

HOUSE BILL 624

F3

11r0952

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

Introduced and read first time: January 22, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Board of Education and Chief Executive Officer –**
3 **Revisions**

4 **PG 502–21**

5 FOR the purpose of repealing provisions of law that established the position of the Chief
6 Executive Officer of the Prince George's County public school system; repealing
7 certain provisions of law that established the powers and duties of the Chief
8 Executive Officer; revising the membership of the Prince George's County Board of
9 Education to require all members to be elected; repealing provisions of law relating
10 to the appointed members of the county board, including the appointment, terms,
11 and compensation of the members; repealing provisions that specified certain
12 staggered terms for certain elected members of the county board; repealing certain
13 provisions that specified a certain method of filling certain vacancies on the county
14 board; requiring a vacancy of an elected member of the county board to be filled at
15 special election under certain circumstances; repealing a provision of law requiring
16 the Prince George's County Executive to appoint certain officers of the county board;
17 requiring the county board to meet at a certain time each year to elect a chair and
18 vice chair from among its members; altering the number of affirmative votes
19 required for the county board to pass a motion; providing for the expiration of the
20 terms of the appointed members of the county board; defining a certain term;
21 repealing certain definitions; making stylistic and conforming changes; and
22 generally relating to the membership of the Prince George's County Board of
23 Education and the Chief Executive Officer.

24 BY repealing

25 Article – Education

26 Section 4–201.1 and 4–401 through 4–403 and the subtitle “Subtitle 4. Prince
27 George's County”

28 Annotated Code of Maryland

29 (2018 Replacement Volume and 2020 Supplement)

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 3–114, 3–1002, 3–1003, 3–1004, 4–102(a), 4–120, 4–125.1, 4–201, 4–202,
4 4–204, 4–206, and 6–201(a)
5 Annotated Code of Maryland
6 (2018 Replacement Volume and 2020 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
8 That Section(s) 4–401 through 4–403 and the subtitle “Subtitle 4. Prince George’s County”
9 of Article – Education of the Annotated Code of Maryland be repealed.

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

12 **Article – Education**

13 3–114.

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

15 (1) Allegany;

16 (2) Anne Arundel;

17 (3) Calvert;

18 (4) Carroll;

19 (5) Cecil;

20 (6) Charles;

21 (7) Dorchester;

22 (8) Frederick;

23 (9) Garrett;

24 (10) Howard;

25 (11) Kent;

26 (12) Montgomery;

27 **(13) PRINCE GEORGE’S;**

1 [(13)] (14) Queen Anne's;

2 [(14)] (15) St. Mary's;

3 [(15)] (16) Somerset;

4 [(16)] (17) Talbot;

5 [(17)] (18) Washington;

6 [(18)] (19) Wicomico; and

7 [(19)] (20) Worcester.

8 (b) In Baltimore City, in accordance with § 3–108.1 of this subtitle, the members
9 of the Baltimore City Board of School Commissioners shall be a combination of members
10 who are elected and appointed.

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

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

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

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

20 (g) An individual subject to the authority of the county board may not serve as a
21 member of the county board. At the time of filing a certificate of candidacy for election to a
22 county board, a person shall certify to the local board of supervisors of elections whether or
23 not the person is subject to the authority of the county board. The Governor may not issue
24 a commission of election to a person who has certified affirmatively and who is elected to a
25 county board until the member–elect offers proof that the member–elect is no longer subject
26 to the authority of the county board.

27 [(h)] (G) The election of the county boards shall be held as provided in Subtitles
28 2 through 14 of this title and the Election Law Article.

29 3–1002.

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

1 (2) “Appointed member” means a member of the Prince George’s County
2 Board appointed under subsection (f) of this section.

3 (3) “Elected], “**ELECTED** member” means a member of the Prince George’s
4 County Board elected from one of the nine school board districts described in § 3–1001 of
5 this subtitle.

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

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

9 [(2) Four appointed members; and]

10 [(3)] **(2)** One student member selected under subsection [(g)(2)] **(F)(2)** of
11 this section.

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

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

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

18 (i) Fails to reside in the school board district from which the
19 member was elected, unless this change is caused by a change in the boundaries of the
20 district; or

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

22 (4) A [county board] member may not hold another office of profit in county
23 government during the member’s term.

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

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

27 (1) At the general election every 4 years as required by subsection [(h)] **(G)**
28 of this section; and

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

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

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

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

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

13 (ii) The Board of Elections may not add additional candidates to the
14 ballot for the general election within 70 days before the date of the election.

15 [(f) (1) The appointed members of the county board shall be appointed as
16 follows:

17 (i) Three members shall be appointed by the County Executive of
18 Prince George's County as follows:

19 1. One member shall possess a high level of knowledge and
20 expertise concerning education;

21 2. One member shall possess a high level of business,
22 finance, or higher education experience; and

23 3. One member shall possess a high level of knowledge and
24 expertise concerning the successful administration of a large business, nonprofit, or
25 governmental entity; and

26 (ii) The Prince George's County Council shall appoint one member
27 who is a parent of a student enrolled in the Prince George's County public school system as
28 of the date of the appointment of the member.

29 (2) Each appointed member of the county board shall be a resident of
30 Prince George's County.]

31 [(g) (F) (1) The student member shall be an eleventh or twelfth grade
32 student in the Prince George's County public school system during the student's term in
33 office.

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

8 (3) The student member may vote on all matters before the board except
9 those relating to:

10 (i) Capital and operating budgets;

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

12 (iii) Collective bargaining decisions;

13 (iv) Student disciplinary matters;

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

16 (vi) Other personnel matters.

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

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

25 (6) The Prince George's Regional Association of Student Governments may
26 establish procedures for the election of the student member of the county board.

27 (7) The election procedures established by the Prince George's Regional
28 Association of Student Governments are subject to the approval of the elected [and
29 appointed] members of the county board.

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

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

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

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

6 (3) Except as provided in paragraph (4) of this subsection, an appointed
7 member:

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

10 (ii) May be reappointed; and

11 (iii) Serves until a successor is appointed and qualifies.

12 (4) The terms of the appointed members are staggered as follows:

13 (i) The members appointed under subsection (f)(1)(i)1 and 2 of this
14 section on or before June 1, 2013, shall serve for an initial term of 4 years; and

15 (ii) The member appointed under subsection (f)(1)(i)3 and (ii) of this
16 section on or before June 1, 2013, shall serve for an initial term of 2 years.]

17 **[(5) (2)]** The student member serves for a term of 1 year beginning at the
18 end of a school year.

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

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

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

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

29 **(3) (I) 1. A SEAT ON THE COUNTY BOARD HELD BY AN ELECTED**
30 **MEMBER THAT BECOMES VACANT MORE THAN 180 DAYS BEFORE THE END OF THAT**

1 MEMBER'S TERM OF OFFICE SHALL BE FILLED FOR THE REMAINDER OF THE TERM
2 AT A SPECIAL ELECTION.

3 2. A SEAT ON THE COUNTY BOARD HELD BY AN ELECTED
4 MEMBER THAT BECOMES VACANT 180 DAYS OR LESS BEFORE THE END OF THE
5 MEMBER'S TERM OF OFFICE SHALL REMAIN VACANT UNTIL A SUCCESSOR IS
6 ELECTED AND QUALIFIES.

7 (ii) 1. A. NOT LATER THAN 7 DAYS AFTER THE
8 OCCURRENCE OF A VACANCY ON THE COUNTY BOARD THAT MUST BE FILLED AT A
9 SPECIAL ELECTION, THE COUNTY COUNCIL SHALL ADOPT A RESOLUTION
10 DIRECTING THAT A SPECIAL PRIMARY ELECTION AND SPECIAL GENERAL ELECTION
11 BE HELD IN THE SCHOOL DISTRICT WHERE THE VACANCY OCCURS.

12 B. THE COUNTY COUNCIL SHALL CONSULT WITH THE
13 BOARD OF ELECTIONS BEFORE ADOPTING THE RESOLUTION.

14 2. SUBJECT TO SUBPARAGRAPH (iii) OF THIS
15 PARAGRAPH, THE COUNTY COUNCIL RESOLUTION SHALL SPECIFY:

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

18 B. THE DATE OF THE SPECIAL PRIMARY ELECTION; AND

19 C. THE DATE OF THE SPECIAL GENERAL ELECTION.

20 3. NOT LATER THAN 7 DAYS AFTER THE ADOPTION OF
21 THE COUNTY COUNCIL RESOLUTION, THE BOARD OF ELECTIONS SHALL PUBLISH
22 THE INFORMATION CONTAINED IN THE RESOLUTION ONCE IN AT LEAST ONE
23 NEWSPAPER OF GENERAL CIRCULATION.

24 (iii) 1. A CANDIDATE SHALL FILE A CERTIFICATE OF
25 CANDIDACY WITH THE BOARD OF ELECTIONS NOT LATER THAN 28 DAYS BEFORE A
26 SPECIAL PRIMARY ELECTION IN ORDER TO APPEAR ON THE BALLOT.

27 2. THE FOLLOWING PROVISIONS ARE SUBJECT TO
28 SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH:

29 A. A SPECIAL PRIMARY ELECTION SHALL BE HELD ON A
30 TUESDAY AT LEAST 45 DAYS BUT NOT LATER THAN 60 DAYS AFTER THE
31 OCCURRENCE OF A VACANCY; AND

1 **B. A SPECIAL GENERAL ELECTION SHALL BE HELD ON A**
2 **TUESDAY AT LEAST 60 DAYS BUT NOT LATER THAN 90 DAYS AFTER THE**
3 **OCCURRENCE OF THE VACANCY.**

4 **3. A SPECIAL ELECTION MAY NOT BE HELD LESS THAN**
5 **30 DAYS BEFORE A REGULARLY SCHEDULED ELECTION.**

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

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

13 **2. THE SPECIMEN BALLOT SHALL INCLUDE THE NAMES**
14 **OF THE CANDIDATES IN THE ORDER AND FORM IN WHICH THEY ARE TO APPEAR ON**
15 **THE BALLOT, TOGETHER WITH A STATEMENT, NOT TO EXCEED 500 WORDS,**
16 **PROVIDED BY EACH CANDIDATE.**

17 **(V) 1. PRINCE GEORGE'S COUNTY SHALL FUND A SPECIAL**
18 **ELECTION HELD UNDER THIS PARAGRAPH.**

19 **2. THE BOARD OF ELECTIONS SHALL SUBMIT A**
20 **REQUEST FOR A SUPPLEMENTAL BUDGET APPROPRIATION TO THE DIRECTOR OF**
21 **THE OFFICE OF MANAGEMENT AND BUDGET TO COVER THE COST OF A SPECIAL**
22 **ELECTION NOT LATER THAN 60 DAYS AFTER THE ELECTION.**

23 **(VI) A SPECIAL ELECTION UNDER THIS PARAGRAPH SHALL BE**
24 **GOVERNED BY TITLE 8, SUBTITLE 8 OF THE ELECTION LAW ARTICLE AND ALL**
25 **OTHER RELEVANT PROVISIONS OF LAW RELATING TO THE CONDUCT OF ELECTIONS**
26 **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE OR WHERE SUCH**
27 **CONSTRUCTION WOULD BE UNREASONABLE.**

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

30 (i) Immorality;

31 (ii) Misconduct in office;

32 (iii) Incompetency; or

1 (iv) Willful neglect of duty.

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

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

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

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

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

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

17 3-1003.

18 (a) (1) From and after December 4, 2006, at the beginning of each member's
19 full term, the chair of the county board is entitled to receive \$19,000 annually as
20 compensation and the other elected **[and appointed]** members are each entitled to receive
21 \$18,000 annually as compensation.

22 (2) Each elected **[and appointed]** member of the county board may be
23 provided health insurance and other fringe benefits regularly provided to employees of the
24 Board of Education under the same terms and conditions extended to other employees of
25 the Board of Education.

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

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

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

33 3-1004.

1 (a) [(1)] The [County Executive shall appoint a chair and vice chair of the county
2 board from among the members of the] county board **SHALL HOLD AN ANNUAL MEETING**
3 **ON THE FIRST MONDAY IN DECEMBER TO ELECT A CHAIR AND VICE CHAIR FROM**
4 **AMONG ITS MEMBERS.**

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

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

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

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

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

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

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

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

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

22 4–102.

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

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

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

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

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

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

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

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

9 [(4) (3) A county superintendent is not a public officer under the
10 Constitution or the laws of the State.

11 4-120.

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

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

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

18 (1) Consolidate schools if considered practicable; and

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

21 4-125.1.

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

23 (2) "Certified county-based business participation" has the meaning stated
24 in § 10A-101 of the Code of Public Local Laws of Prince George's County.

25 (3) "Certified county-based minority business participation" has the
26 meaning stated in § 10A-101 of the Code of Public Local Laws of Prince George's County.

27 [(4) "Chief Executive Officer" means the superintendent of the Prince
28 George's County public school system as defined in § 4-102(a)(3) of this subtitle.]

1 ~~[(5)] (4)~~ “County–based business” has the meaning stated in § 10A–101
2 of the Code of Public Local Laws of Prince George’s County.

3 ~~[(6)] (5)~~ “County–based minority business enterprise” has the meaning
4 stated in § 10A–101 of the Code of Public Local Laws of Prince George’s County.

5 ~~[(7)] (6)~~ “County–based small business” has the meaning stated in §
6 10A–101 of the Code of Public Local Laws of Prince George’s County.

7 ~~[(8)] (7)~~ “County board” means the Prince George’s County Board of
8 Education.

9 **(8) “COUNTY SUPERINTENDENT” MEANS THE SUPERINTENDENT OF**
10 **THE PRINCE GEORGE’S COUNTY PUBLIC SCHOOL SYSTEM.**

11 (9) (i) “Procurement” means the process of buying, leasing,
12 lease–purchasing, or otherwise obtaining supplies, services, or construction.

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

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

18 (10) “Program” means the Certified County–Based Business Participation
19 Program that may be established under this section.

20 (b) This section applies only in Prince George’s County.

21 (c) The county board, after consultation with the [Chief Executive Officer]
22 **COUNTY SUPERINTENDENT**, may establish and implement a Certified County–Based
23 Business Participation Program to be used in county board procurement.

24 (d) If the county board exercises the authority granted in subsection (c) of this
25 section, the county board and the [Chief Executive Officer] **COUNTY SUPERINTENDENT**
26 shall:

27 (1) Consult with the Prince George’s County Council, or its agencies or
28 agents, on the establishment and implementation of the Program; and

29 (2) Establish goals and requirements for the Program that may include:

1 (i) Minimum percentages for certified county-based business
2 participation;

3 (ii) Utilization of county-based small businesses;

4 (iii) Minimum goals and incentives for maximizing certified
5 county-based minority business participation; and

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

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

10 (1) Mandatory set-aside procedures;

11 (2) Mandatory subcontracting procedures with reasonable waiver
12 provisions;

13 (3) The application of bonus points;

14 (4) The application of percentage points;

15 (5) Restrictive bidding;

16 (6) Restrictive price quotations;

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

18 (8) Incentives to encourage maximum participation by:

19 (i) Certified county-based small businesses; and

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

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

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

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

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

10 4-201.

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

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

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

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

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

23 (4) If a county board is unable to appoint a county superintendent by July
24 1 of a year in which a term begins, the provisions of subsection (d) of this section apply.

25 (c) (1) An individual may not be appointed as county superintendent unless
26 the individual:

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

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

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

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

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

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

6 (e) (1) Subject to the provisions of this subsection, the State Superintendent
7 or a county board may remove a county superintendent for:

8 (i) Immorality;

9 (ii) Misconduct in office;

10 (iii) Insubordination;

11 (iv) Incompetency; or

12 (v) Willful neglect of duty.

13 (2) (i) The State Superintendent may remove a county superintendent
14 under this subsection if the State Superintendent provides the county superintendent with:

15 1. The reason for removal, chosen from one or more of the
16 items in paragraph (1) of this subsection;

17 2. Documentation supporting the case for removal; and

18 3. The opportunity to request a hearing within 10 days before
19 the State Superintendent in accordance with this subsection.

20 (ii) The county superintendent may appeal the decision of the State
21 Superintendent to the State Board.

22 (3) If the county superintendent requests a hearing before the State
23 Superintendent within the 10-day period:

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

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

30 (4) (i) A county board may remove a county superintendent under this
31 subsection if the county board provides the county superintendent with:

1 1. The reason for removal, chosen from one or more of the
2 items in paragraph (1) of this subsection;

3 2. Documentation supporting the case for removal; and

4 3. The opportunity to request a hearing within 10 days before
5 the county board in accordance with this subsection.

6 (ii) The county superintendent may appeal the decision of the county
7 board to the State Board.

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

11 [4–201.1.

12 (a) This section applies only in Prince George’s County.

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

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

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

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

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

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

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

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

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

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

4 (4) (i) In the year a term begins, the County Executive shall select a
5 Chief Executive Officer between February 1 and June 1, and the county board shall
6 complete the appointment on or before June 30.

7 (ii) If the County Executive decides to select the incumbent Chief
8 Executive Officer, the county board shall complete the reappointment no later than March
9 1 of that year.

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

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

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

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

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

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

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

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

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

30 4–202.

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

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

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

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

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

12 4-204.

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

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

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

21 (1) The laws relating to the schools;

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

23 (3) The policies of the State Board;

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

25 (5) The policies of the county board.

26 4-206.

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

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

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

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

11 6-201.

12 (a) (1) Subject to paragraph (2) of this subsection, the county board shall
13 employ individuals in the positions that the county board considers necessary for the
14 operation of the public schools in the county.

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

20 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the appointed
21 members of the Prince George's County Board of Education who are serving in office on the
22 effective date of this Act shall terminate as follows:

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

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

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

29 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
30 1, 2021.