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FISCAL AND POLICY NOTE
First Reader

House Bill 624
Ways and Means

(Prince George's County Delegation)

**Prince George's County - Board of Education and Chief Executive Officer -
Revisions
PG 502-21**

This bill changes the Prince George’s County Board of Education from a 14-member hybrid board to an entirely elected 10-member board by removing the appointed members of the board after current appointed member terms expire. The bill also alters the process by which a vacancy on the board is filled. The bill also removes the county executive–selected position of Chief Executive Officer (CEO) of Prince George’s County Public Schools (PGCPS) and replaces the position with a board-selected superintendent. The new superintendent retains similar powers to the CEO but cannot consolidate schools or arrange for the transportation of students to and from consolidated schools. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: General fund expenditures for the State Board of Elections (SBE) may increase by at least \$25,000 for each special election held independent of a previously scheduled election. Revenues are not affected.

Local Effect: Prince George’s County expenditures may increase significantly, likely by at least \$170,000 for each special election held independent of a previously scheduled election beginning in FY 2022. However, public school expenditures decrease by a minimum amount beginning in FY 2022, rising to approximately \$125,000 annually in FY 2025 as appointed school board member terms expire. County revenues are not affected. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The bill removes the four appointed members of the Prince George's County Board of Education. Under the bill, the board would consist of nine elected members, each of whom resides in a different school board district and is elected from voters of that district, and one student member in eleventh or twelfth grade in PGCPs selected by the Prince George's Regional Association of Student Governments. Because the bill does not remove the current appointed members from their positions, those members currently serving will be able to finish their term, after which no new appointment will be made.

The bill removes the authority of the county executive to appoint a qualified individual to fill a seat vacated before the end of an elected member's term. The bill instead mandates that seats made vacant 180 days or less before the end of the member's term in office must remain vacant until a successor is elected.

When a seat becomes vacant more than 180 days before the end of that member's term, a special primary and general election must occur to fill the seat for the remainder of the term. Within 7 days of a vacancy, the county council must adopt a resolution directing that such a special election occurs. The county council must consult with the board of elections before adopting the resolution. The resolution must specify the filing deadlines for board candidates and the dates of the primary and general election. Within 7 days of adopting such a resolution, the board of elections must publish relevant information in at least one newspaper of general circulation. Candidates for a vacancy must file a certificate of candidacy no later than 28 days before a special election. The bill specifies other details regarding the special election including, but not limited to, the timeframe within which a special election must occur, polling place hours of operation, and required distribution of and information in a specimen ballot.

Prince George's County must fund a special election held to fill a vacancy on the board. The board of elections must submit a request for a supplemental budget appropriation to the Prince George's County Director of the Office of Management and Budget to cover the cost of a special election within 60 days of the election. A special election held to fill a vacancy on the board must be governed by Title 8, Subtitle 8 of the Election Law Article.

The bill removes the authority of the county executive to appoint a chair and vice chair of the county board and mandates that the county board hold a meeting on the first Monday in December to elect a chair and vice chair. The bill reduces by two members, the number of affirmative votes needed to pass a motion. Because the total number of board members would be reduced, the number needed for a majority is also reduced.

The bill also removes the county executive-selected CEO position (which fulfills the roles and duties fulfilled by a superintendent in other counties) and replaces the position with a board-selected superintendent. The new superintendent retains similar powers to the CEO, but cannot consolidate schools or arrange for the transportation of students to and from consolidated schools. The bill removes language exempting Prince George's County from provisions relating to school superintendents and removes language specifying the CEO position and appointment process.

Under the bill, the Prince George's County Superintendent, like all other county superintendents, holds a term of four years beginning July 1 and must be appointed by the county board of education, among other things. Under the bill, a superintendent must (1) be eligible for the office, (2) have graduated from an accredited college or university, and (3) have completed two years of graduate work in specified fields. On notification of pending criminal charges, the board may suspend the superintendent until final dispensation of charges.

Finally, the bill makes conforming changes to reflect the superintendent holding responsibilities previously held by the CEO including, but not limited to, carrying out the laws relating to schools, carrying out the policies, rules and regulations of the State and county board, and hiring and setting salaries of specified executive staff.

Current Law: 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, and 2013.

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 the State Board of Education. 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 Prince George's County public school, 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 the State Board of Education appointed by the State Superintendent and two residents of Prince George's County appointed by the Governor. The initial search committee must be appointed by June 1, 2013. The search committee must review any data regarding potential candidates that has been collected and provided by a search firm since September 2012.

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.

Chapter 437 of 2014 further altered the process to fill a vacancy, requiring the Prince George's County Executive to transmit to the clerk of the Prince George's County Council the name of an appointee to fill the vacancy of a seat that was held by an elected member of the Prince George's County Board of Education. Such an appointment is considered approved unless the county council disapproves by a two-thirds vote within 45 days after the submittal of the name of the appointee.

County Superintendents

The State Superintendent of Schools may remove a local superintendent of schools for immorality, misconduct in office, insubordination, incompetency, or willful neglect of duty. Prior to removing the local superintendent, the State Superintendent must send the local superintendent a copy of the charges against the individual and give the individual an opportunity, within 10 days, to request a hearing. After this 10-day period, but promptly, the local superintendent must have an opportunity to be heard publicly before the State Superintendent in his or her own defense, in person or by counsel.

The salary of a local superintendent may not be decreased during the superintendent's term of office. Each local superintendent must devote full time to public school business.

Generally, the term of a local superintendent of schools is four years, beginning on July 1. A local superintendent continues to serve until a successor is appointed and qualifies. By February 1 of the year in which a term ends, the local superintendent must notify the local board whether the superintendent is a candidate for reappointment. In the year in which a term begins, the local board must appoint a local superintendent between February 1 and June 30. However, if the local board decides to reappoint the incumbent superintendent, the local board must take final action at a public meeting no later than March 1 of that year.

If (1) a vacancy in the position of local superintendent occurs or (2) the local board is unable to appoint a county superintendent by July 1 of a year in which a term begins, an interim superintendent must be appointed. These provisions do not fully apply to Baltimore City and Prince George's County. Baltimore City and Prince George's County each have a CEO of the school system rather than a superintendent.

The CEO in Prince George's County also holds special authorities beyond those of a normal school superintendent. Specifically, the CEO has the authority to consolidate schools if practicable and arrange for transportation of students to and from consolidated schools.

Local Boards of Education in Maryland

The Prince George's County Board of Education is 1 of 4 hybrid school boards in the State consisting of both elected and appointed members. There is 1 appointed school board in the State and 19 have elected boards. **Appendix – Local Boards of Education Membership** shows the selection methods, terms of office, and membership of the 24 local boards of education.

State Expenditures: General fund expenditures increase by at least \$25,000 for each single special election (special primary or general election) held independent of a previously scheduled election, to fill a vacancy for an elected member on the Prince George's County Board of Education, reflecting the State share of certain voting system-related costs. SBE generally shares voting system-related costs, such as voting equipment delivery, voting system/machine technicians, and ballot printing costs, with the local boards of elections (pursuant to a requirement under Chapter 564 of 2001), though some local boards obtain certain services such as voting system/machine technicians independently and bear the whole cost of those services.

Local Fiscal Effect: Prince George's County expenditures increase by at least \$170,000 for each single special election (special primary or general election) held independent of a previously scheduled election to fill a vacancy for an elected member on the Prince George's County Board of Education. For a special election held at polling places, election judge costs make up a significant portion of the overall costs of the election. The bill requires that the board of elections submit a request for a supplemental budget appropriation to the Prince George's County Director of the Office of Management and Budget to cover the cost of a special election.

The bill will decrease PGCPs expenditures by a minimum amount in fiscal 2022, rising to approximately \$125,000 annually in fiscal 2025 when all appointed member terms expire. Each nonstudent member, other than the chair of the board is entitled to at least \$18,000 annually in compensation, plus any fringe or health benefits Prince George's County may

offer. The smaller board size means PGCPs no longer must compensate the four appointed members of the board or elect to provide those members with health insurance and other fringe benefits.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Prince George's County; Maryland State Department of Education; Maryland State Board of Elections; Prince George's County Public Schools; 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. Nineteen counties have elected school boards, four counties have combined appointed/elected school boards, and one school board consists of appointed members only, until the 2022 general election when it will become an appointed/elected school board. Twenty-two boards have student members but only seven boards allow student members to vote, which generally excludes collective bargaining and other personnel and budgetary decisions. The exhibit below shows the selection methods, terms of office, and membership of the 24 local school boards.

Local Boards of Education As of December 2020

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	10	3 years	A	9 from city at large 1 student (one-year term)
Baltimore ⁴	12	4 years	A/E	4 from county at large (appointed) 7 from councilmanic districts (elected) 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)

School System	Number of Members	Term		Means of Selection¹
Cecil	6	4 years	E	5 from commissioner districts 1 student (nonvoting, one-year term)
Charles	8	4 years	E	7 from county at large 1 student (nonvoting, one-year term)
Dorchester	7	4 years	E	5 from councilmanic districts 2 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	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 ⁵	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 ⁶	14	4 years	A/E	9 elected from school board districts 4 appointed by county 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)

School System	Number of Members	Term		Means of Selection¹
Somerset	5	4 years	E	All from commissioner districts
Talbot	9	4 years	E	7 from school board districts 2 students (nonvoting, one-year term)
Washington ⁷	8	4 years	E	7 from county at large 1 student (nonvoting, one-year term)
Wicomico ⁸	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)

¹A = Appointed by Governor, except in Baltimore City, where board is appointed by the Mayor; E = Elected; and A/E = Combined appointed by Governor and elected board, except in Prince George’s County. 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.

²Chapter 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 November 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.

³Chapter 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 elects 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 whereas appointed members will serve a three-year term.

⁴Chapters 480 and 481 of 2014 restructured the Baltimore County Board of Education from a 12-member appointed board (including 1 student member) to a 12-member board consisting of 4 at-large members appointed by the Governor, 7 nonpartisan members each elected from one of 7 councilmanic districts, and a student member. The elected members were elected at the general election in November 2018 and serve four-year terms. In addition, Chapters 480 and 481 established the Baltimore County Nominating

Commission. Generally, the commission is responsible for submitting to the Governor at least two names for each vacancy on the board. The commission consists of 19 members of the county and must reflect the diversity of the county. Except in extraordinary circumstances, the Governor must appoint members to the board of education from the list the nominating commission provides.

⁵Although not in statute, the Kent County Board of Education reports that there is a nonvoting student member of the board and that he or she does not attend closed sessions.

⁶Chapter 147 of 2013 altered the membership of the Prince George's County Board of Education 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.

⁷Although not in statute, the Washington County Board of Education reports that there is a student member of the board and that he or she can only concur on votes and must abstain from certain matters.

⁸Chapter 169 of 2016, subject to referendum, required the restructuring of the Wicomico County Board of Education. In the 2016 general election, the county approved a fully elected board option, with five members each elected from one of the five councilmanic districts and two members elected from the county at large. Members were elected at the general election in 2018 and serve four-year terms.

Source: Annotated Code of Maryland, Education Article, Sections 3-101 through 3-1405; Local Boards of Education