

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 1040 (Wicomico County Delegation)
Ways and Means

Wicomico County - Board of Education

This bill restructures the Wicomico County Board of Education from a seven member appointed board to an eight member hybrid board consisting of five elected members (one from each of the five councilmanic districts on a nonpartisan basis); two members appointed at large by the Wicomico County Executive; and one student member. The bill specifies that the terms of board members who are in office on December 16, 2018 will expire on December 16, 2018.

The bill takes effect October 15, 2015 for purpose of conducting the referendum at the 2016 general election and subject to passage of the referendum, the bill takes effect 30 days after an official canvass of the election.

Fiscal Summary

State Effect: State Board of Elections expenditures are not substantially affected.

Local Effect: Wicomico County Public Schools finances are not materially affected. Local election costs increase beginning in FY 2019 to cover the local share of creating additional election ballot styles.

Small Business Effect: None.

Analysis

Bill Summary: Members of the Wicomico County Board of Education must be a resident of the county for at least one year and be a registered voter in the county. An elected member of the Wicomico County Board of Education must be a resident of the

councilmanic district before the election and be elected by the voters of that district. Appointed members of the board must be appointed by the Wicomico County Executive from the county at large, with the advice and consent of the Wicomico County Council. The county executive must ensure, to the extent practical, that the board reflects the gender, ethnic, and racial makeup of the county.

The student member of the board is a nonvoting member and serves a one year term and must be an 11th or 12th grade student in the Wicomico County public school system. The student member must advise the county board on the thoughts and feelings of students.

Nonstudent members serve four year terms beginning on the third Monday in December after the election and until a successor is elected and qualifies. The county executive, with the advice and consent of the county council, must appoint a new member to fill a vacancy on the board for the remainder of that term and until a successor is elected or appointed and qualifies. Members may not serve for more than two consecutive terms. A member who no longer resides within the councilmanic district from which the member was elected may not continue as a member of the board.

The State Board of Education may remove a board member for immorality, misconduct in office, incompetency, willful neglect of duty, or failure to attend 75% of board meetings in a calendar year without good cause. The board member must 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 Wicomico County.

Current Law: The Wicomico County Board of Education consists of seven members, all of whom are appointed by the Governor from the county at large. Board members serve five year terms. Board members currently receive \$3,700 in compensation annually; the board president receives \$4,000.

Background: The Wicomico County Board of Education is one of four appointed school boards in the State, including one (Baltimore County) that, beginning in 2015, will transition to a hybrid board of appointed and elected members. There are 17 elected school boards in the State and three counties already have hybrid boards. **Appendix – Local Boards of Education** shows the selection methods, terms of office, and membership of the 24 local boards of education.

Local Fiscal Effect: The bill does not alter the compensation amounts for school board members, nor does it alter the number of members who are eligible to receive compensation for service. It is assumed that the student member of the board will not receive any form of compensation. As a result, Wicomico County Public Schools finances will not be affected.

Wicomico County board of elections costs increase minimally to cover the costs associated with generating ballot styles for elections, beginning in fiscal 2019.

Additional Information

Prior Introductions: None.

Cross File: SB 730 (Senator Eckardt) - Education, Health, and Environmental Affairs.

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

Fiscal Note History: First Reader - March 17, 2015
min/hlb

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Appendix – Local Boards of Education

| School System | Number of Members | Term | | Means of Selection ¹ |
|-----------------------------|-------------------|---------|-----|--|
| Allegany | 6 | 4 years | E | 5 from county at large 1 student (nonvoting, one-year term) |
| Anne Arundel ² | 9 | 5 years | A | 3 from county at large 5 from legislative districts 1 student (one-year term) |
| Baltimore City ³ | 10 | 3 years | A | 9 from city at large 1 student (one-year term) |
| Baltimore ⁴ | 12 | 5 years | A/E | 4 appointed from county at large 7 elected from councilmanic 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 | 11 | 4 years | E | 5 from county at large 5 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 | 6 | 4 years | E | 2 from county at large 3 from commissioner districts 1 student (nonvoting, one-year term) |

Appendix – Continued

| School System | Number of Members | Term | | Means of Selection ¹ |
|------------------------------|-------------------|---------|-----|---|
| Harford | 11 | 4 years | A/E | 6 elected from council districts 3 appointed from county at large 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 districts 1 student (one-year term) |
| Prince George's ⁵ | 14 | 4 years | A/E | 9 elected from school board districts 4 appointed by county 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 ⁶ | 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; and A/E = Combined appointed by Governor and elected board, except in Prince George's County.

²There are three steps to being appointed and retained as a member of the Anne Arundel County Board of Education. First, the School Board Nominating Commission selects nominees who are recommended to the Governor as candidates for appointment to the Anne Arundel County Board of Education. The commission consists of 11 members – 5 appointed by the Governor from each of the legislative districts, 1 appointed by the County Executive, and 5 appointed from various county organizations. A board member begins serving immediately upon appointment; however, the board member must stand for “approval or rejection of the registered voters of the county” at the next general election. The board member is placed on the ballot, without opposition. If the voters retain the board member, he or she may complete the remainder of the 5-year term. If the voters reject the board member, the position becomes vacant and the process begins again. Chapters 177 and 178 of 2011, as well as an Opinion of the Attorney General (98 Op. Att’y Gen. 51 (May 22, 2013)), clarify that this three-step process applies not only to newly appointed board members, but also to incumbent board members seeking a second term.

³The nonstudent members of the Baltimore City Board of School Commissioners of the Baltimore City Public School System are jointly appointed by the Mayor of Baltimore City and the Governor from a list of qualified individuals submitted by the State Board of Education. Each member must be a resident of Baltimore City, and the membership must reflect the demographic diversity of Baltimore City.

⁴Chapter 481 of 2014 established the Baltimore County Nominating Commission. The commission is responsible for selecting 8 nominees to be recommended to the Governor as qualified candidates for appointment to the Baltimore County Board of Education. The commission consists of 19 members of the county and must reflect the diversity of the county. Except in extenuating circumstances, the Governor must appoint members to the board of education from the list the nominating commission provides.

⁵Chapter 147 of 2013 altered the membership of the Prince George's County Board of Education by adding four appointed members to the existing elected board. The county executive appoints three members with certain experience requirements, and the county council appoints one member who must be a parent of a student in the county school system. If a seat held by an elected member becomes vacant, the county executive must appoint a qualified individual for the remainder of the term, with the appointment subject to rejection by a two-thirds vote of the county council.

⁶The Washington County Board of Education reports that the student member can only concur on votes and must abstain from certain matters.

Source: Annotated Code of Maryland, Education Article, Sections 3-101 through 3-1405; Local Boards of Education