

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 314
Ways and Means

County Boards of Education – Voting Members – Requirements

This bill requires each county board of education to have an odd number of members who are eligible to vote on each matter before the county board beginning January 1, 2025. If a county board lacks an odd number of members eligible to vote on a matter before the board and the matter cannot be postponed or rescheduled to a later date, the county board may select a non-board member to vote on the matter. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: None.

Local Effect: Potential increase in local expenditures depending on whether local boards of education appoint an alternate member to cast votes in the event that an odd number of board members are not present to vote on a matter before the board.

Small Business Effect: None.

Analysis

Current Law: There are 19 elected school boards, 1 appointed school board, and 4 hybrid school boards in the State. **Appendix – Local Boards of Education Membership** shows the selection methods, terms of office, and membership of the 24 local boards of education.

Currently, 16 local boards of education have an odd number of voting members including: Allegany, Calvert, Caroline, Carroll, Cecil, Dorchester, Frederick, Garrett, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester. In

the other 8 local boards (Anne Arundel, Baltimore City, Baltimore, Charles, Harford, Howard, Montgomery, and Prince George's), the student board member has been granted voting rights, which results in an even number of voting members.

Procedures for Breaking Tie Votes

Local boards of education use various methods for breaking tie votes at board meetings. In four local school systems (Anne Arundel, Howard, Montgomery, and Prince George's), provisions in State law require a specified number of affirmative votes in order for an action to be approved by the county board.

- *Anne Arundel County:* The affirmative vote of at least five members is required for the approval of any action.
- *Howard County:* The passage of a motion by the county board requires the affirmative vote of five members if the student member is authorized to vote or four members if the student member is not authorized to vote.
- *Montgomery County:* The passage of a motion by the county board requires the affirmative vote of five members when the student member is voting or four members if the student member is not voting.
- *Prince George's County:* The passage of a motion by the county board requires the affirmative vote of eight members when the student member is voting or seven members if the student member is not voting. When there are two or more vacancies on the county board, the passage of a motion by the county board requires the affirmative vote of seven members when the student member is voting or six members if the student member is not voting.

Local Fiscal Effect: Potential increase in local expenditures depending on whether local boards of education appoint an alternate member to cast votes in the event that an odd number of board members are not present to vote on a matter before the board.

Anne Arundel County advises that the bill may have a fiscal impact if the county board decides to designate an individual as an extra board member for cases in which an even number of regular members are eligible to vote. Based on a board member's annual salary (\$8,000) and expense reimbursements (\$325 per month), county expenditures could increase by \$11,900 annually. However, Anne Arundel County also advises that the bill could be implemented with existing resources if one member recuses themselves from votes when there is an even number of eligible members voting on a matter.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Anne Arundel County Public Schools; 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 eight boards allow student members to vote, which generally excludes collective bargaining and other personnel and budgetary decisions. **Exhibit 1** shows the selection methods, terms of office, and membership of the 24 local school boards.

Exhibit 1 Local Boards of Education As of January 2022

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)

School System	Number of Members	Term		Means of Selection ¹
Cecil	6	4 years	E	5 from commissioner districts 1 student (nonvoting, one-year term)
Charles ⁵	10	4 years	E	1 from county at large 8 from commissioner districts 1 student (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 ⁶	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 ⁷	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

School System	Number of Members	Term		Means of Selection ¹
Talbot	9	4 years	E	7 from school board districts 2 students (nonvoting, one-year term)
Washington ⁸	8	4 years	E	7 from county at large 1 student (nonvoting, one-year term)
Wicomico ⁹	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.

⁵Chapters 404 and 405 of 2021 added two new members to the Charles County Board of Education and altered 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. Previously, the seven board members were all elected from the county at-large. All seats are subject to election in November 2022, however, the at-large member elected in November 2022 must serve for a two-year (instead of the usual four-year) term until a successor is elected to a full term in November 2024. Chapters 404 and 405 of 2021 also provided the student member with voting rights, subject to certain restrictions.

⁶Although 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.

⁷Chapter 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.

⁸Although 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.

⁹Chapter 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