

HOUSE BILL 831  
EMERGENCY BILL

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F3

1999 Regular Session  
9r0342

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

Introduced and read first time: February 12, 1999

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 1999

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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 to provide certain information in a certain manner to the County  
15 Executive and County Council with the annual budget; ~~authorizing the County~~  
16 ~~Council and County Executive to deny or reduce certain items within the Board~~  
17 ~~of Education budget; authorizing the County Executive to veto certain items and~~  
18 ~~providing for a veto override; prohibiting the County Board from spending~~  
19 ~~certain revenue if a certain result would occur; requiring County Council~~  
20 approval of certain transfers, subject to certain conditions and exceptions;  
21 requiring the ~~school system~~ County Board to implement certain  
22 recommendations, ~~unless waived~~ subject to certain conditions; altering the  
23 composition of the Management Oversight Panel; requiring the Management  
24 Oversight Panel and the County Board to promulgate and publish a certain  
25 protocol for certain communications and requests for information; authorizing  
26 the Management Oversight Panel to meet and deliberate in executive session  
27 under certain conditions; providing for a minimum affirmative vote of the

1 Management Oversight Panel to take action; making stylistic changes;  
 2 authorizing and requiring an interim School Superintendent to be appointed,  
 3 and requiring a permanent Superintendent to be appointed by a certain date,  
 4 subject to certain conditions; providing for the termination of this Act; making  
 5 this Act an emergency measure; and generally relating to primary and  
 6 secondary education in Prince George's County.

7 BY repealing and reenacting, with amendments,  
 8 Article - Education  
 9 Section 3-1002, ~~3-1004(d)~~, 4-201(b), 4-205(k), 5-101(f), ~~5-102(e)~~, 5-105, and  
 10 5-206(g)  
 11 Annotated Code of Maryland  
 12 (1997 Replacement Volume and 1998 Supplement)

13 BY repealing and reenacting, without amendments,  
 14 Article - Education  
 15 Section 3-1004(d) and 5-102(c)  
 16 Annotated Code of Maryland  
 17 (1997 Replacement Volume and 1998 Supplement)

18 BY adding to  
 19 Article - Education  
 20 Section 3-1008  
 21 Annotated Code of Maryland  
 22 (1997 Replacement Volume and 1998 Supplement)

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

25 **Article - Education**

26 3-1002.

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

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

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

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

4            {(2)}    (3)    From the time of filing as a candidate for election, each  
5 candidate for the County Board shall reside in the school board district the candidate  
6 seeks to represent.

7            {(3)}    (4)    An elected County Board member shall forfeit [his] THE office  
8 if [he] THE MEMBER:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (i) Capital and operating budgets;

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

14 (iii) Collective bargaining decisions;

15 (iv) Student disciplinary matters;

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

18 (vi) Other personnel matters.

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

23 (5) Unless invited to attend by an affirmative vote of a majority of the  
24 County Board, the student member may not attend an executive session that relates  
25 to hearings on appeals of special education placements, hearings held under §  
26 6-202(a) of this article, or collective bargaining.

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

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

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

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

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

8           (2)       The members from school board districts III, VI, and IX who were  
 9 elected at the November 6, 1973 election serve until the first Monday in December,  
 10 1980 and may seek reelection in 1980 for a 4-year term.

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

- 13                   (i)       Immorality;
- 14                   (ii)       Misconduct in office;
- 15                   (iii)       Incompetency; or
- 16                   (iv)       Willful neglect of duty.

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

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

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

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

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

28 3-1004.

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

- 32                   (i)       Six}~~SEVEN~~ members{when the student member is voting; or
- 33                   (ii)       Five members when the student member is not voting.

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

4 3-1008.

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

7 (B) THE AUDIT OFFICE CONSISTS OF:

8 (1) ONE INDIVIDUAL WHO HAS EXTENSIVE EXPERIENCE IN FISCAL  
9 MANAGEMENT AND CONTROLS;

10 (2) ONE INDIVIDUAL WHO HAS EXTENSIVE EXPERIENCE IN PERSONNEL  
11 MANAGEMENT AND RELATIONS; AND

12 (3) ONE INDIVIDUAL WHO HAS EXTENSIVE SUPERVISORY EXPERIENCE  
13 IN THE AREAS OF FISCAL MANAGEMENT AND CONTROLS AND PERSONNEL  
14 MANAGEMENT AND RELATIONS.

15 (C) THE AUDIT OFFICE SHALL PROVIDE SUPPORT TO THE COUNTY BOARD IN  
16 THE AREAS OF FISCAL MANAGEMENT AND CONTROL AND PERSONNEL  
17 MANAGEMENT AND RELATIONS.

18 (D) THE COUNTY SHALL FUND THE TOTAL OPERATING COSTS OF THE AUDIT  
19 OFFICE.

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

22 4-201.

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

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

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

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

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

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

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

8 1. Conduct an evaluation of the county superintendent's  
 9 professional performance; and

10 2. Share the findings of the evaluation with the county  
 11 superintendent.

12 (iv) 1. By December 1 of the year preceding a year in which the  
 13 term ends, the county superintendent shall notify the County Board whether the  
 14 superintendent is a candidate for reappointment. If the superintendent notifies the  
 15 County Board that the superintendent is not a candidate for reappointment, then the  
 16 remaining provisions of this paragraph shall not apply.

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

20 (6) (I) THIS PARAGRAPH APPLIES ONLY TO PRINCE GEORGE'S  
 21 COUNTY.

22 (II) ~~IN CONSULTATION WITH THE COUNTY BOARD, THE~~  
 23 ~~MANAGEMENT OVERSIGHT PANEL AS ESTABLISHED BY § 5-206(G) OF THIS ARTICLE~~  
 24 ~~SHALL PROMULGATE AND PUBLISH PROCEDURES FOR THE APPOINTMENT OF THE~~  
 25 ~~COUNTY SUPERINTENDENT BY THE COUNTY BOARD AND SHALL NOTIFY THE PRINCE~~  
 26 ~~GEORGE'S COUNTY HOUSE AND SENATE MEMBERS, THE COUNTY EXECUTIVE, THE~~  
 27 ~~COUNTY COUNCIL, AND THE STATE SUPERINTENDENT OF ANY VIOLATIONS OF~~  
 28 ~~THOSE PROCEDURES IN THE SELECTION PROCESS FOR THE COUNTY~~  
 29 ~~SUPERINTENDENT, THE MANAGEMENT OVERSIGHT PANEL ESTABLISHED UNDER §~~  
 30 ~~5-206(G) OF THIS ARTICLE SHALL PROVIDE ONE MEMBER TO SERVE ON A SELECTION~~  
 31 ~~CRITERIA COMMITTEE, AND ANOTHER MEMBER TO SERVE ON AN INTERVIEW~~  
 32 ~~COMMITTEE.~~

33 4-205.

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

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

37 [(2)] (II) Seek in every way to secure adequate funds from local  
 38 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 (II) SUBMIT THE PROPOSED ANNUAL SCHOOL BUDGET TO THE  
8 MANAGEMENT OVERSIGHT PANEL FOR ITS COMMENTS PRIOR TO SUBMITTING THE  
9 BUDGET TO THE COUNTY BOARD.

10 5-101.

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

15 (i) Instructional supplies and materials;

16 (ii) Additional equipment; [and]

17 (iii) Replacement equipment; AND

18 (IV) INFORMATION TECHNOLOGY.

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

21 (i) Proposed expenditures for the next school year based on the  
22 annual budget;

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

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

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

27 5-102.

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

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

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



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

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

10 (6) ~~(4) IN PRINCE GEORGE'S COUNTY, THE COUNTY COUNCIL OR THE~~  
11 ~~COUNTY EXECUTIVE MAY DENY IN WHOLE OR REDUCE IN PART ANY ITEM WITHIN~~  
12 ~~ANY MAJOR CATEGORY, SO LONG AS THE TOTAL LEVEL OF APPROPRIATION BY~~  
13 ~~PRINCE GEORGE'S COUNTY IS IN COMPLIANCE WITH THE MAINTENANCE OF EFFORT~~  
14 ~~PROVISIONS OF § 5-202(B)(3)(II) OF THIS TITLE.~~

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

19 5-105.

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

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

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

30 (III) 1. THIS SUBPARAGRAPH APPLIES IN PRINCE GEORGE'S  
31 COUNTY.

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

36 3. THE COUNTY BOARD SHALL PROMPTLY NOTIFY THE  
37 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 (II) 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) THE PRINCE GEORGE'S COUNTY BOARD SHALL PROVIDE  
36 THE MANAGEMENT OVERSIGHT PANEL WITH PRIOR NOTIFICATION OF PROPOSED  
37 PERSONNEL AND PROCUREMENT ACTIONS, ALLOWING THE MANAGEMENT

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

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

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

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

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

19 1. Four individuals who have extensive expertise in  
20 management or business enterprises;

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

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

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

27 5. ONE MEMBER OF THE MARYLAND HOUSE OF DELEGATES  
28 FROM PRINCE GEORGE'S COUNTY.

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

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

34 (vi) The Management Oversight Panel shall assist in developing the  
35 scope of a performance audit and shall meet periodically with the Board Chairperson,  
36 the County Executive, and the County Council Chairperson to monitor the progress of  
37 the audit.

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

- 6 1. On the audits' findings and recommendations; and  
 7 2. Annually on implementation of the audits'  
 8 recommendations.

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

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

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

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

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

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

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

39 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding §  
 40 4-201(b) of the Education Article, and subject to Section 3 of this Act, the Prince

1 George's County Board of Education may appoint an interim Superintendent to serve  
2 a term of no longer than 2 years starting July 1, 1999.

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

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

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

19 SECTION 4. 6. AND BE IT FURTHER ENACTED, That this Act is an  
20 emergency measure, is necessary for the immediate preservation of the public health  
21 and safety, has been passed by a yea and nay vote supported by three-fifths of all the  
22 members elected to each of the two Houses of the General Assembly, and shall take  
23 effect from the date it is enacted.