

HOUSE BILL 1090

F3

2lr2485

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

Introduced and read first time: February 10, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County Board of Education – Membership – Alterations**

3 **PG 506–22**

4 FOR the purpose of altering the membership of the Prince George's County Board of
5 Education to include only elected members; repealing certain provisions of law
6 regarding the appointment of members to the county board; and generally relating
7 to the membership of the Prince George's County Board of Education.

8 BY repealing and reenacting, with amendments,

9 Article – Education

10 Section 3–114, 3–1002, 3–1003, and 3–1004

11 Annotated Code of Maryland

12 (2018 Replacement Volume and 2021 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Education**

16 3–114.

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

18 (1) Allegany;

19 (2) Anne Arundel;

20 (3) Calvert;

21 (4) Carroll;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 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.

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

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

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

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

11 [(h)] (G) The election of the county boards shall be held as provided in Subtitles
12 2 through 14 of this title and the Election Law Article.
13 3–1002.

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

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

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

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

21 (1) Nine elected members, each of whom resides in a different school board
22 district; **AND**

23 [(2)] Four appointed members; and]

24 [(3)] (2) One student member selected under subsection [(g)(2)] (F)(2) of
25 this section.

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

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

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

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

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

5 (4) A [county board] member may not hold another office of profit in county
6 government during the member's term.

7 (5) Each elected member of the county board shall be nominated by the
8 registered voters of the member's school board district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 [(g)] (F) (1) The student member shall be an eleventh or twelfth grade
12 student in the Prince George's County public school system during the student's term in
13 office.

14 (2) An eligible student shall file a nomination form at least 2 weeks before
15 a special election meeting of the Prince George's Regional Association of Student
16 Governments. Nomination forms shall be made available in the administrative offices of all
17 public senior high schools in the county, the office of student concerns, and the office of the
18 president of the regional association. The delegates to the regional association annually
19 shall elect the student member to the board at a special election meeting to be held each
20 school year.

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

23 (i) Capital and operating budgets;

24 (ii) School closings, reopenings, and boundaries;

25 (iii) Collective bargaining decisions;

26 (iv) Student disciplinary matters;

27 (v) Teacher and administrator disciplinary matters as provided
28 under § 6-202(a) of this article; and

29 (vi) Other personnel matters.

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

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

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

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

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

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

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

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

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

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

23 (ii) May be reappointed; and

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

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

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

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

30 [(5)] (2) The student member serves for a term of 1 year beginning at the
31 end of a school year.

1 **[(6)] (3)** (i) Subject to subparagraph (ii) of this paragraph, if a seat
2 held by an elected member of the county board becomes vacant, the County Executive shall:

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

5 2. Transmit the name of the appointee to the clerk of the
6 County Council.

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

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

13 (i) Immorality;

14 (ii) Misconduct in office;

15 (iii) Incompetency; or

16 (iv) Willful neglect of duty.

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

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

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

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

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

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

32 3-1003.

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

5 (2) Each elected [and appointed] member of the county board may be
 6 provided health insurance and other fringe benefits regularly provided to employees of the
 7 Board of Education under the same terms and conditions extended to other employees of
 8 the Board of Education.

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

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

15 (c) The county board may not issue a credit card to a member of the county board.
 16 3-1004.

17 (a) (1) The County Executive shall appoint a chair and vice chair of the county
 18 board from among the **ELECTED** members of the county board.

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

21 [(3) (2) The term of the chair and vice chair appointed under this
 22 subsection shall be 2 years.]

23 (b) Subject to the provisions of § 4-403 of this article, the affirmative vote of the
 24 members of the county board for the passage of a motion by the county board shall be:

25 (1) Except as otherwise provided in item (2) of this subsection:

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

27 (ii) [Seven] **FIVE** members when the student member is not voting;

28 or

29 (2) When there are two or more vacancies on the county board:

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

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

2 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the appointed
3 members of the Prince George's County Board of Education who are serving in office on the
4 effective date of this Act shall terminate at the end of December 5, 2022.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2022.