

HOUSE BILL 831
EMERGENCY BILL

Unofficial Copy
F3

1999 Regular Session
(91r0342)

ENROLLED BILL

-- Ways and Means/Economic and Environmental Affairs --

Introduced by **Prince George's County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

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 requiring members of the management~~
7 ~~oversight panel to participate in a certain manner in the selection of a new~~
8 ~~School Superintendent; providing for the establishment of an audit office for~~
9 ~~certain purposes with certain funding; requiring the School Superintendent to~~
10 ~~incorporate the consider and incorporate certain recommendations of the~~
11 ~~performance audit into the annual school budget, subject to a certain exception;~~
12 ~~requiring the School Superintendent to submit the budget to the Management~~
13 ~~Oversight Panel for comment at a certain time; requiring the Board of~~
14 ~~Education School Superintendent to provide certain information in a certain~~
15 ~~manner to the County Executive and County Council with the annual budget;~~
16 ~~authorizing the County Council and County Executive to deny or reduce certain~~

1 items within the Board of Education budget; authorizing the County Executive
 2 to veto certain items and providing for a veto override; prohibiting the County
 3 Board from spending certain revenue if a certain result would occur; requiring
 4 County Council approval of certain transfers, subject to certain conditions and
 5 exceptions; requiring the school system County Board to implement certain
 6 recommendations, unless waived subject to certain conditions; altering the
 7 composition of the Management Oversight Panel; requiring the County Board to
 8 provide the Management Oversight Panel with prior notification of certain
 9 proposed personnel and procurement actions; requiring the Management
 10 Oversight Panel and the County Board to promulgate and publish a certain
 11 protocol for certain communications and requests for information; authorizing
 12 the Management Oversight Panel to meet and deliberate in executive session
 13 under certain conditions; providing for a minimum affirmative vote of the
 14 Management Oversight Panel to take action; making stylistic changes;
 15 authorizing and requiring an interim School Superintendent to be appointed;
 16 and requiring a permanent Superintendent to be appointed by a certain date;
 17 subject to certain conditions; requiring the Management Oversight Panel to
 18 submit annually to the General Assembly a certain report; providing for the
 19 termination of this Act; making this Act an emergency measure; and generally
 20 relating to primary and secondary education in Prince George's County.

21 BY repealing and reenacting, with amendments,
 22 Article - Education
 23 Section 3-1002, ~~3-1004(d)~~, 4-201(b), 4-205(k), ~~5-101(f)~~, ~~5-102(e)~~, 5-105, and
 24 5-206(g)
 25 Annotated Code of Maryland
 26 (1997 Replacement Volume and 1998 Supplement)

27 BY repealing and reenacting, without amendments,
 28 Article - Education
 29 Section ~~3-1004(d)~~ and ~~5-102(e)~~ 3-1004(d), 5-102(c), and 5-105
 30 Annotated Code of Maryland
 31 (1997 Replacement Volume and 1998 Supplement)

32 BY adding to
 33 Article Education
 34 Section ~~3-1008~~
 35 Annotated Code of Maryland
 36 (1997 Replacement Volume and 1998 Supplement)

37 Preamble

38 WHEREAS, The Prince George's County School Board has developed and
 39 approved a Master Plan that provides a long-range action plan to guide the Prince
 40 George's County Public School System in preparing students for successful citizenship
 41 in the twenty-first century; and

1 WHEREAS, The implementation of applicable MGT of America Performance
 2 Audit recommendations will facilitate the attainment of Master Plan priority goals;
 3 and

4 WHEREAS, The Prince George's County Management Oversight Panel and the
 5 Prince George's County School Board have established principles and protocols to
 6 facilitate the review and implementation of the recommendations of the MGT of
 7 America Performance Audit; now, therefore,

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

10 **Article - Education**

11 3-1002.

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

15 (b) The Prince George's County Board consists of nine elected {members and}
 16 ~~MEMBERS~~, one student member selected under subsection (f)(2) of this {section}
 17 ~~SECTION, AND THREE MEMBERS WITH EXTENSIVE EXPERTISE IN MANAGEMENT OR~~
 18 ~~BUSINESS ENTERPRISES APPOINTED BY THE GOVERNOR AND CONFIRMED BY THE~~
 19 ~~COUNTY COUNCIL.~~

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

22 {(1)} ~~(2)~~ A candidate for the County Board shall be a resident of Prince
 23 George's County for at least 3 years and a registered voter of the County before the
 24 election.

25 {(2)} ~~(3)~~ From the time of filing as a candidate for election, each
 26 candidate for the County Board shall reside in the school board district the candidate
 27 seeks to represent.

28 {(3)} ~~(4)~~ An elected County Board member shall forfeit [his] THE office
 29 if [he] THE MEMBER:

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

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

34 {(4)} A County Board member may not hold another office of profit in
 35 county government during ~~his~~ THE MEMBER'S term.}

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

3 (d) ~~{Members} THE ELECTED MEMBERS~~ of the Prince George's County Board
4 shall be elected:

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

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

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

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

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

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

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

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

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

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

34 (i) Capital and operating budgets;

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

36 (iii) Collective bargaining decisions;

- 1 (iv) Student disciplinary matters;
- 2 (v) Teacher and administrator disciplinary matters as provided
3 under § 6-202(a) of this article; and
- 4 (vi) Other personnel matters.

5 (4) On an affirmative vote of a majority of the elected members of the
6 County Board, the Board may determine if a matter before the Board relates to a
7 subject that the student member may not vote on under paragraph (3) of this
8 subsection.

9 (5) Unless invited to attend by an affirmative vote of a majority of the
10 County Board, the student member may not attend an executive session that relates
11 to hearings on appeals of special education placements, hearings held under §
12 6-202(a) of this article, or collective bargaining.

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

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

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

23 ~~(4) A MEMBER APPOINTED BY THE GOVERNOR SERVES WITHOUT~~
24 ~~COMPENSATION FOR A TERM OF 3 YEARS BEGINNING ON THE DATE OF~~
25 ~~APPOINTMENT AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

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

30 (2) The members from school board districts III, VI, and IX who were
31 elected at the November 6, 1973 election serve until the first Monday in December,
32 1980 and may seek reelection in 1980 for a 4-year term.

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

- 35 (i) Immorality;
- 36 (ii) Misconduct in office;

1 (iii) Incompetency; or

2 (iv) Willful neglect of duty.

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

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

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

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

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

14 3-1004.

15 (d) ~~{(1) Except as otherwise provided in paragraph (2) of this subsection, the}~~
16 ~~THE~~ affirmative vote of the members of the County Board for the passage of a motion
17 by the County Board shall be:

18 (i) ~~Six}{SEVEN} members{when the student member is voting; or~~

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

20 (2) When there is one vacancy or more than one vacancy on the County
21 Board, the affirmative vote of the members of the County Board for the passage of a
22 motion by the Board shall be five members}.

23 ~~3-1008.~~

24 ~~(A) THERE IS AN AUDIT OFFICE IN PRINCE GEORGE'S COUNTY WITH STAFF~~
25 ~~APPOINTED BY THE COUNTY BOARD.~~

26 ~~(B) THE AUDIT OFFICE CONSISTS OF:~~

27 ~~(1) ONE INDIVIDUAL WHO HAS EXTENSIVE EXPERIENCE IN FISCAL~~
28 ~~MANAGEMENT AND CONTROLS;~~

29 ~~(2) ONE INDIVIDUAL WHO HAS EXTENSIVE EXPERIENCE IN PERSONNEL~~
30 ~~MANAGEMENT AND RELATIONS; AND~~

31 ~~(3) ONE INDIVIDUAL WHO HAS EXTENSIVE SUPERVISORY EXPERIENCE~~
32 ~~IN THE AREAS OF FISCAL MANAGEMENT AND CONTROLS AND PERSONNEL~~
33 ~~MANAGEMENT AND RELATIONS.~~

1 ~~(C) THE AUDIT OFFICE SHALL PROVIDE SUPPORT TO THE COUNTY BOARD IN~~
2 ~~THE AREAS OF FISCAL MANAGEMENT AND CONTROL AND PERSONNEL~~
3 ~~MANAGEMENT AND RELATIONS.~~

4 ~~(D) THE COUNTY SHALL FUND THE TOTAL OPERATING COSTS OF THE AUDIT~~
5 ~~OFFICE.~~

6 ~~(E) THE AUDIT OFFICE SHALL BE ESTABLISHED ON THE DISSOLUTION OF~~
7 ~~THE COORDINATION OFFICE UNDER § 5-206(G) OF THIS ARTICLE.~~

8 4-201.

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

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

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

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

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

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

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

29 1. Conduct an evaluation of the county superintendent's
30 professional performance; and

31 2. Share the findings of the evaluation with the county
32 superintendent.

33 (iv) 1. By December 1 of the year preceding a year in which the
34 term ends, the county superintendent shall notify the County Board whether the
35 superintendent is a candidate for reappointment. If the superintendent notifies the
36 County Board that the superintendent is not a candidate for reappointment, then the
37 remaining provisions of this paragraph shall not apply.

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

4 (6) (I) THIS PARAGRAPH APPLIES ONLY TO PRINCE GEORGE'S
5 COUNTY.

6 (II) ~~IN CONSULTATION WITH THE COUNTY BOARD, THE~~
7 ~~MANAGEMENT OVERSIGHT PANEL AS ESTABLISHED BY § 5-206(G) OF THIS ARTICLE~~
8 ~~SHALL PROMULGATE AND PUBLISH PROCEDURES FOR THE APPOINTMENT OF THE~~
9 ~~COUNTY SUPERINTENDENT BY THE COUNTY BOARD AND SHALL NOTIFY THE PRINCE~~
10 ~~GEORGE'S COUNTY HOUSE AND SENATE MEMBERS, THE COUNTY EXECUTIVE, THE~~
11 ~~COUNTY COUNCIL, AND THE STATE SUPERINTENDENT OF ANY VIOLATIONS OF~~
12 ~~THOSE PROCEDURES IN THE SELECTION PROCESS FOR THE COUNTY~~
13 ~~SUPERINTENDENT, THE MANAGEMENT OVERSIGHT PANEL ESTABLISHED UNDER §~~
14 ~~5-206(G) OF THIS ARTICLE SHALL PROVIDE ONE MEMBER TO SERVE ON A SELECTION~~
15 ~~CRITERIA COMMITTEE, AND ANOTHER MEMBER TO SERVE ON AN INTERVIEW~~
16 ~~COMMITTEE PARTICIPATE IN THE SEARCH PROCESS TO ENSURE THAT~~
17 ~~IMPLEMENTATION OF THE AUDIT RECOMMENDATIONS IS A KEY CRITERION IN THE~~
18 ~~SELECTION OF A NEW SUPERINTENDENT.~~

19 (III) PRIOR TO BOARD OF EDUCATION APPROVAL OF SELECTION
20 CRITERIA TO BE USED IN EVALUATION OF CANDIDATES FOR SUPERINTENDENT, THE
21 MANAGEMENT OVERSIGHT PANEL SHALL RECEIVE A COPY OF THE PROPOSED
22 CRITERIA AND MAKE RECOMMENDATIONS TO THE BOARD REGARDING HOW THE
23 AUDIT RECOMMENDATIONS ARE ADDRESSED IN THE CRITERIA AND HOW
24 PROSPECTIVE CANDIDATES SHOULD BE EVALUATED ON THIS ISSUE.

25 (IV) THE MANAGEMENT OVERSIGHT PANEL SHALL PROVIDE A
26 BRIEF DESCRIPTION OF THE ROLE OF THE PANEL AND THE STATUS OF THE AUDIT
27 RECOMMENDATIONS, WHICH SHALL BE INCLUDED IN THE MATERIALS PROVIDED TO
28 PROSPECTIVE CANDIDATES FOR SUPERINTENDENT.

29 (V) THE MANAGEMENT OVERSIGHT PANEL AND THE BOARD OF
30 EDUCATION SHALL JOINTLY BRIEF THE FINAL CANDIDATES FOR SUPERINTENDENT
31 ON THE ROLE OF THE MANAGEMENT OVERSIGHT PANEL AND THE AUDIT
32 RECOMMENDATIONS AFTER THE BOARD SELECTS THE FINAL CANDIDATES AND
33 PRIOR TO THE BOARD SELECTING A NEW SUPERINTENDENT.

34 4-205.

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

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

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

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

3 (I) ~~EXCEPT AS PROVIDED IN § 5-206(G)(4) OF THIS ARTICLE,~~
4 ~~INCORPORATE THE RECOMMENDATIONS OF THE PERFORMANCE AUDIT AS~~
5 ~~ESTABLISHED BY § 5-206(G) OF THIS ARTICLE INTO THE ANNUAL SCHOOL BUDGET~~
6 ~~SUBMITTED TO THE COUNTY BOARD; AND~~

7 (H) ~~SUBMIT THE PROPOSED ANNUAL SCHOOL BUDGET TO THE~~
8 ~~MANAGEMENT OVERSIGHT PANEL FOR ITS COMMENTS PRIOR TO~~ CONCURRENT
9 WITH ~~SUBMITTING THE BUDGET TO THE COUNTY BOARD;~~ BOARD; AND

10 (II) SUBMIT SUPPLEMENTAL INFORMATION RELATING TO
11 INFORMATION TECHNOLOGY EXPENDITURES BY STATE REPORTING CATEGORIES.

12 ~~5-101.~~

13 (F) (1) ~~In addition to all other information required by this section, the~~
14 ~~Prince George's County Board of Education shall provide to the County Executive and~~
15 ~~County Council with the annual budget, information relating to each of the following~~
16 ~~categories:~~

17 (i) ~~Instructional supplies and materials;~~

18 (ii) ~~Additional equipment; [and]~~

19 (iii) ~~Replacement equipment; AND~~

20 (IV) ~~INFORMATION TECHNOLOGY.~~

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

23 (i) ~~Proposed expenditures for the next school year based on the~~
24 ~~annual budget;~~

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

26 (iii) ~~Actual expenditures for the prior school year.~~

27 (3) ~~IN PRINCE GEORGE'S COUNTY, THE INFORMATION REQUIRED BY~~
28 ~~THIS SECTION SHALL BE PROVIDED BY LINE ITEM IN EACH CATEGORY.~~

29 ~~5-102.~~

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

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

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

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

5 (5) This item applies to Baltimore County and supersedes item (4) of this
6 subsection only if the voters of Baltimore County approve an amendment to the
7 Baltimore County Charter that grants the County Council the authority to restore
8 any denial or reduction made by the County Executive in the budget submitted by the
9 County Board. The Baltimore County Council may restore any denial or reduction
10 made by the County Executive if it publicly states the amount the restoration
11 represents in the county tax rate.

12 (6) (I) ~~IN PRINCE GEORGE'S COUNTY, THE COUNTY COUNCIL OR THE~~
13 ~~COUNTY EXECUTIVE MAY DENY IN WHOLE OR REDUCE IN PART ANY ITEM WITHIN~~
14 ~~ANY MAJOR CATEGORY, SO LONG AS THE TOTAL LEVEL OF APPROPRIATION BY~~
15 ~~PRINCE GEORGE'S COUNTY IS IN COMPLIANCE WITH THE MAINTENANCE OF EFFORT~~
16 ~~PROVISIONS OF § 5-202(B)(3)(II) OF THIS TITLE.~~

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

21 5-105.

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

25 (b) (1) (i) ~~A EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS~~
26 ~~PARAGRAPH, A~~ A transfer may be made within the major categories without recourse
27 to the county commissioners or county council except that a report of the transfer
28 shall be submitted to the county commissioners or county council within 15 days after
29 the end of each month.

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

32 (III) ~~1: THIS SUBPARAGRAPH APPLIES IN PRINCE GEORGE'S~~
33 ~~COUNTY.~~

34 ~~2: EXCEPT AS REQUIRED BY STATE OR FEDERAL LAW OR IN~~
35 ~~AN EMERGENCY, A TRANSFER THAT EXCEEDS \$100,000 OR 10% OF A LINE ITEM,~~
36 ~~WHICHEVER IS GREATER, WITHIN A MAJOR CATEGORY SHALL BE MADE ONLY WITH~~
37 ~~THE APPROVAL OF THE COUNTY COUNCIL.~~

38 ~~3: THE COUNTY BOARD SHALL PROMPTLY NOTIFY THE~~
39 ~~COUNTY COUNCIL OF:~~

1 ~~A. ANY TRANSFER MADE IN EXCESS OF THE AMOUNTS~~
2 ~~STATED IN ITEM 2 OF THIS SUBPARAGRAPH WITHOUT APPROVAL OF THE COUNTY~~
3 ~~COUNCIL; AND~~

4 ~~B. THE REASONS FOR THE TRANSFER.~~

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

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

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

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

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

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

23 (2) The manner of spending the funds.

24 ~~(D) IN PRINCE GEORGE'S COUNTY, THE COUNTY BOARD MAY NOT SPEND ANY~~
25 ~~REVENUE WITHIN ANY MAJOR CATEGORY IF THE RESULT OF THE EXPENDITURE OR~~
26 ~~TRANSFER WOULD BE TO VIOLATE ANY REDUCTION IN THE BUDGET OF THE COUNTY~~
27 ~~BOARD UNDER § 5-102(C)(6) OF THIS TITLE.~~

28 5-206.

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

31 (i) Effective schools programs in Prince George's County -
32 \$2,000,000;

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

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

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

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

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

7 1. Paragraph (1) of this subsection for effective schools
8 programs; and

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

12 (ii) The plan shall include:

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

15 2. Strong monitoring and evaluation components.

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

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

20 ~~(H) THE PRINCE GEORGE'S COUNTY SUPERINTENDENT SHALL~~
21 ~~PREPARE A SUBMISSION TO THE COUNTY BOARD EXPLAINING HOW EACH~~
22 ~~RECOMMENDATION OF THE PERFORMANCE AUDIT IS TO BE IMPLEMENTED IN THE~~
23 ~~BUDGET AND OPERATIONS OF THE COUNTY PUBLIC SCHOOLS. IF A SPECIFIC~~
24 ~~RECOMMENDATION IS NOT TO BE IMPLEMENTED, THE SUBMISSION SHALL INCLUDE,~~
25 ~~IN WRITING, THE SPECIFIC REASONS WHY THE RECOMMENDATION IS NOT TO BE~~
26 ~~IMPLEMENTED.~~

27 ~~(H) (III) THE PRINCE GEORGE'S COUNTY BOARD SHALL~~
28 ~~IMPLEMENT EACH OF THE RECOMMENDATIONS OF THE PERFORMANCE AUDIT,~~
29 ~~UNLESS THE MANAGEMENT OVERSIGHT PANEL AS ESTABLISHED IN THIS~~
30 ~~SUBSECTION ISSUES A PRIOR WRITTEN WAIVER FOR A SPECIFIED~~
31 ~~RECOMMENDATION AT THE REQUEST OF THE COUNTY BOARD EXCEPT FOR A~~
32 ~~SPECIFIC RECOMMENDATION THAT THE COUNTY BOARD REJECTS FOR SPECIFIC~~
33 ~~REASONS, OF WHICH THE COUNTY BOARD NOTIFIES THE MANAGEMENT OVERSIGHT~~
34 ~~PANEL, THE COUNTY EXECUTIVE, AND THE COUNTY COUNCIL IN WRITING.~~

35 ~~(H) (IV) (II)~~ THE PRINCE GEORGE'S COUNTY BOARD SHALL
36 PROVIDE THE MANAGEMENT OVERSIGHT PANEL WITH PRIOR NOTIFICATION OF
37 PROPOSED PERSONNEL ACTIONS RELATED TO SENIOR POSITIONS AND
38 SUBSTANTIAL PROCUREMENT ACTIONS, ALLOWING THE MANAGEMENT OVERSIGHT

1 PANEL THE OPPORTUNITY TO ASSESS WHETHER THE RECOMMENDATIONS OF THE
2 PERFORMANCE AUDIT HAVE BEEN CONSIDERED.

3 (III) THE STATE SUPERINTENDENT OF SCHOOLS SHALL
4 DETERMINE WHICH PERSONNEL AND PROCUREMENT ACTIONS MUST BE
5 SUBMITTED TO THE MANAGEMENT OVERSIGHT PANEL AS PROVIDED BY
6 SUBPARAGRAPH (II) OF THIS PARAGRAPH.

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

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

15 (ii) The Management Oversight Panel shall consist of ~~nine~~ 11 NINE
16 members jointly appointed by the Governor, the Prince George's County Executive,
17 and the Chairperson of the Prince George's County Board of Education from a list of
18 nominations submitted by the State Board of Education, ~~ONE MEMBER APPOINTED~~
19 ~~BY THE CHAIRPERSON OF THE PRINCE GEORGE'S COUNTY SENATORS, AND ONE~~
20 ~~MEMBER APPOINTED BY THE CHAIRPERSON OF THE PRINCE GEORGE'S COUNTY~~
21 ~~DELEGATION.~~

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

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

25 2. Three individuals who have extensive expertise in the
26 education field; ~~{and}~~

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

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

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

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

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

1 (vi) The Management Oversight Panel shall assist in developing the
 2 scope of a performance audit and shall meet periodically with the Board Chairperson,
 3 the County Executive, and the County Council Chairperson to monitor the progress of
 4 the audit.

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

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

11 2. Annually on implementation of the audits'
 12 recommendations.

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

21 (IX) ~~THE MANAGEMENT OVERSIGHT PANEL MAY MEET AND~~
 22 ~~DELIBERATE IN EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING THE~~
 23 ~~IMPLEMENTATION OF PERFORMANCE AUDIT RECOMMENDATIONS WITH THE~~
 24 ~~COUNTY BOARD, THE COUNTY SUPERINTENDENT, AND EMPLOYEES OF THE COUNTY~~
 25 ~~BOARD, PROVIDED THAT ALL ACTIONS OF THE MANAGEMENT OVERSIGHT PANEL,~~
 26 ~~TOGETHER WITH THE INDIVIDUAL VOTE OF EACH MEMBER, IS CONTAINED IN A~~
 27 ~~PUBLIC RECORD BOARD TO DISCUSS ANY MATTER WHICH THE MANAGEMENT~~
 28 ~~OVERSIGHT PANEL AND THE COUNTY BOARD MAY SEPARATELY DISCUSS IN~~
 29 ~~EXECUTIVE SESSION.~~

30 (X) THE AFFIRMATIVE VOTE OF THE MEMBERS OF THE
 31 MANAGEMENT OVERSIGHT PANEL FOR THE PASSAGE OF A MOTION BY THE
 32 MANAGEMENT OVERSIGHT PANEL SHALL BE A MAJORITY OF THE MEMBERS
 33 PRESENTLY AUTHORIZED TO SERVE.

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

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

39 (ii) The coordination office shall provide support to the
 40 Management Oversight Panel and serve as liaison between the State, Prince George's

1 County, and the Management Oversight Panel for the duration of the four-year
2 period.

3 (iii) The State shall fund the total operating costs of the
4 coordination office.

5 ~~SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding §~~
6 ~~4-201(b) of the Education Article, and subject to Section 3 of this Act, the Prince~~
7 ~~George's County Board of Education may appoint an interim Superintendent to serve~~
8 ~~a term of no longer than 2 years starting July 1, 1999.~~

9 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the Prince George's~~
10 ~~County Board of Education shall appoint an interim Superintendent no later than~~
11 ~~June 15, 1999. The interim Superintendent shall serve until the permanent~~
12 ~~Superintendent takes office. The interim Superintendent is not eligible for~~
13 ~~appointment as the permanent Superintendent. The Board shall appoint a~~
14 ~~permanent Superintendent by June 15, 2000, unless extenuating circumstances exist~~
15 ~~as determined by the Board, in consultation with the State Board of Education. In~~
16 ~~this event, the Board shall appoint a permanent Superintendent no later than~~
17 ~~December 31, 2000.~~

18 ~~SECTION 2. 4. 2.~~ AND BE IT FURTHER ENACTED, That all laws or parts of
19 laws, public general or public local, inconsistent with this Act, are repealed to the
20 extent of the inconsistency.

21 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the Management~~
22 ~~Oversight Panel annually shall submit to the General Assembly, in accordance with §~~
23 ~~2-1246 of the State Government Article, a report on the activities of the Panel and its~~
24 ~~communications as established in § 5-206 of the Education Article.~~

25 ~~SECTION 3. 5. 4.~~ AND BE IT FURTHER ENACTED, That this Act shall remain
26 effective until June 30, ~~2001, 2002~~, and, at the end of June 30, ~~2001, 2002~~, with no
27 further action required by the General Assembly, this Act shall be abrogated and of no
28 further force and effect.

29 ~~SECTION 4. 6. 5.~~ AND BE IT FURTHER ENACTED, That this Act is an
30 emergency measure, is necessary for the immediate preservation of the public health
31 and safety, has been passed by a ye and nay vote supported by three-fifths of all the
32 members elected to each of the two Houses of the General Assembly, and shall take
33 effect from the date it is enacted.

