

SENATE BILL 739

F1

(8lr0717)

ENROLLED BILL

— Education, Health, and Environmental Affairs/Ways and Means —

Introduced by **Senators Madaleno, Benson, Guzzone, King, Lee, Manno, McFadden, Smith, and Young**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **State Board of Education – Membership – Teachers and Parent**

3 FOR the purpose of altering the membership of the State Board of Education to add a
4 certain number of members who are certified teachers *with certain experience* and a
5 parent of a certain student; authorizing the teacher members to be appointed to the
6 State Board although the individuals are subject to the authority of the State Board;
7 *prohibiting the two teacher members from being employed by the same county board*
8 *of education*; requiring the Governor to appoint certain teacher members with the
9 advice and consent of the Senate from ~~a certain list~~ *certain lists jointly* submitted to
10 the Governor ~~by the State Department of Education after an election by teachers in~~
11 ~~the State~~ *by certain organizations*; requiring the Department to provide notice of a
12 certain vacancy to certain individuals and organizations; *authorizing certain teacher*
13 *members to attend and participate in certain sessions of the State Board; prohibiting*
14 *a teacher member from voting on certain matters; requiring a certain election to be*

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



~~conducted under regulations that the Department adopts;~~ requiring the Governor to appoint a certain parent member with the advice and consent of the Senate from a certain list submitted to the Governor by the Maryland PTA; requiring the Department to provide notice of a certain vacancy to the Maryland PTA; authorizing a certain parent member to attend and participate in certain sessions of the State Board; providing for the appointment and terms of certain initial teacher members and the initial parent member of the State Board; and generally relating to teacher and parent members of the State Board of Education.

BY repealing and reenacting, with amendments,
 Article – Education
 Section 2–202
 Annotated Code of Maryland
 (2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – Education

2–202.

(a) The State Board consists of [11] 14 regular members, and 1 student member, appointed by the Governor with the advice and consent of the Senate.

(b) (1) In making appointments to the State Board, the Governor shall consider representation from:

(i) All parts of this State; and

(ii) Areas of this State with concentrations of population or unique needs.

(2) [The] **EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE** members of the Board shall be appointed from the general public.

(3) The following individuals may not be appointed to the Board:

(i) Except for the **TEACHER MEMBERS AND** student member, any individual who is subject to the authority of the Board;

(ii) The Governor; and

(iii) The State Superintendent.

1 (4) (i) 1. OF THE 14 REGULAR MEMBERS OF THE STATE
2 BOARD, TWO REGULAR MEMBERS SHALL BE CERTIFIED TEACHERS;

3 A. ONE OF WHOM SHALL HAVE EXPERIENCE TEACHING
4 STUDENTS IN AT LEAST ONE OF THE ELEMENTARY GRADES, KINDERGARTEN
5 THROUGH SIXTH GRADE; AND

6 B. ONE OF WHOM SHALL HAVE EXPERIENCE TEACHING
7 STUDENTS IN AT LEAST ONE OF THE SECONDARY GRADES, SEVENTH THROUGH
8 TWELFTH GRADE.

9 (ii) 1. ~~THE SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS~~
10 SUBPARAGRAPH, THE GOVERNOR SHALL APPOINT THE TEACHER MEMBERS, WITH
11 THE ADVICE AND CONSENT OF THE SENATE, FROM A LIST OF ~~QUALIFIED~~ THREE
12 QUALIFIED ELEMENTARY SCHOOL TEACHERS AND THREE QUALIFIED SECONDARY
13 SCHOOL TEACHERS INDIVIDUALS JOINTLY SUBMITTED TO THE GOVERNOR BY THE
14 ~~DEPARTMENT AFTER AN ELECTION BY TEACHERS IN THE STATE AS FOLLOWS: BY~~
15 THE MARYLAND STATE EDUCATION ASSOCIATION AND BALTIMORE TEACHERS
16 UNION.

17 ~~1. THREE INDIVIDUALS NOMINATED BY THE MARYLAND~~
18 ~~STATE EDUCATION ASSOCIATION; AND~~

19 ~~2. TWO INDIVIDUALS NOMINATED BY THE BALTIMORE~~
20 ~~TEACHERS UNION.~~

21 2. THE TWO TEACHER MEMBERS MAY NOT BE EMPLOYED
22 BY THE SAME COUNTY BOARD OF EDUCATION.

23 (iii) THE DEPARTMENT SHALL PROVIDE NOTICE OF A TEACHER
24 MEMBER VACANCY ON THE STATE BOARD TO:

25 1. ALL CERTIFIED TEACHERS IN THE STATE; AND

26 2. ALL STATEWIDE TEACHERS' ORGANIZATIONS
27 REPRESENTING A MAJORITY OF TEACHERS IN THE STATE FOR PURPOSES OF
28 COLLECTIVE BARGAINING.

29 (iv) A TEACHER MEMBER MAY ATTEND AND PARTICIPATE IN AN
30 EXECUTIVE SESSION OF THE STATE BOARD.

31 (v) A TEACHER MEMBER MAY NOT VOTE ON ANY MATTER THAT
32 RELATES TO APPEALS TO THE STATE BOARD UNDER § 6-202 OF THIS ARTICLE.

~~(IV) THE ELECTIONS SHALL BE CONDUCTED UNDER REGULATIONS THAT THE DEPARTMENT ADOPTS.~~

(5) (I) OF THE 14 REGULAR MEMBERS OF THE STATE BOARD, ONE REGULAR MEMBER SHALL BE THE PARENT OF A STUDENT ENROLLED IN A PUBLIC SCHOOL IN THE STATE.

(II) THE GOVERNOR SHALL APPOINT THE PARENT MEMBER, WITH THE ADVICE AND CONSENT OF THE SENATE, FROM A LIST OF THREE QUALIFIED INDIVIDUALS SUBMITTED TO THE GOVERNOR BY THE MARYLAND PTA.

(III) THE DEPARTMENT SHALL PROVIDE NOTICE OF THE PARENT MEMBER VACANCY ON THE STATE BOARD TO THE MARYLAND PTA.

(IV) THE PARENT MEMBER MAY ATTEND AND PARTICIPATE IN AN EXECUTIVE SESSION OF THE STATE BOARD.

[(4)] (6) The student member shall be selected by the Governor from a list of 2 persons nominated by the Maryland Association of Student Councils.

(c) (1) The student member shall be:

(i) A regularly enrolled student; and

(ii) In good standing in a public high school in the State.

(2) The student member may attend and participate in an executive session of the Board.

(3) The student member may not vote on any matter that relates to:

(i) The dismissal of or other disciplinary action involving personnel;

or

(ii) Appeals to the State Board under § 2–205 of this subtitle or § 4–205 or § 6–202 of this article.

(d) (1) Each regular member serves for a term of 4 years and until a successor is appointed and qualifies. These terms are staggered as required by the terms of the members serving on the State Board as of July 1, 1989.

(2) The Governor shall appoint a new member to fill any vacancy on the Board for the remainder of that term and until a successor is appointed and qualifies.

(3) A member is eligible for reappointment but may not serve for more than two full 4-year terms.

1 (4) The student member shall serve for a term of 1 year. A student member
2 is eligible for reappointment but may not serve more than two full 1-year terms.

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall appoint,
4 in accordance with § 2-202(b)(4) and (5) of the Education Article, as enacted by this Act:

5 (1) the two initial teacher members of the State Board of Education as
6 follows:

7 (i) one teacher member shall serve for a term of 1 year and 6 months
8 beginning January 1, 2019, and terminating at the end of June 30, 2020, or until a successor
9 is appointed and qualifies; and

10 (ii) one teacher member shall serve for a term of 2 years and 6
11 months beginning January 1, 2019, and terminating at the end of June 30, 2021, or until a
12 successor is appointed and qualifies; and

13 (2) the initial parent member of the State Board of Education shall serve
14 for a term of 3 years and 6 months beginning January 1, 2019, and terminating at the end
15 of June 30, 2022, or until a successor is appointed and qualifies.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
17 1, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.