

**Department of Legislative Services
Maryland General Assembly
2007 Session**

FISCAL AND POLICY NOTE

House Bill 638
Ways and Means

(Prince George's County Delegation)

**Prince George's County - Board of Education - Election of Members
PG 403-07**

This bill makes changes to the governance structure and protocols of the Prince George's County Board of Education that will be elected at the 2010 general election.

In addition, the bill establishes statutory responsibilities for the county superintendent of schools and the school system's chief academic officer, chief financial officer, and chief accountability officer. The county board of education establishes the county superintendent's salary, and the county superintendent establishes the salaries for the other three officers. The full text of the employment contracts for these four positions must be public record.

Fiscal Summary

State Effect: None.

Local Effect: The Prince George's County Board of Elections would incur costs associated with any special elections required by the legislation. Other changes to the county board of education structure and protocols would not significantly impact the finances of the county or the board of education.

Small Business Effect: None.

Analysis

Bill Summary: The bill changes the composition of the Prince George's County Board of Education that will be elected at the 2010 general election. One member must be elected from each of nine school board districts established in the bill, and members' terms must be staggered according to the results of the election. Any vacancy on the board that occurs more than 240 days before the expiration of a term must be filled at the next general election or through a special election. The bill also extends the term of a board chair and vice chair from one year to two years, and authorizes a board member to take an unpaid leave of absence to be a candidate in a primary election.

The bill provides that five elected board of education members are needed to establish a quorum unless there are two or more vacancies on the board, in which case four elected members represent a quorum. A quorum must be present for the board to take any action, and the affirmative vote of a majority of a quorum is required to pass a motion.

The bill requires the elected board of education to provide public notice, including a copy of the agenda, of any meeting or work session. The board must also give reasonable advance public notice of any changes to a meeting location, schedule, or agenda. The board may only meet in an executive session for action on collective bargaining, personnel matters, cases of student discipline, and appeals. Before meeting in an executive session, the chair must conduct a recorded vote on the closing of the session and make a written statement of the reasons for closing the meeting. Decisions made in an executive session must be announced in an open session.

Finally, the bill repeals the Shared Space Council for Prince George's County.

Current Law: The Prince George's County Board of Education consists of nine elected members and one student member. Four of the elected members may reside anywhere in the county, and the remaining five must each live in a different school board district. All elected members must be residents of the county for three years and must be registered to vote in the county. All elected members are elected by the registered voters of the entire county.

Members serve four-year terms, but may remain in office until a successor is elected and qualifies. Vacancies on the board are filled by the county executive, subject to the approval of the county council. Individuals appointed to fill a vacancy serve only until a successor is elected and qualifies at the next congressional election.

When the student member is voting, six votes are required to pass any motion. If the student member is not voting, five votes are required to pass a motion. Members of the board elect a new chair and vice chair annually.

The purpose of the Shared Space Council is to consider the alternative use of any vacant public schools and any other vacant space owned by the system. The council has 23 members, including 1 member appointed from each legislative district in the county by the legislative delegation. In addition, 1 member from each of 12 county agencies sits on the council. One member represents the faculty of either Bowie State University or Prince George's Community College (on a rotating basis), and two members are appointed by the county executive. All members serve three-year terms, and meet at least four times a year to survey the schools in the system and compile a list of vacant space.

Background: Chapter 289 of 2002 eliminated the then existing Board of Education of Prince George's County and established a New Prince George's County Board of Education. When the legislation was enacted, the Prince George's County Public School System was working to accomplish nearly 300 broad recommendations made in a performance audit mandated by the General Assembly. The system was struggling with conflicts among board of education members and between board members and the local superintendent of schools.

The new board consisted of nine voting members jointly appointed by the county executive and the Governor from a list of nominees submitted by the State Board of Education. At least four voting members had to have management experience, at least three members had to possess a high level of knowledge concerning education, at least one member had to be a parent of a student in a Prince George's County public school, and at least one member had to have knowledge or experience in the education of students with disabilities. In addition to the nine voting members, one student with limited voting privileges served on the new board. The new board members took office June 1, 2002, and their terms expired December 3, 2006.

Chapter 289 also eliminated the existing Prince George's County Superintendent of Schools position and replaced it with a Chief Executive Officer (CEO). The CEO acted as the executive officer, secretary, and treasurer of the new board and was responsible for the overall administration of the county public school system. The new board employed and established the salary of the CEO. The CEO's contract, which could not exceed four years, provided that continued employment was contingent on demonstrable improvement in student performance and successful management of the school system. The provisions establishing the CEO and the CEO's responsibilities expired on June 30, 2006.

Finally, Chapter 289 required the CEO to select and establish salaries for a Chief Academic Officer, a chief financial officer (CFO), and a chief accountability officer for the Prince George's County Public School System. The selection of officers and establishment of officers' salaries were subject to the approval of the new board. The statutory chief academic officer and chief accountability officer positions expired on June 30, 2006, but the CFO position continued past that date.

On December 4, 2006, a newly elected board with the configuration described in the Current Law section above replaced the appointed board.

Currently, 17 counties in Maryland elect their boards of education. Of these, seven elect all school board members from the county at large and five elect all members from individual school board districts. The other five counties with elected boards (including Prince George's County) have a mix of members elected from the county at large and from individual districts.

Local Fiscal Effect: The bill would not have a fiscal effect on Prince George's County unless a vacancy occurs on the board of education that requires a special election. The county is responsible for paying for the special election, and it estimates that each special election would cost between \$150,000 and \$200,000.

Although the bill would reestablish statutory chief academic officer and chief accountability officer positions, it is assumed that individuals currently employed by the county board of education serve in similar capacities. Therefore, no additional costs are assumed for the positions.

Additional Information

Prior Introductions: HB 1360 of 2006 passed the House and was heard by the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken on the bill.

Cross File: None, but SB 657 is a similar bill.

Information Source(s): Prince George's County, Maryland State Department of Education, Department of Legislative Services

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ncs/rhh

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