

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

House Bill 1072  
Ways and Means

(Delegate Lafferty, *et al.*)

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Baltimore County Board of Education - Election of Members

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This bill changes the Baltimore County Board of Education from an appointed board to a nonpartisan elected board. At the November 2010 general election, one member will be elected from each of the seven councilmanic districts and four members will be elected from the county at-large. The bill also maintains the student member of the board.

The bill takes effect June 1, 2010, and the terms of appointed board members expire December 5, 2010.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** Baltimore County expenditures may increase to pay compensation for board members, to reimburse the members of the board for travel and other expenses, and to conduct elections. *Baltimore County did not respond to requests for information on this bill.*

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The term of an elected member begins on the first Monday in December after the election and lasts until a successor is elected and qualifies. At the first meeting of the board each December, a chair and a vice chair must be elected from the members. 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 and may not attend specified executive and special sessions of the board unless invited to attend by an affirmative vote of the board.

The State board may remove a member of the county board for immorality, misconduct in office, incompetency, willful neglect of duty, or failure to attend, without good cause, at least 75% of the scheduled meetings of the county board in a calendar year. Before removing a member, the State board must send the member a copy of the charges against the member and give the member an opportunity to request a hearing within 10 days. If the member requests a hearing within the 10-day period, the State board must promptly hold a hearing with certain restrictions, and the member must have an opportunity to be heard publicly before the State board in the member's own defense in person or by counsel. A removed member has the right to a *de novo* review of the removal by the Circuit Court for Baltimore County.

The Baltimore County Executive is required to fill vacancies on the board with the advice and consent of the county council. A member appointed to fill a vacancy serves for the remainder of the term for which the appointment was made and until a successor is elected and qualifies. A nominee may not take office until the county council has confirmed the nomination. The county executive must act promptly to fill appointments; to the extent practicable, the county executive and the county council must act within 60 days after a vacancy occurs.

Members of the county board are entitled to annual compensation as provided in the county budget and may be reimbursed for travel and other expenses.

**Current Law:** The Baltimore County Board of Education consists of 12 members appointed by the Governor: 1 member from each of the 7 councilmanic districts in the county, 4 from the county at-large, and 1 student member.

Members serve five-year terms, except the student member who serves a one-year term. 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.

**Background:** The Baltimore County Board of Education is one of five appointed school boards in the State, including one (Caroline County) that is in the process of transitioning to a hybrid board composed of appointed and elected members. 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**.

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

<b>County</b>	<b>Full Voting Members</b>	<b>Appointed Members</b>	<b>Elected Members from County at Large</b>	<b>Elected Members from Districts</b>	<b>Student Member(s)</b>
Allegany	5	0	5	0	1
Anne Arundel	9	8	0	0	1
Baltimore City <sup>1</sup>	9	9	0	0	1
Baltimore	11	11	0	0	1
Calvert	5	0	2	3	1
Caroline <sup>2</sup>	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 <sup>3</sup>	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

<sup>1</sup>The Baltimore City Board of Education is appointed jointly by the Governor and mayor.

<sup>2</sup>Beginning in 2010, three members will be elected from three school board districts. Two members will continue to be appointed by the Governor.

<sup>3</sup>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 Comments:** Although it is not specified, it is assumed that the student member will continue to be appointed by the Governor.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Legislative Services

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