HOUSE BILL 624

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 –
Revisions

PG 502–21

FOR the purpose of repealing provisions of law that established the position of the Chief
Executive Officer of the Prince George’s County public school system; repealing
certain provisions of law that established the powers and duties of the Chief
Executive Officer; revising 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; repealing provisions that specified certain
staggered terms for certain elected members of the county board; repealing certain
provisions that specified a certain method of filling certain vacancies on the county
board; requiring a vacancy of an elected member of the county board to be filled at
special election under certain circumstances; 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 meet at a certain time each year to elect a chair and
vice chair from among its members; altering the number of affirmative votes
required for the county board to pass a motion; 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

Article – Education
Section 4–201.1 and 4–401 through 4–403 and the subtitle “Subtitle 4. Prince
George’s County”
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
BY repealing and reenacting, with amendments,

Article – Education

Section 3–114, 3–1002, 3–1003, 3–1004, 4–102(a), 4–120, 4–125.1, 4–201, 4–202,
4–204, 4–206, 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 Section(s) 4–401 through 4–403 and the subtitle “Subtitle 4. Prince George’s County”
of Article – Education of the Annotated Code of Maryland be repealed.

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

Article – Education

3–114.

(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;
Queen Anne’s;
St. Mary’s;
Somerset;
Talbot;
Washington;
Wicomico; and
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.

(a) 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, “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 14 members as follows:

1. Nine elected members, each of whom resides in a different school board district; AND
2. Four appointed members; and
3. One student member selected under subsection (g)(2) of this section.

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

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

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

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

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

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

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

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

1. At the general election every 4 years as required by subsection (h) of this section; and

2. By the voters of the school board district that each member represents.
(e) (1) If a candidate for the county board dies or withdraws the candidacy during the period beginning with the date of the primary and ending 70 days before the date of the general election, the Board of Elections shall:

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

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

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

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

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

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

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

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

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

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

(2) Each appointed member of the county board shall be a resident of Prince George’s County.

(g) (F) (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 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 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 members of the county board.

[ (h) (6) (1) Except as provided in paragraph (2) of this subsection, an elected member serves for a term of 4 years beginning on the first Monday in December after the member’s election and until the member’s successor is elected and qualifies.

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

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

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

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

(ii) May be reappointed; and

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

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

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

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

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

(6) 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.

(ii) 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.

(3) 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 THE MEMBER'S TERM OF OFFICE SHALL REMAIN VACANT UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

(II) 1. A. NOT 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 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. NOT LATER THAN 7 DAYS AFTER THE ADOPTION OF THE COUNTY COUNCIL RESOLUTION, THE BOARD OF ELECTIONS SHALL PUBLISH THE INFORMATION CONTAINED IN THE RESOLUTION ONCE IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION.

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

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

A. A SPECIAL PRIMARY ELECTION SHALL BE HELD ON A TUESDAY AT LEAST 45 DAYS BUT NOT LATER THAN 60 DAYS AFTER THE OCCURRENCE OF A VACANCY; AND
B. A SPECIAL GENERAL ELECTION SHALL BE HELD ON A TUESDAY AT LEAST 60 DAYS BUT NOT LATER THAN 90 DAYS AFTER THE OCCURRENCE OF THE VACANCY.

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

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

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

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

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

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

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

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

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency; or
(iv) Willful neglect of duty.

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

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

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

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

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

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

3–1003.

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

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

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

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

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

3–1004.
(a) [(1)] The County Executive shall appoint a chair and vice chair of the county board from among the members of the county board. The County Executive shall hold an annual meeting on the first Monday in December to elect a chair and vice chair from among its members.

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

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

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

(1) Except as otherwise provided in [item] Paragraph (2) of this subsection, the affirmative vote of the members of the county board for the passage of a motion by the county board shall be:

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

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

(2) When there are two or more vacancies on the county board, the affirmative vote of the members of the county board for passage of a motion by the county board shall be:

(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.

(a) Except as provided in subsection (c) of this section, if a county board considers it practicable, it shall consolidate schools.

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

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

(1) Consolidate schools if considered practicable; and

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

4–125.1.

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

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

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

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

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

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

(ii) “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.

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

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

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

(d) If the county board exercises the authority granted in subsection (c) of this section, the county board and the [Chief Executive Officer] 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.

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

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

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

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

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

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

(c) (1) An individual may not be appointed as county superintendent unless 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 a 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.

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

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

   (i) Immorality;

   (ii) Misconduct in office;

   (iii) Insubordination;

   (iv) Incompetency; or

   (v) Willful neglect of duty.

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

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

   2. Documentation supporting the case for removal; and

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

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

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

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

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

(4) (i) A county board may remove a county superintendent under this subsection if the county board provides the county superintendent with:
1. The reason for removal, chosen from one or more of the items in paragraph (1) of this subsection;

2. Documentation supporting the case for removal; and

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

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

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

4–201.1.

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

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

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

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

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

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

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

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

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

(2) The Chief Executive Officer continues to serve until a successor is appointed and qualifies.
(3) By February 1 of the year in which a term ends, the Chief Executive Officer shall notify the County Executive and the county board if the Chief Executive Officer is a candidate for reappointment.

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

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

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

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

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

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

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

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

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

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

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

(a) [(1) Except as provided in paragraph (2) of this subsection, each] EACH county superintendent is entitled to the compensation set by the county board.
(2) In Prince George’s County, the Chief Executive Officer is entitled to the compensation set by the contract with the county board.

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

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

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

4–204.

(a) [(1) Except as provided in paragraph (2) of this subsection, acting] 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 is responsible for the administration of the office of the Chief Executive Officer, including hiring and setting the salaries of the executive staff.]

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

(1) The laws relating to the schools;

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

(3) The policies of the State Board;

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

(5) The policies of the county board.

4–206.

(a) [(1) Except as provided in paragraph (2) of this subsection, a] A county superintendent shall immediately notify the county board in writing of any criminal charges that are punishable by a period of incarceration brought against the county superintendent.
(2) In Prince George’s County, the Chief Executive Officer shall immediately notify the County Executive and the county board in writing of any criminal charges that are punishable by a period of incarceration brought against the Chief Executive Officer.

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

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

SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the appointed members of the Prince George’s County Board of Education who are serving in office on the effective date of this Act shall terminate 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 2, 2024.

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