

Department of Legislative Services
 Maryland General Assembly
 2022 Session

FISCAL AND POLICY NOTE
 Enrolled

House Bill 355
 Ways and Means

(Prince George's County Delegation)

Education, Health, and Environmental Affairs

Prince George's County Board of Education - Workgroup, Alterations, and
 Orientation Requirement
 PG 503-22

This bill alters the composition of the Prince George’s County Board of Education beginning July 1, 2024, by removing the four appointed members from the board. The bill makes other conforming changes, requires the chair and vice chair of the board to be elected from among the members of the board beginning December 5, 2022, and requires that at the beginning of each term, each member must attend an orientation and be provided with materials that clarify the role of the member. The bill also establishes a Workgroup on the Membership and Operation of the Prince George’s County Board of Education staffed by Prince George’s County Public Schools in conjunction with Bowie State University. The workgroup must submit a final report by December 30, 2022. **The bill takes effect July 1, 2022, except for the provisions altering the composition of the Prince George’s County Board of Education, which take effect on July 1, 2024. Provisions relating to the workgroup terminate December 31, 2023.**

Fiscal Summary

State Effect: General fund expenditures increase by \$89,700 in FY 2023 and by \$41,600 in FY 2024 for Bowie State University to retain contractual staff to support the workgroup. Revenues are not affected.

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	89,700	41,600	0	0	0
Net Effect	(\$89,700)	(\$41,600)	\$0	\$0	\$0

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

Local Effect: Prince George’s County expenditures decrease by approximately \$106,800 annually beginning in FY 2025. Prince George’s County Public Schools can provide staff support for the workgroup with existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary:

Workgroup

The workgroup must study and make recommendations regarding specified aspects of the Prince George’s County Board of Education. Prince George’s County Public Schools, in conjunction with Bowie State University, must provide staff for the workgroup. At least three public meetings must be held in geographically diverse areas of Prince George’s County that allow members of the general public and stakeholder organizations to testify on issues being studied by the workgroup. The workgroup must extend an invitation to testify to certain specified organizations.

The workgroup must make recommendations regarding:

- how to implement an electoral process for an all-elected board that best serves the needs of the Prince George’s County community by considering specified elements;
- an appropriate compensation for board members and an appropriate scholarship for the student member, including an assessment of current staffing and budget needs for board members;
- an appropriate phase-in period for any recommended changes to the board;
- criteria that improve board results, accountability, transparency, and oversight;
- the establishment and use of advisory committees;
- the appropriate removal authority and mechanisms for board members;
- criteria for establishing and measuring board outcomes;
- a protocol for board audits and addressing audit findings; and
- any other relevant issues.

Transition to an Elected Board

Effective July 1, 2024, the Prince George’s County Board of Education becomes an elected board that consists of nine elected members, each of whom must reside in and be elected from a different school board district, and one student member. The county board must

elect a chair and vice chair from among the elected members. The affirmative vote of six members of the board when the student member is voting or five members of the board when the student member is not voting is required for passage of a motion by the board. When there are two or more vacancies on the board, the affirmative vote of five members of the board when the student member is voting and the affirmative vote of four members of the board when the student member is not voting is required for passage of a motion by the board.

Current Law: The Prince George’s County Board of Education consists of 14 members, including 9 members elected from nine school board districts, three members appointed by the county executive, 1 member appointed by the county council, and one student member. The county board of education is 1 of 4 hybrid school boards in the State consisting of both elected and appointed members. There is 1 appointed school board in the State and 19 have elected boards. The **Appendix – Local Boards of Education Membership** shows the selection methods, terms of office, and membership of the 24 local boards of education.

The Prince George’s County Executive must appoint a chair and vice chair from among the members of the board; however, the vice chair must be an elected board member. The affirmative vote of eight members of the board when the student member is voting or seven members of the board when the student member is not voting is required for passage of a motion by the board. When there are two or more vacancies on the board, the affirmative vote of seven members of the board when the student member is voting and the affirmative vote of six members of the board when the student member is not voting is required for passage of a motion by the board.

Prince George’s County Board of Education

The composition and authority of the Prince George’s County Board of Education have been affected several times in recent years due to legislation adopted by the General Assembly. Major legislation affecting the county board was enacted in 2002, 2008, and 2013.

Chapter 289 of 2002 eliminated the then-existing Prince George’s County Board of Education and established a new county board of education. The new board consisted of nine voting members jointly appointed by the county executive and the Governor from a list of nominees submitted by the State Board of Education. At least four voting members had to have management experience, at least three members had to possess a high level of knowledge concerning education, at least one member had to be a parent of a student in a Prince George’s County public school, and at least one member had to have knowledge or experience in the education of students with disabilities. In addition to the nine voting members, one student with limited voting privileges served on the new board. The new board members took office June 1, 2002, and their terms expired December 3, 2006.

Pursuant to Chapter 289, on December 4, 2006, a newly elected board replaced the appointed board. The board consisted of nine elected members and one student member. Four were elected from the county at-large, and the remaining five were each elected from a different school board district.

Chapters 348 and 349 of 2008 established, following the 2010 general election, a board structure that eliminated the four at-large members and established nine school board districts.

Chapter 147 of 2013 altered the membership of the county board 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.

Student Board Member

The student member serves a one-year term and must be elected by the Prince George's Regional Association of Student Governments and must be an eleventh or twelfth grade student during their term on the board.

The student member of the Prince George's County Board of Education may vote on all matters before the board except those relating to (1) capital and operating budgets; (2) school closings, reopenings, and boundaries; (3) collective bargaining decisions; (4) student disciplinary matters; (5) teacher and administrator disciplinary matters; and (6) other personnel matters. On an affirmative vote of a majority of the elected and appointed board members, the board may determine if a matter before them relates to a subject on which the student member may not vote on. Unless invited by an affirmative vote by a majority of elected and appointed board members, the student member may not attend an executive session that relates to hearings on appeals of special education placements or collective bargaining.

State Fiscal Effect: General fund expenditures increase by \$89,700 in fiscal 2023 and by \$41,600 in fiscal 2024 for Bowie State University to retain contractual staff to support the workgroup. This estimate reflects the cost of hiring one contractual position to staff the workgroup and support the development of a report in conjunction with Prince George's County Public Schools. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses as shown below.

	<u>FY 2023</u>	<u>FY 2024</u>
Salary Amount	\$75,000	\$37,500
Fringe Benefits	7,043	3,521
One-time Start-up Costs	6,548	0
Operating Expenses	<u>1,060</u>	<u>533</u>
Total State Expenditures	\$89,651	\$41,554

Future year expenditures reflect continuation of the contractual position until December 31, 2023, when the workgroup terminates.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State’s implementation of the federal Patient Protection and Affordable Care Act.

Bowie State University indicated that two regular full-time positions totaling \$350,000 annually are needed to implement the bill. However, the Department of Legislative Services advises that the added responsibilities incurred by this legislation are limited in scope and not permanent and, thus, may be performed by a contractual employee.

Local Expenditures: Each member of the Prince George’s County Board of Education is entitled to \$18,000 annually as compensation plus \$7,000 in expense reimbursements as provided in the county budget. Prince George’s County Public Schools further advises that board members each receive approximately \$1,700 in fringe benefits annually. Therefore, beginning in fiscal 2025, county expenditures will decrease by approximately \$106,800, reflecting a full fiscal year of expenditure reductions resulting from the removal of the four appointed board members.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Prince George’s County; University System of Maryland; Prince George’s County Public Schools; Department of Legislative Services

Fiscal Note History:
km/hlb

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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	E	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