

HB0437/863623/1

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO HOUSE BILL 437
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “**Schools –**” insert “**Alterations to Title of Chief Executive Officer and Establishment of**”; in lines 2 and 3, strike “**– Establishment**”; 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;**”.

On pages 1 and 2, strike beginning with “transferring” in line 24 on page 1 down through “date;” in line 3 on page 2.

On page 2, in line 3, after “to” insert “**alterations to the title of the Chief Executive Officer of the Prince George’s County public school system and**”; after line 4, insert:

“BY repealing and reenacting, with amendments,

Article – Education

Section 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)

Annotated Code of Maryland
(2022 Replacement Volume)”.

AMENDMENT NO. 2

On page 2, after line 12, insert:

“4–102.

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

**HB0437/863623/01 Education, Energy, and the Environment Committee
Amendments to HB 437
Page 2 of 12**

(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) 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.

HB0437/863623/01 Education, Energy, and the Environment Committee
Amendments to HB 437
Page 3 of 12

(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.

[(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.

(Over)

**HB0437/863623/01 Education, Energy, and the Environment Committee
Amendments to HB 437
Page 4 of 12**

[(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:

(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

**HB0437/863623/01 Education, Energy, and the Environment Committee
Amendments to HB 437
Page 5 of 12**

(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:

(Over)

**HB0437/863623/01 Education, Energy, and the Environment Committee
Amendments to HB 437
Page 6 of 12**

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

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

4-201.1.

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

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

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

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

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

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

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

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

**HB0437/863623/01 Education, Energy, and the Environment Committee
Amendments to HB 437
Page 7 of 12**

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

(2) The [Chief Executive Officer] COUNTY SUPERINTENDENT continues to serve until a successor is appointed and qualifies.

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

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

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

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

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

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

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

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

(Over)

HB0437/863623/01 Education, Energy, and the Environment Committee
Amendments to HB 437
Page 8 of 12

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

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

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

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

4-202.

(a) [(1) Except as provided in paragraph (2) of this subsection, each] 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.

**HB0437/863623/01 Education, Energy, and the Environment Committee
Amendments to HB 437
Page 9 of 12**

(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;

(iii) Instructional salaries;

(iv) Textbooks and other classroom instructional supplies;

(v) Instructional costs;

(Over)

**HB0437/863623/01 Education, Energy, and the Environment Committee
Amendments to HB 437
Page 10 of 12**

- (vi) Special education;
- (vii) Student personnel services;
- (viii) Health services;
- (ix) Student transportation;
- (x) Operation of plants and equipment;
- (xi) Plant maintenance;
- (xii) Fixed charges;
- (xiii) Food services; and
- (xiv) Capital planning and expenditures; and

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

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

(1) Shall hire and set the salaries of a chief operating officer, a chief financial officer, a chief academic officer, a chief of staff, a board liaison, and any other necessary executive staff in the office of the [Chief Executive Officer] COUNTY SUPERINTENDENT; and

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

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

**HB0437/863623/01 Education, Energy, and the Environment Committee
Amendments to HB 437
Page 11 of 12**

- (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.

(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.”.

On page 8, after line 21, insert:

“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

(Over)

**HB0437/863623/01 Education, Energy, and the Environment Committee
Amendments to HB 437
Page 12 of 12**

officer, a chief of staff, a board liaison, and any other necessary executive staff in the office of the [Chief Executive Officer] COUNTY SUPERINTENDENT.”;

strike in their entirety lines 22 through 30, inclusive; in line 31, strike “4.” and substitute “2.”; and strike beginning with the second comma in line 32 down through “void” in line 34.