

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 172

(Anne Arundel County Delegation)

Ways and Means

Education, Health, and Environmental Affairs

Anne Arundel County Board of Education and School Board Nominating
Commission

This bill alters the membership of the School Board Nominating Commission of Anne Arundel County, limits commission members to eight years of service, requires commission members to be residents of Anne Arundel County, and prohibits all but specified commission members from being current employees of the Anne Arundel County Board of Education. The commission selects its chair from among its members; the chair's term of service as chair is reduced to two years. The terms of the current commission members appointed by the Governor terminate June 1, 2016.

The county board of education must provide staff for the commission. An affirmative vote of at least 8 members is required for approval of an action by the commission; members may not vote by proxy. Each applicant to the county board of education must complete an application including specified information. The commission must consult the Maryland Judiciary Case Search to verify the statements in the application. If the voters of Anne Arundel County reject the retention of a board of education member (or the vote is tied) the member must resign 10 days following certification of the election returns and may not continue to serve on the county board.

The bill takes effect June 1, 2016.

Fiscal Summary

State Effect: None. Repealing the responsibility of the Department of Legislative Services (DLS) to provide staff support for the commission does not substantially alter departmental expenditures.

Local Effect: Anne Arundel County finances are not substantially altered.

Small Business Effect: None.

Analysis

Bill Summary: The School Board Nominating Commission of Anne Arundel County includes 13 members appointed as follows:

- 3 by the county executive;
- 1 by the Teachers Association of Anne Arundel County;
- 1 by the Annapolis and Anne Arundel County Chamber of Commerce;
- 2 by the Anne Arundel County Council of Parent Teacher Associations;
- 1 by the Anne Arundel County Community College Board of Trustees;
- 1 by the Association of Educational Leaders;
- 1 by the NAACP;
- 1 by CASA de Maryland;
- 1 by the Anne Arundel Special Education Citizens' Advisory Committee; and
- 1 by a specified group of chambers of commerce based in Anne Arundel County.

Current Law/Background: The Maryland Judiciary Case Search website provides public access to the case records of the Maryland Judiciary.

School Board Nominating Commission

The School Board Nominating Commission selects nominees to be recommended to the Governor as qualified candidates for appointment to the Anne Arundel County Board of Education. The commission consists of 11 members, who serve 4-year terms and are appointed as follows:

- 5 by the Governor, one from each legislative district in the county;
- 1 by the county executive;
- 1 by the Teachers Association of Anne Arundel County;
- 1 by the Annapolis and Anne Arundel County Chamber of Commerce;
- 1 by the Anne Arundel County Council of Parent Teacher Associations;
- 1 by the Anne Arundel County Community College Board of Trustees; and
- 1 by the Association of Educational Leaders.

The Governor selects the commission chair from among the five members appointed by the Governor; the chair serves a four-year term. DLS must provide staff for the commission.

County Board of Education

The Anne Arundel County Board of Education consists of nine members, of whom three members are appointed from the county at large, one member is appointed from each of the five legislative districts in the county, and one is a student member. Nonstudent members of the board are appointed by the Governor.

There are three steps to being appointed and retained as a member of the Anne Arundel County Board of Education. First, the School Board Nominating Commission selects nominees who are recommended to the Governor as candidates for appointment to the county board. A board member begins serving immediately upon appointment; however, the board member must stand for “approval or rejection of the registered voters of the county” at the next general election. The board member is placed on the ballot, without opposition. If the voters retain the board member, he or she may complete the remainder of the five-year term. If the voters reject the board member, the position becomes vacant and the process begins again. Chapters 177 and 178 of 2011, as well as an Opinion of the Attorney General (98 Op. Att’y Gen. 51 (May 22, 2013)), clarify that this three-step process applies not only to newly appointed board members but also to incumbent board members seeking a second term.

The Anne Arundel County Board of Education is 1 of 3 appointed school boards in the State. There are 17 elected school boards in the State, and 4 counties have hybrid boards. **Appendix – Local Boards of Education** shows the selection methods, terms of office, and membership of the 24 local boards of education.

Local Fiscal Effect: Though the School Board Nominating Commission has convened at Anne Arundel County Board of Education facilities (in the Parham Building in Annapolis), the most recent meetings of the commission have been held elsewhere in the county, including the Arundel Center and the Severna Park Community Center. Requiring the county board to provide staff to the commission makes it more likely that county board facilities will once again be used for commission meetings. This in turn will have an operation impact on the board. The commission typically convenes in the evening and its meetings are broadcasted and recorded on video; school board audio/visual specialists and other staff will accrue compensatory leave for hours spent staffing commission meetings. However, school board expenditures are not anticipated to be materially impacted.

Additional Information

Prior Introductions: None.

Cross File: SB 144 (Anne Arundel County Senators) - Education, Health, and Environmental Affairs.

Information Source(s): Anne Arundel County, Department of Legislative Services

Fiscal Note History: First Reader - January 25, 2016
min/hlb Revised - House Third Reader - March 24, 2016

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Appendix – Local Boards of Education

School System	Number of Members	Term		Means of Selection ¹
Allegany	6	4 years	E	5 from county at large 1 student (nonvoting, one-year term)
Anne Arundel ²	9	5 years	A	3 from county at large 5 from legislative districts 1 student (one-year term)
Baltimore City ³	10	3 years	A	9 from city at large 1 student (one-year term)
Baltimore ⁴	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)
Charles	8	4 years	E	7 from county at large 1 student (nonvoting, one-year term)
Dorchester	7	4 years	E	5 from council districts 2 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)

School System	Number of Members	Term		Means of Selection¹
Harford	11	4 years	A/E	6 elected from council districts 3 appointed from county at large 1 superintendent <i>ex officio</i> (nonvoting) 1 student (one-year term)
Howard	8	4 years	E	7 from county at large 1 student (one-year term)
Kent	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 ⁵	14	4 years	A/E	9 elected from school board districts 4 appointed by county 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	All from commissioner districts
Talbot	8	4 years	E	7 from school board districts 1 student (nonvoting, one-year term)
Washington ⁶	8	4 years	E	7 from county at large 1 student (nonvoting, one-year term)
Wicomico	7	5 years	A	All from county at large
Worcester	10	4 years	E	7 from commissioner districts 3 students (nonvoting, one-year term)

¹A = Appointed by Governor, except in Baltimore City, where board is appointed jointly by the Governor and the Mayor; E = Elected; and A/E = Combined appointed by Governor and elected board, except in Prince George's County.

²There are three steps to being appointed and retained as a member of the Anne Arundel County Board of Education. First, the School Board Nominating Commission selects nominees who are recommended to the Governor as candidates for appointment to the Anne Arundel County Board of Education. The commission consists of 11 members – 5 appointed by the Governor from each of the legislative districts, 1 appointed by the County Executive, and 5 appointed from various county organizations. A board member begins serving immediately upon appointment; however, the board member must stand for “approval or rejection of the registered voters of the county” at the next general election. The board member is placed on the ballot, without opposition. If the voters retain the board member, he or she may complete the remainder of the 5-year term. If the voters reject the board member, the position becomes vacant and the process begins again. Chapters 177 and 178 of 2011, as well as an Opinion of the Attorney General (98 Op. Att’y Gen. 51 (May 22, 2013)), clarify that this three-step process applies not only to newly appointed board members, but also to incumbent board members seeking a second term.

³The nonstudent members of the Baltimore City Board of School Commissioners of the Baltimore City Public School System are jointly appointed by the Mayor of Baltimore City and the Governor from a list of qualified individuals submitted by the State Board of Education. Each member must be a resident of Baltimore City, and the membership must reflect the demographic diversity of Baltimore City.

⁴Chapter 481 of 2014 established the Baltimore County Nominating Commission. The commission is responsible for selecting 8 nominees to be recommended to the Governor as qualified candidates for appointment to the Baltimore County Board of Education. The commission consists of 19 members of the county and must reflect the diversity of the county. Except in extenuating circumstances, the Governor must appoint members to the board of education from the list the nominating commission provides.

⁵Chapter 147 of 2013 altered the membership of the Prince George's County Board of Education by adding four appointed members to the existing elected board. The county executive appoints three members with certain experience requirements, and the county council appoints one member who must be a parent of a student in the county school system. If a seat held by an elected member becomes vacant, the county executive must appoint a qualified individual for the remainder of the term, with the appointment subject to rejection by a two-thirds vote of the county council.

⁶The Washington County Board of Education reports that the student member can only concur on votes and must abstain from certain matters.

Source: Annotated Code of Maryland, Education Article, Sections 3-101 through 3-1405; Local Boards of Education