

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL NO. 949

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Board of”; in the same line, strike “Districts”; in line 3, after “Management” insert “, Governance, and Financing”; strike beginning with “redistricting” in line 5 down through “members” in line 10 and substitute “establishing the New Prince George’s County Board of Education (Board); specifying the membership of the Board and certain qualifications of certain members; providing for the compensation of members of the Board; prohibiting a member of the Board from being a candidate for public office while serving on the Board; repealing certain provisions of law relating to the election of the Prince George’s County Board of Education; providing for the selection of a certain nonvoting student member; specifying the powers and duties of the Chief Executive Officer of the Board, the Chief Academic Officer, the Chief Financial Officer, and the Chief Accountability Officer of the Prince George’s County public school system; providing for the approval and removal of the Chief Executive Officer in a certain manner, not subject to approval or removal by the State Superintendent; establishing a Parent and Community Advisory Board in the Prince George’s County public school system; establishing certain time frames for the adoption and implementation of a certain master plan; repealing certain provisions of law establishing the Management Oversight Panel; providing for the alteration of the structure of the Board to an all-elected board (new County Board) with certain membership on a certain date; prohibiting a member of the new County Board from being a candidate for public office other than a position on the new County Board while serving on the new County Board; requiring the County Council of Prince George’s County to impose, by ordinance, and collect a sales and use tax on telecommunications service in Prince George’s County at not less than a certain rate, the net proceeds of which may be used only for operating expenditures of the Prince George’s County public school system and which may not be used to supplant certain other funding; providing for the application of the tax to certain telecommunications services; providing certain exemptions from the tax; requiring that the tax be itemized on the telecommunications service bill and collected by the telecommunications service vendor on behalf of Prince George’s County”; strike beginning with “providing” in line 13 down through “contingency” in line 22 and substitute “extending the

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termination date of certain educational funding programs; defining certain terms; requiring certain consultants to conduct certain evaluations by certain dates; requiring the reporting of a certain evaluation to the Governor, the County Executive, the Board, and the General Assembly; specifying a commitment of the State to appropriate additional funds to Prince George’s County under certain circumstances, subject to a certain contingency; requiring a certain financial commitment to be separate from other State funding; requiring implementation of certain changes and meeting of certain benchmarks and outcomes before certain State funding may be released; providing for the appointment of a permanent Chief Executive Officer within certain periods; authorizing the hiring of an interim Chief Executive Officer under certain circumstances; providing for the effective dates and termination of certain portions of this Act; providing for the severability of this Act’; in line 23, after “Board;” insert “providing for the termination of the terms of the voting members of the New Prince George’s County Board of Education;”; and strike beginning with “Board” in line 24 down through “Education” in line 25 and substitute “public school system, the establishment of the New Prince George’s County Board of Education, and school funding through authorization of a telecommunications service tax in Prince George’s County”;

On pages 1 and 2, strike in their entirety the lines beginning with line 26 on page 1 through line 30 on page 2 and substitute:

“BY repealing

Article - Education

Section 3-1001 through 3-1004 and 3-1006 and the subtitle “Subtitle 10. Prince George’s County”; 4-201(b)(6) and 4-205(k)(2)

Annotated Code of Maryland

(2001 Replacement Volume)

BY renumbering

Article - Education

Section 3-1005 and 3-1007, respectively  
to be Section 4-410 and 4-411, respectively

Annotated Code of Maryland

(2001 Replacement Volume)

BY repealing and reenacting, with amendments,

Article - Education  
Section 1-101(e), 3-108(a), 3-114(a), 3-1003, and 4-102(a)  
Annotated Code of Maryland  
(2001 Replacement Volume)

BY adding to

Article - Education  
Section 3-108.2, 3-1001, and 3-1008; and 4-401 through 4-409, inclusive, to be under the  
new subtitle “Subtitle 4. Prince George’s County”  
Annotated Code of Maryland  
(2001 Replacement Volume)

BY repealing and reenacting, with amendments,

Article - Education  
Section 3-1002  
Annotated Code of Maryland  
(2001 Replacement Volume)  
(As enacted by Chapter 464 of the Acts of the General Assembly of 1999)

BY repealing

Article - Education  
Section 5-206(g)(4) through (8)  
Annotated Code of Maryland  
(2001 Replacement Volume)”.

On page 2, after line 34, insert:

“BY adding to

Article 24 - Political Subdivisions - Miscellaneous Provisions  
Section 9-606  
Annotated Code of Maryland  
(2001 Replacement Volume)”.

AMENDMENT NO. 2

On page 2, in line 36, after “MARYLAND,” insert “That Section(s) 3-1001 through 3-1004 and 3-1006 and the subtitle “Subtitle 10. Prince George’s County” of Article - Education of the Annotated Code of Maryland be repealed.”

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3-1005 and 3-1007, respectively, of Article - Education of the Annotated Code of Maryland be renumbered to be Section(s) 4-410 and 4-411, respectively.

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

Article - Education

1-101.

(e) (1) “County superintendent” means the county superintendent of schools of a county.

(2) “COUNTY SUPERINTENDENT” [and] includes the Chief Executive Officer of the New Baltimore City Board of School Commissioners AND THE CHIEF EXECUTIVE OFFICER OF THE NEW PRINCE GEORGE’S COUNTY BOARD OF EDUCATION.

3-108.

(a) Except for the New Baltimore City Board of School Commissioners established under § 3-108.1 of this subtitle, THE NEW PRINCE GEORGE’S COUNTY BOARD OF EDUCATION ESTABLISHED UNDER § 3-108.2 OF THIS SUBTITLE, and counties listed in § 3-114 of this subtitle, the Governor shall appoint the members of each county board from the residents of that county.

3-108.2.

(A) IN THIS SECTION, "BOARD" MEANS THE NEW PRINCE GEORGE'S COUNTY BOARD OF EDUCATION.

(B) THERE IS A NEW PRINCE GEORGE'S COUNTY BOARD OF EDUCATION OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM.

(C) THE NEW PRINCE GEORGE'S COUNTY BOARD OF EDUCATION CONSISTS OF:

(1) NINE VOTING MEMBERS JOINTLY APPOINTED BY THE GOVERNOR AND THE COUNTY EXECUTIVE FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED TO THE GOVERNOR AND THE COUNTY EXECUTIVE BY THE STATE BOARD; AND

(2) ONE NONVOTING STUDENT MEMBER SELECTED UNDER SUBSECTION (C) OF THIS SECTION.

(D) EACH MEMBER OF THE BOARD SHALL BE A RESIDENT OF PRINCE GEORGE'S COUNTY.

(E) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE BOARD SHALL REFLECT THE DEMOGRAPHIC AND GEOGRAPHIC COMPOSITION OF PRINCE GEORGE'S COUNTY.

(F) (1) AT LEAST FOUR OF THE VOTING MEMBERS SHALL POSSESS A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING THE SUCCESSFUL ADMINISTRATION OF A LARGE BUSINESS, NONPROFIT, OR GOVERNMENTAL ENTITY AND SHALL HAVE SERVED IN A HIGH LEVEL MANAGEMENT POSITION WITH SUCH AN ENTITY.

(2) AT LEAST TWO OF THE VOTING MEMBERS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL POSSESS A HIGH LEVEL OF EXPERTISE IN MANAGING A BUSINESS.

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(G) AT LEAST THREE OF THE VOTING MEMBERS SHALL POSSESS A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING EDUCATION.

(H) AT LEAST ONE VOTING MEMBER SHALL BE A PARENT OF A STUDENT ENROLLED IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM AS OF THE DATE OF APPOINTMENT OF THE MEMBER.

(I) (1) AMONG THE NINE VOTING MEMBERS, AT LEAST ONE MEMBER SHALL ALSO POSSESS KNOWLEDGE OR EXPERIENCE IN THE EDUCATION OF CHILDREN WITH DISABILITIES.

(2) THE KNOWLEDGE OR EXPERIENCE MAY BE DERIVED FROM BEING THE PARENT OF A CHILD WITH A DISABILITY.

(J) (1) A VOTING MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(2) TO THE EXTENT PRACTICABLE, THE GOVERNOR AND THE COUNTY EXECUTIVE SHALL FILL ANY VACANCY ON THE BOARD WITHIN 60 DAYS AFTER THE DATE OF THE VACANCY FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED TO THE GOVERNOR AND THE COUNTY EXECUTIVE BY THE STATE BOARD.

(K) ON THE JOINT APPROVAL OF THE GOVERNOR AND THE COUNTY EXECUTIVE, A MEMBER MAY BE REMOVED ONLY FOR CAUSE IN ACCORDANCE WITH § 3-108 OF THIS SUBTITLE.

(L) (1) FROM AND AFTER DECEMBER 2, 2002, AT THE BEGINNING OF EACH MEMBER'S FULL TERM, THE CHAIRMAN OF THE BOARD IS ENTITLED TO RECEIVE \$19,000 ANNUALLY AS COMPENSATION AND THE OTHER VOTING MEMBERS ARE EACH ENTITLED TO RECEIVE \$18,000 ANNUALLY AS COMPENSATION.

(2) (I) AFTER SUBMITTING VOUCHERS UNDER THE RULES AND REGULATIONS ADOPTED BY THE BOARD, THE CHAIRMAN AND THE OTHER MEMBERS, INCLUDING THE STUDENT MEMBER, ARE ENTITLED TO THE ALLOWANCES FOR TRAVEL AND OTHER EXPENSES PROVIDED IN THE PRINCE GEORGE'S COUNTY BUDGET.

(II) A MEMBER OF THE COUNTY BOARD MAY NOT BE REIMBURSED MORE THAN \$7,000 IN TRAVEL AND OTHER EXPENSES INCURRED IN A SINGLE FISCAL YEAR.

(M) ON APPOINTMENT OF THE BOARD, THE GOVERNOR AND THE COUNTY EXECUTIVE SHALL JOINTLY SELECT ONE OF THE VOTING MEMBERS TO SERVE AS THE CHAIRMAN OF THE BOARD WHO SHALL SERVE IN THAT CAPACITY THROUGH JUNE 30, 2004.

(N) BEGINNING ON JULY 1, 2004 AND EVERY 2 YEARS THEREAFTER, FROM AMONG ITS VOTING MEMBERS THE BOARD SHALL ELECT A CHAIRMAN.

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

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

(3) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A MAJORITY OF THE VOTING MEMBERS OF THE BOARD, THE STUDENT MEMBER MAY

NOT ATTEND AN EXECUTIVE SESSION THAT RELATES TO HEARINGS ON APPEALS OF SPECIAL EDUCATION PLACEMENTS, HEARINGS HELD UNDER § 6-202(A) OF THIS ARTICLE, OR COLLECTIVE BARGAINING.

(P) ANY ACTION BY THE BOARD SHALL REQUIRE:

(1) A QUORUM OF A MAJORITY OF THE VOTING MEMBERS THEN SERVING; AND

(2) THE AFFIRMATIVE VOTE OF A MAJORITY OF THE VOTING MEMBERS THEN SERVING.

(Q) A MEMBER MAY NOT BE A CANDIDATE FOR PUBLIC OFFICE WHILE SERVING ON THE BOARD.

3-114.

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

(1) Allegany;

(2) Calvert;

(3) Carroll;

(4) Charles;

(5) Frederick;

(6) Garrett;

(7) Howard;

(8) Kent;

(9) Prince George's;

(10) Montgomery;

~~[(11)]~~ (10) St. Mary's;

~~[(12)]~~ (11) Somerset; and

~~[(13)]~~ (12) Washington.

4-102.

(a) (1) Except in Baltimore City AND PRINCE GEORGE'S COUNTY, the county superintendent is the executive officer, secretary, and treasurer of the county board.

(2) (i) In Baltimore City, the Chief Executive Officer of the New Baltimore City Board of School Commissioners is the executive officer, secretary, and treasurer of the New Board of School Commissioners.

(ii) The Chief Executive Officer shall have the powers and duties imposed under this article.

(iii) The Chief Executive Officer is not a public officer under the Constitution or the laws of the State.

(3) (I) IN PRINCE GEORGE'S COUNTY, THE CHIEF EXECUTIVE OFFICER OF THE NEW PRINCE GEORGE'S COUNTY BOARD IS THE EXECUTIVE OFFICER, SECRETARY, AND TREASURER OF THE COUNTY BOARD.

(II) THE CHIEF EXECUTIVE OFFICER SHALL HAVE THE POWERS AND DUTIES IMPOSED UNDER THIS ARTICLE.

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(III) THE CHIEF EXECUTIVE OFFICER IS NOT A PUBLIC OFFICER UNDER THE CONSTITUTION OR THE LAWS OF THE STATE.

[(3)] (4) A county superintendent is not a public officer under the Constitution or the laws of the State.

(5) NOTWITHSTANDING ANY PROVISION OF § 4-201(C), (D), AND (E) OF THIS TITLE, THE CHIEF EXECUTIVE OFFICER OF THE NEW PRINCE GEORGE'S COUNTY BOARD:

(I) SHALL BE EMPLOYED AND MAY BE REMOVED ONLY IN ACCORDANCE WITH § 4-402 OF THIS TITLE; AND

(II) MAY NOT BE SUBJECT TO APPROVAL OR REMOVAL BY THE STATE SUPERINTENDENT.

4-201.

(b) [(6) (i) This paragraph applies only to Prince George's County.

(ii) In the selection process for the county superintendent, the Management Oversight Panel established under § 5-206(g) of this article shall participate in the search process to ensure that implementation of the audit recommendations is a key criterion in the selection of a new superintendent.

(iii) Prior to Board of Education approval of selection criteria to be used in evaluation of candidates for superintendent, the Management Oversight Panel shall receive a copy of the proposed criteria and make recommendations to the Board regarding how the audit recommendations are addressed in the criteria and how prospective candidates should be evaluated on this issue.

(iv) The Management Oversight Panel shall provide a brief description of the role of the Panel and the status of the audit recommendations, which shall be included in the materials provided to prospective candidates for superintendent.

(v) The Management Oversight Panel and the Board of Education shall jointly brief the final candidates for superintendent on the role of the Management Oversight Panel and the audit recommendations after the Board selects the final candidates and prior to the Board selecting a new superintendent.]

4-205.

(k) [(2) In Prince George’s County, the county superintendent also shall:

(i) Submit the proposed annual school budget to the Management Oversight Panel for its comments concurrent with submitting the budget to the county board; and

(ii) Submit supplemental information relating to information technology expenditures by State reporting categories.]

SUBTITLE 4. PRINCE GEORGE’S COUNTY.

4-401.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “ADVISORY BOARD” MEANS THE PARENT AND COMMUNITY ADVISORY BOARD.

(C) “BOARD” MEANS THE NEW PRINCE GEORGE’S COUNTY BOARD OF EDUCATION.

4-402.

(A) THERE IS A CHIEF EXECUTIVE OFFICER OF THE BOARD.

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- (B) THE CHIEF EXECUTIVE OFFICER SHALL:
- (1) BE RESPONSIBLE FOR THE OVERALL ADMINISTRATION OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM;
  - (2) REPORT DIRECTLY TO THE BOARD; AND
  - (3) DESIGNATE INDIVIDUALS WITH PRIMARY RESPONSIBILITY FOR EACH OF THE FOLLOWING FUNCTIONS:
    - (I) MANAGEMENT AND ADMINISTRATION OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM;
    - (II) ASSESSMENT AND ACCOUNTABILITY OF THE ACADEMIC PERFORMANCE OF THE STUDENTS IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM;
    - (III) PROVISION OF SERVICES TO STUDENTS WITH DISABILITIES IN ACCORDANCE WITH FEDERAL AND STATE LAW;
    - (IV) DEVELOPMENT AND IMPLEMENTATION OF INITIATIVES FOR EDUCATIONAL REFORM; AND
    - (V) PROFESSIONAL HIRING AND DEVELOPMENT.
- (C) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B)(3) OF THIS SECTION, THE CHIEF EXECUTIVE OFFICER AND THE BOARD SHALL BE HELD ACCOUNTABLE FOR THE DELEGATED FUNCTIONS.
- (D) THE BOARD SHALL EMPLOY THE CHIEF EXECUTIVE OFFICER AND ESTABLISH THE SALARY OF THE CHIEF EXECUTIVE OFFICER AT AN AMOUNT COMMENSURATE WITH THE CREDENTIALS, EXPERIENCE, AND PRIOR POSITIONS OF RESPONSIBILITY OF THE CHIEF EXECUTIVE OFFICER.
- (E) THE EMPLOYMENT CONTRACT OF THE CHIEF EXECUTIVE OFFICER

SHALL PROVIDE, AT A MINIMUM, THAT CONTINUED EMPLOYMENT IS CONTINGENT ON DEMONSTRABLE IMPROVEMENT IN THE ACADEMIC PERFORMANCE OF THE STUDENTS IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM AND THE SUCCESSFUL MANAGEMENT OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS.

(F) THE INITIAL CONTRACT AND ANY RENEWAL MAY NOT EXCEED 4 YEARS.

4-403.

(A) THERE IS A CHIEF ACADEMIC OFFICER IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM WHO SHALL:

(1) BE RESPONSIBLE FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE CURRICULUM TAUGHT AND THE INSTRUCTION PROVIDED IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM;

(2) WORK WITH THE CHIEF ACCOUNTABILITY OFFICER TO ENSURE THAT EFFECTIVE PROGRAMS AND BEST PRACTICES ARE UTILIZED IN THE CURRICULUM; AND

(3) REPORT DIRECTLY TO THE CHIEF EXECUTIVE OFFICER.

(B) THE CHIEF EXECUTIVE OFFICER SHALL, SUBJECT TO THE APPROVAL OF THE BOARD:

(1) SELECT THE CHIEF ACADEMIC OFFICER; AND

(2) ESTABLISH THE SALARY OF THE CHIEF ACADEMIC OFFICER.

(C) THE EMPLOYMENT CONTRACT OF THE CHIEF ACADEMIC OFFICER SHALL PROVIDE, AT A MINIMUM, THAT CONTINUED EMPLOYMENT IS CONTINGENT UPON A DEMONSTRABLE IMPROVEMENT IN ACADEMIC PERFORMANCE OF THE

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STUDENTS IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM.

(D) THE CHIEF ACADEMIC OFFICER IS NOT A PUBLIC OFFICIAL UNDER THE CONSTITUTION OR THE LAWS OF THE STATE.

4-404.

(A) THERE IS A CHIEF FINANCIAL OFFICER IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM WHO SHALL:

(1) BE RESPONSIBLE FOR THE DAY-TO-DAY MANAGEMENT AND OVERSIGHT OF THE FISCAL AFFAIRS OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM; AND

(2) REPORT DIRECTLY TO THE CHIEF EXECUTIVE OFFICER.

(B) THE CHIEF EXECUTIVE OFFICER SHALL, SUBJECT TO THE APPROVAL OF THE BOARD:

(1) SELECT THE CHIEF FINANCIAL OFFICER; AND

(2) ESTABLISH THE SALARY OF THE CHIEF FINANCIAL OFFICER.

(C) THE EMPLOYMENT CONTRACT OF THE CHIEF FINANCIAL OFFICER SHALL PROVIDE THAT CONTINUED EMPLOYMENT IS CONTINGENT ON THE EFFECTIVE FISCAL MANAGEMENT OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS.

(D) THE CHIEF FINANCIAL OFFICER IS NOT A PUBLIC OFFICER UNDER THE CONSTITUTION OR THE LAWS OF THE STATE.

4-405.

(A) THERE IS A CHIEF ACCOUNTABILITY OFFICER IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM WHO SHALL:

(1) PERFORM ONGOING RESEARCH AND EVALUATION REGARDING THE SYSTEMIC REFORM AND STUDENT ACHIEVEMENT;

(2) WORK WITH THE CHIEF ACADEMIC OFFICER TO ENSURE THAT EFFECTIVE PROGRAMS AND BEST PRACTICES ARE UTILIZED IN THE CURRICULUM; AND

(3) REPORT DIRECTLY TO THE CHIEF EXECUTIVE OFFICER.

(B) THE CHIEF EXECUTIVE OFFICER SHALL:

(1) SELECT THE CHIEF ACCOUNTABILITY OFFICER; AND

(2) ESTABLISH THE SALARY OF THE CHIEF ACCOUNTABILITY OFFICER.

(C) THE CHIEF ACCOUNTABILITY OFFICER IS NOT A PUBLIC OFFICER UNDER THE CONSTITUTION OR THE LAWS OF THE STATE.

4-406.

(A) (1) THERE IS A PARENT AND COMMUNITY ADVISORY BOARD IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM.

(2) THE ADVISORY BOARD CONSISTS OF 13 MEMBERS, A MAJORITY OF WHOM SHALL BE PARENTS OF STUDENTS ENROLLED IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS.

(3) SUBJECT TO THE APPROVAL OF THE BOARD, THE CHIEF EXECUTIVE OFFICER SHALL APPOINT THE 13 MEMBERS OF THE ADVISORY BOARD AS FOLLOWS:

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(I) FIVE SHALL BE APPOINTED FROM A LIST SUBMITTED BY THE PRINCE GEORGE'S COUNTY COUNCIL OF PARENT-TEACHER ASSOCIATIONS;

(II) TWO SHALL BE APPOINTED FROM A LIST SUBMITTED BY THE COMMITTEE OF 100;

(III) THREE SHALL BE APPOINTED FROM A LIST SUBMITTED BY THE TITLE I LIAISONS; AND

(IV) THREE SHALL BE APPOINTED FROM A LIST SUBMITTED BY OTHER PARENT AND COMMUNITY GROUPS IN PRINCE GEORGE'S COUNTY.

(4) IF ONE OF THE GROUPS SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION FAILS TO SUBMIT A LIST WITH A SUFFICIENT NUMBER OF NOMINEES TO FILL A POSITION, THE BOARD SHALL APPOINT AN INDIVIDUAL FROM OTHER PARENT AND COMMUNITY GROUPS IN PRINCE GEORGE'S COUNTY.

(B) THE BOARD AND THE CHIEF EXECUTIVE OFFICER SHALL:

(1) REGULARLY CONSULT WITH THE ADVISORY BOARD; AND

(2) ENSURE PARENTAL INVOLVEMENT IN THE DEVELOPMENT AND IMPLEMENTATION OF THE EDUCATION POLICIES AND PROCEDURES IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM.

(C) THE CHIEF EXECUTIVE OFFICER SHALL MEET WITH THE ADVISORY BOARD ON AT LEAST A QUARTERLY BASIS.

(D) (1) EACH MEMBER SERVES FOR A TERM OF 2 YEARS.

(2) A MEMBER MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE TERMS.

(3) A MEMBER WHOSE TERM HAS EXPIRED SHALL REMAIN IN OFFICE

UNTIL A SUCCESSOR IS APPOINTED.

4-407.

(A) (1) ON OR BEFORE SEPTEMBER 1, 2002, THE CHIEF EXECUTIVE OFFICER SHALL DEVELOP A COMPREHENSIVE MASTER PLAN AND SUBMIT THE PLAN TO THE BOARD FOR ITS REVIEW, MODIFICATION, AND FINAL APPROVAL.

(2) ON OR BEFORE NOVEMBER 1, 2002, THE BOARD SHALL APPROVE AND COMMENCE IMPLEMENTATION OF THE MASTER PLAN.

(3) FOLLOWING APPROVAL OF THE MASTER PLAN BY THE BOARD, OR BY SEPTEMBER 15, 2002, WHICHEVER IS EARLIER, THE MASTER PLAN SHALL BE SUBMITTED TO THE MEMBERS OF THE STATE BOARD OF EDUCATION AND THE STATE SUPERINTENDENT OF SCHOOLS FOR THEIR REVIEW AND APPROVAL.

(4) THE GENERAL ASSEMBLY SHALL RECEIVE AND CONSIDER THE MASTER PLAN, AND THE COMMENTS OF THE STATE BOARD OF EDUCATION AND STATE SUPERINTENDENT OF SCHOOLS REGARDING THE PLAN AND THE ACHIEVEMENTS OF THE BOARD TOWARDS MEETING THE GOALS OF THIS ACT, BEFORE APPROVING THE FISCAL YEAR 2004 BUDGET.

(5) THE CHIEF EXECUTIVE OFFICER OR A DESIGNEE OF THE CHIEF EXECUTIVE OFFICER MAY CONSULT WITH PARENTS, TEACHERS, STUDENTS, REPRESENTATIVES OF THE BUSINESS COMMUNITY, AND EDUCATIONAL INSTRUCTION AND ADMINISTRATION EXPERTS DURING THE COURSE OF DEVELOPMENT OF THE MASTER PLAN.

(B) THE MASTER PLAN SHALL PROVIDE FOR THE IMPROVEMENT OF:

(1) STUDENT ACHIEVEMENT IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS; AND

(2) THE MANAGEMENT AND ACCOUNTABILITY OF THE PRINCE

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GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM.

(C) THE MASTER PLAN SHALL IDENTIFY THE ACTIONS NECESSARY TO:

(1) COMPLETE INCORPORATION OF THE KEY RECOMMENDATIONS OF THE 1998 PERFORMANCE AUDIT OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM CONDUCTED BY MGT OF AMERICA, INC.;

(2) PROVIDE FOR THE REORGANIZATION OF THE CENTRAL OFFICE OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM;

(3) PROVIDE EFFECTIVE CURRICULUM AND INSTRUCTIONAL PROGRAMS FOR THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM, INCLUDING THE DEVELOPMENT AND DISSEMINATION OF:

(I) A COUNTYWIDE CURRICULUM FRAMEWORK REFLECTING MARYLAND CONTENT STANDARDS, INCLUDING MARYLAND SCHOOL PERFORMANCE PROGRAM STANDARDS, AND AN APPROPRIATE DEVELOPMENTAL SEQUENCE FOR STUDENTS;

(II) AN EFFECTIVE PROGRAM OF PROFESSIONAL DEVELOPMENT AND TRAINING FOR THE STAFF OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM INCLUDING DEVELOPMENT AND IMPLEMENTATION OF A PERFORMANCE-BASED SYSTEM-WIDE PERSONNEL EVALUATION SYSTEM FOR TEACHERS, PRINCIPALS, AND ADMINISTRATORS; AND

(III) AN EFFECTIVE EDUCATIONAL PROGRAM FOR MEETING THE NEEDS OF STUDENTS AT RISK OF EDUCATIONAL FAILURE AND FOR REDUCING THE ACHIEVEMENT GAP OF MINORITY STUDENTS;

(4) PROVIDE EFFECTIVE MANAGEMENT INFORMATION SYSTEMS FOR THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM;

(5) PROVIDE AN EFFECTIVE FINANCIAL MANAGEMENT AND BUDGETING SYSTEM FOR THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM

TO ENSURE THE MAXIMIZATION AND APPROPRIATE UTILIZATION OF ALL AVAILABLE RESOURCES;

(6) PROVIDE EFFECTIVE STAFF HIRING AND ASSIGNMENT;

(7) DEVELOP AN EFFECTIVE SYSTEM OF PROVIDING INSTRUCTIONAL MATERIALS AND SUPPORT SERVICES;

(8) PROVIDE AN EFFECTIVE SYSTEM FOR PROCUREMENT OF GOODS AND SERVICES UNDER § 5-112 OF THIS ARTICLE;

(9) RECOMMEND MODEL SCHOOL REFORM INITIATIVES;

(10) PROVIDE APPROPRIATE METHODS FOR STUDENT ASSESSMENT AND REMEDIATION;

(11) DEVELOP AN EFFECTIVE SYSTEM FOR PLANNING AND PROVIDING FOR CONSTRUCTION, REPAIR, AND MAINTENANCE SERVICES FOR SCHOOL BUILDINGS;

(12) INCREASE PARENTAL PARTICIPATION;

(13) INCLUDE MEASURABLE OUTCOMES AND TIME LINES FOR THE IMPLEMENTATION AND EVALUATION OF THE REFORMS MADE IN ACCORDANCE WITH THE MASTER PLAN AND THE REPORTING OF THIS INFORMATION TO THE GOVERNOR, THE COUNTY EXECUTIVE, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY;

(14) IMPROVE THE STATUS OF SCHOOLS THAT ARE SUBJECT TO A STATE RECONSTITUTION NOTICE; AND

(15) DEVELOP AN EFFECTIVE SYSTEM OF TEACHER INPUT REGARDING IMPLEMENTATION OF SCHOOL REFORM INITIATIVES, THAT INCLUDES

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ACTIVE AND ONGOING CONSULTATION WITH CLASSROOM TEACHERS AT THE ELEMENTARY, MIDDLE, AND HIGH SCHOOL LEVELS.

(D) THE REQUIREMENT FOR A COMPREHENSIVE MASTER PLAN UNDER THIS SECTION MAY BE SATISFIED BY A REVIEW AND UPDATE OF THE COMPREHENSIVE MASTER PLAN ADOPTED BY THE BOARD AND APPROVED BY THE STATE BOARD OF EDUCATION AND THE STATE SUPERINTENDENT IN ACCORDANCE WITH CHAPTER 102 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2001.

4-408.

(A) BY DECEMBER 31 OF EACH YEAR AND ON JUNE 30, 2007, THE CHIEF EXECUTIVE OFFICER AND THE BOARD SHALL ISSUE AN ANNUAL REPORT FOR THE PRIOR SCHOOL YEAR THAT INCLUDES:

(1) A FINANCIAL STATEMENT; AND

(2) A COMPREHENSIVE ACCOUNTING OF PROGRESS IN THE IMPLEMENTATION OF THE MASTER PLAN INCLUDING:

(I) ASSESSMENT OF STUDENT PERFORMANCE BY THE CATEGORIES REQUIRED BY THE MARYLAND SCHOOL PERFORMANCE PROGRAM STANDARDS;

(II) SPECIFIC ASSESSMENT OF THE EXTENT OF IMPLEMENTATION OF EACH ITEM INCLUDED IN § 4-407 OF THIS SUBTITLE; AND

(III) ANY OTHER INFORMATION AS REQUIRED BY STATE LAW.

(B) (1) THE STATE BOARD OF EDUCATION AND STATE SUPERINTENDENT OF SCHOOLS SHALL REVIEW EACH ANNUAL REPORT AND COMMENT ON THE PROGRESS MADE TOWARDS ACHIEVING BOTH MANAGERIAL AND EDUCATIONAL GOALS.

(2) THE GENERAL ASSEMBLY SHALL CONSIDER THE REPORTS AND THE COMMENTS OR RECOMMENDATIONS OF THE STATE BOARD AND STATE SUPERINTENDENT BEFORE APPROVING THE STATE BUDGET EACH YEAR.

4-409.

(A) IN ADDITION TO THE POWERS OTHERWISE GRANTED TO THE BOARD IN THIS ARTICLE, THE BOARD OR A DESIGNATED COMMITTEE OF THE BOARD MAY HEAR AN APPEAL FROM A DECISION OF THE CHIEF EXECUTIVE OFFICER THAT RELATES TO THE GRADE, TRANSFER, TUITION, OR ANY ASPECT OF PARTICIPATION IN A PROGRAM OR ACTIVITY OF A SPECIFIC STUDENT WHO IS NOT SUBJECT TO THE PROVISIONS OF TITLE 8, SUBTITLE 4 OF THIS ARTICLE.

(B) (1) A DESIGNATED COMMITTEE SHALL CONSIST OF AT LEAST FIVE MEMBERS OF THE BOARD.

(2) AT LEAST FIVE MEMBERS OF A DESIGNATED COMMITTEE MUST BE PRESENT TO CONSTITUTE A QUORUM OF THE COMMITTEE.

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Education

5-206.

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

(ii) The Prince George's County Board shall provide the Management Oversight Panel with prior notification of proposed personnel actions related to senior positions and substantial procurement actions, allowing the Management Oversight Panel the opportunity to assess whether the recommendations of the performance audit have been considered.

(Over)

(iii) The State Superintendent of Schools shall determine which personnel and procurement actions must be submitted to the Management Oversight Panel as provided by subparagraph (ii) of this paragraph.

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

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

(ii) The Management Oversight Panel shall consist of nine members jointly appointed by the Governor, the Prince George's County Executive, and the Chairperson of the Prince George's County Board of Education from a list of nominations submitted by the State Board of Education.

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

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

2. Three individuals who have extensive expertise in the education field; and

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

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

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

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

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

1. On the audits' findings and recommendations; and
2. Annually on implementation of the audits' recommendations.

(viii) The Management Oversight Panel and the county board shall promulgate and publish a protocol for joint communications with, and requests for, information to the County Board and the County Superintendent and shall notify the Prince George's County Senators and the Prince George's County Delegation, the County Executive, the County Council and the State Superintendent of any breaches of that protocol by the Management Oversight Panel, the County Board, or the County Superintendent.

(ix) The Management Oversight Panel may meet and deliberate in executive session with the County Board, the County Superintendent, and employees of the County Board to discuss any matter which the Management Oversight Panel and the County Board may separately discuss in executive session.

(x) The affirmative vote of the members of the Management Oversight Panel for the passage of a motion by the Management Oversight Panel shall be a majority of the members presently authorized to serve.

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

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

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

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

SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Chapter 704 of the Acts of 1998, as amended by Chapter 420 of the Acts of 2001

SECTION 2. AND BE IT FURTHER ENACTED, That for fiscal years 1999 through [2003] 2007, in each year, the State shall provide \$35 million for public school construction projects in Prince George's County and the Prince George's County government shall provide a minimum of \$32 million for public school construction projects, and such additional funds as may be necessary to match the annual State appropriation for public school construction projects in Prince George's County. For fiscal years 2000 through [2003] 2007, the full level of State funding shall be contingent on future economic conditions and review and approval by the State Superintendent of Schools of the Prince George's County Board of Education's Comprehensive Plan described in the 1998 Memorandum of Understanding signed by the parties to Vaughns, et al. v. Board of Education of Prince George's County, et al. and submitted to the United States District Court.

SECTION 3. AND BE IT FURTHER ENACTED, That for fiscal years 1999 through [2003] 2007, in each year, the State shall provide 75 percent of the eligible costs for up to \$35 million in public school construction costs in Prince George's County. At least \$20 million of the State funds must be spent each year on neighborhood school projects. For fiscal years 1999 through 2003, for

funding above \$35 million, the State shall provide 60 percent of the eligible costs. For fiscal years 2004 through 2007, for funding above \$35 million, the State shall provide 65 percent of the eligible costs. Neighborhood school projects shall be identified by the Interagency Committee on Public School Construction and shall include new public schools and additions or improvements to existing public schools which serve students reassigned to their local communities based upon the Community Schools Education Plan developed by the Prince George's County Board of Education.

SECTION 4. AND BE IT FURTHER ENACTED, That prior to any school construction projects being released for bidding as a result of State funding in fiscal years 1999 through [2003] 2007, the Prince George's County Board of Education, the County Executive, and the County Council shall submit to the Interagency Committee on School Construction the most recent Community Schools Education Plan and the Prince George's County Board of Education Capital Improvement Program and a letter of endorsement of the plan and program. The Interagency Committee shall review the information submitted and determine which projects or portions thereof are justified and which qualify as neighborhood school projects. Prior to any approval from the Interagency Committee to release any projects for bidding, the educational programs and services proposed for each project shall be reviewed and approved by the State Superintendent of Schools for consistency with practices and strategies that result in improved student achievement and academic and social success.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) Except as provided in [subsection (b)] SUBSECTION (B) AND (C) of this section and Section 6 of this Act, this Act shall remain effective until June 30, 2003, and, at the end of June 30, 2003, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

(b) Notwithstanding any other provision of this Act, § 5-307(d) of the Education Article as enacted by this Act shall remain in effect and shall not terminate without further action by the General Assembly.

(C) SECTIONS 2, 3, AND 4 OF THIS ACT SHALL REMAIN EFFECTIVE UNTIL JUNE 30, 2007, AND, AT THE END OF JUNE 30, 2007, WITH NO FURTHER ACTION

(Over)

REQUIRED BY THE GENERAL ASSEMBLY, SECTIONS 2, 3, AND 4 OF THIS ACT SHALL BE ABROGATED AND OF NO FURTHER FORCE AND EFFECT.

SECTION 6. AND BE IT FURTHER ENACTED,”.

On page 3, in line 1, strike “2.” and substitute “7.”.

On pages 3 and 4, strike in their entirety the lines beginning with line 4 on page 3 down through line 26 on page 4, inclusive.

On page 5, in line 9, strike “1,”; in the same line, strike “5,”; in the same line, after “7,” insert “AND”; in the same line, strike “; 9, AND 10”; in line 10, strike “6, 7, 9, AND” and substitute “3, 5, 6, 7, AND 9 THROUGH”; in the same line, strike the second “AND”; in line 11, after “16” insert “; AND”

(6) THAT PART OF ELECTION DISTRICT 14, PRECINCT 9 THAT CONSISTS OF THE FOLLOWING CENSUS TRACTS AND BLOCKS:

(I) CENSUS TRACT 8004.01, BLOCKS 1000 THROUGH 1003; AND

(II) CENSUS TRACT 8004.06, BLOCKS 1000 THROUGH 1002, 1011, 1012, 1020 THROUGH 1028, 1999 THROUGH 2003, 2006 THROUGH 2010, 2017, 2023 THROUGH 2027, 2041 THROUGH 2048, 3000 THROUGH 3014, 3017, 3018, AND 3068;

in line 22, after “8,” insert “9.”; after line 22, insert:

“(4) ELECTION DISTRICT 15, PRECINCT 2;”;

in lines 23 and 24, strike “(4)” and “(5)”, respectively, and substitute “(5)” and “(6)”, respectively; in line 24, strike “5,”; and in line 27, after “PRECINCTS” insert “2.”.

On page 6, in line 9, strike “9,”; in line 10, strike “3, 4, AND 6; AND” and substitute “1, 3 THROUGH 6, AND 10;”; in line 11, after “15” insert “; AND”

(11) THAT PART OF ELECTION DISTRICT 14, PRECINCT 9 THAT CONSISTS OF CENSUS TRACT 8004.06, BLOCKS 2004, 2005, 2011 THROUGH 2016, 2018 THROUGH 2022, 2028 THROUGH 2040, 3015, 3016, 3019 THROUGH 3025, 3029 THROUGH 3035, 3054 THROUGH 3065, AND 3069”;

and after line 11, insert:

“3-1002.

(a) In this subtitle, “elected member” means one of the nine elected members of the Prince George’s County Board or a member appointed to fill a vacancy of one of these nine members.

(b) The Prince George’s County Board consists of 10 MEMBERS AS FOLLOWS:

(1) [nine] FIVE elected members, EACH OF WHOM RESIDES IN A DIFFERENT SCHOOL BOARD DISTRICT;

(2) FOUR ELECTED MEMBERS WHO MAY RESIDE ANYWHERE IN THE COUNTY; and

[(2)] (3) [one] ONE student member selected under subsection (f)(2) of this section.

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

(2) From the time of filing as a candidate for election, each candidate for A POSITION ON the County Board REPRESENTING A SCHOOL BOARD DISTRICT shall reside in the school board district the candidate seeks to represent.

(3) An elected County Board member shall forfeit [his] THE office if [he] THE MEMBER:

(Over)

(i) [Fails] IN THE CASE OF A MEMBER ELECTED TO REPRESENT A SCHOOL BOARD DISTRICT, FAILS to reside in the school board district from which [he] THE MEMBER was elected, unless this change is caused by a change in the boundaries of the district; or

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

(4) A County Board member may not hold another office of profit in county government during [his] THE MEMBER'S term.

(5) Each elected member of the County Board FOR A POSITION REPRESENTING A SCHOOL BOARD DISTRICT shall be nominated by the registered voters of [his] THE MEMBER'S school board district.

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

(1) At the general election every [2] 4 years as required by subsection (g) of this section; and

(2) By the registered voters of [his school board district] THE ENTIRE COUNTY.

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

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

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

(2) (i) Except as otherwise provided in subparagraph (ii) of this paragraph,

the Board of Supervisors of Elections shall add to the ballot for the general election the name of any person who files as a candidate in accordance with paragraph (1)(ii) of this subsection.

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

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

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

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

(i) Capital and operating budgets;

(ii) School closings, reopenings, and boundaries;

(iii) Collective bargaining decisions;

(iv) Student disciplinary matters;

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

(vi) Other personnel matters.

(4) On an affirmative vote of a majority of the elected members of the County

(Over)

Board, the Board may determine if a matter before the Board relates to a subject that the student member may not vote on under paragraph (3) of this subsection.

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

(6) The Prince George's Regional Association of Student Governments may establish procedures for the election of the student member of the County Board.

(7) The election procedures established by the Prince George's Regional Association of Student Governments are subject to the approval of the elected members of the County Board.

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

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

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

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

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

(i) (1) With the approval of the Governor, the State Board may remove a member of

the County Board for any of the following reasons:

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

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

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

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

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

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

(I) WHILE SERVING ON THE COUNTY BOARD, A MEMBER MAY NOT BE A CANDIDATE FOR A PUBLIC OFFICE OTHER THAN A POSITION ON THE COUNTY BOARD.”;

in line 13, strike “2, 2002” and substitute “4, 2006”; and in line 15, strike “AND APPOINTED”; and after line 29, insert:

“(A) THERE IS A CHIEF FINANCIAL OFFICER IN THE PRINCE GEORGE’S

(Over)

COUNTY PUBLIC SCHOOL SYSTEM WHO SHALL:

(1) BE RESPONSIBLE FOR THE DAY-TO-DAY MANAGEMENT AND OVERSIGHT OF THE FISCAL AFFAIRS OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM; AND

(2) REPORT DIRECTLY TO THE COUNTY SUPERINTENDENT.

(B) THE COUNTY SUPERINTENDENT SHALL, SUBJECT TO THE APPROVAL OF THE COUNTY BOARD:

(1) SELECT THE CHIEF FINANCIAL OFFICER; AND

(2) ESTABLISH THE SALARY OF THE CHIEF FINANCIAL OFFICER.

(C) THE EMPLOYMENT CONTRACT OF THE CHIEF FINANCIAL OFFICER SHALL PROVIDE THAT CONTINUED EMPLOYMENT IS CONTINGENT ON THE EFFECTIVE FISCAL MANAGEMENT OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS.

(D) THE CHIEF FINANCIAL OFFICER IS NOT A PUBLIC OFFICER UNDER THE CONSTITUTION OR THE LAWS OF THE STATE.

SECTION 8. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 24 - Political Subdivisions - Miscellaneous Provisions

9-606.

(A) THE COUNTY COUNCIL FOR PRINCE GEORGE'S COUNTY SHALL IMPOSE, BY ORDINANCE, AND COLLECT A SALES AND USE TAX ON TELECOMMUNICATIONS SERVICE IN PRINCE GEORGE'S COUNTY AT A RATE NOT LESS THAN 5%.

(B) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE

MEANINGS INDICATED.

(II) "MOBILE TELECOMMUNICATIONS SOURCING ACT" MEANS THE FEDERAL MOBILE TELECOMMUNICATIONS SOURCING ACT, P.L. 106-252.

(III) "SERVICE ADDRESS" MEANS:

1. EXCEPT AS PROVIDED IN ITEM 2 OF THIS SUBPARAGRAPH, THE LOCATION OF THE TELECOMMUNICATIONS EQUIPMENT TO WHICH A CALL IS CHARGED, REGARDLESS OF WHERE THE CALL IS BILLED OR PAID; AND

2. IN THE CASE OF MOBILE TELECOMMUNICATIONS SERVICE, THE LOCATION OF THE CUSTOMER'S PLACE OF PRIMARY USE AS DEFINED IN THE MOBILE TELECOMMUNICATIONS SOURCING ACT.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE SALES AND USE TAX AUTHORIZED UNDER THIS SECTION SHALL APPLY TO TELECOMMUNICATIONS SERVICE THAT:

(I) ORIGINATES AND TERMINATES IN PRINCE GEORGE'S COUNTY; OR

(II) ORIGINATES OR TERMINATES IN PRINCE GEORGE'S COUNTY AND HAS A SERVICE ADDRESS IN PRINCE GEORGE'S COUNTY.

(3) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, FOR CUSTOMER BILLS TO WHICH THE AMENDMENT MADE BY THE MOBILE TELECOMMUNICATIONS SOURCING ACT APPLIES, THE SALES AND USE TAX AUTHORIZED UNDER THIS SECTION SHALL APPLY TO MOBILE TELECOMMUNICATIONS SERVICES TO THE FULLEST EXTENT AUTHORIZED UNDER § 117(B) OF THE MOBILE TELECOMMUNICATIONS SOURCING ACT.

(C) A TAX IMPOSED UNDER THIS SECTION DOES NOT APPLY TO:

(Over)

(1) TELECOMMUNICATIONS SERVICES PROVIDED TO A PERSON TO WHOM A SALE OF TANGIBLE PERSONAL PROPERTY OR A TAXABLE SERVICE IS EXEMPT UNDER § 11-204 OR § 11-220 OF THE TAX - GENERAL ARTICLE; OR

(2) A PREPAID TELEPHONE CALLING ARRANGEMENT THAT IS A TAXABLE SERVICE UNDER TITLE 11 OF THE TAX - GENERAL ARTICLE.

(D) (1) THE TAX SHALL BE ITEMIZED ON EACH BILL FOR TELECOMMUNICATIONS SERVICE IN PRINCE GEORGE'S COUNTY.

(2) EACH VENDOR PROVIDING TELECOMMUNICATIONS SERVICE IN PRINCE GEORGE'S COUNTY SHALL COLLECT THE TAX ON BEHALF OF THE COUNTY AND REMIT THE TAX TO THE COUNTY.

(E) (1) THE NET PROCEEDS OF THE REVENUE FROM THE TAX IMPOSED UNDER THIS SECTION SHALL BE USED ONLY FOR OPERATING EXPENDITURES OF THE PRINCE GEORGE'S COUNTY SCHOOL SYSTEM.

(2) THE PROCEEDS PROVIDED UNDER THIS SECTION FOR OPERATING EXPENDITURES OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM MAY NOT BE USED TO SUPPLANT ANY STATE AID FOR EDUCATION PROVIDED TO THE COUNTY, OR ANY COUNTY FUNDS PROVIDED TO THE PRINCE GEORGE'S COUNTY SCHOOL SYSTEM.

SECTION 9. AND BE IT FURTHER ENACTED, That the terms of office of the members of the Prince George's County Board of Education, or their successors selected to fill a vacancy, who are in office as of May 31, 2002 shall terminate on June 1, 2002.

SECTION 10. AND BE IT FURTHER ENACTED, That the terms of office of the members of the New Prince George's County Board of Education appointed under Section 3 of this Act begin on June 1, 2002. The terms of those members, or their successors selected to fill a vacancy, who are in office on June 1, 2006 shall terminate on December 3, 2006.

SECTION 11. AND BE IT FURTHER ENACTED, That the Chief Academic Officer of

Prince George's County shall develop a mechanism or plan for effective teacher participation in the development of the curriculum, instruction, and professional staff development.

SECTION 12. AND BE IT FURTHER ENACTED, That, subject to Section 13 of this Act, for fiscal years 2004 through 2007, the Governor shall include an additional \$20,000,000 in the State budget to assist in additional reform of the Prince George's County public school system subject to review and approval by the State Superintendent and the State Board of Education. The additional appropriation made under this Act for reform of the Prince George's County public school system may not be used to supplant any State aid for education.

SECTION 13. AND BE IT FURTHER ENACTED, That the \$20,000,000 annual appropriation in fiscal years 2004 through 2007 under Section 12 of this Act may not be disbursed in any fiscal year in which additional funding is provided to Prince George's County under Chapter \_\_\_\_\_ (S.B. 856) or Chapter \_\_\_\_\_ (H.B. 1329) of the Acts of the General Assembly of 2002.

SECTION 14. AND BE IT FURTHER ENACTED, That:

(1) the funds provided in Section 2 of Chapter 704 of the Acts of the General Assembly of 1998, as amended by Chapter 420 of the Acts of the General Assembly of 2001, and as further amended by Section 5 of this Act may not be disbursed in fiscal year 2003 until the State Superintendent and the State Board of Education have approved the master plan required under § 4-407 of the Education Article, as enacted by Section 3 of this Act; and

(2) in subsequent fiscal years, those funds and the funds provided in Section 12 of this Act may only be disbursed in proportion to the degree that the Prince George's County public school system has achieved the benchmarks and outcomes in the master plan approved by the State Superintendent and the State Board of Education.

SECTION 15. AND BE IT FURTHER ENACTED, That the New Prince George's County Board of Education (New Board) appointed under Section 3 of this Act shall initiate a search process for a permanent chief executive officer (CEO) not later than 30 days after appointment. If the New Board determines that it is not feasible to appoint a permanent CEO within that 30-day period, the New Board shall hire an interim CEO to take office not later than August 15, 2002. The interim

(Over)

CEO may be eligible to be appointed as the permanent CEO. Unless the New Board, in consultation with the State Board of Education, determines that extenuating circumstances exist, the New Board shall appoint a permanent CEO not later than January 1, 2003. If extenuating circumstances exist, the New Board shall appoint a permanent CEO not later than July 1, 2003.

SECTION 16. AND BE IT FURTHER ENACTED, That in each of fiscal years 2004 through 2007, the State shall provide \$300,000 for the State Department of Education to assist the State Superintendent and the State Board of Education in overseeing the implementation of this Act, including the hiring of a liaison officer.

SECTION 17. AND BE IT FURTHER ENACTED, That, on or before June 1, 2006, a consultant shall conduct a comprehensive review of the Prince George's County public school system and the New Prince George's County Board of Education (New Board). The New Board and the Maryland State Department of Education shall jointly select and equally share the cost of the consultant and determine the scope of the comprehensive review. At a minimum, the comprehensive review shall evaluate both the educational and management reforms made by the New Board and shall determine whether there has been improvement in the management of and student achievement in the public schools in Prince George's County. The review may include recommendations to the General Assembly concerning the organizational structure of the Prince George's County public school system, in addition to recommendations to the New Board concerning modifications to the master plan adopted in accordance with this Act. The consultant shall report the findings of the evaluation to the Governor, the County Executive of Prince George's County, the New Board and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 18. AND BE IT FURTHER ENACTED, That the New Prince George's County Board and the State Board of Education shall review the findings of the comprehensive review set forth in Section 17 of this Act and shall conduct four public hearings throughout Prince George's County. On or before September 1, 2006, the New Prince George's County Board and State Board of Education shall report to the General Assembly the results of the public hearings and the review of the final comprehensive review, and propose to the General Assembly any changes appropriate in the management structure and levels of funding of the Prince George's County public school system.

SECTION 19. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of

competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 20. AND BE IT FURTHER ENACTED, That Sections 1 through 3 of this Act shall take effect June 1, 2002. They shall remain effective for a period of 4 years and 1 month and, at the end of June 30, 2006, with no further action required by the General Assembly, Sections 1 through 3 of this Act shall be abrogated and of no further force and effect.

SECTION 21. AND BE IT FURTHER ENACTED, That Sections 6 and 7 of this Act shall take effect July 1, 2006.

SECTION 22. AND BE IT FURTHER ENACTED, That, except as provided in Section 21 of this Act, this Act shall take effect June 1, 2002.”.

On pages 6 through 21, strike in their entirety the lines beginning with line 30 on page 6 through line 44 on page 21, inclusive.