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Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 432

(Prince George's County Delegation)

Ways and Means

Education, Energy, and the Environment

**Prince George's County - Chief Executive Officer of the Public School System -
Alterations to Title and Search Committee Requirements**
PG 503-23

This emergency bill changes the name of the position of Chief Executive Officer (CEO) of Prince George’s County Public Schools (PGCPS) to the county superintendent and makes related conforming changes. The bill also alters the composition of the search committee for the county superintendent (CEO under current law) by removing the member of the State Board of Education (SBE) appointed by the State Superintendent of Schools and the two residents of Prince George’s County appointed by the Governor from the committee. Instead, the bill requires that certain county officials appoint members to the committee. The bill removes the authority of the State Superintendent to select a chair from among the members and instead authorizes the Prince George’s County Executive to select a chair. The bill also specifies additional qualifications for serving on the search committee.

Fiscal Summary

State Effect: None. The bill is procedural in nature and does not affect State finances.

Local Effect: None. The bill is procedural in nature and does not affect Prince George’s County finances.

Small Business Effect: None.

Analysis

Bill Summary: Each of the following individuals are authorized to appoint one member to the search committee for county superintendent:

- the chair of the Prince George’s County Board of Education;
- the Prince George’s County Executive;
- the chair of the Senate delegation;
- the chair of the House delegation;
- the chair of the county council;
- the Executive Director of the Prince George’s County Educators’ Association; and
- the President of the Association of Supervisory and Administrative School Personnel.

To serve on the search committee, an individual must be a resident of Prince George’s County for at least two years. The search committee must consist of individuals who collectively reflect, to the extent practicable, the geographic, racial, ethnic, cultural, and gender diversity of the county and have a high level of knowledge and expertise in specified areas to include:

- early education through secondary education policy;
- postsecondary education policy;
- teaching in public schools;
- strategies used by top-performing state and national education systems in the world;
- leading and implementing systemic change in complex organizations; and
- financial auditing and accounting.

As part of the renaming of the county school superintendent position, the bill removes language specifying that the CEO has the authority to consolidate schools if considered practicable and arrange for the transportation of students to and from consolidated schools. Instead, the bill gives that authority to the Prince George’s County Board of Education.

Current Law: The CEO of PGCPS is selected by the county executive from a list of three nominees recommended by a search committee and is appointed by the board after a contract (which determines the CEO’s compensation) is negotiated by the chair of the board. The search committee consists of one member of the SBE appointed by the State Superintendent and two residents of Prince George’s County appointed by the Governor.

Prince George’s County Board of Education and Chief Executive Officer

The composition and authority of the Prince George’s County Board of Education have been affected several times in recent years due to legislation adopted by the General Assembly. Major legislation affecting the county board was enacted in 2002, 2008, 2013, and 2022.

Chapter 289 of 2002 eliminated the then-existing Prince George's County Board of Education and established a new county board of education. The new board consisted of nine voting members jointly appointed by the county executive and the Governor from a list of nominees submitted by SBE. At least four voting members had to have management experience, at least three members had to possess a high level of knowledge concerning education, at least one member had to be a parent of a student in a PGCPS, and at least one member had to have knowledge or experience in the education of students with disabilities. In addition to the nine voting members, one student with limited voting privileges served on the new board. The new board members took office June 1, 2002, and their terms expired December 3, 2006.

Chapter 289 also eliminated the existing Prince George's County Superintendent of Schools position and replaced it with a CEO. The CEO acted as the executive officer, secretary, and treasurer of the new board and was responsible for the overall administration of the county public school system. The new board employed and established the salary of the CEO. The CEO's contract, which could not exceed four years, provided that continued employment was contingent on demonstrable improvement in student performance and successful management of the school system. The provisions establishing the CEO and the CEO's responsibilities expired on June 30, 2006.

Chapter 289 also required the CEO to select and establish salaries for a chief academic officer (CAO), a chief financial officer (CFO), and a chief accountability officer for the PGCPS system. The selection of officers and establishment of officers' salaries were subject to the approval of the new board. The CAO and the chief accountability officer positions expired on June 30, 2006, but the CFO position continued past that date.

Pursuant to Chapter 289, on December 4, 2006, a newly elected board replaced the appointed board. The board consisted of nine elected members and one student member. Four were elected from the county at-large, and the remaining five were each elected from a different school board district.

Chapters 348 and 349 of 2008 repealed the statutory position of CFO for the PGCPS system and established, following the 2010 general election, a board structure that eliminated the four at-large members and established nine school board districts.

Chapter 147 of 2013 altered the membership of the county board by adding four appointed members to the existing elected board. The county executive appoints three members with certain experience requirements, and the county council appoints one member who must be a parent of a student in the county school system. If a seat held by an elected member becomes vacant, the county executive must appoint a qualified individual for the remainder of the term, with the appointment subject to rejection by a two-thirds vote of the county council. Chapter 147 also enhanced the authority of the Prince George's County

superintendent of schools and designated the position as the CEO. Further, the legislation provided the county executive additional authority to select the CEO while reducing the authority of the county board of education.

Under Chapter 147, the CEO is selected by the county executive from a list of three nominees recommended by a search committee and is appointed by the board after a contract (which determines the CEO's compensation) is negotiated by the chair of the board. The search committee consists of one member of SBE appointed by the State Superintendent and two residents of Prince George's County appointed by the Governor.

The State Superintendent of Schools must approve the appointment of the CEO or give the reasons for disapproval to the county board and the county executive. The CEO serves for a four-year term beginning July 1; however, a new CEO may be appointed after July 1, 2013, to a four-year term ending June 30, 2017. The chapter also provides for either reappointment of the CEO, appointment of a new CEO, and in the case of a vacancy, appointment of an interim CEO.

The CEO is the executive officer, secretary, and treasurer of the county board of education. The CEO is responsible for overall administration of the county school system and for the day-to-day management and oversight of the fiscal affairs of the school system. The CEO is also responsible for the development and implementation of curriculum and instruction and for hiring a chief operating officer, CFO, a CAO, a chief of staff, a board liaison, and other executive staff. The board of education generally may not implement a policy or take any action that contradicts the CEO's day-to-day management and oversight of fiscal affairs. Except for specified personnel matters, the county board may only take an action contrary to the action of the CEO with a vote of two-thirds of all voting members. The CEO may consolidate schools if practicable.

The Prince George's County Board of Education currently consists of 14 members, including 9 members elected from the school board districts, 3 members appointed by the county executive, 1 member appointed by the county council, and 1 student member. However, Chapter 217 of 2022 alters the composition of the Prince George's County Board of Education beginning July 1, 2024, by eliminating the four appointed positions from the board, leaving nine elected positions and the student member. The **Appendix – Local Boards of Education Membership** shows the selection methods, terms of office, and membership of the 24 local boards of education.

Chapter 217 also requires the chair and vice chair of the board to be elected from among the members of the board beginning December 5, 2022, and requires that at the beginning of each term, each member must attend an orientation and be provided with materials that clarify the role of the member. Chapter 217 also established a Workgroup on the

Membership and Operation of the Prince George's County Board of Education staffed by PGCPs in conjunction with Bowie State University, which has since completed [the final report](#) required by Chapter 217.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Prince George's County; Maryland State Department of Education; Department of Legislative Services

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Appendix – Local Boards of Education Membership

Membership

The composition of the local boards of education varies with members serving three- to four-year terms. Twenty counties have elected school boards and four counties have combined appointed and elected school boards. Twenty-two boards have student members; however, only 8 boards allow student members to vote, which generally excludes authority to vote on matters relating to collective bargaining, personnel, and operating and capital budgets. **Exhibit 1** shows the selection methods, terms of office, and membership of the 24 local school boards.

Exhibit 1
Local Boards of Education
As of January 2023

School System	Number of Members	Term		Means of Selection ¹
Allegany	6	4 years	E	5 from county at large 1 student (nonvoting, one-year term)
Anne Arundel ²	8	4 years	E	7 from councilmanic districts 1 student (one-year term)
Baltimore City ³	12	3 or 4 years	A/E	2 elected from city at large 9 appointed by mayor 1 student (one-year term)
Baltimore	12	4 years	A/E	4 appointed from county at large 7 elected from councilmanic districts 1 student (one-year term)
Calvert	6	4 years	E	2 from county at large 3 from commissioner districts 1 student (nonvoting, one-year term)
Caroline	7	4 years	A/E	3 elected from school board districts 2 appointed from county at large 2 students (nonvoting, one-year term)
Carroll	11	4 years	E	5 from county at large 5 commissioners <i>ex officio</i> (nonvoting) 1 student (nonvoting, one-year term)
Cecil	6	4 years	E	5 from commissioner districts 1 student (nonvoting, one-year term)

School System	Number of Members	Term		Means of Selection¹
Charles ⁴	10	4 years	E	1 from county at large 8 from commissioner districts 1 student (one-year term)
Dorchester	8	4 years	E	5 from councilmanic districts 3 students (nonvoting, one-year term)
Frederick	8	4 years	E	7 from county at large 1 student (nonvoting, one-year term)
Garrett	6	4 years	E	2 from county at large 3 from commissioner districts 1 student (nonvoting, one-year term)
Harford ⁵	11	4 years	A/E	6 elected from councilmanic districts 3 appointed from county at large 1 superintendent <i>ex officio</i> (nonvoting) 1 student (one-year term)
Howard	8	4 years	E	2 from county at large 5 from councilmanic districts 1 student (one-year term)
Kent ⁶	6	4 years	E	5 from county at large 1 student (nonvoting, one-year term)
Montgomery	8	4 years	E	2 from county at large 5 from school districts 1 student (one-year term)
Prince George's ⁷	10	4 years	E	9 from school board districts 1 student (one-year term)
Queen Anne's	7	4 years	E	1 from county at large 4 from commissioner districts 2 students (nonvoting, one-year term)
St. Mary's	6	4 years	E	1 from county at large 4 from commissioner districts 1 student (nonvoting, one-year term)
Somerset	5	4 years	E	5 from commissioner districts
Talbot	9	4 years	E	7 from school board districts 2 students (nonvoting, one-year term)
Washington ⁸	8	4 years	E	7 from county at large 1 student (nonvoting, one-year term)
Wicomico	7	4 years	E	5 from councilmanic districts 2 from county at large
Worcester	10	4 years	E	7 from commissioner districts 3 students (nonvoting, one-year term)

¹ E = Elected and A/E = Combined appointed by Governor and elected board, except (1) in Baltimore City, members are appointed by the mayor and (2) in Harford County, members are appointed by the county executive with the advice and consent of the county council. Entries for local boards that are at any point in the process of transitioning between means of selection reflect the final state the board will be in once the transition fully takes effect.

² Chapter 473 of 2017 restructured the Anne Arundel County Board of Education from a nine-member appointed board to an eight-member elected board consisting of seven elected members (one from each of the seven councilmanic districts on a nonpartisan basis) and one student member. The terms of the elected members are staggered; four members were elected at the 2018 general election and three members were elected at the 2020 general election as the terms of previously appointed board members expired. In this manner, the elected board is phased in. The members elected in 2018 serve a six-year term, while the members elected in 2020 serve a four-year term. Thus, beginning in 2024, all members must stand for election. An elected member of the board generally serves a four-year term beginning on the first Monday in December after the member's election and until a successor is elected and qualifies.

³ Chapter 593 of 2017 repealed the role of the Governor in making appointments to the Baltimore City Board of School Commissioners; it also repealed the Governor's role in filling board vacancies and removing board members. As a result, board members are appointed solely by the Mayor of Baltimore City until the appointed/elected board established by the legislation is executed at the 2022 general election. Chapter 593 also established the Baltimore City Public School Board Community Panel (which the mayor must convene) and specified its membership. The purpose of the panel is to select nominees to be recommended to the mayor as qualified candidates for appointment to the board, including candidates for vacancies. If the mayor chooses not to appoint a member or to fill a vacancy from a list submitted by the panel, the mayor must reconvene the panel to submit additional names of qualified candidates. Beginning with the 2022 general election, the board will be restructured as a hybrid board with two members elected from the city at large, nine members appointed by the mayor, and one student member. Elected members will serve a four-year term and appointed members will serve a three-year term.

⁴ Chapters 404 and 405 of 2021 added two new members to the Charles County Board of Education and altered the selection method for board members by requiring that eight board members be elected from the county commissioner districts (two from each of the four districts) and one board member be elected from the county at large. Previously, the seven board members were all elected from the county at large. All seats are subject to election in November 2022; however, the at-large member elected in November 2022 must serve a two-year term (instead of the usual four-year term) until a successor is elected to a full term in November 2024. Chapters 404 and 405 also provided the student member with voting rights, subject to certain restrictions.

⁵ Chapter 569 of 2022 eliminated the role of the Governor in appointing members to the Harford County Board of Education. Instead, beginning with members appointed following the 2022 gubernatorial election, the Harford County Executive will appoint board members, subject to the advice and consent of the Harford County Council by a vote of at least five members. In appointing members to the board, the county executive must ensure, to the extent practicable, that the total makeup of the board reflects the gender, ethnic, and racial diversity of the county. Members appointed to the board following the 2022 election must serve for a term of two years until a successor is appointed and qualifies. Subsequent board members will be appointed following the 2024 presidential election and each presidential election thereafter.

⁶ Although not in statute, the Kent County Board of Education reports that there is a nonvoting student member of the board and that the student member does not attend closed sessions.

⁷ Chapter 217 of 2022 altered the membership of the Prince George’s County Board of Education by removing the four appointed members from the board. Effective July 1, 2024, the board will become an elected board that consists of nine elected members, each of whom must reside in and be elected from a different school board district, and one student member.

⁸ Although not in statute, the Washington County Board of Education reports that there is a student member on the board and that the student member can only concur on votes and must abstain from certain matters.

Source: Sections 3-101 through 3-1405 of the Education Article; Local Boards of Education