

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 402

(Senator Hershey)

Education, Energy, and the Environment

Ways and Means

Kent County - Board of Education - Student Member

This bill codifies a nonvoting student member of the Kent County Board of Education into statute and specifies the selection method and responsibilities of the student member. The bill makes other conforming changes to distinguish between provisions relating to regular voting members and the nonvoting student member. The student member serves a one-year term and the initial term of the student member must begin on July 1, 2024. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: None.

Local Effect: Kent County finances are not affected since the bill codifies existing practice.

Small Business Effect: None.

Analysis

Bill Summary: The student member must be a *bona fide* resident of Kent County, a regularly enrolled junior or senior at Kent County High School, a member of student government, and elected by the high school students of the county as specified. The student member must serve for a term of one year beginning on July 1 after the election of the student member. The student member must advise the county board on the thoughts and feelings of students in Kent County Public Schools.

The bill specifies processes for applying to be a student member and for electing a student representative. Students wanting to join the board must complete an application provided by the board and deliver a speech to the student body of Kent County High School (currently the only high school in the county). To elect one of the applicants, any high school student in the county may vote directly for the student member candidates in an election held before May 1 each year. Notice of the results of the election must be reported to the County Superintendent of Schools on or before May 1 each year.

If a student member is unable, ineligible, or disqualified to complete the student member's term of office, the board must appoint a qualified student to serve for the remainder of the term.

The student member must attend the Maryland Association of Boards of Education new student board member orientation and all regular meetings of the board. The student member is a nonvoting board member and may not attend an executive session of the board.

Current Law: The Kent County Board of Education consists of five voting members. Although not codified in statute, there is currently a nonvoting student member that serves on the board. The Kent County Board of Education is one of 20 elected school boards in the State. There are also 4 hybrid 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.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 402 (Delegate Jacobs, *et al.*) - Ways and Means.

Information Source(s): Kent County; Department of Legislative Services

Fiscal Note History: First Reader - February 13, 2023
rh/hlb Third Reader - March 17, 2023
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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. 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