

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 210

(Baltimore County Delegation)

Ways and Means

Education, Energy, and the Environment

Baltimore County - Board of Education - Member Elections and Appointments

This bill staggers the election and appointment of members of the Baltimore County Board of Education such that (1) the four appointed members must be appointed by the Governor *in presidential election years* from a list of nominees submitted by the Baltimore County School Board Nominating Commission and (2) the seven elected members of the county board must continue to be elected *in gubernatorial election years*. To achieve the staggering, the bill requires that the terms of the four appointed members of the county board that are scheduled to expire on December 1, 2026, must instead terminate at the end of December 1, 2028. The Governor must then appoint new members to serve a full term of four years beginning December 2, 2028, until a successor is appointed and qualifies. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: None.

Local Effect: Baltimore County finances are not affected since the bill is procedural in nature.

Small Business Effect: None.

Analysis

Current Law: 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 20 elected school boards in the State. The **Appendix – Local**

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

Board Terms

Except for the student member (who serves a one-year term), a member serves for a term of four years beginning on the first Monday in December after the member’s election or appointment and until a successor is elected or appointed and qualifies. An individual who takes office to fill a vacancy serves for the remainder of the term for which the appointment was made and until a successor is elected or appointed and qualifies.

Board Chair and Vice Chair Selection

At the first meeting of the Baltimore County Board of Education in December each year, the county board must elect a chair and vice chair from among the members.

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.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 476 of 2022.

Designated Cross File: None.

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

Fiscal Note History: First Reader - February 6, 2023
km/hlb Third Reader - March 22, 2023
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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. Twenty counties have elected school boards and four counties have combined appointed and elected school boards. Twenty-two boards have student members; however, only 8 boards allow student members to vote, which generally excludes authority to vote on matters relating to collective bargaining, personnel, and operating and capital budgets. **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 2023

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	12	3 or 4 years	A/E	2 elected from city at large 9 appointed by mayor 1 student (one-year term)
Baltimore	12	4 years	A/E	4 appointed from county at large 7 elected from councilmanic districts 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 1 student (nonvoting, one-year term)

School System	Number of Members	Term		Means of Selection¹
Charles ⁴	10	4 years	E	1 from county at large 8 from commissioner districts 1 student (one-year term)
Dorchester	8	4 years	E	5 from councilmanic districts 3 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 ⁵	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	10	4 years	E	9 from school board districts 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	5 from commissioner districts
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	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)

¹ E = Elected and A/E = Combined appointed by Governor and elected board, except (1) in Baltimore City, members are appointed by the mayor and (2) in Harford County, members are appointed by the county executive with the advice and consent of the county council. 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.

² Chapter 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 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.

³ Chapter 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 chooses 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 and appointed members will serve a three-year term.

⁴ Chapters 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 a two-year term (instead of the usual four-year term) until a successor is elected to a full term in November 2024. Chapters 404 and 405 also provided the student member with voting rights, subject to certain restrictions.

⁵ Chapter 569 of 2022 eliminated the role of the Governor in appointing members to the Harford County Board of Education. Instead, beginning with members appointed following the 2022 gubernatorial election, the Harford County Executive will appoint board members, subject to the advice and consent of the Harford County Council by a vote of at least five members. In appointing members to the board, the county executive must ensure, to the extent practicable, that the total makeup of the board reflects the gender, ethnic, and racial diversity of the county. Members appointed to the board following the 2022 election must serve for a term of two years until a successor is appointed and qualifies. Subsequent board members will be appointed following the 2024 presidential election and each presidential election thereafter.

⁶ Although not in statute, the Kent County Board of Education reports that there is a nonvoting student member of the board and that the student member does not attend closed sessions.

⁷ Chapter 217 of 2022 altered the membership of the Prince George's County Board of Education by removing the four appointed members from the board. Effective July 1, 2024, the board will become 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.

⁸ Although not in statute, the Washington County Board of Education reports that there is a student member on the board and that the student member can only concur on votes and must abstain from certain matters.

Source: Sections 3-101 through 3-1405 of the Education Article; Local Boards of Education