

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 657  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Election of Members”.

On pages 1 and 2, strike beginning with “repealing” in line 3 on page 1 down through “Education” in line 8 on page 2 and substitute “repealing certain provisions of law relating to the composition of certain school districts in Prince George’s County; requiring the members of the Prince George’s County Board of Education to be elected from certain school board districts; providing for the boundaries of certain school board districts; requiring candidates to live in certain school board districts and be registered voters; providing for the initial terms of the elected members of the County Board; requiring that a vacancy on the County Board be filled by a certain election if the vacancy occurs within a certain time period; requiring that certain vacancies on the County Board remain vacant under certain circumstances; requiring certain special elections to take place within a certain number of days under certain provisions of law; requiring that certain special elections be funded by Prince George’s County; requiring a certain individual elected to the County Board to serve for the remainder of a certain term and the following term; prohibiting a member of the County Board from holding an office of profit in Prince George’s County government; repealing certain provisions relating to public meetings and executive sessions of the County Board; requiring a certain vote of the County Board to pass a motion of the County Board; altering the requirements for a quorum of the County Board; repealing a certain provision relating to the composition of a committee of the County Board; repealing certain provisions relating to the Chief Financial Officer of the county public school system; repealing a certain requirement that the County Board and the Maryland State Department of Education hire a consultant to conduct a comprehensive review of the Prince George’s County school system; repealing certain requirements that the County Board and the Maryland State Department of Education conduct certain hearings and prepare”

(Over)

certain reports concerning a certain comprehensive review; making stylistic changes; and generally relating to the Prince George's County Board of Education".

On page 2, strike in their entirety lines 9 through 24, inclusive, and substitute:

"BY repealing

Article – Education

Section 3–1001 and 3–1008

Annotated Code of Maryland

(2006 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Education

Section 3–1002 through 3–1007

Annotated Code of Maryland

(2006 Replacement Volume)

BY repealing

Chapter 289 of the Acts of the General Assembly of 2002, as amended by

Chapter 344 of the Acts of the General Assembly of 2005

Section 17 and 18".

AMENDMENT NO. 2

On pages 5 and 6, strike in their entirety the lines beginning with line 1 on page 5 through line 16 on page 6, inclusive, and substitute:

"[3–1002.] 3–1001.

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

(b) The Prince George's County Board consists of [10 members as follows:

(1) Five elected members, each of whom resides in a different school board district;

(2) Four elected members who may reside anywhere in the county;  
and

(3) One] **NINE ELECTED MEMBERS AND ONE** student member selected under subsection (f)(2) of this section.

(c) (1) (I) [A candidate for the County Board shall be a resident of Prince George's County for at least 3 years and a registered voter of the county before the election] **ONE MEMBER FROM EACH OF THE NINE SCHOOL BOARD DISTRICTS SHALL BE ELECTED AS DESCRIBED IN SUBSECTION (D) OF THIS SECTION.**

(II) **THE ELECTED MEMBERS OF THE COUNTY BOARD SHALL BE ELECTED AS FOLLOWS:**

**1. AT THE GENERAL ELECTION EVERY 4 YEARS AS REQUIRED BY SUBSECTION (G) OF THIS SECTION; AND**

**2. BY THE VOTERS OF THE SCHOOL BOARD DISTRICT THAT EACH MEMBER REPRESENTS.**

(2) From the time of filing as a candidate for election, each candidate [for a position on the County Board representing a school board district shall reside in the school board district the candidate seeks to represent] **SHALL BE A REGISTERED VOTER OF THE COUNTY AND A RESIDENT OF THE SCHOOL BOARD DISTRICT THE CANDIDATE SEEKS TO REPRESENT.**

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

(i) [In the case of a member elected to represent a school board district, fails] **FAILS** to reside in the school board district from which the member was elected, unless this change is caused by a change in the boundaries of the district; or

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

(4) A County Board member may not hold another office of profit in **PRINCE GEORGE'S COUNTY** [county] government during the member's term.

(5) Each elected member of the County Board for a position representing a school board district shall be nominated by the registered voters of the member's school board district.

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

(1) At the general election every 4 years as required by subsection (g) of this section; and

(2) By the registered voters of the entire county.]”.

On pages 11 through 20, strike in their entirety the lines beginning with line 20 on page 11 through line 27 on page 20, inclusive, and substitute:

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

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

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

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

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

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

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

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

(i) Capital and operating budgets;

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- (ii) School closings, reopenings, and boundaries;
  - (iii) Collective bargaining decisions;
  - (iv) Student disciplinary matters;
  - (v) Teacher and administrator disciplinary matters as provided under § 6–202(a) of this article; and
  - (vi) Other personnel matters.
- (4) On an affirmative vote of a majority of the elected members of the County Board **PRESENT AND VOTING AT A MEETING AT WHICH A QUORUM IS PRESENT**, the Board may determine if a matter before the Board relates to a subject that the student member may not vote on under paragraph (3) of this subsection.
- (5) Unless invited to attend by an affirmative vote of a majority **OF THE ELECTED MEMBERS** of the County Board **PRESENT AND VOTING AT A MEETING AT WHICH A QUORUM IS PRESENT**, the student member may not attend an executive session that relates to hearings on appeals of special education placements, hearings held under § 6–202(a) of this article, or collective bargaining.
- (6) The Prince George’s Regional Association of Student Governments may establish procedures for the election of the student member of the County Board.
- (7) The election procedures established by the Prince George’s Regional Association of Student Governments are subject to the approval of the elected members of the County Board.
- (g) (1) [An] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**, AN elected member serves for a term of 4 years beginning on the first

Monday in December after the member's election and until the member's successor is elected and qualifies.

**(2) THE TERMS OF THE ELECTED MEMBERS ARE STAGGERED AS FOLLOWS:**

**(I) THE FIVE ELECTED MEMBERS WHO RECEIVED THE LOWEST PERCENTAGE OF VOTES, AS DETERMINED BY THE FINAL VOTE COUNT OF THE 2010 GENERAL ELECTION AS CERTIFIED BY THE BOARD OF ELECTIONS, SHALL SERVE FOR A TERM OF 2 YEARS; AND**

**(II) THE OTHER FOUR MEMBERS ELECTED IN THE 2010 GENERAL ELECTION SHALL SERVE FOR A TERM OF 4 YEARS.**

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

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

**(4) (I) A SEAT ON THE COUNTY BOARD HELD BY AN ELECTED MEMBER THAT BECOMES VACANT MORE THAN 180 DAYS BEFORE THE END OF THAT MEMBER'S TERM OF OFFICE SHALL BE FILLED FOR THE REMAINDER OF THE TERM AT A SPECIAL ELECTION.**

**(II) A SPECIAL ELECTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE HELD:**

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1. AT THE NEXT PRIMARY OR GENERAL ELECTION IF THE VACANCY OCCURS 180 DAYS OR LESS BEFORE A PRIMARY OR GENERAL ELECTION; OR

2. NO LATER THAN 60 DAYS AFTER THE VACANCY OCCURS IF THE VACANCY OCCURS MORE THAN 180 DAYS BEFORE A PRIMARY OR GENERAL ELECTION.

(III) A SPECIAL ELECTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE:

1. FUNDED BY PRINCE GEORGE'S COUNTY; AND

2. GOVERNED BY TITLE 8, SUBTITLE 8 OF THE ELECTION LAW ARTICLE EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH OR WHERE SUCH CONSTRUCTION WOULD BE UNREASONABLE.

(IV) A VACANCY THAT OCCURS 180 DAYS OR LESS BEFORE THE EXPIRATION OF A MEMBER'S TERM OF OFFICE SHALL CONTINUE UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

(V) AN INDIVIDUAL ELECTED TO A VACANT SEAT ON THE COUNTY BOARD AT THE GENERAL ELECTION HELD IN THE YEAR THAT THE TERM EXPIRES SHALL SERVE FOR THE REMAINDER OF THE EXPIRING TERM AND FOR THE FOLLOWING TERM.

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

(i) Immorality;



- (ii) Misconduct in office;
- (iii) Incompetency; or
- (iv) Willful neglect of duty.

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

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

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

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

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

(i) While serving on the County Board, a member may not be a candidate for a public office other than a position on the County Board.

**[3-1003.] 3-1002.**

(a) From and after December 4, 2006, at the beginning of each member's full term, the [chairman] **CHAIR** of the County Board is entitled to receive \$19,000 annually as compensation and the other elected members are each entitled to receive \$18,000 annually as compensation.

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(b) (1) After submitting vouchers under the rules and regulations adopted by the County Board, the [chairman] CHAIR and the other members, including the student member, are entitled to the allowances for travel and other expenses provided in the Prince George's County budget.

(2) A member of the County Board may not be reimbursed more than \$7,000 in travel and other expenses incurred in a single fiscal year.

[3-1004.] 3-1003.

(a) The County Board shall hold an annual meeting on the first Monday in December to elect a [chairman] CHAIR and vice [chairman] CHAIR from among its members.

[(b) All actions of the County Board shall be taken at a public meeting and a record of the meeting and all actions shall be made public.

(c) This section does not prohibit the County Board from meeting and deliberating in executive session provided that all action of the County Board, together with the individual vote of each member, is contained in a public record.]

[(d)] (B) (1) Except as otherwise provided in paragraph (2) of this subsection, [the affirmative vote of the members of the County Board for the passage of a motion by the County Board shall be:

(i) Six members when the student member is voting; or

(ii) Five members when the student member is not voting] A QUORUM OF THE COUNTY BOARD IS FIVE ELECTED MEMBERS.

[(2) When there is one vacancy or more than one vacancy on the County Board, the affirmative vote of the members of the County Board for the passage of a motion by the Board shall be five members.]

**(2) WHEN THERE ARE TWO OR MORE VACANCIES ON THE COUNTY BOARD, A QUORUM OF THE COUNTY BOARD IS FOUR ELECTED MEMBERS.**

**(3) THE AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THE COUNTY BOARD IS REQUIRED TO PASS A MOTION OF THE COUNTY BOARD.**

[3-1005.] 3-1004.

(a) There is a Shared Space Council for Prince George's County. The purpose of the Council is to consider the alternative use of any vacant public schools and any vacant space that exists in the Prince George's County public school system.

(b) The Council shall consist of 23 members, appointed as follows:

(1) One member from each legislative district within Prince George's County, each of whom shall be appointed by the legislative delegation from the district.

(2) One member from each of the following governmental agencies, departments, or institutions:

(i) The staff of the county Board of Education;

(ii) The staff of the County Executive;

(iii) The staff of the County Council;

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- (iv) The county Department of Social Services;
  - (v) The staff of the county Superintendent of Education;
  - (vi) The Prince George's County Planning Board;
  - (vii) The county Department of Aging;
  - (viii) The county Health Department;
  - (ix) The county Office of Coordination of Services to the  
Handicapped;
  - (x) The county Juvenile Services Administration;
  - (xi) The county Memorial Library System; and
  - (xii) The county Department of Program Planning and Economic  
Development.
- (3) On a rotating basis, one member shall be from the faculty or administration of Bowie State College or Prince George's Community College. Such member shall be appointed by the president of the college.
- (4) The members from governmental agencies, departments, or institutions shall be appointed by the director, chairman, or chief executive officer of the agency, department, or institution.
- (5) Two members shall be appointed by the County Executive.

(c) The term of the members appointed pursuant to subsection (b)(2), (3), and (4) shall be 3 years. All other members shall serve for a term of 2 years. Any vacancy on the Council shall be filled in the same manner as the original appointment.

(d) The Council shall meet at least four times each year. It shall, on an annual basis and in conjunction with the County Board of Education, survey the schools within the county public school system and compile a listing of any vacant public schools and any vacant space that exists within the system. The Council shall evaluate the feasibility of using any vacant public school or vacant space for community or governmental purposes.

(e) The Council shall report the results, findings, and recommendations derived from such survey, listing, and evaluation to the County Board of Education, the County Executive, the County Council and the mayor of each municipality in the county.

**[3-1006.] 3-1005.**

[(a) In addition to the powers otherwise granted to the County Board in this article, the County Board or a designated committee of the County Board may hear an appeal from a decision of the County Superintendent that relates to the grade, transfer, tuition, or any aspect of participation in a program or activity of a specific student who is not subject to the provisions of Title 8, Subtitle 4 of this article.

[(b) A designated committee shall consist of at least 5 members of the Board and at least 5 members of a designated committee shall be present to constitute a quorum of the committee.]

**[3-1007.] 3-1006.**

Notwithstanding any other provision of law, in Prince George's County, the Board of Education may implement the use of school uniforms by all students in the public schools in the county.

[3-1008.

(a) There is a Chief Financial Officer in the Prince George's County public school system who shall:

(1) Be responsible for the day-to-day management and oversight of the fiscal affairs of the Prince George's County public school system; and

(2) Report directly to the County Superintendent.

(b) The County Superintendent shall, subject to the approval of the County Board:

(1) Select the Chief Financial Officer; and

(2) Establish the salary of the Chief Financial Officer.

(c) The employment contract of the Chief Financial Officer shall provide that continued employment is contingent on the effective fiscal management of the Prince George's County public schools.

(d) The Chief Financial Officer is not a public officer under the Constitution or the laws of the State.]

Chapter 289 of the Acts of 2002, as amended by Chapter 344 of the Acts of 2005

[SECTION 17. AND BE IT FURTHER ENACTED, That, on or before June 1, 2007, a consultant shall conduct a comprehensive review of the Prince George's

County public school system and the New Prince George's County Board of Education (New Board). The Prince George's County Board of Education (Board) and the Maryland State Department of Education shall jointly select and equally share the cost of the consultant and determine the scope of the comprehensive review. At a minimum, the comprehensive review shall evaluate both the educational and management reforms made by the New Board and shall determine whether there has been improvement in the management of and student achievement in the public schools in Prince George's County. The review may include recommendations to the General Assembly concerning the organizational structure of the Prince George's County public school system, in addition to recommendations to the Board concerning modifications to the master plan adopted in accordance with this Act. The consultant shall report the findings of the evaluation to the Governor, the County Executive of Prince George's County, the Board and, in accordance with § 2-1246 of the State Government Article, the General Assembly.]

[SECTION 18. AND BE IT FURTHER ENACTED, That the Prince George's County Board and the State Board of Education shall review the findings of the comprehensive review set forth in Section 17 of this Act and shall conduct four public hearings throughout Prince George's County. On or before September 1, 2007, the Prince George's County Board and State Board of Education shall report to the General Assembly the results of the public hearings and the review of the final comprehensive review, and propose to the General Assembly any changes appropriate in the management structure and levels of funding of the Prince George's County public school system.]”.