

HOUSE BILL 196

F3
HB 1622/17 – HRU

8lr0793

By: **Prince George’s County Delegation**

Introduced and read first time: January 18, 2018

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George’s County Board of Education – Academic Revitalization and**
3 **Management Effectiveness Initiative – Repeal**

4 **PG 511–18**

5 FOR the purpose of revising the composition of the Prince George’s County Board of
6 Education from an elected and appointed board to an elected board; altering the
7 number of members on the county board; altering the method by which a vacancy on
8 the county board is filled; requiring the county board to hold a certain annual
9 meeting; altering the number of affirmative votes necessary for the passage of a
10 motion by the county board under certain circumstances; repealing certain
11 provisions relating to the position, powers, and responsibilities of the Chief Executive
12 Officer of the Prince George’s County public school system; providing that in Prince
13 George’s County the county superintendent is the executive officer, secretary, and
14 treasurer of the county board; subjecting the county superintendent of Prince
15 George’s County to the statutory requirements of a county superintendent; requiring
16 the county board to employ certain individuals in certain circumstances; requiring
17 the county superintendent to nominate certain positions for appointment by the
18 county board; repealing the requirement that the County Executive of Prince
19 George’s County and the Prince George’s County Council appoint certain members
20 to the county board on or before a certain date; repealing the requirement that a
21 certain search committee be appointed; repealing the requirement that the Chief
22 Executive Officer and the county board hire a certain consultant and make certain
23 recommendations on or before a certain date; repealing the requirement that the
24 County Executive, the Chief Executive Officer, and the county board submit certain
25 reports on or before certain dates; repealing the requirement that the General
26 Assembly deliberate and determine whether certain provisions of law should be
27 terminated during a certain session; providing that the terms of certain appointed
28 members of the county board terminate on a certain date; repealing a certain
29 definition; making conforming changes; and generally relating to the Prince George’s
30 County Board of Education.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Education
3 Section 3–105, 3–114, 3–1002 through 3–1004, 4–101, 4–102, 4–120, 4–201, 4–202,
4 4–204, 4–206, and 6–201(a) and (b)
5 Annotated Code of Maryland
6 (2014 Replacement Volume and 2017 Supplement)

7 BY repealing
8 Article – Education
9 Section 4–201.1; and 4–401 through 4–403 and the subtitle “Subtitle 4. Prince
10 George’s County”
11 Annotated Code of Maryland
12 (2014 Replacement Volume and 2017 Supplement)

13 BY repealing
14 Chapter 147 of the Acts of the General Assembly of 2013
15 Section 2 through 4

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

18 **Article – Education**

19 3–105.

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

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

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

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

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

30 (d) If a county school system has an enrollment of 100,000 students or more, the
31 county board shall have nine members except as provided in § 3–901 of this title for
32 Montgomery County [and § 3–1002 of this title for Prince George’s County].

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

1 3-114.

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

3 (1) Allegany;

4 (2) Anne Arundel;

5 (3) Calvert;

6 (4) Carroll;

7 (5) Cecil;

8 (6) Charles;

9 (7) Dorchester;

10 (8) Frederick;

11 (9) Garrett;

12 (10) Howard;

13 (11) Kent;

14 (12) Montgomery;

15 **(13) PRINCE GEORGE'S;**

16 **[(13)] (14) Queen Anne's;**

17 **[(14)] (15) St. Mary's;**

18 **[(15)] (16) Somerset;**

19 **[(16)] (17) Talbot;**

20 **[(17)] (18) Washington;**

21 **[(18)] (19) Wicomico; and**

22 **[(19)] (20) Worcester.**

23 (b) In Baltimore City, in accordance with § 3-108.1 of this subtitle, the members

1 of the Baltimore City Board of School Commissioners shall be a combination of members
2 who are elected and appointed.

3 (c) In Baltimore County, in accordance with Subtitle 2A of this title, the members
4 of the county board shall be a combination of members who are elected and appointed.

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

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

9 [(f) In Prince George's County, in accordance with Subtitle 10 of this title, the
10 members of the county board shall be a combination of members who are elected and
11 appointed.]

12 [(g) (F) An individual subject to the authority of the county board may not serve
13 as a member of the county board. At the time of filing a certificate of candidacy for election
14 to a county board, a person shall certify to the local board of supervisors of elections whether
15 or not the person is subject to the authority of the county board. The Governor may not
16 issue a commission of election to a person who has certified affirmatively and who is elected
17 to a county board until the member-elect offers proof that the member-elect is no longer
18 subject to the authority of the county board.

19 [(h) (G) The election of the county boards shall be held as provided in Subtitles
20 2 through 14 of this title and the Election Law Article.

21 3-1002.

22 (a) [(1) In this subtitle the following words have the meanings indicated.

23 (2) "Appointed member" means a member of the Prince George's County
24 Board appointed under subsection (f) of this section.

25 (3) "Elected] **IN THIS SUBTITLE, "ELECTED** member" means a member of
26 the Prince George's County Board elected from one of the nine school board districts
27 described in § 3-1001 of this subtitle.

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

29 (1) Nine elected members, each of whom resides in a different school board
30 district; **AND**

31 [(2) Four appointed members; and]

32 [(3) (2) One student member selected under subsection [(g)(2)] **(F)(2)** of

1 this section.

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

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

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

8 (i) Fails to reside in the school board district from which the
9 member was elected, unless this change is caused by a change in the boundaries of the
10 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 county
13 government during the member's term.

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

16 (d) The elected members of the county board shall be elected:

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

19 (2) By the voters of the school board district that each member represents.

20 (e) (1) If a candidate for the county board dies or withdraws the candidacy
21 during the period beginning with the date of the primary and ending 70 days before the
22 date of the general election, the Board of Elections shall:

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

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

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

32 (ii) The Board of Elections may not add additional candidates to the

1 (v) Teacher and administrator disciplinary matters as provided
2 under § 6–202(a) of this article; and

3 (vi) Other personnel matters.

4 (4) On an affirmative vote of a majority of the elected [and appointed]
5 members of the county board, the board may determine if a matter before the board relates
6 to a subject that the student member may not vote on under paragraph (3) of this
7 subsection.

8 (5) Unless invited to attend by an affirmative vote of a majority of the
9 elected [and appointed] members of the county board, the student member may not attend
10 an executive session that relates to hearings on appeals of special education placements,
11 hearings held under § 6–202(a) of this article, or collective bargaining.

12 (6) The Prince George’s Regional Association of Student Governments may
13 establish procedures for the election of the student member of the county board.

14 (7) The election procedures established by the Prince George’s Regional
15 Association of Student Governments are subject to the approval of the elected [and
16 appointed] members of the county board.

17 [(h)] (G) (1) Except as provided in paragraph (2) of this subsection, an elected
18 member serves for a term of 4 years beginning on the first Monday in December after the
19 member’s election and until the member’s successor is elected and qualifies.

20 (2) The terms of the elected members are staggered as follows:

21 (i) The five elected members who received the lowest percentage of
22 votes, as determined by the final vote count of the 2010 General Election as certified by the
23 Board of Elections, shall serve for a term of 2 years; and

24 (ii) The other four members elected in the 2010 General Election
25 shall serve for a term of 4 years.

26 [(3) Except as provided in paragraph (4) of this subsection, an appointed
27 member:

28 (i) Serves for a term of 4 years beginning on the date of
29 appointment;

30 (ii) May be reappointed; and

31 (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.]

~~[(5)]~~ (3) 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.

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

4 2. THE FOLLOWING PROVISIONS ARE SUBJECT TO
5 SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH:

6 A. A SPECIAL PRIMARY ELECTION SHALL BE HELD ON A
7 TUESDAY AT LEAST 45 DAYS BUT NO LATER THAN 60 DAYS AFTER THE OCCURRENCE
8 OF A VACANCY; AND

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

12 3. A SPECIAL ELECTION MAY NOT BE HELD LESS THAN
13 30 DAYS BEFORE A REGULARLY SCHEDULED ELECTION.

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

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

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

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

26 2. THE BOARD OF ELECTIONS SHALL SUBMIT A
27 REQUEST FOR A SUPPLEMENTAL BUDGET APPROPRIATION TO THE DIRECTOR OF
28 THE OFFICE OF MANAGEMENT AND BUDGET TO COVER THE COST OF A SPECIAL
29 ELECTION NO LATER THAN 60 DAYS AFTER THE ELECTION.

30 (VI) A SPECIAL ELECTION UNDER THIS PARAGRAPH SHALL BE
31 GOVERNED BY TITLE 8, SUBTITLE 8 OF THE ELECTION LAW ARTICLE AND ALL
32 OTHER RELEVANT PROVISIONS OF LAW RELATING TO THE CONDUCT OF ELECTIONS

1 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE OR WHERE SUCH
2 CONSTRUCTION WOULD BE UNREASONABLE.

3 [(6) (i) Subject to subparagraph (ii) of this paragraph, if a seat held by
4 an elected member of the county board becomes vacant, the County Executive shall:

5 1. Appoint a qualified individual to fill the seat for the
6 remainder of the term; and

7 2. Transmit the name of the appointee to the clerk of the
8 County Council.

9 (ii) If the County Council does not disapprove an appointment under
10 subparagraph (i) of this paragraph by a two-thirds vote of all members of the County
11 Council within 45 days after the transmittal of the name of the appointee, the appointment
12 shall be considered approved.]

13 [(i) (H) (1) With the approval of the Governor, the State Board may remove
14 a member of the county board for any of the following reasons:

15 (i) Immorality;

16 (ii) Misconduct in office;

17 (iii) Incompetency; or

18 (iv) Willful neglect of duty.

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

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

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

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

28 (4) A member removed under this subsection has the right to judicial
29 review of the removal by the Circuit Court for Prince George's County based on an
30 administrative record and such additional evidence as would be authorized by § 10-222(f)
31 and (g) of the State Government Article.

1 [(j)] (I) While serving on the county board, a member may not be a candidate
2 for a public office other than a position on the county board.

3 3–1003.

4 (a) (1) From and after December 4, 2006, at the beginning of each member's
5 full term, the chair of the county board is entitled to receive \$19,000 annually as
6 compensation and the other elected [and appointed] members are each entitled to receive
7 \$18,000 annually as compensation.

8 (2) Each elected [and appointed] member of the county board may be
9 provided health insurance and other fringe benefits regularly provided to employees of the
10 Board of Education under the same terms and conditions extended to other employees of
11 the Board of Education.

12 (b) (1) After submitting vouchers under the rules and regulations adopted by
13 the county board, the chair and the other members, including the student member, are
14 entitled to the allowances for travel and other expenses provided in the Prince George's
15 County budget.

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

18 (c) The county board may not issue a credit card to a member of the county board.

19 3–1004.

20 (a) [(1)] The [County Executive shall appoint] **COUNTY BOARD SHALL HOLD**
21 **AN ANNUAL MEETING ON THE FIRST MONDAY IN DECEMBER TO ELECT** a chair and
22 vice chair of the county board from among the members of the county board.

23 [(2)] The County Executive shall select the vice chair from among the elected
24 members of the county board.

25 (3) The term of the chair and vice chair appointed under this subsection
26 shall be 2 years.]

27 (b) [Subject to the provisions of § 4–403 of this article, the affirmative vote of the
28 members of the county board for the passage of a motion by the county board shall be:]

29 (1) Except as otherwise provided in [item] **PARAGRAPH (2)** of this
30 subsection, **THE AFFIRMATIVE VOTE OF THE MEMBERS OF THE COUNTY BOARD FOR**
31 **THE PASSAGE OF A MOTION BY THE COUNTY BOARD SHALL BE:**

32 (i) [Eight] **SIX** members when the student member is voting; or

1 (ii) [Seven] **FIVE** members when the student member is not voting.

2 (2) When there are two or more vacancies on the county board, **THE**
3 **AFFIRMATIVE VOTE OF THE MEMBERS OF THE COUNTY BOARD FOR THE PASSAGE OF**
4 **A MOTION BY THE COUNTY BOARD SHALL BE:**

5 (i) [Seven] **FIVE** members when the student member is voting; or

6 (ii) [Six] **FOUR** members when the student member is not voting.

7 4-101.

8 (a) [Subject to the provisions of Subtitle 4 of this title, educational]
9 **EDUCATIONAL** matters that affect the counties shall be under the control of a county board
10 of education in each county.

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

13 4-102.

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

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

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

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

23 [(3) (i) In Prince George's County, the county superintendent is the
24 Chief Executive Officer of the Prince George's County public school system.

25 (ii) The Chief Executive Officer is the executive officer, secretary,
26 and treasurer of the county board.

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

29 (iv) The Chief Executive Officer is not a public officer under the
30 Constitution or the laws of the State.]

1 ~~[(4)]~~ **(3)** A county superintendent is not a public officer under the
2 Constitution or the laws of the State.

3 (b) Unless the tenure or salary or the administration of the office of the county
4 superintendent is under consideration, the county superintendent or the county
5 superintendent's designee shall attend all meetings of the county board and its committees.

6 (c) The county superintendent may advise on any question under consideration
7 but may not vote.

8 4-120.

9 (a) ~~[Except as provided in subsection (c) of this section, if]~~ **IF** a county board
10 considers it practicable, it shall consolidate schools.

11 (b) ~~[Except as provided in subsection (c) of this section, each]~~ **EACH** county board
12 shall arrange for the transportation of students to and from consolidated schools.

13 ~~[(c)~~ In Prince George's County, the Chief Executive Officer shall have the
14 authority to:

15 (1) Consolidate schools if considered practicable; and

16 (2) Arrange for the transportation of students to and from consolidated
17 schools.]

18 4-201.

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

20 ~~[(2)~~ Subsections (b), (c), (d), and (f) of this section do not apply in Prince
21 George's County.]

22 ~~[(3)]~~ **(2)** Subsections (b)(2) and (3) of this section do not apply in
23 Washington County.

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

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

29 (3) In the year in which a term begins, the county board shall appoint a
30 county superintendent between February 1 and June 30. However, if the county board
31 decides to reappoint the incumbent superintendent, the county board shall take final action

1 at a public meeting no later than March 1 of that year.

2 (4) If a county board is unable to appoint a county superintendent by July
3 1 of a year in which a term begins, the provisions of subsection (d) of this section apply.

4 (c) (1) An individual may not be appointed as county superintendent unless
5 **[he] THE INDIVIDUAL:**

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

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

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

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

13 (3) If the State Superintendent disapproves an appointment, **[he] THE**
14 **INDIVIDUAL** shall give **[his] THE INDIVIDUAL'S** reasons for disapproval in writing to the
15 county board.

16 (d) If a vacancy occurs in the office of county superintendent, the county board
17 shall appoint an interim county superintendent who serves until July 1 after **[his] THE**
18 **INDIVIDUAL'S** appointment.

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

20 (i) Immorality;

21 (ii) Misconduct in office;

22 (iii) Insubordination;

23 (iv) Incompetency; or

24 (v) Willful neglect of duty.

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

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

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

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

7 (f) On notification of pending criminal charges against a county superintendent
8 as provided under § 4-206 of this subtitle, the county board may suspend the county
9 superintendent with pay until the final disposition of the criminal charges.

10 [4-201.1.

11 (a) This section applies only in Prince George's County.

12 (b) Subject to the provisions of subsection (e) of this section, the Chief Executive
13 Officer of the Prince George's County public school system shall be:

14 (1) Selected by the County Executive in accordance with subsection (c) of
15 this section; and

16 (2) Appointed by the county board after agreement on contract terms
17 negotiated by the chair of the county board.

18 (c) (1) The County Executive shall select a Chief Executive Officer from a list
19 of three nominees recommended by a search committee that is comprised of:

20 (i) One member of the State Board, appointed by the State
21 Superintendent; and

22 (ii) Two residents of Prince George's County, appointed by the
23 Governor.

24 (2) The search committee shall be chaired by a member selected by the
25 State Superintendent.

26 (d) (1) The term of the Chief Executive Officer is 4 years beginning on July 1.

27 (2) The Chief Executive Officer continues to serve until a successor is
28 appointed and qualifies.

29 (3) By February 1 of the year in which a term ends, the Chief Executive
30 Officer shall notify the County Executive and the county board if the Chief Executive
31 Officer is a candidate for reappointment.

32 (4) (i) In the year a term begins, the County Executive shall select a

1 Chief Executive Officer between February 1 and June 1, and the county board shall
2 complete the appointment on or before June 30.

3 (ii) If the County Executive decides to select the incumbent Chief
4 Executive Officer, the county board shall complete the reappointment no later than March
5 1 of that year.

6 (5) If the county board is unable to appoint a Chief Executive Officer by
7 July 1 of the year a term begins, the provisions of subsection (f) of this section apply.

8 (e) (1) An individual may not be appointed as Chief Executive Officer unless
9 the individual:

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

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

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

15 (2) The appointment of the Chief Executive Officer is not valid unless
16 approved in writing by the State Superintendent.

17 (3) If the State Superintendent disapproves an appointment, the State
18 Superintendent shall give the reasons for disapproval in writing to the county board and
19 the County Executive.

20 (f) If a vacancy occurs in the office of Chief Executive Officer, the County
21 Executive shall select and the county board shall appoint an interim Chief Executive Officer
22 to serve until July 1 after the appointment.

23 (g) On notification of pending criminal charges against the Chief Executive
24 Officer as provided under § 4-206 of this subtitle, the county board may suspend the Chief
25 Executive Officer with pay until the final disposition of the criminal charges.]

26 4-202.

27 (a) [(1) Except as provided in paragraph (2) of this subsection, each] **EACH**
28 county superintendent is entitled to the compensation set by the county board.

29 [(2) In Prince George's County, the Chief Executive Officer is entitled to the
30 compensation set by the contract with the county board.]

31 (b) (1) The salary of a county superintendent may not be decreased during the
32 superintendent's term of office.

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

3 (c) In Anne Arundel County, the county board may not pay monetary
4 compensation to the county superintendent for sick leave benefits earned while employed
5 by any other board of education or public school system but may allow the county
6 superintendent to use the sick leave in the same manner as sick leave accrued while
7 employed by the county.

8 4-204.

9 (a) [(1) Except as provided in paragraph (2) of this subsection, acting] **ACTING**
10 under the rules and regulations of the county board, the county superintendent is
11 responsible for the administration of the superintendent's office.

12 [(2) In Prince George's County, the Chief Executive Officer is responsible
13 for the administration of the office of the Chief Executive Officer, including hiring and
14 setting the salaries of the executive staff.]

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

17 (1) The laws relating to the schools;

18 (2) The applicable enacted and published bylaws of the State Board;

19 (3) The policies of the State Board;

20 (4) The rules and regulations of the county board; and

21 (5) The policies of the county board.

22 4-206.

23 (a) [(1) Except as provided in paragraph (2) of this subsection, a] **A** county
24 superintendent shall immediately notify the county board in writing of any criminal
25 charges that are punishable by a period of incarceration brought against the county
26 superintendent.

27 [(2) In Prince George's County, the Chief Executive Officer shall
28 immediately notify the County Executive and the county board in writing of any criminal
29 charges that are punishable by a period of incarceration brought against the Chief
30 Executive Officer.]

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

1 superintendent's counsel.

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

5 [Subtitle 4. Prince George's County.]

6 [4-401.

7 The purpose of the county board is to:

8 (1) Raise the level of academic achievement of the students in the Prince
9 George's County public school system; and

10 (2) Raise the level of engagement of the parents, students, and community
11 as a whole.]

12 [4-402.

13 (a) In addition to the other powers granted to, and duties imposed on, a county
14 superintendent under this article, the Chief Executive Officer has the responsibilities and
15 powers set forth in this section.

16 (b) The Chief Executive Officer shall be responsible for:

17 (1) The overall administration of the Prince George's County public school
18 system;

19 (2) Subject to the provisions of Title 6 of this article, and after a budget is
20 submitted by the county board and approved by the County Council at the beginning of
21 each fiscal year, the day-to-day management and oversight of the fiscal affairs of the
22 Prince George's County public school system, including the management of activities
23 related to:

24 (i) Administration;

25 (ii) Mid-level administration;

26 (iii) Instructional salaries;

27 (iv) Textbooks and other classroom instructional supplies;

28 (v) Instructional costs;

29 (vi) Special education;

- 1 (vii) Student personnel services;
- 2 (viii) Health services;
- 3 (ix) Student transportation;
- 4 (x) Operation of plants and equipment;
- 5 (xi) Plant maintenance;
- 6 (xii) Fixed charges;
- 7 (xiii) Food services; and
- 8 (xiv) Capital planning and expenditures; and

9 (3) The development and implementation of the curriculum taught and the
10 instruction provided in the Prince George's County public school system.

11 (c) The Chief Executive Officer:

12 (1) Shall hire and set the salaries of a chief operating officer, a chief
13 financial officer, a chief academic officer, a chief of staff, a board liaison, and any other
14 necessary executive staff in the office of the Chief Executive Officer; and

15 (2) May delegate the responsibilities established under subsection (b) of
16 this section to appropriately qualified individuals as determined and deemed necessary by
17 the Chief Executive Officer.

18 (d) (1) The Chief Executive Officer shall enter into a memorandum of
19 understanding that relates to the provision of policy analysis and advice to the county board
20 with the following institutions of higher education:

- 21 (i) The University of Maryland, College Park Campus;
- 22 (ii) The University of Maryland University College;
- 23 (iii) Bowie State University; and
- 24 (iv) Prince George's Community College.

25 (2) The Chief Executive Officer may include additional institutions of
26 higher education in the memorandum of understanding required under paragraph (1) of
27 this subsection.]

28 [4-403.

1 (a) Except as provided in subsection (b) of this section, the county board may not
 2 implement a policy or take any action that contradicts the day-to-day management and
 3 oversight of the fiscal affairs of the Prince George's County public school system by the
 4 Chief Executive Officer under this subtitle.

5 (b) Except for personnel matters and appeals of personnel matters in accordance
 6 with §§ 4-205(c)(2) and (3) of this title and 6-202 of this article, the county board shall
 7 require a two-thirds vote of all voting members of the county board to take an action that
 8 is contrary to an action of the Chief Executive Officer.]

9 6-201.

10 (a) [(1) Subject to paragraph (2) of this subsection, the] **THE** county board shall
 11 employ individuals in the positions that the county board considers necessary for the
 12 operation of the public schools in the county.

13 [(2) In Prince George's County, the Chief Executive Officer of the Prince
 14 George's County public school system shall hire and set the salaries of a chief operating
 15 officer, a chief financial officer, a chief academic officer, a chief of staff, a board liaison, and
 16 any other necessary executive staff in the office of the Chief Executive Officer.]

17 (b) (1) [Except as provided in subsection (a) of this section, the] **THE** county
 18 superintendent shall nominate for appointment by the county board:

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

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

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

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

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

25 (iii) Recommend them for promotion; and

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

28 Chapter 147 of the Acts of 2013

29 [SECTION 2. AND BE IT FURTHER ENACTED, That:

30 (a) The County Executive of Prince George's County and the Prince George's
 31 County Council shall appoint the new members and the chair and vice chair of the Prince

1 George's County Board of Education in accordance with §§ 3–1002 and 3–1004 of the
2 Education Article, as enacted by Section 1 of this Act, as soon as practicable and no later
3 than June 1, 2013.

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

6 (1) a search committee shall be appointed in accordance with §
7 4–201.1(c) of the Education Article, as enacted by Section 1 of this Act, as soon as
8 practicable and no later than June 1, 2013;

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

13 (3) the chair of the Prince George's County Board of Education, appointed
14 by the County Executive under § 3–1004 of the Education Article, as enacted by Section 1
15 of this Act, shall negotiate the terms of the contract of the new Chief Executive Officer,
16 including a requirement that the Chief Executive Officer attend the meetings of the County
17 Executive's Cabinet; and

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

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

28 [SECTION 4. AND BE IT FURTHER ENACTED, That:

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

36 (b) On or before December 31, 2017, the County Executive, the Chief Executive
37 Officer, and the Prince George's County Board of Education shall submit a final report on
38 academic progress and improvement in the management of the Prince George's County

1 public school system, and recommendations concerning the continuation, modification, or
2 termination of the governance system established by this Act for the public school system,
3 in accordance with § 2-1246 of the State Government Article, to the Senate Education,
4 Health, and Environmental Affairs Committee, the House Committee on Ways and Means,
5 the Prince George's County Senators, and the Prince George's County Delegation.

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the appointed
11 members of the Prince George's County Board of Education who are in office on May 31,
12 2018, shall terminate on June 2, 2018.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
14 1, 2018.