

IN RE: PRINCE GEORGE'S
COUNTY TRAVEL FUNDS

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION

Opinion No. 17-04

OPINION

INTRODUCTION

The Board of Education of Prince George's County (local board) filed a Petition for Declaratory Ruling concerning the use of the \$7,000 per year in expenses allowed per Board member. The local board asked that the State Board explain the true intent and meaning of Education Article §3-1003(b)(2).

Section 3-1003(b)(1) & (2) of the Education Article, provide:

- (1) After submitting vouchers under the rules and regulations adopted by the county board, the chair and 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.

The local board asks:

- (1) Whether an unused allocation of funds remaining for travel and other expenses provided in the Prince George's County budget and capped at \$7,000 per board member may be used by the Board for other purposes, such as donations to schools, non-profit organizations or scholarships?
- (2) Whether the \$7,000 reimbursement for travel and other expenses in a single fiscal year may be prorated for board members who are not members of the Board for the entire fiscal year?

FACTUAL BACKGROUND

The local board explains that its Bylaws allow the board to contribute the unused portion of each members' \$7,000 expense allocation for the benefit of students or schools. The relevant Bylaw states:

...

Any unspent funds from this capped fund at the end of the fiscal year shall revert to the operating budget to be allocated by the Board for the benefit of students of the Prince George's County Public Schools.

Contributions to any one or group of schools made by the Board is appropriate as long as the contribution provides a benefit for students and/or schools and uses operating funds derived solely from unspent expense funds of the previous fiscal year. A Board Member may bring recommendations to the Board for approval. The Board may not provide a contribution to support religious activities in the schools.

Board Bylaw No. 9354. Apparently, board members usually make recommendations for donations to schools, non-profit organizations, and/or scholarships.

There is also a Bylaw that calls for prorating the \$7,000 expense allocation for members who are serving less than a full fiscal year. Board Bylaw No. 9354.

LEGAL ANALYSIS

The local board asks if its Bylaws conform to Ed. Article §3-1003. To answer that question, we must ascertain the intent of the statute.

When we determine the intent and meaning of a statute, we begin with the plain language of the law itself and give that language its natural and ordinary meaning. *Harford County v. University of Maryland Medical System Corp.*, 318 Md. 525, 529 (1990). In addition, we read that statute so that no word, clause, or sentence is rendered meaningless. *State v. 149 Slot Machines*, 310 Md. 356, 361 (1987). In our view, the plain language of the statute at issue provides the answer to the local board's questions.

First, we address whether the statute authorizes the local board to "contribute" unused travel and other expense funds for donations, scholarships, or for the benefit of students and schools. There is no such express authorization in the statute. We point out that the plain words of the statute direct each board member to submit vouchers of their travel or other expenses and to be "reimbursed" up to, but not more than, \$7,000 per fiscal year. The statute does not treat the \$7,000 as a yearly allowance, but rather as a reimbursement fund. Therefore, in our view, if a board member does not submit vouchers for reimbursement of up to \$7,000 of actual reimbursable travel and other allowable expenses, they remain unspent funds and cannot be earmarked for "contributions."

As the Board Bylaw states, however, the unused funds revert to the operating budget. (Board Bylaw No. 9354). Whether the Board as a whole may unilaterally contribute the reverted dollars “for the benefit of the students of Prince George’s County”, as the Bylaw states, depends on how the budget process works between the local board, the county government, and the superintendent. We decline to opine on that issue because the Petition contains no facts or argument on that point.

Turning to the issue of proration, we again look to the plain language of the statute. The statute states that a board member may not be reimbursed more than \$7,000 for expenses “incurred in a single fiscal year.” It does not distinguish between a full-year board member and partial-year board member. Even though the statute does not explicitly address prorating the \$7,000, the plain words of the statute provide an indication of the legislative intent. Specifically, if the \$7,000 were a yearly allowance, prorating it over time of service would be a reasonable interpretation of the statute. The statute, however, implicitly negates such an interpretation. As we stated previously, the statute calls for reimbursement for appropriate travel and other expenses incurred in the fiscal year, if vouchers are filed requesting reimbursement. Thus, if a board member serving less than 12 months in a single fiscal year incurs \$7,000 of allowable expenses, it is our view that the statute requires that board member to be reimbursed up to the \$7,000 amount.

CONCLUSION

We declare the true intent and meaning of the Education Article 3-1003(b):

- (1) The statute does not authorize the Board to expend unused travel and other expense funds for donations and/or scholarships or other projects for the benefit of students. Those funds revert to the operating budget and are subject to the usual budgeting process.
- (2) The statute does not authorize proration of the \$7,000 expense reimbursement funds for members who do not serve for an entire fiscal year.

Signatures on File:

Andrew R. Smarick
President

Michele Jenkins Guyton

Laurie Halverson

Stephanie R. Iszard

Rose Maria Li

Madhu Sidhu

Laura Weeldreyer

Absent:

Chester E. Finn, Jr., Vice President

Jannette O'Neill González

Barbara J. Shreeve

Guffrie M. Smith, Jr.

January 24, 2017