

HOUSE BILL 355

F3
HB 1107/13 – W&M

2lr0717

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

Introduced and read first time: January 19, 2022

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2022

CHAPTER _____

1 AN ACT concerning

2 ~~Prince George's County Workgroup on the Membership and Operation of the~~
3 Prince George's County Board of Education – Workgroup, Alterations, and
4 Orientation Requirement

5 PG 503–22

6 FOR the purpose of establishing the Workgroup on the Membership and Operation of the
7 Prince George's County Board of Education; authorizing the Prince George's County
8 Board of Education to elect a chair and vice chair of the county board from among
9 the members of the county board beginning on a certain date; requiring, at the
10 beginning of each term, members of the county board to attend a certain orientation
11 and receive certain training materials that clarify the role of a member of the county
12 board; beginning after a certain date, altering the membership of the county board
13 to include only elected members, repealing certain provisions of law regarding the
14 appointment of members to the county board, and authorizing the county board to
15 elect a chair and vice chair of the county board from among the elected members of
16 the county board; and generally relating to the ~~Workgroup on the Membership and~~
17 ~~Operation of the~~ Prince George's County Board of Education.

18 BY repealing and reenacting, with amendments,
19 Article – Education
20 Section 3–114, 3–1002, 3–1003, and 3–1004
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



BY repealing and reenacting, with amendments,
Article – Education
Section 3–1004
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)
(As enacted by Section 2 of this Act)

Preamble

WHEREAS, The Prince George’s County Board of Education has transitioned
between different board structures; and

WHEREAS, There is strong support across Prince George’s County for an all–elected
board of education and a recommendation from the County Executive’s Task Force to
transition toward an all–elected board; and

WHEREAS, There are unanswered questions about how to structure electoral
procedures to optimize board of education outcomes and renew our focus on Prince George’s
County students and families; and

WHEREAS, Stakeholders across the education sector have explained that a change
in the structure of the board of education alone will not serve as a solution to issues with
the board; and

WHEREAS, Clarifying roles and responsibilities of members of the board of
education was highlighted as a critical component of any solution to the current issues with
the board, including addressing distinctions between the duties of the board and the Chief
Executive Officer; and

WHEREAS, Other issues surrounding appropriate training, oversight, and
accountability measures for the board of education require further investigation and these
issues will be critical to any solution the legislature considers; now, therefore,

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

(a) There is a Workgroup on the Membership and Operation of the Prince
George’s County Board of Education.

(b) The Workgroup consists of the following members:

(1) the Chair of the Prince George’s County Senate Delegation, or the
Chair’s designee;

(2) one member of the Senate of Maryland who represents Prince George’s
County, appointed by the Chair of the Prince George’s County Senate Delegation;

(3) the Chair of the Prince George's County House Delegation, or the Chair's designee;

(4) one member of the House of Delegates who represents Prince George's County, appointed by the Chair of the Prince George's County House Delegation;

(5) the Chair of the Prince George's County Board of Education, or the Chair's designee;

~~(6) the Chief Executive Officer of the Prince George's County Public School System, or the Chief Executive Officer's designee;~~

~~(7)~~ the Prince George's County Executive, or the County Executive's designee;

~~(8) one member of the Prince George's County Council, appointed by the Chair of the Prince George's County Council;~~

~~(9)~~ (7) one representative of the Prince George's County Educators' Association, appointed by the President of the Association;

~~(10)~~ (8) one representative of the Maryland Association of Boards of Education, appointed by the Executive Director of MABE;

(9) one representative of the Prince George's County Special Education Citizens Advisory Committee or another representative from the disabled community, appointed by the Chair of the Prince George's County Special Education Citizens Advisory Committee; and

~~(11)~~ (10) the following members, appointed by the State Superintendent of Schools:

(i) one parent of a student enrolled in a Prince George's County public school;

(ii) ~~one student enrolled in a~~ one member of the Prince George's County public school Regional Association of Student Governments; and

(iii) one member of the Prince George's County Board of Education.

(c) The Workgroup shall elect a chair and vice chair from among its members.

(d) Prince George's County Public Schools, in conjunction with Bowie State University, shall provide staff for the Workgroup.

(e) A member of the Workgroup:

1 (1) may not receive compensation as a member of the Workgroup; but

2 (2) is entitled to reimbursement for expenses under the Standard State
3 Travel Regulations, as provided in the State budget.

4 (f) The Workgroup shall study and make recommendations regarding the Prince
5 George's County Board of Education as to:

6 ~~(1) the composition, qualifications, and compensation of members of the~~
7 ~~Board;~~

8 ~~(2) methods for selecting the members of the Board;~~

9 (1) how to implement an electoral process for an all-elected Board that best
10 serves the needs of the Prince George's County community by considering the following:

11 (i) district residency requirements;

12 (ii) age restrictions;

13 (iii) eligibility criteria;

14 (iv) financing mechanisms for candidates, including public financing;

15 (v) minimizing politicization of the process and renewing a focus on
16 Prince George's County students and families;

17 (vi) the impact of term limits; and

18 (vii) an electoral process that achieves a Board composition that
19 reflects the gender and racial diversity of Prince George's County;

20 (2) appropriate compensation for Board members and an appropriate
21 scholarship for the student member, including an assessment of current staffing and budget
22 needs for members of the Board;

23 (3) an appropriate phase-in period for any recommended changes to the
24 existing Board composition Board;

25 ~~(4) a Board composition that reflects the gender and racial diversity of~~
26 ~~Prince George's County;~~

27 ~~(5)~~ criteria that improve Board results, accountability, transparency, and
28 oversight, including;

1 (i) evaluating best practices for mandatory continuing education
2 requirements for members of the Board and a required annual retreat focused on additional
3 training, goal-setting, and evaluating Board results;

4 (ii) investigating course options provided by:

5 1. the National School Board Association;

6 2. the Council on Urban Boards of Education; or

7 3. other reputable organizations that provide training in
8 board governance and best practices; and

9 (iii) clarifying the roles and responsibility of members of the Board
10 and the distinctions between the roles of CEO and member of the Board;

11 (5) the establishment and use of advisory committees, when deemed
12 appropriate by members of the Board;

13 (6) the appropriate removal authority and mechanisms for members of the
14 Board, including:

15 (i) the feasibility of establishing an ethics panel process;

16 (ii) guidelines for how an ethics complaint should be processed;

17 (iii) actions that may be taken based on the findings of an ethics
18 complaint; and

19 (iv) removal of the Governor from the oversight process;

20 ~~(6)~~ (7) criteria for establishing and measuring Board outcomes;

21 ~~(7)~~ (8) a protocol for Board audits and addressing audit findings; and

22 ~~(8)~~ (9) any other relevant issues.

23 (g) (1) The Workgroup shall hold at least three public meetings in
24 geographically diverse areas of Prince George's County that allow members of the general
25 public and stakeholder organizations to testify on issues being studied by the Workgroup.

26 (2) The Workgroup shall extend an invitation to representatives from the
27 following stakeholder organizations to testify at a public meeting:

28 (i) the Prince George's County Educators' Association;

29 (ii) the Prince George's County SEIU Local 400;

(iii) the Prince George's County Association of Supervisory and Administrative School Personnel;

(iv) the Prince George's County AFSCME 2250;

(v) the PTA Council of Prince George's County;

(vi) the Prince George's County ~~Student Councils~~ Regional Association of Student Governments;

(vii) the Prince George's County chapter of the NAACP;

(viii) the Prince George's County Board of Education;

(ix) the Prince George's County Municipal Association;

(x) the Prince George's County Department of Social Services;

(xi) the Latin American Youth Center;

(xii) Casa de Maryland;

(xiii) the Youth Equality Project;

(xiv) LGBTQ Youth–Prince George's County Court Appointed Special Advocates (CASA);

(xv) local community colleges;

(xvi) local universities; and

(xvii) historically black colleges and universities.

(h) ~~The~~ On or before December 30, 2022, the Workgroup shall submit ~~the following reports~~ a report of its findings and recommendations to the Governor, the State Superintendent of Schools, the Prince George's County Executive, the Prince George's County Council, the Chief Executive Officer of the Prince George's County public school system, the Prince George's County Board of Education, and, in accordance with § 2–1257 of the State Government Article, the Prince George's County Senate Delegation and the Prince George's County House Delegation;

~~(1) an interim report on or before October 1, 2022; and~~

~~(2) a final report on or before October 1, 2023.~~

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

Article – Education

3–1004.

(a) (1) [The County Executive shall appoint] BEGINNING ON DECEMBER 5, 2022, THE COUNTY BOARD SHALL ELECT a chair and vice chair of the county board from among the members of the county board.

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

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

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

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

(i) Eight members when the student member is voting; or

(ii) Seven members when the student member is not voting; or

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

(i) Seven members when the student member is voting; or

(ii) Six members when the student member is not voting.

(c) AT THE BEGINNING OF EACH TERM, EACH BOARD MEMBER SHALL ATTEND AN ORIENTATION AND BE PROVIDED WITH TRAINING MATERIALS THAT CLARIFY THE ROLE OF A MEMBER.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

3–114.

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

(1) Allegany;

(2) Anne Arundel;

(3) Calvert;

(4) Carroll;

(5) Cecil;

(6) Charles;

(7) Dorchester;

(8) Frederick;

(9) Garrett;

(10) Howard;

(11) Kent;

(12) Montgomery;

(13) PRINCE GEORGE’S;

~~[(13)]~~ **(14)** Queen Anne’s;

~~[(14)]~~ **(15)** St. Mary’s;

~~[(15)]~~ **(16)** Somerset;

~~[(16)]~~ **(17)** Talbot;

~~[(17)]~~ **(18)** Washington;

~~[(18)]~~ **(19)** Wicomico; and

~~[(19)]~~ **(20)** Worcester.

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

(c) In Baltimore County, in accordance with Subtitle 2A of this title, the members 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

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

28 [(3)] (2) One student member selected under subsection [(g)(2)] (F)(2) of
29 this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (f) (1) The appointed members of the county board shall be appointed as
32 follows:

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

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

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

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

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

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

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

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

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

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

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

27 (ii) May be reappointed; and

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

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

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

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

3 ~~[(5)]~~ (2) The student member serves for a term of 1 year beginning at the
4 end of a school year.

5 ~~[(6)]~~ (3) (i) Subject to subparagraph (ii) of this paragraph, if a seat
6 held by an elected member of the county board becomes vacant, the County Executive shall:

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

9 2. Transmit the name of the appointee to the clerk of the
10 County Council.

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

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

17 (i) Immorality;

18 (ii) Misconduct in office;

19 (iii) Incompetency; or

20 (iv) Willful neglect of duty.

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

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

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

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

30 (4) A member removed under this subsection has the right to judicial
31 review of the removal by the Circuit Court for Prince George's County based on an

administrative record and such additional evidence as would be authorized by § 10-222(f) and (g) of the State Government Article.

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

3-1003.

(a) (1) From and after December 4, 2006, at the beginning of each member's full term, the chair of the county board 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.

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

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

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

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

3-1004.

(a) (1) [Beginning on December 5, 2022, the] **THE** county board shall elect a chair and vice chair of the county board from among the **ELECTED** members of the county board.

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

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

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

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

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

or

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

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

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

(c) At the beginning of each term, each Board member shall attend an orientation and be provided with training materials that clarify the role of a member.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2024.

SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect July 1, 2022. ~~It~~ Section 1 of this Act shall remain effective for a period of 1 year and 6 months and, at the end of December 31, 2023, Section 1 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.