

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 131

(Senators Simonaire and Astle)

Education, Health, and Environmental Affairs

Ways and Means

Anne Arundel County - Board of Education - Selection of Members

This bill restructures the Anne Arundel County Board of Education from a 9-member appointed board to an 11-member hybrid board consisting of 7 elected members (1 from each of the seven councilmanic districts on a nonpartisan basis), 3 members appointed at large by the School Board Appointment Commission, and 1 student member.

Fiscal Summary

State Effect: The State Board of Elections can handle the bill's requirements with existing budgeted resources.

Local Effect: Anne Arundel County Board of Education expenditures increase by approximately \$32,000 in FY 2018 in order to compensate two additional members of the board, and to make one-time capital enhancements. Salary and stipend expenditures for additional board members continue in subsequent years. Expenditures for the Anne Arundel County Board of Elections increase by approximately \$47,500 in fiscal years in which a primary election occurs.

Small Business Effect: None.

Analysis

Bill Summary: Each member of the county board must be a resident of the county. In addition, the seven elected members must be residents of their respective councilmanic districts. If the boundary line of a district is changed, an incumbent member who no longer resides in the district because of the change is not affected for that term. A member of the board may serve up to two consecutive four-year terms.

The bill renames the School Board Nominating Commission to the School Board Appointment Commission of Anne Arundel County and reduces the specified membership from 13 to 11. The commission is authorized to appoint a member upon the expiration of the term of an appointed member and to fill any vacancies that occur during the term of an incumbent elected or appointed member. The commission must ensure, to the extent practicable, that the total makeup of the county board reflects gender, ethnic, and racial diversity.

An elected member of the board serves a four-year term beginning on the first Monday in December after the member's election and until a successor is elected and qualifies. The term of the elected members are staggered, with three members elected at the 2018 general election and four members elected at the 2020 general election. The bill also specifies the dates on which the terms of current members expire. The bill authorizes the commission to appoint two additional members as soon as practicable after October 1, 2017. The terms of the two additional members expire on June 30, 2020, and their successors serve four-year terms beginning July 1, 2020, until a successor is appointed and qualifies.

The State Board of Education may remove a board member for immorality, misconduct in office, incompetency, willful neglect of duty, or failure to attend 75% of board meetings in a calendar year without good cause. The board member must be informed of the charges against the member, be given an opportunity to request a public hearing before the State Board of Education, and, if removed, be given the right to a *de novo* review of the removal by the Circuit Court for Anne Arundel County.

Current Law: The Anne Arundel County Board of Education consists of nine members, all of whom are appointed by the Governor. Board members serve five-year terms. Board members currently receive \$6,000 in compensation annually; the board president receives \$8,000. The student member receives a \$6,000 scholarship upon completing a full term.

Appointment Process

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 Anne Arundel County Board of Education. The commission consists of 13 members – 3 appointed by the county executive and 10 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

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.

Background: The Anne Arundel County Board of Education is 1 of 4 appointed school boards in the State. There are 17 elected school boards in the State and 3 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 Expenditures: Because the bill adds two additional members to the board, the bill results in additional expenditures for the Anne Arundel County Board of Education. The board advises that certain one-time capital enhancements are also needed to accommodate additional members, such as modifications to the dais where board members are seated. In total, board expenditures increase by approximately \$32,000 in fiscal 2018. Salary and stipend expenditures, totaling approximately \$20,000, continue in subsequent years.

The Anne Arundel County Board of Elections advises that the bill also results in additional expenditures during election years. The board estimates approximately 100,000 additional ballots and 50,000 sample ballots must be printed as a result of the bill, totaling \$40,000 during election years. Sample ballots must also be mailed to registered voters, which results in approximately \$7,500 in additional expenditures. In total, expenditures increase by approximately \$47,500 in fiscal years in which a primary election occurs.

Additional Information

Prior Introductions: None.

Cross File: HB 160 (Delegate Simonaire) - Ways and Means.

Information Source(s): Anne Arundel County; Anne Arundel County Board of Elections; Maryland State Board of Elections; Department of Legislative Services

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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 | 5 years | A | 4 from county at large 7 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 councilmanic 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 councilmanic districts 3 appointed from county at large 1 superintendent <i>ex officio</i> (nonvoting) 1 student (one-year term) |
| Howard | 8 | 4 years | E | 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 | 9 | 4 years | E | 7 from school board districts 2 students (nonvoting, one-year term) |
| Washington ⁶ | 8 | 4 years | E | 7 from county at large 1 student (nonvoting, one-year term) |
| Wicomico ⁷ | 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 13 members – 3 appointed by the county executive, and 10 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 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. In addition, Chapter 723 of 2016 restructured the board to be a hybrid board with two members elected from the city at large, nine members jointly appointed by the Governor and the Mayor of Baltimore City, and one student member. The two elected board members will be elected at the general election in November 2022 and every four years thereafter.

⁴Chapters 480 and 481 of 2014 restructured the Baltimore County Board of Education from a 12-member appointed board (including 1 student member) to a 12-member board consisting of 4 at-large members appointed by the Governor, 7 nonpartisan members each elected from one of seven councilmanic districts, and a student member. The elected members will be elected at the general election in November 2018 and every four years thereafter. In addition, Chapters 480 and 481 of 2014 established the Baltimore County Nominating Commission. The commission is responsible for selecting eight 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.

⁷Chapter 169 of 2016, subject to referendum, required the restructuring of the Wicomico County Board of Education. In the 2016 general election, the county approved a fully elected board option, with five members each elected from one of the five councilmanic districts and two members elected from the county at large. Members will be elected at the general election in 2018 and every four years thereafter. The terms of board members who are in office on December 2, 2018, will expire on December 2, 2018.

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