

HB0432/793429/1

BY: Ways and Means Committee

AMENDMENTS TO HOUSE BILL 432
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert:

“EMERGENCY BILL”;

in line 2, after “**System –**” insert “**Alterations to Title and**”; in line 5, after the first “of” insert “changing the title of the Chief Executive Officer of the Prince George’s County public school system to the County Superintendent of the Prince George’s County public school system;”; in line 6, strike “Chief Executive Officer” and substitute “County Superintendent”; in line 7, strike “the search committee for” and substitute “alterations to the title of”; in line 8, after “system” insert “and search committee requirements”; and in line 11, strike “4-201.1” and substitute “4-102, 4-120, 4-125.1, 4-201.1, 4-202(a), 4-204(a), 4-206(a), 4-402, 4-403, and 6-201(a)”.

AMENDMENT NO. 2

On page 1, after line 16, insert:

“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.

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

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

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

4-120.

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

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(b) [Except as provided in subsection (c) of this section, each] 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) (5) "County-based minority business enterprise" has the meaning stated in § 10A-101 of the Code of Public Local Laws of Prince George's County.

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

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

[(9)] (8) (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)] (9) “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:

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(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;

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(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.”;

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and in lines 19 and 20, strike “Chief Executive Officer” and substitute “COUNTY SUPERINTENDENT”.

On page 2, in lines 3 and 28, in each instance, strike “Chief Executive Officer” and substitute “COUNTY SUPERINTENDENT”.

On page 3, in lines 1, 3 and 4, 4 and 5, 7, 9 and 10, 12, 14, 21, 26, 27, and 29 and 30, in each instance, strike “Chief Executive Officer” and substitute “COUNTY SUPERINTENDENT”; in lines 30 and 31, strike “Chief Executive Officer” and substitute “COUNTY SUPERINTENDENT”; and after line 31, insert:

4-202.

(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.]

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.]

4-206.

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(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.]

4-402.

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

(b) The [Chief Executive Officer] COUNTY SUPERINTENDENT shall be responsible for:

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

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

(i) Administration;

(ii) Mid-level administration;

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- (iii) Instructional salaries;
- (iv) Textbooks and other classroom instructional supplies;
- (v) Instructional costs;
- (vi) Special education;
- (vii) Student personnel services;
- (viii) Health services;
- (ix) Student transportation;
- (x) Operation of plants and equipment;
- (xi) Plant maintenance;
- (xii) Fixed charges;
- (xiii) Food services; and
- (xiv) Capital planning and expenditures; and

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

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

(1) Shall hire and set the salaries of a chief operating officer, a chief financial officer, a chief academic officer, a chief of staff, a board liaison, and any other

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necessary executive staff in the office of the [Chief Executive Officer] COUNTY SUPERINTENDENT; and

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

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

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

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

4-403.

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

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

6–201.

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

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

On page 2, in line 4, strike the bracket; in line 5, strike “of the State Board,”; in lines 5 and 6, strike “State Superintendent” and substitute “**CHAIR OF THE COUNTY BOARD**”; in line 6, strike “and”; and strike in their entirety lines 7 and 8 and substitute:

“(II) ONE MEMBER APPOINTED BY THE COUNTY EXECUTIVE;

**(III) ONE MEMBER APPOINTED BY THE CHAIR OF THE SENATE
DELEGATION;**

**(IV) ONE MEMBER APPOINTED BY THE CHAIR OF THE HOUSE
DELEGATION;**

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(V) ONE MEMBER APPOINTED BY THE CHAIR OF THE COUNTY COUNCIL;

(VI) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE PRINCE GEORGE'S COUNTY EDUCATORS' ASSOCIATION; AND

(VII) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE ASSOCIATION OF SUPERVISORY AND ADMINISTRATIVE SCHOOL PERSONNEL.

On page 3, strike beginning with "shall" in line 32 down through the period in line 33, and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.".