

Department of Legislative Services  
Maryland General Assembly  
2023 Session

FISCAL AND POLICY NOTE  
Enrolled - Revised

House Bill 1079

(Prince George's County Delegation)

Ways and Means

Education, Energy, and the Environment

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Prince George's County - Board of Education and School System Revisions  
PG 502-23

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This bill makes various changes to State law relating to the Prince George's County Board of Education, the county superintendent, and the Prince George's County Public School System (PGCPS), including (1) adding to the board's and superintendent's responsibilities; (2) altering nonstudent board member eligibility and board member removal provisions; (3) increasing nonstudent board member compensation beginning December 7, 2026; (4) expanding the voting rights of and altering the election procedures for the student member of the board; and (5) requiring the board to retain counsel for board members and pay counsel fees and reasonable related expenses under specified circumstances (these requirements also apply retroactively to litigation initiated on or after January 1, 2020). **The bill takes effect July 1, 2023; however, certain provisions (identified below) take effect upon the effective date of Chapter 217 of 2022 (July 1, 2024).**

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**Fiscal Summary**

**State Effect:** The bill does not directly affect State finances.

**Local Effect:** Prince George's County Board of Education expenditures increase by \$48,400 in FY 2027 and by \$83,000 annually thereafter for compensation increases. Board expenditures may also increase by an indeterminate amount, beginning in FY 2024, for board member legal fees/expenses. County revenues are not affected. **This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** None.

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## Analysis

### **Bill Summary:**

#### *Board of Education and Superintendent – Purpose and Responsibilities*

The purpose of the board under the bill includes maintaining a reasonably uniform system of public schools that is designed to provide quality education and equitable educational opportunity. The bill also specifies certain responsibilities of the chair of the board including (1) leading public meetings; (2) making subcommittee appointments; (3) serving as the primary contact for communications between the board and the county superintendent; (4) administering the county board in accordance with its bylaws; and (5) signing contracts authorized and approved by a majority of the members of the board. The board must adopt bylaws to govern its conduct and review and update those bylaws at least once every four years.

In addition to orientation and training required under current law, each elected member of the board must complete professional development on certain specified topics in accordance with the bylaws adopted by the board. The bill encourages elected members to attend professional development conferences and requires that, by December 1 each year, each elected member submit a professional development disclosure statement describing the professional development activities the member completed during that year. By January 30 each year, the board must post the disclosure statements on its website. Each year, the board must convene, and elected members must attend, a professional retreat to complete professional development or other training, set annual board performance goals, and complete a board self-evaluation. The board must post the results of the self-evaluation on its website within 30 days of the last day of the retreat.

The board must establish an audit committee to ensure that public funds for the county school system are spent equitably across all the schools in the county school system. The bill's language relating to the audit committee may not be construed to alter the mandatory allocation of funding to individual schools as required under current law.

The board and superintendent must establish annual goals for the performance of the county school system and evaluate the performance of the school system against those goals in a public meeting of the board each year. Each year, the board and superintendent must conduct a poll of stakeholders and community members of the county school system to measure public opinion on the confidence and effectiveness of the board, superintendent, and school system, addressing each component separately. When establishing annual performance goals, the board and superintendent must consider the findings of the poll.

At the first meeting of the board each year, the board must review the respective roles, duties, and responsibilities of the board and superintendent, announce the annual performance goals of the board, discuss the results of the self-evaluation, and discuss the professional development completed by the board members during the previous year.

*Board Member Eligibility and Compensation – Takes Effect with Chapter 217 of 2022 (July 1, 2024)*

The bill requires each candidate to be a resident of the school board district the candidate seeks to represent for at least one year before the date of the general election (instead of from the time of filing as a candidate for election). In an election year immediately following an approved decennial redistricting plan changing the boundaries of any school board district, the one-year residency requirement does not apply if the candidate (1) is a qualified voter but no longer resides in the candidate's former school board district due to a boundary change in the redistricting plan; (2) resided in the candidate's former school board district for at least one year immediately preceding the general election; and (3) resides, as of the date of the deadline for filing as a candidate for election, in the candidate's former school board district. Unless otherwise disqualified, an elected member of the county board is eligible for re-election.

Beginning December 7, 2026, compensation for the chair of the board increases (by \$11,000) to \$30,000 annually and compensation for other elected members increases (by \$9,000) to \$27,000 annually.

*Board Member Removal*

The bill allows the State Board of Education to remove a member of the Prince George's County Board of Education without the approval of the Governor.

*Student Member Voting Rights and Election Procedures*

Under the bill, the student member may vote on, among other matters before the board, (1) capital and operating budgets; (2) school closings, reopenings, and boundaries; and (3) student disciplinary matters. The student member still may not vote on collective bargaining decisions, teacher and administrator disciplinary matters, and other personnel matters. The bill preserves a restriction on the student member attending an executive session relating to specified hearings or collective bargaining and additionally prohibits the student member from attending an executive session on a personnel matter on which the student member may not vote.

The bill also alters the procedures for the election of the student member. Under the bill, delegates to the Prince George's County Regional Association of Student Governments

must annually elect two candidates for student board member at a primary election held each school year. Subsequently, the single student board member must be elected, at a general election held each year, by students in sixth through twelfth grade in PGCPs. The bill requires the regional association to establish procedures for the election of the student member of the board (under current law the association is simply authorized to establish such procedures). Those procedures must provide for the administration of the primary and general election and notification to the county superintendent of candidates selected after each primary election. For the general election, PGCPs must provide equal campaign funds to student board member candidates and educate sixth through twelfth grade students on the voting process before each general election. Lastly, the bill requires an eligible student to file a nomination form at least *three weeks* (instead of two weeks) before a special election meeting of the regional association.

#### *Retention of Legal Counsel and Payment of Fees/Expenses*

The bill requires the board to retain counsel to defend a board member who is involved in litigation because of the member's service and in the member's official capacity on the board. The board must also pay all counsel fees and reasonable and related expenses incurred for defending a member in litigation involving the member's service in their official capacity on the board if it is determined during the course of litigation that the member was acting within the scope of the member's authority and without malice and gross negligence.

These provisions apply retroactively and must be applied to and interpreted to affect any litigation that was initiated on or after January 1, 2020, involving the defense of a member of the board who (1) is involved in litigation because of the member's service and in the member's official capacity on the board and (2) was found during the course of litigation to have been acting within the scope of the member's authority and without malice and gross negligence. An individual seeking to be reimbursed by the board under the retroactive application of the provisions must provide documentation to the board, by August 1, 2023, of the litigation costs incurred.

#### *Citizen Advisory Committee*

The bill requires that the citizen advisory committee established by the board reflect, to the extent practicable, the geographic, racial, ethnic, cultural, and gender diversity of the county.

## **Current Law:**

### *Board Member Compensation, Residency Requirements, and Other Provisions*

The chair of the Prince George's County Board of Education is entitled to receive \$19,000 annually as compensation and the other elected and appointed members are each entitled to receive \$18,000 annually as compensation.

From the time of filing as a candidate for election to the board, each candidate must be a registered voter of the county and a resident of the school board district the candidate seeks to represent. An elected member must forfeit the office if the member (1) fails to reside in the school board district from which the member was elected, unless the change is caused by a change in the boundaries of the district, or (2) fails to be a registered voter of the county.

The elected members of the county board must be elected at the general election every four years by the voters of the school board district that each member represents. There are no term limits imposed on members of the board.

With the approval of the Governor, the State Board of Education may remove a member of the county board for any of the following reasons: (1) immorality; (2) misconduct in office; (3) incompetency; or (4) willful neglect of duty.

The county board elects the chair and vice chair, whose terms are two years.

At the beginning of each term, each board member must attend an orientation and be provided with training materials that clarify the role of a member.

Under Chapter 217, effective July 1, 2024, the 4 appointed members of the board are removed, and the board consists of 10 members (9 elected members and the student member).

For background purposes, the **Appendix – Local Boards of Education Membership** shows the selection methods, terms of office, and membership of the 24 local boards of education.

### *Board Purpose*

The statutory purpose of the board is to (1) raise the level of academic achievement of the students in PGCPs and (2) raise the level of engagement of the parents, students, and community as a whole.

### *Student Member Voting Rights and Election Procedures*

The student member must be an eleventh or twelfth grade student in PGPCS during their term in office. The student member serves for a term of one year beginning at the end of a school year. The student member may vote on all matters before the board except those relating to (1) capital and operating budgets; (2) school closings, reopenings, and boundaries; (3) collective bargaining decisions; (4) student disciplinary decisions; (5) teacher and administrator disciplinary matters; and (6) other personnel matters. On an affirmative vote of a majority of the nonstudent members of the board, the board may determine if a matter relates to a subject that the student member may not vote on. Unless invited to attend by an affirmative vote of a majority of the nonstudent members of the board, the student member may not attend an executive session that relates to (1) hearings on appeals of special education placements or specified personnel suspensions and dismissals or (2) collective bargaining decisions.

The delegates to the Prince George's County Regional Association of Student Governments must annually elect the student member to the board at a special election meeting to be held each school year. The regional association may establish procedures for the election of the student member of the board. Any election procedures established by the association are subject to the approval of the elected members of the board.

An eligible student must file a nomination form at least two weeks before a special election meeting of the regional association. Nomination forms must be made available in the administrative offices of all public senior high schools in the county, the office of student concerns, and the office of the president of the regional association.

### *Retention of Legal Counsel and Payment of Fees*

Each county board may retain counsel to represent it in legal matters that affect the board and contract for the payment of a reasonable fee to the counsel. Funds for such fees must be included in the annual budget. Each county board may also pay all or part of the counsel fees for the defense of a county board member who is involved in litigation because of the board member's service and in their official capacity on the board.

### *Citizen Advisory Committee*

Each county board must establish at least one citizen advisory committee to advise the board and to facilitate its activities and programs in the public schools. Similar advisory committees may be established for an individual school or groups of schools within a region. A citizen advisory committee may include parents, teachers, students, and other citizens as members.

**Local Expenditures:** Prince George’s County Board of Education expenditures increase by \$48,400 in fiscal 2027 and by \$83,000 annually thereafter, reflecting the bill’s increased compensation for the chair of the board and eight other elected board members, beginning December 7, 2026. This estimate reflects the composition of the board following the changes under Chapter 217, that are effective July 1, 2024.

Board expenditures may also increase (1) in fiscal 2024 for reimbursement of board member legal fees/expenses under the bill’s retroactive application of the requirement to pay board member legal fees/expenses under specified circumstances and (2) in fiscal 2024 and future years to the extent the board retains counsel and/or pays legal fees/expenses for board members pursuant to the bill’s requirements when it otherwise would not have in the absence of the bill. The extent of any increase in expenditures cannot be reliably estimated and depends in part on the scope of litigation board members are involved in.

The bill’s provisions are otherwise expected to be implemented with existing resources.

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### **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; Prince George’s County Public Schools; Department of Legislative Services

**Fiscal Note History:** First Reader - February 28, 2023  
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## Appendix – Local Boards of Education Membership

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### 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.

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**Exhibit 1**  
**Local Boards of Education**  
**As of January 2023**

School System	Number of Members	Term		Means of Selection <sup>1</sup>
Allegany	6	4 years	E	5 from county at large 1 student (nonvoting, one-year term)
Anne Arundel <sup>2</sup>	8	4 years	E	7 from councilmanic districts 1 student (one-year term)
Baltimore City <sup>3</sup>	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)

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<b>School System</b>	<b>Number of Members</b>	<b>Term</b>		<b>Means of Selection<sup>1</sup></b>
Charles <sup>4</sup>	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 <sup>5</sup>	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 <sup>6</sup>	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 <sup>7</sup>	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 <sup>8</sup>	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)

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> 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