

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 851

(Senator Hough)

Education, Health, and Environmental Affairs

Rules and Executive Nominations

Frederick County Board of Education – Vacancies

This bill alters the method for filling a vacancy on the Frederick County Board of Education. Under the bill, if there is a vacancy by an elected member occurring more than 30 days before the candidate registration deadline for the next primary election following the vacating member's election, the individual appointed temporarily serves only until a successor is elected and qualifies at the next general election. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: None.

Local Effect: The bill does not materially affect Frederick County finances or operations.

Small Business Effect: None.

Analysis

Bill Summary: At a general election, vacancies on the Frederick County Board of Education must be filled as follows:

- the candidates with the highest vote totals must first fill any vacant positions for a full term of four years; and
- after all vacant positions for a full term of four years are filled, the candidate with the next highest vote total must fill the position that was filled by a vacancy appointment (and serve the remainder of that term).

Candidates for a vacated office may be nominated at a primary election in the same manner as any other position on the county board.

Current Law: The Frederick County Board of Education consists of eight members (seven elected from the county at large) and one nonvoting student member. Members serve a four-year term. If a vacancy occurs, the county executive must appoint a qualified individual (subject to confirmation by the county council) to fill the vacancy for the remainder of the term (and until a successor is elected and qualifies).

The Frederick County Board of Education is 1 of 19 elected school boards in the State. There are 4 hybrid boards and 1 appointed school board. **Appendix – Local Boards of Education** shows the selection methods, terms of office, and membership of the 24 local boards of education.

Additional Information

Prior Introductions: SB 316 of 2020 passed the Senate and was referred to the House Ways and Means Committee, but no further action was taken. Its cross file, HB 410, received a hearing in the House Ways and Means Committee, but no further action was taken.

Designated Cross File: HB 798 (Frederick County Delegation) - Ways and Means.

Information Source(s): Frederick County; Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2021
rh/hlb Third Reader - April 1, 2021
Revised - Amendment(s) - April 1, 2021

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Appendix – Local Boards of Education Membership

Membership

The composition of the local boards of education varies, with members serving three- to four-year terms. Nineteen counties have elected school boards, four counties have combined appointed/elected school boards, and one school board consists of appointed members only, until the 2022 general election when it will become an appointed/elected school board. Twenty-two boards have student members but only seven boards allow student members to vote, which generally excludes collective bargaining and other personnel and budgetary decisions. The exhibit below shows the selection methods, terms of office, and membership of the 24 local school boards.

Local Boards of Education As of December 2020

School System	Number of Members	Term	Election Method	Means of Selection ¹
Allegany	6	4 years	E	5 from county at large 1 student (nonvoting, one-year term)
Anne Arundel ²	8	4 years	E	7 from councilmanic 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 from county at large (appointed) 7 from councilmanic districts (elected) 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)

School System	Number of Members	Term		Means of Selection¹
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)
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	2 from county at large 5 from councilmanic districts 1 student (one-year term)
Kent ⁵	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 ⁶	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

School System	Number of Members	Term	Means of Selection¹
Talbot	9	4 years	E 7 from school board districts 2 students (nonvoting, one-year term)
Washington ⁷	8	4 years	E 7 from county at large 1 student (nonvoting, one-year term)
Wicomico ⁸	7	4 years	E 5 from councilmanic districts 2 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 by the Mayor; E = Elected; and A/E = Combined appointed by Governor and elected board, except in Prince George's County. Entries for local boards that are at any point in the process of transitioning between means of selection reflect the final state the board will be in once the transition fully takes effect.

²Chapter 473 of 2017 restructured 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 terms of the elected members are staggered; four members were elected at the 2018 general election and three members were elected at the 2020 general election as the terms of previously appointed board members expired. In this manner, the elected board is phased in. 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. 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.

³Chapter 593 of 2017 repealed the role of the Governor in making appointments to the Baltimore City Board of School Commissioners; it also repealed the Governor's role in filling board vacancies and removing board members. As a result, board members are appointed solely by the Mayor of Baltimore City until the appointed/elected board established by the legislation is executed at the 2022 general election. Chapter 593 also established the Baltimore City Public School Board Community Panel (which the Mayor must convene) and specified its membership. The purpose of the panel is to select nominees to be recommended to the Mayor as qualified candidates for appointment to the board (including candidates for vacancies). If the Mayor elects not to appoint a member or to fill a vacancy from a list submitted by the panel, the Mayor must reconvene the panel to submit additional names of qualified candidates. Beginning with the 2022 general election, the board will be restructured as a hybrid board with two members elected from the city at large, nine members appointed by the Mayor, and one student member. Elected members will serve a four-year term whereas appointed members will serve a three-year term.

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 7 councilmanic districts, and a student member. The elected members were elected at the general election in November 2018 and serve four-year terms. In addition, Chapters 480 and 481 established the Baltimore County Nominating Commission. Generally, the commission is responsible for submitting to the Governor at least two names

for each vacancy on the board. The commission consists of 19 members of the county and must reflect the diversity of the county. Except in extraordinary circumstances, the Governor must appoint members to the board of education from the list the nominating commission provides.

⁵Although not in statute, the Kent County Board of Education reports that there is a nonvoting student member of the board and that he or she does not attend closed sessions.

⁶Chapter 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.

⁷Although not in statute, the Washington County Board of Education reports that there is a student member of the board and that he or she can only concur on votes and must abstain from certain matters.

⁸Chapter 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 were elected at the general election in 2018 and serve four-year terms.

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