

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

Unofficial Copy  
F3

2002 Regular Session  
2lr0575

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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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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2002

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Prince George's County School System - Board of Education - Districts :**  
3 **Management**  
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 altering the authorized salaries and reimbursable expenses of school board  
12 members; establishing a chief financial officer in the Prince George's County  
13 School System with certain duties and responsibilities; providing for the  
14 alteration of the structure of the County Board to an all-elected board with  
15 certain membership under certain circumstances, subject to a certain  
16 referendum; providing for the appointment of an interim superintendent of  
17 schools and of a permanent superintendent of schools in Prince George's County  
18 in a certain manner under certain circumstances; providing for the termination  
19 of the terms of certain appointed and elected members of the County Board  
20 under certain circumstances; providing for the effective date of certain  
21 provisions of this Act; making portions of this Act subject to a certain  
22 contingency; repealing certain obsolete provisions; providing for the termination  
23 of the terms of the elected members of the County Board; ~~making this Act an~~  
24 ~~emergency measure~~; and generally relating to the Prince George's County Board  
25 of Education.

26 BY repealing

1 Article - Education  
2 Section 3-1001  
3 Annotated Code of Maryland  
4 (1999 Replacement Volume and 2001 Supplement)

5 BY adding to  
6 Article - Education  
7 Section 3-1001 and 3-1008  
8 Annotated Code of Maryland  
9 (1999 Replacement Volume and 2001 Supplement)

10 BY repealing and reenacting, with amendments,  
11 Article - Education  
12 Section ~~3-1002~~ 3-108, 3-114(a), 3-1002, and 3-1003  
13 Annotated Code of Maryland  
14 (1999 Replacement Volume and 2001 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article - Education  
17 Section 3-1002  
18 Annotated Code of Maryland  
19 (1999 Replacement Volume and 2001 Supplement)  
20 (As enacted by Chapter 464 of the Acts of the General Assembly of 1999)

21 BY adding to  
22 Article - Education  
23 Section 3-1001  
24 Annotated Code of Maryland  
25 (2001 Replacement Volume)

26 BY repealing and reenacting, with amendments,  
27 Article - Education  
28 Section 3-1002  
29 Annotated Code of Maryland  
30 (2001 Replacement Volume)

31 BY repealing and reenacting, with amendments,  
32 Chapter 704 of the Acts of the General Assembly of 1998, as amended by  
33 Chapter 420 of the Acts of the General Assembly of 2001  
34 Section 2, 3, 4, and 5

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

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

3 **Article - Education**

4 3-108.

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

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

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

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

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

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

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

24 (i) Immorality;

25 (ii) Misconduct in office;

26 (iii) Incompetency;

27 (iv) Willful neglect of duty; or

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

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

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

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

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

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

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

10 (ii) The findings of the State Superintendent; and

11 (iii) A complete record of the proceedings.

12 3-114.

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

14 (1) Allegany;

15 (2) Calvert;

16 (3) Carroll;

17 (4) Charles;

18 (5) Frederick;

19 (6) Garrett;

20 (7) Howard;

21 (8) Kent;

22 (9) [Prince George's;

23 (10)] Montgomery;

24 [(11)] (10) St. Mary's;

25 [(12)] (11) Somerset; and

26 [(13)] (12) Washington.

27 3-1001.

28 (A) THE DESCRIPTIONS OF SCHOOL BOARD DISTRICTS IN THIS SECTION ARE  
 29 TO THE ELECTION DISTRICT AND PRECINCT BOUNDARIES AS REVIEWED AND  
 30 CERTIFIED BY THE PRINCE GEORGE'S COUNTY BOARD OF ELECTIONS OR THEIR

1 DESIGNEES BEFORE THEY WERE REPORTED TO THE UNITED STATES BUREAU OF  
2 THE CENSUS AS PART OF THE 2000 CENSUS REDISTRICTING DATA PROGRAM AND AS  
3 THOSE ELECTION DISTRICT AND PRECINCT LINES ARE SPECIFICALLY SHOWN ON  
4 THE PUBLIC LAW 94-171 CENSUS BLOCK MAPS PROVIDED BY THE UNITED STATES  
5 BUREAU OF THE CENSUS.

6 (B) SCHOOL BOARD DISTRICT I CONSISTS OF:

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

12 (C) SCHOOL BOARD DISTRICT II CONSISTS OF:

- 13 (1) ELECTION DISTRICT 2, PRECINCTS 1, 2, 3, 5, 6, 7, 8, AND 10;
- 14 (2) ELECTION DISTRICT 16;
- 15 (3) ELECTION DISTRICT 17;
- 16 (4) ELECTION DISTRICT 19; AND
- 17 (5) ELECTION DISTRICT 21, PRECINCTS 1, 2, 5, 12, 15, AND 17.

18 (D) SCHOOL BOARD DISTRICT III CONSISTS OF:

- 19 (1) ELECTION DISTRICT 2, PRECINCTS 4 AND 9;
- 20 (2) ELECTION DISTRICT 6, PRECINCTS 1, 3, 4, 5, 6, 10, 11, 15, 16, AND 19  
21 THROUGH 23;
- 22 (3) ELECTION DISTRICT 13, PRECINCTS 1, 2, 3, 7, 8, 10, 14, 16, AND 17;
- 23 (4) ELECTION DISTRICT 18; AND
- 24 (5) ELECTION DISTRICT 20, PRECINCTS 3, 4, 5, AND 8.

25 (E) SCHOOL BOARD DISTRICT IV CONSISTS OF:

- 26 (1) ELECTION DISTRICT 5, PRECINCTS 2 THROUGH 7;
- 27 (2) ELECTION DISTRICT 6, PRECINCTS 7, 8, 9, 12, 13, 14, 17, AND 18;
- 28 (3) ELECTION DISTRICT 9, PRECINCTS 1, 2, 3, 4, 5, 7, 10, AND 11; AND
- 29 (4) ELECTION DISTRICT 12.

- 1 (F) SCHOOL BOARD DISTRICT V CONSISTS OF:
- 2 (1) ELECTION DISTRICT 3;
- 3 (2) ELECTION DISTRICT 4;
- 4 (3) ELECTION DISTRICT 5, PRECINCTS 1 AND 8;
- 5 (4) ELECTION DISTRICT 7;
- 6 (5) ELECTION DISTRICT 8;
- 7 (6) ELECTION DISTRICT 9, PRECINCTS 6, 8, AND 9;
- 8 (7) ELECTION DISTRICT 11;
- 9 (8) ELECTION DISTRICT 13, PRECINCTS 4, 5, 6, 9, 11, 12, 13, AND 15;
- 10 (9) ELECTION DISTRICT 14, PRECINCTS 3, 4, AND 6; AND
- 11 (10) ELECTION DISTRICT 15.

12 3-1003.

13 (a) From and after [July 1, 1988] DECEMBER 2, 2002, at the beginning of each  
14 member's full term, the Chairman of the County Board is entitled to receive  
15 [\$14,000] \$19,000 annually as compensation and the other elected AND APPOINTED  
16 members are each entitled to receive [\$13,000] \$18,000 annually as compensation.

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

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

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

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

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

29 3-1008.

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

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

4 (2) BE RESPONSIBLE DIRECTLY TO THE COUNTY BOARD.

5 (B) THE COUNTY BOARD SHALL:

6 (1) SELECT THE CHIEF FINANCIAL OFFICER; AND

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

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

11 (D) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE CHIEF FINANCIAL  
 12 OFFICER SHALL SUBMIT A REPORT ON THE FINANCIAL CONDITION OF THE SCHOOL  
 13 SYSTEM TO THE COUNTY SUPERINTENDENT, THE COUNTY EXECUTIVE, THE COUNTY  
 14 COUNCIL, AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE  
 15 PRINCE GEORGE'S COUNTY DELEGATIONS TO THE HOUSE OF DELEGATES AND THE  
 16 SENATE OF MARYLAND.

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

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

21 **Article - Education**

22 3-1002.

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

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

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

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

33 ~~(+)~~ (1) ONE ELECTED MEMBER FROM EACH OF THE FIVE SCHOOL  
 34 BOARD DISTRICTS;

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

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

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

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

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

13                               (III)    THE FOUR APPOINTED MEMBERS MAY NOT SERVE FOR MORE  
14 THAN TWO TERMS.

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

18                               (II)     THE CHAIRMAN OF THE BOARD SHALL SERVE FOR A 2-YEAR  
19 TERM.

20                               (III)    EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS  
21 SUBSECTION, THE CHAIRMAN OF THE BOARD MAY BE SELECTED TO SERVE MORE  
22 THAN ONE TERM.

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

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

29                   (3)       An elected County Board member shall forfeit the office if the  
30 member:

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

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

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



1 (5) ~~(4)~~ Each elected member of the County Board ~~WHO REPRESENTS A~~  
 2 ~~SCHOOL BOARD DISTRICT~~ shall be nominated by the registered voters of the  
 3 member's school board district.

4 ~~(H) EACH ELECTED MEMBER OF THE COUNTY BOARD WHO~~  
 5 ~~REPRESENTS THE COUNTY AT LARGE SHALL BE NOMINATED BY THE REGISTERED~~  
 6 ~~VOTERS OF THE COUNTY AT LARGE.~~

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

9 ~~(4)~~ (I) At the general election every 2 years as required by subsection  
 10 (g) of this section; and

11 ~~(2)~~ ~~(4)~~ (II) By the registered voters of the member's school board  
 12 district; ~~OR~~

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

15 (2) (I) EACH APPOINTED MEMBER SHALL:

16 1. BE A RESIDENT OF THE COUNTY; AND

17 2. BE JOINTLY APPOINTED BY THE COUNTY EXECUTIVE AND  
 18 THE GOVERNOR TO SERVE AT LARGE FROM A LIST OF QUALIFIED INDIVIDUALS  
 19 SUBMITTED BY THE STATE BOARD.

20 (II) 1. AT LEAST ONE OF THE APPOINTED MEMBERS SHALL  
 21 POSSESS A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING THE  
 22 SUCCESSFUL ADMINISTRATION OF A LARGE BUSINESS, NONPROFIT, OR  
 23 GOVERNMENTAL ENTITY AND SHALL HAVE SERVED IN A HIGH LEVEL MANAGEMENT  
 24 POSITION WITH SUCH AN ENTITY.

25 2. AT LEAST ONE OF THE APPOINTED MEMBERS SHALL  
 26 POSSESS A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE IN GOVERNMENTAL  
 27 BUDGET PROCESSES AND PRINCIPLES.

28 3. AT LEAST ONE OF THE APPOINTED MEMBERS SHALL  
 29 POSSESS A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING EDUCATION.

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

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

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

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

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

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

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

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

21 (i) Capital and operating budgets;

22 (ii) School closings, reopenings, and boundaries;

23 (iii) Collective bargaining decisions;

24 (iv) Student disciplinary matters;

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

27 (vi) Other personnel matters.

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

32 (5) Unless invited to attend by an affirmative vote of a majority of the  
33 County Board, the student member may not attend an executive session that relates  
34 to hearings on appeals of special education placements, hearings held under §  
35 6-202(a) of this article, or collective bargaining.

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

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

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

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

12 [(2)] (3) The student member serves for a term of 1 year beginning at  
13 the end of a school year.

14 [(3)] (4) (I) Subject to the confirmation of the County Council, the  
15 County Executive of Prince George's County shall appoint a qualified individual to fill  
16 any vacancy ~~on~~ IN A POSITION OF AN ELECTED MEMBER OF the County Board until a  
17 successor is elected and qualifies at the next Congressional election.

18 (II) TO THE EXTENT PRACTICABLE, THE COUNTY EXECUTIVE AND  
19 THE GOVERNOR SHALL FILL ANY VACANCY IN A POSITION OF AN APPOINTED  
20 MEMBER OF THE COUNTY BOARD WITHIN 60 DAYS AFTER THE DATE OF THE  
21 VACANCY FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED BY THE STATE  
22 BOARD.

23 (h) (1) The County Board members from school board districts [II, V, and  
24 VIII] ~~II AND IV AND TWO COUNTY AT LARGE MEMBERS~~ who were elected OR  
25 APPOINTED for the first time at the [November 6, 1973] NOVEMBER 5, 2002 election  
26 serve until the first Monday in December [1978] 2004 and may seek reelection in  
27 [1978] 2004 for a 4-year term.

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

32 (3) OF THE APPOINTED MEMBERS WHO ARE APPOINTED TO SERVE  
33 STARTING ON THE FIRST MONDAY IN DECEMBER 2002:

34 (I) TWO SHALL SERVE UNTIL THE FIRST MONDAY IN DECEMBER  
35 2004, AND SHALL BE ELIGIBLE TO SEEK REAPPOINTMENT TO A 4-YEAR TERM; AND

36 (II) TWO SHALL SERVE UNTIL THE FIRST MONDAY IN DECEMBER  
37 2006, AND SHALL BE ELIGIBLE TO SEEK REAPPOINTMENT TO 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) (1) In this subtitle, "~~elected~~ THE FOLLOWING WORDS HAVE THE  
23 MEANINGS INDICATED.

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

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

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

32 (±) (1) ONE ELECTED MEMBER FROM EACH OF THE FIVE SCHOOL  
33 BOARD DISTRICTS;

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

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

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

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

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

13                               (III)    THE FOUR APPOINTED MEMBERS MAY NOT SERVE FOR MORE  
14 THAN TWO TERMS.

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

18                               (II)     THE CHAIRMAN OF THE BOARD SHALL SERVE FOR A 2-YEAR  
19 TERM.

20                               (III)    EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS  
21 SUBSECTION, THE CHAIRMAN OF THE BOARD MAY BE SELECTED TO SERVE MORE  
22 THAN ONE TERM.

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

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

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

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

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

35                   (4)       A County Board member may not hold another office of profit in  
36 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) ~~(1)~~ (1) ~~Members~~ ELECTED MEMBERS of the Prince George's County Board  
4 shall be elected:

5 ~~(+)~~ (I) At the general election every 2 years as required by subsection  
6 (g) of this section; and

7 ~~(=)~~ (+) (II) By the registered voters of [his] THE MEMBER'S school  
8 board district; ~~OR~~

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

11 (2) (I) EACH APPOINTED MEMBER SHALL:

12 1. BE A RESIDENT OF THE COUNTY; AND

13 2. BE JOINTLY APPOINTED BY THE COUNTY EXECUTIVE AND  
14 THE GOVERNOR TO SERVE AT LARGE FROM A LIST OF QUALIFIED INDIVIDUALS  
15 SUBMITTED BY THE STATE BOARD.

16 (II) 1. AT LEAST ONE OF THE APPOINTED MEMBERS SHALL  
17 POSSESS A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING THE  
18 SUCCESSFUL ADMINISTRATION OF A LARGE BUSINESS, NONPROFIT, OR  
19 GOVERNMENTAL ENTITY, AND SHALL HAVE SERVED IN A HIGH LEVEL MANAGEMENT  
20 POSITION WITH SUCH AN ENTITY.

21 2. AT LEAST ONE OF THE APPOINTED MEMBERS SHALL  
22 POSSESS A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE IN GOVERNMENTAL  
23 BUDGET PROCESSES AND PRINCIPLES.

24 3. AT LEAST ONE OF THE APPOINTED MEMBERS SHALL  
25 POSSESS A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING EDUCATION.

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

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

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

35 (2) (i) Except as otherwise provided in subparagraph (ii) of this  
36 paragraph, the [Board of Supervisors] PRINCE GEORGE'S COUNTY BOARD of

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

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

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

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

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

17 (i) Capital and operating budgets;

18 (ii) School closings, reopenings, and boundaries;

19 (iii) Collective bargaining decisions;

20 (iv) Student disciplinary matters;

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

23 (vi) Other personnel matters.

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

28 (5) Unless invited to attend by an affirmative vote of a majority of the  
29 County Board, the student member may not attend an executive session that relates  
30 to hearings on appeals of special education placements, hearings held under §  
31 6-202(a) of this article, or collective bargaining.

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

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

1 (g) (1) Each elected OR APPOINTED member serves for a term of 4 years  
 2 beginning on the first Monday in December after [his] THE MEMBER'S election OR  
 3 APPOINTMENT and until [his] A 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) (I) Subject to the confirmation of the County Council, the  
 10 County Executive of Prince George's County shall appoint a qualified individual to fill  
 11 any vacancy ~~on~~ IN A POSITION OF AN ELECTED MEMBER OF the County Board until a  
 12 successor is elected and qualifies at the next Congressional election.

13 (II) TO THE EXTENT PRACTICABLE, THE COUNTY EXECUTIVE AND  
 14 THE GOVERNOR SHALL FILL ANY VACANCY IN A POSITION OF AN APPOINTED  
 15 MEMBER OF THE COUNTY BOARD WITHIN 60 DAYS AFTER THE DATE OF THE  
 16 VACANCY FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED BY THE STATE  
 17 BOARD.

18 (h) (1) The County Board members from school board districts [II, V, and  
 19 VIII] ~~II AND IV AND TWO COUNTY AT LARGE MEMBERS~~ who were elected OR  
 20 APPOINTED for the first time at the [November 6, 1973] NOVEMBER 5, 2002 election  
 21 serve until the first Monday in December [1978] 2004 and may seek reelection in  
 22 [1978] 2004 for a 4-year term.

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

27 (3) OF THE APPOINTED MEMBERS WHO ARE APPOINTED TO SERVE  
 28 STARTING ON THE FIRST MONDAY IN DECEMBER 2002:

29 (I) TWO SHALL SERVE UNTIL THE FIRST MONDAY IN DECEMBER  
 30 2004, AND SHALL BE ELIGIBLE TO SEEK REAPPOINTMENT TO A 4-YEAR TERM; AND

31 (II) TWO SHALL SERVE UNTIL THE FIRST MONDAY IN DECEMBER  
 32 2006, AND SHALL BE ELIGIBLE TO SEEK REAPPOINTMENT TO A 4-YEAR TERM.

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

35 (i) Immorality;

36 (ii) Misconduct in office;

37 (iii) Incompetency; or



1 (iv) Willful neglect of duty.

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

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

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

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

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

13 SECTION 5. AND BE IT FURTHER ENACTED, That Sections 3 and 4 of this  
14 Act be repealed.

15 SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
16 read as follows:

17 **Article - Education**

18 3-1001.

19 THE PRINCE GEORGE'S COUNTY SCHOOL BOARD DISTRICTS ARE COTERMINOUS  
20 WITH THE NINE COUNCILMANIC DISTRICTS AS ADOPTED BY THE PRINCE GEORGE'S  
21 COUNTY COUNCIL AND REVIEWED AND CERTIFIED BY THE PRINCE GEORGE'S  
22 COUNTY BOARD OF ELECTIONS OR THEIR DESIGNEES AS PART OF THE 2000 CENSUS  
23 REDISTRICTING DATA PROGRAM AND EACH DECENNIAL CENSUS REDISTRICTING  
24 DATA PROGRAM THEREAFTER.

25 3-1002.

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

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

30 (1) [nine] ONE elected [members] MEMBER FROM EACH OF THE NINE  
31 COUNCILMANIC DISTRICTS; and

32 (2) [one] ONE student member selected under subsection (f)(2) of this  
33 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 office if  
8 [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] 4 years as required by subsection (g)  
19 of this section; and

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

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

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

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

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

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

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

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

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

12 (i) Capital and operating budgets;

13 (ii) School closings, reopenings, and boundaries;

14 (iii) Collective bargaining decisions;

15 (iv) Student disciplinary matters;

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

18 (vi) Other personnel matters.

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

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

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

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

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

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

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

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

11           (2)     The members from school board districts III, VI, and IX who were  
12 elected at the November 6, 1973 election serve until the first Monday in December,  
13 1980 and may seek reelection in 1980 for a 4-year term.

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

16                   (i)     Immorality;

17                   (ii)    Misconduct in office;

18                   (iii)   Incompetency; or

19                   (iv)    Willful neglect of duty.

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

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

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

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

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

31       SECTION ~~5.~~ 7. AND BE IT FURTHER ENACTED, That the terms of the  
32 elected members of the Prince George's County Board of Education serving on June 1,  
33 2002, or of their successors selected to fill a vacancy, shall terminate at the end of  
34 December 3, 2002.

35       SECTION ~~6.~~ AND BE IT FURTHER ENACTED, That ~~Section 4 of this Act~~  
36 ~~shall take effect on the taking effect of the termination provision specified in Section~~

1 ~~4 of Chapter 464 of the Acts of the General Assembly of 1999. If that termination~~  
2 ~~provision takes effect, Section 3 of this Act shall be abrogated and of no further force~~  
3 ~~and effect. This Act may not be interpreted to have any effect on that termination~~  
4 ~~provision.~~

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

10 SECTION 8. AND BE IT FURTHER ENACTED, That if there is a vacancy in  
11 the position of county superintendent in the Prince George's County school system on  
12 or after the date this Act takes effect, the Prince George's County Board of Education  
13 may not appoint a permanent county superintendent of schools until after the first  
14 Monday in December, 2002. The Prince George's County Board of Education shall  
15 initiate a search process for a permanent county superintendent not later than 30  
16 days after the first Monday in December 2002. The Board shall appoint a permanent  
17 county superintendent no later than April 1, 2003, unless extenuating circumstances  
18 exist as determined by the Board, in consultation with the State Superintendent of  
19 Schools. In this event, the Board shall appoint a permanent county superintendent no  
20 later than July 1, 2003.

21 SECTION 9. AND BE IT FURTHER ENACTED, That, subject to Section 10 of  
22 this Act, Section 4 of this Act shall take effect on the taking effect of the termination  
23 provision specified in Section 4 of Chapter 464 of the Acts of the General Assembly of  
24 1999. If that termination provision takes effect, Section 3 of this Act shall be  
25 abrogated and of no further force and effect. This Act may not be interpreted to have  
26 any effect on that termination provision.

27 SECTION 10. AND BE IT FURTHER ENACTED, That before Sections 5 and  
28 6 of this Act become effective they shall first be submitted to a referendum of the  
29 legally qualified voters of Prince George's County at the general election to be held in  
30 November of 2006. The cost of the special election, if any, shall be paid by the County  
31 governing body. The County governing body and the Board of Supervisors of Elections  
32 of Prince George's County shall do those things necessary and proper to provide for  
33 and hold the referendum required by this section. If a majority of the votes cast on the  
34 question are "For the referred law" the provisions of Sections 5 and 6 of this Act shall  
35 become effective on January 1, 2008, but if a majority of the votes cast on the question  
36 are "Against the referred law" the provisions of Sections 5 and 6 of this Act are of no  
37 effect and null and void. Notwithstanding the effect of the provisions of Sections 5 and  
38 6 of this Act after approval at referendum under this section, the members of the  
39 Board serving on December 31, 2007 shall remain in office until December 1, 2008,  
40 and if a vacancy occurs before November 4, 2008, the member's successor shall be  
41 appointed in accordance with Section 3 or Section 4 of this Act, as appropriate, to  
42 serve for the remainder of the unexpired term.

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

