

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**

House Bill 1373  
Ways and Means

(Delegates McConkey and Gilleland)

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**Anne Arundel County - Board of Education - Selection of Members**

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This bill submits to referendum the question of whether the Anne Arundel County Board of Education should remain an appointed board or change to a hybrid elected-appointed board. The referendum must be on the ballot in Anne Arundel County for the 2006 general election. If county residents approve a hybrid board, new board members will be elected and appointed in 2008 and the terms of members serving at the time will terminate on November 30, 2008.

The bill takes effect June 1, 2006.

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**Fiscal Summary**

**State Effect:** If Anne Arundel County voters opt for the elected-appointed board, general fund expenditures would increase by an estimated \$15,000 in FY 2009 for the State Board of Elections to evaluate the new ballot methodology that would be used to elect Anne Arundel County Board of Education members.

**Local Effect:** Depending on the length of the November 2006 ballot and the total number of questions that will be required on the ballot, printing costs for the Anne Arundel County Board of Elections could increase minimally in FY 2007 to include the referendum on the ballot. If county voters opt for the elected-appointed board of education, Anne Arundel County expenditures would increase by approximately \$49,600 in FY 2009 and \$85,000 annually thereafter.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** The bill provides that if Anne Arundel County voters opt for a hybrid elected-appointed board, two members will be appointed by the Anne Arundel County Executive with the advice and consent of the county council, and five new members will be elected at the 2008 general election from five school board districts. When voting for board of education members, county voters will also have the option of allowing the county executive to appoint a member from the district. The board will continue to include one student member.

The seven nonstudent board of education members will serve staggered, four-year terms. With the advice and consent of the county council, the county executive must appoint a new member to fill any vacancy on the board. Upon notice and an opportunity for a hearing, the State Board of Education may remove a county board member for immorality, misconduct in office, incompetency, willful neglect of duty, or failure to attend scheduled meetings. A member who is removed has a right to a *de novo* review in circuit court.

At its first meeting in December of each year, the board must select a chair and vice chair from among its members. The chair of the board receives \$13,000 annually as compensation and the other nonstudent members receive \$12,000 annually. All members may be reimbursed for up to \$7,000 in expenses after submitting vouchers under the rules and regulations adopted by the board.

To identify five school board districts for the county, a task force must be formed to propose boundaries for the districts. The task force must issue a report of its findings and recommendations by July 1, 2007. The task force terminates six months after submitting the report, but it is reconstituted after each decennial census to redraw the district boundaries.

If county voters opt to retain the board of education in its current structure, none of these provisions are enacted.

**Current Law:** The Anne Arundel County Board of Education consists of seven members appointed by the Governor and one student member. Of the seven appointed members, three are appointed from the county at large and four are appointed from legislative districts in the county. The seven appointed members serve staggered five-year terms, and the student member serves a one-year term. Board members are not compensated but are reimbursed for travel and other expenses. If a vacancy occurs among the board's appointed members, the Governor appoints a replacement.

The State Superintendent, with the approval of the Governor, may remove any member of the board for: immorality; misconduct in office; incompetency; willful neglect of duty; or failure to attend, without good cause, at least half of the scheduled board meetings in any calendar year.

**Background:** The Anne Arundel County Board of Education is 1 of 10 appointed school boards in the State. Another 13 local boards of education are elected, and 1, the Dorchester County board, is in the process of transitioning from an appointed board to an elected board. The selection method and number of school board members for each of the 24 local boards are shown in **Exhibit 1**. None of Maryland’s school boards use the selection process that would be enacted if the voter referendum results in a change to an elected-appointed board.

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**Exhibit 1**  
**Local Boards of Education**  
**Members and Selection Methods**

<u>County</u>	<u>Full Voting Members</u>	<u>Appointed Members</u>	<u>Elected Members From County At Large</u>	<u>Elected Members From Districts</u>	<u>Student Member(s)</u>
Allegany	5	0	5	0	1
Anne Arundel	7	7	0	0	1
Baltimore City	9	9	0	0	1
Baltimore	11	11	0	0	1
Calvert	5	0	2	3	1
Caroline	5	5	0	0	0
Carroll	5	0	5	0	1
Cecil*	5	5	0	0	1
Charles	7	0	7	0	1
Dorchester	6	3	0	3	2
Frederick	7	0	7	0	1
Garrett	5	0	2	3	1
Harford	7	7	0	0	1
Howard	5	0	5	0	0
Kent	5	0	5	0	1
Montgomery	7	0	2	5	1

<u>County</u>	<u>Full Voting Members</u>	<u>Appointed Members</u>	<u>Elected Members From County At Large</u>	<u>Elected Members From Districts</u>	<u>Student Member(s)</u>
Prince George's**	9	9	0	0	1
Queen Anne's	5	5	0	0	0
St. Mary's	5	0	1	4	1
Somerset	5	0	0	5	2
Talbot*	7	7	0	0	1
Washington	7	0	7	0	1
Wicomico	7	7	0	0	0
Worcester	7	0	0	7	3

\*The Cecil and Talbot county boards will begin transitioning to elected boards at the 2006 general election.

\*\*The Prince George's County board will revert to an elected board at the 2006 general election.

**State Expenditures:** If voters in Anne Arundel County opt for the elected-appointed board of education, a complex voting methodology would be established for the five elected members of the county board of education. A voter would have the option of either voting for one of the school board candidates from the district or giving the county executive the authority to appoint a member from the district. To ensure that the election proceeds smoothly, the State Board of Elections advises that it would have to evaluate and test the ballot program it would put in place for the 2008 general election. The board estimates costs of \$15,000 in fiscal 2009 to perform the evaluations.

If voters opt to retain the appointed board of education, there would be no additional costs for the State.

**Local Expenditures:** Anne Arundel County advises that the cost of adding a ballot question is determined by the number of discrete questions on the ballot as well as the actual verbiage of the individual questions. Printing costs could increase if including the referendum on the ballot requires the county board of elections to add an extra ballot card. The additional costs would not be significant.

If voters in Anne Arundel County opt for the elected-appointed board of education, the new members of the board will begin serving their terms in December 2008. The board chairman is entitled to annual compensation of \$13,000, and the other six nonstudent members are entitled to \$12,000 annually. Accordingly, Anne Arundel County expenditures will increase by approximately \$49,583 in fiscal 2009, which reflects seven

months of payments, and by \$85,000 annually thereafter. It is assumed that expense reimbursements for members will not change significantly.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 915 (Senator Greenip) – Education, Health, and Environmental Affairs.

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

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