

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 734 (Delegate Saab, *et al.*)
Ways and Means

Anne Arundel County - Board of Education - Selection of Members

This bill restructures the Anne Arundel County Board of Education from a 9-member appointed board (including one student member) to an 11-member hybrid board consisting of 7 elected members (1 from each of the seven councilmanic districts on a nonpartisan basis); 3 members appointed at large by the Anne Arundel County Executive; and one student member. The bill alters the date of expiration for the terms of certain members. Restructuring of the board begins December 4, 2017, and is fully realized by December 2, 2019. Every four years at the general election 1 member will be elected from each councilmanic district. Additional members are appointed within 30 days of the general election. This bill also alters the selection process for members of the School Board Nominating Commission of Anne Arundel County.

The bill takes effect July 1, 2015.

Fiscal Summary

State Effect: General fund expenditures for the State Board of Elections are not substantially affected.

Local Effect: Anne Arundel County expenditures increase by \$6,000 in FY 2016 and 2017, and by \$78,000 annually beginning in FY 2021 when the new board is fully phased-in.

Small Business Effect: None.

Analysis

Bill Summary: An elected member of the Anne Arundel County Board of Education must be at least 21 years old, have resided in the councilmanic district for at least two years, and be a registered voter in the county before 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.

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 (from a list of nominees submitted by the School Board Nominating Commission of Anne Arundel County) to fill the vacancy within 30 days of the general election.

The three appointed members of the county board must be appointed by the county executive from a list of nominees submitted by the School Board Nominating Commission of Anne Arundel County. The bill repeals a provision subjecting the appointment of a board member to election by the registered voters of the county at the general election following the member's nomination and appointment.

A nonstudent board member may not (1) be a candidate for or hold elected or appointed office for a political party or the local, State, or federal government or (2) be a current employee of the county public school system. School board terms are reduced from five years to four years, and members may not serve for more than two terms. At its first meeting in December of each year, the county board must elect a chair and vice chair from among its members.

The State Board of Education, with the approval of the county executive, 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 Anne Arundel County.

A higher education scholarship that must be made available to a student member who completes a full term is increased from \$6,000 to \$12,000. The president of the county board receives an increase in annual compensation from \$8,000 to \$14,000. Each of the other nonstudent board members receives an increase in annual compensation from \$6,000 to \$12,000.

The county executive, rather than the Governor, must appoint five members of the School Board Nominating Commission of Anne Arundel County, one from each General Assembly legislative district. The Governor, rather than the county executive, must appoint the at-large member of the commission. The county executive designates the chair of the commission.

Current Law: The Anne Arundel County Board of Education consists of nine members, of whom three members are appointed from the county at large, one member is appointed from each of the five legislative districts in the county, and one is a student member.

Chapters 177 and 178 of 2011 specify that a member of the Anne Arundel County Board of Education must be appointed by the Governor from a list of nominees submitted by the School Board Nominating Commission of Anne Arundel County, subject to election by the registered voters of the county at the general election following the member's nomination and appointment, regardless of whether that member is serving a first or second term.

Except for the student member, each board member serves for a term of five years beginning July 1 after the member's appointment and until a successor is appointed and qualifies. An individual may not serve more than two consecutive terms. The State Superintendent of Schools, with the approval of the Governor, may remove a board member for immorality, misconduct in office, incompetency, willful neglect of duty, or failure to attend at least 50% of board meetings in a calendar year without good cause.

The president of the county board receives an annual compensation of \$8,000. Except for the student member, the other board members receive an annual compensation of \$6,000. A student member who completes a full term must be granted a \$6,000 higher education scholarship.

The School Board Nominating Commission of Anne Arundel County was established in 2007 (Chapter 454). The 11-member commission consists of 5 members appointed by the Governor (1 from each legislative district), 1 member appointed at large by the county executive, and 5 members appointed by specified organizations. The commission must submit at least two nominees to the Governor for each vacancy for the county board, unless there are fewer than two applicants for a vacancy.

Background: The Anne Arundel 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 adds two members to the Anne Arundel County Board of Education and increases the compensation level for board members by \$6,000 annually. However, the Maryland Constitution prohibits increases in the salaries and compensation of board members during a term of office. Under the bill, the term of one member will begin in December 2017 (five months into fiscal 2018), the term of one member will begin in December 2018 (five months into fiscal 2019), the term of one member will begin in December 2019 (five months into fiscal 2020), and the seven elected members will be elected at the 2018 general election and begin their terms in December 2018 (five months into fiscal 2019). The staggered terms will have the effect of phasing in the compensation increases over six fiscal years.

As a result, Anne Arundel County expenditures will increase by \$6,000 in fiscal 2016 and 2017, which accounts for the \$6,000 annual scholarship increase for the student member. County expenditures will increase by \$9,500 in fiscal 2018, by \$47,000 in fiscal 2019, by \$75,500 in fiscal 2020, and by \$78,000 in fiscal 2021 when the salaries for the new board members are fully phased-in.

Additional Information

Prior Introductions: None.

Cross File: SB 406 (Senator Simonaire) - Education, Health, and Environmental Affairs.

Information Source(s): Anne Arundel County, Anne Arundel County Public Schools, Maryland State Department of Education, Maryland State Board of Elections, Department of Legislative Services

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md/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
