

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 334 (Delegate Impallaria)
Ways and Means

**Harford County Board of Education - Alterations, Vacancy Procedures, and
Funding for Independent Positions**

This emergency bill eliminates two appointed members from the Harford County Board of Education beginning June 1, 2022. The Harford County Executive is required to select the remaining appointed member, instead of the Governor. The term of office for the appointed board member is reduced from four to two years, with the term beginning on January 1, instead of July 1. The appointed member must be selected within 30 days of the general election, instead of within 90 days. The appointed board member may vote only on those matters for which the student member may vote on, or to break a tie in votes of the elected members. Vacancies on the board must be filled by the county board itself instead of by the county council or Governor. Expense reimbursements for board members are increased and the Harford County government must include funding in the county budget for outside legal counsel and for an independent budget analyst position for the county board.

Fiscal Summary

State Effect: None.

Local Effect: Harford County expenditures increase by approximately \$141,000 annually beginning in FY 2023. County revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The bill alters the membership of the Harford County Board of Education by eliminating two appointed members. The appointed members must draw lots to determine which positions are eliminated. The remaining appointed board member must be selected by the Harford County Executive for a term of two years. Under current law, appointed members are selected by the Governor for a term of four years. Under the bill, the appointed member may vote only on those matters for which the student member may vote on or to break a tie in votes of the elected members.

Vacancies on the board must be filled by the county board itself instead of by the county council or Governor. To fill a vacancy, the county board must advertise the vacancy in at least one medium accessible to the general public, including a newspaper of general circulation in the region or the Harford County Public Schools website. Applicant interviews must be conducted at an open meeting, and the county board must publish a list of the names of applicants for a vacancy on the board at least two weeks before the interview of the first applicant is scheduled to occur. The county board is not required to make discussions of applicants or make the final selection at a meeting open to the public.

To stagger the elections of board members, the bill requires that the terms of board members elected from councilmanic districts C, E, and F at the November 2022 election must expire after only two years (instead of the normal four-year term) in 2024. This results in board members from councilmanic districts A, B, and D being elected in gubernatorial election years, whereas members from districts C, E, and F will be elected in presidential election years. The two-year terms served by members from districts C, E, and F may not count towards term limits set in statute.

Current Law:

The Harford County Board of Education consists of 11 members, including 6 members elected from councilmanic districts, 3 members appointed by the Governor from the county at large, the county school superintendent (who is an *ex officio* nonvoting member), and 1 student member. Elected members are elected at the general election; appointed members are appointed, when appropriate, within 90 days of the general election. Elected board members serve four-year terms beginning on the first Monday in December after the election, and appointed board members serve four-year terms beginning July 1 after the election.

The Harford County Board of Education is one of four hybrid school boards in the State. There are 19 elected school boards and 1 appointed school board. The **Appendix – Local Board of Education Membership** shows the selection methods, terms of office, and membership of the 24 local boards of education.

The student member of the board may vote on and participate in all matters except those relating to:

- geographical attendance areas;
- acquisition and disposition of real property and matters pertaining to school construction;
- employment of architects;
- donations;
- condemnation;
- consolidation of schools and transportation of students;
- appointment and salary of a county superintendent;
- employee discipline and other appeals;
- budgetary matters;
- appointment and promotion of staff;
- discipline of certificated staff;
- collective bargaining for certificated or noncertificated employees;
- student suspension and expulsion; and
- school calendar and curriculum.

Local Fiscal Effect: Harford County expenditures are affected by two provisions of the bill (1) mandating certain funding in the county budget for outside legal counsel and for an independent budget analyst position for the county board and (2) altering the amount of expense reimbursements provided to school board members.

Mandated Funding for County Board Positions

Harford County expenditures increase by approximately \$140,600 annually beginning in fiscal 2023 due to the requirement that certain funds be included in the county budget equal to (1) one-third of the compensation for an attorney at the Harford County Legal Counsel Office and (2) the average compensation for a budget analyst within the public school system. Harford County Public Schools advises that the average salary for a budget analyst totals approximately \$100,000. In addition, the fiscal 2022 Harford County budget included funds for attorneys in the Harford County Department of Law with an average salary amount of approximately \$122,000.

Board Member Expense Reimbursements

Nonstudent members of the Harford County Board of Education are entitled to receive \$3,600 annually for travel and other expenses. Under the bill, this amount is increased by \$1,080 to \$4,680 per member, resulting in an additional total cost of \$7,560 for the

remaining seven nonstudent board members. This increase is offset by a \$7,200 reduction in expense reimbursements for the two board members eliminated by the bill. The net effect is a \$360 annual increase in board member expense reimbursements.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Harford County; Governor's Office; Maryland State Department of Education; Department of Legislative Services

Fiscal Note History: First Reader - February 9, 2022
fnu2/hlb

Analysis by: Michael E. Sousane

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

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