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

Introduced and read first time: February 6, 2002

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Education - Management Oversight Panel**  
3 **PG 421-02**

4 FOR the purpose of increasing the membership of the Management Oversight Panel;  
5 providing for the appointment of the additional members; establishing an  
6 executive committee of the Management Oversight Panel with certain  
7 membership and functions; providing for the review and approval by the  
8 executive committee of certain actions of the Prince George's County Board of  
9 Education and the Prince George's County School System; prohibiting the  
10 county board and the county school system from taking certain actions without  
11 certain approval; requiring certain members of the Management Oversight  
12 Panel in Prince George's County to attend certain Prince George's County Board  
13 of Education meetings; prohibiting the filling of a certain vacancy before a  
14 certain date; requiring the initiation of a certain search process by a certain  
15 date; requiring the appointment of a permanent county superintendent by  
16 certain dates under certain circumstances; making this Act an emergency  
17 measure; providing termination dates for portions of this Act; providing for the  
18 exercise of certain authority for a certain period; and generally relating to the  
19 Management Oversight Panel in Prince George's County.

20 BY repealing and reenacting, without amendments,  
21 Article - Education  
22 Section 5-206(g)(4) and (5)  
23 Annotated Code of Maryland  
24 (2001 Replacement Volume)

25 BY repealing and reenacting, with amendments,  
26 Article - Education  
27 Section 5-206(g)(6)  
28 Annotated Code of Maryland  
29 (2001 Replacement Volume)

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

3 **Article - Education**

4 5-206.

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

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

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

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

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

23 (ii) The Management Oversight Panel shall consist of:

24 1. [nine] NINE members jointly appointed by the Governor,  
25 the Prince George's County Executive, and the Chairperson of the Prince George's  
26 County Board of Education from a list of nominations submitted by the State Board of  
27 Education;

28 2. TWO MEMBERS APPOINTED BY THE COUNTY EXECUTIVE  
29 OF PRINCE GEORGE'S COUNTY; AND

30 3. TWO MEMBERS APPOINTED BY THE GOVERNOR.

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

32 1. FOR THE MEMBERS APPOINTED UNDER SUBPARAGRAPH  
33 (II)1 OF THIS PARAGRAPH:

34 [1.] A. Four individuals who have extensive expertise in  
35 management or business enterprises;

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

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

6 2. FOR THE MEMBERS APPOINTED UNDER SUBPARAGRAPH  
7 (II)2 AND 3 OF THIS PARAGRAPH, FOUR MEMBERS OF THE GENERAL PUBLIC WHO ARE  
8 RESIDENTS OF PRINCE GEORGE'S COUNTY.

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

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

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

18 (VII) THERE IS AN EXECUTIVE COMMITTEE OF THE MANAGEMENT  
19 OVERSIGHT PANEL. THE EXECUTIVE COMMITTEE SHALL REVIEW AND APPROVE  
20 ACTIONS OF THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION AND THE  
21 PRINCE GEORGE'S COUNTY SCHOOL SYSTEM UNDER SUBPARAGRAPHS (XI) THROUGH  
22 (XV) OF THIS PARAGRAPH.

23 (VIII) THE EXECUTIVE COMMITTEE SHALL CONSIST OF THE  
24 FOLLOWING MEMBERS OF THE MANAGEMENT OVERSIGHT PANEL:

25 1. ONE MEMBER DESIGNATED BY THE STATE  
26 SUPERINTENDENT OF SCHOOLS;

27 2. TWO MEMBERS DESIGNATED BY THE COUNTY EXECUTIVE  
28 OF PRINCE GEORGE'S COUNTY; AND

29 3. TWO MEMBERS DESIGNATED BY THE GOVERNOR.

30 (IX) ALL MEMBERS OF THE EXECUTIVE COMMITTEE SHALL BE  
31 RESIDENTS OF PRINCE GEORGE'S COUNTY.

32 (X) THE GOVERNOR SHALL DESIGNATE A CHAIRMAN OF THE  
33 EXECUTIVE COMMITTEE.

34 (XI) FOR ACTIONS TO BE TAKEN BY THE PRINCE GEORGE'S COUNTY  
35 BOARD OR THE SCHOOL SYSTEM, THE EXECUTIVE COMMITTEE SHALL REVIEW AND  
36 APPROVE:

1                                   1.       PERSONNEL ACTIONS, INCLUDING APPOINTMENT,  
2 DISCIPLINE AND DISCHARGE, INVOLVING THE COUNTY SUPERINTENDENT, AN  
3 ACTING SUPERINTENDENT, AN INTERIM SUPERINTENDENT, DEPUTY  
4 SUPERINTENDENTS, ASSOCIATE SUPERINTENDENTS, ASSISTANT  
5 SUPERINTENDENTS, AND DIRECTORS OF DEPARTMENTS;

6                                   2.       PROCUREMENT ACTIONS IN AN AMOUNT OF \$25,000 OR  
7 MORE; AND

8                                   3.       SIGNIFICANT EDUCATIONAL AND BUDGETARY POLICY  
9 DECISIONS, INCLUDING MAJOR POLICY INITIATIVES THAT INVOLVE PRIORITY  
10 RECOMMENDATIONS FROM THE PERFORMANCE AUDIT AS AGREED ON BY THE  
11 COUNTY SUPERINTENDENT, THE COUNTY BOARD, AND THE MANAGEMENT  
12 OVERSIGHT PANEL.

13                               (XII) 1.       THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION  
14 AND THE PRINCE GEORGE'S COUNTY SCHOOL SYSTEM SHALL SUBMIT ALL PROPOSED  
15 ACTIONS DESCRIBED IN SUBPARAGRAPH (XI) OF THIS PARAGRAPH TO THE  
16 EXECUTIVE COMMITTEE AT LEAST 10 WORKING DAYS BEFORE FORMAL ACTION ON  
17 THE PROPOSED ACTION MAY BE TAKEN.

18                               2.       SUBMISSIONS TO THE EXECUTIVE COMMITTEE UNDER  
19 THIS SUBPARAGRAPH INCLUDE AT A MINIMUM PROPOSED JOB DESCRIPTIONS,  
20 SCOPE OF EMPLOYMENT, PROPOSED REQUESTS FOR PROPOSALS OR  
21 QUALIFICATIONS, DOCUMENTATION DESCRIBING THE PRIORITY  
22 RECOMMENDATIONS, AND OTHER ITEMS THAT THE PRINCE GEORGE'S COUNTY  
23 SCHOOL SYSTEM USES TO CONDUCT PERSONNEL, PROCUREMENT, AND POLICY  
24 ACTIONS.

25                               3.       THE EXECUTIVE COMMITTEE SHALL ACT PROMPTLY AND  
26 EXPEDITIOUSLY ON ALL PROPOSED ACTIONS SUBMITTED TO THE EXECUTIVE  
27 COMMITTEE, AND NOT LONGER THAN 10 WORKING DAYS AFTER SUBMISSION.

28                               (XIII) NO ACTION COVERED UNDER SUBPARAGRAPH (XI) OF THIS  
29 PARAGRAPH MAY BE TAKEN BY THE COUNTY BOARD OR THE SCHOOL SYSTEM UNTIL  
30 THE CHAIRMAN OF THE EXECUTIVE COMMITTEE PROVIDES WRITTEN APPROVAL OF  
31 THE ACTION.

32                               (XIV) THE EXECUTIVE COMMITTEE SHALL, AT ITS DISCRETION, HAVE  
33 THE AUTHORITY TO REVIEW AND APPROVE ALL ACTIONS TAKEN BY THE PRINCE  
34 GEORGE'S COUNTY BOARD OR SCHOOL SYSTEM AFTER FEBRUARY 1, 2002.

35                               (XV) IF THE EXECUTIVE COMMITTEE DISAPPROVES TWO  
36 CONSECUTIVE PROPOSED PERSONNEL ACTIONS REGARDING APPOINTMENT TO THE  
37 SAME POSITION AS PROVIDED UNDER SUBPARAGRAPH (XI) OF THIS PARAGRAPH, THE  
38 EXECUTIVE COMMITTEE MAY MAKE AN APPOINTMENT TO THAT POSITION.

39                               (XVI) IF THE EXECUTIVE COMMITTEE DISAPPROVES A PROPOSED  
40 PERSONNEL ACTION REGARDING APPOINTMENT TO A POSITION UNDER  
41 SUBPARAGRAPH (XI) OF THIS PARAGRAPH, AND A PROPOSED ACTION REGARDING

1 APPOINTMENT TO THE SAME POSITION IS NOT SUBMITTED TO THE EXECUTIVE  
 2 COMMITTEE WITHIN 15 WORKING DAYS AFTER THE DATE OF DISAPPROVAL OF THE  
 3 FIRST PROPOSED ACTION, THEN THE EXECUTIVE COMMITTEE MAY MAKE AN  
 4 APPOINTMENT TO THAT POSITION.

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

- 10 1. On the audits' findings and recommendations; and  
 11 2. Annually on implementation of the audits'  
 12 recommendations.

13 [(viii)] (XVIII) The Management Oversight Panel and the County  
 14 Board shall promulgate and publish a protocol for joint communications with, and  
 15 requests for, information to the County Board and the County Superintendent and  
 16 shall notify the Prince George's County Senators and the Prince George's County  
 17 Delegation, the County Executive, the County Council and the State Superintendent  
 18 of any breaches of that protocol by the Management Oversight Panel, the County  
 19 Board, or the County Superintendent.

20 (XIX) AT LEAST THREE MEMBERS OF THE MANAGEMENT OVERSIGHT  
 21 PANEL SHALL ATTEND EACH MEETING HELD BY THE COUNTY BOARD, INCLUDING  
 22 EXECUTIVE SESSIONS, CAPITAL IMPROVEMENT PROGRAM MEETINGS, AND BUDGET  
 23 HEARINGS.

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

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

31 SECTION 2. AND BE IT FURTHER ENACTED, That if there is a vacancy in  
 32 the position of county superintendent in the Prince George's County school system on  
 33 or after the date this Act takes effect, the Prince George's County Board of Education  
 34 may not appoint a permanent county superintendent of schools until after the first  
 35 Monday in December, 2002. The Prince George's County Board of Education shall  
 36 initiate a search process for a permanent county superintendent not later than 30  
 37 days after the first Monday in December 2002. The Board shall appoint a permanent  
 38 county superintendent no later than April 1, 2003, unless extenuating circumstances  
 39 exist as determined by the Board, in consultation with the State Superintendent of  
 40 Schools. In this event, the Board shall appoint a permanent county superintendent no  
 41 later than July 1, 2003.

1 SECTION 3. AND BE IT FURTHER ENACTED, That until June 1, 2002, the  
2 exercise of additional authority provided under Section 1 of this Act shall be subject to  
3 the direction and control of the State Superintendent of Schools.

4 SECTION 4. AND BE IT FURTHER ENACTED, Section 1 of this Act shall  
5 remain effective until the end of December 2, 2002, and with no further action  
6 required by the General Assembly, Section 1 of this Act shall be abrogated and of no  
7 further force and effect.

8 SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an  
9 emergency measure, is necessary for the immediate preservation of the public health  
10 or safety, has been passed by a yea and nay vote supported by three-fifths of all the  
11 members elected to each of the two Houses of the General Assembly, and shall take  
12 effect from the date it is enacted. It shall remain effective until the end of July 1,  
13 2003, and with no further action required by the General Assembly, this Act shall be  
14 abrogated and of no further force and effect.