

HB 1041

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1041
Ways and Means

(Prince George's County Delegation)
Education, Health, and Environmental Affairs

Prince George's County - Board of Education
PG 401-08

This bill requires that each of the nine members of the Prince George's County Board of Education be elected from one of nine separate school board districts at the 2010 general election. It also establishes eligibility criteria for school board members and new procedures for electing members, filling vacant positions, and appealing the removal of members.

In addition, the statutory position of Chief Financial Officer (CFO) for Prince George's County Schools is repealed.

The bill takes effect July 1, 2008; however, the reconstitution of the school board takes effect July 1, 2010.

Fiscal Summary

State Effect: None. The State Board of Elections could revise ballots to reflect the new voting districts specified in the bill with existing resources. Revenues would not be affected.

Local Effect: Beginning in FY 2011, potential expenditure increase of \$150,000 to \$200,000 for each special election Prince George's County is required to hold to fill vacancies on the school board.

Small Business Effect: None.

Analysis

Bill Summary: In 2010, each of the nine elected members of the Prince George's County Board of Education will be elected from one of nine school board districts established in the bill. Each candidate must be a registered voter and a resident of the school board district he or she intends to represent. Board members are elected by the registered voters of each school board district and serve four-year terms, except that the five members with the lowest vote total in the 2010 general election serve two-year terms.

Vacant elected positions on the board that occur within 180 days of the end of the member's term remain vacant until the next general election. However, any vacancy that occurs more than 180 days before the end of the member's term must be filled at a special election. The bill establishes timelines and procedures for special elections to fill vacant seats, including for primary elections to nominate candidates to fill the vacancy.

When there are two or more vacancies on the board, four affirmative votes are necessary to pass a motion when the student member is not voting. When the student member is voting, five affirmative votes are necessary to pass a motion.

Members of the board who are removed from office for cause by the State Board of Education are entitled to a judicial review of the removal by the Circuit Court 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.

The CFO is selected by the superintendent and is responsible for the day-to-day management and oversight of the system's fiscal affairs.

Board members who are removed for cause by the State Board of Education are entitled to a *de novo* review of the removal by the Circuit Court for Prince George's County.

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. 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 (CAO), a 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 CAO and the chief accountability officer positions expired on June 30, 2006, but the CFO position was to continue 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: Prince George's County would be responsible for paying for a special election if a vacancy occurs on the board of education. The county estimates that each special election would cost between \$150,000 and \$200,000. It is assumed that the county board would replace the CFO position that is being repealed with a comparable position responsible for overseeing the school system's finances. In that case, the county would not derive any savings from the repealed position.

Additional Information

Prior Introductions: SB 657 of 2007, a similar bill, passed both houses of the General Assembly, but was vetoed by the Governor for technical reasons. In his veto message, the Governor cited an opinion by the Attorney General that raised constitutional concerns regarding the school board voting districts specified in the bill, specifically that they violated the one person/one vote standard of the Fourteenth Amendment. This bill contains different voting districts than those specified in SB 657.

Cross File: SB 33 (Senator Muse) – Education, Health, and Environmental Affairs.

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

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mll/mwc

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