

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 780 (Prince George's County Delegation)
Ways and Means Education, Health, and Environmental
Affairs

Prince George's County - Education - Management Oversight Panel PG 421-02

This emergency bill establishes a five-member Executive Committee within the Prince George's County Management Oversight Panel and gives the Executive Committee the authority to review and approve major actions taken by the Prince George's County Board of Education and the Prince George's County Public School System. Until June 1, 2002, the exercise of this authority by the Executive Committee is subject to the direction and control of the State Superintendent of Schools. The bill also prohibits the county board from hiring a permanent county school superintendent prior to December 2, 2002.

The bill sunsets on July 1, 2003.

Fiscal Summary

State Effect: The Governor and the State Superintendent of Schools could appoint members to the Management Oversight Panel and its Executive Committee with existing resources.

Local Effect: The increased oversight would not alter total school system expenditures. The new procedures and policies required by the bill could be implemented with existing resources. The Prince George's County Executive could appoint members to the Management Oversight Panel and its Executive Committee with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: The bill adds four members to the Prince George's County Management Oversight Panel (MOP), two appointed by the Governor and two appointed by the Prince George's County Executive. The new members must be county residents. At least three members of MOP must attend every meeting held by the Prince George's County Board of Education, including executive sessions, capital improvement program meetings, and budget hearings.

The bill also establishes a five-member MOP Executive Committee. The committee consists of one member designated by the State Superintendent of Schools, two members designated by the County Executive, and two members designated by the Governor. The Governor designates the chairman of the committee.

The committee must review and approve all major actions to be taken by the board and the Prince George's County Public School System. These actions include: (1) personnel actions involving the county superintendent, an acting superintendent, an interim superintendent, deputy superintendents, associate superintendents, assistant superintendents, and directors of departments; (2) procurement actions involving \$25,000 or more; and (3) significant educational and budgetary policy decisions. The board and the school system must submit details of a proposed action to the committee at least ten working days before the proposed action may take place, and the committee must act on the proposed action within ten days. The board and school system may not take any of these actions without first receiving written approval from the chairman of the committee. If the committee disapproves two consecutive proposed actions regarding a single personnel position, the committee may appoint an individual to the position. Likewise, if the committee disapproves a personnel action and no additional proposal for the position is submitted within 15 days, the committee may appoint an individual to the position. At its discretion, the committee may review any decisions made by the board or the school system after February 1, 2002. Until June 1, 2002, the review and approval of board and school system actions are subject to the direction and control of the State Superintendent of Schools.

The bill also prohibits the board from appointing a permanent county school superintendent until after December 2, 2002. The search for a permanent superintendent must begin no later than 30 days after this date, and the board must appoint a permanent superintendent no later than April 1, 2003. If extenuating circumstances exist that prevent the board from appointing a permanent superintendent by this date, the deadline may be extended to July 1, 2003.

The additional MOP members, MOP Executive Committee, the requirement that three MOP members attend board meetings, and the review and approval of board and school

system actions sunset on December 2, 2002. The rest of the bill's requirements sunset July 1, 2003.

Current Law: MOP is made up of nine members jointly appointed by the Governor, the Prince George's County Executive, and the Chairperson of the Prince George's County Board of Education from a list of nominations submitted by the State Board of Education. A majority of MOP members must be from Prince George's County. The county board must provide MOP with prior notification of substantial procurement actions and proposed personnel actions related to senior positions. The State Superintendent of Schools determines which personnel and procurement actions must be reviewed by MOP. MOP must assess whether the recommendations of the performance audit have been considered in the actions taken by the county board. MOP sunsets June 30, 2003.

There are ten members on the Prince George's County Board of Education, nine elected members from nine school board districts and one student member. Elected members serve four-year terms, and the student member serves a one-year term. The board appoints a county superintendent of schools. If a new superintendent is to be hired, MOP must participate in the search process and must provide prospective candidates with a brief description of the role of MOP.

Educational matters in the county are under the control of the Board of Education, and the board must promote the interests of the schools. The State Superintendent of Schools may remove a county superintendent for immorality, misconduct in office, insubordination, incompetency, or willful neglect of duty.

Background: On February 2, 2002, the Prince George's County Superintendent of Schools was fired by the county's Board of Education. The superintendent opposed the firing, contending in part that the board had not consulted with MOP. On February 3, a judge ruled that the firing was improper, noting that the superintendent's contract requires 45 days notice before dismissal and that the State Superintendent of Schools had not been consulted. The county superintendent returned to work on February 4 and was given a letter declaring that the board wants her to leave her position in 45 days.

The latest disagreements between the superintendent and the board of education reportedly arose after the board limited the superintendent's authority to approve any contracts involving more than \$5,000. Since her 1999 hiring, the superintendent and the board have often quarreled over a range of topics, including the distribution of funds to schools, the provision of bonuses to school system managers, and the public release of the superintendent's performance evaluation.

MOP was established by Chapter 565 of 1998, the School Accountability Funding for Excellence (SAFE) legislation, and is charged with monitoring the recommendations of

two audits. The first, a performance audit mandated by the General Assembly, made 297 wide-ranging recommendations, including improvement of the trust and communication between school system leaders, increased use of information technology, and the restructuring of specific divisions within the school system. The audit identified 75 recommendations with a fiscal impact. MOP, in consultation with the Board of Education and the superintendent, consolidated the recommendations into 40 priorities. In a November 2001 hearing, MOP reported that 20 of the priority recommendations have been addressed.

A second audit examining expenditures by Board of Education members was completed in September 2000. The audit uncovered numerous examples of misused funds and made over 30 recommendations, including the full implementation of a prohibition on the use of board funds for alcoholic beverages, the development of guidelines prohibiting the use of board credit cards for personal needs, the establishment of procedures for expense reimbursements, and repayment of improperly used funds. MOP recommended that the board accept all of the audit recommendations and suggested that the board strengthen its code of ethics.

A bill introduced last year would have restructured the Prince George's County Board of Education by replacing the nine elected members with four board members elected from the county at large and five elected from five new school board districts. The bill passed the House and the Senate, but a conference committee to reconcile the House and Senate versions of the bill was never appointed.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Legislative Services

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