

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 196
Ways and Means

(Prince George's County Delegation)

**Prince George's County Board of Education - Academic Revitalization and
Management Effectiveness Initiative - Repeal**
PG 511-18

This bill restructures the Prince George's County Board of Education from a 14-member hybrid board (consisting of both elected and appointed members) to a 10-member elected board. The bill repeals the authority of the county executive to appoint members to the board and establishes procedures for a special election if a seat becomes vacant. The bill also requires the county board, rather than the county executive, to select a chair and vice chair of the board each year. In addition, the bill repeals various provisions of law related to the position, powers, and responsibilities of the chief executive officer (CEO) and instead subjects the Prince George's County superintendent to the same statutory requirements as other county superintendents. **The bill takes effect June 1, 2018, and the terms of appointed members terminate on June 2, 2018.**

Fiscal Summary

State Effect: None.

Local Effect: Prince George's County Board of Education expenditures decrease by approximately \$9,000 in FY 2018 and by \$131,200 annually beginning in FY 2019. Prince George's County Board of Elections expenditures increase by \$200,000 to \$250,000 per special election that is required as a result of the bill. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Chapter 147 of 2013 altered the membership of the board by adding four appointed members to the existing elected board. Chapter 147 enhanced the authority of the Prince George's County superintendent of schools and designated the position as the CEO. Further, the legislation provided the county executive additional authority to select the CEO while reducing the authority of the county board of education. Generally, the bill repeals provisions of law established under Chapter 147.

County Board of Education

Under current law, the Prince George's County Board of Education is a 14-member board, including 9 elected members, 4 appointed members, and 1 student member. Three members are appointed by the county executive and must possess, respectively, a high level of (1) knowledge and expertise concerning education; (2) business, finance, or higher education experience; and (3) knowledge and expertise concerning successful administration of a large organization. Also, 1 member is appointed by the county council and must be the parent of a student enrolled in the county public school system. The bill removes the 4 appointed members, thus making the board a 10-member elected board.

Under current law, the county executive fills elected member vacancies. The bill repeals the authority of the county executive to fill vacancies and instead requires a special election if a seat on the county board held by an elected member becomes vacant more than 180 days before the end of the member's term of office. The seat remains vacant until the next election if the vacancy occurs within 180 days or less of an election.

Role of Chief Executive Officer/County Superintendent

Under current law, the CEO is selected by the county executive from a list of three nominees recommended by a search committee and is appointed by the board after a contract (which determines the CEO's compensation) is negotiated by the chair of the board. The search committee consists of one member of the State Board of Education appointed by the State Superintendent and two residents of Prince George's County appointed by the Governor.

The State Superintendent of Schools must approve the appointment of the CEO or give the reasons for disapproval to the county board and the county executive. The CEO serves for a four-year term, beginning July 1. Current law also provides for either reappointment of an incumbent CEO, appointment of a new CEO, and, in the case of a vacancy, appointment of an interim CEO.

The CEO is the executive officer, secretary, and treasurer of the county board of education. The CEO is responsible for overall administration of the county school system and for the day-to-day management and oversight of the fiscal affairs of the school system. The CEO is also responsible for the development and implementation of curriculum and instruction and for hiring a chief operating officer, chief financial officer (CFO), a chief academic officer, a chief of staff, a board liaison, and other executive staff. The board of education generally may not implement a policy or take any action that contradicts the CEO's day-to-day management and oversight of fiscal affairs. Except for specified personnel matters, the county board may only take an action contrary to the action of the CEO with a vote of two-thirds of all voting members. The CEO may consolidate schools if practicable.

The bill repeals the role of the CEO as well as the enhanced authorities and subjects the Prince George's County superintendent to the same statutory requirements as other county superintendents.

Other Provisions

The bill also repeals various provisions and reporting requirements established by Chapter 147 that have since expired. In addition, the bill repeals a provision of Chapter 147 requiring the General Assembly to deliberate and determine during the 2018 legislative session if provisions of Chapter 147 should be terminated.

Background: The composition and authority of the Prince George's County Board of Education have been altered several times in recent years due to legislation passed by the General Assembly. Prior to 2013, major legislation affecting the county board was enacted in 2002 and 2008.

Chapter 289 of 2002 eliminated the then-existing Prince George's County Board of Education and established a new county board of education. The new board consisted of nine voting members jointly appointed by the county executive and the Governor from a list of nominees submitted by the State Board of Education. At least four voting members had to have management experience, at least three members had to possess a high level of knowledge concerning education, at least one member had to be a parent of a student in a Prince George's County public school, and at least one member had to have knowledge or experience in the education of students with disabilities. In addition to the nine voting members, one student with limited voting privileges served on the new board. The new board members took office June 1, 2002, and their terms expired December 3, 2006.

Chapter 289 also eliminated the existing Prince George's County Superintendent of Schools position and replaced it with a CEO. The CEO acted as the executive officer, secretary, and treasurer of the new board and was responsible for the overall administration

of the county public school system. The new board employed and established the salary of the CEO. The CEO's contract, which could not exceed four years, provided that continued employment was contingent on demonstrable improvement in student performance and successful management of the school system. The provisions establishing the CEO and the CEO's responsibilities expired on June 30, 2006.

Chapter 289 also required the CEO to select and establish salaries for a Chief Academic Officer (CAO), a CFO, and a Chief Accountability Officer for the Prince George's County public school system. The selection of officers and establishment of officers' salaries were subject to the approval of the new board. The CAO and the chief accountability officer positions expired on June 30, 2006, but the CFO position continued past that date.

Pursuant to Chapter 289, on December 4, 2006, a newly elected board replaced the appointed board. The board consisted of nine elected members and one student member. Four were elected from the county at-large, and the remaining five were each elected from a different school board district.

Chapters 348 and 349 of 2008 repealed the statutory position of CFO for the Prince George's County public school system and established, following the 2010 general election, a board structure that eliminated the four at-large members and established nine school board districts.

Local Boards of Education in Maryland

The Prince George's County Board of Education is 1 of 4 hybrid school boards in the State consisting of both elected and appointed members. There is 1 appointed school board in the State, and 19 have elected boards. **Appendix – Local Boards of Education** shows the selection methods, terms of office, and membership of the 24 local boards of education.

Local Expenditures:

Prince George's County Board of Education

School board members receive an annual salary of \$18,000, with the chair receiving \$19,000. In addition, board members may receive up to \$7,000 annually for travel and other expenses, and are authorized to receive health insurance and other fringe benefits that are provided to other board of education employees. Prince George's County advises that fringe benefit expenses for board members equal 10% of salaries. In addition, the board pays for an annual conference for each member totaling \$6,000. Based on these facts, county expenditures for each school board member totals approximately \$32,800 annually. By eliminating four school board positions, county expenditures will decrease by approximately \$131,200 annually. **Exhibit 1** shows how the reduction in board members

affects board of education expenditures. Because the terms of the four appointed members terminate on June 2, 2018, expenditures decrease by about \$9,000 in fiscal 2018 and then by the full annual amount thereafter.

Exhibit 1
Prince George's County Board of Education Expenditures
Under the Bill

| | <u>Annual Cost Savings</u> |
|-----------------------|-----------------------------------|
| Board Member Salaries | (\$72,000) |
| Fringe Benefits | (7,200) |
| Travel/Other Expenses | (52,000) |
| Net Effect | (\$131,200) |

Source: Prince George's County Public School System; Department of Legislative Services

Prince George's County Board of Elections

The Prince George's County Board of Elections advised for previous legislation related to special elections for board of education members that, based on expenditures for county special elections, such an election would cost the county approximately \$200,000 to \$250,000. County expenditures increase accordingly for each special election required under the bill.

Additional Information

Prior Introductions: HB 1622 of 2017, an identical bill, was referred to the House Rules and Executive Nominations Committee, but no further action was taken.

Cross File: None.

Information Source(s): Prince George's County; Maryland State Department of Education; Maryland State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2018
mag/rhh

Analysis by: Eric F. Pierce

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

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 | 8 | 4 years | E | 7 from councilmanic 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 from county at large (appointed) 7 from councilmanic districts (elected) 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 Selection¹ |
|------------------------------|--------------------------|-------------|-----|--|
| 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 | 2 from county at large 5 from councilmanic districts 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 | 4 years | E | 5 from councilmanic districts 2 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.

²Chapter 473 of 2017 restructured the Anne Arundel County Board of Education from a nine-member appointed board to an eight-member elected board consisting of seven elected members (one from each of the seven councilmanic districts on a nonpartisan basis) and one student member. The effective date of Chapter 473 was June 1, 2017. The term of the elected members are staggered, with four members elected at the 2018 general election and four members elected at the 2020 general election. The members elected in November 2018 serve a six-year term, while the members elected in 2020 serve a four-year term. Thus, beginning in 2024, all members must stand for election.

³Chapter 593 of 2017 repealed the role of the Governor in making appointments to the Baltimore City Board of School Commissioners; it also repealed the Governor's role in filling board vacancies and removing board members for certain causes. As a result, board members are appointed solely by the Mayor of Baltimore City. Chapter 593 also established the Baltimore City Public School Board Community Panel (which the mayor must convene) and specified 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. In addition, beginning with the 2022 general election, the board will be restructured as a hybrid board with two members elected from the city at large, nine members appointed by the Mayor of Baltimore City, and one student member.

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