

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 558
Ways and Means

(Delegate Glenn, *et al.*)

Education, Health, and Environmental Affairs

Baltimore City - Partially Elected School Board

This emergency bill restructures the Baltimore City Board of School Commissioners from an appointed board to a hybrid board with two members elected from the city at large, nine members jointly appointed by the Governor and the mayor, and one student member. The two elected board members will be elected at the general election in November 2022 and every four years thereafter. Elected members serve four-year terms; appointed members continue to serve three-year terms. The State Board of Education may remove an elected voting member for (1) immorality; (2) misconduct in office; (3) incompetency; or (4) willful neglect of duty.

Fiscal Summary

State Effect: State Board of Elections ballot printing expenditures increase by approximately \$5,400 in FY 2023 and every fourth subsequent year. Revenues are not affected.

Local Effect: Baltimore City election costs increase by as much as \$13,700 in relevant election years. Baltimore City Public Schools expenditures increase by approximately \$5,000 annually to cover expense reimbursements for two additional board members beginning in FY 2023. In addition, Baltimore City Public Schools incurs a one-time expense of approximately \$10,000 in FY 2023 to purchase computer equipment and cell phones for the two additional board members. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: Within 30 days of enactment of the bill, the Baltimore City Board of School Commissioners must send a written notice of the changes made to the composition and terms of members of the board to the following parties to the City/State Partnership Agreement of 1996: the Mayor of Baltimore City; the Baltimore City Council; the State Board of Education; and the American Civil Liberties Union.

A selection committee established, or a decision process undertaken, by the Baltimore City Board of School Commissioners to select the next Chief Executive Officer (CEO) of the Baltimore City Public School System must include one member of the Baltimore City Senate Delegation, appointed by the President of the Senate, and one member of the Baltimore City House Delegation, appointed by the Speaker of the House. These appointed legislative members must be nonvoting, advisory members but must be included in all meetings and conversations of the Baltimore City Board of School Commissioners relating to the selection of the CEO.

Current Law: The Baltimore City Board of School Commissioners consists of nine members jointly appointed by the Governor and the mayor, and one student member. At least four appointed members must possess a high level of knowledge concerning the successful administration of a large business, nonprofit, or governmental entity; at least three must possess a high level of knowledge about education; at least one must be a parent of a student enrolled in the Baltimore City Public School System; and at least one must have knowledge or experience in the education of children with disabilities. (Under the bill, the above requirements apply to the nine appointed members of the board.) Board members must all be residents of Baltimore City.

Appointed members serve staggered three-year terms and until a successor is appointed and qualifies, and they may not serve more than two consecutive full terms. The board chair is elected every two years by the members of the board. Members are not entitled to compensation.

Members may be removed from office on the joint approval of the Governor and the mayor for immorality; misconduct in office; incompetency; willful neglect of duty; or failure to attend, without good cause, at least half of the scheduled meetings of the board in any one calendar year.

Background: The Baltimore City Board of School Commissioners 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.

Chapter 105 of 1997 initiated the Baltimore City/State Partnership. The partnership followed a consent decree approved by the Baltimore City Circuit Court regarding the Baltimore City Public School System. At the time, the city school system was struggling with the poor academic performance of its students and questions about the system's administration and accountability. The partnership was created to improve the school system through increased State oversight and the infusion of \$230 million in additional State operating aid from fiscal 1998 to 2002. Chapter 420 of 2001 extended the fiscal 2002 sunset on partnership funding through fiscal 2003. The partnership legislation established the Governor's role in jointly appointing members to the city school board.

State Expenditures: According to the State Board of Elections, additional ballots will need to be printed every fourth year (beginning with November 2022) for individuals who are not registered with one of the two major political parties. State expenditures increase by \$5,400 (half of the approximate total cost of \$10,800) during these election years.

Local Expenditures: According to Baltimore City, local elections costs increase by approximately \$13,700 every fourth year, beginning with calendar year 2022, to cover half of the ballot printing costs of \$5,400 and to hire for its larger precincts an additional 50 elections judges at \$165 per judge or nearly \$8,300.

Adding two members to the Baltimore City Board of School Commissioners will increase expense reimbursements by approximately \$5,000 annually beginning in fiscal 2023. Baltimore City advises that there will be a one-time additional expense of approximately \$5,000 for each new member (or \$10,000 total) for the purchase of computers, technology equipment, and related costs in fiscal 2023.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City, State Board of Elections, Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2016
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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	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)

School System	Number of Members	Term		Means of Selection¹
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