

SENATE BILL 33

F3

(PRE-FILED)

8lr0313
CF HB 1041

By: ~~Senator Muse~~ **Senators Muse, Peters, and Rosapepe**

Requested: May 24, 2007

Introduced and read first time: January 9, 2008

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 11, 2008

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County - Board of Education**

3 FOR the purpose of repealing certain provisions of law relating to the composition of
4 certain school board districts in Prince George's County; requiring the elected
5 members of the Prince George's County Board of Education to be elected from
6 certain school board districts; providing for the boundaries of certain school
7 board districts; requiring candidates for the County Board to live in certain
8 school board districts and be registered voters; providing for the terms of the
9 elected members of the County Board; requiring a certain vacancy on the
10 County Board to be filled by a special election if the vacancy occurs within a
11 certain time period; requiring that a certain vacancy on the County Board
12 remain unfilled under certain circumstances; requiring the Prince George's
13 County Council to adopt a certain resolution concerning a special election for
14 the County Board; requiring a special election for the County Board to be
15 conducted at a certain time and in a certain manner under certain provisions of
16 law; requiring that a special election for the County Board be funded by Prince
17 George's County; clarifying that a school board member removed from office is
18 entitled to judicial review of the removal based on a certain record and certain
19 other evidence; repealing certain provisions of law relating to public meetings
20 and executive sessions of the County Board; requiring a certain vote of the
21 County Board to pass a motion of the County Board when there are two or more
22 vacancies on the County Board; repealing a certain provision of law relating to
23 the composition of a committee of the County Board; repealing certain
24 provisions of law relating to the Chief Financial Officer of the county public

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 school system; making stylistic changes; providing for the effective dates of this
2 Act; and generally relating to the Prince George's County Board of Education.

3 BY repealing

4 Article – Education

5 Section 3–1001 and 3–1008

6 Annotated Code of Maryland

7 (2006 Replacement Volume and 2007 Supplement)

8 BY adding to

9 Article – Education

10 Section 3–1001

11 Annotated Code of Maryland

12 (2006 Replacement Volume and 2007 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Education

15 Section 3–1002 through 3–1004 and 3–1006

16 Annotated Code of Maryland

17 (2006 Replacement Volume and 2007 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Education**

21 [3–1001.

22 (a) The descriptions of school board districts in this section are to the election
23 district and precinct boundaries as reviewed and certified by the Prince George's
24 County Board of Elections or their designees before they were reported to the United
25 States Bureau of the Census as part of the 2000 Census Redistricting Data Program
26 and as those election district and precinct lines are specifically shown on the Public
27 Law 94–171 census block maps provided by the United States Bureau of the Census.

28 (b) School board district I consists of:

29 (1) Election district 1;

30 (2) Election district 10;

31 (3) Election district 14, precincts 2, 7, and 8;

32 (4) Election district 20, precincts 1, 2, 3, 5, 6, 7, and 9 through 11;

33 (5) Election district 21, precincts 3, 4, 6 through 11, 13, 14, and 16;

34 and

1 (6) That part of election district 14, precinct 9 that consists of the
2 following census tracts and blocks:

3 (i) Census tract 8004.01, blocks 1000 through 1003; and

4 (ii) Census tract 8004.06, blocks 1000 through 1002, 1011, 1012,
5 1020 through 1028, 1999 through 2003, 2006 through 2010, 2017, 2023 through 2027,
6 2041 through 2048, 3000 through 3014, 3017, 3018, and 3068.

7 (c) School board district II consists of:

8 (1) Election district 2, precincts 1, 2, 3, 5, 6, 7, 8, and 10;

9 (2) Election district 16;

10 (3) Election district 17;

11 (4) Election district 19; and

12 (5) Election district 21, precincts 1, 2, 5, 12, 15, and 17.

13 (d) School board district III consists of:

14 (1) Election district 2, precincts 4 and 9;

15 (2) Election district 6, precincts 1, 3, 4, 5, 6, 10, 11, 15, 16, and 19
16 through 23;

17 (3) Election district 13, precincts 1, 2, 3, 7, 8, 9, 10, 14, 16, and 17;

18 (4) Election district 15, precinct 2;

19 (5) Election district 18; and

20 (6) Election district 20, precincts 3, 4, and 8.

21 (e) School board district IV consists of:

22 (1) Election district 5, precincts 2 through 7;

23 (2) Election district 6, precincts 2, 7, 8, 9, 12, 13, 14, 17, and 18;

24 (3) Election district 9, precincts 1, 2, 3, 4, 5, 7, 10, and 11; and

25 (4) Election district 12.

26 (f) School board district V consists of:

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- 1 (1) Election district 3;
- 2 (2) Election district 4;
- 3 (3) Election district 5, precincts 1 and 8;
- 4 (4) Election district 7;
- 5 (5) Election district 8;
- 6 (6) Election district 9, precincts 6, 8, and 9;
- 7 (7) Election district 11;
- 8 (8) Election district 13, precincts 4, 5, 6, 11, 12, 13, and 15;
- 9 (9) Election district 14, precincts 1, 3 through 6, and 10;
- 10 (10) Election district 15; and
- 11 (11) That part of election district 14, precinct 9 that consists of census
- 12 tract 8004.06, blocks 2004, 2005, 2011 through 2016, 2018 through 2022, 2028 through
- 13 2040, 3015, 3016, 3019 through 3025, 3029 through 3035, 3054 through 3065, and
- 14 3069.]

15 **3-1001.**

16 (A) **THE DESCRIPTIONS OF SCHOOL BOARD DISTRICTS IN THIS SECTION**
 17 **ARE TO THE ELECTION DISTRICT AND PRECINCT BOUNDARIES AS REVIEWED**
 18 **AND CERTIFIED BY THE PRINCE GEORGE'S COUNTY BOARD OF ELECTIONS OR**
 19 **ITS DESIGNEES AS THEY WERE ESTABLISHED ON SEPTEMBER 1, 2002, AND AS**
 20 **THOSE ELECTION DISTRICT AND PRECINCT LINES ARE SPECIFICALLY SHOWN ON**
 21 **THE PUBLIC LAW 94-171 CENSUS BLOCK MAPS PROVIDED BY THE UNITED**
 22 **STATES BUREAU OF THE CENSUS.**

23 (B) **SCHOOL BOARD DISTRICT I CONSISTS OF:**

- 24 (1) **ELECTION DISTRICT 1;**
- 25 (2) **ELECTION DISTRICT 10;**
- 26 (3) ~~**ELECTION DISTRICT 14, PRECINCT 9; AND**~~
- 27 (4) ~~**ELECTION DISTRICT 21, PRECINCTS 4, 5, 14, 15, 97, AND 99;**~~

28 **AND**

1 **(4) THAT PART OF ELECTION DISTRICT 14, PRECINCT 9 THAT IS**
 2 **GENERALLY WEST, NORTH, AND EAST OF A LINE THAT ORIGINATES AT THE**
 3 **INTERSECTION OF THE MUNICIPAL BOUNDARY OF THE CITY OF BOWIE AND**
 4 **MAPLE AVENUE AND CONTINUING ALONG THE CENTER OF MAPLE AVENUE TO**
 5 **LAUREL BOWIE ROAD, THEN ALONG THE CENTER OF LAUREL BOWIE ROAD TO**
 6 **THOMPKINS LANE, THEN ALONG THE CENTER OF THOMPKINS LANE TO**
 7 **JERICHO PARK ROAD, THEN ALONG THE CENTER OF JERICHO PARK ROAD TO**
 8 **RACE TRACK ROAD.**

9 **(C) SCHOOL BOARD DISTRICT II CONSISTS OF:**

- 10 **(1) ELECTION DISTRICT 14, PRECINCTS 2 AND 8;**
- 11 **(2) ELECTION DISTRICT 16, PRECINCT 1;**
- 12 **(3) ELECTION DISTRICT 19, PRECINCTS 1 THROUGH 3;**
- 13 **(4) ELECTION DISTRICT 20, PRECINCTS 1, 5, 6, AND 10; ~~AND~~**
- 14 **(5) ELECTION DISTRICT 21, PRECINCTS 1, 2, 3, 6 THROUGH 13,**
 15 **16, 17, AND 98; AND**

16 **(6) THAT PART OF ELECTION DISTRICT 14, PRECINCT 9 THAT IS**
 17 **GENERALLY EAST, SOUTH, AND WEST OF A LINE THAT ORIGINATES AT THE**
 18 **INTERSECTION OF THE MUNICIPAL BOUNDARY OF THE CITY OF BOWIE AND**
 19 **MAPLE AVENUE AND CONTINUING ALONG THE CENTER OF MAPLE AVENUE TO**
 20 **LAUREL BOWIE ROAD, THEN ALONG THE CENTER OF LAUREL BOWIE ROAD TO**
 21 **THOMPKINS LANE, THEN ALONG THE CENTER OF THOMPKINS LANE TO**
 22 **JERICHO PARK ROAD, THEN ALONG THE CENTER OF JERICHO PARK ROAD TO**
 23 **RACE TRACK ROAD.**

24 **(D) SCHOOL BOARD DISTRICT III CONSISTS OF:**

- 25 **(1) ELECTION DISTRICT 16, PRECINCTS 2 THROUGH 4; AND**
- 26 **(2) ELECTION DISTRICT 17.**

27 **(E) SCHOOL BOARD DISTRICT IV CONSISTS OF:**

- 28 **(1) ELECTION DISTRICT 2;**
- 29 **(2) ELECTION DISTRICT 13, PRECINCTS 1 THROUGH 3, 8, AND 17;**
- 30 **(3) ELECTION DISTRICT 14, PRECINCT 7;**

- 1 (4) **ELECTION DISTRICT 16, PRECINCT 99;**
2 (5) **ELECTION DISTRICT 18, PRECINCTS 5 AND 12;**
3 (6) **ELECTION DISTRICT 19, PRECINCT 4; AND**
4 (7) **ELECTION DISTRICT 20, PRECINCTS 2, 4, 7 THROUGH 9,**
5 **AND 11.**

6 **(F) SCHOOL BOARD DISTRICT V CONSISTS OF:**

- 7 (1) **ELECTION DISTRICT 3;**
8 (2) **ELECTION DISTRICT 7;**
9 (3) **ELECTION DISTRICT 14, PRECINCTS 1, 3 THROUGH 6, AND 10;**
10 **AND**
11 (4) **ELECTION DISTRICT 15, PRECINCT 5.**

12 **(G) SCHOOL BOARD DISTRICT VI CONSISTS OF:**

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

19 **(H) SCHOOL BOARD DISTRICT VII CONSISTS OF:**

- 20 (1) **ELECTION DISTRICT 6, PRECINCTS 1, 3 THROUGH 7, 9**
21 **THROUGH 12, 15 THROUGH 18, AND 21 THROUGH 23;**
22 (2) **ELECTION DISTRICT 9, PRECINCT 3; AND**
23 (3) **ELECTION DISTRICT 15, PRECINCT 2.**

24 **(I) SCHOOL BOARD DISTRICT VIII CONSISTS OF:**

- 25 (1) **ELECTION DISTRICT 12;**

- 1 (2) **ELECTION DISTRICT 5, PRECINCT 6;**
- 2 (3) **ELECTION DISTRICT 6, PRECINCTS 2, 8, 13, AND 14; AND**
- 3 (4) **ELECTION DISTRICT 9, PRECINCTS 2 AND 5.**
- 4 **(J) SCHOOL BOARD DISTRICT IX CONSISTS OF:**
- 5 (1) **ELECTION DISTRICT 4;**
- 6 (2) **ELECTION DISTRICT 8;**
- 7 (3) **ELECTION DISTRICT 11;**
- 8 (4) **ELECTION DISTRICT 5, PRECINCTS 1 THROUGH 5 AND 7**
 9 **THROUGH 11;**
- 10 (5) **ELECTION DISTRICT 9, PRECINCTS 1, 4, AND 6 THROUGH 11;**
 11 **AND**
- 12 (6) **ELECTION DISTRICT 15, PRECINCTS 1, 3, AND 4.**

13 3-1002.

14 (a) In this subtitle, “elected member” means [one of the nine elected
 15 members] **A MEMBER** of the Prince George’s County Board [or a member appointed to
 16 fill a vacancy of one of these nine members] **ELECTED FROM ONE OF THE NINE**
 17 **SCHOOL BOARD DISTRICTS DESCRIBED IN § 3-1001 OF THIS SUBTITLE.**

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

19 (1) [Five] **NINE** elected members, each of whom resides in a different
 20 school board district; **AND**

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

23 (3)] **(2)** One student member selected under subsection (f)(2) of this
 24 section.

25 (c) (1) [A candidate for the County Board shall be a resident of Prince
 26 George’s County for at least 3 years and a registered voter of the county before the
 27 election] **ONE MEMBER OF THE COUNTY BOARD SHALL BE ELECTED FROM EACH**
 28 **OF THE NINE SCHOOL BOARD DISTRICTS DESCRIBED IN § 3-1001 OF THIS**
 29 **SUBTITLE.**

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

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

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

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

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

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

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

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

20 (2) By the registered voters of the entire county.] **THE ELECTED**
21 **MEMBERS OF THE COUNTY BOARD SHALL BE ELECTED:**

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

24 **(2) BY THE VOTERS OF THE SCHOOL BOARD DISTRICT THAT EACH**
25 **MEMBER REPRESENTS.**

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

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

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

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

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

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

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

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

21 (i) Capital and operating budgets;

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

23 (iii) Collective bargaining decisions;

24 (iv) Student disciplinary matters;

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

27 (vi) Other personnel matters.

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

32 (5) Unless invited to attend by an affirmative vote of a majority **OF**
33 **THE ELECTED MEMBERS** of the County Board, the student member may not attend

1 an executive session that relates to hearings on appeals of special education
2 placements, hearings held under § 6-202(a) of this article, or collective bargaining.

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

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

8 (g) (1) **[An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
9 **SUBSECTION, AN** elected member serves for a term of 4 years beginning on the first
10 Monday in December after the member's election and until the member's successor is
11 elected and qualifies.

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

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

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

20 [(2)] (3) The student member serves for a term of 1 year beginning at
21 the end of a school year.

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

26 (4) (I) 1. **A SEAT ON THE COUNTY BOARD HELD BY AN**
27 **ELECTED MEMBER THAT BECOMES VACANT MORE THAN 180 DAYS BEFORE THE**
28 **END OF THAT MEMBER'S TERM OF OFFICE SHALL BE FILLED FOR THE**
29 **REMAINDER OF THE TERM AT A SPECIAL ELECTION.**

30 2. **A SEAT ON THE COUNTY BOARD HELD BY AN**
31 **ELECTED MEMBER THAT BECOMES VACANT 180 DAYS OR LESS BEFORE THE END**
32 **OF THAT MEMBER'S TERM OF OFFICE SHALL REMAIN VACANT UNTIL A**
33 **SUCCESSOR IS ELECTED AND QUALIFIES.**

34 (II) 1. A. **NO LATER THAN 7 DAYS AFTER THE**
35 **OCCURRENCE OF A VACANCY ON THE COUNTY BOARD THAT MUST BE FILLED AT**

1 A SPECIAL ELECTION, THE COUNTY COUNCIL SHALL ADOPT A RESOLUTION
2 DIRECTING THAT A SPECIAL PRIMARY ELECTION AND SPECIAL GENERAL
3 ELECTION BE HELD IN THE SCHOOL BOARD DISTRICT WHERE THE VACANCY
4 OCCURS.

5 B. THE COUNTY COUNCIL SHALL CONSULT WITH
6 THE BOARD OF ELECTIONS BEFORE ADOPTING THE RESOLUTION.

7 2. SUBJECT TO SUBPARAGRAPH (III) OF THIS
8 PARAGRAPH, THE COUNTY COUNCIL RESOLUTION SHALL SPECIFY:

9 A. THE DATE BY WHICH A CERTIFICATE OF
10 CANDIDACY MUST BE FILED WITH THE BOARD OF ELECTIONS;

11 B. THE DATE OF THE SPECIAL PRIMARY ELECTION;
12 AND

13 C. THE DATE OF THE SPECIAL GENERAL ELECTION.

14 3. NO LATER THAN 7 DAYS AFTER THE ADOPTION OF
15 THE COUNTY COUNCIL RESOLUTION, THE BOARD OF ELECTIONS SHALL
16 PUBLISH THE INFORMATION CONTAINED IN THE RESOLUTION ONCE IN AT
17 LEAST ONE NEWSPAPER OF GENERAL CIRCULATION.

18 (III) 1. A CANDIDATE SHALL FILE A CERTIFICATE OF
19 CANDIDACY WITH THE BOARD OF ELECTIONS NO LATER THAN 28 DAYS BEFORE
20 A SPECIAL PRIMARY ELECTION IN ORDER TO APPEAR ON THE BALLOT.

21 2. THE FOLLOWING PROVISIONS ARE SUBJECT TO
22 SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH:

23 A. A SPECIAL PRIMARY ELECTION SHALL BE HELD
24 ON A TUESDAY AT LEAST 45 DAYS BUT NO LATER THAN 60 DAYS AFTER THE
25 OCCURRENCE OF A VACANCY.

26 B. A SPECIAL GENERAL ELECTION SHALL BE HELD
27 ON A TUESDAY AT LEAST 60 DAYS BUT NO LATER THAN 90 DAYS AFTER THE
28 OCCURRENCE OF A VACANCY.

29 3. A SPECIAL ELECTION MAY NOT BE HELD LESS
30 THAN 30 DAYS BEFORE A REGULARLY SCHEDULED ELECTION.

31 4. ON THE DAY OF A SPECIAL ELECTION, POLLING
32 PLACES SHALL BE OPEN FROM 7 A.M. TO 8 P.M.

1 (IV) 1. NO LATER THAN 10 DAYS BEFORE A SPECIAL
2 PRIMARY ELECTION AND SPECIAL GENERAL ELECTION, THE BOARD OF
3 ELECTIONS SHALL MAIL A SPECIMEN BALLOT TO THE HOUSEHOLD OF EACH
4 REGISTERED VOTER IN THE SCHOOL BOARD DISTRICT WHERE THE VACANCY
5 OCCURS.

6 2. THE SPECIMEN BALLOT SHALL INCLUDE THE
7 NAMES OF THE CANDIDATES IN THE ORDER AND FORM IN WHICH THEY ARE TO
8 APPEAR ON THE BALLOT, TOGETHER WITH A STATEMENT, NOT TO EXCEED 500
9 WORDS, PROVIDED BY EACH CANDIDATE.

10 (V) 1. PRINCE GEORGE'S COUNTY SHALL FUND A
11 SPECIAL ELECTION HELD UNDER THIS PARAGRAPH.

12 2. THE BOARD OF ELECTIONS SHALL SUBMIT A
13 REQUEST FOR A SUPPLEMENTAL BUDGET APPROPRIATION TO THE DIRECTOR
14 OF THE OFFICE OF MANAGEMENT AND BUDGET TO COVER THE COST OF A
15 SPECIAL ELECTION NO LATER THAN 60 DAYS AFTER THE ELECTION.

16 (VI) A SPECIAL ELECTION UNDER THIS PARAGRAPH SHALL
17 BE GOVERNED BY TITLE 8, SUBTITLE 8 OF THE ELECTION LAW ARTICLE AND
18 ALL OTHER RELEVANT PROVISIONS OF LAW RELATING TO THE CONDUCT OF
19 ELECTIONS EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE OR WHERE
20 SUCH CONSTRUCTION WOULD BE UNREASONABLE.

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

23 **Article - Education**

24 3-1002.

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

- 27 (i) Immorality;
- 28 (ii) Misconduct in office;
- 29 (iii) Incompetency; or
- 30 (iv) Willful neglect of duty.

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

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

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

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

7 (4) A member removed under this subsection has the right to [a de
 8 novo] **JUDICIAL** review of the removal by the Circuit Court for Prince George's County
 9 **BASED ON AN ADMINISTRATIVE RECORD AND SUCH ADDITIONAL EVIDENCE AS**
 10 **WOULD BE AUTHORIZED BY § 10-222(F) AND (G) OF THE STATE GOVERNMENT**
 11 **ARTICLE.**

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

14 3-1003.

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

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

23 (2) A member of the County Board may not be reimbursed more than
 24 \$7,000 in travel and other expenses incurred in a single fiscal year.

25 3-1004.

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

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

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

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

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

5 (ii) Five members when the student member is not voting.

6 (2) [When there is one vacancy or more than one vacancy on the
7 County Board, the affirmative vote of the members of the County Board for the
8 passage of a motion by the Board shall be five members.] **WHEN THERE ARE TWO OR
9 MORE VACANCIES ON THE COUNTY BOARD, THE AFFIRMATIVE VOTE OF THE
10 MEMBERS OF THE COUNTY BOARD FOR THE PASSAGE OF A MOTION BY THE
11 BOARD SHALL BE:**

12 (I) **FIVE MEMBERS WHEN THE STUDENT MEMBER IS**
13 **VOTING; OR**

14 (II) **FOUR MEMBERS WHEN THE STUDENT MEMBER IS NOT**
15 **VOTING.**

16 3-1006.

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

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

25 [3-1008.

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

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

30 (2) Report directly to the County Superintendent.

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

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 provide that
4 continued employment is contingent on the effective fiscal management of the Prince
5 George’s County public schools.

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

8 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
9 take effect July 1, 2010.

10 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
11 Section 3 of this Act, this Act shall take effect July 1, 2008.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.