

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 414

(Senator Sydnor)

Education, Health, and Environmental Affairs

Ways and Means

Baltimore County - Board of Education - Membership and Election of Officers

This bill alters the membership of the Baltimore County Board of Education by adding one additional member appointed by the Baltimore County Executive. In addition, the bill alters the number of votes required for the Baltimore County Board of Education to elect a chair and vice chair, by requiring a majority vote of the voting members currently serving instead of a majority vote of the total number of board positions. The bill also makes conforming changes to require (1) the county executive to appoint the board member through the same Baltimore County School Board Nominating Commission process that the Governor is required to use to appoint members; (2) the county executive to fill a vacancy in the county executive appointed seat in the same manner as the Governor fills vacancies in gubernatorial appointed seats; and (3) that a candidate for an elected seat may not be appointed by the county executive.

Fiscal Summary

State Effect: None.

Local Effect: Baltimore County expenditures increase by about \$9,500 annually beginning in FY 2023 to provide the new board member \$7,500 in direct compensation and about \$2,000 in travel and expense reimbursement.

Small Business Effect: None.

Analysis

Current Law:

Board Chair Elections

At the first meeting of the Baltimore County Board of Education in December each year, the board must elect a chair and vice chair from among the members. Under current law, a majority of board members (seven votes) is required to elect the chair and vice chair.

Board Composition

The Baltimore County Board of Education consists of 12 members, including 4 at-large members appointed by the Governor; 7 nonpartisan members each elected from 1 of 7 councilmanic districts; and 1 student member. The Baltimore County Board of Education is 1 of 4 hybrid school boards in the State with both appointed and elected members. There are 19 elected school boards and 1 appointed school board. The **Appendix – Local Boards of Education Membership** shows the selection methods, terms of office, and membership of the 24 local boards of education.

Baltimore County School Board Nominating Commission

The Baltimore County School Board Nominating Commission consists of 19 members, which must reflect the diversity of Baltimore County. The Governor, in consultation with the Baltimore County Executive, must appoint 8 members, 1 from each legislative district in Baltimore County. The county executive must appoint 1 member from the county at large, and 10 specified organizations must each appoint 1 member. The county executive must designate a member as chair, and the Baltimore County Public School System must provide staff for the commission.

Vacancies

For each nomination for a vacancy on the county board, the commission must submit a list of names to the Governor. Absent an extraordinary circumstance, the Governor must appoint a member to the county board from the list provided by the commission. If the Governor elects not to appoint a member from a list submitted by the commission, the Governor must return the list and request the commission submit a list of additional qualified candidates. The commission must hold at least three public hearings, each in a different councilmanic district on the selection of nominees before recommending them to the Governor. Generally, the Governor must act within 30 days to make any appointment to the county board when a vacancy occurs.

Restrictions on Appointed Members

During an election year, the Governor may not appoint an individual to the board who has filed for candidacy for election to the county board. Further, an individual who files for election to the board may not seek an appointment to the board through the nominating commission.

Compensation

Each nonstudent member of the county board is entitled to receive \$7,500 annually as compensation, and the student member receives a scholarship of \$7,500 for completion of a full term. Each board member is also entitled to travel and other expenses provided for in the Baltimore County budget after submitting vouchers.

Local Fiscal Effect: Baltimore County expenditures increase by about \$9,500 annually beginning in fiscal 2023 to provide the new board member \$7,500 in direct compensation and about \$2,000 in travel and expense reimbursement.

Additional Information

Prior Introductions: SB 150 of 2021 passed the Senate with amendments and passed second reading with amendments in the House, but no further action was taken.

Designated Cross File: None.

Information Source(s): Baltimore County; Governor's Office; Baltimore County Public Schools; Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2022
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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