

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Enrolled

House Bill 562

(Delegate Hayes)(By Request - Baltimore City
Administration)

Ways and Means

Education, Health, and Environmental Affairs

**Baltimore City Board of School Commissioners - Members - Appointment and
Removal**

This bill repeals the role of the Governor in making appointments to the Baltimore City Board of School Commissioners. The bill also repeals the Governor's role in filling board vacancies and removing board members for certain causes. As a result, board members will be appointed solely by the Mayor of Baltimore City on the effective date of the bill.

In addition, the bill establishes the Baltimore City Public School Board Community Panel (which the mayor must convene) and specifies its membership. The purpose of the panel is to select nominees to be recommended to the mayor as qualified candidates for appointment to the board (including candidates for vacancies). If the mayor elects not to appoint a member or to fill a vacancy from a list submitted by the panel, the mayor must reconvene the panel to submit additional names of qualified candidates.

The bill takes effect July 1, 2017.

Fiscal Summary

State Effect: None.

Local Effect: Baltimore City public school finances are not affected.

Small Business Effect: None.

Analysis

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. 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.

To the extent practicable, the Governor and the mayor must fill any vacancy on the board within 60 days of the vacancy from a list of members submitted by the State Board of Education. 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.

Transition to Hybrid Board

Chapter 723 of 2016 restructured 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.

Background: The Baltimore City Board of School Commissioners is 1 of 4 appointed school boards in the State. There are 17 elected school boards in the State, and 3 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.

Additional Information

Prior Introductions: Senate Bill 640 of 2016, a similar bill, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Cross File: SB 1012 (Senator Conway)(By Request - Baltimore City Administration) - Education, Health, and Environmental Affairs.

Information Source(s): Baltimore City; Governor's Office; Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2017
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Revised - Amendment(s) - March 27, 2017
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Analysis by: Eric Pierce

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

Appendix – Local Boards of Education

School System	Number of Members	Term		Means of Selection¹
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	4 from county at large 7 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 councilmanic 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 Selection ¹
Harford	11	4 years	A/E	6 elected from councilmanic 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	9	4 years	E	7 from school board districts 2 students (nonvoting, one-year term)
Washington ⁶	8	4 years	E	7 from county at large 1 student (nonvoting, one-year term)
Wicomico ⁷	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 13 members – 3 appointed by the county executive, and 10 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 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. In addition, Chapter 723 of 2016 restructured the board to be a hybrid board with two members elected from the city at large, nine members jointly appointed by the Governor and the Mayor of Baltimore City, and one student member. The two elected board members will be elected at the general election in November 2022 and every four years thereafter.

⁴Chapters 480 and 481 of 2014 restructured the Baltimore County Board of Education from a 12-member appointed board (including 1 student member) to a 12-member board consisting of 4 at-large members appointed by the Governor, 7 nonpartisan members each elected from one of seven councilmanic districts, and a student member. The elected members will be elected at the general election in November 2018 and every four years thereafter. In addition, Chapters 480 and 481 of 2014 established the Baltimore County Nominating Commission. The commission is responsible for selecting eight 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.

⁷Chapter 169 of 2016, subject to referendum, required the restructuring of the Wicomico County Board of Education. In the 2016 general election, the county approved a fully elected board option, with five members each elected from one of the five councilmanic districts and two members elected from the county at large. Members will be elected at the general election in 2018 and every four years thereafter. The terms of board members who are in office on December 2, 2018, will expire on December 2, 2018.

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