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

Introduced and read first time: February 8, 2002

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Board of Education - Districts and Membership**
3 **PG 416-02**

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

15 BY repealing
16 Article - Education
17 Section 3-1001
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 2001 Supplement)

20 BY adding to
21 Article - Education
22 Section 3-1001
23 Annotated Code of Maryland
24 (1999 Replacement Volume and 2001 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Education
27 Section 3-1002
28 Annotated Code of Maryland
29 (1999 Replacement Volume and 2001 Supplement)

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

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9 Maryland be repealed.

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

12 **Article - Education**

13 3-1001.

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

21 (B) SCHOOL BOARD DISTRICT I CONSISTS OF:

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

27 (C) SCHOOL BOARD DISTRICT II CONSISTS OF:

- 28 (1) ELECTION DISTRICT 2, PRECINCTS 1, 2, 5, AND 8;
29 (2) ELECTION DISTRICT 16;
30 (3) ELECTION DISTRICT 17, PRECINCTS 1 THROUGH 13;
31 (4) ELECTION DISTRICT 19; AND
32 (5) ELECTION DISTRICT 21, PRECINCTS 1, 2, 12, AND 17.

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

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

3 **Article - Education**

4 3-1002.

5 (a) (1) In this subtitle[,] THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (2) ["elected] "ELECTED member" means one of the [nine] elected
8 members of the Prince George's County Board or a member appointed to fill a vacancy
9 of one of these [nine] members.

10 (3) "APPOINTED MEMBER" MEANS ONE OF THE THREE MEMBERS
11 JOINTLY SELECTED BY THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY AND
12 THE GOVERNOR FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED TO THE
13 COUNTY EXECUTIVE AND THE GOVERNOR BY THE STATE BOARD.

14 (b) (1) (I) The Prince George's County Board consists of [nine] SIX elected
15 members, THREE APPOINTED MEMBERS, and one student member selected under
16 subsection (f)(2) of this section UNTIL THE NOVEMBER GENERAL ELECTION OF 2004.

17 (II) BEGINNING ON THE FIRST MONDAY IN DECEMBER 2004, THE
18 PRINCE GEORGE'S COUNTY BOARD CONSISTS OF NINE ELECTED MEMBERS AND ONE
19 STUDENT MEMBER SELECTED UNDER SUBSECTION (F)(2) OF THIS SECTION.

20 (2) THE SIX ELECTED MEMBERS SHALL BE ELECTED IN THE NOVEMBER
21 GENERAL ELECTION OF 2002 BASED ON THE SCHOOL BOARD DISTRICT THEY
22 REPRESENT, WITH ONE MEMBER ELECTED FROM EACH DISTRICT.

23 (3) (I) THE THREE APPOINTED MEMBERS SHALL BE APPOINTED FROM
24 THE COUNTY AT LARGE JOINTLY BY THE COUNTY EXECUTIVE OF PRINCE GEORGE'S
25 COUNTY AND THE GOVERNOR ON OR BEFORE THE FIRST MONDAY IN DECEMBER
26 2002.

27 (II) THE THREE APPOINTED MEMBERS SERVE FOR A 2-YEAR TERM
28 BEGINNING ON THE FIRST MONDAY IN DECEMBER 2002.

29 (III) THE THREE APPOINTED MEMBERS MAY NOT SERVE FOR MORE
30 THAN ONE TERM.

31 (IV) AS THE TERMS OF THE THREE APPOINTED MEMBERS EXPIRE,
32 THE MEMBERS SHALL BE ELECTED AT LARGE BY THE REGISTERED VOTERS OF
33 PRINCE GEORGE'S COUNTY AT THE GENERAL ELECTION HELD IN NOVEMBER
34 PRECEDING THE EXPIRATION DATE OF THE APPOINTED MEMBER'S TERM.

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

1 (2) From the time of filing as a candidate for election, each candidate for
2 THE SCHOOL BOARD DISTRICT POSITIONS OF the County Board shall reside in the
3 school board district the candidate seeks to represent.

4 (3) An elected County Board member shall forfeit the office if the
5 member:

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

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

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

13 (5) Each elected member of the County Board shall be nominated by the
14 registered voters of the member's school board district.

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

16 (1) [At] SUBJECT TO SUBSECTION (G) OF THIS SECTION, AT the general
17 election every 2 years [as required by subsection (g) of this section], BEGINNING
18 WITH THE GENERAL ELECTION OF NOVEMBER 2002; and

19 (2) [By] IN THE CASE OF MEMBERS ELECTED FROM SCHOOL BOARD
20 DISTRICTS, BY the registered voters of 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] PRINCE GEORGE'S
24 COUNTY BOARD of Elections shall:

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

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

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

34 (ii) The [Board of Supervisors] PRINCE GEORGE'S COUNTY BOARD
35 of Elections may not add additional candidates to the ballot for the general election
36 within 70 days before the date of the 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 student
5 governments. Nomination forms shall be made available in the administrative offices
6 of all public senior high schools in the county, the office of student concerns, and the
7 office of the president of the regional association. The delegates to the regional
8 association annually shall elect the student member to the Board at a special election
9 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) An elected member serves for a term of 4 years beginning on the first
33 Monday in December after the member's election and until a successor is elected and
34 qualifies.

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

4 [(2)] (3) The student member serves for a term of 1 year beginning at
5 the end of a school year.

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

10 (h) (1) The [County Board] ELECTED members from school board districts
11 [II, V, and VIII] I THROUGH VI who were elected for the first time at the [November
12 6, 1973] NOVEMBER 5, 2002 election serve until the first Monday in December [1978]
13 2006 and may seek reelection in [1978] 2006 for a 4-year term.

14 (2) The THREE ELECTED members [from school board districts III, VI,
15 and IX] who were elected AT LARGE at the [November 6, 1973] 2004 GENERAL
16 election serve until the first Monday in December[, 1980] 2008 and may seek
17 reelection in [1980] 2008 for a 4-year term.

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

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

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

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

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

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

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

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

Article - Education

1 3-1002.

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3 INDICATED.

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5 office if [he] THE MEMBER:

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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.

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19 member of the County Board for any of the following reasons:

- 20 (i) Immorality;
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24 (2) Before removing a member, the State Board shall send the member a
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26 request a hearing.

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

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

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

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

35 SECTION 5. AND BE IT FURTHER ENACTED, That the terms of the elected
36 members of the Prince George's County Board of Education serving on June 1, 2002,

1 or of their successors selected to fill a vacancy, shall terminate at the end of December
2 3, 2002.

3 SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding the
4 provisions of § 3-1002(g)(1) of the Education Article as enacted by this Act, the terms
5 of the members elected to the Prince George's County Board at the November 2002
6 general election shall be 4 years for each member elected to represent a school board
7 election district and the term of the members appointed shall be 2 years for each
8 member.

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

14 SECTION 8. AND BE IT FURTHER ENACTED, That this Act is an emergency
15 measure, is necessary for the immediate preservation of the public health or safety,
16 has been passed by a ye and nay vote supported by three-fifths of all the members
17 elected to each of the two Houses of the General Assembly and, except as provided in
18 Section 7 of this Act, shall take effect from the date it is enacted.