

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 456
Ways and Means

(Delegate Fair, *et al.*)

County Boards of Education - Student Members - Voting Rights and
Participation in Executive Sessions

This bill standardizes the voting rights of the student members of local boards of education such that all student members may vote on any matter before the county board except those relating to (1) the dismissal of or other disciplinary action involving personnel, (2) hearings held under § 6-202 of the Education Article – suspension or dismissal of teachers, principals, and other professional personnel, or (3) appeals to the county board under § 4-205 of the Education Article – powers and duties of the county superintendent. Additionally, the circumstances under which a student member may attend an executive or special session of the board are generally altered to only include matters on which the student member may vote. The bill also authorizes county boards of education to, on an affirmative vote of a majority of nonstudent members, expand the matters on which a student member may vote. **The bill takes effect July 1, 2024, except for provisions relating to the Prince George’s County Board of Education, which must take effect on the effective date of Chapter 217 of 2022, which, unless amended, is also July 1, 2024.**

Fiscal Summary

State Effect: None.

Local Effect: To the extent the bill qualifies student members for compensation, as discussed below, local expenditures increase. The bill is otherwise procedural in nature and does not affect local revenues or expenditures.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: The **Appendix – Local Boards of Education Membership** shows the current selection methods, terms of office, and membership of the 24 local boards of education.

Counties without Codified Student Members of the Board

Somerset and Wicomico counties currently have no student members serving on the county boards of education under current law. Although the Washington County Board of Education has a nonvoting student member of the board, it is not codified in statute and, therefore, unaffected by the bill.

Under the bill, if a local board of education without a student member adds a student member to the board on or after July 1, 2024, (1) the student member may vote on any matter before the county board except those relating to the dismissal or discipline of personnel and specified hearings or appeals to the board; (2) the student member may attend or participate in an executive or special session of the county board on a matter for which the student member may vote; and (3) on an affirmative vote of a majority of nonstudent members, the county board may expand the matters on which a student member may vote.

Counties with Nonvoting Student Members of the Board

Allegany, Calvert, Caroline, Carroll, Cecil, Dorchester, Frederick, Garrett, Kent, Queen Anne's, St. Mary's, Talbot, and Worcester counties have nonvoting student members of the county boards of education under current law.

The bill authorizes currently nonvoting student members of the board to vote on any matter before the county board except those relating to the dismissal or discipline of personnel and specified hearings or appeals to the board. The bill also authorizes local boards to expand the matters on which a student member may vote on by an affirmative vote of a majority of nonstudent members.

In Calvert, Carroll, Cecil, Dorchester, Frederick, Queen Anne's, St. Mary's, Talbot, and Worcester counties, current law bars students from attending an executive or special session of the board unless invited to attend by an affirmative vote of a majority of the county board. Under the bill, student members may not attend or participate in an executive session *relating to a matter on which the student member may not vote* unless invited by a majority of the county board. In Garrett and Kent counties, current law bars the student member from attending executive sessions of the county board with no option to vote to include the student member. Under the bill, student members in Garrett and

Kent counties are only barred from attending executive sessions of the county board *relating to a matter on which the student member may not vote.*

For some counties, the bill also makes technical changes to distinguish between student and nonstudent members by removing language referencing “nonvoting” members and replacing with language referring to “elected” or “nonstudent” members as appropriate.

Counties with Voting Student Members of the Board

Baltimore City and Anne Arundel, Baltimore, Charles, Harford, Howard, Montgomery, and Prince George’s counties already authorize student members of the board to vote on at least some matters before the board. The **Appendix – Local Boards of Education with Voting Student Members** provides additional details on the current voting rights of students in these jurisdictions.

The bill generally standardizes the voting rights of students to only exclude the dismissal or discipline of personnel and specified hearings or appeals to the board. The bill also gives all local boards of education the authority to expand the matters on which the student member may vote.

The bill further standardizes the circumstances under which student members may attend executive or special sessions of the board. Under the bill, student members may only attend sessions that relate to a matter on which the student member may vote (except Anne Arundel County where the bill does not alter the student member’s authority to attend executive or special sessions of the board). In counties with a voting student member where a majority vote of the board may invite a student to attend an executive session (Baltimore City and Baltimore, Charles, Harford, Howard, and Montgomery counties), the bill preserves this authority.

Student Members of the Board

The bill does not alter the number, qualifications, or selection methods of student members of local boards of education.

All local boards of education with student members require student members to serve one-year terms. Exact qualifications for student members vary, but current law generally requires students to be regularly enrolled juniors or seniors in a public school in the county. Additionally, among other requirements, some jurisdictions require that students must be of good character, students must be enrolled in good standing (without recent disciplinary or attendance problems), or students must be a student government representative. Some jurisdictions also allow local boards of education to set additional standards beyond those in statute.

Generally, students are elected by the student body of the jurisdiction, which they represent. However, exact selection or election procedures are often left to the determination of regional student government associations, the local school systems, or the local board of education.

Local Expenditures: This analysis assumes that the intent of the bill is not to alter current student member compensation levels. Nevertheless, for counties where board member compensation is provided to all *voting* members, the bill may authorize student members to receive compensation in those counties. To the extent student members must receive compensation as a result of their new status as voting members, local expenditures increase to provide salaries, compensation, or expense reimbursement to student members as appropriate. Cecil, Dorchester, Frederick, Kent, Queen Anne's, and Talbot counties are all counties with currently nonvoting student members where provisions of current law provide compensation to all voting members of the board.

Additional Comments: Most local boards of education have only one student member. However, Caroline, Dorchester, Queen Anne's, Talbot, and Worcester county boards of education include two or more students on the board such that each high school in the district is represented by a student board member.

Procedures for filling vacancies on the board are not standardized across Maryland's 24 jurisdictions. In Carroll and Cecil counties, the governor may appoint a new voting member to fill the remainder of a term caused by a vacancy. Under the bill, student members in these counties may have procedures for filling vacancies altered as a result of their new status as voting members.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years. However, legislation with similar provisions has been proposed. For example, see HB 797 of 2022.

Designated Cross File: SB 386 (Senator Lewis Young, *et al.*) - Education, Energy, and the Environment.

Information Source(s): Maryland State Department of Education; Baltimore City Public Schools; Anne Arundel County Public Schools; Prince George's County Public Schools; Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2024
js/hlb

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

Appendix – Local Boards of Education with Voting Student Members

Below is a description of the voting rights and authority of each member to attend executive sessions for each jurisdiction with a voting student member under current law (Baltimore City and Anne Arundel, Baltimore, Charles, Harford, Howard, Montgomery, and Prince George’s counties).

Anne Arundel County

Under current law, the student member generally has the same voting rights and authority to attend executive sessions of the board as a nonstudent member of the board.

Baltimore City

Under current law, the student member may vote on matters before the board *including* those relating to capital and operating budgets, school closings, reopenings, and boundaries, and student disciplinary matters. The student member may not vote on matters before the board relating to personnel and collective bargaining decisions. The student member may attend or participate in an executive or special session of the board regardless of topic.

Baltimore County

Under current law, the student member may vote on all matters except those relating to:

- hearings under § 6-202 of the Education Article;
- collective bargaining; and
- school closings, reopenings, and boundaries.

On a majority vote of the nonstudent member, the county board may determine on a case-by-case basis, whether a matter under consideration is a matter on which the student member cannot vote. The student member, unless invited to attend by an affirmative vote of a majority of the county board, may not attend an executive session that relates to:

- hearings on appeals of special education placements;
- hearings held under § 6-202(a) of the Education Article; or
- collective bargaining.

Charles County

Under current law, the student member may vote on all matters before the board except those relating to:

- hearings on appeals of special education placements;
- hearings held under §§ 4-205 and 7-305 of the Education Article;
- personnel matters, including those under §§ 6-201 and 6-202 of the Education Article;
- appointment, salary, and evaluation of the county superintendent;
- collective bargaining decisions;
- capital and operating budgets; and
- school closings, openings, and boundaries.

On a majority vote of the nonstudent member, the county board may determine on a case-by-case basis, whether a matter under consideration is a matter on which the student member cannot vote. The student member may not attend an executive session that relates to any matter for which the student member may not vote unless invited to attend by an affirmative vote of a majority of the county board.

Harford County

Under current law, the student member must vote and participate in all matters except those relating to:

- geographical attendance areas under § 4-109 of the Education Article;
- acquisition and disposition of real property and matters pertaining to school construction under § 4-115 of the Education Article;
- employment of architects under § 4-117 of the Education Article;
- donations under § 4-118 of the Education Article;
- condemnation under § 4-119 of the Education Article;
- consolidation of schools and transportation of students under § 4-120 of the Education Article;
- appointment and salary of a county superintendent under §§ 4-201 and 4-202 of the Education Article;
- employee discipline and other appeals under § 4-205(c) of the Education Article;
- budgetary matters under Title 5 of the Education Article;
- appointment and promotion of staff under § 6-201 of the Education Article;
- discipline of certificated staff under § 6-202 of the Education Article;

- collective bargaining for certificated employees under Title 6, Subtitle 4 of the Education Article;
- collective bargaining for noncertificated employees under Title 6, Subtitle 5 of the Education Article;
- student suspension and expulsion under § 7-305 of the Education Article; and
- school calendar and curriculum.

The student member may not attend an executive session that relates to any matter for which the student member may not vote unless invited to attend by an affirmative vote of a majority of the county board.

Howard County

Under current law, the student member must vote and participate in all matters except those relating to:

- geographical attendance areas under § 4-109 of the Education Article;
- acquisition and disposition of real property and matters pertaining to school construction under § 4-115 of the Education Article;
- employment of architects under § 4-117 of the Education Article;
- donations under § 4-118 of the Education Article;
- condemnation under § 4-119 of the Education Article;
- consolidation of schools and transportation of students under § 4-120 of the Education Article;
- appointment and salary of a county superintendent under §§ 4-201 and 4-202 of the Education Article;
- employee discipline and other appeals under § 4-205(c) of the Education Article;
- budgetary matters under Title 5 of the Education Article;
- appointment and promotion of staff under § 6-201 of the Education Article;
- discipline of certificated staff under § 6-202 of the Education Article;
- collective bargaining for certificated employees under Title 6, Subtitle 4 of the Education Article;
- collective bargaining for noncertificated employees under Title 6, Subtitle 5 of the Education Article; and
- student suspension and expulsion under § 7-305 of the Education Article.

The student member may not attend an executive session that relates to any matter for which the student member may not vote unless invited to attend by an affirmative vote of a majority of the county board.

Montgomery County

Under current law, the student member must vote on all matters before the board except those relating to § 6-202(a) of the Education Article. On a majority vote of the elected members, the county board may determine, on a case by case basis, whether a matter under consideration is a matter on which the student member may not vote. The student member may not attend an executive session that relates to hearings held under § 6-202(a) of the Education Article unless invited to attend by the affirmative vote of a majority of the county board.

Prince George's County

Under current law, the student member may vote on all matters before the board except those relating to collective bargaining decision, teacher and administrator disciplinary matters as provided under § 6-202(a) of the Education Article, and other personnel matters. The student member may attend an executive session unless the executive session relates to hearings held under § 6-202(a) of the Education Article, collective bargaining, or a personnel matter on which the student may not vote.