

PROPOSED AMENDMENTS TO HOUSE BILL 1107

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3, and substitute “Prince George’s County – Superintendent of Schools and Board of Education – Appointment and Responsibilities”; strike beginning with “establishing” in line 5 down through “Education” in line 16 and substitute “revising the composition of the Prince George’s County Board of Education; providing for the appointment of certain members of the county board by the County Executive of Prince George’s County and the Prince George’s County Council; providing for a certain ex officio voting member of the county board; providing for the qualifications, terms of office, and the filling of a vacancy of certain members of the county board; repealing certain provisions for the filling of a vacancy of certain members of the county board; providing for the appointment of certain nonvoting representatives to the county board; authorizing the provision of health insurance and other fringe benefits for appointed members of the county board; requiring the affirmative vote of a certain number of members of the county board for the passage of a certain motion; authorizing the Prince George’s County Superintendent of Schools to determine certain geographical attendance areas and consolidate schools under certain circumstances; requiring the county board to consult with the county superintendent before entering into a certain agreement; requiring the county superintendent to appoint and set the salaries of all principals, teachers, and other certificated and noncertificated personnel; exempting Prince George’s County from certain provisions of law relating to county superintendents; establishing the purpose of the county board; requiring the county board to implement certain policies; requiring the County Executive to appoint the county superintendent in a certain manner; requiring the county superintendent to serve in the cabinet of the County Executive and at the pleasure of the County Executive; providing for the qualifications, term of office, reappointment, and removal of the county superintendent; providing for the compensation, office, staff, equipment, transportation, and reimbursement of certain expenses of the county superintendent; establishing the responsibilities, powers, and duties of the county superintendent; providing for the appeal of a decision of the county superintendent; providing that in

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Prince George’s County, the county superintendent rather than the county board shall prepare an annual budget for the school system; requiring certain notice and hearings relating to a certain annual budget; providing for the responsibilities and powers of the county superintendent and the county board relating to the annual budget; defining certain terms; requiring the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to correct any references throughout the Code that are rendered incorrect by this Act and to describe any corrections in an editor’s note following the section affected; and generally relating to the appointment and responsibilities of the Prince George’s County Superintendent of Schools and the Prince George’s County Board of Education”; after line 16, insert:

“BY repealing and reenacting, with amendments,

Article - Education

Section 3-105, 3-114, 3-6A-01(g)(3)(iii)7., 3-701(e)(7)(vii), 3-1002 through 3-1004, 4-101, 4-103, 4-201, 5-101, 6-201, and 6-202

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article - Education

Section 3-1006

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

BY adding to

Article - Education

Section 4-101.1, 4-201; and 4-401 and 4-402 to be under the new subtitle “Subtitle 4. Prince George’s County”

Annotated Code of Maryland

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and in line 18, after “That” insert “the Laws of Maryland read as follows”.

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 19 on page 1 through line 4 on page 4, inclusive, and substitute:

“Article – Education

3–105.

(a) Subsections (b), (c), and (d) of this section do not apply to a county if the number of members of the county board is regulated by other provisions of this title.

(b) If a county school system has an enrollment of less than 50,000 students, the county board shall have five members, except that:

(1) The Worcester County Board shall have the number of members provided in subsection (e) of this section;

(2) Any county board that had more than five members on July 1, 1969, shall retain that number of members; and

(3) The Wicomico County Board shall have the number of members provided in subsection (f) of this section.

(c) If a county school system has an enrollment of 50,000 students or more but less than 100,000 students, the county board shall have seven members.

(d) If a county school system has an enrollment of 100,000 students or more, the county board shall have nine members except as provided in § 3–901 of this title for Montgomery County AND § 3-1002 OF THIS TITLE FOR PRINCE GEORGE’S COUNTY.

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(e) The Worcester County Board consists of seven voting members and one nonvoting student member from each public high school in the county.

(f) (1) The Wicomico County Board consists of seven members.

(2) The term of a member is 5 years.

3-114.

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

(1) Allegany;

(2) Calvert;

(3) Carroll;

(4) Cecil;

(5) Charles;

(6) Dorchester;

(7) Frederick;

(8) Garrett;

(9) Howard;

(10) Kent;

[(11) Prince George's;]

[(12) (11) Montgomery;

[(13) (12) Queen Anne's;

[(14) (13) St. Mary's;

[(15) (14) Somerset;

[(16) (15) Talbot;

[(17) (16) Washington; and

[(18) (17) Worcester.

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

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

(D) IN PRINCE GEORGE'S COUNTY, IN ACCORDANCE WITH SUBTITLE 10 OF THIS TITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A COMBINATION OF MEMBERS WHO ARE ELECTED AND APPOINTED.

[(d) (E) An individual subject to the authority of the county board may not serve as a member of the county board. At the time of filing a certificate of candidacy

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for election to a county board, a person shall certify to the local board of supervisors of elections whether or not he is subject to the authority of the county board. The Governor shall not issue a commission of election to a person who has certified affirmatively and who is elected to a county board until the member-elect offers proof that he is no longer subject to the authority of the county board.

[(e)] (F) The election of the county boards shall be held as provided in Subtitles 2 through 14 of this title and the Election Law Article.

3-6A-01.

(g) (3) (iii) The student member shall vote on and participate in all matters except those relating to:

7. Appointment and salary of a county superintendent under §§ [4-201] 4-201.1 and 4-202 of this article;

3-701.

(e) (7) The student member shall vote on all matters except those relating to:

(vii) Appointment and salary of a county superintendent under §§ [4-201] 4-201.1 and 4-202 of this article;

3-1002.

(a) (1) In this subtitle[,] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “APPOINTED MEMBER” MEANS A MEMBER OF THE PRINCE GEORGE’S COUNTY BOARD APPOINTED UNDER SUBSECTION (F) OF THIS SECTION.

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

(b) The Prince George’s County Board consists of [10] 13 members as follows:

(1) Nine elected members, each of whom resides in a different school board district; [and]

(2) TWO APPOINTED MEMBERS;

(3) THE PRESIDENT OF THE PRINCE GEORGE’S COUNTY COUNCIL OF PARENT TEACHER ASSOCIATIONS, WHO IS AN EX OFFICIO VOTING MEMBER; AND

[(2)] (4) One student member selected under subsection [(f)(2)] (H)(2) of this section.

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

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

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

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

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

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

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

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

(1) At the general election every 4 years as required by subsection (g) of this section; and

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

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

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

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

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

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

(F) (1) THE APPOINTED MEMBERS OF THE COUNTY BOARD SHALL BE APPOINTED AS FOLLOWS:

(i) ONE MEMBER SHALL BE APPOINTED BY THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY AND SHALL POSSESS A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING EDUCATION; AND

(ii) ONE MEMBER SHALL BE APPOINTED BY THE PRINCE GEORGE'S COUNTY COUNCIL AND SHALL:

1. POSSESS A HIGH LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING THE SUCCESSFUL ADMINISTRATION OF A LARGE BUSINESS, NONPROFIT, OR GOVERNMENTAL ENTITY; AND

2. HAVE SERVED IN A HIGH LEVEL MANAGEMENT POSITION WITHIN A LARGE BUSINESS, NONPROFIT, OR GOVERNMENTAL ENTITY.

(2) EACH APPOINTED MEMBER OF THE COUNTY BOARD SHALL BE A RESIDENT OF PRINCE GEORGE'S COUNTY.

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(G) (1) THE EX OFFICIO MEMBER MAY VOTE ON ALL MATTERS BEFORE THE BOARD EXCEPT THOSE RELATING TO:

(I) CAPITAL AND OPERATING BUDGETS;

(II) SCHOOL CLOSINGS, REOPENINGS, AND BOUNDARIES;

(III) COLLECTIVE BARGAINING DECISIONS;

(IV) STUDENT DISCIPLINARY MATTERS;

(V) TEACHER AND ADMINISTRATOR DISCIPLINARY MATTERS AS PROVIDED UNDER § 6-202(A) OF THIS ARTICLE; AND

(VI) OTHER PERSONNEL MATTERS.

(2) ON AN AFFIRMATIVE VOTE OF A MAJORITY OF THE ELECTED AND APPOINTED MEMBERS OF THE COUNTY BOARD, THE BOARD MAY DETERMINE IF A MATTER BEFORE THE BOARD RELATES TO A SUBJECT THAT THE EX OFFICIO MEMBER MAY NOT VOTE ON UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A MAJORITY OF THE ELECTED AND APPOINTED MEMBERS OF THE COUNTY BOARD, THE EX OFFICIO MEMBER MAY NOT ATTEND AN EXECUTIVE SESSION THAT RELATES TO HEARINGS ON APPEALS OF SPECIAL EDUCATION PLACEMENTS, HEARINGS HELD UNDER § 6-202(A) OF THIS ARTICLE, OR COLLECTIVE BARGAINING.

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

(2) An eligible student shall file a nomination form at least 2 weeks before a special election meeting of the Prince George's Regional Association of Student Governments. Nomination forms shall 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. The delegates to the regional association annually shall elect the student member to the board at a special election meeting to be held each school year.

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

(i) Capital and operating budgets;

(ii) School closings, reopenings, and boundaries;

(iii) Collective bargaining decisions;

(iv) Student disciplinary matters;

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

(vi) Other personnel matters.

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

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

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

(7) The election procedures established by the Prince George’s Regional Association of Student Governments are subject to the approval of the elected AND APPOINTED members of the county board.

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

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

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

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

(3) AN APPOINTED MEMBER:

(1) SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE DATE OF APPOINTMENT;

(II) MAY BE REAPPOINTED; AND

(III) SERVES UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

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

[(4) (i) 1. A seat on the county board held by an elected member that becomes vacant more than 180 days before the end of that member's term of office shall be filled for the remainder of the term at a special election.

2. A seat on the county board held by an elected member that becomes vacant 180 days or less before the end of that member's term of office shall remain vacant until a successor is elected and qualifies.

(ii) 1. A. No later than 7 days after the occurrence of a vacancy on the county board that must be filled at a special election, the County Council shall adopt a resolution directing that a special primary election and special general election be held in the school board district where the vacancy occurs.

B. The County Council shall consult with the Board of Elections before adopting the resolution.

2. Subject to subparagraph (iii) of this paragraph, the County Council resolution shall specify:

A. The date by which a certificate of candidacy must be filed with the Board of Elections;

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B. The date of the special primary election; and

C. The date of the special general election.

3. No later than 7 days after the adoption of the County Council resolution, the Board of Elections shall publish the information contained in the resolution once in at least one newspaper of general circulation.

(iii) 1. A candidate shall file a certificate of candidacy with the Board of Elections no later than 28 days before a special primary election in order to appear on the ballot.

2. The following provisions are subject to subsubparagraph 3 of this subparagraph:

A. A special primary election shall be held on a Tuesday at least 45 days but no later than 60 days after the occurrence of a vacancy.

B. A special general election shall be held on a Tuesday at least 60 days but no later than 90 days after the occurrence of a vacancy.

3. A special election may not be held less than 30 days before a regularly scheduled election.

4. On the day of a special election, polling places shall be open from 7 a.m. to 8 p.m.

(iv) 1. No later than 10 days before a special primary election and special general election, the Board of Elections shall mail a specimen ballot to the household of each registered voter in the school board district where the vacancy occurs.

2. The specimen ballot shall include the names of the candidates in the order and form in which they are to appear on the ballot, together with a statement, not to exceed 500 words, provided by each candidate.

(v) 1. Prince George's County shall fund a special election held under this paragraph.

2. The Board of Elections shall submit a request for a supplemental budget appropriation to the Director of the Office of Management and Budget to cover the cost of a special election no later than 60 days after the election.

(vi) A special election under this paragraph shall be governed by Title 8, Subtitle 8 of the Election Law Article and all other relevant provisions of law relating to the conduct of elections except as otherwise provided in this subtitle or where such construction would be unreasonable.]

(5) IF A SEAT HELD BY AN ELECTED MEMBER BECOMES VACANT, THE COUNTY EXECUTIVE, SUBJECT TO THE CONFIRMATION OF THE COUNTY COUNCIL, SHALL APPOINT A QUALIFIED INDIVIDUAL TO FILL THE SEAT UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

[(h)] (J) (1) With the approval of the Governor, the State Board may remove a member of the county board for any of the following reasons:

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

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

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

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

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

(4) A member removed under this subsection has the right to judicial 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.

[(i)] (K) 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.

(L) IN ADDITION TO THE ELECTED, APPOINTED, EX OFFICIO, AND STUDENT MEMBERS, THERE SHALL BE THREE NONVOTING REPRESENTATIVES TO THE COUNTY BOARD, ONE APPOINTED BY EACH OF THE FOLLOWING INSTITUTIONS OF HIGHER EDUCATION:

(1) THE UNIVERSITY OF MARYLAND, COLLEGE PARK;

(2) BOWIE STATE UNIVERSITY; AND

(3) PRINCE GEORGE'S COMMUNITY COLLEGE.

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 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.

3-1004.

(a) The county board shall hold an annual meeting on the first Monday in December to elect a chair and vice chair from among its members.

(b) (1) Except as otherwise provided in paragraph (2) of this subsection, the affirmative vote of the members of the county board for the passage of a motion by the county board shall be:

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(i) [Six] SEVEN members when the EX OFFICIO AND student [member is] MEMBERS ARE voting; or

(ii) [Five] SIX members when the EX OFFICIO AND student [member is] MEMBERS ARE not voting.

(2) When there are two or more vacancies on the county board, the affirmative vote of the members of the county board for the passage of a motion by the board shall be:

(i) [Five] SIX members when the EX OFFICIO AND student [member is] MEMBERS ARE voting; or

(ii) [Four] FIVE members when the EX OFFICIO AND student [member is] MEMBERS ARE not voting.

3-1006.

In addition to the powers otherwise granted to the county board in this article, the county board or a designated committee of the county board may hear an appeal from a decision of the county superintendent that relates to the grade, transfer, tuition, or any aspect of participation in a program or activity of a specific student who is not subject to the provisions of Title 8, Subtitle 4 of this article.

4-101.

(a) [Educational] SUBJECT TO THE PROVISIONS OF SUBTITLE 4 OF THIS TITLE, EDUCATIONAL matters that affect the counties shall be under the control of a county board of education in each county.

(b) Each county board shall seek in every way to promote the interests of the schools under its jurisdiction.

4-101.1.

(A) THIS SECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

(B) THE COUNTY SUPERINTENDENT, IN CONSULTATION WITH THE COUNTY BOARD, SHALL HAVE THE AUTHORITY TO:

(1) DETERMINE THE GEOGRAPHICAL ATTENDANCE AREA FOR EACH SCHOOL ESTABLISHED UNDER § 4-109 OF THIS SUBTITLE; AND

(2) CONSOLIDATE SCHOOLS IF CONSIDERED PRACTICABLE.

(C) THE COUNTY BOARD SHALL CONSULT WITH THE COUNTY SUPERINTENDENT BEFORE ENTERING INTO ANY AGREEMENT FOR THE COOPERATIVE OR JOINT ADMINISTRATION OF PROGRAMS UNDER § 4-123 OF THIS SUBTITLE.

4-103.

(a) [On] EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, ON the written recommendation of the county superintendent and subject to the provisions of this article, each county board shall:

(1) Appoint all principals, teachers, and other certificated and noncertificated personnel; and

(2) Set their salaries.

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(b) In Baltimore City, the Board of School Commissioners shall exercise the authority granted in this section.

(c) SUBJECT TO THE PROVISIONS OF THIS ARTICLE, IN PRINCE GEORGE'S COUNTY, THE COUNTY SUPERINTENDENT SHALL APPOINT AND SET THE SALARY OF ALL PRINCIPALS, TEACHERS, AND OTHER CERTIFICATED AND NONCERTIFICATED PERSONNEL.

4-201.

THE PROVISIONS OF THIS SUBTITLE DO NOT APPLY IN PRINCE GEORGE'S COUNTY.

[4-201.]4-201.1.

(a) This section does not apply to Baltimore City.

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

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

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

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

(c) (1) An individual may not be appointed as county superintendent unless he:

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

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

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

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

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

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

(e) (1) The State Superintendent may remove a county superintendent for:

(i) Immorality;

(ii) Misconduct in office;

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- (iii) Insubordination;
- (iv) Incompetency; or
- (v) Willful neglect of duty.

(2) Before removing a county superintendent, the State Superintendent shall send the county superintendent a copy of the charges against the county superintendent and give the county superintendent an opportunity within 10 days to request a hearing.

(3) If the county superintendent requests a hearing within the 10-day period:

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

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

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

SUBTITLE 4. PRINCE GEORGE'S COUNTY.

4-401.

(A) THE PURPOSE OF THE COUNTY BOARD IS TO:

(1) RAISE THE LEVEL OF ACADEMIC ACHIEVEMENT OF THE STUDENTS IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM; AND

(2) RAISE THE LEVEL OF ENGAGEMENT OF THE PARENTS, STUDENTS, AND COMMUNITY AS A WHOLE.

(B) THE COUNTY BOARD SHALL BE RESPONSIBLE FOR THE ACADEMIC ACHIEVEMENT OF THE PUBLIC SCHOOL STUDENTS IN PRINCE GEORGE'S COUNTY.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR REGULATION, THE COUNTY BOARD SHALL IMPLEMENT POLICIES TO FURTHER THE PURPOSE STATED IN SUBSECTION (A) OF THIS SECTION.

(D) THE POLICIES IMPLEMENTED UNDER SUBSECTION (C) OF THIS SECTION SHALL:

(1) PROVIDE FOR THE IMPROVEMENT OF:

(I) STUDENT ACHIEVEMENT IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS; AND

(II) THE ENGAGEMENT OF THE PARENTS, STUDENTS, AND COMMUNITY AS A WHOLE IN THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM; AND

(Over)

(2) IDENTIFY THE ACTIONS NECESSARY TO:

(i) ADDRESS THE COMPLIANCE EFFORTS AND THE SCHOOL SYSTEM'S EFFORTS TO ACHIEVE FULL ORGANIZATIONAL AND INSTRUCTIONAL INTEGRATION OF SPECIAL EDUCATION AND GENERAL EDUCATION, INCLUDING THE QUALITY INDICATORS THAT WILL BE USED TO EVALUATE THE EXTENT OF INTEGRATION AND IMPACT ON STUDENT PERFORMANCE;

(ii) PROVIDE EFFECTIVE CURRICULUM AND INSTRUCTIONAL PROGRAMS FOR THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM, INCLUDING THE DEVELOPMENT AND DISSEMINATION OF:

1. A COUNTYWIDE CURRICULUM FRAMEWORK REFLECTING STATE LEARNING OUTCOMES, INCLUDING STATE SCHOOL PERFORMANCE PROGRAM STANDARDS, AND AN APPROPRIATE DEVELOPMENTAL SEQUENCE FOR STUDENTS;

2. AN EFFECTIVE PROGRAM DEVELOPED BY THE COUNTY SUPERINTENDENT, WITH THE ASSISTANCE OF THE COUNTY BOARD, THAT INVOLVES SCHOOL-BASED PRACTITIONERS, INCLUDING TEACHERS, MENTORS, MASTER TEACHERS, INSTRUCTIONAL SUPPORT TEACHERS, AND THE EXCLUSIVE EMPLOYEE ORGANIZATION REPRESENTATIVES IN THE DESIGN AND IMPLEMENTATION OF HIGH QUALITY, DIFFERENTIATED PROFESSIONAL DEVELOPMENT ACTIVITIES DERIVED FROM ANALYSIS OF STUDENT PERFORMANCE NEEDS AND THAT COMPLIES WITH THE NATIONAL STAFF DEVELOPMENT COUNCIL STANDARDS FOR CONTENT, CONTEXT, AND PROCESS;
AND

3. AN EFFECTIVE EDUCATIONAL PROGRAM FOR MEETING THE NEEDS OF STUDENTS AT RISK OF EDUCATIONAL FAILURE;

(III) REVIEW THE REQUIREMENT OF A DEMONSTRATED STUDENT ACHIEVEMENT PORTFOLIO FOR THE PERFORMANCE-BASED EVALUATION SYSTEM FOR TEACHERS AND PRINCIPALS AND RECOMMEND DESIGN MODIFICATIONS TO THE COUNTY SUPERINTENDENT THAT WILL ENHANCE TEACHER AND PRINCIPAL INVESTMENT IN THE EVALUATION INSTRUMENT;

(IV) PROVIDE AN EFFECTIVE ADMINISTRATION TOOL FOR THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM THAT GATHERS INFORMATION AND DATA ON THE CAPACITY TO ACCURATELY TRACK STUDENT ENROLLMENT, ATTENDANCE, ACADEMIC RECORDS, DISCIPLINE RECORDS, AND COMPLIANCE WITH THE PROVISIONS OF THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT;

(V) DEVELOP AN EFFECTIVE SYSTEM OF PROVIDING INSTRUCTIONAL MATERIALS AND SUPPORT SERVICES;

(VI) DEVELOP AND EVALUATE MODEL SCHOOL REFORM INITIATIVES;

(VII) DEVELOP A PROCESS WITH TIME LINES TO GOVERN THE DISTRIBUTION OF STUDENT TEST DATA TO AREA EXECUTIVE OFFICERS AND TO PRINCIPALS, INCLUDING THE CENTRAL OFFICE RESOURCES THAT WILL BE PROVIDED TO SCHOOL LEVEL PRACTITIONERS TO VALIDATE AND ANALYZE THE STUDENT TEST DATA;

(VIII) PROVIDE APPROPRIATE METHODS FOR STUDENT ASSESSMENT AND REMEDIATION;

(IX) DEVELOP AND IMPLEMENT A STUDENT CODE OF DISCIPLINE AS REQUIRED IN § 7-306 OF THIS ARTICLE;

(X) ASSIST THE COUNTY SUPERINTENDENT IN DEVELOPING A PROGRAM TO TRAIN PRINCIPALS AND ASSISTANT PRINCIPALS IN METHODS OF INCREASING PARENTAL INVOLVEMENT AT THE SCHOOL LEVEL, INCLUDING STRATEGIES FOR:

1. CONNECTING PARENTS TO THE INSTRUCTIONAL PROGRAM OF THE SCHOOL; AND

2. MEASURING THE LEVEL OF PARENTAL INVOLVEMENT THROUGH MEANINGFUL INDICATORS;

(XI) INCLUDE MEASURABLE OUTCOMES AND TIME LINES FOR THE IMPLEMENTATION AND EVALUATION OF THE POLICIES FOR STUDENT ACADEMIC ACHIEVEMENT, AND THE ENGAGEMENT OF THE PARENTS, STUDENTS, AND COMMUNITY AS A WHOLE; AND

(XII) ASSIST THE COUNTY SUPERINTENDENT IN DEVELOPING AN EFFECTIVE SYSTEM OF TEACHER INPUT REGARDING IMPLEMENTATION OF SCHOOL POLICIES, CURRICULUM, INSTRUCTION, AND PROFESSIONAL DEVELOPMENT THAT INCLUDES ACTIVE AND ONGOING CONSULTATION WITH CLASSROOM TEACHERS AT THE ELEMENTARY, MIDDLE, AND HIGH SCHOOL LEVELS.

4-402.

(A) THE COUNTY SUPERINTENDENT:

(1) SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION, SHALL BE APPOINTED BY THE COUNTY EXECUTIVE IN THE MANNER PROVIDED FOR ADMINISTRATIVE APPOINTMENTS IN THE PRINCE GEORGE'S COUNTY CHARTER;

(2) SHALL SERVE IN THE CABINET OF THE COUNTY EXECUTIVE;

AND

(3) SUBJECT TO THE PROVISIONS OF SUBSECTION (E) OF THIS SECTION, SHALL SERVE AT THE PLEASURE OF THE COUNTY EXECUTIVE.

(B) (1) THE TERM OF THE COUNTY SUPERINTENDENT IS 4 YEARS BEGINNING ON JULY 1.

(2) THE COUNTY SUPERINTENDENT CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) BY FEBRUARY 1 OF THE YEAR IN WHICH A TERM ENDS, THE COUNTY SUPERINTENDENT SHALL NOTIFY THE COUNTY EXECUTIVE WHETHER THE COUNTY SUPERINTENDENT IS A CANDIDATE FOR REAPPOINTMENT.

(4) (I) IN THE YEAR A TERM BEGINS, THE COUNTY EXECUTIVE SHALL APPOINT A COUNTY SUPERINTENDENT BETWEEN FEBRUARY 1 AND JUNE 30.

(Over)

(II) IF THE COUNTY EXECUTIVE DECIDES TO REAPPOINT THE INCUMBENT COUNTY SUPERINTENDENT, THE REAPPOINTMENT SHALL BE COMPLETE AND EFFECTIVE NO LATER THAN MARCH 1 OF THAT YEAR.

(5) IF THE COUNTY EXECUTIVE IS UNABLE TO APPOINT A COUNTY SUPERINTENDENT BY JULY 1 OF THE YEAR A TERM BEGINS, THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION APPLY.

(C) (1) AN INDIVIDUAL MAY NOT BE APPOINTED AS COUNTY SUPERINTENDENT UNLESS THE INDIVIDUAL:

(I) IS ELIGIBLE TO BE ISSUED A CERTIFICATE FOR THE OFFICE BY THE STATE SUPERINTENDENT;

(II) HAS GRADUATED FROM AN ACCREDITED COLLEGE OR UNIVERSITY; AND

(III) HAS COMPLETED 2 YEARS OF GRADUATE WORK AT AN ACCREDITED COLLEGE OR UNIVERSITY, INCLUDING PUBLIC SCHOOL ADMINISTRATION, SUPERVISION, AND METHODS OF TEACHING.

(2) THE APPOINTMENT OF THE COUNTY SUPERINTENDENT IS NOT VALID UNLESS APPROVED IN WRITING BY THE STATE SUPERINTENDENT.

(3) IF THE STATE SUPERINTENDENT DISAPPROVES AN APPOINTMENT, THE STATE SUPERINTENDENT SHALL GIVE THE REASONS FOR DISAPPROVAL IN WRITING TO THE COUNTY BOARD AND THE COUNTY EXECUTIVE.

(D) IF A VACANCY OCCURS IN THE OFFICE OF COUNTY SUPERINTENDENT, THE COUNTY EXECUTIVE SHALL APPOINT AN INTERIM COUNTY SUPERINTENDENT TO SERVE UNTIL JULY 1 AFTER THE APPOINTMENT.

(E) (1) THE STATE SUPERINTENDENT MAY REMOVE A COUNTY SUPERINTENDENT FOR:

- (I) IMMORALITY;
- (II) MISCONDUCT IN OFFICE;
- (III) INSUBORDINATION;
- (IV) INCOMPETENCY; OR
- (V) WILLFUL NEGLECT OF DUTY.

(2) BEFORE REMOVING A COUNTY SUPERINTENDENT, THE STATE SUPERINTENDENT SHALL SEND THE COUNTY SUPERINTENDENT A COPY OF THE CHARGES AGAINST THE COUNTY SUPERINTENDENT AND GIVE THE COUNTY SUPERINTENDENT AN OPPORTUNITY TO REQUEST A HEARING WITHIN 10 DAYS OF RECEIVING THE CHARGES.

(3) IF THE COUNTY SUPERINTENDENT REQUESTS A HEARING WITHIN THE 10-DAY PERIOD:

(I) THE STATE SUPERINTENDENT PROMPTLY SHALL HOLD A HEARING, BUT AT LEAST 10 DAYS AFTER PROVIDING THE COUNTY SUPERINTENDENT NOTICE OF THE HEARING; AND

(Over)

(II) THE COUNTY SUPERINTENDENT SHALL HAVE AN OPPORTUNITY TO BE HEARD PUBLICLY BEFORE THE STATE SUPERINTENDENT IN THE COUNTY SUPERINTENDENT'S OWN DEFENSE, IN PERSON OR BY COUNSEL.

(F) ON NOTIFICATION OF PENDING CRIMINAL CHARGES AGAINST THE COUNTY SUPERINTENDENT AS PROVIDED UNDER SUBSECTION (K) OF THIS SECTION, THE COUNTY EXECUTIVE MAY SUSPEND THE COUNTY SUPERINTENDENT WITH PAY UNTIL THE FINAL DISPOSITION OF THE CRIMINAL CHARGES.

(G) (1) THE COUNTY SUPERINTENDENT IS ENTITLED TO THE COMPENSATION SET BY THE COUNTY EXECUTIVE.

(2) THE SALARY OF THE COUNTY SUPERINTENDENT MAY NOT BE DECREASED DURING A TERM OF OFFICE.

(3) THE COUNTY SUPERINTENDENT SHALL DEVOTE FULL TIME TO PUBLIC SCHOOL BUSINESS.

(H) (1) THE COUNTY EXECUTIVE SHALL PROVIDE THE OFFICE OF THE COUNTY SUPERINTENDENT WITH ADEQUATE SPACE AND CLERICAL EQUIPMENT.

(2) THE COUNTY SUPERINTENDENT AND THE COUNTY SUPERINTENDENT'S PROFESSIONAL ASSISTANTS SHALL BE PROVIDED WITH THE TRANSPORTATION NECESSARY FOR THE EFFECTIVE AND EFFICIENT PERFORMANCE OF THE OFFICIAL DUTIES OF THE COUNTY SUPERINTENDENT.

(3) (I) THE COUNTY SUPERINTENDENT AND THE COUNTY SUPERINTENDENT'S PROFESSIONAL ASSISTANTS ARE ENTITLED TO REIMBURSEMENT FOR TRAVEL AND OTHER EXPENSES.

(II) TRAVEL AND OTHER EXPENSES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE INCLUDED IN OR COUNTED AS A PART OF ANNUAL SALARY.

(I) (1) ACTING UNDER THE RULES AND REGULATIONS OF THE EXECUTIVE BRANCH OF THE PRINCE GEORGE'S COUNTY GOVERNMENT, THE COUNTY SUPERINTENDENT IS RESPONSIBLE FOR THE ADMINISTRATION OF THE COUNTY SUPERINTENDENT'S OFFICE.

(2) AS THE EXECUTIVE OFFICER OF THE COUNTY BOARD, THE COUNTY SUPERINTENDENT SHALL ENSURE THAT THE FOLLOWING ARE CARRIED OUT:

(I) THE LAWS RELATING TO THE PUBLIC SCHOOLS;

(II) THE APPLICABLE ENACTED AND PUBLISHED BYLAWS OF THE STATE BOARD;

(III) THE POLICIES OF THE STATE BOARD;

(IV) THE RULES AND REGULATIONS OF THE COUNTY BOARD;

AND

(V) THE POLICIES OF THE COUNTY BOARD.

(Over)

(J) (1) IN ADDITION TO THE OTHER POWERS GRANTED AND DUTIES IMPOSED UNDER THIS ARTICLE, THE COUNTY SUPERINTENDENT HAS THE POWERS AND DUTIES SET FORTH IN THIS SECTION.

(2) THE COUNTY SUPERINTENDENT MAY ADMINISTER OATHS TO WITNESSES IN ALL APPEALS OR CASES THAT COME BEFORE THE COUNTY BOARD.

(3) (I) SUBJECT TO THE AUTHORITY OF THE STATE BOARD UNDER § 2-205(E) OF THIS ARTICLE, EACH COUNTY SUPERINTENDENT SHALL EXPLAIN THE TRUE INTENT AND MEANING OF:

1. THE SCHOOL LAW; AND

2. THE APPLICABLE BYLAWS OF THE STATE BOARD.

(II) SUBJECT TO THE PROVISIONS OF § 6-203 AND TITLE 6, SUBTITLE 4 OF THIS ARTICLE, AND WITHOUT CHARGE TO THE PARTIES CONCERNED, A COUNTY SUPERINTENDENT SHALL DECIDE ALL CONTROVERSIES AND DISPUTES THAT INVOLVE:

1. THE RULES AND REGULATIONS OF THE COUNTY BOARD; AND

2. THE PROPER ADMINISTRATION OF THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM.

(III) A DECISION OF A COUNTY SUPERINTENDENT MAY BE APPEALED TO THE COUNTY BOARD IF TAKEN IN WRITING WITHIN 30 DAYS AFTER THE DECISION OF THE COUNTY SUPERINTENDENT.

(IV) THE DECISION MAY BE FURTHER APPEALED TO THE STATE BOARD IF TAKEN IN WRITING WITHIN 30 DAYS AFTER THE DECISION OF THE COUNTY BOARD.

(4) A CONTRACT MADE BY THE COUNTY BOARD IS NOT VALID WITHOUT THE WRITTEN APPROVAL OF THE COUNTY SUPERINTENDENT.

(5) THE COUNTY SUPERINTENDENT SHALL:

(I) IN ACCORDANCE WITH § 4-103 OF THIS TITLE AND § 6-201 OF THIS ARTICLE, APPOINT AND SET THE SALARIES OF ALL PRINCIPALS, TEACHERS, AND OTHER CERTIFICATED AND NONCERTIFICATED PERSONNEL; AND

(II) IN ACCORDANCE WITH § 6-202 OF THIS ARTICLE, BE RESPONSIBLE FOR THE SUSPENSION OR DISMISSAL OF A TEACHER, PRINCIPAL, SUPERVISOR, ASSISTANT SUPERINTENDENT, OR OTHER PROFESSIONAL ASSISTANT.

(6) (I) ACTING AS THE EXECUTIVE OFFICER OF THE COUNTY BOARD, THE COUNTY SUPERINTENDENT SHALL:

1. CONDUCT ALL CORRESPONDENCE;

(Over)

2. RECEIVE ALL REPORTS FROM PRINCIPALS AND TEACHERS; AND

3. ENSURE THAT ALL REPORTS ARE MADE AND SUBMITTED PROPERLY.

(II) THE COUNTY SUPERINTENDENT SHALL PREPARE AND SUBMIT TO THE COUNTY BOARD FOR ADOPTION:

1. ALL REPORTS REQUIRED OF THE COUNTY BOARD BY THE STATE BOARD OR THE STATE SUPERINTENDENT; AND

2. THE ANNUAL REPORT REQUIRED BY § 5-111(B) OF THIS ARTICLE.

(7) THE COUNTY SUPERINTENDENT:

(I) SHALL ADVISE TEACHERS AS TO FURTHER STUDY AND PROFESSIONAL IMPROVEMENT;

(II) SHALL DEVELOP A PROGRAM OF IN-SERVICE TRAINING FOR ALL PUBLIC SCHOOL PERSONNEL; AND

(III) MAY REQUIRE ATTENDANCE AT AN INSTITUTION OF HIGHER EDUCATION FOR FUTURE CERTIFICATION AND PROFESSIONAL IMPROVEMENT INSTEAD OF IN-SERVICE TRAINING.

(8) THE COUNTY SUPERINTENDENT AND THE COUNTY SUPERINTENDENT'S PROFESSIONAL ASSISTANTS SHALL:

(I) VISIT THE SCHOOLS;

(II) OBSERVE SCHOOL MANAGEMENT AND INSTRUCTION;

(III) GIVE SUGGESTIONS FOR SCHOOL IMPROVEMENT;

(IV) CONSULT WITH AND ADVISE PRINCIPALS AND
TEACHERS; AND

(V) TRY IN EVERY WAY TO AWAKEN PUBLIC INTEREST AND
IMPROVE EDUCATIONAL CONDITIONS IN PRINCE GEORGE'S COUNTY.

(9) IN ACCORDANCE WITH THE APPLICABLE RULES AND
REGULATIONS OF THE STATE BOARD, THE COUNTY SUPERINTENDENT
PERIODICALLY SHALL:

(I) EVALUATE THE PROGRAM OF INSTRUCTION IN THE
PUBLIC SCHOOLS OF THE COUNTY; AND

(II) REPORT THE FINDINGS AND RECOMMENDATIONS TO
THE COUNTY BOARD.

(10) THE COUNTY SUPERINTENDENT SHALL PREPARE AND
RECOMMEND FOR ADOPTION BY THE COUNTY BOARD:

(I) CURRICULUM GUIDES;

(II) COURSES OF STUDY;

(Over)

(III) RESOURCE MATERIAL; AND

(IV) OTHER TEACHING AIDS.

(11) (I) THE COUNTY SUPERINTENDENT SHALL PREPARE LISTS OF THE FOLLOWING ITEMS NEEDED BY THE SCHOOLS:

1. TEXTBOOKS;

2. SUPPLEMENTARY READERS;

3. MATERIALS OF INSTRUCTION;

4. VISUAL AND AUDITORY AIDS;

5. STATIONERY AND SCHOOL SUPPLIES; AND

6. SCHOOL FURNITURE, EQUIPMENT, AND APPARATUS.

(II) THE COUNTY SUPERINTENDENT SHALL RECOMMEND THE PURCHASE AND DISTRIBUTION OF THE ITEMS IN SUBPARAGRAPH (I) OF THIS PARAGRAPH BY THE COUNTY BOARD.

(12) THE COUNTY SUPERINTENDENT SHALL:

(I) PREPARE AND PRESENT THE ANNUAL SCHOOL BUDGET TO THE COUNTY BOARD IN ACCORDANCE WITH § 5-101(A)(4) OF THIS ARTICLE; AND

(II) SEEK TO SECURE ADEQUATE FUNDS FROM LOCAL AUTHORITIES FOR THE SUPPORT AND DEVELOPMENT OF THE PUBLIC SCHOOLS IN THE COUNTY.

(13) (I) THE COUNTY SUPERINTENDENT SHALL RECOMMEND TO THE COUNTY BOARD:

1. CONDEMNATION OF ANY SCHOOL BUILDING THAT IS UNSANITARY AND UNFIT FOR USE; AND

2. ANY REPAIRS OF OR THE PURCHASE AND SALE OF LAND, SCHOOL SITES, OR BUILDINGS.

(II) SUBJECT TO THE PROVISIONS OF § 2-303(F) OF THIS ARTICLE THAT RELATE TO APPROVAL BY THE STATE SUPERINTENDENT, THE COUNTY SUPERINTENDENT SHALL PREPARE ALL PLANS AND SPECIFICATIONS FOR REMODELING AN OLD BUILDING OR CONSTRUCTING A NEW BUILDING.

(III) THE COUNTY SUPERINTENDENT SHALL RECOMMEND TO TRAFFIC SAFETY OFFICIALS OF THE STATE HIGHWAY ADMINISTRATION OR OF THE COUNTY APPROPRIATE LOCATIONS FOR POSTING FLASHING CAUTION SIGNS AT OR NEAR THE SITE OF:

1. A SCHOOL;

(Over)

2. SCHOOL CONSTRUCTION; OR

3. SCHOOL CONDEMNATION.

(14) THE COUNTY SUPERINTENDENT SHALL PROVIDE THE CLERICAL HELP THAT IS NEEDED TO ISSUE WORK PERMITS IN ACCORDANCE WITH § 3-206 OF THE LABOR AND EMPLOYMENT ARTICLE.

(K) (1) THE COUNTY SUPERINTENDENT SHALL IMMEDIATELY NOTIFY THE COUNTY EXECUTIVE IN WRITING OF ANY CRIMINAL CHARGES THAT ARE PUNISHABLE BY A PERIOD OF INCARCERATION BROUGHT AGAINST THE COUNTY SUPERINTENDENT.

(2) THE NOTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A COPY OF THE CHARGING DOCUMENTS SERVED ON THE COUNTY SUPERINTENDENT OR THE COUNTY SUPERINTENDENT'S COUNSEL.

(3) A VIOLATION OF PARAGRAPH (1) OR (2) OF THIS SUBSECTION IS A MISDEMEANOR AND ON CONVICTION SUBJECT TO A FINE NOT EXCEEDING \$100 AND REVOCATION OF ANY PROFESSIONAL CERTIFICATION ISSUED BY THE DEPARTMENT.

5-101.

(a) (1) [Subject] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, AND SUBJECT to the rules and regulations of the State Board and with the advice of the county superintendent, each county board shall prepare an annual budget according to:

- (i) The major categories listed in this section; and
- (ii) Any other major category required by the State Board.

(2) In addition to the information required by this section, the county fiscal authorities may require the county board to provide details to the service areas and activities levels in the account structure within the “Financial Reporting Manual for Maryland Public Schools”.

(3) With the annual budget, each county board shall provide:

(i) The number of full-time equivalent positions included within each major category; and

(ii) A description of any fund balances or other moneys held by any outside source, including an insurer, that are undesignated or unreserved and are under the direction and control of the county board.

(4) (I) THIS PARAGRAPH APPLIES ONLY IN PRINCE GEORGE’S COUNTY.

(II) SUBJECT TO THE RULES AND REGULATIONS OF THE STATE BOARD, THE COUNTY SUPERINTENDENT SHALL PREPARE AND SUBMIT TO THE COUNTY BOARD AN ANNUAL BUDGET ACCORDING TO:

1. THE MAJOR CATEGORIES LISTED IN THIS SECTION; AND

2. ANY OTHER MAJOR CATEGORY REQUIRED BY THE STATE BOARD.

(III) 1. ON RECEIPT OF THE PROPOSED ANNUAL BUDGET, THE COUNTY BOARD SHALL PUBLISH IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION A NOTICE OF THE PLACE AND TIME OF AT LEAST TWO PUBLIC HEARINGS THAT THE COUNTY BOARD WILL HOLD ON THE BUDGET.

2. THE COUNTY BOARD MAY HOLD OTHER PRELIMINARY HEARINGS ON THE BUDGET FOR THE PURPOSE OF OBTAINING INFORMATION, BUT MAY NOT TAKE ANY ACTION ON THE BUDGET EXCEPT IN A PUBLIC SESSION.

(IV) SUBJECT TO THE PROVISIONS OF THIS SECTION, AFTER THE FINAL PUBLIC HEARING ON THE BUDGET, THE COUNTY BOARD MAY NOT ADD A NEW ITEM TO THE BUDGET, BUT MAY INCREASE OR DECREASE ANY ITEM IN THE BUDGET.

(V) THE COUNTY BOARD MAY NOT CHANGE THE FORM OF THE BUDGET AS SUBMITTED BY THE COUNTY SUPERINTENDENT OR ALTER THE REVENUE ESTIMATES EXCEPT:

1. TO CORRECT MATHEMATICAL ERRORS; OR
2. BY A VOTE OF TWO-THIRDS OF THE MEMBERS OF THE FULL BOARD, ADJUST THE REVENUE ESTIMATES OR EXPENDITURES IN THE MAJOR CATEGORIES LISTED IN THIS SECTION BY AN INCREASE OR DECREASE OF NO MORE THAN 1%.

(VI) THE APPROVAL OF THE BUDGET SHALL BE BY THE AFFIRMATIVE VOTE OF NOT LESS THAN A MAJORITY OF THE FULL BOARD.

(VII) THE BOARD SHALL APPROVE THE PROPOSED BUDGET ON OR BEFORE MARCH 1 OF EACH YEAR OR THE PROPOSED BUDGET SUBMITTED BY THE COUNTY SUPERINTENDENT SHALL BE DEEMED APPROVED TO THE SAME EXTENT AS IF THE BOARD TOOK FAVORABLE ACTION.

(b) The budget shall be prepared to include the following categories:

Part I

(1) Current expense fund, estimated receipts:

(i) Revenue from local sources;

(ii) Revenue from State sources;

(iii) Revenue from federal sources;

(iv) Unliquidated surplus, the actual from the previous fiscal year and the estimated from the current fiscal year, whether accrued from revenues or expenditures; and

(v) Revenue from all other sources with identification of the source.

(2) Current expense fund, requested appropriations:

(i) Administration, which means those activities associated with the general regulations, direction, and control of the county board, including:

1. Executive administration;

2. Business support services; and

(Over)

3. Centralized support services;
- (ii) Mid-level administration, including:
 1. The office of the school principal; and
 2. Staff providing administration and supervision to the school instructional programs;
- (iii) Instructional salaries, which means those activities which deal directly with teaching students, including:
 1. Teachers;
 2. Aides;
 3. Psychological personnel;
 4. Guidance counselors; and
 5. Library personnel;
- (iv) Textbooks and classroom instructional supplies;
- (v) Other instructional costs;
- (vi) Special education with subcategories and items budgeted in this category to be determined by the State Board with the advice of the county board;
- (vii) Student personnel services;

- (viii) Health services;
- (ix) Student transportation;
- (x) Operation of plant and equipment;
- (xi) Maintenance of plant;
- (xii) Fixed charges;
- (xiii) Food services; and
- (xiv) Capital outlay.

Part II

- (3) School construction fund, estimated receipts:
 - (i) Revenue from local sources;
 - (ii) Sale of bonds;
 - (iii) State General Public School Construction Loan;
 - (iv) Revenue from State sources;
 - (v) Revenue from federal sources;
 - (vi) Unliquidated surplus, the actual from the previous fiscal year and the estimated for the current fiscal year, whether accrued from revenues or expenditures; and

(Over)

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(vii) Funds from all other sources, with identification of the source.

(4) School Construction Fund, requested appropriations:

(i) Land for school sites;

(ii) Buildings and the equipment that will be an integral part of a building by project;

(iii) School site improvement by project;

(iv) Remodeling by project;

(v) Additional equipment by project;

(vi) Debt service; and

(vii) An amount that is adequate to satisfy a final court judgment that, after exhaustion of the rights of appeal, is rendered against the county board of education or any of its officers or employees.

(c) In addition to all other information required by this section, the Montgomery County Board of Education, on request of the County Executive and County Council, shall provide with the annual budget the program implications of recommendations for reductions to or increases in its annual budget, at whatever different levels of funding and accompanied by whatever reasonable supporting detail and analysis, as may be specified by the County Executive and County Council. Prior to the submission of the annual budget, similar information shall be submitted by the Superintendent of Schools upon request by the County Executive or County Council.

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(d) The budget document shall contain an addendum showing estimated expenditures for special education as defined by the “Financial Reporting Manual for Maryland Public Schools”.

(e) In addition to all other information required by this section, the Cecil County Board of Education, on request of the Cecil County Board of Estimates, shall provide with the annual budget separate information on the number of and costs associated with school-based noninstructional personnel.

(f) (1) In addition to all other information required by this section, the Prince George’s County Board of Education shall provide to the County Executive and County Council with the annual budget, information relating to each of the following categories:

- (i) Instructional supplies and materials;
- (ii) Additional equipment; and
- (iii) Replacement equipment.

(2) For the categories specified in paragraph (1) of this subsection, the following information shall be provided for the public school system in the county:

- (i) Proposed expenditures for the next school year based on the annual budget;
- (ii) Estimated expenditures for the current school year; and
- (iii) Actual expenditures for the prior school year.

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(a) The county board shall employ individuals in the positions that the county board considers necessary for the operation of the public schools in the county.

(b) (1) [The] EXCEPT IN PRINCE GEORGE'S COUNTY, THE county superintendent shall nominate for appointment by the county board:

(i) All professional assistants of the office of county superintendent; and

(ii) All principals, teachers, and other certificated personnel.

(2) IN PRINCE GEORGE'S COUNTY, THE COUNTY SUPERINTENDENT SHALL APPOINT:

(I) ALL PROFESSIONAL ASSISTANTS OF THE OFFICE OF COUNTY SUPERINTENDENT; AND

(II) ALL PRINCIPALS, TEACHERS, AND OTHER CERTIFICATED PERSONNEL.

[(2)] (3) As to [these] THE personnel APPOINTED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION, the county superintendent shall:

(i) Assign them to their positions in the schools;

(ii) Transfer them as the needs of the schools require;

(iii) Recommend them for promotion; and

(iv) Suspend them for cause and recommend them for dismissal in accordance with § 6-202 of this subtitle.

(c) (1) Except in Worcester County and Baltimore City, the county superintendent shall appoint clerical and other nonprofessional personnel.

(2) In Worcester County, the County Superintendent shall appoint clerical and other nonprofessional personnel with the advice and consent of the county board.

(3) Notwithstanding any provision of local law, in Baltimore City, the appointment, tenure, and compensation of clerical and other nonprofessional personnel shall be determined in accordance with the personnel system established by the Baltimore City Board of School Commissioners under § 4-311 of this article.

(d) (1) Supervisory and administrative personnel shall be appointed in each county in accordance with ratios established by the rules and regulations of the State Board and within the ratio established under § 2-205(m) of this article.

(2) These personnel shall include:

(i) Supervising or helping teachers;

(ii) Supervisors of pupil personnel I;

(iii) Supervisors of pupil personnel II; and

(iv) Visiting teachers.

(e) An individual may not be appointed as a professional assistant or to any position listed in subsection (d) of this section unless he holds the appropriate certificate from the State Superintendent issued in accordance with the rules and regulations of the State Board.

(Over)

(f) Subject to the provisions of this article, the qualifications, tenure, and compensation of each appointee shall be determined by the county board.

(g) The county superintendent shall see that each regular appointee of the county board devotes his entire time to his duties.

6-202.

(a) (1) On the recommendation of the county superintendent, a county board, OR, IN PRINCE GEORGE'S COUNTY, THE COUNTY SUPERINTENDENT, may suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other professional assistant for:

(i) Immorality;

(ii) Misconduct in office, including knowingly failing to report suspected child abuse in violation of § 5-704 of the Family Law Article;

(iii) Insubordination;

(iv) Incompetency; or

(v) Willful neglect of duty.

(2) Before removing an individual, the county board, OR, IN PRINCE GEORGE'S COUNTY, THE COUNTY SUPERINTENDENT, shall send the individual a copy of the charges against him and give him an opportunity within 10 days to request a hearing.

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

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(i) The county board promptly shall hold a hearing, but a hearing may not be set within 10 days after the county board sends the individual a notice of the hearing; and

(ii) The individual shall have an opportunity to be heard before the county board, in person or by counsel, and to bring witnesses to the hearing.

(4) The individual may appeal from the decision of the county board to the State Board.

(5) Notwithstanding any provision of local law, in Baltimore City the suspension and removal of assistant superintendents and higher levels shall be as provided by the personnel system established by the Baltimore City Board of School Commissioners under § 4-311 of this article.

(b) (1) Except as provided in paragraph (3) of this subsection, the probationary period of employment of a certificated employee in a local school system shall cover a period of 3 years from the date of employment and shall consist of a 1-year employment contract that may be renewed by the county board, **OR, IN PRINCE GEORGE'S COUNTY, BY THE COUNTY SUPERINTENDENT.**

(2) (i) A county board, **OR, IN PRINCE GEORGE'S COUNTY, THE COUNTY SUPERINTENDENT,** shall evaluate annually a nontenured certificated employee based on established performance evaluation criteria.

(ii) Subject to subparagraph (iii) of this paragraph, if the nontenured certificated employee is not on track to qualify for tenure at any formal evaluation point:

1. A mentor promptly shall be assigned to the employee to provide the employee comprehensive guidance and instruction; and

(Over)

2. Additional professional development shall be provided to the employee, as appropriate.

(iii) Nothing in this paragraph shall be construed to prohibit a county board, OR, IN PRINCE GEORGE'S COUNTY, THE COUNTY SUPERINTENDENT, from assigning a mentor at any time during a nontenured certificated employee's employment.

(3) (i) Subject to subparagraph (ii) of this paragraph, if a certificated employee has achieved tenure in a local school system in the State and moves to another local school system in the State, that employee shall be tenured if the employee's contract is renewed after 1 year of probationary employment in the local school system to which the employee relocated if:

1. The employee's final evaluation in the local school system from which the employee departed is satisfactory or better; and

2. There has been no break in the employee's service between the two systems of longer than 1 year.

(ii) A local school system may extend the probationary period for a certificated employee subject to subparagraph (i) of this paragraph for a second year from the date of employment if:

1. The employee does not qualify for tenure at the end of the first year based on established performance evaluation criteria; and

2. The employee demonstrates a strong potential for improvement.

(4) (i) The State Board shall adopt regulations that implement the provisions of paragraphs (1) and (2) of this subsection and define the scope of a

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mentoring program and professional development that will be aligned with the 3-year probationary period.

(ii) The State Board shall adopt regulations to establish standards for effective mentoring, including provisions to ensure that mentors provide mentoring that:

1. Is focused;
2. Is systematic;
3. Is ongoing;
4. Is of high quality;
5. Is geared to the needs of each employee being mentored;
6. Includes observations; and
7. Includes feedback.

(c) (1) In this subsection, “student growth” means student progress assessed by multiple measures and from a clearly articulated baseline to one or more points in time.

(2) (i) Subject to subparagraph (iii) of this paragraph, the State Board shall adopt regulations that establish general standards for performance evaluations for certificated teachers and principals that include observations, clear standards, rigor, and claims and evidence of observed instruction.

(Over)

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(ii) The regulations adopted under subparagraph (i) of this paragraph shall include model performance evaluation criteria.

(iii) Before the proposal of the regulations required under this paragraph, the State Board shall solicit information and recommendations from each local school system and convene a meeting wherein this information and these recommendations are discussed and considered.

(3) Subject to paragraph (6) of this subsection:

(i) A county board, **OR, IN PRINCE GEORGE'S COUNTY, THE COUNTY SUPERINTENDENT**, shall establish performance evaluation criteria for certificated teachers and principals in the local school system based on the general standards adopted under paragraph (2) of this subsection that are mutually agreed on by the local school system and the exclusive employee representative.

(ii) Nothing in this paragraph shall be construed to require mutual agreement under subparagraph (i) of this paragraph to be governed by Subtitles 4 and 5 of this title.

(4) The performance evaluation criteria developed under paragraph (3) of this subsection:

(i) Shall include data on student growth as a significant component of the evaluation and as one of multiple measures; and

(ii) May not be based solely on an existing or newly created single examination or assessment.

(5) (i) An existing or newly created single examination or assessment may be used as one of the multiple measures.

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(ii) No single criterion shall account for more than 35% of the total performance evaluation criteria.

(6) If a local school system and the exclusive employee representative fail to mutually agree under paragraph (3) of this subsection, the model performance evaluation criteria adopted by the State Board under paragraph (2)(ii) of this subsection shall take effect in the local jurisdiction 6 months following the final adoption of the regulations.”.

On page 4, after line 4, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct any references throughout the Annotated Code that are rendered incorrect by this Act, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor’s note following the section affected.”;

in line 5, strike “2” and substitute “3”; in line 6, strike “July” and substitute “June”; and strike beginning with “It” in line 6 down through “effect.” in line 8.