

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 1071

(Prince George's County Senators)(By Request - Prince
George's County Administration)

Education, Health, and Environmental Affairs

Prince George's County - School System - Academic Revitalization and
Management Effectiveness Initiative

This bill alters the membership of the Prince George's County Board of Education, by adding two appointed members and one *ex officio* member, as well as three nonvoting representatives appointed by certain higher education officials. The bill specifies the purpose and responsibility of the county board of education and requires the board to implement certain policies. The bill also enhances the authority of the Prince George's County superintendent of schools, and designates the position as Chief Executive Officer (CEO). Further, the bill gives the county executive and the county council additional authority over the CEO while reducing the authority of the county board of education. The bill expresses the intent that the county executive be actively involved in selecting the new CEO. A consultant must be hired to make certain recommendations in a biennial report. An Integrated School Governance Advisory Commission, which must report certain findings and recommendations, is established.

The bill takes effect June 1, 2013. Provisions regarding the advisory commission terminate May 31, 2014.

Fiscal Summary

State Effect: General fund expenditures for the State Board of Elections decrease by an undetermined amount due to the repeal of potential special elections. Revenues are not affected.

Local Effect: Prince George's County expenditures increase by \$100,000 in FY 2016 and every other subsequent fiscal year through FY 2022 to produce the required biennial report. Prince George's County Board of Education expenditures increase by up to \$29,400 annually to cover costs associated with the additional members and

representatives. One-time county school system costs total as much as \$79,600 in FY 2014 for board room renovation and for personnel-related equipment purchases. Prince George's County Board of Elections expenditures decrease by \$200,000 to \$250,000 per special election that is avoided under the bill. Savings on an annual basis will be considerably lower given the infrequency of special elections under current law.

Small Business Effect: None.

Analysis

Bill Summary: The bill expresses certain findings of the General Assembly regarding the current state of the Prince George's County public school system and results for students and the need for a new governance structure. The bill also provides the following:

County Board of Education Structure, Terms, and Compensation

The Prince George's County Board of Education is altered from a 10-member board including 9 elected members, and 1 student member to a 13-member board, which also includes 2 appointed voting members as well as the president of the Prince George's County Council of Parent Teacher Associations, who is an *ex officio* member with limited voting rights and who may be excluded from certain executive sessions of the board.

One member is appointed by the county executive and must possess a high level of knowledge and expertise concerning education. Also, one member is appointed by the county council and must possess a high level of knowledge and expertise concerning the successful administration of a large entity, and must have also served in a high-level management position within a large entity. In addition, three nonvoting representatives are appointed by the presidents of Prince George's Community College, Bowie State University, and the University of Maryland, College Park.

Appointed members must be Prince George's County residents and serve four-year terms. The county executive, with confirmation from the county council, fills elected member vacancies. The two appointed members do not receive a salary but are entitled to a maximum of \$7,000 per fiscal year in allowances for travel and other expenses, and may be provided health insurance and other fringe benefits as provided to other board of education employees.

County Board of Education Purpose and Policies

The bill specifies that the purpose of the county board of education is to raise the level of academic achievement in the public school system and to raise the level of engagement of parents, students, and the community as a whole. The board must implement policies that further this purpose and is responsible for academic achievement. Board policies must identify the actions that the CEO must study and recommend to the board as necessary to:

- address efforts to achieve full organizational and instructional integration of special education and general education;
- provide effective curriculum and instructional programs;
- review the requirement of a demonstrated student achievement portfolio for the performance-based evaluation system for teachers and principals;
- provide an effective administration tool for gathering information and data on the capacity to accurately track student enrollment, attendance, academic records, discipline records, and compliance with provisions of the Individuals with Disabilities Education Act;
- develop an effective system of providing instructional materials and support services;
- develop and evaluate model school reform initiatives;
- develop a process for the validation, analysis, and distribution of student test data;
- provide appropriate methods for student assessment and remediation;
- develop and implement a certain student code of discipline;
- assist with development of parental involvement training for principals and assistant principals;
- include measurable outcomes and time lines for implementation and evaluation of engagement and student academic achievement policies; and
- assist in developing an effective system of teacher input regarding school policies, curriculum, instruction, and professional development.

Also, the board of education must consult with the CEO before entering into certain agreements for cooperative or joint administration programs with the county government.

Chief Executive Officer

The CEO is appointed by the county executive and reports directly to, and serves in the cabinet of, the county executive. The State Superintendent of Schools must approve the appointment or give the reasons for disapproval to the county board and the county executive. The CEO serves at the pleasure of the county executive for a four-year term

beginning July 1 and receives the compensation set by the county executive. The bill provides for either reappointment of the CEO, appointment of a new CEO, and in the case of a vacancy, appointment of an interim CEO. In administering the CEO's office, the CEO acts under the rules and regulations of the Prince George's County executive branch.

The CEO is responsible for overall administration of the county school system and for the day-to-day management and oversight of the fiscal affairs of the school system. The board of education generally may not implement a policy or take any action that contradicts the CEO's day-to-day management and oversight of fiscal affairs, but the county board may with a vote of two-thirds of all voting members take an action contrary to the action of the CEO. The CEO is also responsible for the development and implementation of curriculum and instruction and for identifying a chief operating officer (COO) and chief financial officer (CFO). The CEO, in consultation with the county board of education, also may determine the geographical attendance area for each public school and consolidate schools if practicable.

Consultant to Review the County School System

The CEO must hire a consultant who must by December 31, 2015, and then every other December 31, complete a review of the Prince George's County public school system. The consultant must determine whether there has been academic progress and improvement in the management of public schools, and report findings to the Senate Education, Health, and Environmental Affairs Committee; the House Ways and Means Committee; and the Prince George's County Senators and Delegation. In the final report due by December 31, 2021, the consultant must include recommendations concerning the continuation, modification, or termination of the public school governance system established by the bill. During the 2022 regular legislative session, the General Assembly must deliberate and determine whether to terminate provisions of the bill; if the General Assembly takes no action to terminate the bill's provisions, the bill continues in full force and effect.

Integrated School Governance Advisory Commission

The Integrated School Governance Advisory Commission includes 15 members, with 1 member from the Senate, 1 member from the House of Delegates, 1 member from the county council, and 12 members appointed by the county executive. The commission must study the implementation of the public school governance structure established by the bill. By December 31, 2013, the advisory commission must report its findings to the Senate Education, Health, and Environmental Affairs Committee; the House Ways and Means Committee; and the Prince George's County Senators and Delegation. The report must include a baseline assessment of the implementation of integrated school

governance for the county public school system and include recommendations for future consideration by the General Assembly.

Current Law: The Prince George's County Board of Education consists of nine elected members, each residing in one of nine school board districts, as well as one student member with limited voting rights. Each candidate must be a registered voter and a resident of the school board district he or she intends to represent. Board members are elected by the registered voters of each school board district and serve four-year terms.

The board chair receives an annual salary of \$19,000, while other board members (except the student member, who receives no salary) receive an annual salary of \$18,000. Elected members receive health insurance and other fringe benefits regularly provided to board employees. All members are entitled to a maximum of \$7,000 per fiscal year in allowances for travel and other expenses, as provided in the county budget. A seat on the board remains vacant if the vacancy occurs within 180 days of the end of the member's term; otherwise a special election is held to fill the vacancy.

The county board has the authority to determine the geographical attendance area for each public school and to consolidate schools if practicable.

Background: Chapter 289 of 2002 (HB 949) eliminated the then-existing Prince George's County Board of Education and established a new county board of education. The new board consisted of nine voting members jointly appointed by the county executive and the Governor from a list of nominees submitted by the State Board of Education. At least four voting members had to have management experience, at least three members had to possess a high level of knowledge concerning education, at least one member had to be a parent of a student in a Prince George's County public school, and at least one member had to have knowledge or experience in the education of students with disabilities. In addition to the nine voting members, one student with limited voting privileges served on the new board. The new board members took office June 1, 2002, and their terms expired December 3, 2006.

Chapter 289 also eliminated the existing Prince George's County Superintendent of Schools position and replaced it with a CEO. The CEO acted as the executive officer, secretary, and treasurer of the new board and was responsible for the overall administration of the county public school system. The new board employed and established the salary of the CEO. The CEO's contract, which could not exceed four years, provided that continued employment was contingent on demonstrable improvement in student performance and successful management of the school system. The provisions establishing the CEO and the CEO's responsibilities expired on June 30, 2006.

Chapter 289 also required the CEO to select and establish salaries for a Chief Academic Officer (CAO), a CFO, and a Chief Accountability Officer for the Prince George's County public school system. The selection of officers and establishment of officers' salaries were subject to the approval of the new board. The CAO and the chief accountability officer positions expired on June 30, 2006, but the CFO position continued past that date.

Pursuant to Chapter 289, on December 4, 2006, a newly elected board replaced the appointed board. The board consisted of nine elected members and one student member. Four were elected from anywhere in the county, and the remaining five were each elected from a different school board district. Chapters 348 and 349 of 2008 (SB 33/HB 1041) repealed the statutory position of CFO for the Prince George's County public school system and established, following the 2010 general election, the board structure described in the Current Law section above.

The Prince George's County Board of Education is 1 of 18 elected school boards in the State. There are four appointed school boards in the State and two counties have hybrid boards including both elected and appointed members.

State Fiscal Effect: The bill repeals special elections for certain vacancies on the Prince George's County Board of Education. The State Board of Elections advises that its expenditures will decrease by approximately \$15,000 for each special election that is made unnecessary by the bill.

Local Fiscal Effect: Prince George's County school system expenditures increase by approximately \$27,600 annually to cover travel reimbursements and phone costs for three members, and to provide health insurance to the two appointed members that are added to the county board of education. If the three representatives to the board are provided phone services, the annual costs increase to \$29,400.

One-time costs in fiscal 2014 include \$1,600 per member for a laptop computer, printer, and cellular phone. If this cost is applied to the three additional board members and to the three representatives to the board, one-time personnel costs in fiscal 2014 total \$9,600. There may be additional costs of up to \$70,000 in fiscal 2014 to renovate the board room for the purpose of accommodating new members and representatives.

Prince George's County expenditures increase by approximately \$100,000 in fiscal 2016 and every other subsequent fiscal year through fiscal 2022 to cover costs to hire a consultant to complete the required biennial review of the county school system. Any expense reimbursements for advisory commission members are assumed to be minimal and absorbable within existing resources of Prince George's County. The Prince George's County Board of Elections advises that there has not been a special election for a board of education vacancy, but that based on expenditures for county council special elections, such an election would cost the county approximately \$200,000

to \$250,000. County expenditures decrease accordingly per each special election made unnecessary by the bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Prince George's County, Maryland State Department of Education, State Board of Elections, Department of Legislative Services

Fiscal Note History: First Reader - March 28, 2013
ncs/hlb

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