

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 954
Ways and Means

(Delegates Carter and Anderson)

Baltimore City Board of School Commissioners - Membership

This bill alters the membership of the Baltimore City Board of School Commissioners to create a 16-member board that takes office following the 2008 general election. Four board members will be appointed, nine members will be elected, two members will be students with limited voting privileges, and the chair of the Baltimore City Parent Community Advisory Board (PCAB) will be a nonvoting, advisory member of the board. The appointed and elected board members will be full-time employees of the Baltimore City government. Proceeds from the existing Baltimore City telecommunications tax must be used to pay the salaries, expenses, and benefits for school board members, with any remaining revenue from the tax deposited in the general fund for Baltimore City.

Fiscal Summary

State Effect: Any increase in ballot testing and production costs for the State Board of Elections is assumed to be minimal and would not materially affect State finances.

Local Effect: Baltimore City Board of Elections expenditures would increase by an estimated \$2.5 to \$3.0 million in FY 2009 if existing school board districts are used to select members of the Baltimore City Board of School Commissioners. Baltimore City school expenditures would increase to pay full-time salaries to members of the board of school commissioners. Baltimore City revenues would not be affected.

Small Business Effect: Minimal.

Analysis

Bill Summary: The Mayor of Baltimore City and the Governor must each appoint two members of the Baltimore City Board of School Commissioners, and the appointments are subject to the approval of PCAB. The appointed members must reflect the demographic composition of Baltimore City and, as a group, must possess expertise in administration, education, budget and finance, and the education of students with disabilities. At least one appointed member must be the parent of a child enrolled in the Baltimore City Public School System (BCPSS). The Mayor and Governor must make appointments to the Baltimore City Board of School Commissioners by November 15, 2008 and every four years thereafter.

Of the nine elected members, eight are elected from board of education districts that must be established by the Mayor and City Council of Baltimore City. The ninth is elected from the city at-large and serves as the board's chair.

Appointed and elected board members serve four-year terms, although they must first serve a two-year probationary term. In total, a member may not serve more than 10 years. Members must show proof of residence in Baltimore City for at least one year before their appointment or election and must maintain residency in the city throughout their terms. Each elected member must be the parent or education surrogate of a child enrolled in a BCPSS school. As full-time employees of the Baltimore City government, appointed and elected members may not be subject to layoff or other employee reduction actions.

The two student members serve one-year terms, and the chair of PCAB serves only during the individual's tenure as the chair of PCAB. The PCAB chair is entitled to access to the same information as voting members, may participate in all discussions and deliberations of the board, and must be held to the same standards as other board members.

In addition to normal board of education functions, the Baltimore City Board of School Commissioners is required to collaborate with PCAB on matters pertaining to BCPSS. All board members are entitled to reimbursement for travel and other expenses after submitting expense vouchers. Following substantial investigation and on a unanimous vote, a member may be removed by the Baltimore City Council for ethical violations, fraud, malfeasance, misfeasance, negligence, or omission of duty.

The terms of the members of the Baltimore City Board of School Commissioners serving on October 1, 2007 end November 30, 2008.

Current Law: The Baltimore City Board of School Commissioners consists of nine members appointed jointly by the Mayor of Baltimore City and the Governor from a list of candidates submitted by the State Board of Education. In addition, the board contains one student member selected by the Associated Student Congress of Baltimore City. Appointed members serve staggered, three-year terms and may not serve more than two consecutive terms. Members of the board must be residents of Baltimore City and, to the extent practicable, must reflect the demographic composition of Baltimore City. Board members serve without compensation. On the joint approval of the Mayor and the Governor, a board member may be removed for cause.

Background: In 1997, following a consent decree approved by the Baltimore City Circuit Court regarding BCPSS, the General Assembly passed legislation (Chapter 105) establishing the Baltimore City/State Partnership and restructuring the Baltimore City Board of School Commissioners. At the time, BCPSS was struggling with the poor academic performance of its students and questions about the system's administration and accountability. The partnership was created to improve the system through increased State oversight and the infusion of \$230 million in additional State operating aid from fiscal 1998 to 2002.

Chapter 105 of 1997 also required a final comprehensive evaluation of the school system by December 1, 2001. This evaluation was conducted by Westat and was presented to the General Assembly on January 17, 2002. Westat concluded that the partnership had worked well to improve student achievement and system management and recommended that the partnership continue.

The Baltimore City Board of School Commissioners is one of seven appointed school boards in the State. Another 17 local boards of education are elected by county voters. There are no hybrid (partially elected/partially appointed) boards in the State. Some boards, like the current Baltimore City Board of School Commissioners, do not receive compensation, but most board members receive some compensation for their service. However, there are no full-time school boards operating in the State. The selection method, number of school board members, and compensation levels for each of the 24 local boards are shown in **Exhibit 1**.

Exhibit 1
Local Boards of Education
Members, Selection Methods, and Compensation

<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>	<u>Member Salaries*</u>
Allegany	5	0	5	0	1	5,000
Anne Arundel	7	7	0	0	1	None
Baltimore City	9	9	0	0	1	None
Baltimore	11	11	0	0	1	None
Calvert	5	0	2	3	1	4,000
Caroline	5	5	0	0	0	3,000
Carroll	5	0	5	0	1	5,000
Cecil	5	0	0	5	1	3,500
Charles	7	0	7	0	1	4,000
Dorchester	5	0	0	5	2	3,200
Frederick	7	0	7	0	0	10,000
Garrett	5	0	2	3	1	4,000
Harford	7	7	0	0	1	3,600
Howard	7	0	7	0	0	12,000
Kent	5	0	5	0	0	2,000
Montgomery	7	0	2	5	1	18,500
Prince George's	9	0	4	5	1	18,000
Queen Anne's**	5	5	0	0	0	3,500
St. Mary's	5	0	1	4	1	6,000
Somerset	5	0	0	5	0	2,700
Talbot	7	0	0	7	1	3,200
Washington	7	0	7	0	0	5,500
Wicomico	7	7	0	0	0	3,700
Worcester	7	0	0	7	3	3,200

*Salaries shown do not include any additional amounts for board chairs and presidents.

**The Queen Anne's County board will begin transitioning to an elected board at the 2008 general election.

Local Expenditures: The Baltimore City Board of Elections advises that, if existing school board districts are used to elect members of the Baltimore City Board of School Commissioners, approximately 60 new precincts would be created and costs to prepare new ballots, hire more election judges and technicians, and buy more voting machines would be significant. The board of elections estimates the added costs at \$2.5 to \$3.0 million. If the mayor and city council can redraw the school board boundaries before the primary in early 2008 to align board of education districts with current voting precincts, these costs could be reduced.

Baltimore City school expenditures would increase to provide full-time salaries and benefits to 13 school board commissioners. The additional expenditures would depend on the salaries paid to members of the board. If each member costs the city \$125,000 (salary and benefits), city school expenditures would increase by \$1.6 million.

The bill states that the Baltimore City telecommunications tax must pay the salaries, expenses, and benefits for school board members. In fiscal 2007 the tax yielded \$26.5 million for the city. Any revenue generated by the tax that is not used by the board of school commissioners would be placed into the city's general fund or used for purposes otherwise specified in law. Although the overall amount of revenue generated from the tax would not change, the amount that goes to the city government, rather than the board of education, would obviously decrease.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Governor's Office, Maryland State Department of Education, Baltimore City, State Board of Elections, Department of Legislative Services

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