

Bill No.: _____
Requested: _____
Committee: _____

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

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George’s County – Board of Education and Chief Executive Officer –**
3 **Revisions**

4 **PG 502–21**

5 FOR the purpose of repealing provisions of law that established the position of the Chief
6 Executive Officer of the Prince George’s County public school system; repealing
7 certain provisions of law that established the powers and duties of the Chief
8 Executive Officer; revising the membership of the Prince George’s County Board of
9 Education to require all members to be elected; repealing provisions of law relating
10 to the appointed members of the county board, including the appointment, terms,
11 and compensation of the members; repealing provisions that specified certain
12 staggered terms for certain elected members of the county board; repealing certain
13 provisions that specified a certain method of filling certain vacancies on the county
14 board; requiring a vacancy of an elected member of the county board to be filled at
15 special election under certain circumstances; repealing a provision of law requiring
16 the Prince George’s County Executive to appoint certain officers of the county board;
17 requiring the county board to meet at a certain time each year to elect a chair and
18 vice chair from among its members; altering the number of affirmative votes
19 required for the county board to pass a motion; providing for the expiration of the
20 terms of the appointed members of the county board; defining a certain term;
21 repealing certain definitions; making stylistic and conforming changes; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 generally relating to the membership of the Prince George’s County Board of
2 Education and the Chief Executive Officer.

3 BY repealing

4 Article – Education

5 Section 4–201.1 and 4–401 through 4–403 and the subtitle “Subtitle 4. Prince
6 George’s County”

7 Annotated Code of Maryland

8 (2018 Replacement Volume and 2020 Supplement)

9 BY repealing and reenacting, with amendments,

10 Article – Education

11 Section 3–114, 3–1002, 3–1003, 3–1004, 4–102(a), 4–120, 4–125.1, 4–201, 4–202,
12 4–204, 4–206, and 6–201(a)

13 Annotated Code of Maryland

14 (2018 Replacement Volume and 2020 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That Section(s) 4–401 through 4–403 and the subtitle “Subtitle 4. Prince George’s County”
17 of Article – Education of the Annotated Code of Maryland be repealed.

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
19 as follows:

20 **Article – Education**

21 3–114.

22 (a) In the following counties, the members of the county board shall be elected:

23 (1) Allegany;

24 (2) Anne Arundel;

25 (3) Calvert;

26 (4) Carroll;

- 1 (5) Cecil;
- 2 (6) Charles;
- 3 (7) Dorchester;
- 4 (8) Frederick;
- 5 (9) Garrett;
- 6 (10) Howard;
- 7 (11) Kent;
- 8 (12) Montgomery;
- 9 **(13) PRINCE GEORGE’S;**
- 10 **[(13)] (14)** Queen Anne’s;
- 11 **[(14)] (15)** St. Mary’s;
- 12 **[(15)] (16)** Somerset;
- 13 **[(16)] (17)** Talbot;
- 14 **[(17)] (18)** Washington;
- 15 **[(18)] (19)** Wicomico; and
- 16 **[(19)] (20)** Worcester.

17 (b) In Baltimore City, in accordance with § 3–108.1 of this subtitle, the members
18 of the Baltimore City Board of School Commissioners shall be a combination of members
19 who are elected and appointed.

20 (c) In Baltimore County, in accordance with Subtitle 2A of this title, the members
21 of the county board shall be a combination of members who are elected and appointed.

1 (d) In Caroline County, in accordance with Subtitle 3A of this title, the members
2 of the county board shall be a combination of members who are elected and appointed.

3 (e) In Harford County, in accordance with Subtitle 6A of this title, the members
4 of the county board shall be a combination of members who are elected and appointed.

5 (f) [In Prince George’s County, in accordance with Subtitle 10 of this title, the
6 members of the county board shall be a combination of members who are elected and
7 appointed.

8 (g) An individual subject to the authority of the county board may not serve as a
9 member of the county board. At the time of filing a certificate of candidacy for election to a
10 county board, a person shall certify to the local board of supervisors of elections whether or
11 not the person is subject to the authority of the county board. The Governor may not issue
12 a commission of election to a person who has certified affirmatively and who is elected to a
13 county board until the member–elect offers proof that the member–elect is no longer subject
14 to the authority of the county board.

15 (h) (G) The election of the county boards shall be held as provided in Subtitles
16 2 through 14 of this title and the Election Law Article.

17 3–1002.

18 (a) [(1)] In this subtitle [the following words have the meanings indicated.

19 (2) “Appointed member” means a member of the Prince George’s County
20 Board appointed under subsection (f) of this section.

21 (3) “Elected], “ELECTED member” means a member of the Prince George’s
22 County Board elected from one of the nine school board districts described in § 3–1001 of
23 this subtitle.

24 (b) The Prince George’s County Board consists of [14] 10 members as follows:

25 (1) Nine elected members, each of whom resides in a different school board
26 district; AND

1 [(2) Four appointed members; and]

2 [(3) (2) One student member selected under subsection [(g)(2)] (F)(2) of
3 this section.

4 (c) (1) One member of the county board shall be elected from each of the nine
5 school board districts described in § 3–1001 of this subtitle.

6 (2) From the time of filing as a candidate for election, each candidate shall
7 be a registered voter of the county and a resident of the school board district the candidate
8 seeks to represent.

9 (3) An elected [county board] member shall forfeit the office if the member:

10 (i) Fails to reside in the school board district from which the
11 member was elected, unless this change is caused by a change in the boundaries of the
12 district; or

13 (ii) Fails to be a registered voter of the county.

14 (4) A [county board] member may not hold another office of profit in county
15 government during the member’s term.

16 (5) Each elected member of the county board shall be nominated by the
17 registered voters of the member’s school board district.

18 (d) The elected members of the county board shall be elected:

19 (1) At the general election every 4 years as required by subsection [(h)] (G)
20 of this section; and

21 (2) By the voters of the school board district that each member represents.

22 (e) (1) If a candidate for the county board dies or withdraws the candidacy
23 during the period beginning with the date of the primary and ending 70 days before the
24 date of the general election, the Board of Elections shall:

1 (i) Replace the name of the deceased or withdrawn candidate on the
2 ballot for the general election with the name of the candidate who received the next highest
3 number of votes in the primary election; or

4 (ii) If a contested primary was not held, reopen the filing process to
5 allow other persons to file as candidates.

6 (2) (i) Except as otherwise provided in subparagraph (ii) of this
7 paragraph, the Board of Elections shall add to the ballot for the general election the name
8 of any person who files as a candidate in accordance with paragraph (1)(ii) of this
9 subsection.

10 (ii) The Board of Elections may not add additional candidates to the
11 ballot for the general election within 70 days before the date of the election.

12 [(f) (1) The appointed members of the county board shall be appointed as
13 follows:

14 (i) Three members shall be appointed by the County Executive of
15 Prince George's County as follows:

16 1. One member shall possess a high level of knowledge and
17 expertise concerning education;

18 2. One member shall possess a high level of business,
19 finance, or higher education experience; and

20 3. One member shall possess a high level of knowledge and
21 expertise concerning the successful administration of a large business, nonprofit, or
22 governmental entity; and

23 (ii) The Prince George's County Council shall appoint one member
24 who is a parent of a student enrolled in the Prince George's County public school system as
25 of the date of the appointment of the member.

26 (2) Each appointed member of the county board shall be a resident of
27 Prince George's County.]

1 **[(g)] (F)** (1) The student member shall be an eleventh or twelfth grade
2 student in the Prince George’s County public school system during the student’s term in
3 office.

4 (2) An eligible student shall file a nomination form at least 2 weeks before
5 a special election meeting of the Prince George’s Regional Association of Student
6 Governments. Nomination forms shall be made available in the administrative offices of all
7 public senior high schools in the county, the office of student concerns, and the office of the
8 president of the regional association. The delegates to the regional association annually
9 shall elect the student member to the board at a special election meeting to be held each
10 school year.

11 (3) The student member may vote on all matters before the board except
12 those relating to:

- 13 (i) Capital and operating budgets;
- 14 (ii) School closings, reopenings, and boundaries;
- 15 (iii) Collective bargaining decisions;
- 16 (iv) Student disciplinary matters;
- 17 (v) Teacher and administrator disciplinary matters as provided
18 under § 6–202(a) of this article; and
- 19 (vi) Other personnel matters.

20 (4) On an affirmative vote of a majority of the elected **[and appointed]**
21 members of the county board, the board may determine if a matter before the board relates
22 to a subject that the student member may not vote on under paragraph (3) of this
23 subsection.

24 (5) Unless invited to attend by an affirmative vote of a majority of the
25 elected **[and appointed]** members of the county board, the student member may not attend
26 an executive session that relates to hearings on appeals of special education placements,
27 hearings held under § 6–202(a) of this article, or collective bargaining.

1 (6) The Prince George’s Regional Association of Student Governments may
2 establish procedures for the election of the student member of the county board.

3 (7) The election procedures established by the Prince George’s Regional
4 Association of Student Governments are subject to the approval of the elected [and
5 appointed] members of the county board.

6 **[(h)] (G)** (1) [Except as provided in paragraph (2) of this subsection, an
7 elected] **A** member serves for a term of 4 years beginning on the first Monday in December
8 after the member’s election and until the member’s successor is elected and qualifies.

9 **[(2)** The terms of the elected members are staggered as follows:

10 (i) The five elected members who received the lowest percentage of
11 votes, as determined by the final vote count of the 2010 General Election as certified by the
12 Board of Elections, shall serve for a term of 2 years; and

13 (ii) The other four members elected in the 2010 General Election
14 shall serve for a term of 4 years.

15 (3) Except as provided in paragraph (4) of this subsection, an appointed
16 member:

17 (i) Serves for a term of 4 years beginning on the date of
18 appointment;

19 (ii) May be reappointed; and

20 (iii) Serves until a successor is appointed and qualifies.

21 (4) The terms of the appointed members are staggered as follows:

22 (i) The members appointed under subsection (f)(1)(i)1 and 2 of this
23 section on or before June 1, 2013, shall serve for an initial term of 4 years; and

24 (ii) The member appointed under subsection (f)(1)(i)3 and (ii) of this
25 section on or before June 1, 2013, shall serve for an initial term of 2 years.]

1 **[(5)] (2)** The student member serves for a term of 1 year beginning at the
2 end of a school year.

3 **[(6) (i)** Subject to subparagraph (ii) of this paragraph, if a seat held by
4 an elected member of the county board becomes vacant, the County Executive shall:

5 1. Appoint a qualified individual to fill the seat for the
6 remainder of the term; and

7 2. Transmit the name of the appointee to the clerk of the
8 County Council.

9 (ii) If the County Council does not disapprove an appointment under
10 subparagraph (i) of this paragraph by a two-thirds vote of all members of the County
11 Council within 45 days after the transmittal of the name of the appointee, the appointment
12 shall be considered approved.]

13 **(3) (I) 1. A SEAT ON THE COUNTY BOARD HELD BY AN ELECTED**
14 **MEMBER THAT BECOMES VACANT MORE THAN 180 DAYS BEFORE THE END OF THAT**
15 **MEMBER’S TERM OF OFFICE SHALL BE FILLED FOR THE REMAINDER OF THE TERM**
16 **AT A SPECIAL ELECTION.**

17 **2. A SEAT ON THE COUNTY BOARD HELD BY AN ELECTED**
18 **MEMBER THAT BECOMES VACANT 180 DAYS OR LESS BEFORE THE END OF THE**
19 **MEMBER’S TERM OF OFFICE SHALL REMAIN VACANT UNTIL A SUCCESSOR IS**
20 **ELECTED AND QUALIFIES.**

21 **(II) 1. A. NOT LATER THAN 7 DAYS AFTER THE**
22 **OCCURRENCE OF A VACANCY ON THE COUNTY BOARD THAT MUST BE FILLED AT A**
23 **SPECIAL ELECTION, THE COUNTY COUNCIL SHALL ADOPT A RESOLUTION**
24 **DIRECTING THAT A SPECIAL PRIMARY ELECTION AND SPECIAL GENERAL ELECTION**
25 **BE HELD IN THE SCHOOL DISTRICT WHERE THE VACANCY OCCURS.**

26 **B. THE COUNTY COUNCIL SHALL CONSULT WITH THE**
27 **BOARD OF ELECTIONS BEFORE ADOPTING THE RESOLUTION.**

28 **2. SUBJECT TO SUBPARAGRAPH (III) OF THIS**
29 **PARAGRAPH, THE COUNTY COUNCIL RESOLUTION SHALL SPECIFY:**

1 **A. THE DATE BY WHICH A CERTIFICATE OF CANDIDACY**
2 **MUST BE FILED WITH THE BOARD OF ELECTIONS;**

3 **B. THE DATE OF THE SPECIAL PRIMARY ELECTION; AND**

4 **C. THE DATE OF THE SPECIAL GENERAL ELECTION.**

5 **3. NOT LATER THAN 7 DAYS AFTER THE ADOPTION OF**
6 **THE COUNTY COUNCIL RESOLUTION, THE BOARD OF ELECTIONS SHALL PUBLISH**
7 **THE INFORMATION CONTAINED IN THE RESOLUTION ONCE IN AT LEAST ONE**
8 **NEWSPAPER OF GENERAL CIRCULATION.**

9 **(III) 1. A CANDIDATE SHALL FILE A CERTIFICATE OF**
10 **CANDIDACY WITH THE BOARD OF ELECTIONS NOT LATER THAN 28 DAYS BEFORE A**
11 **SPECIAL PRIMARY ELECTION IN ORDER TO APPEAR ON THE BALLOT.**

12 **2. THE FOLLOWING PROVISIONS ARE SUBJECT TO**
13 **SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH:**

14 **A. A SPECIAL PRIMARY ELECTION SHALL BE HELD ON A**
15 **TUESDAY AT LEAST 45 DAYS BUT NOT LATER THAN 60 DAYS AFTER THE**
16 **OCCURRENCE OF A VACANCY; AND**

17 **B. A SPECIAL GENERAL ELECTION SHALL BE HELD ON A**
18 **TUESDAY AT LEAST 60 DAYS BUT NOT LATER THAN 90 DAYS AFTER THE**
19 **OCCURRENCE OF THE VACANCY.**

20 **3. A SPECIAL ELECTION MAY NOT BE HELD LESS THAN**
21 **30 DAYS BEFORE A REGULARLY SCHEDULED ELECTION.**

22 **4. ON THE DAY OF A SPECIAL ELECTION, POLLING**
23 **PLACES SHALL BE OPEN FROM 7 A.M. TO 8 P.M.**

24 **(IV) 1. NO LATER THAN 10 DAYS BEFORE A SPECIAL**
25 **PRIMARY ELECTION AND A SPECIAL GENERAL ELECTION, THE BOARD OF**
26 **ELECTIONS SHALL MAIL A SPECIMEN BALLOT TO THE HOUSEHOLD OF EACH**

1 REGISTERED VOTER IN THE SCHOOL BOARD DISTRICT WHERE THE VACANCY
2 OCCURS.

3 **2. THE SPECIMEN BALLOT SHALL INCLUDE THE NAMES**
4 **OF THE CANDIDATES IN THE ORDER AND FORM IN WHICH THEY ARE TO APPEAR ON**
5 **THE BALLOT, TOGETHER WITH A STATEMENT, NOT TO EXCEED 500 WORDS,**
6 **PROVIDED BY EACH CANDIDATE.**

7 **(V) 1. PRINCE GEORGE’S COUNTY SHALL FUND A SPECIAL**
8 **ELECTION HELD UNDER THIS PARAGRAPH.**

9 **2. THE BOARD OF ELECTIONS SHALL SUBMIT A**
10 **REQUEST FOR A SUPPLEMENTAL BUDGET APPROPRIATION TO THE DIRECTOR OF**
11 **THE OFFICE OF MANAGEMENT AND BUDGET TO COVER THE COST OF A SPECIAL**
12 **ELECTION NOT LATER THAN 60 DAYS AFTER THE ELECTION.**

13 **(VI) A SPECIAL ELECTION UNDER THIS PARAGRAPH SHALL BE**
14 **GOVERNED BY TITLE 8, SUBTITLE 8 OF THE ELECTION LAW ARTICLE AND ALL**
15 **OTHER RELEVANT PROVISIONS OF LAW RELATING TO THE CONDUCT OF ELECTIONS**
16 **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE OR WHERE SUCH**
17 **CONSTRUCTION WOULD BE UNREASONABLE.**

18 **[(i)] (H) (1)** With the approval of the Governor, the State Board may remove
19 a member of the county board for any of the following reasons:

- 20 (i) Immorality;
- 21 (ii) Misconduct in office;
- 22 (iii) Incompetency; or
- 23 (iv) Willful neglect of duty.

24 (2) Before removing a member, the State Board shall send the member a
25 copy of the charges pending and give the member an opportunity within 10 days to request
26 a hearing.

27 (3) If the member requests a hearing within the 10-day period:

1 (i) The State Board promptly shall hold a hearing, but a hearing
2 may not be set within 10 days after the State Board sends the member a notice of the
3 hearing; and

4 (ii) The member shall have an opportunity to be heard publicly
5 before the State Board in the member's own defense, in person or by counsel.

6 (4) A member removed under this subsection has the right to judicial
7 review of the removal by the Circuit Court for Prince George's County based on an
8 administrative record and such additional evidence as would be authorized by § 10-222(f)
9 and (g) of the State Government Article.

10 **[(j)] (I)** While serving on the county board, a member may not be a candidate
11 for a public office other than a position on the county board.

12 3-1003.

13 (a) (1) From and after December 4, 2006, at the beginning of each member's
14 full term, the chair of the county board is entitled to receive \$19,000 annually as
15 compensation and the other elected **[and appointed]** members are each entitled to receive
16 \$18,000 annually as compensation.

17 (2) Each elected **[and appointed]** member of the county board may be
18 provided health insurance and other fringe benefits regularly provided to employees of the
19 Board of Education under the same terms and conditions extended to other employees of
20 the Board of Education.

21 (b) (1) After submitting vouchers under the rules and regulations adopted by
22 the county board, the chair and the other members, including the student member, are
23 entitled to the allowances for travel and other expenses provided in the Prince George's
24 County budget.

25 (2) A member of the county board may not be reimbursed more than \$7,000
26 in travel and other expenses incurred in a single fiscal year.

27 (c) The county board may not issue a credit card to a member of the county board.

1 3–1004.

2 (a) [(1)] The [County Executive shall appoint a chair and vice chair of the county
3 board from among the members of the] county board **SHALL HOLD AN ANNUAL MEETING**
4 **ON THE FIRST MONDAY IN DECEMBER TO ELECT A CHAIR AND VICE CHAIR FROM**
5 **AMONG ITS MEMBERS.**

6 [(2)] The County Executive shall select the vice chair from among the elected
7 members of the county board.

8 (3) The term of the chair and vice chair appointed under this subsection
9 shall be 2 years.]

10 (b) [Subject to the provisions of § 4–403 of this article, the affirmative vote of the
11 members of the county board for the passage of a motion by the county board shall be:]

12 (1) Except as otherwise provided in [item] **PARAGRAPH (2)** of this
13 subsection, **THE AFFIRMATIVE VOTE OF THE MEMBERS OF THE COUNTY BOARD FOR**
14 **THE PASSAGE OF A MOTION BY THE COUNTY BOARD SHALL BE:**

15 (i) [Eight] **SIX** members when the student member is voting; or

16 (ii) [Seven] **FIVE** members when the student member is not voting[;
17 or].

18 (2) When there are two or more vacancies on the county board, **THE**
19 **AFFIRMATIVE VOTE OF THE MEMBERS OF THE COUNTY BOARD FOR PASSAGE OF A**
20 **MOTION BY THE COUNTY BOARD SHALL BE:**

21 (i) [Seven] **FIVE** members when the student member is voting; or

22 (ii) [Six] **FOUR** members when the student member is not voting.

23 4–102.

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

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

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

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

8 [(3) (i) In Prince George’s County, the county superintendent is the
9 Chief Executive Officer of the Prince George’s County public school system.

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

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

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

16 [(4)] **(3)** A county superintendent is not a public officer under the
17 Constitution or the laws of the State.

18 4–120.

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

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

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

25 (1) Consolidate schools if considered practicable; and

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

3 4–125.1.

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

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

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

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

11 [(5)] (4) “County–based business” has the meaning stated in § 10A–101
12 of the Code of Public Local Laws of Prince George’s County.

13 [(6)] (5) “County–based minority business enterprise” has the meaning
14 stated in § 10A–101 of the Code of Public Local Laws of Prince George’s County.

15 [(7)] (6) “County–based small business” has the meaning stated in §
16 10A–101 of the Code of Public Local Laws of Prince George’s County.

17 [(8)] (7) “County board” means the Prince George’s County Board of
18 Education.

19 (8) **“COUNTY SUPERINTENDENT” MEANS THE SUPERINTENDENT OF**
20 **THE PRINCE GEORGE’S COUNTY PUBLIC SCHOOL SYSTEM.**

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

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

25 1. Description of requirements;

- 1 (2) Mandatory subcontracting procedures with reasonable waiver
2 provisions;
- 3 (3) The application of bonus points;
- 4 (4) The application of percentage points;
- 5 (5) Restrictive bidding;
- 6 (6) Restrictive price quotations;
- 7 (7) The reduction or waiver of bonding requirements; and
- 8 (8) Incentives to encourage maximum participation by:
 - 9 (i) Certified county-based small businesses; and
 - 10 (ii) A variety of different certified county-based businesses.

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

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

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

24 (2) The efforts by the county board and the [Chief Executive Officer]
25 **COUNTY SUPERINTENDENT** in the previous fiscal year to encourage greater certified

1 county-based business participation, certified county-based minority business
2 participation, and certified county-based small business participation in county board
3 procurement.

4 4-201.

5 (a) [(1)] This section does not apply to Baltimore City.

6 [(2)] Subsections (b), (c), (d), and (f) of this section do not apply in Prince
7 George's County.]

8 (b) (1) The term of a county superintendent is 4 years beginning on July 1. A
9 county superintendent continues to serve until a successor is appointed and qualifies.

10 (2) By February 1 of the year in which a term ends, the county
11 superintendent shall notify the county board whether the superintendent is a candidate for
12 reappointment.

13 (3) In the year in which a term begins, the county board shall appoint a
14 county superintendent between February 1 and June 30. However, if the county board
15 decides to reappoint the incumbent superintendent, the county board shall take final action
16 at a public meeting no later than March 1 of that year.

17 (4) If a county board is unable to appoint a county superintendent by July
18 1 of a year in which a term begins, the provisions of subsection (d) of this section apply.

19 (c) (1) An individual may not be appointed as county superintendent unless
20 the individual:

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

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

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

1 (2) The appointment of a county superintendent is not valid unless
2 approved in writing by the State Superintendent.

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

5 (d) If a vacancy occurs in the office of county superintendent, the county board
6 shall appoint an interim county superintendent who serves until July 1 after the interim
7 county superintendent's appointment.

8 (e) (1) Subject to the provisions of this subsection, the State Superintendent
9 or a county board may remove a county superintendent for:

- 10 (i) Immorality;
- 11 (ii) Misconduct in office;
- 12 (iii) Insubordination;
- 13 (iv) Incompetency; or
- 14 (v) Willful neglect of duty.

15 (2) (i) The State Superintendent may remove a county superintendent
16 under this subsection if the State Superintendent provides the county superintendent with:

- 17 1. The reason for removal, chosen from one or more of the
18 items in paragraph (1) of this subsection;
- 19 2. Documentation supporting the case for removal; and
- 20 3. The opportunity to request a hearing within 10 days before
21 the State Superintendent in accordance with this subsection.

22 (ii) The county superintendent may appeal the decision of the State
23 Superintendent to the State Board.

1 (3) If the county superintendent requests a hearing before the State
2 Superintendent within the 10-day period:

3 (i) The State Superintendent promptly shall hold a hearing, but a
4 hearing may not be set within 10 days after the State Superintendent sends the county
5 superintendent a notice of the hearing; and

6 (ii) The county superintendent shall have an opportunity to be heard
7 publicly before the State Superintendent in the county superintendent's own defense, in
8 person or by counsel.

9 (4) (i) A county board may remove a county superintendent under this
10 subsection if the county board provides the county superintendent with:

11 1. The reason for removal, chosen from one or more of the
12 items in paragraph (1) of this subsection;

13 2. Documentation supporting the case for removal; and

14 3. The opportunity to request a hearing within 10 days before
15 the county board in accordance with this subsection.

16 (ii) The county superintendent may appeal the decision of the county
17 board to the State Board.

18 (f) On notification of pending criminal charges against a county superintendent
19 as provided under § 4-206 of this subtitle, the county board may suspend the county
20 superintendent with pay until the final disposition of the criminal charges.

21 [4-201.1.

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

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

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

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

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

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

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

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

11 (d) (1) The term of the Chief Executive Officer is 4 years beginning on July 1.

12 (2) The Chief Executive Officer continues to serve until a successor is
13 appointed and qualifies.

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

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

20 (ii) If the County Executive decides to select the incumbent Chief
21 Executive Officer, the county board shall complete the reappointment no later than March
22 1 of that year.

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

25 (e) (1) An individual may not be appointed as Chief Executive Officer unless
26 the individual:

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

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

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

6 (2) The appointment of the Chief Executive Officer is not valid unless
7 approved in writing by the State Superintendent.

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

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

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

17 4–202.

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

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

22 (b) (1) The salary of a county superintendent may not be decreased during the
23 superintendent’s term of office.

24 (2) Each county superintendent shall devote full time to public school
25 business.

1 (c) In Anne Arundel County, the county board may not pay monetary
2 compensation to the county superintendent for sick leave benefits earned while employed
3 by any other board of education or public school system but may allow the county
4 superintendent to use the sick leave in the same manner as sick leave accrued while
5 employed by the county.

6 4–204.

7 (a) [(1) Except as provided in paragraph (2) of this subsection, acting] **ACTING**
8 under the rules and regulations of the county board, the county superintendent is
9 responsible for the administration of the superintendent’s office.

10 [(2) In Prince George’s County, the Chief Executive Officer is responsible
11 for the administration of the office of the Chief Executive Officer, including hiring and
12 setting the salaries of the executive staff.]

13 (b) As the executive officer of the county board, the county superintendent shall
14 see that the following are carried out:

- 15 (1) The laws relating to the schools;
- 16 (2) The applicable enacted and published bylaws of the State Board;
- 17 (3) The policies of the State Board;
- 18 (4) The rules and regulations of the county board; and
- 19 (5) The policies of the county board.

20 4–206.

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

25 [(2) In Prince George’s County, the Chief Executive Officer shall
26 immediately notify the County Executive and the county board in writing of any criminal

1 charges that are punishable by a period of incarceration brought against the Chief
2 Executive Officer.]

3 (b) The notification required under subsection (a) of this section shall include a
4 copy of all charging documents served on the county superintendent or the county
5 superintendent's counsel.

6 (c) Any county superintendent who violates subsections (a) and (b) of this section
7 is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 and
8 revocation of any professional certification issued by the Department.

9 6–201.

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

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

18 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the appointed
19 members of the Prince George's County Board of Education who are serving in office on the
20 effective date of this Act shall terminate as follows:

21 (1) the member appointed from the county at large whose term is scheduled
22 to expire on December 5, 2022, shall expire at the end of December 5, 2022;

23 (2) the member appointed from the county at large whose term is scheduled
24 to expire on December 4, 2023, shall expire at the end of December 4, 2023; and

25 (3) the member appointed from the county at large whose term is scheduled
26 to expire on December 2, 2024, shall expire at the end of December 2, 2024.

27 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
28 1, 2021.