

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Enrolled

House Bill 716
Ways and Means

(Anne Arundel County Delegation)

Education, Health, and Environmental Affairs

Anne Arundel County - Board of Education

This bill restructures the Anne Arundel County Board of Education from a nine-member appointed board to an eight-member elected board consisting of seven elected members (one from each of the seven councilmanic districts on a nonpartisan basis) and one student member. The bill also increases the salaries of board members (beginning with the next term of office) by varying amounts. Salaries for the president and vice president are increased by \$2,000 and \$3,000 annually, respectively, and salaries for all other members are increased by \$2,000 annually. In addition, the bill increases the amount of a scholarship awarded to a student member who completes a full term by \$2,000.

The bill generally takes effect June 1, 2017.

Fiscal Summary

State Effect: The State Board of Elections can handle the bill's requirements with existing budgeted resources. Revenues are not affected.

Local Effect: Anne Arundel County Board of Education expenditures increase by approximately \$11,000 annually once the bill is fully implemented, which reflects higher compensation amounts for board members (including the student member) as required under the bill. In addition, expenditures for the Anne Arundel County Board of Elections increase by approximately \$47,500 in fiscal years in which a primary election occurs. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: Each member of the county board must be a resident of the county. In addition, the members elected from councilmanic districts must be residents of their respective 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 be the School Board Appointment Commission of Anne Arundel County. The commission is authorized to fill any vacancies that occur during the term of an incumbent elected or appointed member. However, effective November 2020, the bill repeals the School Board Appointment Commission and instead requires the Anne Arundel County Council to select a qualified individual to fill any vacancy for the remainder of a term.

An elected member of the board generally 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 four members elected at the 2018 general election and four members elected at the 2020 general election. The members elected in November 2018 serve a six-year term, while the members elected in 2020 serve a four-year term. Thus, beginning in 2024, all members must stand for election.

The bill also specifies the dates on which the terms of current appointed members expire.

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 increases compensation levels for board members (including the student member), expenditures for the Anne Arundel County Board of Education increase by \$11,000 annually once the bill fully takes effect. This includes the elimination of one at-large member. The bill specifies that the higher salary amounts take effect with the next term of office for *nonstudent* members. Therefore, this analysis assumes that the \$2,000 increase in the student scholarship takes effect with the bill on June 1, 2017 (fiscal 2017).

Four members are elected in November 2018 (fiscal 2019) and take office in December of the same year. Thus, in fiscal 2019, salary expenditures for the board increase by \$6,667, which reflects the December 2018 start date. In fiscal 2020, salary expenditures increase by the full \$10,000 annually for the four members elected in November 2018 (in addition to the higher scholarship for the student member). In November 2020 (fiscal 2021), three additional members are elected and take office in December of the same year. Thus, salary expenditures increase by \$14,083 in fiscal 2021 (including the student member). One board member is also removed in fiscal 2021, resulting in approximately \$3,500 in reduced expenditures that year. In fiscal 2022, salary expenditures increase by the full \$17,000 amount. Also in fiscal 2022, expenditures decrease by the full \$6,000 for one fewer member, resulting in a net expenditure increase of \$11,000.

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: SB 899 (Senator Astle) - Education, Health, and Environmental Affairs.

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

Fiscal Note History: First Reader - February 19, 2017
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Revised - Amendment(s) - March 30, 2017
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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