

HB0355/873323/1

BY: Ways and Means Committee

AMENDMENTS TO HOUSE BILL 355
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety; in line 3, after “**Education**” insert “Workgroup, Alterations, and Orientation Requirement”; in line 6, after “Education;” insert “authorizing the Prince George’s County Board of Education to elect a chair and vice chair of the county board from among the members of the county board beginning on a certain date; requiring, at the beginning of each term, members of the county board to attend a certain orientation and receive certain training materials that clarify the role of a member of the county board; beginning after a certain date, altering the membership of the county board to include only elected members, repealing certain provisions of law regarding the appointment of members to the county board, and authorizing the county board to elect a chair and vice chair of the county board from among the elected members of the county board;”; strike beginning with “Workgroup” in line 6 down through the second “the” in line 7; and after line 7, insert:

“BY repealing and reenacting, with amendments,

Article – Education

Section 3–114, 3–1002, 3–1003, and 3-1004

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article - Education

Section 3–1004

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

(As enacted by Section 2 of this Act)

Preamble

WHEREAS, The Prince George's County Board of Education has transitioned between different board structures; and

WHEREAS, There is strong support across Prince George's County for an all-elected board of education and a recommendation from the County Executive's Task Force to transition toward an all-elected board; and

WHEREAS, There are unanswered questions about how to structure electoral procedures to optimize board of education outcomes and renew our focus on Prince George's County students and families; and

WHEREAS, Stakeholders across the education sector have explained that a change in the structure of the board of education alone will not serve as a solution to issues with the board; and

WHEREAS, Clarifying roles and responsibilities of members of the board of education was highlighted as a critical component of any solution to the current issues with the board, including addressing distinctions between the duties of the board and the Chief Executive Officer; and

WHEREAS, Other issues surrounding appropriate training, oversight, and accountability measures for the board of education require further investigation and these issues will be critical to any solution the legislature considers; now, therefore.”.

AMENDMENT NO. 2

On page 2, strike beginning with the first “the” in line 1 down through “(7)” in line 3; strike beginning with “(8)” in line 5 down through “(9)” in line 7 and substitute “(7)”; in line 9, strike “(10)” and substitute “(8)”; in line 10, after “MABE” insert “;

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(9) one representative of the Prince George’s County Special Education Citizens Advisory Committee or another representative from the disabled community, appointed by the Chair of the Prince George’s County Special Education Citizens Advisory Committee”;

in line 11, strike “(11)” and substitute “(10)”; in line 15, strike “enrolled in a” and substitute “member of the”; in the same line, strike “public school” and substitute “Regional Association of Student Governments”; and strike in their entirety lines 27 through 29, inclusive, and substitute:

“(1) how to implement an electoral process for an all–elected Board that best serves the needs of the Prince George’s County community by considering the following:

- (i) district residency requirements;
- (ii) age restrictions;
- (iii) eligibility criteria;
- (iv) financing mechanisms for candidates, including public financing;
- (v) minimizing politicization of the process and renewing a focus on Prince George’s County students and families;
- (vi) the impact of term limits; and
- (vii) an electoral process that achieves a Board composition that reflects the gender and racial diversity of Prince George’s County;

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(2) appropriate compensation for Board members and an appropriate scholarship for the student member, including an assessment of current staffing and budget needs for members of the Board;”.

On page 3, in line 2, strike “existing Board composition” and substitute “Board”; strike beginning with “a” in line 3 down through “(5)” in line 5; in line 6, after “oversight” insert “, including:

(i) evaluating best practices for mandatory continuing education requirements for members of the Board and a required annual retreat focused on additional training, goal–setting, and evaluating Board results;

(ii) investigating course options provided by:

1. the National School Board Association;
2. the Council on Urban Boards of Education; or
3. other reputable organizations that provide training in board governance and best practices; and

(iii) clarifying the roles and responsibility of members of the Board and the distinctions between the role of CEO and member of the Board;

(5) the establishment and use of advisory committees, when deemed appropriate by members of the Board;

(6) the appropriate removal authority and mechanisms for members of the Board, including:

(i) the feasibility of establishing an ethics panel process;

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- (ii) guidelines for how an ethics complaint should be processed;
- (iii) actions that may be taken based on the findings of an ethics complaint; and
- (iv) removal of the Governor from the oversight process”;

and in lines 7, 8, and 9, strike “(6)”, “(7)”, and “(8)”, respectively, and substitute “(7)”, “(8)”, and “(9)”, respectively.

On page 3, in line 21, strike “Student Councils” and substitute “Regional Association of Student Governments”.

On page 4, in line 7, strike “The” and substitute “On or before December 30, 2022, the”; in the same line, strike “the following reports” and substitute “a report”; strike beginning with the colon in line 12 down through “2023” in line 14; after line 14, insert:

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

Article – Education

3–1004.

(a) (1) [The County Executive shall appoint] **BEGINNING ON DECEMBER 5, 2022, THE COUNTY BOARD SHALL ELECT** a chair and vice chair of the county board from among the members of the county board.

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

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(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 (2) of this subsection:

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

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

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

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

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

(C) AT THE BEGINNING OF EACH TERM, EACH BOARD MEMBER SHALL ATTEND AN ORIENTATION AND BE PROVIDED WITH TRAINING MATERIALS THAT CLARIFY THE ROLE OF A MEMBER.

SECTION 3. 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:

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- (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;**
- [(13)] (14) Queen Anne's;**
- [(14)] (15) St. Mary's;**
- [(15)] (16) Somerset;**

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[(16)] (17) Talbot;

[(17)] (18) Washington;

[(18)] (19) Wicomico; and

[(19)] (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

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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)] (G) 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], “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] 10 members as follows:

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

[(2) Four appointed members; and]

[(3)] (2) One student member selected under subsection [(g)(2)] (F)(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.

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

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

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

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

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

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

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

(1) At the general election every 4 years [as required by subsection (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:

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(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

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(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 [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.

~~[(h)]~~ (G) (1) [Except as provided in paragraph (2) of this subsection, an] 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

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

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

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

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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.

[(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.

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

~~[(i)] (I)~~ 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.

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(a) (1) [Beginning on December 5, 2022, the] THE county board shall elect a chair and vice chair of the county board from among the ELECTED members of the county board.

(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.

(c) At the beginning of each term, each Board member shall attend an orientation and be provided with training materials that clarify the role of a member.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2024.”;

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in line 15, strike “2.” and substitute “5.”; in the same line, after “That” insert “, except as provided in Section 4 of this Act,”; in line 16, strike “It” and substitute “Section 1 of this Act”; and in line 17, after the second comma insert “Section 1 of”.