

**Department of Legislative Services**  
Maryland General Assembly  
2010 Session

**FISCAL AND POLICY NOTE**

Senate Bill 10 (Senator Conway)  
Education, Health, and Environmental Affairs

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**Baltimore City - Board of School Commissioners - Selection of Members - Local Referendum**

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Subject to voter approval via referendum, this bill restructures the Baltimore City Board of School Commissioners by requiring that: six members be elected by city residents within one of six legislative districts, one member be elected from the city at-large, one student member be appointed, two members be appointed by the Governor, and two members be appointed by the Mayor of Baltimore City. The seven elected board members would be elected at the general election in November 2012 and the four appointed members would be appointed on or before the general election in November 2012. Board members are entitled to reimbursement for expenses as provided in the Baltimore City budget.

The referendum must take place at the November 2010 general election. The Mayor of Baltimore City and the Baltimore City Board of Elections must carry out all duties necessary to provide for and hold the referendum. If a majority of votes are cast in favor of the restructured board, it becomes effective on the thirtieth day following the official canvass of votes. However, if a majority of votes are cast against the restructured board, the provisions of the law become null and void.

The bill takes effect July 1, 2010.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Adding two commissioners to the board may increase Baltimore City expenditures minimally beginning in FY 2013.

**Small Business Effect:** None.

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## **Analysis**

**Bill Summary:** Contingent upon the results of the required referendum, the bill restructures the Baltimore City Board of School Commissioners from an appointed board to a hybrid board with five appointed and seven elected members, entitles board members to reimbursement for expenses, establishes residency requirements for members, specifies procedures for the removal of elected members under certain circumstances, and specifies duties of the board.

Each elected member is elected only by the voters of the legislative district that he or she represents, except the at-large member who will be elected at-large by the voters of the city. The member elected by the city at-large will serve as the chair of the board. Each voting member of the board must show proof of residency in Baltimore City for at least one year immediately before appointment, and maintain residency in the city through the member's term of office. An elected member from a legislative district must show proof of residency of that legislative district for at least one year immediately before filing for candidacy, and maintain residency in that district throughout the member's term of office.

Of the five appointed voting members, two must be appointed by the Mayor of Baltimore City, two members must be appointed by the Governor, and one student member must be appointed by the Associated Student Congress of Baltimore City. To the extent practicable, the appointed members must reflect the demographic composition the city. There are several experience criteria that at least one appointed member needs to meet.

On the joint approval of the mayor and the Governor, an appointed member may be removed for cause. Following substantial investigation by, and unanimous vote of the Baltimore City Council, an elected member may be removed if the council finds the member has committed specified violations.

The terms of appointed board members in office on July 1, 2010, expire at the end of December 2, 2012. 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. Members serve four-year terms, except the student member who serves a one-year term. Members may not serve more than two consecutive full terms. The student member may not vote on certain matters before the board or attend an executive or special session of the board.

**Current Law:** The Baltimore City Board of School Commissioners consists of nine members jointly appointed by the Governor and the and one student member. At least four members must demonstrate successful experience managing a large business,

nonprofit, or governmental entity; three must possess a high level of knowledge about education; one must be a parent of a student enrolled in the Baltimore City Public School System; and one must have knowledge or experience in the education of children with disabilities. They must all be residents of Baltimore City.

Members serve staggered three-year terms and until a successor is appointed and qualifies. The board chairman is elected every two years by the members of the board. Members are not entitled to compensation or reimbursement for expenses.

Members may be removed from office on the joint approval of the Governor and the mayor for immorality; misconduct in office; incompetency; willful neglect of duty; or failure to attend, without good cause, at least half of the scheduled meetings of the board in any one calendar year.

**Background:** The Baltimore City Board of School Commissioners is one of five appointed school boards in the State, of which one (Caroline County) is in the process of transitioning to a hybrid board. Eighteen local boards are elected by county voters and one, the Harford County school board, is composed of both appointed and elected members. The selection method and number of school board members for each of the 24 local boards are shown in **Exhibit 1**.

**Local Expenditures:** Adding two commissioners to the board so there are 12 rather than 10 commissioners may increase expense reimbursement expenditures minimally beginning in fiscal 2013. The bill specifies that commissioners are to be reimbursed as provided in the Baltimore City budget. Currently, commissioners are reimbursed by the Baltimore City Public School System. Shifting the reimbursement directly to the city may increase city expenditures if the funding is in addition to the city's required maintenance of effort level for the public school system.

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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	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	9	3	0	6	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, three members will be elected from three school board districts. Two members will continue to be appointed by the Governor.

\*\*\*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.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** HB 374 (Delegate Glen, *et al.*) – Ways and Means.

**Information Source(s):** Baltimore City, Maryland State Board of Elections, Department of Legislative Services

**Fiscal Note History:** First Reader - February 1, 2010  
mpc/mwc

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