

SB0414 Sydnor Testimony for EHE.pdf

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Senator Charles E. Sydnor III
Testimony Regarding SB 414 – Baltimore County – Board of Education –
Election of Officers
Before the Health, Education and Environmental Affairs Committee
February 16, 2022

“[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 Health, Education, and Environmental Affairs Committee.

SB 414 is the same bill this Committee will be familiar with. This Committee voted this bill out favorably last year and our full body sent it to the House with a unanimous vote in favor of this bill. SB 414 seeks to increase the number of appointed members on the school board by one member, appointed by the County Executive, to achieve a total number of 13 members on the Baltimore County Board of Education as well as clarifying the process by which the Board Chair and Vice Chair are elected.

In December, 2019, the Baltimore County Board of Education voted by a 6-5 vote, to replace the existing chairperson. However, the vote did not represent a majority of the Board member seats as one of the 12 seats was vacant. The existing Chairperson retained the position with only 5 votes. 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 overall 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. Baltimore County Public Schools’ website and read their legal counsel’s legal explanation in the minutes. I was also under the impression that elections should follow parliamentary procedure which states: “[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.”¹ Later, I contacted the Attorney General’s office to confirm his legal advice because this vote did not follow proper parliamentary procedure.

The advice that I received from the Attorney General’s office and the state board’s advisory opinion² confirmed the board counsel’s guidance because the results of this election were based

¹ Robert’s Rules of Order, Article VIII, Section 46.

² Maryland State Board of Education in Opinion No. 20-08.

on the concept of a majority being defined as “a majority of the whole board”³ rather than majority being defined as “a majority of the votes cast, ignoring blanks.”⁴ 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 another school system, Baltimore City, was more in line with parliamentary procedure.⁵ It was then that I requested a bill be drafted. 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. This bill does make the process more democratic. SB 414 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. While opponents of the bill in a previous session falsely claimed that “[b]y creating an exception for the election of officers, the bill would allow for the election of officers without majority support,”⁶ the fact of the matter is, without this bill we are already allowing for the election of officers without majority support. If you convince the majority of your colleagues to vote for you, under SB 414, 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 determine whether a majority has been reached or does it make more sense to follow something more akin to Rule 46?

Regarding the matter of adding an additional board member, the bill seeks to increase the board by one member appointed by the Baltimore County Executive so that the Board has an uneven number of board members. This will eliminate deadlock votes and improve the efficiency of the Board proceeding as a simple majority will decide the vote without the need to break the possible tie in future actions. Last year, the school board had an election where the board’s vice chair election resulted in a 6 to 6 tie and the vice chair resumed the seat because neither candidate could obtain a majority. Additionally, the addition of a member appointed by the County Executive reflects the high priority held by education and the School Board in Baltimore County.

For the aforementioned reasons, I ask that this bill be reported out favorably.

³ COMAR 13A.02.01.01.

⁴ Robert’s Rules of Order, Article VIII, Section 46.

⁵ Md. Ann. Code, Education § 3-108.1(p).

⁶ Ibid.

BaltimoreCounty_FAV_SB0414.pdf

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JOHN A. OLSZEWSKI, JR.
County Executive

JOEL N. BELLER
Acting Director of Government Affairs

JOSHUA M. GREENBERG
Associate Director of Government Affairs

MIA R. GOGEL
Associate Director of Government Affairs

BILL NO.: Senate Bill 414

TITLE: Baltimore County - Board of Education - Election of Officers

SPONSOR: Senator Sydnor

COMMITTEE: Education, Health, and Environmental Affairs

POSITION: **SUPPORT**

DATE: February 14, 2022

Baltimore County **SUPPORTS** Senate Bill 414 – Baltimore County - Board of Education - Election of Officers. This legislation would alter the number of votes required to elect the main leadership positions on the Baltimore County Board of Education.

As a former Baltimore County educator, County Executive John Olszewski understands that the educational needs of each and every student are unique to their communities and regional backgrounds. Locally-informed leadership is critical if a school board is to effectively represent its students in a manner that is unique to the needs of the community. Therefore, the County Executive is uniquely positioned to appoint a qualified member to the board of education.

SB 414 will give the County Executive an appointment to the Baltimore County Board of Education. Keeping the Board's membership selection local ensures that those serving on the school board represent the unique perspectives of County residents. This legislation will also make adjustments that would assist the board in selecting a leader that represents a majority of the members' views.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 414. For more information, please contact Joel Beller, Acting Director of Government Affairs, at jbeller@baltimorecountymd.gov.

TESTIMONY Sharon Y Blake SB 414 2022 BALTIIMORE

Uploaded by: Le Shaun Quander-Mosley

Position: FAV

TESTIMONY

Education Health and Environmental Affairs Committee

Written Testimony

Wednesday, February 16, 2022

Annapolis, Maryland

1:00 pm

Good Afternoon, Chairman Pinsky, Senator Sydnor III, honorable members of the Senate Education Health and Environmental Affairs Committee. I am Sharon Y. Blake, a resident of Baltimore County and a retired 43-year career public school educator in the state of Maryland. I support Senate Bill 414 because it is an excellent way to create a level of accountability for the Baltimore County Executive to his constituents. Indeed, because “all politics are local,” giving the Baltimore County Executive, a local elected official, a voice on the school board enables the County Executive to have a direct and clear understanding of the issues, concerns, and needs within the county public school system. Having that clearer understanding or awareness will permit the County Executive to make sounder, more informed decisions and, thereby better support county parents, students, staff, and faculty when approving the budget for the Baltimore County Public School System. Senate Bill 414 also codifies the democratic principle of Majority Rule, which enhances the effectiveness of Committees, groups, and boards. Senate Bill 414 provides that the chair and vice chair of the Baltimore County School Board will be elected by the board members currently serving and present, rather than determining the majority on the basis of the number of persons constituting the board. It eliminates the continuance in office of a chair or vice chair who is not running for said office. In closing, I thank Senator Charles Sydnor III, for his leadership and vision as the lead sponsor of Senate Bill 414. I urge this committee to report Senate Bill 414 favorably.

SB0414- 2022.pdf

Uploaded by: Moalie Jose

Position: FAV

February 14, 2022

TO: Members of the Senate Education, Health, and Environment Committee (EHE)

RE: **SB 0414- Baltimore County - Board of Education - Membership and Election of Officers** – Voluntary Admission

POSITION: SUPPORT

Good morning, Chair, Vice-Chair and Members of the Committee,

I am here today to voice my support for Senate Bill 0414.

My name is Moalie Jose, and I currently serve as a member-at-large on the Baltimore County Board of Education. I speak as an individual and not on behalf of the Board. As you all know Baltimore County Public schools is majority-minority system, we have over 66% children of color and from disenfranchised communities. The School Board has 80% white adult members currently, not representative of the student body. Representation matters.

In 2018 the Baltimore County School Board went from a fully appointed to a hybrid Board. The Board currently has 7 elected members, 4 Gubernatorial appointees and 1 Student member of the Board for a total of 12 members.

In 2019, with the passing of the late Roger Hayden we lost one member. Subsequently in the Dec 2019 Board officer's election, the challengers received 6 votes and the incumbents 5 votes, however our quorum requirements were 7-member majority based on a membership of 12. Despite 6 being greater than 5, the incumbents remained as de-facto officers since neither pair could receive the required 7 votes. It was 5 months before another member was appointed. This past week, member Cheryl Pasteur resigned, leaving us with 11 members on the Board. Ms. Pasteur was also vice chair of the board which means per policy we must have an election for the vice chair position. Again, majority remains 7, difficult to get on a Board so politically and racially divided. If our quorum requirements were to be based on the current members on the Board it would make governing, passing policies, approving contracts much easier and less contentious.

Testimony re SB 414.pdf

Uploaded by: NICHOLAS STEWART

Position: FAV

February 15, 2022

Dear Members of the Committee:

I testify in support of SB 414 as the former vice chair of the Baltimore County Board of Education, an expert in corporate governance and a supporter of the principal of “majority will.”

As you know, this bill would do two things: Add a new member to the board and clarify that the board chair and vice chair should be elected by a majority of the members then-serving, rather than a majority of the seats that exist. Let me take each one in turn.

Adding a New Board Member

The reason to add a new member to the board is straightforward. The Baltimore County Board of Education currently has an even number of board members, 12. It is best practice for boards, be them for-profit or non-profit, to be served by an odd number of board members. This avoids deadlocks and inefficiencies. For example, during my time on the school board, we saw tie votes on a regular basis, and, as a result, members would bring the same motion over and over again to see if the tie could be broken.

Further, this new board member would help improve local representation. While this is a local county board, its appointees are solely appointed by the state governor. It only makes sense that the county executive should have at least one appointee, given that the education is the biggest priority and line item in the county.

Finally, this may well improve the coordination between the county government and school system, which is sorely needed.

Clarifying the Chair/Vice-Chair Voting Standard

Regarding the standard to elect the chair and vice chair, experience once again proves why this is necessary. For 2019, the board of education elected Kathleen Causey to serve as its chair. For 2020, the board of education voted 6-5 in favor of someone else to serve as its chair (the last member of the board had passed away and his seat was vacant at the time).

However, because 6 votes did not represent a majority of overall seats on the board (12), Ms. Causey retained her position as board chair and served another year – even though this was contrary to the will of a majority of board members.

This is inconsistent with customary board governance practices. But more importantly, it is undemocratic. And it led to even more conflict. This is simply not fair to the hundreds of thousands of stakeholders in our system. We need this common-sense change so this never happens again, which it very well could.

The chair and vice chair wield significant power over the board and system, and should be duly elected. Furthermore, to do otherwise arguably violates the law, for Section 3-2B-09 of the Education Article requires the board to “elect” a chair and vice chair each year.

For the reasons stated above, I respectfully request that you support SB 414.

Sincerely,

Nicholas C. Stewart, Former Vice Chair of the Baltimore County Board of Education

TESTIMONY Sharon Y Blake SB 414 2022 BALTIIMORE

Uploaded by: Sharon Blake

Position: FAV

TESTIMONY

Education Health and Environmental Affairs Committee

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