

Department of Legislative Services  
 Maryland General Assembly  
 2018 Session

FISCAL AND POLICY NOTE  
 First Reader

House Bill 154 (Delegate Ebersole, *et al.*)  
 Ways and Means

State Board of Education - Membership - Teachers and Parent

This bill increases the membership of the State Board of Education from 12 to 15 members, by adding 2 certified teachers and 1 parent of a student enrolled in a public school, and establishes processes to appoint these members. **This bill takes effect June 1, 2018.**

Fiscal Summary

**State Effect:** General fund expenditures increase at least \$24,000 per election. Revenues are not affected.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	24,000	24,000	24,000	0	0
Net Effect	(\$24,000)	(\$24,000)	(\$24,000)	\$0	\$0

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** The bill does not affect local government finances. Any operational changes associated with having public school teachers serve on the State board can be handled with existing resources.

**Small Business Effect:** None.

Analysis

**Bill Summary:** The Governor must appoint the teacher and parent members with the advice and consent of the Senate, from a list of qualified individuals submitted to the Governor. For teacher members, the Maryland State Department of Education (MSDE) submits the list to the Governor after an election by teachers in the State.

MSDE must provide notice of a teacher member vacancy to (1) all certified teachers in the State and (2) all statewide teachers' organizations representing a majority of teachers in the State for purposes of collective bargaining. The elections must be conducted under regulations adopted by MSDE.

For parent members, MSDE must provide notice of a parent member vacancy to the Maryland Parent Teacher Administration (PTA); the Maryland PTA then submits a list of three qualified individuals per vacancy to the Governor.

The bill also staggers the initial terms of the teacher and parent members.

**Current Law/Background:** The State Board of Education consists of 11 regular members and 1 student member appointed by the Governor with the advice and consent of the Senate. In making appointments to the State board, the Governor must consider representation from all parts of the State and areas of the State with concentrations of population or unique needs. Members of the board must be appointed from the general public. Except for the student member, any individual who is subject to the authority of the State board may not be appointed to the State board. In addition, the Governor and the State Superintendent of Schools may not be appointed to the State board.

Each regular member serves for a staggered four-year term and until a successor is appointed and qualifies. The Governor must appoint a new member to fill any vacancy on the State board for the remainder of that term and until a successor is appointed and qualifies. A member is eligible for reappointment but may not serve for more than two full four-year terms. The student member serves for a term of one year. A student member is eligible for reappointment but may not serve more than two full one-year terms.

According to research of state statutes by the Department of Legislative Services (DLS) in 2017, eight states either require or allow a teacher to be a member of a state board of education (Indiana, Mississippi, Nevada, Tennessee, Wyoming, Connecticut, North Carolina, and Pennsylvania). In Indiana, at least six members of the board must have professional experience in education, including as a teacher. North Carolina allows up to two current public school employees to be appointed to the board. However, seven states prohibit current teachers or professional educators from serving on the state board of education (Arkansas, Iowa, Kentucky, Maine, Oregon, Washington, and West Virginia). Two states (Massachusetts and Nevada) require a parent of a public school student to be appointed to the board.

**State Fiscal Effect:** General fund expenditures increase by at least \$24,000 per election for MSDE to hire an election services vendor to conduct an election. This estimate was based on the following information and assumptions:

- Contracting costs for an election services vendor by the State Retirement Agency for Board of Trustees elections are about \$0.80 per ballot. Approximately half of that cost was for postage.
- This estimate assumes that teachers will be notified through email and other existing communications with teachers and that there are no postage costs. Thus, costs per voter excluding postage are estimated to be \$0.40 per voter. For the purposes of this estimate it is assumed that costs remain stable.
- In October 2016 (the latest available data), there were approximately 60,000 teachers employed by local school systems. For the purposes of this estimate it is assumed all of the teachers are certified, although it is likely that some are not. Thus, at \$0.40 per voter, costs increase by an estimated \$24,000 for each election. This estimate assumes that the cost does not increase when two members are elected at the same time.
- If the vendor selected by MSDE requires physical ballots to be mailed to teachers, then costs double to approximately \$48,000 per election.
- Based on the staggered terms set in the bill, elections are held for teacher members in fiscal 2019, 2020, and 2021. After these initial elections there will be elections every four years beginning in fiscal 2024 and 2025, respectively.

Any expense reimbursements for the additional State Board of Education members are assumed to be minimal and absorbable within existing budgeted resources. MSDE advises that adding three members to the State Board of Education is anticipated to increase expenditures by less than \$10,000 annually due to reimbursing expenditures and mailing meeting materials. DLS advises that MSDE may be able to control many of the expenses related to new board members through choices made about printing, postage, and board activities.

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### **Additional Information**

**Prior Introductions:** HB 590 of 2017 received a hearing in the House Ways and Means Committee, but no further action was taken. Its cross file, SB 609, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education; State Retirement Agency; Department of Legislative Services

**Fiscal Note History:** First Reader - January 31, 2018  
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