Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

House Bill 455   (Caroline County Delegation)

Ways and Means   Education, Health, and Environmental Affairs

Caroline County Board of Education - Election and Appointment of Members - Referendum

This bill, subject to voter approval via referendum, restructures the Caroline County Board of Education by requiring that three members be elected by county residents within one of three education districts and two members continue to be appointed by the Governor. The three elected board members would be elected at the November 2012 general election. Annual compensation for board members would also increase.

The referendum must take place at the November 2010 general election. The county commissioners and the local board of elections must carry out all duties necessary to provide for and hold the referendum. The proposed referendum asks whether voters favor a board of education elected in part by county voters and appointed in part by the Governor or a board appointed by the Governor.

Fiscal Summary

State Effect: None.

Local Effect: If the referendum results in the restructuring of the Caroline County Board of Education, county expenditures increase by $1,500 in FY 2013 and by $2,500 in FY 2014 and subsequent years due to increased compensation for board members. In addition, local board of elections expenditures may increase beginning in FY 2013, due largely to the creation of new board of education election districts. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: Contingent upon the results of the required referendum, the bill restructures the Caroline County Board of Education from an appointed board to a hybrid board with two appointed and three elected members, establishes a process for the creation of three board of education districts, alters annual compensation of board members, adds two nonvoting student members to the board, and specifies procedures for filling board vacancies.

The county commissioners must establish board of education districts; the districts must be substantially equal in population and be reapportioned on the basis of each decennial U.S. census. Reapportioned districts must become effective for the term of office commencing after the first regular primary election held at least 15 months after the official report on population is received by the State from the U.S. Census Bureau.

Each elected member is elected only by the voters of the education district that he or she represents. To be elected to the board, an individual must be at least 21 years old and a registered voter and a resident of the county for at least three years. An individual may not serve on the board if he or she is employed by or under the direction of the county board of education or the county superintendent of schools.

The terms of the board members elected in November 2012 are staggered as follows: the two elected candidates receiving the highest number of votes serve four-year terms; the one elected candidate receiving the fewest votes serves a two-year term. Following subsequent elections, each elected member serves a four-year term. The term of a voting member begins on the first Monday in December after the election and lasts until a successor is elected and qualifies.

The terms of appointed board members in office on October 1, 2009 expire at the end of December 2, 2012. The initial terms of appointed members are staggered as follows: one appointed member serves a term of six years, and the other appointed member serves a term of four years, each beginning the first Monday in December 2012. Thereafter, appointed members serve four-year terms.

Voting board members must elect a president and vice president at the first meeting in December of each year. The board meets at least once each month, and all meetings are conducted in accordance with the provisions of the Maryland Open Meetings Act.

The board president receives $4,000 annual compensation and other voting members receive $3,500. As provided in the county budget, voting members are entitled to an allowance for travel and other expenses. Voting members are not eligible for fringe

benefits provided by the county public school system, the county board of education, or the county commissioners, including health insurance, life insurance, and pensions.

The bill sets procedures for filling board vacancies, including officer vacancies, and for the removal of voting board members for immorality, misconduct in office, incompetency, or willful neglect of duty. A member who no longer resides in the education district that the member represents or is not a registered voter of the county may not continue as a board member.

Current Law: The Caroline County Board of Education consists of five voting members appointed by the Governor. Board members serve five-year terms, and the student representatives serve one-year terms. With the approval of the Governor, the State Superintendent of Schools may remove a board member for immorality, misconduct in office, incompetency, willful neglect of duty, or failure to attend board meetings. If any of the members vacates the position, the Governor appoints a replacement.

Currently, the voting members of the Caroline County Board of Education receive $3,000 each for travel and other expenses, except the president who receives $3,500.

Background: The Caroline County Board of Education is one of six appointed school boards in the State. The other 18 local boards of education are elected by county voters. The selection methods and number of school board members for each of the 24 local boards are shown in **Exhibit 1**. None of the local boards has a mix of appointed and elected members.

Local Expenditures: Contingent upon the results of the November 2010 referendum, the bill would increase annual compensation for each of the five county board members by $500. County expenditures would increase by approximately $1,458 in fiscal 2013, accounting for the seven months from December 2012 to June 2013, and by $2,500 in fiscal 2014 and subsequent years.

If the referendum results in the election of the board of education as provided by the bill, the three newly created districts are unlikely to coincide with the existing eight election districts, increasing election costs by as much as $39,000 in each election year for board members (beginning in fiscal 2013). Actual costs will also vary depending upon the number of candidates in each district; the board advises that more than two candidates in a given district will necessitate a primary election in that district.

Exhibit 1
Local Boards of Education
Members and Selection Methods

County	Full Voting Members	Appointed Members	Elected Members From County At Large	Elected Members From Districts	Student Member(s)
Allegany	5	0	5	0	1
Anne Arundel	9	8	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	0	0	5	1
Charles	7	0	7	0	1
Dorchester	5	0	0	5	2
Frederick	7	0	7	0	1
Garrett	5	0	2	3	1
Harford	7	7	0	0	1
Howard	7	0	7	0	1
Kent	5	0	5	0	0
Montgomery	7	0	2	5	1
Prince George's**	9	0	4	5	1
Queen Anne's	5	0	1	4	2
St. Mary's	5	0	1	4	1
Somerset	5	0	0	5	0
Talbot	7	0	0	7	1
Washington	7	0	7	0	0
Wicomico	7	7	0	0	0
Worcester	7	0	0	7	3

*The Baltimore City Board of Education is appointed jointly by the Governor and Mayor.
**Beginning in 2010, each of the nine elected members of the Prince George's County Board of Education will be elected from one of nine school board districts.

Additional Information

Prior Introductions: None.

Cross File: None. However, Senate Bill 964 is identical.

Information Source(s): Caroline County, Maryland State Department of Education, Maryland State Board of Elections, Department of Legislative Services

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