

HOUSE BILL 432

F3

EMERGENCY BILL

3lr2858

By: **Prince George's County Delegation**

Introduced and read first time: January 30, 2023

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2023

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County – Chief Executive Officer of the Public School System –**
3 **Alterations to Title and Search Committee Requirements**

4 **PG 503–23**

5 FOR the purpose of changing the title of the Chief Executive Officer of the Prince George's
6 County public school system to the County Superintendent of the Prince George's
7 County public school system; altering the composition of, the qualifications for, and
8 the method for selecting the search committee for the ~~Chief Executive Officer~~ County
9 Superintendent of the Prince George's County public school system; and generally
10 relating to ~~the search committee for~~ alterations to the title of the Chief Executive
11 Officer of the Prince George's County public school system and search committee
12 requirements.

13 BY repealing and reenacting, with amendments,

14 Article – Education

15 Section ~~4–201.1~~ 4–102, 4–120, 4–125.1, 4–201.1, 4–202(a), 4–204(a), 4–206(a), 4–402,
16 4–403, and 6–201(a)

17 Annotated Code of Maryland

18 (2022 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 4-102.

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

4 (2) (i) In Baltimore City, the Chief Executive Officer of the Baltimore
5 City Board of School Commissioners is the executive officer, secretary, and treasurer of the
6 Board of School Commissioners.

7 (ii) The Chief Executive Officer shall have the powers and duties
8 imposed under this article.

9 (iii) The Chief Executive Officer is not a public officer under the
10 Constitution or the laws of the State.

11 (3) [(i) In Prince George's County, the county superintendent is the
12 Chief Executive Officer of the Prince George's County public school system.

13 (ii) The Chief Executive Officer is the executive officer, secretary,
14 and treasurer of the county board.

15 (iii) The Chief Executive Officer shall have the powers and duties
16 imposed under this article.

17 (iv) The Chief Executive Officer is not a public officer under the
18 Constitution or the laws of the State.

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

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

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

26 4-120.

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

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

1 [(c) In Prince George’s County, the Chief Executive Officer shall have the
2 authority to:

3 (1) Consolidate schools if considered practicable; and

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

6 4–125.1.

7 (a) (1) In this section the following words have the meanings indicated.

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

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

12 (4) ["Chief Executive Officer” means the superintendent of the Prince
13 George’s County public school system as defined in § 4–102(a)(3) of this subtitle.

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

16 [(6)] (5) “County–based minority business enterprise” has the meaning
17 stated in § 10A–101 of the Code of Public Local Laws of Prince George’s County.

18 [(7)] (6) “County–based small business” has the meaning stated in §
19 10A–101 of the Code of Public Local Laws of Prince George’s County.

20 [(8)] (7) “County board” means the Prince George’s County Board of
21 Education.

22 [(9)] (8) (i) “Procurement” means the process of buying, leasing,
23 lease–purchasing, or otherwise obtaining supplies, services, or construction.

24 (ii) “Procurement” includes all functions that relate to the process of
25 obtaining supplies, services, or construction, including:

26 1. Description of requirements;

27 2. Selection and solicitation of sources; and

28 3. Preparation, award, and execution of a contract.

1 [(10)] (9) "Program" means the Certified County-Based Business
2 Participation Program that may be established under this section.

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

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

7 (d) If the county board exercises the authority granted in subsection (c) of this
8 section, the county board and the [Chief Executive Officer] COUNTY SUPERINTENDENT
9 shall:

10 (1) Consult with the Prince George's County Council, or its agencies or
11 agents, on the establishment and implementation of the Program; and

12 (2) Establish goals and requirements for the Program that may include:

13 (i) Minimum percentages for certified county-based business
14 participation;

15 (ii) Utilization of county-based small businesses;

16 (iii) Minimum goals and incentives for maximizing certified
17 county-based minority business participation; and

18 (iv) The goals established under § 4-125(d) of this subtitle.

19 (e) To achieve the designated goals of the Program, the county board and the
20 [Chief Executive Officer] COUNTY SUPERINTENDENT may use incentives and bonuses,
21 including:

22 (1) Mandatory set-aside procedures;

23 (2) Mandatory subcontracting procedures with reasonable waiver
24 provisions;

25 (3) The application of bonus points;

26 (4) The application of percentage points;

27 (5) Restrictive bidding;

28 (6) Restrictive price quotations;

29 (7) The reduction or waiver of bonding requirements; and

1 (8) Incentives to encourage maximum participation by:

2 (i) Certified county-based small businesses; and

3 (ii) A variety of different certified county-based businesses.

4 (f) If the county board exercises the authority granted in subsection (c) of this
5 section, the county board and the county council shall enter into a binding memorandum of
6 understanding outlining the county board's goals and commitment to implementing the
7 Program.

8 (g) On or before December 1, 2015, and each year thereafter, the county board,
9 after consultation with the [Chief Executive Officer] COUNTY SUPERINTENDENT, shall
10 submit a report to the Prince George's County delegations to the House of Delegates and
11 Senate of Maryland, the Prince George's County Council, and the Prince George's County
12 Executive, in accordance with § 2-1257 of the State Government Article, that specifies:

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

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

22 4-201.1.

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

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

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

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

31 (c) (1) The County Executive shall select a ~~Chief Executive Officer~~ **COUNTY**
32 **SUPERINTENDENT** from a list of three nominees recommended by a search committee that
33 is comprised of:

1 (i) One member ~~of the State Board~~, appointed by the ~~State~~
 2 ~~Superintendent~~ CHAIR OF THE COUNTY BOARD; and

3 (ii) ~~Two] THREE~~ residents of Prince George's County, appointed by
 4 ~~the [Governor] COUNTY EXECUTIVE.~~

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

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

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

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

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

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

16 (2) A MEMBER OF THE SEARCH COMMITTEE SHALL BE A RESIDENT OF
 17 THE COUNTY FOR AT LEAST 2 YEARS.

18 (3) THE SEARCH COMMITTEE SHALL CONSIST OF INDIVIDUALS WHO
 19 COLLECTIVELY:

20 (I) REFLECT, TO THE EXTENT PRACTICABLE, THE
 21 GEOGRAPHIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE
 22 COUNTY; AND

23 (II) HAVE A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE IN:

24 1. EARLY EDUCATION THROUGH SECONDARY
 25 EDUCATION POLICY;

26 2. POSTSECONDARY EDUCATION POLICY;

27 3. TEACHING IN PUBLIC SCHOOLS;

28 4. STRATEGIES USED BY TOP-PERFORMING STATE AND
 29 NATIONAL EDUCATION SYSTEMS IN THE WORLD;

1 **5. LEADING AND IMPLEMENTING SYSTEMIC CHANGE IN**
 2 **COMPLEX ORGANIZATIONS; AND**

3 **6. FINANCIAL AUDITING AND ACCOUNTING.**

4 [(2)] (4) The search committee shall be chaired by a member selected by
 5 the [State Superintendent] **COUNTY EXECUTIVE.**

6 (d) (1) The term of the ~~Chief Executive Officer~~ **COUNTY SUPERINTENDENT**
 7 is 4 years beginning on July 1.

8 (2) The ~~Chief Executive Officer~~ **COUNTY SUPERINTENDENT** continues to
 9 serve until a successor is appointed and qualifies.

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

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

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

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

23 (e) (1) An individual may not be appointed as ~~Chief Executive Officer~~
 24 **COUNTY SUPERINTENDENT** unless the individual:

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

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

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

30 (2) The appointment of the ~~Chief Executive Officer~~ **COUNTY**
 31 **SUPERINTENDENT** is not valid unless approved in writing by the State Superintendent.

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

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

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

12 4-202.

13 (a) [(1) Except as provided in paragraph (2) of this subsection, each] EACH
14 county superintendent is entitled to the compensation set by the county board.

15 [(2) In Prince George's County, the Chief Executive Officer is entitled to the
16 compensation set by the contract with the county board.]

17 4-204.

18 (a) [(1) Except as provided in paragraph (2) of this subsection, acting] ACTING
19 under the rules and regulations of the county board, the county superintendent is
20 responsible for the administration of the superintendent's office.

21 [(2) In Prince George's County, the Chief Executive Officer is responsible
22 for the administration of the office of the Chief Executive Officer, including hiring and
23 setting the salaries of the executive staff.]

24 4-206.

25 (a) [(1) Except as provided in paragraph (2) of this subsection, a] A county
26 superintendent shall immediately notify the county board in writing of any criminal
27 charges that are punishable by a period of incarceration brought against the county
28 superintendent.

29 [(2) In Prince George's County, the Chief Executive Officer shall
30 immediately notify the County Executive and the county board in writing of any criminal
31 charges that are punishable by a period of incarceration brought against the Chief
32 Executive Officer.]

33 4-402.

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

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

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

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

13 (i) Administration;

14 (ii) Mid-level administration;

15 (iii) Instructional salaries;

16 (iv) Textbooks and other classroom instructional supplies;

17 (v) Instructional costs;

18 (vi) Special education;

19 (vii) Student personnel services;

20 (viii) Health services;

21 (ix) Student transportation;

22 (x) Operation of plants and equipment;

23 (xi) Plant maintenance;

24 (xii) Fixed charges;

25 (xiii) Food services; and

26 (xiv) Capital planning and expenditures; and

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

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

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

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

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

12 (i) The University of Maryland, College Park Campus;

13 (ii) The University of Maryland Global Campus;

14 (iii) Bowie State University; and

15 (iv) Prince George's Community College.

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

19 4-403.

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

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

28 6-201.

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

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect June~~
 7 ~~1, 2023.~~ is an emergency measure, is necessary for the immediate preservation of the public
 8 health or safety, has been passed by a yea and nay vote supported by three-fifths of all the
 9 members elected to each of the two Houses of the General Assembly, and shall take effect
 10 from the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.