

HB1079/193026/1

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO HOUSE BILL 1079
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 10 and 11, strike “, term limit, age.”; in line 11, after “board;” insert “requiring the county board to retain counsel and pay certain counsel fees and expenses incurred for defending a member in litigation involving a member’s service in the member’s official capacity on the county board under certain circumstances;”; and in line 15, after “circumstances;” insert “applying certain provisions of this Act retroactively;”.

On page 2, in line 2, strike “3-1002(b)” and substitute “3-1002(b) and (c)”; in line 7, strike “3-1002(c) and (i)” and substitute “3-1002(g) and (i)”; in the same line, after “3-1004,” insert “4-104.”; and in line 24, strike “3-1002(c), (f), and (g)” and substitute “3-1002(c) and (g)”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 19 and 20 and substitute:

“(g) (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) (I) An eligible student shall file a nomination form at least [2] 3 weeks before a special election meeting of the Prince George’s Regional Association of Student Governments.

(II) 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.

HB1079/193026/01 Education, Energy, and the Environment Committee
Amendments to HB 1079
Page 2 of 7

(III) The delegates to the regional association annually shall elect TWO CANDIDATES FOR the student member to the board at a [special] PRIMARY 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) (II) Teacher and administrator disciplinary matters as provided under § 6-202(a) of this article; and

[(vi) (III) 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] THE student member may [not] attend an executive session [that] OF THE BOARD UNLESS THE EXECUTIVE SESSION relates to [hearings]:

(I) HEARINGS on appeals of special education placements, hearings held under § 6-202(a) of this article, or collective bargaining; OR

(II) A PERSONNEL MATTER FOR WHICH THE STUDENT MAY NOT VOTE UNDER PARAGRAPH (3) OF THIS SUBSECTION.

HB1079/193026/01 Education, Energy, and the Environment Committee
Amendments to HB 1079
Page 3 of 7

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

(II) THE PROCEDURES ESTABLISHED IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL PROVIDE FOR:

1. THE ADMINISTRATION OF:

A. A PRIMARY ELECTION EACH YEAR BY THE PRINCE GEORGE'S REGIONAL ASSOCIATION OF STUDENT GOVERNMENTS; AND

B. A GENERAL ELECTION EACH YEAR BY STUDENTS IN 6TH THROUGH 12TH GRADE IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM; AND

2. NOTIFICATION TO THE COUNTY SUPERINTENDENT OF CANDIDATES SELECTED BY THE PRINCE GEORGE'S REGIONAL ASSOCIATION OF STUDENT GOVERNMENTS AFTER EACH ANNUAL PRIMARY ELECTION.

(7) FOR THE GENERAL ELECTION HELD UNDER THIS SUBSECTION, THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM SHALL:

(I) PROVIDE EQUAL CAMPAIGN FUNDS TO THE CANDIDATES FOR THE STUDENT MEMBER OF THE BOARD; AND

(II) EDUCATE THE STUDENTS DESCRIBED UNDER PARAGRAPH (6)(II)1B OF THIS SUBSECTION ON THE VOTING PROCESS BEFORE EACH GENERAL ELECTION.

[(7)] (8) 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."

(Over)

**HB1079/193026/01 Education, Energy, and the Environment Committee
Amendments to HB 1079
Page 4 of 7**

On page 4, in line 14, strike the brackets; and in the same line, strike “1 YEAR”.

On page 6, after line 15, insert:

“4-104.

(a) (1) [Each] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, EACH county board may:

(i) Retain counsel to represent it in legal matters that affect the board; and

(ii) Contract for the payment of a reasonable fee to the counsel.

(2) Funds for these fees shall be included in the annual budget.

(b) (1) [Each] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, EACH county board may pay all or part of the counsel fees for the defense of a county board member who is involved in litigation because of his service and in his official capacity on that board.

(2) Payments made under paragraph (1) of this subsection are a valid educational expense.

(c) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE’S COUNTY.

(2) THE COUNTY BOARD SHALL RETAIN COUNSEL TO DEFEND A COUNTY BOARD MEMBER WHO IS INVOLVED IN LITIGATION BECAUSE OF THE MEMBER’S SERVICE AND IN THE MEMBER’S OFFICIAL CAPACITY ON THE COUNTY BOARD.

(3) THE COUNTY BOARD SHALL PAY ALL COUNSEL FEES AND REASONABLE AND RELATED EXPENSES INCURRED FOR DEFENDING A MEMBER IN LITIGATION INVOLVING THE MEMBER'S SERVICE IN THE MEMBER'S OFFICIAL CAPACITY ON THE COUNTY BOARD IF IT IS DETERMINED DURING THE COURSE OF LITIGATION THAT THE MEMBER WAS ACTING WITHIN THE SCOPE OF THE MEMBER'S AUTHORITY AND WITHOUT MALICE AND GROSS NEGLIGENCE.

(D) (1) In any suit or claim brought against a principal, teacher, school security guard, or other agent or employee of a county board by a parent or other claimant with respect to an action taken by the agent or employee, the board shall provide for counsel for that individual if:

(i) The action was taken in the performance of his duties, within the scope of his employment, and without malice; and

(ii) The board determines that he was acting within his authorized official capacity in the incident.

(2) The counsel required by this section may be provided through the office of the county attorney or city solicitor.

(3) This subsection does not require a county board to provide or reimburse the cost of counsel to a plaintiff or claimant in a suit or claim against a county board or its members, agents, or employees."

On page 16, in line 24, after "(2)" insert "**(I)**"; in lines 26 and 27, strike "**(I)**" and "**(II)**", respectively, and substitute "**1.**" and "**2.**", respectively; in line 27, strike "**BE**" and substitute "**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, BE**"; in line 28, strike "**PRIMARY**" and substitute "**GENERAL**"; and after line 28, insert:

(Over)

“(II) IN AN ELECTION YEAR IMMEDIATELY FOLLOWING AN APPROVED DECENNIAL REDISTRICTING PLAN CHANGING THE BOUNDARIES OF ANY SCHOOL BOARD DISTRICT, THE 1 YEAR RESIDENCY REQUIREMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY IF THE CANDIDATE:

1. IS A QUALIFIED VOTER BUT NO LONGER RESIDES IN THE CANDIDATE’S FORMER SCHOOL BOARD DISTRICT DUE TO A BOUNDARY CHANGE IN THE APPROVED DECENNIAL REDISTRICTING PLAN;

2. RESIDED IN THE CANDIDATE’S FORMER SCHOOL BOARD DISTRICT FOR AT LEAST 1 YEAR IMMEDIATELY PRECEDING THE GENERAL ELECTION; AND

3. RESIDES, AS OF THE DATE OF THE DEADLINE FOR FILING AS A CANDIDATE FOR ELECTION, IN THE SCHOOL BOARD DISTRICT SPECIFIED UNDER ITEM 2 OF THIS SUBPARAGRAPH.”

On pages 17 through 19, strike in their entirety the lines beginning with line 12 on page 17 through line 6 on page 19, inclusive.

On page 19, in line 10, strike “(I)”; and strike in their entirety lines 12 and 13.

On page 22, in line 1, after “ENACTED,” insert “That:”

(a) The provisions of § 4–104 of the Education Article, as enacted by Section 1 of this Act, shall be construed to apply retroactively and shall be applied to and interpreted to affect any litigation that was initiated on or after January 1, 2020, involving the defense of a member of the Prince George’s County Board of Education who:

**HB1079/193026/01 Education, Energy, and the Environment Committee
Amendments to HB 1079
Page 7 of 7**

(1) is involved in litigation because of the member's service and in the member's official capacity on the county board; and

(2) was found during the course of litigation to have been acting within the scope of the member's authority and without malice and gross negligence.

(b) An individual seeking to be reimbursed by the Prince George's County Board of Education under this section must provide to the Prince George's County Board of Education on or before August 1, 2023, documentation of the litigation costs incurred.

SECTION 4. AND BE IT FURTHER ENACTED.”;

in line 5, strike “4.” and substitute “5.”; in line 6, strike “3” and substitute “4”; and strike beginning with “, contingent” in line 6 down through “void” in line 9.