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

Introduced and read first time: February 6, 2002

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: February 12, 2002

CHAPTER _____

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)

1 BY repealing and reenacting, with amendments,
2 Article - Education
3 Section 5-206(g)(6)
4 Annotated Code of Maryland
5 (2001 Replacement Volume)

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

8 **Article - Education**

9 5-206.

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

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

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

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

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

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

29 1. [nine] NINE members jointly appointed by the Governor,
30 the Prince George's County Executive, and the Chairperson of the Prince George's
31 County Board of Education from a list of nominations submitted by the State Board of
32 Education;

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

35 3. TWO MEMBERS APPOINTED BY THE GOVERNOR.

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

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

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

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

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

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

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

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

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

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

27 (VIII) THE EXECUTIVE COMMITTEE SHALL CONSIST OF THE
28 FOLLOWING MEMBERS OF THE MANAGEMENT OVERSIGHT PANEL:

29 1. ONE MEMBER DESIGNATED BY THE STATE
30 SUPERINTENDENT OF SCHOOLS;

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

33 3. TWO MEMBERS DESIGNATED BY THE GOVERNOR.

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

1 (X) THE GOVERNOR SHALL DESIGNATE A CHAIRMAN OF THE
2 EXECUTIVE COMMITTEE.

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

6 1. PERSONNEL ACTIONS, INCLUDING APPOINTMENT,
7 DISCIPLINE AND DISCHARGE, INVOLVING THE COUNTY SUPERINTENDENT, AN
8 ACTING SUPERINTENDENT, AN INTERIM SUPERINTENDENT, DEPUTY
9 SUPERINTENDENTS, ASSOCIATE SUPERINTENDENTS, ASSISTANT
10 SUPERINTENDENTS, AND DIRECTORS OF DEPARTMENTS;

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

13 3. SIGNIFICANT EDUCATIONAL AND BUDGETARY POLICY
14 DECISIONS, INCLUDING MAJOR POLICY INITIATIVES THAT INVOLVE PRIORITY
15 RECOMMENDATIONS FROM THE PERFORMANCE AUDIT AS AGREED ON BY THE
16 COUNTY SUPERINTENDENT, THE COUNTY BOARD, AND THE MANAGEMENT
17 OVERSIGHT PANEL.

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

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

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

33 (XIII) NO ACTION COVERED UNDER SUBPARAGRAPH (XI) OF THIS
34 PARAGRAPH MAY BE TAKEN BY THE COUNTY BOARD OR THE SCHOOL SYSTEM UNTIL
35 THE CHAIRMAN OF THE EXECUTIVE COMMITTEE PROVIDES WRITTEN APPROVAL OF
36 THE ACTION.

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

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

5 (XVI) IF THE EXECUTIVE COMMITTEE DISAPPROVES A PROPOSED
 6 PERSONNEL ACTION REGARDING APPOINTMENT TO A POSITION UNDER
 7 SUBPARAGRAPH (XI) OF THIS PARAGRAPH, AND A PROPOSED ACTION REGARDING
 8 APPOINTMENT TO THE SAME POSITION IS NOT SUBMITTED TO THE EXECUTIVE
 9 COMMITTEE WITHIN 15 WORKING DAYS AFTER THE DATE OF DISAPPROVAL OF THE
 10 FIRST PROPOSED ACTION, THEN THE EXECUTIVE COMMITTEE MAY MAKE AN
 11 APPOINTMENT TO THAT POSITION.

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

- 17 1. On the audits' findings and recommendations; and
 18 2. Annually on implementation of the audits'
 19 recommendations.

20 [(viii)] (XVIII) The Management Oversight Panel and the County
 21 Board shall promulgate and publish a protocol for joint communications with, and
 22 requests for, information to the County Board and the County Superintendent and
 23 shall notify the Prince George's County Senators and the Prince George's County
 24 Delegation, the County Executive, the County Council and the State Superintendent
 25 of any breaches of that protocol by the Management Oversight Panel, the County
 26 Board, or the County Superintendent.

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

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

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

38 SECTION 2. AND BE IT FURTHER ENACTED, That if there is a vacancy in
 39 the position of county superintendent in the Prince George's County school system on
 40 or after the date this Act takes effect, the Prince George's County Board of Education
 41 may not appoint a permanent county superintendent of schools until after the first

1 Monday in December, 2002. The Prince George's County Board of Education shall
2 initiate a search process for a permanent county superintendent not later than 30
3 days after the first Monday in December 2002. The Board shall appoint a permanent
4 county superintendent no later than April 1, 2003, unless extenuating circumstances
5 exist as determined by the Board, in consultation with the State Superintendent of
6 Schools. In this event, the Board shall appoint a permanent county superintendent no
7 later than July 1, 2003.

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

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

15 SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an
16 emergency measure, is necessary for the immediate preservation of the public health
17 or safety, has been passed by a ye and nay vote supported by three-fifths of all the
18 members elected to each of the two Houses of the General Assembly, and shall take
19 effect from the date it is enacted. It shall remain effective until the end of July 1,
20 2003, and with no further action required by the General Assembly, this Act shall be
21 abrogated and of no further force and effect.