

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

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

Baltimore County - Board of Education - Selection of Members

This bill restructures the Baltimore County Board of Education from a 12-member appointed board, including 1 student member, to a 12-member board consisting of 5 appointed members, 6 nonpartisan elected board members, and a student member. In appointing members to the school board, the Governor must ensure, to the extent practicable, that the total makeup of the board reflects gender, ethnic, and racial diversity. The terms of seven appointed board members expire December 7, 2014; the restructured board begins December 8, 2014. Every four years at the general election one member will be elected from each of six school board districts. Additional members are appointed within 90 days of the general election.

The bill takes effect June 1, 2013.

Fiscal Summary

State Effect: The State Board of Elections and State Board of Education can implement the provisions of the bill with existing resources.

Local Effect: Baltimore County expenditures increase by \$700 in FY 2015 and by \$1,300 annually beginning in FY 2016, assuming board members do not receive health insurance coverage from the local school system. If board members receive health insurance coverage, county expenditures may increase by up to \$100,700 in FY 2015 and by \$178,400 beginning in FY 2016. Local election costs increase to the extent that additional election judges and polling places are made necessary by the establishment of school board election districts. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: An elected member of the Baltimore County school board district must be a registered voter in the county and reside in the district prior to the election; the office is deemed vacant if the member does not maintain district residency. If a district boundary line is changed, an incumbent who resides outside of the district as a result of the change may serve the remainder of the current term.

Voters of a school board district may vote only for a candidate for election from that district. After election results are certified, the State Board of Education must declare for each district whether a candidate has been elected. If no individual files for candidacy or if no individual otherwise qualifies for placement on the ballot, the county executive must appoint a member to fill the vacancy, with advice and consent of the county council. At its first meeting in December of each year, the county board must elect a chair and vice chair from among its members. Aside from compensation, provisions concerning the student member of the county board are not altered by the bill.

In the case of a vacancy on the county board of education, the county council confirms the nomination by the county executive. 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. A nominee may not take office until the county council has confirmed the nomination.

The State Board of Education may remove a board member for immorality, misconduct in office, incompetency, willful neglect of duty, or failure to attend board meetings. 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.

Following the decennial census, the Baltimore County Council, in consultation with the county board of education and after reasonable opportunity for public review and comment, must establish school board districts in the county. The county council must adopt and make public its final school district plan no later than 30 days before the school board candidate filing deadline. Each school board district must be substantially equal in population. Reapportioned school board districts are effective for the term that begins after the first regular primary election that is held at least 15 months after the official report on population is received by the State from the U.S. Census Bureau.

Each nonstudent board member receives an annual compensation of \$100, and a student member who completes a full term must be granted a \$100 higher education scholarship. Board members are also entitled to allowances for travel and other expenses as budgeted

by the county. The bill alters school board terms from five to four years and sets term limits for school board members.

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 four appointed local boards of education in the State. There are 18 elected school boards in the State and two counties have hybrid boards including both elected and appointed members. The **Appendix – Local Boards of Education** – shows the selection methods, terms of office, and membership of the 24 local boards of education.

Local Fiscal Effect: Baltimore County expenditures increase by \$730 in fiscal 2015 and by \$1,290 annually beginning in fiscal 2016, assuming board members do not receive health insurance coverage from the local school system. If board members receive health insurance coverage, county expenditures may increase by up to \$100,680 in fiscal 2015 and by \$178,390 beginning in fiscal 2016. **Exhibit 1** illustrates the potential increase in county expenditures for fiscal 2015 and 2016.

Exhibit 1
Potential Increase in Baltimore County Expenditures

	<u>FY 2015</u>	<u>FY 2016</u>
Board Member Salaries ¹	\$680	\$1,200
Payroll Taxes	50	90
Health Insurance Coverage	99,950	177,100
Total – Without Health Insurance	\$730	\$1,290
Total – With Health Insurance	\$100,680	\$178,390

¹ Includes student member scholarship.

Board Member Salaries

Members of the Baltimore County Board of Education will be entitled to an annual salary of \$100 (or a \$100 scholarship for a student member serving a one-year term). Since the board will include 12 members, the annual cost for salaries beginning in fiscal 2016 will total \$1,200. Given board terms beginning December 8, 2014, however, salary expenditures will total approximately \$680 in fiscal 2015. Similarly, payroll taxes for the nonstudent members of the county school board will total approximately \$90 beginning in fiscal 2016 and \$50 in fiscal 2015.

Travel and Reimbursement Expenses

Under the bill, county school board members are also entitled to allowances for travel and other expenses, as provided in the county budget. The Baltimore County Public Schools budget currently covers travel expenditures (including mileage and conference costs), membership dues, and other costs (such as supplies). In fiscal 2012, these costs totaled approximately \$132,300, or \$11,000 per member. Because the bill does not alter the size of the board, annual expenditures for travel and other expenditures are not affected by the bill.

Health Insurance Benefits

The bill does not indicate whether county school board members will be eligible for health insurance. Baltimore County advises that health insurance costs per member would range from approximately \$5,400 for an individual plan to \$16,100 for a family plan. If nonstudent board members are allowed health insurance coverage, annual health care expenditures beginning in fiscal 2016 would range from \$59,400 if all nonstudent board members select individual coverage to \$177,100 if all select family coverage. Given board terms beginning December 8, 2014, however, these expenditures in fiscal 2015 would range from \$33,520 to \$99,950. These costs would be substantially lower to the extent that board members opt out of health insurance coverage due to existing coverage or for other reasons.

Administrative and Election Costs

The establishment of six school board election districts will result in additional voting precincts and ballot styles, the number of which will depend upon the particular district boundaries chosen and their relationship to existing voting districts in the county. Though some current polling places may be able to accommodate voters from new precincts in a dual use arrangement, new polling places may need to be established as well. Baltimore County advises that it uses government buildings for most of its polling places at no charge, but polling places not owned by the State or local government are presently paid \$250 each for a general election.

Additional election judges will also be required. Presently each judge is paid \$40 for mandatory training; chief judges are paid \$225; and regular judges are paid \$163. Baltimore County advises that a typical polling place requires two chief judges and four to five regular judges. This results in a cost of approximately \$1,450 in compensation to election judges per additional polling place made necessary by the bill.

Additional Information

Prior Introductions: SB 407 of 2012 passed the Senate, but no action was taken in the House. Its cross file, HB 481 passed the House and Senate; however, differences in the legislation between the two chambers were not reconciled prior to the General Assembly's adjournment.

Cross File: None.

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

Fiscal Note History: First Reader - January 23, 2013
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Appendix – Local Boards of Education

<u>School System</u>	<u>Number of Members</u>	<u>Term</u>	<u>Means of Selection</u> ¹
Allegany	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	7	4 years	A/E 3 elected from school board districts 2 appointed from county at large 2 students (nonvoting, one-year term)
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)

<u>School System</u>	<u>Number of Members</u>	<u>Term</u>	<u>Means of Selection</u> ¹
Harford	11	4 years	A/E 6 elected from council districts 3 appointed 1 superintendent <i>ex officio</i> (nonvoting) 1 student (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
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.

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