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

Introduced and read first time: February 11, 2005

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 401-05**

4 FOR the purpose of redistricting the school board districts of Prince George's County
5 to increase the number of districts; requiring that all members of the Prince
6 George's County School Board be elected on a nonpartisan basis; requiring that
7 a certain number of the members of the Prince George's County School Board be
8 elected from the school board districts; requiring that a certain number of the
9 Prince George's County School Board be elected at large; providing for the terms
10 of office of the members of the School Board; providing that the Chairman of the
11 School Board may serve for a certain term; providing for the termination of
12 members of the School Board serving on the effective date of this Act; and
13 generally relating to the Prince George's County School Board.

14 BY repealing

15 Article - Education
16 Section 3-1001, 3-1002, and 3-1004
17 Annotated Code of Maryland
18 (2004 Replacement Volume and 2004 Supplement)
19 (As enacted by Chapter 289 of the Acts of the General Assembly of 2002)

20 BY adding to

21 Article - Education
22 Section 3-1001, 3-1002, and 3-1004
23 Annotated Code of Maryland
24 (2004 Replacement Volume and 2004 Supplement)

25 BY repealing and reenacting, without amendments,

26 Article - Election Law
27 Section 8-802 and 8-804
28 Annotated Code of Maryland
29 (2003 Volume and 2004 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 3-1001, 3-1002, and 3-1004 of Article - Education of
3 the Annotated Code of Maryland (as enacted by Chapter 289 of the Acts of the
4 General Assembly of 2002) be repealed.

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

7 **Article - Education**

8 3-1001.

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

14 (B) SCHOOL BOARD DISTRICT I CONSISTS OF:

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

22 (C) SCHOOL BOARD DISTRICT II CONSISTS OF:

- 23 (1) ELECTION DISTRICT 2, PRECINCTS 1, 2, 5, AND 8;
- 24 (2) ELECTION DISTRICT 16;
- 25 (3) ELECTION DISTRICT 17, PRECINCTS 1 THROUGH 13;
- 26 (4) ELECTION DISTRICT 19; AND
- 27 (5) ELECTION DISTRICT 21, PRECINCTS 1, 2, 12, AND 17.

28 (D) SCHOOL BOARD DISTRICT III CONSISTS OF:

- 29 (1) ELECTION DISTRICT 2, PRECINCTS 3, 4, 6, 7, 9, AND 10;
- 30 (2) ELECTION DISTRICT 6, PRECINCTS 1, 3, 5, 11, 19, 20, AND 23;
- 31 (3) ELECTION DISTRICT 12, PRECINCTS 1, 2, 3, 7, 8, 10, 14, 16, AND 17;

1 (4) ELECTION DISTRICT 18; AND

2 (5) ELECTION DISTRICT 20, PRECINCTS 3, 4, AND 8.

3 (E) SCHOOL BOARD DISTRICT IV CONSISTS OF:

4 (1) ELECTION DISTRICT 6, PRECINCTS 2, 4, 6 THROUGH 10, 12 THROUGH
5 18, 21, AND 22; AND

6 (2) ELECTION DISTRICT 12.

7 (F) SCHOOL BOARD DISTRICT V CONSISTS OF:

8 (1) ELECTION DISTRICT 3, PRECINCT 2;

9 (2) ELECTION DISTRICT 7;

10 (3) ELECTION DISTRICT 10, PRECINCT 10;

11 (4) ELECTION DISTRICT 13, PRECINCTS 4 THROUGH 6, 9, 11 THROUGH 13,
12 AND 15;

13 (5) ELECTION DISTRICT 14; AND

14 (6) ELECTION DISTRICT 20, PRECINCTS 5 AND 9 THROUGH 11.

15 (G) SCHOOL BOARD DISTRICT VI CONSISTS OF:

16 (1) ELECTION DISTRICT 3, PRECINCTS 1, 3, AND 4;

17 (2) ELECTION DISTRICT 4;

18 (3) ELECTION DISTRICT 5;

19 (4) ELECTION DISTRICT 8;

20 (5) ELECTION DISTRICT 9;

21 (6) ELECTION DISTRICT 11;

22 (7) ELECTION DISTRICT 12, PRECINCT 14; AND

23 (8) ELECTION DISTRICT 15.

24 3-1002.

25 (A) IN THIS SUBTITLE, "ELECTED MEMBER" MEANS ONE OF THE NINE
26 ELECTED MEMBERS OF THE PRINCE GEORGE'S COUNTY BOARD OR A MEMBER
27 APPOINTED TO FILL A VACANCY OF ONE OF THESE NINE MEMBERS.

28 (B) THE PRINCE GEORGE'S COUNTY BOARD CONSISTS OF 10 MEMBERS AS
29 FOLLOWS:

1 (1) SIX ELECTED MEMBERS, EACH OF WHOM RESIDES IN A DIFFERENT
2 SCHOOL BOARD DISTRICT;

3 (2) THREE ELECTED MEMBERS WHO MAY RESIDE ANYWHERE IN THE
4 COUNTY, ELECTED AT LARGE; AND

5 (3) ONE STUDENT MEMBER SELECTED UNDER SUBSECTION (F)(2) OF
6 THIS SECTION.

7 (C) (1) (I) A CANDIDATE FOR THE COUNTY BOARD SHALL BE A RESIDENT
8 OF PRINCE GEORGE'S COUNTY FOR AT LEAST 1 YEAR AND A REGISTERED VOTER OF
9 THE COUNTY BEFORE THE ELECTION.

10 (II) A CANDIDATE FOR THE COUNTY BOARD FROM A SPECIFIC
11 SCHOOL BOARD DISTRICT SHALL BE A RESIDENT OF THAT SCHOOL BOARD DISTRICT
12 FOR AT LEAST 1 YEAR.

13 (2) FROM THE TIME OF FILING AS A CANDIDATE FOR ELECTION, EACH
14 CANDIDATE FOR A POSITION ON THE COUNTY BOARD REPRESENTING A SCHOOL
15 BOARD DISTRICT SHALL RESIDE IN THE SCHOOL BOARD DISTRICT THE CANDIDATE
16 SEEKS TO REPRESENT.

17 (3) AN ELECTED COUNTY BOARD MEMBER SHALL FORFEIT THE OFFICE
18 IF THE MEMBER:

19 (I) IN THE CASE OF A MEMBER ELECTED TO REPRESENT A SCHOOL
20 BOARD DISTRICT, FAILS TO RESIDE IN THE SCHOOL BOARD DISTRICT FROM WHICH
21 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
25 PROFIT IN COUNTY GOVERNMENT DURING THE MEMBER'S TERM.

26 (D) MEMBERS OF THE PRINCE GEORGE'S COUNTY BOARD SHALL BE ELECTED
27 ON A NONPARTISAN BASIS:

28 (1) AT A GENERAL ELECTION EVERY 4 YEARS AS REQUIRED BY
29 SUBSECTION (G) OF THIS SECTION; AND

30 (2) BY THE REGISTERED VOTERS OF THE ENTIRE COUNTY.

31 (E) (1) IF A CANDIDATE FOR THE COUNTY BOARD DIES OR WITHDRAWS THE
32 CANDIDACY DURING THE PERIOD BEGINNING WITH THE DATE OF THE PRIMARY AND
33 ENDING 70 DAYS BEFORE THE DATE OF THE GENERAL ELECTION, THE STATE BOARD
34 OF ELECTIONS SHALL:

35 (I) REPLACE THE NAME OF THE DECEASED OR WITHDRAWN
36 CANDIDATE ON THE BALLOT FOR THE GENERAL ELECTION WITH THE NAME OF THE

1 CANDIDATE WHO RECEIVED THE NEXT HIGHEST NUMBER OF VOTES IN THE
2 PRIMARY ELECTION; OR

3 (II) IF A CONTESTED PRIMARY WAS NOT HELD, REOPEN THE
4 FILING PROCESS TO ALLOW OTHER PERSONS TO FILE AS CANDIDATES.

5 (2) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF
6 THIS PARAGRAPH, THE STATE BOARD OF ELECTIONS SHALL ADD TO THE BALLOT FOR
7 THE GENERAL ELECTION THE NAME OF ANY PERSON WHO FILES AS A CANDIDATE IN
8 ACCORDANCE WITH PARAGRAPH (1)(II) OF THIS SUBSECTION.

9 (II) THE STATE BOARD OF ELECTIONS MAY NOT ADD ADDITIONAL
10 CANDIDATES TO THE BALLOT FOR THE GENERAL ELECTION WITHIN 70 DAYS BEFORE
11 THE DATE OF THE ELECTION.

12 (F) (1) THE STUDENT MEMBER SHALL BE AN 11TH OR 12TH GRADE STUDENT
13 IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM DURING THE STUDENT'S
14 TERM IN OFFICE.

15 (2) AN ELIGIBLE STUDENT SHALL FILE A NOMINATION FORM AT LEAST
16 2 WEEKS BEFORE A SPECIAL ELECTION MEETING OF THE PRINCE GEORGE'S
17 REGIONAL ASSOCIATION OF STUDENT GOVERNMENTS. NOMINATION FORMS SHALL
18 BE MADE AVAILABLE IN THE ADMINISTRATIVE OFFICES OF ALL PUBLIC SENIOR
19 HIGH SCHOOLS IN THE COUNTY, THE OFFICE OF STUDENT CONCERNS, AND THE
20 OFFICE OF THE PRESIDENT OF THE REGIONAL ASSOCIATION. THE DELEGATES TO
21 THE REGIONAL ASSOCIATION ANNUALLY SHALL ELECT THE STUDENT MEMBER TO
22 THE BOARD AT A SPECIAL ELECTION MEETING TO BE HELD EACH SCHOOL YEAR.

23 (3) THE STUDENT MEMBER MAY VOTE ON ALL MATTERS BEFORE THE
24 BOARD EXCEPT THOSE RELATING TO:

25 (I) CAPITAL AND OPERATING BUDGETS;

26 (II) SCHOOL CLOSINGS, REOPENINGS, AND BOUNDARIES;

27 (III) COLLECTIVE BARGAINING DECISIONS;

28 (IV) STUDENT DISCIPLINARY MATTERS;

29 (V) TEACHER AND ADMINISTRATOR DISCIPLINARY MATTERS AS
30 PROVIDED UNDER § 6-202(A) OF THIS ARTICLE; AND

31 (VI) OTHER PERSONNEL MATTERS.

32 (4) ON AN AFFIRMATIVE VOTE OF A MAJORITY OF THE ELECTED
33 MEMBERS OF THE COUNTY BOARD, THE BOARD MAY DETERMINE IF A MATTER
34 BEFORE THE BOARD RELATES TO A SUBJECT THAT THE STUDENT MEMBER MAY NOT
35 VOTE ON UNDER PARAGRAPH (3) OF THIS SUBSECTION.

1 (5) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A
2 MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBER MAY NOT ATTEND AN
3 EXECUTIVE SESSION THAT RELATES TO HEARINGS ON APPEALS OF SPECIAL
4 EDUCATION PLACEMENTS, HEARINGS HELD UNDER § 6-202(A) OF THIS ARTICLE, OR
5 COLLECTIVE BARGAINING.

6 (6) THE PRINCE GEORGE'S REGIONAL ASSOCIATION OF STUDENT
7 GOVERNMENTS MAY ESTABLISH PROCEDURES FOR THE ELECTION OF THE STUDENT
8 MEMBER OF THE COUNTY BOARD.

9 (7) THE ELECTION PROCEDURES ESTABLISHED BY THE PRINCE
10 GEORGE'S REGIONAL ASSOCIATION OF STUDENT GOVERNMENTS ARE SUBJECT TO
11 THE APPROVAL OF THE ELECTED MEMBERS OF THE COUNTY BOARD.

12 (G) (1) (I) SUBJECT TO ITEM (II) OF THIS PARAGRAPH, AN ELECTED
13 MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE FIRST MONDAY IN
14 DECEMBER AFTER THE MEMBER'S ELECTION AND UNTIL THE MEMBER'S SUCCESSOR
15 IS ELECTED AND QUALIFIES.

16 (II) THE MEMBER OF THE BOARD ELECTED AT LARGE RECEIVING
17 THE FEWEST VOTES IN THE 2006 GENERAL ELECTION SHALL SERVE AN INITIAL
18 TERM OF 2 YEARS. AN ELECTION SHALL BE CONDUCTED IN 2008 AND EVERY 4 YEARS
19 THEREAFTER.

20 (III) MEMBERS OF THE BOARD ELECTED IN THE 2006 GENERAL
21 ELECTION FROM DISTRICTS II, III, AND IV SHALL SERVE FOR AN INITIAL TERM OF 2
22 YEARS. AN ELECTION SHALL BE CONDUCTED IN 2008 AND EVERY 4 YEARS
23 THEREAFTER.

24 (2) THE STUDENT MEMBER SERVES FOR A TERM OF 1 YEAR BEGINNING
25 AT THE END OF A SCHOOL YEAR.

26 (3) SUBJECT TO THE CONFIRMATION OF THE COUNTY COUNCIL, THE
27 COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY SHALL APPOINT A QUALIFIED
28 INDIVIDUAL TO FILL ANY VACANCY ON THE COUNTY BOARD UNTIL A SUCCESSOR IS
29 ELECTED AND QUALIFIES AT THE NEXT CONGRESSIONAL ELECTION.

30 (H) (1) WITH THE APPROVAL OF THE GOVERNOR, THE STATE BOARD MAY
31 REMOVE A 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
2 MEMBER A COPY OF THE CHARGES PENDING AND GIVE THE MEMBER AN
3 OPPORTUNITY WITHIN 10 DAYS TO 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
6 HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS THE
7 MEMBER A NOTICE OF THE HEARING; AND

8 (II) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD
9 PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE, IN PERSON
10 OR BY COUNSEL.

11 (4) A MEMBER REMOVED UNDER THIS SUBSECTION HAS THE RIGHT TO
12 A DE NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR PRINCE GEORGE'S
13 COUNTY.

14 (I) WHILE SERVING ON THE COUNTY BOARD, A MEMBER MAY NOT BE A
15 CANDIDATE FOR A PUBLIC OFFICE OTHER THAN A POSITION ON THE COUNTY
16 BOARD.

17 3-1004.

18 (A) (1) THE COUNTY BOARD SHALL HOLD AN ANNUAL MEETING ON THE
19 FIRST MONDAY IN DECEMBER TO ELECT A CHAIRMAN AND VICE CHAIRMAN FROM
20 AMONG ITS MEMBERS.

21 (2) THE CHAIRMAN SHALL SERVE FOR A TERM OF 2 YEARS.

22 (B) ALL ACTIONS OF THE COUNTY BOARD SHALL BE TAKEN AT A PUBLIC
23 MEETING AND A RECORD OF THE MEETING AND ALL ACTIONS SHALL BE MADE
24 PUBLIC.

25 (C) THIS SECTION DOES NOT PROHIBIT THE COUNTY BOARD FROM MEETING
26 AND DELIBERATING IN EXECUTIVE SESSION PROVIDED THAT ALL ACTIONS OF THE
27 BOARD, TOGETHER WITH THE INDIVIDUAL VOTE OF EACH MEMBER, ARE CONTAINED
28 IN A PUBLIC RECORD.

29 (D) (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS
30 SUBSECTION, THE AFFIRMATIVE VOTE OF THE MEMBERS OF THE COUNTY BOARD
31 FOR THE PASSAGE OF A MOTION BY THE COUNTY BOARD SHALL BE:

32 (I) SIX MEMBERS WHEN THE STUDENT MEMBER IS VOTING; OR

33 (II) FIVE MEMBERS WHEN THE STUDENT MEMBER IS NOT VOTING.

34 (2) WHEN THERE IS ONE VACANCY OR MORE THAN ONE VACANCY ON
35 THE COUNTY BOARD, THE AFFIRMATIVE VOTE OF THE MEMBERS OF THE COUNTY
36 BOARD FOR THE PASSAGE OF A MOTION BY THE BOARD SHALL BE FIVE MEMBERS.

Article - Election Law

1
2 8-802.

3 (a) (1) (i) Members of boards of education shall be elected on a
4 nonpartisan basis.

5 (ii) In a primary election to nominate board of education
6 candidates, any registered voter of the county, regardless of party affiliation or lack of
7 party affiliation, is eligible to vote in those contests for nomination.

8 (2) Candidates for election to boards of education shall, without party
9 designation or regard to party affiliation:

10 (i) file certificates of candidacy;

11 (ii) be certified to the ballot;

12 (iii) appear on the ballot;

13 (iv) be voted on; and

14 (v) be nominated and elected.

15 (b) This section does not apply to candidates for nomination or election to a
16 board of education if Title 3 of the Education Article requires a partisan election.

17 8-804.

18 (a) In each year that one or more members of a board of education are to be
19 elected, candidates shall be nominated at the primary election.

20 (b) (1) If a candidate dies or becomes disqualified before the ballots are
21 printed, or at a time when the ballots can be reprinted, the name of the candidate may
22 not appear on the ballot.

23 (2) If a candidate dies or becomes disqualified after the ballots are
24 printed and too late for the ballot to be reprinted, any votes cast for that candidate
25 may not be counted.

26 (c) (1) The candidates, equal in number to twice the number of offices to be
27 filled, who receive the largest number of votes in the primary election shall be the
28 nominated candidates.

29 (2) If two or more candidates each receive the lowest number of votes
30 necessary to qualify for nomination, creating a tie for the last nomination for the
31 office to be filled, each shall be a nominated candidate.

32 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of office of the
33 members of the New Prince George's County Board of Education who are in office on

1 the effective date of this Act shall terminate on the first Monday after the November
2 2006 election.

3 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 June 1, 2005.