

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 737 (Senator Simonaire)
Education, Health, and Environmental Affairs

**Anne Arundel County - Board of Education and Nominating Commission -
County Executive Appointment Authority**

This bill alters the appointment process for members of the Anne Arundel County Board of Education and School Board Nominating Commission by requiring that the Anne Arundel County Executive, rather than the Governor, make most of the appointments to the two boards.

The bill takes effect July 1, 2015.

Fiscal Summary

State Effect: None.

Local Effect: The bill will not materially affect Anne Arundel County operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: The Anne Arundel County Executive, rather than the Governor, must appoint the eight nonstudent members of the Anne Arundel County Board of Education from a list submitted by the Anne Arundel County School Board Nominating Commission.

The county executive, rather than the Governor, must appoint five members of the Anne Arundel County School Board Nominating Commission, one from each legislative district in the county. The Governor, rather than the county executive, must appoint the at-large

member of the commission. The county executive, rather than the Governor, designates the chair of the commission.

Current Law: The Anne Arundel County Board of Education consists of nine members, of whom three members are appointed from the county at large, one member is appointed from each of the five legislative districts in the county, and one is a student member. Nonstudent members of the board are appointed by the Governor.

The School Board Nominating Commission of Anne Arundel County was established in 2007 (Chapter 454). The 11-member commission consists of 5 members appointed by the Governor (1 from each legislative district), 1 member appointed at large by the county executive, and 5 members appointed by specified organizations. The commission must submit at least two nominees to the Governor for each vacancy for the county board, unless there are fewer than two applicants for a vacancy.

Background: The Anne Arundel County Board of Education is one of four appointed school boards in the State, including one (Baltimore County) that, beginning in 2015, will transition to a hybrid board of appointed and elected members. There are 17 elected school boards in the State and three counties already have hybrid boards. **Appendix – Local Boards of Education** shows the selection methods, terms of office, and membership of the 24 local boards of education.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel County, Anne Arundel County Public Schools, Governor's Office, Department of Legislative Services

Fiscal Note History: First Reader - March 16, 2015
min/hlb

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Appendix – Local Boards of Education

| 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 | 9 | 5 years | A | 3 from county at large 5 from legislative districts 1 student (one-year term) |
| Baltimore City ³ | 10 | 3 years | A | 9 from city at large 1 student (one-year term) |
| Baltimore ⁴ | 12 | 5 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) |
| Charles | 8 | 4 years | E | 7 from county at large 1 student (nonvoting, one-year term) |
| Dorchester | 7 | 4 years | E | 5 from council districts 2 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) |

Appendix – Continued

| School System | Number of Members | Term | | Means of Selection ¹ |
|------------------------------|-------------------|---------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Harford | 11 | 4 years | A/E | 6 elected from council districts 3 appointed from county at large 1 superintendent <i>ex officio</i> (nonvoting) 1 student (one-year term) |
| Howard | 8 | 4 years | E | 7 from county at large 1 student (one-year term) |
| Kent | 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 ⁵ | 14 | 4 years | A/E | 9 elected from school board districts 4 appointed by county 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 | All from commissioner districts |
| Talbot | 8 | 4 years | E | 7 from school board districts 1 student (nonvoting, one-year term) |
| Washington ⁶ | 8 | 4 years | E | 7 from county at large 1 student (nonvoting, one-year term) |
| Wicomico | 7 | 5 years | A | All from county at large |
| Worcester | 10 | 4 years | E | 7 from commissioner districts 3 students (nonvoting, one-year term) |

¹A = Appointed by Governor, except in Baltimore City, where board is appointed jointly by the Governor and the Mayor; E = Elected; and A/E = Combined appointed by Governor and elected board, except in Prince George's County.

²There are three steps to being appointed and retained as a member of the Anne Arundel County Board of Education. First, the School Board Nominating Commission selects nominees who are recommended to the Governor as candidates for appointment to the Anne Arundel County Board of Education. The commission consists of 11 members – 5 appointed by the Governor from each of the legislative districts, 1 appointed by the County Executive, and 5 appointed from various county organizations. A board member begins serving immediately upon appointment; however, the board member must stand for “approval or rejection of the registered voters of the county” at the next general election. The board member is placed on the ballot, without opposition. If the voters retain the board member, he or she may complete the remainder of the 5-year term. If the voters reject the board member, the position becomes vacant and the process begins again. Chapters 177 and 178 of 2011, as well as an Opinion of the Attorney General (98 Op. Att’y Gen. 51 (May 22, 2013)), clarify that this three-step process applies not only to newly appointed board members, but also to incumbent board members seeking a second term.

³The nonstudent members of the Baltimore City Board of School Commissioners of the Baltimore City Public School System are jointly appointed by the Mayor of Baltimore City and the Governor from a list of qualified individuals submitted by the State Board of Education. Each member must be a resident of Baltimore City, and the membership must reflect the demographic diversity of Baltimore City.

⁴Chapter 481 of 2014 established the Baltimore County Nominating Commission. The commission is responsible for selecting 8 nominees to be recommended to the Governor as qualified candidates for appointment to the Baltimore County Board of Education. The commission consists of 19 members of the county and must reflect the diversity of the county. Except in extenuating circumstances, the Governor must appoint members to the board of education from the list the nominating commission provides.

⁵Chapter 147 of 2013 altered the membership of the Prince George's County Board of Education by adding four appointed members to the existing elected board. The county executive appoints three members with certain experience requirements, and the county council appoints one member who must be a parent of a student in the county school system. If a seat held by an elected member becomes vacant, the county executive must appoint a qualified individual for the remainder of the term, with the appointment subject to rejection by a two-thirds vote of the county council.

⁶The Washington County Board of Education reports that the student member can only concur on votes and must abstain from certain matters.

Source: Annotated Code of Maryland, Education Article, Sections 3-101 through 3-1405; Local Boards of Education