School closings, reopenings, and boundaries;

29 (iii) Collective bargaining decisions;

30 (iv) Student disciplinary matters;

31 (v) Teacher and administrator disciplinary matters as provided
32 under § 6-202(a) of this article; and

33 (vi) Other personnel matters.

34 (4) On an affirmative vote of a majority of the elected members of the
35 County Board, the Board may determine if a matter before the Board relates to a

1 subject that the student member may not vote on under paragraph (3) of this
2 subsection.

3 (5) Unless invited to attend by an affirmative vote of a majority of the
4 County Board, the student member may not attend an executive session that relates
5 to hearings on appeals of special education placements, hearings held under §
6 6-202(a) of this article, or collective bargaining.

7 (g) (1) [Each] AN elected member serves for a term of 4 years beginning on
8 the first Monday in December after [his] THE MEMBER'S election and until [his] A
9 successor is elected and qualifies. The terms of members are staggered as required by
10 the terms of the members serving on the County Board as of July 1, 1978.

11 (2) The student member serves for a term of 1 year beginning at the end
12 of a school year.

13 (3) Subject to the confirmation of the County Council, the County
14 Executive of Prince George's County shall appoint a qualified individual to fill any
15 vacancy on the County Board until a successor is elected and qualifies at the next
16 Congressional election.

17 (4) A MEMBER APPOINTED BY THE GOVERNOR SERVES WITHOUT
18 COMPENSATION FOR A TERM OF 3 YEARS BEGINNING ON THE DATE OF
19 APPOINTMENT AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

20 (h) (1) The County Board members from school board districts II, V, and
21 VIII who were elected for the first time at the November 6, 1973 election serve until
22 the first Monday in December 1978 and may seek reelection in 1978 for a 4-year
23 term.

24 (2) The members from school board districts III, VI, and IX who were
25 elected at the November 6, 1973 election serve until the first Monday in December,
26 1980 and may seek reelection in 1980 for a 4-year term.

27 (i) (1) With the approval of the Governor, the State Board may remove a
28 member of the County Board for any of the following reasons:

- 29 (i) Immorality;
- 30 (ii) Misconduct in office;
- 31 (iii) Incompetency; or
- 32 (iv) Willful neglect of duty.

33 (2) Before removing a member, the State Board shall send the member a
34 copy of the charges PENDING [against him] and give [him] THE MEMBER an
35 opportunity within 10 days to request a hearing.

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

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

4 (ii) The member shall have an opportunity to be heard publicly
5 before the State Board in [his] THE MEMBER'S own defense, in person or by counsel.

6 (4) A member removed under this subsection has the right to a de novo
7 review of the removal by the Circuit Court for Prince George's County.

8 3-1004.

9 (d) [(1) Except as otherwise provided in paragraph (2) of this subsection, the]
10 THE affirmative vote of the members of the County Board for the passage of a motion
11 by the County Board shall be]:

12 (i) Six] SEVEN members [when the student member is voting; or

13 (ii) Five members when the student member is not voting.

14 (2) When there is one vacancy or more than one vacancy on the County
15 Board, the affirmative vote of the members of the County Board for the passage of a
16 motion by the Board shall be five members].

17 4-201.

18 (b) (1) The term of a county superintendent is 4 years beginning on July 1. A
19 county superintendent continues to serve until a successor is appointed and qualifies.

20 (2) Except in Harford County, by February 1 of the year in which a term
21 ends, the county superintendent shall notify the [county board] COUNTY BOARD
22 whether [he] THE SUPERINTENDENT is a candidate for reappointment.

23 (3) In the year in which a term begins, the county board shall appoint a
24 county superintendent between February 1 and June 30. However, if the county board
25 decides to reappoint the incumbent superintendent, the county board shall take final
26 action at a public meeting no later than March 1 of that year.

27 (4) If a county board is unable to appoint a county superintendent by
28 July 1 of a year in which a term begins, the provisions of subsection (d) of this section
29 apply.

30 (5) (i) This paragraph applies only to Harford County.

31 (ii) By January 1 of the year that is 2 years before the county
32 superintendent's term ends, and by January 1 of the year that the superintendent's
33 term ends, the Harford County Board shall provide public notice in 2 newspapers of
34 general circulation in the county that the Board will conduct an evaluation of the
35 superintendent's professional performance.

1 (iii) By February 1 of each year specified in subparagraph (ii) of this
2 paragraph, the Harford County Board shall:

- 3 1. Conduct an evaluation of the county superintendent's
4 professional performance; and
- 5 2. Share the findings of the evaluation with the county
6 superintendent.

7 (iv) 1. By December 1 of the year preceding a year in which the
8 term ends, the county superintendent shall notify the County Board whether the
9 superintendent is a candidate for reappointment. If the superintendent notifies the
10 County Board that the superintendent is not a candidate for reappointment, then the
11 remaining provisions of this paragraph shall not apply.

12 2. The County Board shall provide public notice in 2
13 newspapers of general circulation in the county whether the superintendent is a
14 candidate for reappointment.

15 (6) (I) THIS PARAGRAPH APPLIES ONLY TO PRINCE GEORGE'S
16 COUNTY.

17 (II) IN CONSULTATION WITH THE COUNTY BOARD, THE
18 MANAGEMENT OVERSIGHT PANEL AS ESTABLISHED BY § 5-206(G) OF THIS ARTICLE
19 SHALL PROMULGATE AND PUBLISH PROCEDURES FOR THE APPOINTMENT OF THE
20 COUNTY SUPERINTENDENT BY THE COUNTY BOARD AND SHALL NOTIFY THE PRINCE
21 GEORGE'S COUNTY HOUSE AND SENATE MEMBERS, THE COUNTY EXECUTIVE, THE
22 COUNTY COUNCIL, AND THE STATE SUPERINTENDENT OF ANY VIOLATIONS OF
23 THOSE PROCEDURES.

24 4-205.

25 (k) (1) The county superintendent shall:

26 [(1)] (I) Take the initiative in the preparation and presentation of the
27 annual school budget; and

28 [(2)] (II) Seek in every way to secure adequate funds from local
29 authorities for the support and development of the public schools in the county.

30 (2) IN PRINCE GEORGE'S COUNTY, THE COUNTY SUPERINTENDENT ALSO
31 SHALL:

32 (I) INCORPORATE THE RECOMMENDATIONS OF THE
33 PERFORMANCE AUDIT AS ESTABLISHED BY § 5-206(G) OF THIS ARTICLE INTO THE
34 ANNUAL SCHOOL BUDGET SUBMITTED TO THE COUNTY BOARD; AND

35 (II) SUBMIT THE PROPOSED ANNUAL SCHOOL BUDGET TO THE
36 MANAGEMENT OVERSIGHT PANEL FOR ITS COMMENTS PRIOR TO SUBMITTING THE
37 BUDGET TO THE COUNTY BOARD.

1 5-101.

2 (f) (1) In addition to all other information required by this section, the
3 Prince George's County Board of Education shall provide to the County Executive and
4 County Council with the annual budget, information relating to each of the following
5 categories:

6 (i) Instructional supplies and materials;

7 (ii) Additional equipment; [and]

8 (iii) Replacement equipment; AND

9 (IV) INFORMATION TECHNOLOGY.

10 (2) For the categories specified in paragraph (1) of this subsection, the
11 following information shall be provided for the public school system in the County:

12 (i) Proposed expenditures for the next school year based on the
13 annual budget;

14 (ii) Estimated expenditures for the current school year; and

15 (iii) Actual expenditures for the prior school year.

16 5-102.

17 (c) (1) This subsection applies only to a county that has a county governing
18 body that consists of a county executive and county council.

19 (2) The county executive shall indicate in writing which major categories
20 of the annual budget of the county board have been denied in whole or reduced in part
21 and the reason for the denial or reduction.

22 (3) The county council may restore any denial or reduction made by the
23 county executive in the annual budget submitted by the county board.

24 (4) In Baltimore County, the County Council may not restore any denial
25 or reduction made by the County Executive.

26 (5) This item applies to Baltimore County and supersedes item (4) of this
27 subsection only if the voters of Baltimore County approve an amendment to the
28 Baltimore County Charter that grants the County Council the authority to restore
29 any denial or reduction made by the County Executive in the budget submitted by the
30 County Board. The Baltimore County Council may restore any denial or reduction
31 made by the County Executive if it publicly states the amount the restoration
32 represents in the county tax rate.

33 (6) (I) IN PRINCE GEORGE'S COUNTY, THE COUNTY COUNCIL OR THE
34 COUNTY EXECUTIVE MAY DENY IN WHOLE OR REDUCE IN PART ANY ITEM WITHIN
35 ANY MAJOR CATEGORY, SO LONG AS THE TOTAL LEVEL OF APPROPRIATION BY

1 PRINCE GEORGE'S COUNTY IS IN COMPLIANCE WITH THE MAINTENANCE OF EFFORT
2 PROVISIONS OF § 5-202(B)(3)(II) OF THIS TITLE.

3 (II) THE COUNTY EXECUTIVE MAY VETO ANY COUNTY COUNCIL
4 DENIAL, REDUCTION, OR RESTORATION UNDER PARAGRAPH (3) OF THIS SUBSECTION
5 AND, SUBJECT TO THE PROVISIONS OF THE PRINCE GEORGE'S COUNTY CHARTER,
6 THE VETO IS SUBJECT TO OVERRIDE BY THE COUNTY COUNCIL.

7 5-105.

8 (a) All revenues received by a county board shall be spent by the board in
9 accordance with the major categories of its annual budget as provided under § 5-101
10 of this subtitle.

11 (b) (1) (i) A transfer may be made within the major categories without
12 recourse to the county commissioners or county council except that a report of the
13 transfer shall be submitted to the county commissioners or county council within 15
14 days after the end of each month.

15 (ii) A report under subparagraph (i) of this paragraph shall include
16 a narrative summary that clearly indicates each transfer.

17 (2) A transfer between major categories shall be made only with the
18 approval of the county commissioners or county council.

19 (3) If the county commissioners or county council fail to take action on a
20 request for transfer between major categories within 30 days after the receipt of a
21 written request substantiating the transfer, the failure to take action constitutes
22 approval.

23 (4) A county board shall submit to the county governing body a report
24 within 15 days after the end of each month if during that month the county board
25 takes any action that would commit the county board to spend more for the current
26 fiscal year in any major category than the amount approved in the annual budget for
27 that category.

28 (5) A report under paragraph (4) of this subsection shall include a
29 narrative explanation of the action taken, indicating any request for transfer between
30 categories that may become necessary for the fiscal year as a result of the action.

31 (c) Nonlocal funds received by a county board after the adoption of the annual
32 budget by the county fiscal authority may be spent by the county board if the county
33 fiscal authority is notified and approves of:

34 (1) The source and amount of the funds; and

35 (2) The manner of spending the funds.

36 (D) IN PRINCE GEORGE'S COUNTY, THE COUNTY BOARD MAY NOT SPEND ANY
37 REVENUE WITHIN ANY MAJOR CATEGORY IF THE RESULT OF THE EXPENDITURE OR

1 TRANSFER WOULD BE TO VIOLATE ANY REDUCTION IN THE BUDGET OF THE COUNTY
2 BOARD UNDER § 5-102(C)(6) OF THIS TITLE.

3 5-206.

4 (g) (1) For Fiscal Year 1999 and every fiscal year thereafter, the Governor
5 shall include in each year's operating budget funding for the following grants:

6 (i) Effective schools programs in Prince George's County -
7 \$2,000,000;

8 (ii) Pilot integrated student support services project in Prince
9 George's County - \$1,000,000;

10 (iii) Provisional teacher certification and teacher development
11 initiatives in Prince George's County - \$2,500,000; and

12 (iv) Provisional teacher certification and teacher development
13 initiatives statewide except in Prince George's County - \$500,000.

14 (2) The State Superintendent shall establish guidelines and criteria that
15 will be used to distribute funds provided in this subsection.

16 (3) (i) The Prince George's County Board of Education annually shall
17 submit to the Department a plan for the expenditure of funds provided in:

18 1. Paragraph (1) of this subsection for effective schools
19 programs; and

20 2. Chapter 105 of the Acts of the General Assembly of 1997
21 for the Magnet Schools Program, which, notwithstanding any other provision of law,
22 may be directed to support Magnet and other effective schools programs.

23 (ii) The plan shall include:

24 1. Funds for academic programs to support research-proven
25 strategies that enhance instruction and student performance; and

26 2. Strong monitoring and evaluation components.

27 (iii) The State Superintendent shall review the plan and approve it
28 before releasing the funds each year.

29 (4) (I) There shall be a performance audit of the Prince George's
30 County public schools conducted by an independent audit firm.

31 (II) THE PRINCE GEORGE'S COUNTY BOARD SHALL IMPLEMENT
32 EACH OF THE RECOMMENDATIONS OF THE PERFORMANCE AUDIT, UNLESS THE
33 MANAGEMENT OVERSIGHT PANEL AS ESTABLISHED IN THIS SUBSECTION ISSUES A
34 PRIOR WRITTEN WAIVER FOR A SPECIFIED RECOMMENDATION AT THE REQUEST OF
35 THE COUNTY BOARD.

1 (III) THE PRINCE GEORGE'S COUNTY BOARD SHALL PROVIDE THE
2 MANAGEMENT OVERSIGHT PANEL WITH PRIOR NOTIFICATION OF PROPOSED
3 PERSONNEL AND PROCUREMENT ACTIONS, ALLOWING THE MANAGEMENT
4 OVERSIGHT PANEL THE OPPORTUNITY TO ASSESS WHETHER THE
5 RECOMMENDATIONS OF THE PERFORMANCE AUDIT HAVE BEEN CONSIDERED.

6 (5) The fiscal 1998 financial audit of the Prince George's County school
7 system shall be performed by an independent auditor and shall include a review of
8 internal financial controls and proper classification of expenditures.

9 (6) (i) There shall be a Management Oversight Panel which shall
10 assist in developing the scope of the performance audit, meet periodically with the
11 auditors to monitor the progress of the performance audit and of the financial audit,
12 review the findings and recommendations of both audits, and monitor
13 implementation of the audits' recommendations for a four-year period.

14 (ii) The Management Oversight Panel shall consist of nine
15 members jointly appointed by the Governor, the Prince George's County Executive,
16 and the Chairperson of the Prince George's County Board of Education from a list of
17 nominations submitted by the State Board of Education, ONE MEMBER APPOINTED
18 BY THE CHAIRPERSON OF THE PRINCE GEORGE'S COUNTY SENATORS, AND ONE
19 MEMBER APPOINTED BY THE CHAIRPERSON OF THE PRINCE GEORGE'S COUNTY
20 DELEGATION.

21 (iii) The Management Oversight Panel shall be comprised of:

22 1. Four individuals who have extensive expertise in
23 management or business enterprises;

24 2. Three individuals who have extensive expertise in the
25 education field; [and]

26 3. Two individuals who are parents of students in the Prince
27 George's County public schools, at least one of whom has a child in special education;

28 4. ONE MEMBER OF THE SENATE OF MARYLAND FROM
29 PRINCE GEORGE'S COUNTY; AND

30 5. ONE MEMBER OF THE MARYLAND HOUSE OF DELEGATES
31 FROM PRINCE GEORGE'S COUNTY.

32 (iv) A majority of the members of the Management Oversight Panel
33 shall be residents of Prince George's County.

34 (v) The Governor, the Prince George's County Executive, and the
35 Chairman of the Prince George's County Board of Education jointly shall designate a
36 Chairman of the Management Oversight Panel.

37 (vi) The Management Oversight Panel shall assist in developing the
38 scope of a performance audit and shall meet periodically with the Board Chairperson,

1 the County Executive, and the County Council Chairperson to monitor the progress of
2 the audit.

3 (vii) At the conclusion of the performance audit and the financial
4 audit, the Management Oversight Panel shall review the findings and
5 recommendations of the audits and report to the Governor, General Assembly, Prince
6 George's County Council, Prince George's County Executive, and Prince George's
7 County Board of Education:

8 1. On the audits' findings and recommendations; and

9 2. Annually on implementation of the audits'
10 recommendations.

11 (VIII) THE MANAGEMENT OVERSIGHT PANEL SHALL PROMULGATE
12 AND PUBLISH A PROTOCOL FOR JOINT COMMUNICATIONS WITH, AND REQUESTS FOR,
13 INFORMATION TO THE COUNTY BOARD AND THE COUNTY SUPERINTENDENT AND
14 SHALL NOTIFY THE PRINCE GEORGE'S COUNTY SENATORS AND THE PRINCE
15 GEORGE'S COUNTY DELEGATION, THE COUNTY EXECUTIVE, THE COUNTY COUNCIL
16 AND THE STATE SUPERINTENDENT OF ANY BREACHES OF THAT PROTOCOL BY THE
17 COUNTY BOARD OR THE COUNTY SUPERINTENDENT.

18 (IX) THE MANAGEMENT OVERSIGHT PANEL MAY MEET AND
19 DELIBERATE IN EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING THE
20 IMPLEMENTATION OF PERFORMANCE AUDIT RECOMMENDATIONS WITH THE
21 COUNTY BOARD, THE COUNTY SUPERINTENDENT, AND EMPLOYEES OF THE COUNTY
22 BOARD, PROVIDED THAT ALL ACTIONS OF THE MANAGEMENT OVERSIGHT PANEL,
23 TOGETHER WITH THE INDIVIDUAL VOTE OF EACH MEMBER, IS CONTAINED IN A
24 PUBLIC RECORD.

25 (X) THE AFFIRMATIVE VOTE OF THE MEMBERS OF THE
26 MANAGEMENT OVERSIGHT PANEL FOR THE PASSAGE OF A MOTION BY THE
27 MANAGEMENT OVERSIGHT PANEL SHALL BE A MAJORITY OF THE MEMBERS
28 PRESENTLY AUTHORIZED TO SERVE.

29 (7) The State shall provide one-third of the total cost of the performance
30 audit up to \$200,000, with release of the funds contingent on appointment of the
31 Management Oversight Panel.

32 (8) (i) There shall be a coordination office with staff appointed by the
33 Management Oversight Panel.

34 (ii) The coordination office shall provide support to the
35 Management Oversight Panel and serve as liaison between the State, Prince George's
36 County, and the Management Oversight Panel for the duration of the four-year
37 period.

38 (iii) The State shall fund the total operating costs of the
39 coordination office.

1 SECTION 2. AND BE IT FURTHER ENACTED, That all laws or parts of laws,
2 public general or public local, inconsistent with this Act, are repealed to the extent of
3 the inconsistency.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall remain
5 effective until June 30, 2001, and, at the end of June 30, 2001, with no further action
6 required by the General Assembly, this Act shall be abrogated and of no further force
7 and effect.

8 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency
9 measure, is necessary for the immediate preservation of the public health and safety,
10 has been passed by a ye and nay vote supported by three-fifths of all the members
11 elected to each of the two Houses of the General Assembly, and shall take effect from
12 the date it is enacted.