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By: **Prince George's County Delegation**  
Introduced and read first time: February 9, 1998  
Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Board of Education - Appointment of Members**  
3 **PG 420-98**

4 FOR the purpose of requiring the regular members of the Prince George's County  
5 Board of Education to be appointed rather than elected; specifying the terms of  
6 the initial regular members of the County Board; providing for the termination  
7 of the terms of the elected members of the County Board serving on the effective  
8 date of this Act; repealing provisions relating to the election of the County  
9 Board; and generally relating to the Prince George's County Board of Education.

10 BY renumbering  
11 Article - Education  
12 Section 3-1004 through 3-1007, respectively  
13 to be Section 3-113.4 through 3-113.7, respectively  
14 Annotated Code of Maryland  
15 (1997 Replacement Volume and 1997 Supplement)

16 BY repealing  
17 Article - Education  
18 Section 3-1001 and the subtitle "Subtitle 10. Prince George's County"  
19 Annotated Code of Maryland  
20 (1997 Replacement Volume and 1997 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article - Education  
23 Section 3-1002, 3-1003, and 3-114(a)  
24 Annotated Code of Maryland  
25 (1997 Replacement Volume and 1997 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
27 MARYLAND, That Section(s) 3-1004 through 3-1007, respectively, of Article -

1 Education of the Annotated Code of Maryland be renumbered to be Section(s) 3-113.4  
2 through 3-113.7, respectively.

3 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3-1001 and  
4 the subtitle "Subtitle 10. Prince George's County" of Article - Education of the  
5 Annotated Code of Maryland be repealed.

6 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
7 read as follows:

8 **Article - Education**

9 [3-1002.] 3-113.2.

10 [(a) In this subtitle, "elected member" means one of the nine elected members  
11 of the Prince George's County Board or a member appointed to fill a vacancy of one of  
12 these nine members.]

13 [(b)] (A) The Prince George's County Board consists of nine [elected]  
14 REGULAR members and one student member selected under subsection [(f)(2)] (B) of  
15 this section.

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

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

22 (3) An elected County Board member shall forfeit his office if he:

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

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

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

28 (5) Each elected member of the County Board shall be nominated by the  
29 registered voters of his school board district.

30 (d) Members of the Prince George's County Board shall be elected:

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

33 (2) By the registered voters of his 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)] (B) (1) The student member shall be an eleventh or twelfth grade  
17 student in the Prince George's County public school system during the student's term  
18 in office.

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

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

28 (i) Capital and operating budgets;

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

30 (iii) Collective bargaining decisions;

31 (iv) Student disciplinary matters;

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

34 (vi) Other personnel matters.

35 (4) On an affirmative vote of a majority of the [elected] REGULAR  
36 members of the County Board, the Board may determine if a matter before the Board

1 relates to a subject that the student member may not vote on under paragraph (3) of  
2 this 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)] (C) (1) [Each elected member serves for a term of 4 years beginning on  
8 the first Monday in December after his election and until his successor is elected and  
9 qualifies.] The terms of REGULAR members are staggered as required by the terms of  
10 the REGULAR members serving on the County Board as of July 1, [1978] 1998.

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] APPOINTED and qualifies  
16 [at the next Congressional election].

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

21 (2) The members from school board districts III, VI, and IX who were  
22 elected at the November 6, 1973 election serve until the first Monday in December,  
23 1980 and may seek reelection in 1980 for a 4-year term.]

24 [(i)] (D) (1) With the approval of the Governor, the State Board may remove  
25 a member of the County Board for any of the following reasons:

26 (i) Immorality;

27 (ii) Misconduct in office;

28 (iii) Incompetency; or

29 (iv) Willful neglect of duty.

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

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

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

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

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

5 [3-1003.] 3-113.3.

6 (a) From and after July 1, 1988, at the beginning of each REGULAR member's  
7 full term, the Chairman of the PRINCE GEORGE'S County Board is entitled to receive  
8 \$14,000 annually as compensation and the other [elected] REGULAR members are  
9 each entitled to receive \$13,000 annually as compensation.

10 (b) Until the salaries of the Chairman and REGULAR members of the County  
11 Board are established in accordance with the provisions of subsection (a) of this  
12 section:

13 (1) The Chairman of the County Board shall be paid at the rate of \$8,500  
14 annually; and

15 (2) The other [elected] REGULAR members of the County Board shall be  
16 paid at the rate of \$8,000 annually.

17 (c) After submitting vouchers under the rules and regulations adopted by the  
18 County Board, the Chairman and the other members, including the student member,  
19 are entitled to the allowances for travel and other expenses provided in the Prince  
20 George's County budget.

21 3-114.

22 (a) In the following counties, the members of the county board shall be elected:

23 (1) Allegany;

24 (2) Calvert;

25 (3) Carroll;

26 (4) Charles;

27 (5) Garrett;

28 (6) Howard;

29 (7) Kent;

30 [(8) Prince George's;]

31 [(9)] (8) Montgomery;

32 [(10)] (9) St. Mary's;

1            [(11)] (10) Somerset; and

2            [(12)] (11) Washington.

3        SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the elected  
4 members of the Prince George's County Board of Education serving on the effective  
5 date of this Act shall terminate on July 1, 1998.

6        SECTION 5. AND BE IT FURTHER ENACTED, That the terms of the regular  
7 members of the Prince George's County Board of Education initially appointed under  
8 this Act shall expire as follows:

9        (1)        One member in 1999;

10       (2)        Two members in 2000;

11       (3)        Two members in 2001;

12       (4)        Two members in 2002; and

13       (5)        Two members in 2003.

14       SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 July 1, 1998.