

HB 314.County Board Voting Requirements.pdf

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Position: UNF

BILL: House Bill 314
TITLE: County Boards of Education – Voting Members – Requirements
DATE: February 10, 2022
POSITION: OPPOSE
COMMITTEE: Ways and Means
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes House Bill 314, which proposes to address the potential for tie votes by local boards of education by mandating that each board have an odd number of members and, in the alternative, authorizing a non-board member to cast a vote. MABE opposes this bill in favor of preserving each local board's structure of governance, membership, and other organizational provisions as contained in 24 separate and distinct sections of the Education Article. MABE recognizes that these local governance structures are modified through local bills, ideally reflecting the determinations of the local board itself, with the collaborative support of the board's delegation.

MABE's top legislative priority focuses on strong support for governance authority for local boards of education to adopt education policies and school system budgets reflecting local priorities and resources. MABE supports broad discretion for local board decision-making authority in exercising legislative, judicial, and executive functions in accord with state and federal law and principles of equity and excellence for all students. Specifically, MABE advocates that state and local initiatives not reduce local board governance or budgetary authority or create unfunded mandates.

MABE believes the principle of local governance by boards of education is fundamental to a sound system of public education; and that a sound system of public education is fundamental to sustaining the well-educated citizenry essential to a flourishing democracy. By retaining decision-making authority at the local level, local boards of education can best balance educational practices, available resources to implement those practices, public input, and academic and financial accountability. State law provides that "educational matters that affect the counties shall be under the control of a county board of education" and that local boards "determine, with the advice of the county superintendent, the educational policies of the county school system." Local boards exercise this governance authority in compliance with state and federal laws and in conjunction with the policies and regulations adopted by the State Board of Education.

Again, MABE opposes this bill in favor of the local laws which are developed, and frequently amended, through the State legislative process in a manner that reflects local board positions and priorities.

For these reasons, MABE requests an unfavorable report on House Bill 314.

(MSC) HB0314 Testimony (UNF).pdf

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MARYLAND STUDENT COALITION

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TESTIMONY

BILL: House Bill (HB) 314 - County Boards of Education – Voting Members – Requirements

SPONSOR: Delegate Novotny, Howard and Carroll Counties (9a)

POSITION: UNFAVORABLE

Monday, February 7, 2022

HB 314: Unfavorable

The Maryland Student Coalition is an entirely student-led, advocacy group that serves to bring students together to promote education policy reform. Founded in 2020 as a vehicle for advocating for students' right to demonstrate, our scope has since expanded to include more educational advocacy initiatives. You can learn more at marylandstudents.org

Chair Atterbeary, Vice Chair Washington, and honorable members of the Ways and Means Committee. The Maryland Student Coalition is in **opposition** to House Bill 314.

House Bill 314 attempts to amend local school board governance across the state of Maryland. The legislation appears to be a new attempt to solve a nonissue presented by the sponsor in the last legislative session ([House Bill 629 - 2021](#)). The sponsor coined the previous bill the “School Board Gridlock Reduction Act”. According to their testimony before the Committee on Ways and Means, it was introduced due to their opposition to numerous tied votes on the Howard County Board of Education.¹ That legislation attempted to ‘solve’ tied votes by removing the voting rights of the Student Member (or Representative) on the Board. Numerous students testified against that version of the bill, as it disenfranchised the voice of student representation.

House Bill 314 appears to attempt to ‘solve’ the same nonissue by requiring each school board to be composed of an odd number of members. The MSC is not in opposition to this idea, however, the language of this legislation included an additional provision that creates a procedure to handle tied votes on school boards before the 2025 implementation date takes effect.

¹ [Testimony Link](#).

3-106 (B), makes no sense in implementation.

“If a county board lacks an odd number of members eligible to vote on a matter before the board and the matter cannot be postponed or rescheduled to a later date, the county board may select an individual to meet the requirement under subsection (a) of this section in a manner determined by the county board.”

Several lines are undefined:

1. What decision of the Board qualified as being unable to be postponed?
2. How does the Board select an individual to ‘lose’ their vote on the matter?
3. If the Board was already at a tie, why would they approve of removing someone’s voting rights?

This legislation is not clear and is unnecessary. Each school board follows a form of Parliamentary Procedure, or approved Rules of Operation. It is common practice for when a motion comes to a tie, having not received support from a majority of the body, that it is considered failed². Having a motion fail is not the equivalent to gridlock, it is simply the result of a lack of support.

The Maryland Student Coalition opposes the principles within the legislation and encourages issuing an **unfavorable** report on House Bill 314.

² Rule 46, *Robert's Rules of Order Newly Revised*; Basics of Parliamentary Procedure, *Sturgis Code of Parliamentary Procedure*; Chapter 16, *Mason's Manual of Legislative Procedure*