HOUSE BILL 614

By: Prince George’s County Delegation
Introduced and read first time: January 22, 2021
Assigned to: Ways and Means

A BILL ENTITLED

AN ACT concerning

Prince George’s County – Board of Education and Chief Executive Officer –
Alterations

PG 503–21

FOR the purpose of altering the membership of the Prince George’s County Board of
Education to require all members to be elected; repealing provisions of law relating
to the appointed members of the county board, including the appointment, terms,
and compensation of the members; requiring elected members of the county board to
be elected by the voters of the entire county rather than by the voters of the school
district the member represents; repealing a provision of law requiring the Prince
George’s County Executive to appoint certain officers of the county board; requiring
the county board to select a chair and vice chair from among the elected members of
the board; altering the number of affirmative votes required for the county board to
pass a motion; repealing provisions of law that established the title of the county
superintendent as the Chief Executive Officer of the Prince George’s County public
school system; providing for the expiration of the terms of the appointed members of
the county board; defining a certain term; repealing certain definitions; making
stylistic and conforming changes; and generally relating to the membership of the
Prince George’s County Board of Education and the Chief Executive Officer.

BY repealing and reenacting, with amendments,

Article – Education
Section 3–114, 3–1002, 3–1003, 3–1004, 4–102(a), 4–120(c), 4–125.1, 4–201.1,
4–202(a), 4–204(a), 4–206(a), 4–402, 4–403, and 6–201(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Article – Education

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

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

(1) Allegany;
(2) Anne Arundel;
(3) Calvert;
(4) Carroll;
(5) Cecil;
(6) Charles;
(7) Dorchester;
(8) Frederick;
(9) Garrett;
(10) Howard;
(11) Kent;
(12) Montgomery;
(13) PRINCE GEORGE’S;
(14) Queen Anne’s;
(15) St. Mary’s;
(16) Somerset;
(17) Talbot;
(18) Washington;
(19) Wicomico; and
(20) Worcester.
(b) In Baltimore City, in accordance with § 3–108.1 of this subtitle, the members of the Baltimore City Board of School Commissioners shall be a combination of members who are elected and appointed.

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

(d) 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.

(e) 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.

(f) [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.

(g) 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 the person is subject to the authority of the county board. The Governor may 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 the member–elect is no longer subject to the authority of the county board.

(h) 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 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 members as follows:

(1) Nine elected members, each of whom resides in a different school board district AS DESCRIBED IN § 3–1001 OF THIS SUBTITLE; AND
(2) Four appointed members; and

(3) One student member selected under subsection [(g)(2)] (E)(2) of this section.

[(c)] (B) (1) One ELECTED member of the county board shall [be elected from] RESIDE IN 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 RESIDENT AND registered voter of [the county and a resident of the school board district the candidate seeks to represent] PRINCE GEORGE’S COUNTY.

[(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.

(3) (I) ANY ELECTED MEMBER WHO NO LONGER RESIDES IN PRINCE GEORGE’S COUNTY MAY NOT CONTINUE AS A MEMBER OF THE COUNTY BOARD.

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, ANY MEMBER ELECTED FROM A SCHOOL BOARD DISTRICT WHO NO LONGER RESIDES IN THAT DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE COUNTY BOARD.

(III) IF A CHANGE IN THE BOUNDARY LINE OF A SCHOOL BOARD DISTRICT RESULTS IN AN INCUMBENT MEMBER OF THE COUNTY BOARD NO LONGER RESIDING IN THAT DISTRICT, THE INCUMBENT MEMBER MAY COMPLETE THE CURRENT TERM.

(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)] (C) The elected members of the county board shall be elected:

(1) At the general election every 4 years as required by subsection [(h)] (F) of this section; and
(2) By the voters of the [school board district that each member represents] ENTIRE COUNTY.

[(e)] (D) (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.]
(E) (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.

(F) (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.

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.

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.

The student member serves for a term of 1 year beginning at the 
end of a school year.

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:

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

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

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

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.

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.

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.

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.

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.

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.

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...
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1 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.

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

3–1004.

(a) (1) The COUNTY BOARD shall select a chair and vice chair from among the ELECTED members of the county board.

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

[(3) (2) 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 item (2) of this subsection:

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

(ii) [Seven] FIVE members when the student member is not voting; or

(2) When there are two or more vacancies on the county board:

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

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

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.]

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

4–120.

(c) In Prince George’s County, the [Chief Executive Officer] COUNTY SUPERINTENDENT shall have the authority to:

(1) Consolidate schools if considered practicable; and

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

4–125.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “Certified county–based business participation” has the meaning stated in § 10A–101 of the Code of Public Local Laws of Prince George’s County.

(3) “Certified county–based minority business participation” has the meaning stated in § 10A–101 of the Code of Public Local Laws of Prince George’s County.

[(4) “Chief Executive Officer” means the superintendent of the Prince George’s County public school system as defined in § 4–102(a)(3) of this subtitle.]

[(5)] (4) “County–based business” has the meaning stated in § 10A–101 of the Code of Public Local Laws of Prince George’s County.

[(6)] (5) “County–based minority business enterprise” has the meaning
“County–based small business” has the meaning stated in § 10A–101 of the Code of Public Local Laws of Prince George’s County.

“County board” means the Prince George’s County Board of Education.

“COUNTY SUPERINTENDENT” means the Superintendent of the Prince George’s County Public School System.

“Procurement” means the process of buying, leasing, lease–purchasing, or otherwise obtaining supplies, services, or construction.

“Procurement” includes all functions that relate to the process of obtaining supplies, services, or construction, including:

1. Description of requirements;
2. Selection and solicitation of sources; and
3. Preparation, award, and execution of a contract.

“Program” means the Certified County–Based Business Participation Program that may be established under this section.

This section applies only in Prince George’s County.

The county board, after consultation with the COUNTY SUPERINTENDENT, may establish and implement a Certified County–Based Business Participation Program to be used in county board procurement.

If the county board exercises the authority granted in subsection (c) of this section, the county board and the COUNTY SUPERINTENDENT shall:

1. Consult with the Prince George’s County Council, or its agencies or agents, on the establishment and implementation of the Program; and
2. Establish goals and requirements for the Program that may include:
   i. Minimum percentages for certified county–based business participation;
   ii. Utilization of county–based small businesses;
(iii) Minimum goals and incentives for maximizing certified county–based minority business participation; and

(iv) The goals established under § 4–125(d) of this subtitle.

(e) To achieve the designated goals of the Program, the county board and the [Chief Executive Officer] COUNTY SUPERINTENDENT may use incentives and bonuses, including:

(1) Mandatory set–aside procedures;

(2) Mandatory subcontracting procedures with reasonable waiver provisions;

(3) The application of bonus points;

(4) The application of percentage points;

(5) Restrictive bidding;

(6) Restrictive price quotations;

(7) The reduction or waiver of bonding requirements; and

(8) Incentives to encourage maximum participation by:

(i) Certified county–based small businesses; and

(ii) A variety of different certified county–based businesses.

(f) If the county board exercises the authority granted in subsection (c) of this section, the county board and the county council shall enter into a binding memorandum of understanding outlining the county board's goals and commitment to implementing the Program.

(g) On or before December 1, 2015, and each year thereafter, the county board, after consultation with the [Chief Executive Officer] COUNTY SUPERINTENDENT, shall submit a report to the Prince George's County delegations to the House of Delegates and Senate of Maryland, the Prince George's County Council, and the Prince George's County Executive, in accordance with § 2–1257 of the State Government Article, that specifies:

(1) The respective percentages and dollar amounts of certified county–based business participation, certified county–based minority business participation, and certified county–based small business participation in county board procurement for the previous fiscal year; and

(2) The efforts by the county board and the [Chief Executive Officer]
COUNTY SUPERINTENDENT in the previous fiscal year to encourage greater certified county–based business participation, certified county–based minority business participation, and certified county–based small business participation in county board procurement.

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] COUNTY SUPERINTENDENT 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] COUNTY SUPERINTENDENT 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] COUNTY SUPERINTENDENT is 4 years beginning on July 1.

(2) The [Chief Executive Officer] COUNTY SUPERINTENDENT 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] COUNTY SUPERINTENDENT shall notify the County Executive and the county board if the [Chief Executive Officer] COUNTY SUPERINTENDENT is a candidate for reappointment.

(4) (i) In the year a term begins, the County Executive shall select a [Chief Executive Officer] COUNTY SUPERINTENDENT 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] COUNTY SUPERINTENDENT, 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] COUNTY SUPERINTENDENT 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] COUNTY SUPERINTENDENT 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] COUNTY SUPERINTENDENT 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] COUNTY SUPERINTENDENT, the County Executive shall select and the county board shall appoint an interim [Chief Executive Officer] COUNTY SUPERINTENDENT to serve until July 1 after the appointment.

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

4–202.

(a) (1) 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] COUNTY SUPERINTENDENT is entitled to the compensation set by the contract with the county board.
(a) (1) 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 the superintendent’s office.

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

4–206.

(a) (1) 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] COUNTY SUPERINTENDENT 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] COUNTY SUPERINTENDENT.

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] COUNTY SUPERINTENDENT has the responsibilities and powers set forth in this section.

(b) The [Chief Executive Officer] COUNTY SUPERINTENDENT 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] COUNTY SUPERINTENDENT:

(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] COUNTY SUPERINTENDENT; 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] COUNTY SUPERINTENDENT.

(d) (1) The [Chief Executive Officer] COUNTY SUPERINTENDENT 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 Campus;
(ii) The University of Maryland Global Campus;
(iii) Bowie State University; and
(iv) Prince George’s Community College.

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

(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] COUNTY SUPERINTENDENT 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] COUNTY SUPERINTENDENT.

(a) 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] COUNTY SUPERINTENDENT 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] COUNTY SUPERINTENDENT.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the following appointed members of the Prince George’s County Board of Education who are in office on the effective date of this Act shall expire as follows:

(1) the member appointed from the county at large whose term is scheduled to expire on December 5, 2022, shall expire at the end of December 5, 2022;

(2) the member appointed from the county at large whose term is scheduled to expire on December 4, 2023, shall expire at the end of December 4, 2023; and

(3) the member appointed from the county at large whose term is scheduled to expire on December 2, 2024, shall expire at the end of December 4, 2023.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021.