

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 151
Ways and Means

(Delegate Patterson)

Education, Energy, and the Environment

Charles County Board of Education - Vacancy Procedures - Timing and Video Streaming and Archiving

This bill requires that vacancies on the Charles County Board of Education must generally be filled within 90 days of the vacancy occurring. In instances where the vacancy occurs in an election year for the seat that is vacant, the board may choose not to fill a vacancy. Additionally, the board must make live video streaming and a complete video recording of each public meeting at which applicants for a vacancy are interviewed available on the board’s website in accordance with the Open Meetings Act. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: None.

Local Effect: Charles County Board of Education can live stream and make video recordings of specified public meetings available with existing resources.

Small Business Effect: None.

Analysis

Current Law: The Charles County Board of Education consists of nine elected members (eight from commissioner districts and one from the county at large) and one student member. The Charles County Board of Education is one of 20 elected boards in the State, and there are 4 hybrid boards in the State. The **Appendix – Local Boards of Education Membership** shows the selection methods, terms of office, and membership of the 24 local boards of education.

Charles County Board of Education Vacancies

Elected members of the board must select a qualified individual to fill any vacancy on the board for the remainder of that term until a successor is elected and qualifies. An interview of an applicant for a vacancy on the board must be conducted by the board at a meeting open to the public.

The board must publish a list of the names of applicants for a vacancy at least two weeks before the interview of the first applicant is scheduled to occur. Public notice of the date, time, and location of each interview must be published at least two weeks before the interview is scheduled to occur and in the same manner as a public notice of a regular meeting of the board is published. The board is not required to conduct discussion of the applicants or make the final selection of the member to fill a vacancy of the elected member at a meeting open to the public.

Open Meetings Act – Generally

Under Maryland’s Open Meetings Act, with limited exceptions, a public body must (1) meet in open session in places reasonably accessible to potential attendees and (2) provide reasonable advance notice of the time and location of meetings, including, when appropriate, whether any portion of a meeting will be in closed session. A “public body” is any entity that (1) consists of at least two individuals and (2) is created by the Maryland Constitution; a State statute; a county or municipal charter; a memorandum of understanding or a master agreement to which a majority of the local boards of education and the Maryland State Department of Education are signatories; an ordinance; a rule, resolution, or bylaw; or an executive order of the Governor or of the chief executive authority of a political subdivision. Exclusions from the definition of “public body” include juries, the Governor’s cabinet and Executive Council, judicial nominating commissions, and single-member entities, among others.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Charles County Public Schools; Department of Legislative Services

Fiscal Note History: First Reader - January 23, 2024
js/hlb Third Reader - March 18, 2024
Revised - Amendment(s) - March 18, 2024

Analysis by: Michael E. Sousane

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

Appendix – Local Boards of Education Membership

Membership

The composition of the local boards of education varies with members serving three- to four-year terms. Twenty counties have elected school boards and four counties have combined appointed and elected school boards. Twenty-two boards have student members; however, only 8 boards allow student members to vote, which generally excludes authority to vote on matters relating to collective bargaining and personnel. Three counties with voting student members also preclude student members from voting on matters relating to operating and capital budgets. **Exhibit 1** shows the selection methods, terms of office, and membership of the 24 local school boards.

Exhibit 1
Local Boards of Education
As of January 2024

<u>School System</u>	<u>Number of Members</u>	<u>Term</u>		<u>Means of Selection¹</u>
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	12	3 or 4 years	A/E	2 elected from city at large 9 appointed by mayor 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)

<u>School System</u>	<u>Number of Members</u>	<u>Term</u>		<u>Means of Selection¹</u>
Charles ⁵	10	4 years	E	1 from county at large 8 from commissioner districts 1 student (one-year term)
Dorchester	8	4 years	E	5 from councilmanic districts 3 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 ⁶	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 ⁷	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 ⁸	10	4 years	E	9 from school board districts 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	5 from commissioner districts
Talbot	9	4 years	E	7 from school board districts 2 students (nonvoting, one-year term)
Washington ⁹	8	4 years	E	7 from county at large 1 student (nonvoting, one-year term)
Wicomico	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)

¹ E = Elected and A/E = Combined appointed by Governor and elected board, except (1) in Baltimore City, members are appointed by the mayor from a list of names provided by the Baltimore City Public School Board Community Panel and (2) in Harford County, members are appointed by the county executive with the advice and consent of the county council. 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.

² Chapter 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 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.

³ Elected members serve a four-year term and appointed members serve a three-year term. Chapters 764 and 765 of 2023 expanded student member voting rights to include matters relating to capital and operating budgets; school closings, reopenings, and boundaries; and student disciplinary matters. Additionally, Chapters 764 and 765 require that the student member be elected by the high school students of Baltimore City Public Schools in accordance with procedures established by the board in collaboration with the Associated Student Congress of Baltimore City.

⁴ Chapter 785 of 2023 authorized the student member of the board to vote on matters relating to capital and operating budgets provided the student member completes specified budget training within two months of their election. Chapter 786 of 2023 altered the timing of elections for board members such that (1) the four appointed members must be appointed by the Governor in *presidential election years* from a list of nominees submitted by the Baltimore County School Board Nominating Commission and (2) the seven elected members of the county board must continue to be elected in *gubernatorial election years*.

⁵ Chapters 404 and 405 of 2021 added two new members to the Charles County Board of Education and altered the selection method for board members by requiring that eight board members be elected from the county commissioner districts (two from each of the four districts) and one board member be elected from the county at large. Previously, the seven board members were all elected from the county at large. All seats are subject to election in November 2022; however, the at-large member elected in November 2022 must serve a two-year term (instead of the usual four-year term) until a successor is elected to a full term in November 2024. Chapters 404 and 405 also provided the student member with voting rights, subject to certain restrictions.

⁶ Chapter 569 of 2022 eliminated the role of the Governor in appointing members to the Harford County Board of Education. Instead, beginning with members appointed following the 2022 gubernatorial election, the Harford County Executive will appoint board members, subject to the advice and consent of the Harford County Council by a vote of at least five members. In appointing members to the board, the county executive must ensure, to the extent practicable, that the total makeup of the board reflects the gender, ethnic, and racial diversity of the county. Members appointed to the board following the 2022 election must serve for a term of two years until a successor is appointed and qualifies. Subsequent board members will be appointed following the 2024 presidential election and each presidential election thereafter.

⁷ Chapters 674 and 675 of 2023 codify a nonvoting student member of the Kent County Board of Education into statute and specify the selection method and responsibilities of the student member.

⁸ Chapter 217 of 2022 altered the membership of the Prince George’s County Board of Education by removing the four appointed members from the board. Effective July 1, 2024, the board will become an elected board that consists of nine elected members, each of whom must reside in and be elected from a different school board district, and one student member. Chapter 793 of 2023 expanded the voting rights of the student member by allowing the student member to vote on, among other matters before the board, (1) capital and operating budgets; (2) school closings, reopenings, and boundaries; and (3) student disciplinary matters. The student member still may not vote on collective bargaining decisions, teacher and administrator disciplinary matters, and other personnel matters. The Act preserved a restriction on the student member attending an executive session relating to specified hearings or collective bargaining and additionally prohibits the student member from attending an executive session on a personnel matter on which the student member may not vote.

⁹ Although not in statute, the Washington County Board of Education reports that there is a student member on the board and that the student member can only concur on votes and must abstain from certain matters.

Source: Sections 3-101 through 3-1405 of the Education Article; Local Boards of Education