

**Department of Legislative Services**  
Maryland General Assembly  
2016 Session

**FISCAL AND POLICY NOTE**  
**Enrolled - Revised**

Senate Bill 145

(Senators Mathias and Eckardt)

Education, Health, and Environmental Affairs

Ways and Means

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**Wicomico County Board of Education - Election and Appointment of Members**

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This bill, subject to Wicomico County referendum, requires restructuring of the Wicomico County Board of Education from a seven-member appointed board to either (1) a seven-member hybrid board consisting of five elected members (one from each of the five councilmanic districts on a nonpartisan basis) and two members appointed at large by the Wicomico County Council or (2) a seven-member nonpartisan elected board consisting of five members each elected from one of the five councilmanic districts and two members elected at large. The bill specifies that the terms of board members who are in office on December 2, 2018, will expire on December 2, 2018.

The bill takes effect July 1, 2016, for the purpose of conducting the referendum at the 2016 general election.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Wicomico County expenditures increase by \$10,000 in FY 2017 to cover programming and testing of voting systems to implement the required referendum.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** Qualified voters of Wicomico County will have the option to vote for the current system, a board of education appointed by the Governor (thus upholding current law), or for one of the two options presented by the bill. These latter two options are described in greater detail below.

### *Fully Elected Board Option*

Members of the Wicomico County Board of Education must be residents and registered voters of Wicomico County. A member who no longer resides in Wicomico County, or a member elected from a councilmanic district who no longer resides in that district, may not continue as a member of the board. Members are elected at the general election in 2018 and every four years thereafter. Members serve four-year terms beginning on the first Monday in December after the election and until a successor is elected and qualifies.

A Wicomico County School Board Nominating Commission is established, consisting of 14 members appointed by the county executive from a list of names submitted by specified entities, and with the advice and consent of the county council. The purpose of the commission is to select nominees to recommend to the Wicomico County Council as qualified candidates for appointment to fill a vacancy on the county board of education. The commission is staffed by the Wicomico County Public School System. The bill specifies the process for filling vacancies on the board of education.

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.

### *Hybrid Board Option*

A member elected to the Wicomico County Board of Education from a councilmanic district must be at least 21 years old, a resident of the district for at least two years, and a registered voter of the county before the election. A member from a district who does not maintain residency in that district may not continue as a member of the county board of education.

Elected members are elected at a general election and two members of the board are appointed by the Wicomico County Council from a list of nominees submitted by the Wicomico County School Board Nominating Commission. When appointing members to

the county board, the county council must endeavor to ensure, to the extent practicable, that the county board reflects the gender, ethnic, and racial makeup of the county. The purpose and structure of the commission, as well as the process for appointment to the commission, are the same as for the fully elected board, as described above. The commission is staffed by the Wicomico County Public School System. The bill specifies the process for filling vacancies on the board of education.

A member of the county board serves a four-year term beginning on the first Monday in December in the year in which the Governor is elected, after the member's election or appointment and after the election, and until a successor is elected or appointed and qualifies. However, the initial term of the two at-large appointed members whose term begins December 2018 is two years. The successors of these two members are appointed to four-year terms in 2020, and appointments to these two positions on the board occur every four years thereafter.

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 three appointed school boards in the State. There are 17 elected school boards in the State, and four counties 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 number of members on the Wicomico County Board of Education is not altered; therefore, there is no effect on board expenditures.

The bill specifies that the cost of the required referendum will be paid by the Wicomico County government. The State Board of Elections advises that because the referendum is not in the form of a yes/no vote, it will need to be programmed as a "contest," similar to a list of candidates. This will require special programming and testing of the State's Agency Election Management System, the voting system itself, and the election results reporting systems at a cost of approximately \$10,000. While election costs are typically equally shared by State and local government, the bill specifies that the cost of the required referendum will be paid by the Wicomico County government.

## Additional Information

**Prior Introductions:** None.

**Cross File:** Although not designated as a cross file, HB 1352 (Wicomico County Delegation – Ways and Means) is similar.

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

**Fiscal Note History:** First Reader - January 26, 2016  
min/hlb Revised - Senate Third Reader - March 23, 2016

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## Appendix – Local Boards of Education

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

<b>School System</b>	<b>Number of Members</b>	<b>Term</b>		<b>Means of Selection<sup>1</sup></b>
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 <sup>5</sup>	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 <sup>6</sup>	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)

<sup>1</sup>A = 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.

<sup>2</sup>There 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.

<sup>3</sup>The 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.

<sup>4</sup>Chapter 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.

<sup>5</sup>Chapter 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.

<sup>6</sup>The 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