

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Enrolled

Senate Bill 749

(Senator Ellis)

Education, Health, and Environmental Affairs

Ways and Means

Charles County - Board of Education - Membership Alterations

This bill adds two new members to the Charles County Board of Education and alters the selection method for board members by requiring that eight board members be elected from the county commissioner districts (two from each of the four districts) and one board member be elected from the county at-large. Under current law, the seven board members are elected from the county at-large. In addition, the bill provides the student member with voting rights, subject to certain restrictions. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: None.

Local Effect: Charles County expenditures increase by \$9,100 in FY 2023 and \$15,600 annually beginning in FY 2024 to compensate the new board members and provide travel and other expense reimbursement. Charles County can implement the new election procedures with existing resources.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: At present, the Charles County Board of Education consists of eight members, seven at-large voting members elected by the voters of Charles County and one nonvoting student member selected with procedures approved by the board. The Charles County Board of Education is 1 of 19 elected school boards in the State. There is 1 appointed school board in the State and 4 have hybrid appointed and elected boards.

Appendix – Local Boards of Education Membership shows the selection methods, terms of office, and membership of the 24 local boards of education.

The following is a comparison of the major provisions of the bill to current law.

Election Process

The bill adds 2 new members to the Charles County Board of Education, bringing the total number of board members to 10 (including the student member). The board remains a fully elected board, however, the bill alters the selection process for members of the Charles County Board of Education by requiring that 8 members be elected from commissioner districts and that 1 member be elected from the county at-large. Under the bill, members serve four-year terms that begin on the third Monday in December after the general election (see *Staggered Election of Members* below).

Under current law, all seven nonstudent members of the board must be elected by the voters of the entire county. Members serve four-year terms beginning on the third Monday in December after the gubernatorial election and until a successor qualifies. The board must elect a chair and vice chair from among its members at the annual meeting to be held on the second Tuesday in January.

Qualifications and Restrictions

The bill requires that all elected board members be at least 21 years old and a resident and registered voter of Charles County for at least three years. Additionally, members elected from the commissioner districts must be a resident of the district from which they are elected. If a member is no longer a registered voter of Charles County or a resident of the district they represent, that member must forfeit their office as board member. The bill also prohibits an individual employed by or under the direction of the board or superintendent from serving on the school board and prohibits board members from serving for more than two consecutive terms.

Under current law, an individual nominated for a voting membership on the county board only must be a resident and registered voter of Charles County. Under current law, there are no term limits or restrictions on individuals employed by or under the direction of the board or superintendent from serving on the board.

Vacancies

The bill specifies that the elected (nonstudent) members of the board must select a qualified individual to fill a vacancy. Additionally, the bill requires that an individual appointed to

fill a vacancy of an elected member must be a resident of the same commissioner district as the vacating member.

At present, the voting members of the board must select a qualified individual to fill a vacancy on the board. The board must interview applicants at a meeting open to the public. Additionally, the board must publish a list of names of the applicants for a vacancy at least two weeks before the first interview is to occur. Public notice of the date, time, and location of each interview must be published two weeks before the interview is to occur and in the same manner as a public notice of a regular meeting of the board is published. The board is not required to hold public discussions of the applicants before making a final selection of a new member at a meeting open to the public.

Student Member

The bill also removes the authority of the school board to select a student member; instead the student member is selected by the Charles County Association of Student Councils. Further, the bill allows the State Board of Education to remove the student member from the County Board of Education in the same manner as an elected member.

Under the bill, the student member is a voting member of the board and may vote on all matters before the board except those relating to (1) hearings on appeals of special education placements; (2) specified hearings relating to the superintendent and suspension and expulsion; (3) personnel matters; (4) appointment, salary, and evaluation of the county superintendent; (5) collective bargaining decisions; (6) capital and operating budgets; and (7) school closings, openings, and boundaries. The bill requires that, unless invited to attend by an affirmative vote of a majority of the county board, the student member may not attend an executive session that relates to any matter for which the student member may not vote. The bill also allows a majority vote of the elected members to decide, on a case-by-case basis, whether a matter under consideration is covered by the exclusionary provisions listed above.

Under current law, the student member must be selected on procedures approved by the board that reflected the recommendations and involvement of the association of student councils. Unless invited to attend by an affirmative vote of a majority of the county board, the student member may not attend an executive session that relates to special education placements, collective bargaining or certain closed hearings. Currently, a student member may not vote, but may indicate a preference for or against any question before the board.

Staggered Election of Members

The bill staggers the election of board members by requiring that, while all seats are subject to election in November 2022, the member elected from the county at-large must serve for

a two-year (instead of the usual four-year) term until a successor is elected to a full term in the November 2024 elections.

Under current law, all members are elected from voters of the entire county every four years in gubernatorial election years.

The bill also makes conforming changes to distinguish between language applicable to student and nonstudent members.

Local Expenditures: Each non-chair, nonstudent member of the Charles County Board of Education must receive a salary of \$6,000 annually. Additionally, such a member is entitled to \$800 in travel and other expenses and reimbursement for a maximum of \$1,000 per year of out-of-pocket expenses incurred in connection with attendance at out-of-county meetings and conferences related to official duties (after submitting expense vouchers and supporting receipts). Each additional board member therefore increases county expenditures by \$7,800 annually, and the cost to add two new members to the board will total \$15,600 annually.

Assuming new members are elected in November 2022 and begin their term in December 2022 as provided in the bill, expenditures increase by about \$9,100 in fiscal 2023 to reflect compensation for seven months of service for the two new members in fiscal 2023 (December through June). Beginning in fiscal 2024, expenditures increase by the full amount of \$15,600 annually.

The county board of elections already produces separate ballots for each commissioner district. Costs to modify those ballots to add board of education candidates are minimal and absorbable with existing resources.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 1060 (Delegate Patterson) - Ways and Means.

Information Source(s): Maryland State Board of Elections; Charles County; Department of Legislative Services

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Appendix – Local Boards of Education Membership

Membership

The composition of the local boards of education varies, with members serving three- to four-year terms. Nineteen counties have elected school boards, four counties have combined appointed/elected school boards, and one school board consists of appointed members only, until the 2022 general election when it will become an appointed/elected school board. Twenty-two boards have student members but only seven boards allow student members to vote, which generally excludes collective bargaining and other personnel and budgetary decisions. The exhibit below shows the selection methods, terms of office, and membership of the 24 local school boards.

Local Boards of Education As of December 2020

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

School System	Number of Members	Term	Means of Selection¹	
			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)
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 ⁵	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 ⁶	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)

School System	Number of Members	Term	Means of Selection ¹	
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 ⁷	8	4 years	E	7 from county at large 1 student (nonvoting, one-year term)
Wicomico ⁸	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 by the Mayor; E = Elected; and A/E = Combined appointed by Governor and elected board, except in Prince George's County. Entries for local boards that are at any point in the process of transitioning between means of selection reflect the final state the board will be in once the transition fully takes effect.

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 terms of the elected members are staggered; four members were elected at the 2018 general election and three members were elected at the 2020 general election as the terms of previously appointed board members expired. In this manner, the elected board is phased in. 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. An elected member of the board generally serves a four-year term beginning on the first Monday in December after the member's election and until a successor is elected and qualifies.

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. As a result, board members are appointed solely by the Mayor of Baltimore City until the appointed/elected board established by the legislation is executed at the 2022 general election. 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. 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, and one student member. Elected members will serve a four-year term whereas appointed members will serve a three-year term.

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 7 councilmanic districts, and a student member. The elected members were elected at the general election in November 2018 and serve four-year terms. In addition, Chapters 480 and 481 established the Baltimore County Nominating Commission. Generally, the commission is responsible for submitting to the Governor at least two names

for each vacancy on the board. The commission consists of 19 members of the county and must reflect the diversity of the county. Except in extraordinary circumstances, the Governor must appoint members to the board of education from the list the nominating commission provides.

⁵Although not in statute, the Kent County Board of Education reports that there is a nonvoting student member of the board and that he or she does not attend closed sessions.

⁶Chapter 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.

⁷Although not in statute, the Washington County Board of Education reports that there is a student member of the board and that he or she can only concur on votes and must abstain from certain matters.

⁸Chapter 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 were elected at the general election in 2018 and serve four-year terms.

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