

**HOUSE BILL 987**  
**EMERGENCY BILL**

Unofficial Copy  
F3  
HB 1311/01 - W&M

2002 Regular Session  
2lr0301

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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, Membership, and**  
3                                   **Taxing Authority**  
4                                   **PG 402-02**

5 FOR the purpose of redistricting the school board districts of Prince George's County  
6 to reduce the number of districts; restructuring the membership of the Prince  
7 George's County Board of Education (County Board) to require certain members  
8 to be appointed at large by the County Executive and the Governor and certain  
9 members to be elected from school board districts; providing for the terms of  
10 office of the members appointed at large and from school board districts;  
11 repealing certain obsolete provisions; providing for the termination of the terms  
12 of the elected members of the County Board; establishing a chief financial officer  
13 in the Prince George's County Public School System; requiring the County Board  
14 to appoint an interim Superintendent who may not serve more than a certain  
15 number of years and who is ineligible to be appointed as a permanent  
16 Superintendent; authorizing the County Board to levy a property tax; requiring  
17 a proposed property tax to be submitted to a referendum of the legally qualified  
18 voters of Prince George's County; making this Act an emergency measure; and  
19 generally relating to the membership of the Prince George's County Board of  
20 Education.

21 BY repealing  
22 Article - Education  
23 Section 3-1001  
24 Annotated Code of Maryland  
25 (1999 Replacement Volume and 2001 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article - Education  
28 Section 3-108, 3-114(a), 3-1002, and 4-201(d)  
29 Annotated Code of Maryland  
30 (1999 Replacement Volume and 2001 Supplement)

1 BY adding to  
2 Article - Education  
3 Section 3-1001, 3-1008, and 3-1009  
4 Annotated Code of Maryland  
5 (1999 Replacement Volume and 2001 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article - Education  
8 Section 3-1002  
9 Annotated Code of Maryland  
10 (1999 Replacement Volume and 2001 Supplement)  
11 (As enacted by Chapter 464 of the Acts of the General Assembly of 1999)

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
16 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, and counties listed in § 3-114 of this subtitle, the Governor shall appoint the  
22 members of each county board from the residents of that county.

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

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

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

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

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

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

- 1 (i) Immorality;
- 2 (ii) Misconduct in office;
- 3 (iii) Incompetency;
- 4 (iv) Willful neglect of duty; or
- 5 (v) Failure to attend, without good cause, at least half of the  
6 scheduled meetings of the board in any one calendar year.

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

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

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

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

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

- 19 (i) A complete statement of all charges made against the member;
- 20 (ii) The findings of the State Superintendent; and
- 21 (iii) A complete record of the proceedings.

22 3-114.

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

- 24 (1) Allegany;
- 25 (2) Calvert;
- 26 (3) Carroll;
- 27 (4) Charles;
- 28 (5) Frederick;
- 29 (6) Garrett;
- 30 (7) Howard;

1 (8) Kent;  
2 (9) [Prince George's;  
3 (10)] Montgomery;  
4 [(11)] (10) St. Mary's;  
5 [(12)] (11) Somerset; and  
6 [(13)] (12) Washington.

7 3-1001.

8 (A) THE DESCRIPTIONS OF SCHOOL BOARD DISTRICTS, INCLUDING ALL  
9 REFERENCES TO ELECTION DISTRICTS AND PRECINCTS, ARE TO GEOGRAPHICAL  
10 BOUNDARIES OF THE ELECTION DISTRICTS AND PRECINCTS, AS REVIEWED AND  
11 CERTIFIED BY THE PRINCE GEORGE'S COUNTY BOARD OF ELECTIONS AS PART OF  
12 THE 2000 CENSUS REDISTRICTING DATA PROGRAM.

13 (B) (1) THE SIX SCHOOL BOARD DISTRICTS SHALL:

14 (I) BE CREATED AFTER THE LEGISLATIVE REDISTRICTING PLAN,  
15 BASED ON THE 2000 CENSUS DATA, IS ADOPTED BY THE GENERAL ASSEMBLY; AND

16 (II) CONSIST OF THE ELECTION DISTRICTS IN PRINCE GEORGE'S  
17 COUNTY.

18 (2) EACH OF THE SIX SCHOOL BOARD DISTRICTS SHALL BE  
19 SUBSTANTIALLY EQUAL IN POPULATION.

20 (C) BEGINNING IN 2002, THE SCHOOL BOARD DISTRICTS SHALL BE  
21 REDISTRICTED EVERY 10 YEARS BASED ON THE LATEST U.S. CENSUS DATA.

22 3-1008.

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

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

28 (2) REPORT FINDINGS AND RECOMMENDATIONS DIRECTLY TO THE  
29 COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY AND THE GENERAL ASSEMBLY;  
30 AND

31 (3) SUBMIT A COPY OF THE REPORT TO THE COUNTY BOARD AND THE  
32 SUPERINTENDENT.

33 (B) THE GOVERNOR AND COUNTY EXECUTIVE SHALL JOINTLY:

1 (1) SELECT THE CHIEF FINANCIAL OFFICER; AND

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

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

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

8 3-1009.

9 (A) SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION, THE  
10 COUNTY BOARD MAY LEVY, BY RESOLUTION, A PROPERTY TAX ON THE ASSESSABLE  
11 PROPERTY OF THE COUNTY TO PROVIDE FUNDING FOR PUBLIC SCHOOL OPERATIONS  
12 AND EXPENSES IN THE COUNTY.

13 (B) THE TAX AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION IS IN  
14 ADDITION TO THE COUNTY'S PROPERTY TAX.

15 (C) THE PROPERTY TAX:

16 (1) SHALL BE COLLECTED IN THE SAME MANNER THAT STATE AND  
17 COUNTY PROPERTY TAXES ARE COLLECTED IN THE COUNTY; AND

18 (2) IS SUBJECT TO THE SAME EXEMPTIONS, CREDITS, PAYMENT  
19 REQUIREMENTS, AND ENFORCEMENT PROVISIONS THAT APPLY TO THE COUNTY  
20 PROPERTY TAX UNDER THE TAX - PROPERTY ARTICLE, INCLUDING THE IMPOSITION  
21 OF A LIEN ON REAL PROPERTY FOR UNPAID TAXES, IMPOSITION OF INTEREST AND  
22 PENALTY DUE ON OVERDUE TAXES, AND PROVISIONS RELATING TO TAX SALES.

23 (D) THE COUNTY SHALL REMIT THE TAXES COLLECTED DURING ANY MONTH,  
24 AND INTEREST OR PENALTIES ON THE TAXES COLLECTED, TO THE OFFICIAL  
25 DESIGNATED BY THE COUNTY BOARD TO RECEIVE THE TAXES.

26 (E) (1) BEFORE A PROPOSED TAX RESOLUTION BY THE COUNTY BOARD  
27 BECOME EFFECTIVE, IT SHALL FIRST BE SUBMITTED TO A REFERENDUM OF THE  
28 LEGALLY QUALIFIED VOTERS OF PRINCE GEORGE'S COUNTY AT THE NEXT GENERAL  
29 ELECTION.

30 (2) ONCE APPROVED BY THE LEGALLY QUALIFIED VOTERS OF THE  
31 COUNTY, THE PROPOSED TAX SHALL BECOME EFFECTIVE BEGINNING IN THE NEXT  
32 FISCAL YEAR.

33 4-201.

34 (d) (1) [If] EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS  
35 SUBSECTION, IF a vacancy occurs in the office of county superintendent, the county

1 board shall appoint an interim county superintendent who serves until July 1 after  
2 his appointment.

3 (2) (I) IN PRINCE GEORGE'S COUNTY, IF A VACANCY OCCURS IN THE  
4 OFFICE OF COUNTY SUPERINTENDENT, THE PRINCE GEORGE'S COUNTY BOARD  
5 SHALL APPOINT AN INTERIM COUNTY SUPERINTENDENT.

6 (II) THE INTERIM SUPERINTENDENT MAY NOT SERVE A TERM OF  
7 MORE THAN 2 YEARS.

8 (III) THE INTERIM SUPERINTENDENT IS NOT ELIGIBLE FOR  
9 APPOINTMENT AS THE PERMANENT SUPERINTENDENT.

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

12 **Article - Education**

13 3-1002.

14 (a) In this subtitle[,] THE FOLLOWING WORDS HAVE THE MEANINGS  
15 INDICATED.

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

19 (2) "APPOINTED MEMBER" MEANS ONE OF THE THREE MEMBERS  
20 JOINTLY SELECTED BY THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY AND  
21 THE GOVERNOR FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED TO THE  
22 COUNTY EXECUTIVE AND THE GOVERNOR BY THE STATE BOARD.

23 (b) (1) The Prince George's County Board consists of [nine] SIX elected  
24 members, THREE APPOINTED MEMBERS, and one student member selected under  
25 subsection (f)(2) of this section.

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

29 (3) (I) THE THREE APPOINTED MEMBERS SHALL BE APPOINTED FROM  
30 THE COUNTY AT LARGE JOINTLY BY THE COUNTY EXECUTIVE OF PRINCE GEORGE'S  
31 COUNTY AND THE GOVERNOR.

32 (II) THE THREE APPOINTED MEMBERS SERVE FOR A 4-YEAR TERM.

33 (III) THE THREE APPOINTED MEMBERS MAY NOT SERVE FOR MORE  
34 THAN TWO TERMS.

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

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

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

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

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

15 (3) An elected County Board member shall forfeit the office if the  
16 member:

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

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

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

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

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

27 (1) [At] SUBJECT TO SUBSECTION (G) OF THIS SECTION, AT the general  
28 election every [2] 4 years [as required by subsection (g) of this section], BEGINNING  
29 WITH THE GENERAL ELECTION OF NOVEMBER 2002; and

30 (2) (I) [By] IN THE CASE OF MEMBERS ELECTED FROM SCHOOL  
31 BOARD DISTRICTS, BY the registered voters of the member's school board district; OR

32 (II) IN THE CASE OF APPOINTED MEMBERS FROM THE COUNTY AT  
33 LARGE, BY THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY AND THE  
34 GOVERNOR.

35 (e) (1) If a candidate for the County Board dies or withdraws the candidacy  
36 during the period beginning with the date of the primary and ending 70 days before

1 the date of the general election, the [Board of Supervisors] PRINCE GEORGE'S  
2 COUNTY BOARD of Elections shall:

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

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

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

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

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

17 (2) An eligible student shall file a nomination form at least 2 weeks  
18 before a special election meeting of the Prince George's regional association of student  
19 governments. Nomination forms shall be made available in the administrative offices  
20 of all public senior high schools in the county, the office of student concerns, and the  
21 office of the president of the regional association. The delegates to the regional  
22 association annually shall elect the student member to the Board at a special election  
23 meeting to be held each school year.

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

26 (i) Capital and operating budgets;

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

28 (iii) Collective bargaining decisions;

29 (iv) Student disciplinary matters;

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

32 (vi) Other personnel matters.

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

1 (5) Unless invited to attend by an affirmative vote of a majority of the  
2 County Board, the student member may not attend an executive session that relates  
3 to hearings on appeals of special education placements, hearings held under §  
4 6-202(a) of this article, or collective bargaining.

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

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

10 (g) (1) An elected member serves for a term of 4 years beginning on the first  
11 Monday in December after the member's election and until a successor is elected and  
12 qualifies.

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

16 [(2)] (3) The student member serves for a term of 1 year beginning at  
17 the end of a school year.

18 [(3)] (4) Subject to the confirmation of the County Council, the County  
19 Executive of Prince George's County shall appoint a qualified individual to fill any  
20 vacancy on the County Board until a successor is elected and qualifies at the next  
21 Congressional election.

22 (h) (1) The [County Board] ELECTED members from school board districts  
23 [II, V, and VIII] I, III, AND V who were elected for the first time at the [November 6,  
24 1973] NOVEMBER 5, 2002 election serve until the first Monday in December [1978]  
25 2004 and may seek reelection in [1978] 2004 for a 4-year term.

26 (2) The ELECTED members from school board districts [III, VI, and IX]  
27 II, IV, AND VI who were elected at the [November 6, 1973] NOVEMBER 5, 2002 election  
28 serve until the first Monday in December, [1980] 2006 and may seek reelection in  
29 [1980] 2006 for a 4-year term.

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

- 32 (i) Immorality;
- 33 (ii) Misconduct in office;
- 34 (iii) Incompetency; or
- 35 (iv) Willful neglect of duty.

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

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

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

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

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

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

14 **Article - Education**

15 3-1002.

16 (a) In this subtitle[,] THE FOLLOWING WORDS HAVE THE MEANINGS  
17 INDICATED.

18 (1) ["elected] "ELECTED member" means one of the [nine] SIX elected  
19 members of the Prince George's County Board or a member appointed to fill a vacancy  
20 of one of these [nine] SIX members.

21 (2) "APPOINTED MEMBER" MEANS ONE OF THE THREE MEMBERS  
22 JOINTLY SELECTED BY THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY AND  
23 THE GOVERNOR FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED TO THE  
24 COUNTY EXECUTIVE AND THE GOVERNOR BY THE STATE BOARD.

25 (b) (1) The Prince George's County Board consists of [nine] SIX elected  
26 members, THREE APPOINTED MEMBERS, and one student member selected under  
27 subsection (f)(2) of this section.

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

31 (3) (I) THE THREE 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.

34 (II) THE THREE APPOINTED MEMBERS SERVE FOR A 4-YEAR TERM.

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

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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 (c) (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 THE SCHOOL BOARD DISTRICT POSITIONS OF the County Board shall reside in the  
16 school 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 A MEMBER ELECTED TO REPRESENT A  
20 SCHOOL BOARD DISTRICT, FAILS to reside in the school board district from which  
21 [he] THE MEMBER was elected, unless this change is caused by a change in the  
22 boundaries of the district; or

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

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

26 (5) Each elected member of the County Board shall be nominated by the  
27 registered voters of his school board district.

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

29 (1) [At] SUBJECT TO SUBSECTION (G) OF THIS SECTION, AT the general  
30 election every [2] 4 years [as required by subsection (g) of this section], BEGINNING  
31 WITH THE GENERAL ELECTION OF NOVEMBER 2002; and

32 (2) [By] IN THE CASE OF MEMBERS ELECTED FROM SCHOOL BOARD  
33 DISTRICTS, BY the registered voters of [his] THE MEMBER'S school board district; OR

34 (3) IN THE CASE OF MEMBERS APPOINTED FROM THE COUNTY AT  
35 LARGE, JOINTLY BY THE COUNTY EXECUTIVE AND THE GOVERNOR.

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

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

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

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

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

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

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

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

28 (i) Capital and operating budgets;

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

30 (iii) Collective bargaining decisions;

31 (iv) Student disciplinary matters;

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

34 (vi) Other personnel matters.

35 (4) On an affirmative vote of a majority of the elected members of the  
36 County Board, the Board may determine if a matter before the Board relates to a

1 subject that the student member may not vote on under paragraph (3) of this  
2 subsection.

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

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

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

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

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

18 [(2)] (3) The student member serves for a term of 1 year beginning at  
19 the end of a school year.

20 [(3)] (4) Subject to the confirmation of the County Council, the County  
21 Executive of Prince George's County shall appoint a qualified individual to fill any  
22 vacancy on the County Board until a successor is elected and qualifies at the next  
23 Congressional election.

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

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36 (iii) Incompetency; or

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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 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 the terms of the elected  
14 members of the Prince George's County Board of Education serving on June 1, 2002,  
15 or of their successors selected to fill a vacancy, shall terminate at the end of December  
16 3, 2002.

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

23 SECTION 7. AND BE IT FURTHER ENACTED, That Section 4 of this Act  
24 shall take effect on the taking effect of the termination provision specified in Chapter  
25 464, Section 4 of the Acts of the General Assembly of 1999. If that termination  
26 provision takes effect, Section 3 of this Act shall be abrogated and of no further force  
27 and effect. This Act may not be interpreted to have any effect on that termination  
28 provision.

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