
By: **Prince George's County Delegation**
Introduced and read first time: February 16, 2001
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Board of Education - Appointment of Members**
3 **PG 414-01**

4 FOR the purpose of requiring that the members of the Prince George's County Board
5 of Education (County Board) be appointed rather than elected; establishing a
6 certain number of school board districts from which the members of the County
7 Board shall be appointed; requiring the Governor to appoint the members of the
8 County Board in accordance with certain procedures; authorizing the Prince
9 George's Regional Association of Student Governments to establish certain
10 procedures for the election of the student member of the County Board;
11 providing for the termination of the terms of the elected members of the County
12 Board; repealing certain provisions of law relating to the election of the County
13 Board; providing for a delayed effective date; and generally relating to the
14 requirement that the members of the Prince George's County Board of
15 Education be appointed rather than elected.

16 BY renumbering
17 Article - Education
18 Section 3-1003 through 3-1007, respectively
19 to be Section 3-113.4 through 3-113.8, respectively
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2000 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article - Education
24 Section 3-108
25 Annotated Code of Maryland
26 (1999 Replacement Volume and 2000 Supplement)

27 BY adding to
28 Article - Education
29 Section 3-113.2 and 3-113.3

1 Annotated Code of Maryland
2 (1999 Replacement Volume and 2000 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article - Education
5 Section 3-114(a)
6 Annotated Code of Maryland
7 (1999 Replacement Volume and 2000 Supplement)

8 BY repealing
9 Article - Education
10 Section 3-1001 and 3-1002 and the subtitle "Subtitle 10. Prince George's
11 County"
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2000 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That Section(s) 3-1003 through 3-1007, respectively, of Article -
16 Education of the Annotated Code of Maryland be renumbered to be Section(s) 3-113.4
17 through 3-113.8, respectively.

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
19 read as follows:

20 **Article - Education**

21 3-108.

22 (a) Except for the New Baltimore City Board of School Commissioners
23 established under § 3-108.1 of this subtitle and counties listed in § 3-114 of this
24 subtitle, the Governor shall appoint the members of each county board from the
25 residents of that county.

26 (b) (1) Each member shall be appointed solely because of character and
27 fitness and without regard to political affiliation.

28 (2) An individual who is subject to the authority of the county board may
29 not be appointed to or serve on the county board.

30 (c) (1) Each member serves for a term of 5 years beginning July 1 after his
31 appointment and until a successor is appointed and qualifies.

32 (2) The Governor shall appoint a new member to fill any vacancy on an
33 appointed board for the remainder of that term and until a successor is appointed and
34 qualifies.

1 (3) Unless otherwise disqualified under this section, a member of a
2 board is eligible for reappointment. However, an individual may not serve for more
3 than 2 consecutive terms.

4 (d) (1) With the approval of the Governor, the State Superintendent may
5 remove any member of a county board appointed under this section for:

6 (i) Immorality;

7 (ii) Misconduct in office;

8 (iii) Incompetency;

9 (iv) Willful neglect of duty; or

10 (v) Failure to attend, without good cause, at least half of the
11 scheduled meetings of the board in any one calendar year.

12 (2) Before removing a member, the State Superintendent shall send the
13 member a copy of the charges against him and give him an opportunity within 10
14 days to request a hearing.

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

16 (i) The State Superintendent promptly shall hold a hearing, but a
17 hearing may not be set within 10 days after the State Superintendent sends the
18 member a notice of the hearing; and

19 (ii) The member shall have an opportunity to be heard publicly
20 before the State Superintendent in his own defense, in person or by counsel.

21 (4) If a member who is removed so requests, the State Superintendent
22 shall file with the clerk of the circuit court for the county from which the member was
23 appointed:

24 (i) A complete statement of all charges made against the member;

25 (ii) The findings of the State Superintendent; and

26 (iii) A complete record of the proceedings.

27 3-113.2.

28 (A) WHEN THE DESCRIPTION OF A SCHOOL BOARD DISTRICT IN THIS SECTION
29 REFERS TO AN ELECTION DISTRICT, IT REFERS TO ELECTION DISTRICTS THAT ARE
30 TO THE GEOGRAPHICAL BOUNDARIES OF THE ELECTION DISTRICTS AS THEY
31 EXISTED AS OF APRIL 1, 1990; AND PRECINCTS ARE TO THE GEOGRAPHICAL
32 BOUNDARIES OF THE PRECINCTS AS REVIEWED AND CERTIFIED BY THE LOCAL
33 BOARD OF SUPERVISORS OF ELECTIONS OR THEIR DESIGNEES, BEFORE THEY WERE
34 REPORTED TO THE UNITED STATES BUREAU OF THE CENSUS AS PART OF THE 1990
35 CENSUS REDISTRICTING DATA PROGRAM AND AS THOSE PRECINCT LINES ARE

1 SPECIFICALLY SHOWN ON THE P.L. 94-171 CENSUS BLOCK MAPS PROVIDED BY THE
2 UNITED STATES BUREAU OF THE CENSUS AND AS REVIEWED AND CORRECTED BY
3 THE MARYLAND DEPARTMENT OF PLANNING.

4 (B) SCHOOL BOARD DISTRICT I CONSISTS OF:

5 (1) ELECTION DISTRICTS 1 AND 10; AND

6 (2) ELECTION DISTRICT 21, PRECINCTS 3 THROUGH 6, 8, 10, AND 13
7 THROUGH 15.

8 (C) SCHOOL BOARD DISTRICT II CONSISTS OF:

9 (1) ELECTION DISTRICT 16, PRECINCTS 2 THROUGH 5;

10 (2) ELECTION DISTRICT 17, PRECINCTS 1, 2, 3, AND 5 THROUGH 15;

11 (3) ELECTION DISTRICT 19, PRECINCTS 1 AND 3; AND

12 (4) ELECTION DISTRICT 21, PRECINCTS 1, 2, 7, AND 12.

13 (D) SCHOOL BOARD DISTRICT III CONSISTS OF:

14 (1) ELECTION DISTRICT 2;

15 (2) ELECTION DISTRICT 13, PRECINCT 2;

16 (3) ELECTION DISTRICT 16, PRECINCT 1;

17 (4) ELECTION DISTRICT 18, PRECINCTS 3 AND 5;

18 (5) ELECTION DISTRICT 19, PRECINCTS 2, 4, AND 5;

19 (6) ELECTION DISTRICT 20, PRECINCTS 1, 2, 3, AND 5 THROUGH 9; AND

20 (7) ELECTION DISTRICT 21, PRECINCTS 9, 11, AND 16.

21 (E) SCHOOL BOARD DISTRICT IV CONSISTS OF:

22 (1) ELECTION DISTRICTS 7 AND 14;

23 (2) ELECTION DISTRICT 3, PRECINCTS 2 AND 3;

24 (3) ELECTION DISTRICT 13, PRECINCTS 3 THROUGH 6, 8, AND 10; AND

25 (4) ELECTION DISTRICT 20, PRECINCT 4.

26 (F) SCHOOL BOARD DISTRICT V CONSISTS OF:

27 (1) ELECTION DISTRICT 6, PRECINCTS 1, 3, 5, 6, 10, 11, 15, 16, AND 19
28 THROUGH 22;

1 (2) ELECTION DISTRICT 13, PRECINCTS 1, 7, AND 11;

2 (3) ELECTION DISTRICT 15, PRECINCT 2; AND

3 (4) ELECTION DISTRICT 18, PRECINCTS 1, 2, 4, 6, 7, 8, AND 10.

4 (G) SCHOOL BOARD DISTRICT VI CONSISTS OF:

5 (1) ELECTION DISTRICT 12, PRECINCTS 1 THROUGH 13; AND

6 (2) ELECTION DISTRICT 6, PRECINCTS 4, 7, 8, 9, 12, 13, 14, 17, AND 18.

7 (H) SCHOOL BOARD DISTRICT VII CONSISTS OF:

8 (1) ELECTION DISTRICTS 3, 4, 5, 8, 9, AND 11;

9 (2) ELECTION DISTRICT 6, PRECINCT 2;

10 (3) ELECTION DISTRICT 12, PRECINCT 14; AND

11 (4) ELECTION DISTRICT 15, PRECINCT 1 AND 3.

12 3-113.3.

13 (A) THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION CONSISTS OF
14 SEVEN APPOINTED MEMBERS AND ONE STUDENT MEMBER SELECTED UNDER
15 SUBSECTION (C)(2) OF THIS SECTION.

16 (B) MEMBERS OF THE COUNTY BOARD SHALL BE APPOINTED AS FOLLOWS:

17 (1) SUBJECT TO THE CONFIRMATION OF THE PRINCE GEORGE'S COUNTY
18 COUNCIL, THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY SHALL NOMINATE
19 TWO RESIDENTS FROM EACH OF THE SEVEN SCHOOL BOARD DISTRICTS; AND

20 (2) THE GOVERNOR SHALL SELECT ONE OF THE NOMINEES FROM EACH
21 SCHOOL BOARD DISTRICT AND APPOINT THEM TO THE COUNTY BOARD.

22 (C) (1) THE STUDENT MEMBER SHALL BE AN ELEVENTH OR TWELFTH
23 GRADE STUDENT IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM
24 DURING THE STUDENT'S TERM IN OFFICE.

25 (2) AN ELIGIBLE STUDENT SHALL FILE A NOMINATION FORM AT LEAST
26 2 WEEKS BEFORE A SPECIAL ELECTION MEETING OF THE PRINCE GEORGE'S
27 REGIONAL ASSOCIATION OF STUDENT GOVERNMENTS. NOMINATION FORMS SHALL
28 BE MADE AVAILABLE IN THE ADMINISTRATIVE OFFICES OF ALL PUBLIC SENIOR
29 HIGH SCHOOLS IN THE COUNTY, THE OFFICE OF STUDENT CONCERNS, AND THE
30 OFFICE OF THE PRESIDENT OF THE REGIONAL ASSOCIATION. THE DELEGATES TO
31 THE REGIONAL ASSOCIATION ANNUALLY SHALL ELECT THE STUDENT MEMBER TO
32 THE BOARD AT A SPECIAL ELECTION MEETING TO BE HELD EACH SCHOOL YEAR.

1 (3) THE STUDENT MEMBER MAY VOTE ON ALL MATTERS BEFORE THE
2 BOARD EXCEPT THOSE RELATING TO:

3 (I) CAPITAL AND OPERATING BUDGETS;

4 (II) SCHOOL CLOSINGS, REOPENINGS, AND BOUNDARIES;

5 (III) COLLECTIVE BARGAINING DECISIONS;

6 (IV) STUDENT DISCIPLINARY MATTERS;

7 (V) TEACHER AND ADMINISTRATOR DISCIPLINARY MATTERS AS
8 PROVIDED UNDER § 6-202(A) OF THIS ARTICLE; AND

9 (VI) OTHER PERSONNEL MATTERS.

10 (4) ON AN AFFIRMATIVE VOTE OF A MAJORITY OF THE APPOINTED
11 MEMBERS OF THE COUNTY BOARD, THE BOARD MAY DETERMINE IF A MATTER
12 BEFORE THE BOARD RELATES TO A SUBJECT ON WHICH THE STUDENT MEMBER MAY
13 NOT VOTE UNDER PARAGRAPH (3) OF THIS SUBSECTION.

14 (5) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A
15 MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBER MAY NOT ATTEND AN
16 EXECUTIVE SESSION THAT RELATES TO HEARINGS ON APPEALS OF SPECIAL
17 EDUCATION PLACEMENTS, HEARINGS HELD UNDER § 6-202(A) OF THIS ARTICLE, OR
18 COLLECTIVE BARGAINING.

19 (6) THE PRINCE GEORGE'S REGIONAL ASSOCIATION OF STUDENT
20 GOVERNMENTS MAY ESTABLISH PROCEDURES FOR THE ELECTION OF THE STUDENT
21 MEMBER OF THE COUNTY BOARD.

22 (7) THE ELECTION PROCEDURES ESTABLISHED BY THE PRINCE
23 GEORGE'S REGIONAL ASSOCIATION OF STUDENT GOVERNMENTS ARE SUBJECT TO
24 THE APPROVAL OF THE APPOINTED MEMBERS OF THE COUNTY BOARD.

25 3-114.

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

27 (1) Allegany;

28 (2) Calvert;

29 (3) Carroll;

30 (4) Charles;

31 (5) Frederick;

32 (6) Garrett;

1 (7) Howard;
2 (8) Kent;
3 [(9) Prince George's;
4 (10)] (9) Montgomery;
5 [(11)] (10) St. Mary's;
6 [(12)] (11) Somerset; and
7 [(13)] (12) Washington.

8 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 3-1001 and
9 3-1002 and the subtitle "Subtitle 10. Prince George's County" of Article - Education of
10 the Annotated Code of Maryland be repealed.

11 SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the elected
12 members of the Prince George's County Board of Education serving on June 30, 2002
13 shall terminate on July 1, 2002.

14 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 July 1, 2002.