

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 299
Ways and Means

(Delegate Morhaim, *et al.*)

Baltimore County - Hybrid School Board - Election and Appointment of Members

This bill restructures the Baltimore County Board of Education from an appointed board to a hybrid board consisting of four members appointed from the county at large, seven nonpartisan elected members, and one appointed student member, beginning with the term that commences following the 2014 general election.

Fiscal Summary

State Effect: None.

Local Effect: Baltimore County expenditures may increase by approximately \$153,400 in FY 2015 and by \$263,000 annually beginning in FY 2016. This estimate is based on the assumption that each board member will receive \$10,000 in annual compensation and will obtain health insurance coverage (family plan). The actual impact on county expenditures will depend on the annual compensation amount established in the county budget and the type of health insurance coverage, if any, selected by each board member.

Small Business Effect: None.

Analysis

Bill Summary: The seven nonpartisan elected members are to be elected at a general election. A primary election in connection with the election of these members is prohibited. One member is elected from each of the seven councilmanic districts in the county, by the voters of the respective districts.

A member from a district must be a resident of that district and may not continue as a member of the board if he or she no longer resides in the district. A candidate elected to

the board or appointed to fill a vacancy of an elected member shall be a registered voter and resident of Baltimore County.

At the general election, the ballot must provide the voter with the choice to vote “For” a candidate for election from the voter’s district. After certification of the election results, the State Board of Education must declare for each district whether a candidate has been elected. Each elected member serves for a four-year term beginning on the first Monday in December after the member’s election and until a successor is elected and qualifies. (The four members appointed at large by the Governor continue to serve five-year terms under the bill.)

However, if no candidate files a certificate of candidacy for an elected board office or no individual otherwise qualifies to be placed on the ballot, the county executive must appoint a member to fill that vacancy, with advice and consent from the county council. This member serves for a four-year term beginning on the first Monday in December after the general election to elect members. If, however, the nominee put forth for appointment is not confirmed by the county council by this date, the nominee may not take office until the county council confirms the nomination. Following confirmation, the nominee serves the remainder of the term.

The initial terms of the elected members (or those appointed to fill a vacancy in an elected office) are not staggered. The county executive must act promptly to fill any appointment to the board that the county executive is authorized to make. A member who is elected or appointed in order to fill a vacancy for an elected member serves only for the remainder of that term and until a successor is elected or appointed and qualifies. To the extent practicable and authorized, the county executive must nominate, and the county council must act on a nomination to fill a vacancy within 60 days of the vacancy or, if applicable, by the commencement of the term following an election.

The State Board of Education may remove an elected member of the county board, or a member appointed to fill a vacancy in the office of an elected member 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 any one calendar year. The bill requires that the member be informed of the charges against the member, be given an opportunity to request a public hearing before the State Board of Education, and if removed, be given the right to a *de novo* review of the removal by the Circuit Court for Baltimore County.

At its first meeting in December of each year, the county board must elect a chair and vice chair from among its members. Members of the board are entitled to annual compensation and to allowances for travel and other expenses, as provided in the county budget.

The terms of the seven appointed members from the seven councilmanic districts in Baltimore County, in office on November 30, 2014, terminate at the end of November 30, 2014. However, if the member elected from the councilmanic district that the appointee represents does not qualify to take office on December 1, 2014, then the appointed member from that councilmanic district serves until the member elected from that councilmanic district qualifies and takes office.

Current Law: The Baltimore County Board of Education consists of 12 members, of whom 4 members are appointed from the county at large, 7 members are appointed from each of the 7 councilmanic districts in the county, and 1 is a student member. Members serve five-year terms, except the student member who serves a one-year term.

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 of appointed and elected members. Harford County has such a hybrid board. Eighteen local boards are elected by county voters. The selection method and number of school board members for each of the 24 local boards are shown in **Exhibit 1**.

Exhibit 1
Local Boards of Education

School System	Number of Members	Term	Means of Selection ¹
Allegheny	7	4 years	E 5 from county at large 1 commissioner <i>ex officio</i> (nonvoting) 1 student (nonvoting, one-year term)
Anne Arundel	9	5 years	A 3 from county at large 5 from legislative districts 1 student (one-year term)
Baltimore City	10	3 years	A 9 from city at large 1 student (one-year term)
Baltimore	12	5 years	A 4 from county at large 7 from council districts 1 student (one-year term)
Calvert	6	4 years	E 2 from county at large 3 from commissioner districts 1 student (nonvoting, one-year term)
Caroline ²	7	4 years	A/E 3 elected from school board districts 2 appointed from county at large 2 students (nonvoting, one-year term)

School System	Number of Members	Term		Means of Selection¹
Carroll	9	4 years	E	5 from county at large 3 commissioners <i>ex officio</i> (nonvoting) 1 student (nonvoting, one-year term)
Cecil	6	4 years	E	5 from commissioner districts 1 student (nonvoting, one-year term)
Charles	8	4 years	E	7 from county at large 1 student (nonvoting, one-year term)
Dorchester	7	4 years	E	5 from council districts 2 students (nonvoting, one-year term)
Frederick	8	4 years	E	7 from county at large 1 student (nonvoting, one year term)
Garrett	7	4 years	E	2 from county at large 3 from commissioner districts 1 commissioner <i>ex officio</i> (nonvoting) 1 student (nonvoting, one-year term)
Harford	11	4 years	A/E	6 elected from council districts 3 appointed 1 superintendent <i>ex officio</i> (nonvoting) 1 student (nonvoting, one-year term)
Howard	8	4 years	E	7 from county at large 1 student (one-year term)
Kent	6	4 years	E	5 from county at large 1 student (nonvoting, one-year term)
Montgomery	8	4 years	E	2 from county at large 5 from school board districts 1 student (one-year term)
Prince George's	10	4 years	E	9 from school board districts 1 student (one-year term)
Queen Anne's	7	4 years	E	1 from county at large 4 from commissioner districts 2 students (nonvoting, one-year term)
St. Mary's	6	4 years	E	1 from county at large 4 from commissioner districts 1 student (nonvoting, one-year term)
Somerset	5	4 years	E	All from commissioner districts

School System	Number of Members	Term	Means of Selection¹
Talbot	8	4 years	E 7 from school board districts 1 student (nonvoting, one-year term)
Washington	8	4 years	E 7 from county at large 1 student (nonvoting, one-year term)
Wicomico	7	5 years	A All from county at large
Worcester	10	4 years	E 7 from commissioner districts 3 students (nonvoting, one-year term)

¹A = Appointed by Governor, except in Baltimore City where board is appointed jointly by the Governor and the Mayor. E = Elected. A/E = Combined appointed and elected board.

²Voters in Caroline County decided at the 2010 general election to change from an appointed board to a combination appointed and elected board beginning with the November 2012 general election. The terms of the five current appointed members will expire December 2, 2012.

Source: Annotated Code of Maryland, Education Article, Sections 3-101 through 3-1405; local board of education websites

Local Expenditures: Members of the Baltimore County Board of Education will be entitled to annual compensation and to allowances for travel and other expenses, as provided in the county budget. The bill does not prescribe a particular amount for compensation and expenses. *For illustrative purposes*, the following analysis assumes Baltimore County provides each nonstudent member with an annual salary of \$10,000.

Baltimore County advises that health insurance costs per member range from \$5,300 for an individual plan to \$14,300 for a family plan. Assuming a monthly stipend of \$100 and annual payroll taxes of approximately \$800 for each nonstudent member, annual expenditures beginning in fiscal 2016 would range from \$173,000 if all choose individual coverage to \$263,000 if all choose family coverage. Given board terms beginning December 1, 2014, however, expenditures in fiscal 2015 would range from \$100,900 to \$153,400.

Costs may be substantially lower to the extent that board members opt out of health insurance coverage due to existing coverage or for other reasons. Baltimore County advises that board members are currently reimbursed for travel.

Additional Information

Prior Introductions: None.

Cross File: SB 141 (Senator Zirkin, *et al.*) - Education, Health, and Environmental Affairs.s

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

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mc/hlb

Analysis by: Scott P. Gates

Direct Inquiries to:
(410) 946-5510
(301) 970-5510