

BILL: House Bill 1281
TITLE: County Boards of Education - Elected Members - Recall Procedures
DATE: March 10, 2022
POSITION: OPPOSE
COMMITTEE: Ways and Means
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes House Bill 1281.

MABE firmly believes that state law already provides for the removal or replacement of any duly elected member of a local board of education, either through the election process or under the law's provisions governing a board member's removal for cause.

The authority to remove a local board member rests with the State Board of Education in the case of elected boards, except that the Governor must concur in Charles and Prince George's County and the removal authority in Montgomery County rests with the county council. The authority to remove an appointed board member rests with the State Superintendent upon approval of the Governor, except for Baltimore City, where the authority to remove a member rests with the State Superintendent with the approval of the Mayor (Md. Code Ann., Ed. Art., Title 3).

There are four primary grounds for the removal of a member of an elected board; immorality, misconduct in office, incompetency, or willful neglect of duty. In addition, in Anne Arundel, Baltimore, Calvert, Cecil, Dorchester, Talbot, Wicomico, and Worcester County, a member may also be removed for failing, without good cause, to attend at least 75 percent of the scheduled meetings of the county board in any one calendar year, and/or missing three consecutive scheduled meetings. The same four primary grounds for removal also apply to appointed board members and a fifth is added, that of failure to attend without good cause, at least half of the scheduled meetings of the board in any one calendar year.

Regardless of whether a board member serves on an elected or appointed board, and regardless of where the authority for removal rests before being removed, a local board member must receive essentially the same due process. The entity with removal authority is required to send the member a copy of the charges against them and give the member an opportunity within 10 days to request a hearing before said entity. If the member requests a hearing, one must be held before the entity with removal authority with an opportunity to be heard publicly in the member's own defense, either in person or by counsel. A member so removed also has the right of an appeal to the Circuit Court of their county (Md. Code Ann., Ed. Art., Title 3).

In light of this array of State provisions already governing the possible removal of a local board member, and the decades of history throughout which this system has stood the test of time, MABE opposes this bill's addition of recall provisions to the state law governing the removal of elected school board members.

For these reasons, MABE urges an unfavorable report on House Bill 1281.