

Department of Legislative Services
 Maryland General Assembly
 2019 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 87

(Delegate Ebersole, *et al.*)

Ways and Means

Education, Health, and Environmental Affairs

State Board of Education – Membership – Teacher and Parent Members

This bill increases the membership of the State Board of Education from 12 to 14 members, by adding 1 certified teacher who is actively teaching and 1 parent of a student enrolled in a public school, and establishes processes to appoint these members. **This bill takes effect June 1, 2019.**

Fiscal Summary

State Effect: General fund expenditures increase by at least \$7,400 per election for the initial teacher elections in FY 2020 and 2022; thereafter, elections will be held every four years beginning in FY 2026, unless there are vacancies in the teacher member sooner. Revenues are not affected.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	7,400	0	7,400	0	0
Net Effect	(\$7,400)	\$0	(\$7,400)	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill does not affect local government finances. Any operational changes associated with having public school teachers serve on the State board can be handled with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: The Governor must appoint the teacher and parent members with the advice and consent of the Senate as specified. The teacher member who received the highest number of votes after an election by teachers in the State must be appointed by the Governor. For the parent member, the Governor must appoint the parent member from a list of three qualified individuals submitted by the Maryland Parent Teacher Association (PTA).

The Maryland State Department of Education (MSDE) must provide notice of a teacher member vacancy to (1) all certified teachers who are actively teaching in the State and (2) all teachers' organizations representing teachers in the State for purposes of collective bargaining. The elections must be conducted under regulations adopted by MSDE. MSDE may consult with the State Retirement Agency (SRA) of the Maryland State Retirement and Pension System to conduct the election.

MSDE must provide notice of a parent member vacancy to the Maryland PTA.

A teacher or parent member may attend and participate in an executive session of the State board; however, a teacher member may not vote on any matter that relates to appeals to the State board related to the suspension or dismissal of teachers, principals, and other professional personnel.

The bill also staggers the initial terms of the teacher and parent members.

Current Law/Background: The State Board of Education consists of 11 regular members and 1 student member appointed by the Governor with the advice and consent of the Senate. In making appointments to the State board, the Governor must consider representation from all parts of the State and areas of the State with concentrations of population or unique needs. Members of the board must be appointed from the general public. Except for the student member, any individual who is subject to the authority of the State board may not be appointed to the State board. In addition, the Governor and the State Superintendent of Schools may not be appointed to the State board.

Each regular member serves for a staggered four-year term and until a successor is appointed and qualifies. The Governor must appoint a new member to fill any vacancy on the State board for the remainder of that term and until a successor is appointed and qualifies. A member is eligible for reappointment but may not serve for more than two full four-year terms. The student member serves for a term of one year. A student member is eligible for reappointment but may not serve more than two full one-year terms.

According to research of state statutes by the Department of Legislative Services (DLS) in 2019, 11 states either *require or allow* a teacher to be a member of a state board of education (Arizona, Illinois, Indiana, Mississippi, Missouri, Nevada, Tennessee, Wyoming, Connecticut, North Carolina, and Pennsylvania). In Indiana, at least six members of the board must have professional experience in education, including as a teacher. The teacher member in Missouri is a non-voting member. North Carolina allows up to two current public school employees to be appointed to the board. However, 9 states *prohibit* current teachers or professional educators from serving on the state board of education (Arkansas, Georgia, Iowa, Kentucky, Maine, New Hampshire, Oregon, Washington, and West Virginia). Two states (Massachusetts and Nevada) require a parent of a public school student to be appointed to the board.

State Expenditures: General fund expenditures increase by at least \$7,360 per election for MSDE to hire an election services vendor to conduct an election. This estimate was based on the following information and assumptions:

- In October 2017 (the latest available data), there were approximately 60,000 teachers employed by local school systems. For the purposes of this estimate it is assumed all of the teachers are certified, although it is likely that some are not.
- This estimate assumes an online-only election conducted using an election services vendor. One vendor quoted a price of \$7,360 for a self-administered election with 60,000 eligible voters, which is a cost of approximately \$0.12 per ballot. Additional services such as telephone voting, online nominations, and paper ballots are available at an additional cost.
- Under these assumptions costs increase by an estimate \$7,360 for each election. For the purposes of this estimate it is assumed that costs remain stable each year.
- If MSDE decides to require physical ballots to be mailed to teachers, then costs increase significantly to approximately \$48,000 per election. This is based on actual costs for an election by the SRA for the Board of Trustees, which cost about \$0.80 per ballot. Approximately half of that cost was for postage. The bill authorizes MSDE to consult with SRA to conduct the election; it is unknown how this may affect the total cost of the election.
- MSDE advises that it estimates costs to be significantly higher than DLS: over \$400,000 in the first year and \$60,000 annually thereafter to properly notify teachers and conduct elections. DLS disagrees.
- Based on the staggered terms set in the bill, elections are held for the teacher member in fiscal 2020 and 2022. After these initial elections there will be elections every four years beginning in fiscal 2026, unless a vacancy occurs sooner.

Any expense reimbursements for the additional State Board of Education members are assumed to be minimal and absorbable within existing budgeted resources. MSDE advises

that adding two members to the State Board of Education is anticipated to increase expenditures by less than \$10,000 annually due to reimbursing expenditures and mailing meeting materials. DLS advises that MSDE may be able to control many of the expenses related to new board members through choices made about printing, postage, and board activities.

Additional Information

Prior Introductions: HB 154 of 2018 received a hearing in the House Ways and Means Committee, but no further action was taken. Its cross file, SB 739, passed both houses but was vetoed by the Governor for policy reasons.

Cross File: SB 529 (Senator Zucker, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland State Department of Education; State Retirement Agency; SimplyVoting.com; Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2019
md/rhh Third Reader - March 25, 2019
Revised - Amendment(s) - March 25, 2019
Enrolled - May 13, 2019
Revised - Amendment(s) - May 13, 2019

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