

**CHARLES E. SYDNOR III, ESQ.**  
*Legislative District 44*  
Baltimore City and Baltimore County

Judicial Proceedings Committee

*Parliamentarian*  
Maryland Legislative Black Caucus



James Senate Office Building  
11 Bladen Street, Room 216  
Annapolis, Maryland 21401  
410-841-3612 · 301-858-3612  
800-492-7122 Ext. 3612  
Charles.Sydnor@senate.state.md.us

**THE SENATE OF MARYLAND**  
**ANNAPOLIS, MARYLAND 21401**

**Senator Charles E. Sydnor III**  
**Testimony Regarding SB 1055 – Baltimore County – Board of Education –**  
**Election of Officers**  
**Before the Senate Education, Health, and Environmental Affairs Committee**  
**March 10, 2020**

*“[w]hen a quorum is present, a majority vote, that is a majority of the votes cast, ignoring blanks, is sufficient for the adoption of any motion that is in order.” Robert’s Rules of Order, Article VIII, Section 46*

Good afternoon Chair Pinsky, members of the Education, Health, and Environmental Affairs Committee.

Today I come before you to present SB1055, and in so doing, respond to some of the most ethically challenged statements from opponents of this long overdue correction to the voting policy of Baltimore County Public Schools (“BCPS”). Words matter, and there are some members of the Baltimore County School Board who have launched a campaign to defeat this bill, not with facts, but with misinformation. A generous interpretation of these board members words is that they are practicing soaring hyperbole.

A Board member is promoting a narrative that Speaker Adrienne Jones assembled in a “smoke-filled back rooms of Annapolis” to gather her “cronies” to create the so-called “Annapolis School Takeover Bill”.<sup>1</sup> This is untrue and the board member’s untruths have consequences for an honest public discourse that we should have about this bill. Mr. Chair, I do not smoke nor would I remain in a smoke-filled room; so I can promise you SB1055 was not concocted in a smoke-filled room as the Board member wrote. Nor did I consult with Speaker Jones about this bill as claimed. In my testimony today, I will provide you with the truth. I hope that the truth and my reasoning is such that you understand this issue and how it came to my attention, and what it does and does not do to the governance and authority of the Baltimore County School Board.

When I first read about the circumstances surrounding the December 2019 Baltimore County School Board election, I did not understand how a chair and vice chair could remain in office in spite of receiving fewer votes. I questioned how one could even govern when they were unable to convince the majority of their colleagues that they were the best choice. I went to BCPS’s website and read their legal counsel’s legal explanation in the minutes. Later, I asked for legal advice from the Attorney General’s office to confirm his legal advice because I was under the impression that elections followed parliamentary procedure which states: “[w]hen a quorum is present, a majority

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<sup>1</sup> Lily Rowe Facebook Post, February 24, 2020.

vote, that is a majority of the votes cast, ignoring blanks, is sufficient for the adoption of any motion that is in order.”<sup>2</sup>

The advice that I received from the Attorney General’s office and the state board’s advisory opinion<sup>3</sup> confirmed the board counsel’s guidance because the results of this election were based on the concept of a majority being defined as “a majority of the whole board”<sup>4</sup> rather than majority being defined as a majority of the votes cast, ignoring blanks.<sup>5</sup> When this rule was interpreted with the common law rule for holding over, the chair and vice chair, despite their inability to convince a majority of sitting board members to vote for them, remained as the chair and vice chair of the Board. Under current law, once in the seat, a chair could conceivably sit in as a hold over for an entire term if a challenger was unable to convince six other members to vote for them rather than a simple majority. I cannot imagine that this was the intent of this body.

I was also advised that there was another school system, Baltimore City that was more in line with parliamentary procedure.<sup>6</sup> It was then that I requested a bill be drafted. When the bill was drafted I asked Delegate Ebersole to crossfile it for me because he serves on the House committee that I believed would hear the bill. He agreed. When I received the initial draft of the bill I had to have it redrafted because it allowed the election of officers by the majority of those present at a meeting. For me, I thought this bar was too low. So I worked with the bill drafters to update the language to be similar to that of Baltimore City where a majority is based on the votes cast rather than the number of seats on the board. It is unfortunate that this bill has intentionally been mischaracterized as “Annapolis School Takeover Bill” when what this bill does is to make the process more democratic.

Despite the rhetoric that this bill “opens the election process up to manipulation and sets a dangerous precedent for outside political influence on non-partisan local school boards”,<sup>7</sup> SB 1055 offers Baltimore County an updated method for governance for this new hybrid board should members vacate their seat for any reason including, but not limited to a member relocating, stepping down for health reasons or even death.

Merriam Webster defines majority as “a number or percentage equaling more than half of a total.” The bill simply provides that a majority of the board members present will determine who their chair and vice chair are by requiring a quorum of a majority of the voting members then serving instead of a majority of board member seats. The Board’s Vice Chair wrote my delegation that “[b]y creating an exception for the election of officers, the bill would allow for the election of officers without majority support.”<sup>8</sup> This is outright false! The fact of the matter is, without this bill we are allowing for the election of officers without majority support. If you convince the majority of your colleagues to vote for you, under SB 1055, you will be the next chair or vice chair. What is more basic to democracy than the fundamental principal of “majority will”? What could be more democratic? Does it make sense to require the board to count a vacant seat to

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<sup>2</sup> Robert’s Rules of Order, Article VIII, Section 46.

<sup>3</sup> Maryland State Board of Education in Opinion No. 20-08.

<sup>4</sup> COMAR 13A.02.01.01.

<sup>5</sup> Robert’s Rules of Order, Article VIII, Section 46.

<sup>6</sup> Md. Ann. Code, Education § 3-108.1(p).

<sup>7</sup> Julie Henn email to Baltimore County Senate Delegation. (Thursday, March 5, 2020 10:49 AM).

<sup>8</sup> Ibid.

determine whether a majority has been reached or does it make more sense to follow something more akin to Rule 46? For the aforementioned reasons, I ask that this bill be reported out favorably.



Lily Rowe,  
Baltimore County  
Board of Education  
Member

@LilyRoweBaltCo

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Lily Rowe, Baltimore County Board of Education Member

February 29 at 8:35 AM · ⚙️

The "real" problem is not that the Board is "polarized". It's that the Sun Editorial Board obviously can't stomach the outcomes of democracy in action. Quite obviously they prefer the neat rubber stamp methodology with no debate or questions from subservient insider political machine puppets the public in their immense wisdom fought so hard to abandon in favor of a hybrid elected Board.

Maybe what we really need is an ALL elected Board and for the Sun Editorial Board to unlock themselves from the upper room of the ivory tower where they whored themselves out to advertisers with this judgemental race-baiting drivel on a subject they so clearly know nothing about.

The legacy of Dallas Dance isn't a legacy of education equity in the form of laptops for all to narrow the achievement gap. It's educational maleficence victimizing students and taxpayers by pulling 200 highly qualified teachers out of classrooms to pay for these laptops which did nothing but widen the gap further than it has ever been. Not to mention hundreds of thousands of dollars spent on digital instructional materials many of which have been phased out by this Board and Dr. Williams in favor of more tested and reliable education methods like Open Court Reading for instance instead of iredy.

Elections don't always produce a clear majority and I suppose if people have a problem with that, they can contact their respective Board Members. As to this notion of "hostility" to staff, since when is it hostility for an elected official to ask questions meant to provide transparency to the public about how the system they entrust their most precious children too runs?

This is democracy. Deal with it.

<https://www.baltimoresun.com/.../bs-ed-0302-school-board-majo...>



Lily Rowe,  
Baltimore County  
Board of Education  
Member

@LilyRoweBaltCo

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Lily Rowe, Baltimore County Board of Education Member

February 27 at 11:36 AM · ⚙️

Why does the General Assembly even have any authority to micromanage Boards of Education parliamentary procedures? Why is the State Board nullified from this aspect of school governance? It makes no sense.

The State Board Ruled and we did this election exactly as it was supposed to be done to preserve government functionality in the midst of minor disagreements. There is no emergency here. The Board has full operational functionality.

I do reject the idea that the Board Chair is purely a ceremonial role. The Board Chair appoints all committee positions and facilitates all information requests. We have had chairs in the past who would refuse to facilitate requests resulting in Board members being unable to get information. If the Chair has authority to "facilitate" the obviously that's important and necessary. The recipe for a rubber stamp Board starts with a Chair that is purely ceremonial.

<https://www.baltimoresun.com/.../bs-md-pol-ga-school-board-bi...>





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Baltimore County  
Board of Education  
Member

@LilyRoweBaltCo

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Lily Rowe, Baltimore County Board of Education Member



February 26 at 2:52 AM · 🌐

As we have seen, the general assembly has seen fit to meddle in the election process of Board of Education leadership.

Lest Baltimore County find themselves alone in this Annapolis is also messing with Anne Arundel County Board of Education as well.

Anne Arundel County has 8 members. So by law it takes 5 to pass any measure. This bill proposes changing that to 6. What that amounts to is a super majority of 75% to take any action.

You know what we really need? A law that delegates parliamentary procedures over Boards of Education to the State Board of Education so there are consistent standards across the whole state that don't change on the arbitrary control freakish whim of every delegate or state senator who wants to control some outcome of a local Board for who knows what reason.

Oh yeah...theirs is an "emergency" too. 🙄



Lily Rowe,  
Baltimore County  
Board of Education  
Member

@LilyRoweBaltCo

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Lily Rowe, Baltimore County Board of Education Member

February 25 at 9:15 AM · ⚙️

It was a hard won fight for many people to get the hybrid elected school board.

The very first year we appeared before a general assembly committee at their request to report on how well it was going. I remember at the time thinking how odd this is because it's not testimony on any particular bill.

Now I see such a coordinated effort to undermine the authority of the first ever elected Board by Annapolis insiders some of whom never supported having an elected Board for years only giving way to public pressure in the end.

These recent events cause me to truly have concerns that the opponents of an elected Board have not gone away and have developed back room methods to maintain control.

The public must not tolerate this sort of interference. Annapolis should stay in their own lane and let this Board find their own way. We have the State Board, our own Ethics Review Panel and the very people who elected us to light the path.





Lily Rowe,  
Baltimore County  
Board of Education  
Member

@LilyRoweBaltCo

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Lily Rowe, Baltimore County Board of Education Member

February 24 at 8:20 AM · 🌐

TAKE ACTION AND DEFEND OUR LOCAL BOARD LEADERSHIP FROM ANNAPOLIS TAKEOVER.

What do you do when you don't like an independent transparent Board of Education? If you are Adrienne Jones and you control the smoke-filled back rooms of Annapolis, you gather your cronies (maybe the same lounge where she blocked portable AC funding we needed a few years back) and you change the rules to hand-select who the Board of Education leadership is. Then you call it an emergency (it isn't) and let a committee bring it out that is not the education committee in the hopes no one will be paying attention.

This Annapolis School Takeover Bill (House Bill 1633 cross-filed with Senate Bill 1055) has been introduced to change the number of votes required to elect the Board of Education of Baltimore County Officers.

This is the most blatant attempt to obstruct transparency and accountability I have seen. It makes one wonder what further corruption they have in store for Baltimore County so much that instead of doing their own jobs to bring down crime and homicide rates with an emergency bill that suddenly this is how they are spending their time.

Currently, ALL Board actions require a majority 7 votes of the 12 member Board. House Bill 1633 proposes an exception - \*only for the election of officers\*, to only require a majority number of votes of the members currently serving. This contradicts every other action the Board takes. (See COMAR 13A.02.01.01) But they want to change rule... but only for Board of Education officer elections and only in Baltimore County. What's more, they didn't even consult current Board leadership on the matter.

Please take the time to write to the Rules and Executive Nominations Committee and explain to them that this bill should not be allowed to progress because of all the things in the world one might say constitute an emergency in MD this is absolutely not one of them. After you do that express your outrage to your representatives in Annapolis and explain to them that you really don't want them interfering with the local Board of Education leadership. We can actually figure these things out on our own and we have the State Board when we can't. They have their jobs, we have ours. They really need to stay in their own lane.

HB 1633

<http://mgaleg.maryland.gov/mgaw.../Legislation/Details/HB1633...>

Rules and Executive Nominations Committee

<https://msa.maryland.gov/.../mdma.../06hse/html/com/06rulex.html>



BCPS Board of Education Member Julie C. Henn



@JulieHennBCPS

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BCPS Board of Education Member Julie C. Henn



February 23 at 12:51 PM · 🌐

Legislative Alert! - HB 1633 - Emergency Bill Introduced to Change Outcome of Board of Education Officers Election

So when you don't like the legal outcome of an election, what do you do? Clearly, you try to change the law.

House Bill 1633 (cross-filed with Senate Bill 1055) has been introduced to change the number of votes required to elect Board of Education of Baltimore County Officers.

Currently, ALL Board actions require a majority 7 votes of the 12 member Board. House Bill 1633 proposes an exception - \*only for the election of officers\*, to only require a majority number of votes of the members currently serving. This contradicts every other action the Board takes.

To be clear, EVERY vote the Board takes requires 7 votes for action - policy, contracts, quasi-judicial rulings, everything. There are \*NO\* exceptions. This is the law.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb1633f.pdf>

### HOUSE BILL 1633

F3

EMERGENCY BILL

01r3609

CF 01r3486

By: Delegates Ebersole, Feldmark, Jones, and P. Young

Introduced and read first time: February 21, 2020

Assigned to: Rules and Executive Nominations

#### A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County Board of Education – Election of Officers**

3 FOR the purpose of altering the number of votes required for the members of the Baltimore

4 County Board of Education to elect a chair and vice chair; making this Act an

5 emergency measure; and generally relating to the officers of the Baltimore County