

Chapter 147

(House Bill 1107)

AN ACT concerning

~~**Task Force on the Membership and to Evaluate Best Practices for School Board Operation of the in Prince George's County – School System – Academic Revitalization and Management Effectiveness Initiative Board of Education**~~

PG 411-13

FOR the purpose of ~~establishing the Task Force on the Membership and to Evaluate Best Practices for School Board Operation of the in Prince George's County Board of Education; providing for the chairs and staff for the Task Force; prohibiting a member of the Task Force from receiving certain compensation but entitling members to reimbursement for certain expenses; requiring the Task Force to make certain recommendations, including recommendations regarding the method of selecting the Prince George's County Board of Education; requiring the Task Force to hold a certain number of public meetings in certain locations that allow certain persons to testify about certain issues; requiring the Task Force to review information, reports, and testimony regarding certain innovations in school board operation from certain organizations; requiring the Task Force to submit a certain report reports to certain persons on or before a certain date; dates; requiring the Task Force to publish a draft of certain findings and recommendations and to hold a certain public hearing to allow certain public comment; providing for the termination of this Act; and generally relating to the Task Force on the Membership and to Evaluate Best Practices for School Board Operation of the in Prince George's County Board of Education.~~ *revising the composition of the Prince George's County Board of Education; providing for the appointment of certain members of the county board by the County Executive of Prince George's County and the Prince George's County Council; providing for the qualifications, terms of office, and the filling of a vacancy of certain members of the county board; authorizing the appointed members of the county board to participate in certain votes relating to the student member; repealing certain provisions for the filling of a vacancy of certain members of the county board; authorizing the provision of compensation, health insurance, and other fringe benefits for appointed members of the county board; requiring the County Executive to appoint a chair and vice chair of the county board; requiring the County Executive to select the vice chair of the county board from among the elected members of the county board; providing for the terms of the chair and vice chair of the county board; requiring the affirmative vote of a certain number of members of the county board for the passage of a certain motion; establishing that, in Prince George's County, the*

county superintendent is the Chief Executive Officer of the Prince George's County public school system; authorizing the Chief Executive Officer to consolidate schools under certain circumstances; exempting Prince George's County from certain provisions of law relating to county superintendents; subject to certain provisions of law, requiring the County Executive to select the Chief Executive Officer from a certain list recommended by a certain search committee; requiring the county board to appoint the Chief Executive Officer after agreement on certain contract terms; providing for the qualifications, term of office, reappointment, suspension, removal, and filling of a vacancy in the office of the Chief Executive Officer; providing for the compensation of the Chief Executive Officer; providing for the administration of the office of the Chief Executive Officer; requiring the Chief Executive Officer to immediately notify the County Executive and the county board in writing of certain criminal charges; establishing the purpose of the county board; establishing certain responsibilities, powers, and duties of the Chief Executive Officer, including hiring and setting the salary of certain executive officers and staff of the Prince George's County public school system and entering into a certain memorandum of understanding with certain institutions of higher education; authorizing the Chief Executive Officer to delegate certain responsibilities; prohibiting the county board from implementing a certain policy or taking a certain action except by a certain vote, except in certain circumstances; requiring the County Executive and the County Council to appoint certain members and the chair and vice chair of the county board by a certain date; requiring that, to fill a certain vacancy, a certain search committee be appointed by a certain date and a certain chair of the county board include a certain requirement in the terms of the contract of a certain Chief Executive Officer; authorizing the selection and appointment of a certain Chief Executive Officer after a certain date to a certain term; requiring the Chief Executive Officer and the county board to hire a consultant to conduct a school utilization study and make certain recommendations to the Chief Executive Officer, county board, County Executive, and County Council on or before a certain date; requiring the County Executive, Chief Executive Officer, and county board to submit an interim report on the implementation of this Act to certain committees of the General Assembly on or before a certain date; requiring the County Executive, Chief Executive Officer, and county board to submit a final report on academic progress and improvement in the management of the Prince George's County public school system and make certain recommendations to certain committees of the General Assembly on or before a certain date; requiring the General Assembly to make a certain determination during a certain legislative session; making this Act an emergency measure; and generally relating to the academic revitalization and management of the Prince George's County public school system.

BY repealing and reenacting, with amendments,

Article – Education

Section 3-105, 3-114, 3-1002 through 3-1004, 4-101, 4-102(a), 4-120, 4-201, 4-202, 4-204, 4-206, and 6-201(a) and (b)

Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY adding to

Article – Education

Section 4-201.1; and 4-401 through 4-403 to be under the new subtitle
“Subtitle 4. Prince George’s County”

Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

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

~~(a) There is a Task Force on the Membership and to Evaluate Best Practices for School Board Operation of the in Prince George’s County Board of Education.~~

~~(b) The Task Force consists of the following nine 12 members:~~

~~(1) the Chair of the Prince George’s County Senate Delegation, or the Chair’s designee;~~

~~(2) one member of the Senate of Maryland who represents Prince George’s County, appointed by the Chair of the Prince George’s County Senate Delegation;~~

~~(3) the Chair of the Prince George’s County House Delegation, or the Chair’s designee;~~

~~(4) one member of the House of Delegates who represents Prince George’s County, appointed by the Chair of the Prince George’s County House Delegation;~~

~~(5) (3) the Chair of the Prince George’s County Board of Education, or the Chair’s designee;~~

~~(6) (4) the Superintendent of Prince George’s County Public Schools, or the Superintendent’s designee;~~

~~(7) (5) the Prince George’s County Executive, or the County Executive’s designee;~~

~~(8) one member of the Prince George’s County Council, appointed by the Chair of the Prince George’s County Council; and~~

~~(9) one member who represents the Maryland Association of Boards of Education, appointed by the Association.~~

~~(6) the Chair of the Prince George's County Council, or the Chair's designee;~~

~~(7) one teacher appointed by the Prince George's County Educators' Association; and~~

~~(8) the following individuals jointly appointed by the Prince George's County Executive and the Chair of the Prince George's County Board of Education:~~

~~(i) two individuals who have experience in management or business enterprise;~~

~~(ii) two individuals who have expertise in the education field; and~~

~~(iii) two individuals who are parents of students in the Prince George's County Public Schools, at least one of whom has a child who receives special education services.~~

~~(e) The Chair of the Prince George's County Senate Delegation and the Chair of the Prince George's County House Delegation shall jointly designate the cochairs of the Task Force from among the members of the Task Force from the Senate of Maryland and the House of Delegates.~~

~~(d) The Department of Legislative Services and staff of the Prince George's County Delegation shall provide staff for the Task Force.~~

~~(e) A member of the Task Force:~~

~~(1) may not receive compensation as a member of the Task Force; but~~

~~(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.~~

~~(f) The Task Force shall study and make recommendations regarding the Prince George's County Board of Education as to:~~

~~(1) the composition, qualifications, and compensation of members of the Board;~~

~~(2) methods for selecting the members of the Board;~~

~~(3) an appropriate phase-in period for any recommended changes to the existing Board composition;~~

~~(4) a Board composition that reflects the gender and racial diversity of Prince George's County;~~

~~(5) criteria that improve standards and protocols to maximize Board results, accountability, transparency, and oversight;~~

~~(6) criteria (3) standards and protocols for establishing and measuring Board outcomes;~~

~~(4) protocols for increasing public awareness and providing objective voter information regarding school board elections;~~

~~(7) (5) a protocol for the review of Board audits and protocols for addressing audit findings, including financial, performance, and outcome audits; and~~

~~(6) the means to increase the efficiency of the school board; and~~

~~(8) (7) any other relevant issues.~~

~~(g) (1) (i) The Task Force shall hold at least three public meetings in geographically diverse areas of Prince George's County that allow members of the general public and stakeholder organizations to testify on issues being studied by the Task Force.~~

~~(ii) One of the meetings required under subparagraph (i) of this paragraph may include a regularly scheduled public hearing of the Board.~~

~~(2) The Task Force shall extend an invitation to testify at a public meeting to representatives from the following stakeholder organizations to testify at a public meeting, including:~~

~~(i) the Prince George's County Educator's Association;~~

~~(ii) the Prince George's County SEIU Local 400;~~

~~(iii) the Prince George's County Association of Supervisory and Administrative School Personnel;~~

~~(iv) the Prince George's County AFSCME 2250;~~

~~(v) the PTA Council of Prince George's County;~~

~~(vi) the Prince George's County Student Councils;~~

~~(vii) the Prince George's County chapter of the NAACP;~~

~~(viii) the Prince George's County Board of Education; and~~

~~(ix) the Prince George's County Municipal Association.~~

~~(3) The Task Force shall review information, reports, and testimony relating to innovations in school board operation published by national organizations, including:~~

~~(i) the United States Department of Education;~~

~~(ii) the Council of Chief State School Officers;~~

~~(iii) the Council of State Governments;~~

~~(iv) the Education Commission of the States;~~

~~(v) the Alliance for Excellent Education;~~

~~(vi) the National Governor's Association for Best Practices;~~

~~(vii) the National Association of State Boards of Education; and~~

~~(viii) the National Parent Teachers Association.~~

~~(h) (1) On or before December 1, 2013, the Task Force shall report its interim findings and recommendations to the Prince George's County Executive, the Prince George's County Council, the Prince George's County Superintendent of Schools, the Prince George's County Board of Education, and, in accordance with § 2-1246 of the State Government Article, the Prince George's County Senate Delegation and the Prince George's County House Delegation.~~

~~(2) Before reporting its final findings and recommendations as required under paragraph (3) of this subsection, the Task Force shall:~~

~~(i) publish a draft of its final findings and recommendations;~~
~~and~~

~~(ii) hold a public hearing to allow public comment on the draft final findings and recommendations.~~

~~(3) On or before October 31, 2013 December 1, 2014, the Task Force shall report its final findings and recommendations to the Governor, the State Superintendent of Schools, the Prince George's County Executive, the Prince George's County Council, the Prince George's County Superintendent of Schools, the Prince George's County Board of Education, and, in accordance with § 2-1246 of the State~~

~~Government Article, the Prince George's County Senate Delegation and the Prince George's County House Delegation.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013. It shall remain effective for a period of 1 year 2 years and, at the end of June 30, 2014 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

Article – Education

3-105.

(a) Subsections (b), (c), and (d) of this section do not apply to a county if the number of members of the county board is regulated by other provisions of this title.

(b) If a county school system has an enrollment of less than 50,000 students, the county board shall have five members, except that:

(1) The Worcester County Board shall have the number of members provided in subsection (e) of this section;

(2) Any county board that had more than five members on July 1, 1969, shall retain that number of members; and

(3) The Wicomico County Board shall have the number of members provided in subsection (f) of this section.

(c) If a county school system has an enrollment of 50,000 students or more but less than 100,000 students, the county board shall have seven members.

(d) If a county school system has an enrollment of 100,000 students or more, the county board shall have nine members except as provided in § 3-901 of this title for Montgomery County AND § 3-1002 OF THIS TITLE FOR PRINCE GEORGE'S COUNTY.

(e) The Worcester County Board consists of seven voting members and one nonvoting student member from each public high school in the county.

(f) (1) The Wicomico County Board consists of seven members.

(2) The term of a member is 5 years.

3-114.

(a) In the following counties, the members of the county board shall be elected:

- (1) Allegany;
- (2) Calvert;
- (3) Carroll;
- (4) Cecil;
- (5) Charles;
- (6) Dorchester;
- (7) Frederick;
- (8) Garrett;
- (9) Howard;
- (10) Kent;
- [(11) Prince George's;]
- [(12)] (11) Montgomery;
- [(13)] (12) Queen Anne's;
- [(14)] (13) St. Mary's;
- [(15)] (14) Somerset;
- [(16)] (15) Talbot;
- [(17)] (16) Washington; and
- [(18)] (17) Worcester.

(b) In Caroline County, in accordance with Subtitle 3A of this title, the members of the county board shall be a combination of members who are elected and appointed.

(c) In Harford County, in accordance with Subtitle 6A of this title, the members of the county board shall be a combination of members who are elected and appointed.

(D) IN PRINCE GEORGE'S COUNTY, IN ACCORDANCE WITH SUBTITLE 10 OF THIS TITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A COMBINATION OF MEMBERS WHO ARE ELECTED AND APPOINTED.

~~[(d)]~~ **(E)** An individual subject to the authority of the county board may not serve as a member of the county board. At the time of filing a certificate of candidacy for election to a county board, a person shall certify to the local board of supervisors of elections whether or not he is subject to the authority of the county board. The Governor shall not issue a commission of election to a person who has certified affirmatively and who is elected to a county board until the member-elect offers proof that he is no longer subject to the authority of the county board.

~~[(e)]~~ **(F)** The election of the county boards shall be held as provided in Subtitles 2 through 14 of this title and the Election Law Article.

3-1002.

(a) (1) In this subtitle[, "elected"] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "APPOINTED MEMBER" MEANS A MEMBER OF THE PRINCE GEORGE'S COUNTY BOARD APPOINTED UNDER SUBSECTION (F) OF THIS SECTION.

(3) "ELECTED member" means a member of the Prince George's County Board elected from one of the nine school board districts described in § 3-1001 of this subtitle.

(b) The Prince George's County Board consists of ~~[10]~~ **14** members as follows:

(1) Nine elected members, each of whom resides in a different school board district; ~~[and]~~

(2) **FOUR APPOINTED MEMBERS; AND**

~~[(2)]~~ **(3)** One student member selected under subsection ~~[(f)(2)]~~ **(G)(2)** of this section.

(c) (1) One member of the county board shall be elected from each of the nine school board districts described in § 3-1001 of this subtitle.

(2) From the time of filing as a candidate for election, each candidate shall be a registered voter of the county and a resident of the school board district the candidate seeks to represent.

(3) An elected county board member shall forfeit the office if the member:

(i) 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 county government during the member's term.

(5) Each elected member of the county board shall be nominated by the registered voters of the member's school board district.

(d) The elected members of the 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 voters of the school board district that each member represents.

(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 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 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 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 APPOINTED MEMBERS OF THE COUNTY BOARD SHALL BE APPOINTED AS FOLLOWS:

(I) THREE MEMBERS SHALL BE APPOINTED BY THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY AS FOLLOWS:

1. ONE MEMBER SHALL POSSESS A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING EDUCATION;

2. ONE MEMBER SHALL POSSESS A HIGH LEVEL OF BUSINESS, FINANCE, OR HIGHER EDUCATION EXPERIENCE; AND

3. ONE MEMBER SHALL POSSESS A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING THE SUCCESSFUL ADMINISTRATION OF A LARGE BUSINESS, NONPROFIT, OR GOVERNMENTAL ENTITY; AND

(II) THE PRINCE GEORGE'S COUNTY COUNCIL SHALL APPOINT ONE MEMBER WHO IS A PARENT OF A STUDENT ENROLLED IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM AS OF THE DATE OF THE APPOINTMENT OF THE MEMBER.

(2) EACH APPOINTED MEMBER OF THE COUNTY BOARD SHALL BE A RESIDENT OF PRINCE GEORGE'S COUNTY.

[(f)] (G) (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;

(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 **AND APPOINTED** members of the county board, 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 **AND APPOINTED** members of the county board, 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 **AND APPOINTED** members of the county board.

[(g)] **(H)** (1) 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.

(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, AN APPOINTED MEMBER:

(I) SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE DATE OF APPOINTMENT;

(II) MAY BE REAPPOINTED; AND

(III) SERVES UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS FOLLOWS:

(I) THE MEMBERS APPOINTED UNDER SUBSECTION (F)(1)(I)1 AND 2 OF THIS SECTION ON OR BEFORE JUNE 1, 2013, SHALL SERVE FOR AN INITIAL TERM OF 4 YEARS; AND

(II) THE MEMBER APPOINTED UNDER SUBSECTION (F)(1)(I)3 AND (II) OF THIS SECTION ON OR BEFORE JUNE 1, 2013, SHALL SERVE FOR AN INITIAL TERM OF 2 YEARS.

~~[(3)]~~ **(5) The student member serves for a term of 1 year beginning at the end of a school year.**

(4) (i) 1. 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.

2. A seat on the county board held by an elected member that becomes vacant 180 days or less before the end of that member's term of office shall remain vacant until a successor is elected and qualifies.

(ii) 1. A. No later than 7 days after the occurrence of a vacancy on the county board that must be filled at a special election, the County Council shall adopt a resolution directing that a special primary election and special general election be held in the school board district where the vacancy occurs.

B. The County Council shall consult with the Board of Elections before adopting the resolution.

2. Subject to subparagraph (iii) of this paragraph, the County Council resolution shall specify:

A. The date by which a certificate of candidacy must be filed with the Board of Elections;

B. The date of the special primary election; and

C. The date of the special general election.

3. No later than 7 days after the adoption of the County Council resolution, the Board of Elections shall publish the information contained in the resolution once in at least one newspaper of general circulation.

(iii) 1. A candidate shall file a certificate of candidacy with the Board of Elections no later than 28 days before a special primary election in order to appear on the ballot.

2. The following provisions are subject to subsubparagraph 3 of this subparagraph:

A. A special primary election shall be held on a Tuesday at least 45 days but no later than 60 days after the occurrence of a vacancy.

B. A special general election shall be held on a Tuesday at least 60 days but no later than 90 days after the occurrence of a vacancy.

3. A special election may not be held less than 30 days before a regularly scheduled election.

4. On the day of a special election, polling places shall be open from 7 a.m. to 8 p.m.

(iv) 1. No later than 10 days before a special primary election and special general election, the Board of Elections shall mail a specimen ballot to the household of each registered voter in the school board district where the vacancy occurs.

2. The specimen ballot shall include the names of the candidates in the order and form in which they are to appear on the ballot, together with a statement, not to exceed 500 words, provided by each candidate.

(v) 1. Prince George's County shall fund a special election held under this paragraph.

2. The Board of Elections shall submit a request for a supplemental budget appropriation to the Director of the Office of Management and Budget to cover the cost of a special election no later than 60 days after the election.

(vi) A special election under this paragraph shall be governed by Title 8, Subtitle 8 of the Election Law Article and all other relevant provisions of law relating to the conduct of elections except as otherwise provided in this subtitle or where such construction would be unreasonable.]

(6) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF A SEAT HELD BY AN ELECTED MEMBER OF THE COUNTY BOARD BECOMES VACANT, THE COUNTY EXECUTIVE SHALL APPOINT A QUALIFIED INDIVIDUAL TO FILL THE SEAT FOR THE REMAINDER OF THE TERM.

(II) THE COUNTY COUNCIL SHALL REQUIRE A TWO-THIRDS VOTE OF ALL MEMBERS OF THE COUNTY COUNCIL TO REJECT AN APPOINTMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

[(h)] (I) (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 judicial review of the removal by the Circuit Court for Prince George's County based on an administrative record and such additional evidence as would be authorized by § 10-222(f) and (g) of the State Government Article.

[(i)] (J) 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.

(a) (1) From and after December 4, 2006, at the beginning of each member's full term, the chair of the county board is entitled to receive \$19,000 annually as compensation and the other elected AND APPOINTED members are each entitled to receive \$18,000 annually as compensation.

(2) Each elected AND APPOINTED member of the county board may be provided health insurance and other fringe benefits regularly provided to employees of

the Board of Education under the same terms and conditions extended to other employees of the Board of Education.

(b) (1) After submitting vouchers under the rules and regulations adopted by the county board, the 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.

(a) (1) The [county board shall hold an annual meeting on the first Monday in December to elect] COUNTY EXECUTIVE SHALL APPOINT a chair and vice chair OF THE COUNTY BOARD from among [its] THE members OF THE COUNTY BOARD.

(2) THE COUNTY EXECUTIVE SHALL SELECT THE VICE CHAIR FROM AMONG THE ELECTED MEMBERS OF THE COUNTY BOARD.

(3) THE TERM OF THE CHAIR AND VICE CHAIR APPOINTED UNDER THIS SUBSECTION SHALL BE 2 YEARS.

(b) SUBJECT TO THE PROVISIONS OF § 4-403 OF THIS ARTICLE, THE AFFIRMATIVE VOTE OF THE MEMBERS OF THE COUNTY BOARD FOR THE PASSAGE OF A MOTION BY THE COUNTY BOARD SHALL BE:

(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] EIGHT members when the student member is voting; or

(ii) [Five] SEVEN members when the student member is not voting.

(2) When there are two or more vacancies 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]:

(i) [Five] SEVEN members when the student member is voting;

or

(ii) [Four] SIX members when the student member is not voting.

4-101.

(a) [Educational] SUBJECT TO THE PROVISIONS OF SUBTITLE 4 OF THIS TITLE, EDUCATIONAL matters that affect the counties shall be under the control of a county board of education in each county.

(b) Each county board shall seek in every way to promote the interests of the schools under its jurisdiction.

4-102.

(a) (1) Except in Baltimore City, the county superintendent is the executive officer, secretary, and treasurer of the county board.

(2) (i) In Baltimore City, the Chief Executive Officer of the Baltimore City Board of School Commissioners is the executive officer, secretary, and treasurer of the Board of School Commissioners.

(ii) The Chief Executive Officer shall have the powers and duties imposed under this article.

(iii) The Chief Executive Officer is not a public officer under the Constitution or the laws of the State.

(3) (I) IN PRINCE GEORGE'S COUNTY, THE COUNTY SUPERINTENDENT IS THE CHIEF EXECUTIVE OFFICER OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM.

(II) THE CHIEF EXECUTIVE OFFICER IS THE EXECUTIVE OFFICER, SECRETARY, AND TREASURER OF THE COUNTY BOARD.

(III) THE CHIEF EXECUTIVE OFFICER SHALL HAVE THE POWERS AND DUTIES IMPOSED UNDER THIS ARTICLE.

(IV) THE CHIEF EXECUTIVE OFFICER IS NOT A PUBLIC OFFICER UNDER THE CONSTITUTION OR THE LAWS OF THE STATE.

[(3)] (4) A county superintendent is not a public officer under the Constitution or the laws of the State.

4-120.

(a) [If] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF a county board considers it practicable, it shall consolidate schools.

(b) [Each] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, EACH county board shall arrange for the transportation of students to and from consolidated schools.

(C) IN PRINCE GEORGE'S COUNTY, THE CHIEF EXECUTIVE OFFICER SHALL HAVE THE AUTHORITY TO:

(1) CONSOLIDATE SCHOOLS IF CONSIDERED PRACTICABLE; AND

(2) ARRANGE FOR THE TRANSPORTATION OF STUDENTS TO AND FROM CONSOLIDATED SCHOOLS.

4-201.

(a) (1) This section does not apply to Baltimore City.

(2) SUBSECTIONS (B), (C), (D), AND (F) OF THIS SECTION DO NOT APPLY IN PRINCE GEORGE'S COUNTY.

(b) (1) The term of a county superintendent is 4 years beginning on July 1. A county superintendent continues to serve until a successor is appointed and qualifies.

(2) By February 1 of the year in which a term ends, the county superintendent shall notify the county board whether the superintendent is a candidate for reappointment.

(3) In the year in which a term begins, the county board shall appoint a county superintendent between February 1 and June 30. However, if the county board decides to reappoint the incumbent superintendent, the county board shall take final action at a public meeting no later than March 1 of that year.

(4) If a county board is unable to appoint a county superintendent by July 1 of a year in which a term begins, the provisions of subsection (d) of this section apply.

(c) (1) An individual may not be appointed as county superintendent unless he:

(i) Is eligible to be issued a certificate for the office by the State Superintendent;

(ii) Has graduated from an accredited college or university; and

(iii) Has completed 2 years of graduate work at an accredited college or university, including public school administration, supervision, and methods of teaching.

(2) The appointment of a county superintendent is not valid unless approved in writing by the State Superintendent.

(3) If the State Superintendent disapproves an appointment, he shall give his reasons for disapproval in writing to the county board.

(d) If a vacancy occurs in the office of county superintendent, the county board shall appoint an interim county superintendent who serves until July 1 after his appointment.

(e) (1) The State Superintendent may remove a county superintendent for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Insubordination;

(iv) Incompetency; or

(v) Willful neglect of duty.

(2) Before removing a county superintendent, the State Superintendent shall send the county superintendent a copy of the charges against the county superintendent and give the county superintendent an opportunity within 10 days to request a hearing.

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

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

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

(f) On notification of pending criminal charges against a county superintendent as provided under § 4-206 of this subtitle, the county board may

suspend the county superintendent with pay until the final disposition of the criminal charges.

4-201.1.

(A) THIS SECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

(B) SUBJECT TO THE PROVISIONS OF SUBSECTION (E) OF THIS SECTION, THE CHIEF EXECUTIVE OFFICER OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM SHALL BE:

(1) SELECTED BY THE COUNTY EXECUTIVE IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION; AND

(2) APPOINTED BY THE COUNTY BOARD AFTER AGREEMENT ON CONTRACT TERMS NEGOTIATED BY THE CHAIR OF THE COUNTY BOARD.

(C) (1) THE COUNTY EXECUTIVE SHALL SELECT A CHIEF EXECUTIVE OFFICER FROM A LIST OF THREE NOMINEES RECOMMENDED BY A SEARCH COMMITTEE THAT IS COMPRISED OF:

(I) ONE MEMBER OF THE STATE BOARD, APPOINTED BY THE STATE SUPERINTENDENT; AND

(II) TWO RESIDENTS OF PRINCE GEORGE'S COUNTY, APPOINTED BY THE GOVERNOR.

(2) THE SEARCH COMMITTEE SHALL BE CHAIRED BY A MEMBER SELECTED BY THE STATE SUPERINTENDENT.

(D) (1) THE TERM OF THE CHIEF EXECUTIVE OFFICER IS 4 YEARS BEGINNING ON JULY 1.

(2) THE CHIEF EXECUTIVE OFFICER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) BY FEBRUARY 1 OF THE YEAR IN WHICH A TERM ENDS, THE CHIEF EXECUTIVE OFFICER SHALL NOTIFY THE COUNTY EXECUTIVE AND THE COUNTY BOARD IF THE CHIEF EXECUTIVE OFFICER IS A CANDIDATE FOR REAPPOINTMENT.

(4) (I) IN THE YEAR A TERM BEGINS, THE COUNTY EXECUTIVE SHALL SELECT A CHIEF EXECUTIVE OFFICER BETWEEN FEBRUARY 1 AND JUNE

1, AND THE COUNTY BOARD SHALL COMPLETE THE APPOINTMENT ON OR BEFORE JUNE 30.

(II) IF THE COUNTY EXECUTIVE DECIDES TO SELECT THE INCUMBENT CHIEF EXECUTIVE OFFICER, THE COUNTY BOARD SHALL COMPLETE THE REAPPOINTMENT NO LATER THAN MARCH 1 OF THAT YEAR.

(5) IF THE COUNTY BOARD IS UNABLE TO APPOINT A CHIEF EXECUTIVE OFFICER BY JULY 1 OF THE YEAR A TERM BEGINS, THE PROVISIONS OF SUBSECTION (F) OF THIS SECTION APPLY.

(E) (1) AN INDIVIDUAL MAY NOT BE APPOINTED AS CHIEF EXECUTIVE OFFICER UNLESS THE INDIVIDUAL:

(I) IS ELIGIBLE TO BE ISSUED A CERTIFICATE FOR THE OFFICE BY THE STATE SUPERINTENDENT;

(II) HAS GRADUATED FROM AN ACCREDITED COLLEGE OR UNIVERSITY; AND

(III) HAS COMPLETED 2 YEARS OF GRADUATE WORK AT AN ACCREDITED COLLEGE OR UNIVERSITY, INCLUDING PUBLIC SCHOOL ADMINISTRATION, SUPERVISION, AND METHODS OF TEACHING.

(2) THE APPOINTMENT OF THE CHIEF EXECUTIVE OFFICER IS NOT VALID UNLESS APPROVED IN WRITING BY THE STATE SUPERINTENDENT.

(3) IF THE STATE SUPERINTENDENT DISAPPROVES AN APPOINTMENT, THE STATE SUPERINTENDENT SHALL GIVE THE REASONS FOR DISAPPROVAL IN WRITING TO THE COUNTY BOARD AND THE COUNTY EXECUTIVE.

(F) IF A VACANCY OCCURS IN THE OFFICE OF CHIEF EXECUTIVE OFFICER, THE COUNTY EXECUTIVE SHALL SELECT AND THE COUNTY BOARD SHALL APPOINT AN INTERIM CHIEF EXECUTIVE OFFICER TO SERVE UNTIL JULY 1 AFTER THE APPOINTMENT.

(G) ON NOTIFICATION OF PENDING CRIMINAL CHARGES AGAINST THE CHIEF EXECUTIVE OFFICER AS PROVIDED UNDER § 4-206 OF THIS SUBTITLE, THE COUNTY BOARD MAY SUSPEND THE CHIEF EXECUTIVE OFFICER WITH PAY UNTIL THE FINAL DISPOSITION OF THE CRIMINAL CHARGES.

(a) (1) [Each] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH county superintendent is entitled to the compensation set by the county board.

(2) IN PRINCE GEORGE'S COUNTY, THE CHIEF EXECUTIVE OFFICER IS ENTITLED TO THE COMPENSATION SET BY THE CONTRACT WITH THE COUNTY BOARD.

(b) (1) The salary of a county superintendent may not be decreased during his term of office.

(2) Each county superintendent shall devote full time to public school business.

4-204.

(a) (1) [Acting] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ACTING under the rules and regulations of the county board, the county superintendent is responsible for the administration of his office.

(2) IN PRINCE GEORGE'S COUNTY, THE CHIEF EXECUTIVE OFFICER IS RESPONSIBLE FOR THE ADMINISTRATION OF THE OFFICE OF THE CHIEF EXECUTIVE OFFICER, INCLUDING HIRING AND SETTING THE SALARIES OF THE EXECUTIVE STAFF.

(b) As the executive officer of the county board, the county superintendent shall see that the following are carried out:

- (1) The laws relating to the schools;
- (2) The applicable enacted and published bylaws of the State Board;
- (3) The policies of the State Board;
- (4) The rules and regulations of the county board; and
- (5) The policies of the county board.

4-206.

(a) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A county superintendent shall immediately notify the county board in writing of any criminal charges that are punishable by a period of incarceration brought against the county superintendent.

(2) IN PRINCE GEORGE'S COUNTY, THE CHIEF EXECUTIVE OFFICER SHALL IMMEDIATELY NOTIFY THE COUNTY EXECUTIVE AND THE COUNTY BOARD IN WRITING OF ANY CRIMINAL CHARGES THAT ARE PUNISHABLE BY A PERIOD OF INCARCERATION BROUGHT AGAINST THE CHIEF EXECUTIVE OFFICER.

(b) The notification required under subsection (a) of this section shall include a copy of all charging documents served on the county superintendent or the county superintendent's counsel.

(c) Any county superintendent who violates subsections (a) and (b) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 and revocation of any professional certification issued by the Department.

SUBTITLE 4. PRINCE GEORGE'S COUNTY.

4-401.

THE PURPOSE OF THE COUNTY BOARD IS TO:

(1) RAISE THE LEVEL OF ACADEMIC ACHIEVEMENT OF THE STUDENTS IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM; AND

(2) RAISE THE LEVEL OF ENGAGEMENT OF THE PARENTS, STUDENTS, AND COMMUNITY AS A WHOLE.

4-402.

(A) IN ADDITION TO THE OTHER POWERS GRANTED TO, AND DUTIES IMPOSED ON, A COUNTY SUPERINTENDENT UNDER THIS ARTICLE, THE CHIEF EXECUTIVE OFFICER HAS THE RESPONSIBILITIES AND POWERS SET FORTH IN THIS SECTION.

(B) THE CHIEF EXECUTIVE OFFICER SHALL BE RESPONSIBLE FOR:

(1) THE OVERALL ADMINISTRATION OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM;

(2) SUBJECT TO THE PROVISIONS OF TITLE 6 OF THIS ARTICLE, AND AFTER A BUDGET IS SUBMITTED BY THE COUNTY BOARD AND APPROVED BY THE COUNTY COUNCIL AT THE BEGINNING OF EACH FISCAL YEAR, THE DAY-TO-DAY MANAGEMENT AND OVERSIGHT OF THE FISCAL AFFAIRS OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM, INCLUDING THE MANAGEMENT OF ACTIVITIES RELATED TO:

- (I) ADMINISTRATION;
- (II) MID-LEVEL ADMINISTRATION;
- (III) INSTRUCTIONAL SALARIES;
- (IV) TEXTBOOKS AND OTHER CLASSROOM INSTRUCTIONAL SUPPLIES;
- (V) INSTRUCTIONAL COSTS;
- (VI) SPECIAL EDUCATION;
- (VII) STUDENT PERSONNEL SERVICES;
- (VIII) HEALTH SERVICES;
- (IX) STUDENT TRANSPORTATION;
- (X) OPERATION OF PLANTS AND EQUIPMENT;
- (XI) PLANT MAINTENANCE;
- (XII) FIXED CHARGES;
- (XIII) FOOD SERVICES; AND
- (XIV) CAPITAL PLANNING AND EXPENDITURES; AND

(3) THE DEVELOPMENT AND IMPLEMENTATION OF THE CURRICULUM TAUGHT AND THE INSTRUCTION PROVIDED IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM.

(C) THE CHIEF EXECUTIVE OFFICER:

(1) SHALL HIRE AND SET THE SALARIES OF A CHIEF OPERATING OFFICER, A CHIEF FINANCIAL OFFICER, A CHIEF ACADEMIC OFFICER, A CHIEF OF STAFF, A BOARD LIAISON, AND ANY OTHER NECESSARY EXECUTIVE STAFF IN THE OFFICE OF THE CHIEF EXECUTIVE OFFICER; AND

(2) MAY DELEGATE THE RESPONSIBILITIES ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION TO APPROPRIATELY QUALIFIED INDIVIDUALS AS DETERMINED AND DEEMED NECESSARY BY THE CHIEF EXECUTIVE OFFICER.

(D) (1) THE CHIEF EXECUTIVE OFFICER SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING THAT RELATES TO THE PROVISION OF POLICY ANALYSIS AND ADVICE TO THE COUNTY BOARD WITH THE FOLLOWING INSTITUTIONS OF HIGHER EDUCATION:

(I) THE UNIVERSITY OF MARYLAND, COLLEGE PARK;

(II) THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE;

(III) BOWIE STATE UNIVERSITY; AND

(IV) PRINCE GEORGE'S COMMUNITY COLLEGE.

(2) THE CHIEF EXECUTIVE OFFICER MAY INCLUDE ADDITIONAL INSTITUTIONS OF HIGHER EDUCATION IN THE MEMORANDUM OF UNDERSTANDING REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

4-403.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE COUNTY BOARD MAY NOT IMPLEMENT A POLICY OR TAKE ANY ACTION THAT CONTRADICTS THE DAY-TO-DAY MANAGEMENT AND OVERSIGHT OF THE FISCAL AFFAIRS OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM BY THE CHIEF EXECUTIVE OFFICER UNDER THIS SUBTITLE.

(B) EXCEPT FOR PERSONNEL MATTERS AND APPEALS OF PERSONNEL MATTERS IN ACCORDANCE WITH §§ 4-205(C)(2) AND (3) OF THIS TITLE AND 6-202 OF THIS ARTICLE, THE COUNTY BOARD SHALL REQUIRE A TWO-THIRDS VOTE OF ALL VOTING MEMBERS OF THE COUNTY BOARD TO TAKE AN ACTION THAT IS CONTRARY TO AN ACTION OF THE CHIEF EXECUTIVE OFFICER.

6-201.

(a) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE county board shall employ individuals in the positions that the county board considers necessary for the operation of the public schools in the county.

(2) IN PRINCE GEORGE'S COUNTY, THE CHIEF EXECUTIVE OFFICER OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM SHALL HIRE AND SET THE SALARIES OF A CHIEF OPERATING OFFICER, A CHIEF

FINANCIAL OFFICER, A CHIEF ACADEMIC OFFICER, A CHIEF OF STAFF, A BOARD LIAISON, AND ANY OTHER NECESSARY EXECUTIVE STAFF IN THE OFFICE OF THE CHIEF EXECUTIVE OFFICER.

(b) (1) [The] EXCEPT AS PROVIDED IN SUBSECTION (A) OF THIS SECTION, THE county superintendent shall nominate for appointment by the county board:

(i) All professional assistants of the office of county superintendent; and

(ii) All principals, teachers, and other certificated personnel.

(2) As to these personnel, the county superintendent shall:

(i) Assign them to their positions in the schools;

(ii) Transfer them as the needs of the schools require;

(iii) Recommend them for promotion; and

(iv) Suspend them for cause and recommend them for dismissal in accordance with § 6-202 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The County Executive of Prince George's County and the Prince George's County Council shall appoint the new members and the chair and vice chair of the Prince George's County Board of Education in accordance with §§ 3-1002 and 3-1004 of the Education Article, as enacted by Section 1 of this Act, as soon as practicable and no later than June 1, 2013.

(b) To fill the current vacancy in the office of the Prince George's County Superintendent of Schools:

(1) a search committee shall be appointed in accordance with § 4-201.1(c) of the Education Article, as enacted by Section 1 of this Act, as soon as practicable and no later than June 1, 2013;

(2) in developing a list of three nominees recommended for the new Chief Executive Officer of the Prince George's County public school system, the search committee shall review any data regarding potential candidates that has been collected and provided by a search firm since September 2012;

(3) the chair of the Prince George's County Board of Education, appointed by the County Executive under § 3-1004 of the Education Article, as enacted

by Section 1 of this Act, shall negotiate the terms of the contract of the new Chief Executive Officer, including a requirement that the Chief Executive Officer attend the meetings of the County Executive's Cabinet; and

(4) notwithstanding the dates set out in § 4-201.1(d) and (f) of the Education Article as enacted by Section 1 of this Act, the County Executive may select and the Prince George's County Board of Education may appoint the new Chief Executive Officer after July 1, 2013, to a 4-year term ending June 30, 2017.

SECTION 3. AND BE IT FURTHER ENACTED, That the Chief Executive Officer of the Prince George's County public school system and the Prince George's County Board of Education shall hire a consultant to conduct a school utilization study and, on or before December 1, 2014, make recommendations regarding the geographical attendance areas for, or consolidation of, schools to the Chief Executive Officer, the county board, the County Executive of Prince George's County, and the Prince George's County Council.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) On or before December 31, 2013, the County Executive of Prince George's County, the Chief Executive Officer of the Prince George's County public school system, and the Prince George's County Board of Education shall submit an interim report on the implementation of this Act, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee, the House Committee on Ways and Means, the Prince George's County Senators, and the Prince George's County Delegation.

(b) On or before December 31, 2017, the County Executive, the Chief Executive Officer, and the Prince George's County Board of Education shall submit a final report on academic progress and improvement in the management of the Prince George's County public school system, and recommendations concerning the continuation, modification, or termination of the governance system established by this Act for the public school system, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee, the House Committee on Ways and Means, the Prince George's County Senators, and the Prince George's County Delegation.

(c) During the 2018 regular legislative session, the General Assembly shall deliberate and determine whether the provisions of this Act shall be terminated and of no further force and effect. If the General Assembly does not take any action to terminate this Act, the provisions of this Act shall continue to be in full force and effect.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected

to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 9, 2013.

HB 1107 (Chapter 147) did not receive the requisite number of votes required for an emergency bill. It did, however, receive sufficient votes to pass. It will, therefore, take effect June 1, 2013.