

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 334

(Senator Hough)

Education, Health, and Environmental Affairs

Ways and Means

**County Boards of Education - Appointment to Fill a Vacancy of an Elected
Member - Candidate Information Requests**

This bill requires an appointing authority of a local school board to provide a list of the names of the candidates for a vacancy of an elected board member upon request (1) to the individual making the request or (2) by publication on the website of the appointing authority. An appointing authority means the individual or entity that is responsible for appointing a qualified individual to fill a vacancy of an elected member of a local school board. **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: None.

Local Effect: The bill does not materially affect local school system finances or operations.

Small Business Effect: None.

Analysis

Current Law: Procedures for filling a vacancy of an elected school board member vary by jurisdiction. The majority of school boards are not required by statute to provide a list of candidates to fill a vacancy. However, several counties are required to undertake a process for filling a vacancy that involves some type of public notice. The process in those counties is described below.

Caroline and Charles Counties

In both Caroline and Charles counties, in the event of a vacancy of an elected school board member, the remaining voting members of the school board must select a qualified individual to fill the vacancy for the remainder of the term and until a successor is elected and qualifies.

Before filling a vacancy, the remaining voting members of the school board must conduct an interview of each applicant at an open meeting. The school board must publish a list of applicants at least two weeks before the interview of the first applicant is scheduled to occur. In addition, the school board must provide public notice of the date, time, and location of the interview for each applicant (1) at least two weeks before the interview is scheduled to occur and (2) in the same manner as public notice of a regular board meeting.

The school board is not required to conduct discussions of applicants or make the final selection at an open meeting.

Washington County

The Washington County Commissioners must appoint a qualified individual to fill any vacancy on the school board for the remainder of the term and until a successor is elected and qualifies. The Washington County School Board Nominating Commission must advertise the vacancy and provide the procedures for filling the vacancy in at least one medium accessible to the general public, including (1) a newspaper of general circulation or (2) an electronic posting on the local school system website. Before selecting any nominees, the commission must hold at least one public hearing.

Within 30 days of a vacancy occurring, the commission must submit the names of up to three nominees to the county commissioners for their consideration. Within 15 days after receiving the list of nominees, the county commissioners must select an individual to fill the vacancy on the school board.

Wicomico County

The Wicomico County School Board Nominating Commission must select nominees to recommend to the county council as qualified candidates for appointment to fill a vacancy on the school board. Within 60 days of a vacancy, the commission must (1) develop and publicize the criteria for choosing nominees to fill the vacancy; (2) publicize the names of candidates that apply to fill the vacancy; (3) hold at least two public hearings on the applicants; and (4) make public and submit to the county council the names of two nominees for any vacancy.

Within 60 days after receiving the nominees, the county council must hold a public hearing regarding the nominees. After the hearing, if the county council deems at least one of the nominees acceptable, the county council must vote on the nominees and fill the vacancy. If the county council deems both nominees unacceptable, it must return the names to the commission and request that the commission submit two additional qualified nominees.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education; Montgomery County Public Schools; Department of Legislative Services

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