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

Introduced and read first time: February 8, 2002

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Board of Education - Districts**  
3 **PG 415-02**

4 FOR the purpose of redistricting the school board districts of Prince George's County  
5 to reduce the number of school board districts; restructuring the Prince George's  
6 County Board of Education to require certain members to be elected at large by  
7 the registered voters of the county and certain members to be elected from  
8 school board districts; providing for the terms of the school board members;  
9 repealing certain obsolete provisions; providing for the termination of the terms  
10 of the elected members of the County Board; making this Act an emergency  
11 measure; and generally relating to the Prince George's County Board of  
12 Education.

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

18 BY adding to  
19 Article - Education  
20 Section 3-1001  
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 BY repealing and reenacting, with amendments,

1 Article - Education  
2 Section 3-1002  
3 Annotated Code of Maryland  
4 (1999 Replacement Volume and 2001 Supplement)  
5 (As enacted by Chapter 464 of the Acts of the General Assembly of 1999)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
7 MARYLAND, That Section(s) 3-1001 of Article - Education of the Annotated Code of  
8 Maryland be repealed.

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

11 **Article - Education**

12 3-1001.

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

21 (B) SCHOOL BOARD DISTRICT I CONSISTS OF:

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

27 (C) SCHOOL BOARD DISTRICT II CONSISTS OF:

- 28 (1) ELECTION DISTRICT 2, PRECINCTS 1, 2, 3, 5, 6, 7, 8, AND 10;  
29 (2) ELECTION DISTRICT 16;  
30 (3) ELECTION DISTRICT 17;  
31 (4) ELECTION DISTRICT 19; AND  
32 (5) ELECTION DISTRICT 21, PRECINCTS 1, 2, 5, 12, 15, AND 17.

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

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

1

**Article - Education**

2 3-1002.

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

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

8 (1) ONE ELECTED MEMBER FROM EACH OF THE FIVE SCHOOL BOARD  
9 DISTRICTS;

10 (2) FOUR ELECTED MEMBERS FROM THE COUNTY AT LARGE; and

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

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

16 (2) From the time of filing as a candidate for election, each candidate for  
17 the County Board shall reside in the school board district the candidate seeks to  
18 represent.

19 (3) An elected County Board member shall forfeit the office if the  
20 member:

21 (i) Fails to reside in the school board district from which the  
22 member was elected, unless this change is caused by a change in the boundaries of  
23 the district; or

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

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

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

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

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

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

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

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

5 (e) (1) If a candidate for the County Board dies or withdraws the candidacy  
6 during the period beginning with the date of the primary and ending 70 days before  
7 the date of the general election, the [Board of Supervisors] PRINCE GEORGE'S  
8 COUNTY BOARD of Elections shall:

9 (i) Replace the name of the deceased or withdrawn candidate on  
10 the ballot for the general election with the name of the candidate who received the  
11 next 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] PRINCE GEORGE'S COUNTY BOARD of  
16 Elections shall add to the ballot for the general election the name of any person who  
17 files as a candidate in accordance with paragraph (1)(ii) of this subsection.

18 (ii) The [Board of Supervisors] PRINCE GEORGE'S COUNTY BOARD  
19 of Elections may not add additional candidates to the ballot for the general election  
20 within 70 days before the date of the 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  
24 before a special election meeting of the Prince George's Regional Association of  
25 Student Governments. Nomination forms shall be made available in the  
26 administrative offices of all public senior high schools in the county, the office of  
27 student concerns, and the office of the president of the regional association. The  
28 delegates to the regional association annually shall elect the student member to the  
29 Board at a special election 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 (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) An elected member serves for a term of 4 years beginning on the first  
18 Monday in December after the member's election and until a successor is elected and  
19 qualifies.

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

23 [(2)] (3) The student member serves for a term of 1 year beginning at  
24 the end of a school year.

25 [(3)] (4) Subject to the confirmation of the County Council, the County  
26 Executive of Prince George's County shall appoint a qualified individual to fill any  
27 vacancy on the County Board until a successor is elected and qualifies at the next  
28 Congressional election.

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

34 (2) The members from school board districts [III, VI, and IX] I, III, AND  
35 V AND TWO COUNTY AT LARGE MEMBERS who were elected at the [November 6,  
36 1973] NOVEMBER 5, 2002 election serve until the first Monday in December[, 1980]  
37 2006 and may seek reelection in [1980] 2006 for a 4-year term.

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

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

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

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

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

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

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

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

20 **Article - Education**

21 3-1002.

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

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

27 (1) ONE ELECTED MEMBER FROM EACH OF THE FIVE SCHOOL BOARD  
28 DISTRICTS;

29 (2) FOUR ELECTED MEMBERS FROM THE COUNTY AT LARGE; and

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

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

4 (2) From the time of filing as a candidate for election, each candidate for  
5 the County Board shall reside in the school board district the candidate seeks to  
6 represent.

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

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

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

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

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

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

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

20 (2) (I) By the registered voters of [his] THE MEMBER'S school board  
21 district; OR

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

24 (e) (1) If a candidate for the County Board dies or withdraws the candidacy  
25 during the period beginning with the date of the primary and ending 70 days before  
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29 the ballot for the general election with the name of the candidate who received the  
30 next highest number of votes in the primary election; or

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

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



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

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

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

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14 those relating to:

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17 (iii) Collective bargaining decisions;

18 (iv) Student disciplinary matters;

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

21 (vi) Other personnel matters.

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

26 (5) Unless invited to attend by an affirmative vote of a majority of the  
27 County Board, the student member may not attend an executive session that relates  
28 to hearings on appeals of special education placements, hearings held under §  
29 6-202(a) of this article, or collective bargaining.

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

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

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

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

7 [(2)] (3) The student member serves for a term of 1 year beginning at  
8 the end of a school year.

9 [(3)] (4) Subject to the confirmation of the County Council, the County  
10 Executive of Prince George's County shall appoint a qualified individual to fill any  
11 vacancy on the County Board until a successor is elected and qualifies at the next  
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22 (i) (1) With the approval of the Governor, the State Board may remove a  
23 member of the County Board for any of the following reasons:

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

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

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

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

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

3       SECTION 5. AND BE IT FURTHER ENACTED, That the terms of the elected  
4 members of the Prince George's County Board of Education serving on June 1, 2002,  
5 or of their successors selected to fill a vacancy, shall terminate at the end of December  
6 3, 2002.

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

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