

**HOUSE BILL 949**  
**EMERGENCY BILL**

Unofficial Copy  
F3

2002 Regular Session  
(2r0575)

**ENROLLED BILL**  
-- Ways and Means/Budget and Taxation --

Introduced by **Prince George's County Delegation**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Prince George's County School System - Board of Education - Districts -**  
3 **Management, Governance, and Financing**  
4 **PG 415-02**

5 FOR the purpose of ~~redistricting the school board districts of Prince George's County~~  
6 ~~to reduce the number of school board districts; restructuring the Prince George's~~  
7 ~~County Board of Education to require certain members to be elected at large by~~  
8 ~~the registered voters of the county appointed by the County Executive of Prince~~  
9 ~~George's County and the Governor and certain members to be elected from~~  
10 ~~school board districts; providing for the terms of the school board members~~  
11 ~~establishing the New Prince George's County Board of Education (Board);~~  
12 ~~specifying the membership of the Board and certain qualifications of certain~~  
13 ~~members; providing for the compensation of members of the Board; prohibiting a~~  
14 ~~member of the Board from being a candidate for public office while serving on the~~  
15 ~~Board; repealing certain provisions of law relating to the election of the Prince~~  
16 ~~George's County Board of Education; providing for the selection of a certain~~

1 nonvoting student member; specifying the powers and duties of the Chief  
2 Executive Officer of the Board, the Chief Academic Officer, the Chief Financial  
3 Officer, and the Chief Accountability Officer of the Prince George's County public  
4 school system; providing for the approval and removal of the Chief Executive  
5 Officer in a certain manner, not subject to approval or removal by the State  
6 Superintendent; establishing a Parent and Community Advisory Board in the  
7 Prince George's County public school system; establishing certain time frames for  
8 the adoption and implementation of a certain master plan; repealing certain  
9 provisions of law establishing the Management Oversight Panel; providing for  
10 the alteration of the structure of the Board to an all-elected board (new County  
11 Board) with certain membership on a certain date; prohibiting a member of the  
12 new County Board from being a candidate for public office other than a position  
13 on the new County Board while serving on the new County Board; requiring the  
14 County Council of Prince George's County to impose, by ordinance, and collect a  
15 sales and use tax on telecommunications service in Prince George's County at not  
16 less than a certain rate, the net proceeds of which may be used only for operating  
17 expenditures of the Prince George's County public school system and which may  
18 not be used to supplant certain other funding; providing for consideration of  
19 certain uses of the net proceeds; providing for the application of the tax to certain  
20 telecommunications services; providing certain exemptions from the tax;  
21 requiring that the tax be itemized on the telecommunications service bill and  
22 collected by the telecommunications service vendor on behalf of Prince George's  
23 County; altering the authorized salaries and reimbursable expenses of school  
24 board members; establishing a chief financial officer in the Prince George's  
25 County School System with certain duties and responsibilities; ~~providing for the~~  
26 ~~alteration of the structure of the County Board to an all-elected board with~~  
27 ~~certain membership under certain circumstances, subject to a certain~~  
28 ~~referendum; providing for the appointment of an interim superintendent of~~  
29 ~~schools and of a permanent superintendent of schools in Prince George's County~~  
30 ~~in a certain manner under certain circumstances; providing for the termination~~  
31 ~~of the terms of certain appointed and elected members of the County Board~~  
32 ~~under certain circumstances; providing for the effective date of certain~~  
33 ~~provisions of this Act; making portions of this Act subject to a certain~~  
34 ~~contingency extending the termination date of certain educational funding~~  
35 ~~programs; defining certain terms; requiring certain consultants to conduct~~  
36 ~~certain evaluations by certain dates; requiring the reporting of a certain~~  
37 ~~evaluation to the Governor, the County Executive, the Board, and the General~~  
38 ~~Assembly; specifying a commitment of the State to appropriate additional funds~~  
39 ~~to Prince George's County under certain circumstances, subject to a certain~~  
40 ~~contingency; requiring a certain financial commitment to be separate from other~~  
41 ~~State funding; requiring implementation of certain changes and meeting of~~  
42 ~~certain benchmarks and outcomes before certain State funding may be released;~~  
43 ~~providing for the appointment of a permanent Chief Executive Officer within~~  
44 ~~certain periods; authorizing the hiring of an interim Chief Executive Officer~~  
45 ~~under certain circumstances; authorizing the New Board to employ an interim~~  
46 ~~administrator for a limited period; providing for the effective dates and~~  
47 ~~termination of certain portions of this Act; providing for the severability of this~~  
48 ~~Act; repealing certain obsolete provisions; providing for the termination of the~~

1 terms of the elected members of the County Board; providing for the termination  
2 of the terms of the voting members of the New Prince George's County Board of  
3 Education; making this Act an emergency measure; and generally relating to  
4 the Prince George's County Board of Education public school system, the  
5 establishment of the New Prince George's County Board of Education, and school  
6 funding through authorization of a telecommunications service tax in Prince  
7 George's County.

8 ~~BY repealing~~  
9 ~~Article—Education~~  
10 ~~Section 3-1001~~  
11 ~~Annotated Code of Maryland~~  
12 ~~(1999 Replacement Volume and 2001 Supplement)~~

13 ~~BY adding to~~  
14 ~~Article—Education~~  
15 ~~Section 3-1001 and 3-1008~~  
16 ~~Annotated Code of Maryland~~  
17 ~~(1999 Replacement Volume and 2001 Supplement)~~

18 ~~BY repealing and reenacting, with amendments,~~  
19 ~~Article—Education~~  
20 ~~Section 3-1002, 3-108, 3-114(a), 3-1002, and 3-1003~~  
21 ~~Annotated Code of Maryland~~  
22 ~~(1999 Replacement Volume and 2001 Supplement)~~

23 ~~BY repealing and reenacting, with amendments,~~  
24 ~~Article—Education~~  
25 ~~Section 3-1002~~  
26 ~~Annotated Code of Maryland~~  
27 ~~(1999 Replacement Volume and 2001 Supplement)~~  
28 ~~(As enacted by Chapter 464 of the Acts of the General Assembly of 1999)~~

29 ~~BY adding to~~  
30 ~~Article—Education~~  
31 ~~Section 3-1001~~  
32 ~~Annotated Code of Maryland~~  
33 ~~(2001 Replacement Volume)~~

34 ~~BY repealing and reenacting, with amendments,~~  
35 ~~Article—Education~~  
36 ~~Section 3-1002~~  
37 ~~Annotated Code of Maryland~~  
38 ~~(2001 Replacement Volume)~~

1 BY repealing2 Article - Education3 Section 3-1001 through 3-1004 and 3-1006 and the subtitle "Subtitle 10. Prince4 George's County"; 4-201(b)(6) and 4-205(k)(2)5 Annotated Code of Maryland6 (2001 Replacement Volume)7 BY renumbering8 Article - Education9 Section 3-1005 and 3-1007, respectively10 to be Section 4-410 and 4-411, respectively11 Annotated Code of Maryland12 (2001 Replacement Volume)13 BY repealing and reenacting, with amendments,14 Article - Education15 Section 1-101(e), 3-108(a), 3-114(a), 3-1003, and 4-102(a)16 Annotated Code of Maryland17 (2001 Replacement Volume)18 BY adding to19 Article - Education20 Section 3-108.2, 3-1001, and 3-1008; and 4-401 through 4-409, inclusive, to be21 under the new subtitle "Subtitle 4. Prince George's County"22 Annotated Code of Maryland23 (2001 Replacement Volume)24 BY repealing and reenacting, with amendments,25 Article - Education26 Section 3-100227 Annotated Code of Maryland28 (2001 Replacement Volume)29 (As enacted by Chapter 464 of the Acts of the General Assembly of 1999)30 BY repealing31 Article - Education32 Section 5-206(g)(4) through (8)33 Annotated Code of Maryland34 (2001 Replacement Volume)35 BY repealing and reenacting, with amendments,36 Chapter 704 of the Acts of the General Assembly of 1998, as amended by37 Chapter 420 of the Acts of the General Assembly of 2001

1 Section 2, 3, 4, and 5

2 BY adding to

3 Article 24 - Political Subdivisions - Miscellaneous Provisions

4 Section 9-606

5 Annotated Code of Maryland

6 (2001 Replacement Volume)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
8 MARYLAND, That Section(s) 3-1001 through 3-1004 and 3-1006 and the subtitle  
9 "Subtitle 10. Prince George's County" of Article - Education of the Annotated Code of  
10 Maryland be repealed.

11 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3-1005 and  
12 3-1007, respectively, of Article - Education of the Annotated Code of Maryland be  
13 renumbered to be Section(s) 4-410 and 4-411, respectively.

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

16 Article - Education

17 1-101.

18 (e) (1) "County superintendent" means the county superintendent of schools  
19 of a county.

20 (2) "COUNTY SUPERINTENDENT" [and] includes the Chief Executive  
21 Officer of the New Baltimore City Board of School Commissioners AND THE CHIEF  
22 EXECUTIVE OFFICER OF THE NEW PRINCE GEORGE'S COUNTY BOARD OF  
23 EDUCATION.

24 3-108.

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

30 3-108.2.

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

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

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

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

6 (2) ONE NONVOTING STUDENT MEMBER SELECTED UNDER  
7 SUBSECTION (O) OF THIS SECTION.

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

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

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

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

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

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

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

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

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

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

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

4 (L) (1) FROM AND AFTER DECEMBER 2, 2002, AT THE BEGINNING OF EACH  
5 MEMBER'S FULL TERM, THE CHAIRMAN OF THE BOARD IS ENTITLED TO RECEIVE  
6 \$19,000 ANNUALLY AS COMPENSATION AND THE OTHER VOTING MEMBERS ARE EACH  
7 ENTITLED TO RECEIVE \$18,000 ANNUALLY AS COMPENSATION.

8 (2) (1) AFTER SUBMITTING VOUCHERS UNDER THE RULES AND  
9 REGULATIONS ADOPTED BY THE BOARD, THE CHAIRMAN AND THE OTHER  
10 MEMBERS, INCLUDING THE STUDENT MEMBER, ARE ENTITLED TO THE  
11 ALLOWANCES FOR TRAVEL AND OTHER EXPENSES PROVIDED IN THE PRINCE  
12 GEORGE'S COUNTY BUDGET.

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

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

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

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

33 (3) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A  
34 MAJORITY OF THE VOTING MEMBERS OF THE BOARD, THE STUDENT MEMBER MAY  
35 NOT ATTEND AN EXECUTIVE SESSION THAT RELATES TO HEARINGS ON APPEALS OF  
36 SPECIAL EDUCATION PLACEMENTS, HEARINGS HELD UNDER § 6-202(A) OF THIS  
37 ARTICLE, OR COLLECTIVE BARGAINING.

38 (P) ANY ACTION BY THE BOARD SHALL REQUIRE:

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

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

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

5 3-114.

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

7           (1)     Allegany;

8           (2)     Calvert;

9           (3)     Carroll;

10          (4)     Charles;

11          (5)     Frederick;

12          (6)     Garrett;

13          (7)     Howard;

14          (8)     Kent;

15          (9)     [Prince George's;

16          (10)]   Montgomery;

17          [(11)]   (10)   St. Mary's;

18          [(12)]   (11)   Somerset; and

19          [(13)]   (12)   Washington.

20 4-102.

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

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

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

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

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

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

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

8           ~~[(3)]~~   (4)    A county superintendent is not a public officer under the  
9 Constitution or the laws of the State.

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

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

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

17 4-201.

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

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

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

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

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

1 4-205.

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

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

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

8 SUBTITLE 4. PRINCE GEORGE'S COUNTY.

9 4-401.

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

12 (B) "ADVISORY BOARD" MEANS THE PARENT AND COMMUNITY ADVISORY  
13 BOARD.

14 (C) "BOARD" MEANS THE NEW PRINCE GEORGE'S COUNTY BOARD OF  
15 EDUCATION.

16 4-402.

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

18 (B) THE CHIEF EXECUTIVE OFFICER SHALL:

19 (1) BE RESPONSIBLE FOR THE OVERALL ADMINISTRATION OF THE  
20 PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM;

21 (2) REPORT DIRECTLY TO THE BOARD; AND

22 (3) DESIGNATE INDIVIDUALS WITH PRIMARY RESPONSIBILITY FOR  
23 EACH OF THE FOLLOWING FUNCTIONS:

24 (I) MANAGEMENT AND ADMINISTRATION OF THE PRINCE  
25 GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM;

26 (II) ASSESSMENT AND ACCOUNTABILITY OF THE ACADEMIC  
27 PERFORMANCE OF THE STUDENTS IN THE PRINCE GEORGE'S COUNTY PUBLIC  
28 SCHOOL SYSTEM;

29 (III) PROVISION OF SERVICES TO STUDENTS WITH DISABILITIES IN  
30 ACCORDANCE WITH FEDERAL AND STATE LAW;

31 (IV) DEVELOPMENT AND IMPLEMENTATION OF INITIATIVES FOR  
32 EDUCATIONAL REFORM; AND

1                   (V)     PROFESSIONAL HIRING AND DEVELOPMENT.

2     (C)     NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B)(3) OF THIS  
3 SECTION, THE CHIEF EXECUTIVE OFFICER AND THE BOARD SHALL BE HELD  
4 ACCOUNTABLE FOR THE DELEGATED FUNCTIONS.

5     (D)     THE BOARD SHALL EMPLOY THE CHIEF EXECUTIVE OFFICER AND  
6 ESTABLISH THE SALARY OF THE CHIEF EXECUTIVE OFFICER AT AN AMOUNT  
7 COMMENSURATE WITH THE CREDENTIALS, EXPERIENCE, AND PRIOR POSITIONS OF  
8 RESPONSIBILITY OF THE CHIEF EXECUTIVE OFFICER.

9     (E)     THE EMPLOYMENT CONTRACT OF THE CHIEF EXECUTIVE OFFICER SHALL  
10 PROVIDE, AT A MINIMUM, THAT CONTINUED EMPLOYMENT IS CONTINGENT ON  
11 DEMONSTRABLE IMPROVEMENT IN THE ACADEMIC PERFORMANCE OF THE  
12 STUDENTS IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM AND THE  
13 SUCCESSFUL MANAGEMENT OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS.

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

15 4-403.

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

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

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

24             (3)     REPORT DIRECTLY TO THE CHIEF EXECUTIVE OFFICER.

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

27             (1)     SELECT THE CHIEF ACADEMIC OFFICER; AND

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

29     (C)     THE EMPLOYMENT CONTRACT OF THE CHIEF ACADEMIC OFFICER SHALL  
30 PROVIDE, AT A MINIMUM, THAT CONTINUED EMPLOYMENT IS CONTINGENT UPON A  
31 DEMONSTRABLE IMPROVEMENT IN ACADEMIC PERFORMANCE OF THE STUDENTS IN  
32 THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM.

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

1 4-404.

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

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

7 (2) REPORT DIRECTLY TO THE CHIEF EXECUTIVE OFFICER.

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

10 (1) SELECT THE CHIEF FINANCIAL OFFICER; AND

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

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

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

17 4-405.

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

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

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

25 (3) REPORT DIRECTLY TO THE CHIEF EXECUTIVE OFFICER.

26 (B) THE CHIEF EXECUTIVE OFFICER SHALL:

27 (1) SELECT THE CHIEF ACCOUNTABILITY OFFICER; AND

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

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

1 4-406.

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

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

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

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

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

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

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

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

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

22 (1) REGULARLY CONSULT WITH THE ADVISORY BOARD; AND

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

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

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

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

31 (3) A MEMBER WHOSE TERM HAS EXPIRED SHALL REMAIN IN OFFICE  
32 UNTIL A SUCCESSOR IS APPOINTED.

1 4-407.

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

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

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

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

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

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

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

24 (2) THE MANAGEMENT AND ACCOUNTABILITY OF THE PRINCE  
25 GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM.

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

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

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

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

35 (1) A COUNTYWIDE CURRICULUM FRAMEWORK REFLECTING  
36 MARYLAND CONTENT STANDARDS, INCLUDING MARYLAND SCHOOL PERFORMANCE

1 PROGRAM STANDARDS, AND AN APPROPRIATE DEVELOPMENTAL SEQUENCE FOR  
2 STUDENTS;

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

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

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

13 (5) PROVIDE AN EFFECTIVE FINANCIAL MANAGEMENT AND BUDGETING  
14 SYSTEM FOR THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM TO ENSURE  
15 THE MAXIMIZATION AND APPROPRIATE UTILIZATION OF ALL AVAILABLE  
16 RESOURCES;

17 (6) PROVIDE EFFECTIVE STAFF HIRING AND ASSIGNMENT;

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

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

22 (9) RECOMMEND MODEL SCHOOL REFORM INITIATIVES;

23 (10) PROVIDE APPROPRIATE METHODS FOR STUDENT ASSESSMENT AND  
24 REMEDATION;

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

28 (12) INCREASE PARENTAL PARTICIPATION;

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

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

1           (15)    DEVELOP AN EFFECTIVE SYSTEM OF TEACHER INPUT REGARDING  
2 IMPLEMENTATION OF SCHOOL REFORM INITIATIVES, THAT INCLUDES ACTIVE AND  
3 ONGOING CONSULTATION WITH CLASSROOM TEACHERS AT THE ELEMENTARY,  
4 MIDDLE, AND HIGH SCHOOL LEVELS.

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

10 4-408.

11          (A)    BY DECEMBER 31 OF EACH YEAR AND ON JUNE 30, ~~2007~~ 2006, THE CHIEF  
12 EXECUTIVE OFFICER AND THE BOARD SHALL ISSUE AN ANNUAL REPORT FOR THE  
13 PRIOR SCHOOL YEAR THAT INCLUDES:

14               (1)    A FINANCIAL STATEMENT; AND

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

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

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

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

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

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

29 4-409.

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

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



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

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

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

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

15                             1.     On the audits' findings and recommendations; and

16                             2.     Annually on implementation of the audits'  
17 recommendations.

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

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

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

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

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

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

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

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

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

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

18 SECTION 3. AND BE IT FURTHER ENACTED, That for fiscal years 1999  
19 through [2003] 2007, in each year, the State shall provide 75 percent of the eligible  
20 costs for up to \$35 million in public school construction costs in Prince George's  
21 County. At least \$20 million of the State funds must be spent each year on  
22 neighborhood school projects. For fiscal years 1999 through 2003, for FISCAL YEARS  
23 1999 THROUGH 2003, FOR funding above \$35 million, the State shall provide 60 percent  
24 of the eligible costs. For fiscal years 2004 through 2007, for funding above \$35 million,  
25 the State shall provide 65 percent of the eligible costs FOR FISCAL YEARS 2004  
26 THROUGH 2007, FOR FUNDING ABOVE \$35 MILLION, THE STATE SHALL PROVIDE 65  
27 PERCENT OF THE ELIGIBLE COSTS. Neighborhood school projects shall be identified  
28 by the Interagency Committee on Public School Construction and shall include new  
29 public schools and additions or improvements to existing public schools which serve  
30 students reassigned to their local communities based upon the Community Schools  
31 Education Plan developed by the Prince George's County Board of Education.

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

1 SECTION 5. AND BE IT FURTHER ENACTED, That:

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

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

9 (C) SECTIONS 2, 3, AND 4 OF THIS ACT SHALL REMAIN EFFECTIVE UNTIL JUNE  
 10 30, 2007, AND, AT THE END OF JUNE 30, 2007, WITH NO FURTHER ACTION REQUIRED  
 11 BY THE GENERAL ASSEMBLY, SECTIONS 2, 3, AND 4 OF THIS ACT SHALL BE  
 12 ABROGATED AND OF NO FURTHER FORCE AND EFFECT.

13 SECTION 6. AND BE IT FURTHER ENACTED, That Section(s) 3-1001 of  
 14 Article - Education of the Annotated Code of Maryland be repealed.

15 SECTION ~~2, 7,~~ AND BE IT FURTHER ENACTED, That the Laws of  
 16 Maryland read as follows:

17 **Article - Education**

18 ~~3-108.~~

19 (a) ~~Except for the New Baltimore City Board of School Commissioners~~  
 20 ~~established under § 3-108.1 of this subtitle, THE PRINCE GEORGE'S COUNTY SCHOOL~~  
 21 ~~BOARD UNDER § 3-1002 OF THIS TITLE, and counties listed in § 3-114 of this subtitle,~~  
 22 ~~the Governor shall appoint the members of each county board from the residents of~~  
 23 ~~that county.~~

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

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

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

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

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

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

3 ~~(i) Immorality;~~

4 ~~(ii) Misconduct in office;~~

5 ~~(iii) Incompetency;~~

6 ~~(iv) Willful neglect of duty; or~~

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

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

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

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

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

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

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

22 ~~(ii) The findings of the State Superintendent; and~~

23 ~~(iii) A complete record of the proceedings.~~

24 ~~3-114.~~

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

26 ~~(1) Allegany;~~

27 ~~(2) Calvert;~~

28 ~~(3) Carroll;~~

29 ~~(4) Charles;~~

30 ~~(5) Frederick;~~

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

9 3-1001.

10       (A)     THE DESCRIPTIONS OF SCHOOL BOARD DISTRICTS IN THIS SECTION ARE  
 11 TO THE ELECTION DISTRICT AND PRECINCT BOUNDARIES AS REVIEWED AND  
 12 CERTIFIED BY THE PRINCE GEORGE'S COUNTY BOARD OF ELECTIONS OR THEIR  
 13 DESIGNEES BEFORE THEY WERE REPORTED TO THE UNITED STATES BUREAU OF  
 14 THE CENSUS AS PART OF THE 2000 CENSUS REDISTRICTING DATA PROGRAM AND AS  
 15 THOSE ELECTION DISTRICT AND PRECINCT LINES ARE SPECIFICALLY SHOWN ON  
 16 THE PUBLIC LAW 94-171 CENSUS BLOCK MAPS PROVIDED BY THE UNITED STATES  
 17 BUREAU OF THE CENSUS.

18       (B)     SCHOOL BOARD DISTRICT I CONSISTS OF:

- 19           (1)     ELECTION DISTRICT 1;  
 20           (2)     ELECTION DISTRICT 10;  
 21           (3)     ELECTION DISTRICT 14, PRECINCTS ~~1, 2, 5, 7, AND 8, 9, AND 10~~;  
 22           (4)     ELECTION DISTRICT 20, PRECINCTS 1, 2, ~~6, 7, 9, AND 3, 5, 6, 7, AND 9~~  
 23 THROUGH 11; AND  
 24           (5)     ELECTION DISTRICT 21, PRECINCTS 3, 4, 6 THROUGH 11, 13, 14, AND 16;  
 25 AND

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

- 28                   (I)     CENSUS TRACT 8004.01, BLOCKS 1000 THROUGH 1003; AND  
 29                   (II)    CENSUS TRACT 8004.06, BLOCKS 1000 THROUGH 1002, 1011, 1012,  
 30 1020 THROUGH 1028, 1999 THROUGH 2003, 2006 THROUGH 2010, 2017, 2023 THROUGH  
 31 2027, 2041 THROUGH 2048, 3000 THROUGH 3014, 3017, 3018, AND 3068.

32       (C)     SCHOOL BOARD DISTRICT II CONSISTS OF:

- 1 (1) ELECTION DISTRICT 2, PRECINCTS 1, 2, 3, 5, 6, 7, 8, AND 10;
- 2 (2) ELECTION DISTRICT 16;
- 3 (3) ELECTION DISTRICT 17;
- 4 (4) ELECTION DISTRICT 19; AND
- 5 (5) ELECTION DISTRICT 21, PRECINCTS 1, 2, 5, 12, 15, AND 17.
- 6 (D) SCHOOL BOARD DISTRICT III CONSISTS OF:
- 7 (1) ELECTION DISTRICT 2, PRECINCTS 4 AND 9;
- 8 (2) ELECTION DISTRICT 6, PRECINCTS 1, 3, 4, 5, 6, 10, 11, 15, 16, AND 19
- 9 THROUGH 23;
- 10 (3) ELECTION DISTRICT 13, PRECINCTS 1, 2, 3, 7, 8, 9, 10, 14, 16, AND 17;
- 11 ~~(4)~~ ELECTION DISTRICT 15, PRECINCT 2;
- 12 ~~(4)~~ (5) ELECTION DISTRICT 18; AND
- 13 ~~(5)~~ (6) ELECTION DISTRICT 20, PRECINCTS 3, 4, ~~5~~, AND 8.
- 14 (E) SCHOOL BOARD DISTRICT IV CONSISTS OF:
- 15 (1) ELECTION DISTRICT 5, PRECINCTS 2 THROUGH 7;
- 16 (2) ELECTION DISTRICT 6, PRECINCTS 2, 7, 8, 9, 12, 13, 14, 17, AND 18;
- 17 (3) ELECTION DISTRICT 9, PRECINCTS 1, 2, 3, 4, 5, 7, 10, AND 11; AND
- 18 (4) ELECTION DISTRICT 12.
- 19 (F) SCHOOL BOARD DISTRICT V CONSISTS OF:
- 20 (1) ELECTION DISTRICT 3;
- 21 (2) ELECTION DISTRICT 4;
- 22 (3) ELECTION DISTRICT 5, PRECINCTS 1 AND 8;
- 23 (4) ELECTION DISTRICT 7;
- 24 (5) ELECTION DISTRICT 8;
- 25 (6) ELECTION DISTRICT 9, PRECINCTS 6, 8, AND 9;
- 26 (7) ELECTION DISTRICT 11;
- 27 (8) ELECTION DISTRICT 13, PRECINCTS 4, 5, 6, ~~9~~, 11, 12, 13, AND 15;

1 (9) ELECTION DISTRICT 14, PRECINCTS ~~3, 4, AND 6~~; AND 1, 3 THROUGH 6,  
2 AND 10;

3 (10) ELECTION DISTRICT 15; AND

4 (11) THAT PART OF ELECTION DISTRICT 14, PRECINCT 9 THAT CONSISTS  
5 OF CENSUS TRACT 8004.06, BLOCKS 2004, 2005, 2011 THROUGH 2016, 2018 THROUGH  
6 2022, 2028 THROUGH 2040, 3015, 3016, 3019 THROUGH 3025, 3029 THROUGH 3035, 3054  
7 THROUGH 3065, AND 3069.

8 3-1002.

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

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

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

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

17 [(2)] (3) [one] ONE student member selected under subsection (f)(2) of  
18 this section.

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

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

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

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

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

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

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

- 1       (d)       Members of the Prince George's County Board shall be elected:
- 2               (1)       At the general election every [2] 4 years as required by subsection (g)  
3 of this section; and
- 4               (2)       By the registered voters of [his school board district] THE ENTIRE  
5 COUNTY.
- 6       (e)       (1)       If a candidate for the County Board dies or withdraws the candidacy  
7 during the period beginning with the date of the primary and ending 70 days before  
8 the date of the general election, the Board of Supervisors of Elections shall:
- 9               (i)       Replace the name of the deceased or withdrawn candidate on the  
10 ballot for the general election with the name of the candidate who received the next  
11 highest number of votes in the primary election; or
- 12               (ii)       If a contested primary was not held, reopen the filing process to  
13 allow other persons to file as candidates.
- 14               (2)       (i)       Except as otherwise provided in subparagraph (ii) of this  
15 paragraph, the Board of Supervisors of Elections shall add to the ballot for the general  
16 election the name of any person who files as a candidate in accordance with paragraph  
17 (1)(ii) of this subsection.
- 18               (ii)       The Board of Supervisors of Elections may not add additional  
19 candidates to the ballot for the general election within 70 days before the date of the  
20 election.
- 21       (f)       (1)       The student member shall be an eleventh or twelfth grade student in  
22 the Prince George's County public school system during the student's term in office.
- 23               (2)       An eligible student shall file a nomination form at least 2 weeks before  
24 a special election meeting of the Prince George's Regional Association of Student  
25 Governments. Nomination forms shall be made available in the administrative offices  
26 of all public senior high schools in the county, the office of student concerns, and the  
27 office of the president of the regional association. The delegates to the regional  
28 association annually shall elect the student member to the Board at a special election  
29 meeting to be held each school year.
- 30               (3)       The student member may vote on all matters before the Board except  
31 those relating to:
- 32               (i)       Capital and operating budgets;
- 33               (ii)       School closings, reopenings, and boundaries;
- 34               (iii)       Collective bargaining decisions;
- 35               (iv)       Student disciplinary matters;



1                   (iii)    Incompetency; or

2                   (iv)    Willful neglect of duty.

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

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

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

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

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

14                  (1)    WHILE SERVING ON THE COUNTY BOARD, A MEMBER MAY NOT BE A  
15 CANDIDATE FOR A PUBLIC OFFICE OTHER THAN A POSITION ON THE COUNTY  
16 BOARD.

17 3-1003.

18                  (a)    From and after [July 1, 1988] DECEMBER 2, 2002 4, 2006, at the beginning  
19 of each member's full term, the Chairman of the County Board is entitled to receive  
20 [\$14,000] \$19,000 annually as compensation and the other elected ~~AND APPOINTED~~  
21 members are each entitled to receive [\$13,000] \$18,000 annually as compensation.

22                  (b)    [Until the salaries of the Chairman and members of the County Board are  
23 established in accordance with the provisions of subsection (a) of this section:

24                  (1)    The Chairman of the County Board shall be paid at the rate of \$8,500  
25 annually; and

26                  (2)    The other elected members of the County Board shall be paid at the  
27 rate of \$8,000 annually.

28                  (c)    (1)    After submitting vouchers under the rules and regulations adopted  
29 by the County Board, the Chairman and the other members, including the student  
30 member, are entitled to the allowances for travel and other expenses provided in the  
31 Prince George's County budget.

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

1 3-1008.

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

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

7 (2) REPORT DIRECTLY TO THE COUNTY SUPERINTENDENT.

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

10 (1) SELECT THE CHIEF FINANCIAL OFFICER; AND

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

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

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

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

19 Article 24 - Political Subdivisions - Miscellaneous Provisions

20 9-606.

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

24 (B) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE  
25 MEANINGS INDICATED.

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

28 (III) "SERVICE ADDRESS" MEANS:

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

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

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

4           (1)    ORIGINATES AND TERMINATES IN PRINCE GEORGE'S COUNTY;  
5 OR

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

8           (3)    NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, FOR  
9 CUSTOMER BILLS TO WHICH THE AMENDMENT MADE BY THE MOBILE  
10 TELECOMMUNICATIONS SOURCING ACT APPLIES, THE SALES AND USE TAX  
11 AUTHORIZED UNDER THIS SECTION SHALL APPLY TO MOBILE  
12 TELECOMMUNICATIONS SERVICES TO THE FULLEST EXTENT AUTHORIZED UNDER §  
13 117(B) OF THE MOBILE TELECOMMUNICATIONS SOURCING ACT.

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

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

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

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

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

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

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

33           (3)    AMONG THE EXPENDITURES TO BE FUNDED FROM THE PROCEEDS,  
34 THE BOARD SHALL CONSIDER:

35           (1)    A PROGRAM TO SERVE DISRUPTIVE, DELINQUENT, OR  
36 LOW-PERFORMING STUDENTS IN GRADES 6 THROUGH 12 THAT:

1 1. PROVIDES PROOF OF PROGRESS IN READING AND  
 2 MATHEMATICS;

3 2. IS DESIGNED TO INCLUDE SMALL LEARNING  
 4 COMMUNITIES AND AREAS OF SUPPORT SERVICES PROVIDED BY  
 5 COMMUNITY-BASED PROVIDERS; AND

6 3. IS OPERATED:

7 A. BY AN EDUCATIONAL PROVIDER WITH SUBSTANTIAL  
 8 EXPERIENCE SERVING THE TYPE OF STUDENT POPULATION SERVED BY THE  
 9 PROGRAM; AND

10 B. IN SEPARATE SCHOOL FACILITIES PROVIDED BY THE  
 11 EDUCATION PROVIDER, UNLESS THE PUBLIC SCHOOL SYSTEM DECIDES OTHERWISE;  
 12 AND

13 (II) A SPANISH LANGUAGE IMMERSION PROGRAM TO SERVE AT  
 14 LEAST 450 STUDENTS IN KINDERGARTEN THROUGH GRADE 5 IN ORDER TO ADDRESS  
 15 LONG-TERM LABOR NEEDS FOR BILINGUAL EMPLOYEES.

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

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

24 SECTION 11. AND BE IT FURTHER ENACTED, That the Chief Academic  
 25 Officer of Prince George's County shall develop a mechanism or plan for effective  
 26 teacher participation in the development of the curriculum, instruction, and  
 27 professional staff development.

28 SECTION 12. AND BE IT FURTHER ENACTED, That, subject to Section 13 of  
 29 this Act, for fiscal years 2004 through 2007, the Governor shall include an additional  
 30 \$20,000,000 in the State budget to assist in additional reform of the Prince George's  
 31 County public school system subject to review and approval by the State  
 32 Superintendent and the State Board of Education. The additional appropriation made  
 33 under this Act for reform of the Prince George's County public school system may not be  
 34 used to supplant any State aid for education.

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

1 SECTION 14. AND BE IT FURTHER ENACTED, That:

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

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

13 SECTION 15. AND BE IT FURTHER ENACTED, That the New Prince George's  
14 County Board of Education (New Board) appointed under Section 3 of this Act shall  
15 initiate a search process for a permanent chief executive officer (CEO) not later than 30  
16 days after appointment. If the New Board determines that it is not feasible to appoint  
17 a permanent CEO within that 30-day period, the New Board shall hire an interim  
18 CEO to take office not later than August 15, 2002. The interim CEO may be eligible to  
19 be appointed as the permanent CEO. Unless the New Board, in consultation with the  
20 State Board of Education, determines that extenuating circumstances exist, the New  
21 Board shall appoint a permanent CEO not later than January 1, 2003. If extenuating  
22 circumstances exist, the New Board shall appoint a permanent CEO not later than  
23 July 1, 2003. The New Prince George's County Board of Education may also employ an  
24 interim administrator until the earlier of the hiring of an interim CEO or the  
25 appointment of a permanent CEO under this section.

26 SECTION 16. AND BE IT FURTHER ENACTED, That in each of fiscal years  
27 2004 through 2007, the State shall provide \$300,000 for the State Department of  
28 Education to assist the State Superintendent and the State Board of Education in  
29 overseeing the implementation of this Act, including the hiring of a liaison officer.

30 SECTION 17. AND BE IT FURTHER ENACTED, That, on or before June 1,  
31 2006, a consultant shall conduct a comprehensive review of the Prince George's County  
32 public school system and the New Prince George's County Board of Education (New  
33 Board). The New Board and the Maryland State Department of Education shall  
34 jointly select and equally share the cost of the consultant and determine the scope of the  
35 comprehensive review. At a minimum, the comprehensive review shall evaluate both  
36 the educational and management reforms made by the New Board and shall  
37 determine whether there has been improvement in the management of and student  
38 achievement in the public schools in Prince George's County. The review may include  
39 recommendations to the General Assembly concerning the organizational structure of  
40 the Prince George's County public school system, in addition to recommendations to the  
41 New Board concerning modifications to the master plan adopted in accordance with  
42 this Act. The consultant shall report the findings of the evaluation to the Governor, the  
43 County Executive of Prince George's County, the New Board and, in accordance with §  
44 2-1246 of the State Government Article, the General Assembly.

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

10 SECTION 19. AND BE IT FURTHER ENACTED, That if any provision of this  
11 Act or the application thereof to any person or circumstance is held invalid for any  
12 reason in a court of competent jurisdiction, the invalidity does not affect other  
13 provisions or any other application of this Act which can be given effect without the  
14 invalid provision or application, and for this purpose the provisions of this Act are  
15 declared severable.

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

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

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

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

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

30 ~~(2) BE RESPONSIBLE DIRECTLY TO THE COUNTY BOARD.~~

31 ~~(B) THE COUNTY BOARD SHALL:~~

32 ~~(1) SELECT THE CHIEF FINANCIAL OFFICER; AND~~

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

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

37 ~~(D) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE CHIEF FINANCIAL~~  
38 ~~OFFICER SHALL SUBMIT A REPORT ON THE FINANCIAL CONDITION OF THE SCHOOL~~

1 ~~SYSTEM TO THE COUNTY SUPERINTENDENT, THE COUNTY EXECUTIVE, THE COUNTY~~  
 2 ~~COUNCIL, AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE~~  
 3 ~~PRINCE GEORGE'S COUNTY DELEGATIONS TO THE HOUSE OF DELEGATES AND THE~~  
 4 ~~SENATE OF MARYLAND.~~

5 ~~(E) THE CHIEF FINANCIAL OFFICER IS NOT A PUBLIC OFFICER UNDER THE~~  
 6 ~~CONSTITUTION OR THE LAWS OF THE STATE.~~

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

9 **Article – Education**

10 ~~3-1002.~~

11 (a) ~~(1)~~ In this subtitle, "elected THE FOLLOWING WORDS HAVE THE  
 12 MEANINGS INDICATED.

13 ~~(2) "APPOINTED MEMBER" MEANS ONE OF THE FOUR MEMBERS JOINTLY~~  
 14 ~~SELECTED BY THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY AND THE~~  
 15 ~~GOVERNOR.~~

16 ~~(3) "ELECTED member" means one of the nine FIVE elected members of~~  
 17 ~~the Prince George's County Board or a member appointed to fill a vacancy of one of~~  
 18 ~~these nine FIVE members.~~

19 (b) ~~(1)~~ The Prince George's County Board consists of [nine] TEN [elected]  
 20 members AS FOLLOWS:

21 ~~(1) (I) ONE ELECTED MEMBER FROM EACH OF THE FIVE SCHOOL~~  
 22 ~~BOARD DISTRICTS;~~

23 ~~(2) (II) FOUR ELECTED APPOINTED MEMBERS FROM THE COUNTY AT~~  
 24 ~~LARGE; and~~

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

27 ~~(2) THE FIVE ELECTED MEMBERS SHALL BE ELECTED IN THE~~  
 28 ~~NOVEMBER GENERAL ELECTION OF 2002 BASED ON THE SCHOOL BOARD DISTRICT~~  
 29 ~~THEY REPRESENT, WITH ONE MEMBER ELECTED FROM EACH DISTRICT.~~

30 ~~(3) (I) THE FOUR APPOINTED MEMBERS SHALL BE APPOINTED FROM~~  
 31 ~~THE COUNTY AT LARGE JOINTLY BY THE COUNTY EXECUTIVE OF PRINCE GEORGE'S~~  
 32 ~~COUNTY AND THE GOVERNOR FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED~~  
 33 ~~BY THE STATE BOARD.~~

34 ~~(II) THE FOUR APPOINTED MEMBERS SERVE FOR A 4 YEAR TERM.~~

1 ~~(III) THE FOUR APPOINTED MEMBERS MAY NOT SERVE FOR MORE~~  
 2 ~~THAN TWO TERMS.~~

3 ~~(4) (I) THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY AND~~  
 4 ~~THE GOVERNOR SHALL JOINTLY SELECT ONE OF THE APPOINTED MEMBERS TO~~  
 5 ~~SERVE AS THE CHAIRMAN OF THE BOARD.~~

6 ~~(II) THE CHAIRMAN OF THE BOARD SHALL SERVE FOR A 2 YEAR~~  
 7 ~~TERM.~~

8 ~~(III) EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS~~  
 9 ~~SUBSECTION, THE CHAIRMAN OF THE BOARD MAY BE SELECTED TO SERVE MORE~~  
 10 ~~THAN ONE TERM.~~

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

14 (2) From the time of filing as a candidate for election, each candidate for  
 15 ~~A POSITION AS AN ELECTED MEMBER OF~~ the County Board shall reside in the school  
 16 board district the candidate seeks to represent.

17 (3) An elected County Board member shall forfeit the office if the  
 18 member:

19 (i) Fails ~~IN THE CASE OF AN ELECTED MEMBER, FAILS~~ to reside in  
 20 the school board district from which the member was elected, unless this change is  
 21 caused by a change in the boundaries of the district; or

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

23 (4) A County Board member may not hold another office of profit in  
 24 county government during the member's term.

25 (5) (I) Each elected member of the County Board ~~WHO REPRESENTS A~~  
 26 ~~SCHOOL BOARD DISTRICT~~ shall be nominated by the registered voters of the  
 27 member's school board district.

28 (II) ~~EACH ELECTED MEMBER OF THE COUNTY BOARD WHO~~  
 29 ~~REPRESENTS THE COUNTY AT LARGE SHALL BE NOMINATED BY THE REGISTERED~~  
 30 ~~VOTERS OF THE COUNTY AT LARGE.~~

31 (d) (1) Members ~~ELECTED MEMBERS~~ of the Prince George's County Board  
 32 shall be elected:

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

35 (2) (I) (II) By the registered voters of the member's school board  
 36 district; OR

1                   (H)     IN THE CASE OF MEMBERS ELECTED FROM THE COUNTY AT  
2 LARGE, BY THE REGISTERED VOTERS OF PRINCE GEORGE'S COUNTY.

3                   (2)     (1)     ~~EACH APPOINTED MEMBER SHALL:~~

4                             ~~1.     BE A RESIDENT OF THE COUNTY; AND~~

5                             ~~2.     BE JOINTLY APPOINTED BY THE COUNTY EXECUTIVE AND~~  
6 ~~THE GOVERNOR TO SERVE AT LARGE FROM A LIST OF QUALIFIED INDIVIDUALS~~  
7 ~~SUBMITTED BY THE STATE BOARD.~~

8                   (H)     ~~1.     AT LEAST ONE OF THE APPOINTED MEMBERS SHALL~~  
9 ~~POSSESS A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING THE~~  
10 ~~SUCCESSFUL ADMINISTRATION OF A LARGE BUSINESS, NONPROFIT, OR~~  
11 ~~GOVERNMENTAL ENTITY AND SHALL HAVE SERVED IN A HIGH LEVEL MANAGEMENT~~  
12 ~~POSITION WITH SUCH AN ENTITY.~~

13                             ~~2.     AT LEAST ONE OF THE APPOINTED MEMBERS SHALL~~  
14 ~~POSSESS A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE IN GOVERNMENTAL~~  
15 ~~BUDGET PROCESSES AND PRINCIPLES.~~

16                             ~~3.     AT LEAST ONE OF THE APPOINTED MEMBERS SHALL~~  
17 ~~POSSESS A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING EDUCATION.~~

18     (e)     (1)     If a candidate for ~~A POSITION AS AN ELECTED MEMBER OF~~ the  
19 County Board dies or withdraws the candidacy during the period beginning with the  
20 date of the primary and ending 70 days before the date of the general election, the  
21 [Board of Supervisors] PRINCE GEORGE'S COUNTY BOARD of Elections shall:

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

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

27                   (2)     (i)     ~~Except as otherwise provided in subparagraph (ii) of this~~  
28 ~~paragraph, the [Board of Supervisors] PRINCE GEORGE'S COUNTY BOARD of~~  
29 ~~Elections shall add to the ballot for the general election the name of any person who~~  
30 ~~files as a candidate in accordance with paragraph (1)(ii) of this subsection.~~

31                             (ii)    ~~The [Board of Supervisors] PRINCE GEORGE'S COUNTY BOARD~~  
32 ~~of Elections may not add additional candidates to the ballot for the general election~~  
33 ~~within 70 days before the date of the election.~~

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

36                   (2)     ~~An eligible student shall file a nomination form at least 2 weeks~~  
37 ~~before a special election meeting of the Prince George's Regional Association of~~

1 Student Governments. Nomination forms shall be made available in the  
 2 administrative offices of all public senior high schools in the county, the office of  
 3 student concerns, and the office of the president of the regional association. The  
 4 delegates to the regional association annually shall elect the student member to the  
 5 Board at a special election meeting to be held each school year.

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

- 8                   (i)       Capital and operating budgets;
- 9                   (ii)       School closings, reopenings, and boundaries;
- 10                  (iii)       Collective bargaining decisions;
- 11                  (iv)       Student disciplinary matters;
- 12                  (v)       Teacher and administrator disciplinary matters as provided  
 13 under § 6-202(a) of this article; and
- 14                  (vi)       Other personnel matters.

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

19           (5)       Unless invited to attend by an affirmative vote of a majority of the  
 20 County Board, the student member may not attend an executive session that relates  
 21 to hearings on appeals of special education placements, hearings held under §  
 22 6-202(a) of this article, or collective bargaining.

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

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

28           (g)       (1)       An elected OR APPOINTED member serves for a term of 4 years  
 29 beginning on the first Monday in December after the member's election OR  
 30 APPOINTMENT and until a successor is elected and qualifies.

31           (2)       The terms of members are staggered as required [by the terms of the  
 32 members serving on the County Board as of July 1, 1978] UNDER SUBSECTION (H) OF  
 33 THIS SECTION.

34           [(2)]       (3)       The student member serves for a term of 1 year beginning at  
 35 the end of a school year.

1           ~~[(3)]~~ (4) ~~(I)~~ Subject to the confirmation of the County Council, the  
 2 County Executive of Prince George's County shall appoint a qualified individual to fill  
 3 any vacancy on IN A POSITION OF AN ELECTED MEMBER OF the County Board until a  
 4 successor is elected and qualifies at the next Congressional election.

5                           ~~(II) TO THE EXTENT PRACTICABLE, THE COUNTY EXECUTIVE AND~~  
 6 ~~THE GOVERNOR SHALL FILL ANY VACANCY IN A POSITION OF AN APPOINTED~~  
 7 ~~MEMBER OF THE COUNTY BOARD WITHIN 60 DAYS AFTER THE DATE OF THE~~  
 8 ~~VACANCY FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED BY THE STATE~~  
 9 ~~BOARD.~~

10       (h) (1) The County Board members from school board districts ~~[II, V, and~~  
 11 ~~VIII] II AND IV AND TWO COUNTY AT LARGE MEMBERS~~ who were elected ~~OR~~  
 12 ~~APPOINTED~~ for the first time at the ~~[November 6, 1973] NOVEMBER 5, 2002~~ election  
 13 serve until the first Monday in December ~~[1978] 2004~~ and may seek reelection in  
 14 ~~[1978] 2004~~ for a 4-year term.

15           (2) The members from school board districts ~~[III, VI, and IX] I, III, AND~~  
 16 ~~V AND TWO COUNTY AT LARGE MEMBERS~~ who were elected ~~OR APPOINTED~~ at the  
 17 ~~[November 6, 1973] NOVEMBER 5, 2002~~ election serve until the first Monday in  
 18 December ~~[, 1980] 2006~~ and may seek reelection in ~~[1980] 2006~~ for a 4-year term.

19           ~~(3) OF THE APPOINTED MEMBERS WHO ARE APPOINTED TO SERVE~~  
 20 ~~STARTING ON THE FIRST MONDAY IN DECEMBER 2002:~~

21                           ~~(I) TWO SHALL SERVE UNTIL THE FIRST MONDAY IN DECEMBER~~  
 22 ~~2004, AND SHALL BE ELIGIBLE TO SEEK REAPPOINTMENT TO A 4-YEAR TERM; AND~~

23                           ~~(II) TWO SHALL SERVE UNTIL THE FIRST MONDAY IN DECEMBER~~  
 24 ~~2006, AND SHALL BE ELIGIBLE TO SEEK REAPPOINTMENT TO A 4-YEAR TERM.~~

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

27                           (i) Immorality;

28                           (ii) Misconduct in office;

29                           (iii) Incompetency; or

30                           (iv) Willful neglect of duty.

31           (2) Before removing a member, the State Board shall send the member a  
 32 copy of the charges pending and give the member an opportunity within 10 days to  
 33 request a hearing.

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

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

4 (ii) The member shall have an opportunity to be heard publicly  
5 before the State Board in the member's own defense, in person or by counsel.

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

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

10 **Article -- Education**

11 ~~3-1002.~~

12 (a) (1) In this subtitle, "elected THE FOLLOWING WORDS HAVE THE  
13 MEANINGS INDICATED:

14 (2) "APPOINTED MEMBER" MEANS ONE OF THE FOUR MEMBERS JOINTLY  
15 SELECTED BY THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY AND THE  
16 GOVERNOR.

17 (3) "ELECTED member" means one of the nine FIVE elected members of  
18 the Prince George's County Board or a member appointed to fill a vacancy of one of  
19 these nine FIVE members.

20 (b) (1) The Prince George's County Board consists of [nine] TEN [elected]  
21 members AS FOLLOWS:

22 (1) (I) ONE ELECTED MEMBER FROM EACH OF THE FIVE SCHOOL  
23 BOARD DISTRICTS;

24 (2) (II) FOUR ELECTED APPOINTED MEMBERS FROM THE COUNTY AT  
25 LARGE; and

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

28 (2) THE FIVE ELECTED MEMBERS SHALL BE ELECTED IN THE  
29 NOVEMBER GENERAL ELECTION OF 2002 BASED ON THE SCHOOL BOARD DISTRICT  
30 THEY REPRESENT, WITH ONE MEMBER ELECTED FROM EACH DISTRICT.

31 (3) (I) THE FOUR APPOINTED MEMBERS SHALL BE APPOINTED FROM  
32 THE COUNTY AT LARGE JOINTLY BY THE COUNTY EXECUTIVE OF PRINCE GEORGE'S  
33 COUNTY AND THE GOVERNOR FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED  
34 BY THE STATE BOARD.

35 (II) THE FOUR APPOINTED MEMBERS SERVE FOR A 4 YEAR TERM.

1 ~~(III) THE FOUR APPOINTED MEMBERS MAY NOT SERVE FOR MORE~~  
2 ~~THAN TWO TERMS.~~

3 ~~(4) (I) THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY AND~~  
4 ~~THE GOVERNOR SHALL JOINTLY SELECT ONE OF THE APPOINTED MEMBERS TO~~  
5 ~~SERVE AS THE CHAIRMAN OF THE BOARD.~~

6 ~~(II) THE CHAIRMAN OF THE BOARD SHALL SERVE FOR A 2 YEAR~~  
7 ~~TERM.~~

8 ~~(III) EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS~~  
9 ~~SUBSECTION, THE CHAIRMAN OF THE BOARD MAY BE SELECTED TO SERVE MORE~~  
10 ~~THAN ONE TERM.~~

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

14 (2) From the time of filing as a candidate for election, each candidate for  
15 ~~A POSITION AS AN ELECTED MEMBER OF~~ the County Board shall reside in the school  
16 board district the candidate seeks to represent.

17 (3) An elected County Board member shall forfeit [his] ~~THE MEMBER'S~~  
18 office if [he] ~~THE MEMBER:~~

19 (i) Fails ~~IN THE CASE OF AN ELECTED MEMBER, FAILS~~ to reside in  
20 the school board district from which [he] ~~THE MEMBER~~ was elected, unless this  
21 change is caused by a change in the boundaries of the district; or

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

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

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

27 (d) (1) Members ~~ELECTED MEMBERS~~ of the Prince George's County Board  
28 shall be elected:

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

31 (2) (I) (II) By the registered voters of [his] ~~THE MEMBER'S~~ school  
32 board district; OR

33 (II) ~~IN THE CASE OF MEMBERS ELECTED FROM THE COUNTY AT~~  
34 ~~LARGE, BY THE REGISTERED VOTERS OF PRINCE GEORGE'S COUNTY.~~

35 (2) (I) ~~EACH APPOINTED MEMBER SHALL:~~

1 ~~1. BE A RESIDENT OF THE COUNTY; AND~~  
 2 ~~2. BE JOINTLY APPOINTED BY THE COUNTY EXECUTIVE AND~~  
 3 ~~THE GOVERNOR TO SERVE AT LARGE FROM A LIST OF QUALIFIED INDIVIDUALS~~  
 4 ~~SUBMITTED BY THE STATE BOARD.~~

5 ~~(H) 1. AT LEAST ONE OF THE APPOINTED MEMBERS SHALL~~  
 6 ~~POSSESS A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING THE~~  
 7 ~~SUCCESSFUL ADMINISTRATION OF A LARGE BUSINESS, NONPROFIT, OR~~  
 8 ~~GOVERNMENTAL ENTITY, AND SHALL HAVE SERVED IN A HIGH LEVEL MANAGEMENT~~  
 9 ~~POSITION WITH SUCH AN ENTITY.~~

10 ~~2. AT LEAST ONE OF THE APPOINTED MEMBERS SHALL~~  
 11 ~~POSSESS A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE IN GOVERNMENTAL~~  
 12 ~~BUDGET PROCESSES AND PRINCIPLES.~~

13 ~~3. AT LEAST ONE OF THE APPOINTED MEMBERS SHALL~~  
 14 ~~POSSESS A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING EDUCATION.~~

15 (e) (1) ~~If a candidate for A POSITION AS AN ELECTED MEMBER OF the~~  
 16 ~~County Board dies or withdraws the candidacy during the period beginning with the~~  
 17 ~~date of the primary and ending 70 days before the date of the general election, the~~  
 18 ~~[Board of Supervisors] PRINCE GEORGE'S COUNTY BOARD of Elections shall:~~

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

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

24 (2) (i) ~~Except as otherwise provided in subparagraph (ii) of this~~  
 25 ~~paragraph, the [Board of Supervisors] PRINCE GEORGE'S COUNTY BOARD of~~  
 26 ~~Elections shall add to the ballot for the general election the name of any person who~~  
 27 ~~files as a candidate in accordance with paragraph (1)(ii) of this subsection.~~

28 (ii) ~~The [Board of Supervisors] PRINCE GEORGE'S COUNTY BOARD~~  
 29 ~~of Elections may not add additional candidates to the ballot for the general election~~  
 30 ~~within 70 days before the date of the election.~~

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

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

1           (3)     The student member may vote on all matters before the Board except  
2 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 provided  
8 under § 6-202(a) of this article; and
- 9                   (vi)   Other personnel matters.

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

14           (5)     Unless invited to attend by an affirmative vote of a majority of the  
15 County Board, the student member may not attend an executive session that relates  
16 to hearings on appeals of special education placements, hearings held under §  
17 6-202(a) of this article, or collective bargaining.

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

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

23           (g)     (1)     Each elected ~~OR APPOINTED~~ member serves for a term of 4 years  
24 beginning on the first Monday in December after [his] ~~THE MEMBER'S~~ election ~~OR~~  
25 APPOINTMENT and until [his] A successor is elected and qualifies.

26           (2)     The terms of members are staggered as required [by the terms of the  
27 members serving on the County Board as of July 1, 1978] ~~UNDER SUBSECTION (H) OF~~  
28 ~~THIS SECTION.~~

29           ~~[(2)]~~ (3)     The student member serves for a term of 1 year beginning at  
30 the end of a school year.

31           ~~[(3)]~~ (4)     (1)     Subject to the confirmation of the County Council, the  
32 County Executive of Prince George's County shall appoint a qualified individual to fill  
33 any vacancy on IN A POSITION OF AN ELECTED MEMBER OF the County Board until a  
34 successor is elected and qualifies at the next Congressional election.

35                   (H)     TO THE EXTENT PRACTICABLE, THE COUNTY EXECUTIVE AND  
36 THE GOVERNOR SHALL FILL ANY VACANCY IN A POSITION OF AN APPOINTED

1 ~~MEMBER OF THE COUNTY BOARD WITHIN 60 DAYS AFTER THE DATE OF THE~~  
 2 ~~VACANCY FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED BY THE STATE~~  
 3 ~~BOARD.~~

4 (h) (1) The County Board members from school board districts [II, V, and  
 5 VIII] ~~II AND IV AND TWO COUNTY AT LARGE MEMBERS~~ who were elected ~~OR~~  
 6 ~~APPOINTED~~ for the first time at the [November 6, 1973] ~~NOVEMBER 5, 2002~~ election  
 7 ~~serve until the first Monday in December [1978] 2004 and may seek reelection in~~  
 8 ~~[1978] 2004 for a 4-year term.~~

9 (2) The members from school board districts [III, VI, and IX] ~~I, III, AND~~  
 10 ~~V AND TWO COUNTY AT LARGE MEMBERS~~ who were elected ~~OR APPOINTED~~ at the  
 11 [November 6, 1973] ~~NOVEMBER 5, 2002~~ election ~~serve until the first Monday in~~  
 12 ~~December[, 1980] 2006 and may seek reelection in [1980] 2006 for a 4-year term.~~

13 (3) ~~OF THE APPOINTED MEMBERS WHO ARE APPOINTED TO SERVE~~  
 14 ~~STARTING ON THE FIRST MONDAY IN DECEMBER 2002:~~

15 (I) ~~TWO SHALL SERVE UNTIL THE FIRST MONDAY IN DECEMBER~~  
 16 ~~2004, AND SHALL BE ELIGIBLE TO SEEK REAPPOINTMENT TO A 4-YEAR TERM; AND~~

17 (II) ~~TWO SHALL SERVE UNTIL THE FIRST MONDAY IN DECEMBER~~  
 18 ~~2006, AND SHALL BE ELIGIBLE TO SEEK REAPPOINTMENT TO A 4-YEAR TERM.~~

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

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

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

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

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

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

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

1 ~~SECTION 5. AND BE IT FURTHER ENACTED, That Sections 3 and 4 of this~~  
 2 ~~Act be repealed.~~

3 ~~SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland~~  
 4 ~~read as follows:~~

5 ~~Article – Education~~

6 ~~3-1001.~~

7 ~~THE PRINCE GEORGE'S COUNTY SCHOOL BOARD DISTRICTS ARE COTERMINOUS~~  
 8 ~~WITH THE NINE COUNCILMANIC DISTRICTS AS ADOPTED BY THE PRINCE GEORGE'S~~  
 9 ~~COUNTY COUNCIL AND REVIEWED AND CERTIFIED BY THE PRINCE GEORGE'S~~  
 10 ~~COUNTY BOARD OF ELECTIONS OR THEIR DESIGNEES AS PART OF THE 2000 CENSUS~~  
 11 ~~REDISTRICTING DATA PROGRAM AND EACH DECENNIAL CENSUS REDISTRICTING~~  
 12 ~~DATA PROGRAM THEREAFTER.~~

13 ~~3-1002.~~

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

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

18 ~~(1) [nine] ONE elected [members] MEMBER FROM EACH OF THE NINE~~  
 19 ~~COUNCILMANIC DISTRICTS; and~~

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

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

25 ~~(2) From the time of filing as a candidate for election, each candidate for~~  
 26 ~~the County Board shall reside in the school board district the candidate seeks to~~  
 27 ~~represent.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33           ~~(i) Capital and operating budgets;~~

34           ~~(ii) School closings, reopenings, and boundaries;~~

35           ~~(iii) Collective bargaining decisions;~~

36           ~~(iv) Student disciplinary matters;~~

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

3                   (vi)    ~~Other personnel matters.~~

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

8                   (5)     ~~Unless invited to attend by an affirmative vote of a majority of the~~  
9 ~~County Board, the student member may not attend an executive session that relates~~  
10 ~~to hearings on appeals of special education placements, hearings held under §~~  
11 ~~6-202(a) of this article, or collective bargaining.~~

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

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

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

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

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

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

32                  (2)     ~~The members from school board districts III, VI, and IX who were~~  
33 ~~elected at the November 6, 1973 election serve until the first Monday in December,~~  
34 ~~1980 and may seek reelection in 1980 for a 4 year term.~~

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

37                           (i)     ~~Immorality;~~

1                   (ii)     ~~Misconduct in office;~~

2                   (iii)    ~~Incompetency; or~~

3                   (iv)     ~~Willful neglect of duty.~~

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

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

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

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

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

15       SECTION 5. ~~7.~~ AND BE IT FURTHER ENACTED, That the terms of the  
16 elected members of the Prince George's County Board of Education serving on June 1,  
17 2002, or of their successors selected to fill a vacancy, shall terminate at the end of  
18 December 3, 2002.

19       SECTION 6. AND BE IT FURTHER ENACTED, That Section 4 of this Act  
20 shall take effect on the taking effect of the termination provision specified in Section  
21 4 of Chapter 464 of the Acts of the General Assembly of 1999. If that termination  
22 provision takes effect, Section 3 of this Act shall be abrogated and of no further force  
23 and effect. This Act may not be interpreted to have any effect on that termination  
24 provision.

25       SECTION 7. AND BE IT FURTHER ENACTED, That this Act is an  
26 emergency measure, is necessary for the immediate preservation of the public health  
27 or safety, has been passed by a yea and nay vote supported by three fifths of all the  
28 members elected to each of the two Houses of the General Assembly and, subject to  
29 Section 6 of this Act, shall take effect from the date it is enacted.

30       SECTION 8. AND BE IT FURTHER ENACTED, That if there is a vacancy in  
31 the position of county superintendent in the Prince George's County school system on  
32 or after the date this Act takes effect, the Prince George's County Board of Education  
33 may not appoint a permanent county superintendent of schools until after the first  
34 Monday in December, 2002. The Prince George's County Board of Education shall  
35 initiate a search process for a permanent county superintendent not later than 30  
36 days after the first Monday in December 2002. The Board shall appoint a permanent  
37 county superintendent no later than April 1, 2003, unless extenuating circumstances  
38 exist as determined by the Board, in consultation with the State Superintendent of

1 ~~Schools. In this event, the Board shall appoint a permanent county superintendent no~~  
2 ~~later than July 1, 2003.~~

3 ~~SECTION 9. AND BE IT FURTHER ENACTED, That, subject to Section 10 of~~  
4 ~~this Act, Section 4 of this Act shall take effect on the taking effect of the termination~~  
5 ~~provision specified in Section 4 of Chapter 464 of the Acts of the General Assembly of~~  
6 ~~1999. If that termination provision takes effect, Section 3 of this Act shall be~~  
7 ~~abrogated and of no further force and effect. This Act may not be interpreted to have~~  
8 ~~any effect on that termination provision.~~

9 ~~SECTION 10. AND BE IT FURTHER ENACTED, That before Sections 5 and~~  
10 ~~6 of this Act become effective they shall first be submitted to a referendum of the~~  
11 ~~legally qualified voters of Prince George's County at the general election to be held in~~  
12 ~~November of 2006. The cost of the special election, if any, shall be paid by the County~~  
13 ~~governing body. The County governing body and the Board of Supervisors of Elections~~  
14 ~~of Prince George's County shall do those things necessary and proper to provide for~~  
15 ~~and hold the referendum required by this section. If a majority of the votes cast on the~~  
16 ~~question are "For the referred law" the provisions of Sections 5 and 6 of this Act shall~~  
17 ~~become effective on January 1, 2008, but if a majority of the votes cast on the question~~  
18 ~~are "Against the referred law" the provisions of Sections 5 and 6 of this Act are of no~~  
19 ~~effect and null and void. Notwithstanding the effect of the provisions of Sections 5 and~~  
20 ~~6 of this Act after approval at referendum under this section, the members of the~~  
21 ~~Board serving on December 31, 2007 shall remain in office until December 1, 2008,~~  
22 ~~and if a vacancy occurs before November 4, 2008, the member's successor shall be~~  
23 ~~appointed in accordance with Section 3 or Section 4 of this Act, as appropriate, to~~  
24 ~~serve for the remainder of the unexpired term.~~

25 ~~SECTION 11. AND BE IT FURTHER ENACTED, That, except as provided in~~  
26 ~~Sections 9 and 10 of this Act, this Act shall take effect June 1, 2002.~~