

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 883  
Ways and Means

(Delegate K. Young, *et al.*)

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Frederick County Board of Education - Student Member

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This bill alters the duties, rights, and privileges of the student member of the Frederick County Board of Education. In addition, the bill modifies the manner in which the student member is elected. **The bill takes effect July 1, 2020.**

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Fiscal Summary

**State Effect:** None.

**Local Effect:** The bill does not materially affect Frederick County Public School System operations or finances.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The bill allows middle school students (in addition to high school students) to elect the student member of the board. In addition, a student member elected to the board must serve as the student member-elect and shadow the student member officeholder for the period of time between the election and the end of the officeholder's term. The student member must comply with all ethics and financial disclosure requirements that apply to nonstudent members.

The student member is prohibited from attending an executive session that relates to any matter the student member is prohibited from voting on, as specified by the bill, unless invited to attend by an affirmative vote of a majority of the nonstudent members of the board. However, in no instance is the student member allowed to participate when the county board is carrying out a quasi-judicial function.

The bill specifies the matters on which the student member is prohibited from voting. The board is authorized to determine (on a majority vote of the nonstudent members and on a case-by-case basis) whether a matter under consideration is covered by the matters excluded under the bill. In addition, the nonstudent members may rescind the student member's right to vote on any or all matters if the student member (1) fails to attend 25% of the scheduled meetings and work sessions of the county board or (2) demonstrates a pattern of inadequate preparation for participation in meetings of the county board.

The student member may not be counted in determining whether a quorum of the county board has been met. In addition, if the student member's vote results in a tie vote, the matter must be decided without counting the student member's vote.

**Current Law:** The Frederick County Board of Education consists of eight members, including one nonvoting student member. The student member must be an 11th or 12th grade student in the county public school system elected by the high school students of the county in accordance with procedures established by the school system. The member serves for one year beginning on July 1 after the election of the member. The student member's purpose is to advise the county board on the thoughts and feeling of students. Unless invited to attend by an affirmative vote of a majority of the county board, the student member may not attend an executive session.

A listing of the local school systems with student members on the board of education and the voting status for student board members is provided in the **Appendix – Local Boards of Education**.

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### **Additional Information**

**Prior Introductions:** HB1028 of 2017 received a hearing in the House Ways and Means Committee, but no further action was taken. Its cross file, SB 804, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

**Designated Cross File:** None.

**Information Source(s):** Frederick County Public Schools; Department of Legislative Services

**Fiscal Note History:** First Reader - February 17, 2020  
af/hlb

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## Appendix – Local Boards of Education

School System	Number of Members	Term		Means of Selection <sup>1</sup>
Allegany	6	4 years	E	5 from county at large 1 student (nonvoting, one-year term)
Anne Arundel <sup>2</sup>	8	4 years	E	7 from councilmanic districts 1 student (one-year term)
Baltimore City <sup>3</sup>	10	3 years	A	9 from city at large 1 student (one-year term)
Baltimore <sup>4</sup>	12	4 years	A/E	4 from county at large (appointed) 7 from councilmanic districts (elected) 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 councilmanic 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)

<b>School System</b>	<b>Number of Members</b>	<b>Term</b>		<b>Means of Selection<sup>1</sup></b>
Harford	11	4 years	A/E	6 elected from councilmanic districts 3 appointed from county at large 1 superintendent <i>ex officio</i> (nonvoting) 1 student (one-year term)
Howard	8	4 years	E	2 from county at large 5 from councilmanic districts 1 student (one-year term)
Kent <sup>5</sup>	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 <sup>6</sup>	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	9	4 years	E	7 from school board districts 2 students (nonvoting, one-year term)
Washington <sup>7</sup>	8	4 years	E	7 from county at large 1 student (nonvoting, one-year term)
Wicomico <sup>8</sup>	7	4 years	E	5 from councilmanic districts 2 from county at large
Worcester	10	4 years	E	7 from commissioner districts 3 students (nonvoting, one-year term)

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

<sup>2</sup>Chapter 473 of 2017 restructured the Anne Arundel County Board of Education from a nine-member appointed board to an eight-member elected board consisting of seven elected members (one from each of the seven councilmanic districts on a nonpartisan basis) and one student member. The terms of the elected members are staggered; four members were elected at the 2018 general election and three members will be elected at the 2020 general election. In this manner, the elected board is phased in. The members elected in November 2018 serve a six-year term, while the members elected in 2020 serve a four-year term. Thus, beginning in 2024, all members must stand for election.

<sup>3</sup>Chapter 593 of 2017 repealed the role of the Governor in making appointments to the Baltimore City Board of School Commissioners; it also repealed the Governor's role in filling board vacancies and removing board members. As a result, board members are appointed solely by the Mayor of Baltimore City until the appointed/elected board established by the legislation is executed at the 2022 general election. Chapter 593 also established the Baltimore City Public School Board Community Panel (which the Mayor must convene) and specified its membership. The purpose of the panel is to select nominees to be recommended to the Mayor as qualified candidates for appointment to the board (including candidates for vacancies). If the Mayor elects not to appoint a member or to fill a vacancy from a list submitted by the panel, the Mayor must reconvene the panel to submit additional names of qualified candidates. Beginning with the 2022 general election, the board will be restructured as a hybrid board with two members elected from the city at large, nine members appointed by the Mayor, and one student member. Elected members will serve a four-year term whereas appointed members will serve a three-year term.

<sup>4</sup>Chapters 480 and 481 of 2014 restructured the Baltimore County Board of Education from a 12-member appointed board (including 1 student member) to a 12-member board consisting of 4 at-large members appointed by the Governor, 7 nonpartisan members each elected from one of seven councilmanic districts, and a student member. The elected members were elected at the general election in November 2018 and serve four-year terms. In addition, Chapters 480 and 481 established the Baltimore County Nominating Commission. Generally, the commission is responsible for submitting to the Governor at least two names for each vacancy on the board. The commission consists of 19 members of the county and must reflect the diversity of the county. Except in extraordinary circumstances, the Governor must appoint members to the board of education from the list the nominating commission provides.

<sup>5</sup>Although not in statute, the Kent County Board of Education reports that there is a nonvoting student member of the board and that he or she does not attend closed sessions.

<sup>6</sup>Chapter 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.

<sup>7</sup>Although not in statute, the Washington County Board of Education reports that there is a student member of the board and that he or she can only concur on votes and must abstain from certain matters.

<sup>8</sup>Chapter 169 of 2016, subject to referendum, required the restructuring of the Wicomico County Board of Education. In the 2016 general election, the county approved a fully elected board option, with five members each elected from one of the five councilmanic districts and two members elected from the county at large. Members were elected at the general election in 2018 and serve four-year terms.

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