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By: **Montgomery County Delegation**  
Introduced and read first time: February 11, 2000  
Assigned to: Ways and Means

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Committee Report: Favorable  
House action: Adopted  
Read second time: March 24, 2000

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CHAPTER 176

1 AN ACT concerning

2 **Montgomery County - Education - Home and Hospital Teacher**  
3 **Representation**  
4 **MC 3-00**

5 FOR the purpose of including Montgomery County home and hospital teachers in the  
6 definition of "public school employees" for the purpose of provisions of law  
7 related to organizations of certificated employees; requiring the exclusive  
8 negotiating agent for public school employees in Montgomery County to  
9 represent home and hospital teachers in certain matters; exempting certain  
10 county home or hospital teachers from the requirement to pay a certain  
11 representation fee; repealing an obsolete provision that overrides the exclusion  
12 of county substitute teachers from a certain contract; defining a certain term;  
13 and generally relating to representation for home and hospital employees in  
14 Montgomery County.

15 BY repealing and reenacting, with amendments,  
16 Article - Education  
17 Section 6-401 and 6-408(b)(2)  
18 Annotated Code of Maryland  
19 (1999 Replacement Volume)

20 BY repealing and reenacting, without amendments,  
21 Article - Education  
22 Section 6-407(c)(1) and (3), and 6-408(b)(1)  
23 Annotated Code of Maryland

1 (1999 Replacement Volume)

2 BY adding to

3 Article - Education

4 Section 6-407(c)(6)

5 Annotated Code of Maryland

6 (1999 Replacement Volume)

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

9 **Article - Education**

10 6-401.

11 (a) In this subtitle the following words have the meanings indicated.

12 (b) "Employee organization" means an organization that:

13 (1) Includes certificated employees of a public school employer or  
14 individuals of equivalent status in Baltimore City; and

15 (2) Has as one of its main purposes the representation of the employees  
16 in their relations with that public school employer.

17 (C) (1) "HOME AND HOSPITAL TEACHER" MEANS A TEACHER EMPLOYED BY  
18 A PUBLIC SCHOOL EMPLOYER TO PROVIDE INSTRUCTIONAL SERVICES TO A PUBLIC  
19 SCHOOL STUDENT WHO IS UNABLE TO FUNCTION EFFECTIVELY IN THE CLASSROOM  
20 SETTING DUE TO THE STUDENT'S MEDICAL, PHYSICAL, OR EMOTIONAL CONDITION.

21 (2) A HOME AND HOSPITAL TEACHER MAY TEACH IN:

22 (I) A PRIVATE HOME;

23 (II) A HOSPITAL;

24 (III) A THERAPEUTIC CENTER;

25 (IV) A SCHOOL; OR

26 (V) ANY OTHER APPROPRIATE SITE.

27 [(c)] (D) (1) "Public school employee" means a certificated professional  
28 individual who is employed by a public school employer or an individual of equivalent  
29 status in Baltimore City, except for a county superintendent or an individual  
30 designated by the public school employer to act in a negotiating capacity as provided  
31 in § 6-408(b) of this subtitle.

32 (2) In Montgomery County, "public school employees" include  
33 [certificated]:

1 (I) CERTIFICATED and noncertificated substitute teachers  
2 employed by the public school employer for at least 7 days before March 1 of the  
3 school fiscal year ending June 30, 1978, and each year after; AND

4 (II) HOME AND HOSPITAL TEACHERS EMPLOYED BY THE PUBLIC  
5 SCHOOL EMPLOYER FOR AT LEAST 7 DAYS BEFORE MARCH 1 OF THE SCHOOL FISCAL  
6 YEAR ENDING JUNE 30, 2000, AND EACH YEAR AFTER.

7 (3) In Baltimore County, "public school employee" includes a secondary  
8 school nurse, an elementary school nurse, and a special school nurse.

9 (4) In Frederick County, "public school employee" includes a social  
10 worker employed by a public school employer.

11 [(d)] (E) "Public school employer" means a county board of education or the  
12 New Baltimore City Board of School Commissioners.

13 6-407.

14 (c) (1) In Montgomery County, Prince George's County, Baltimore County,  
15 and Baltimore City, the public school employer may negotiate with the employee  
16 organization designated as the exclusive representative for the public school  
17 employees in a unit, a reasonable service or representation fee, to be charged  
18 nonmembers for representing them in negotiations, contract administration,  
19 including grievances, and other activities as are required under subsection (b) of this  
20 section.

21 (3) An employee who is a substitute teacher and who works on a  
22 short-term day-to-day basis is not required to pay a service or representation fee.

23 (6) IN MONTGOMERY COUNTY, AN EMPLOYEE WHO IS A HOME OR  
24 HOSPITAL TEACHER AND WHO WORKS ON A SHORT-TERM DAY-TO-DAY BASIS IS NOT  
25 REQUIRED TO PAY A SERVICE OR REPRESENTATION FEE.

26 6-408.

27 (b) (1) On request a public school employer or at least two of its designated  
28 representatives shall meet and negotiate with at least two representatives of the  
29 employee organization that is designated as the exclusive negotiating agent for the  
30 public school employees in a unit of the county on all matters that relate to salaries,  
31 wages, hours, and other working conditions.

32 (2) In Montgomery County, [notwithstanding any agreement in effect on  
33 June 1, 1978 which excludes substitute teachers, and without affecting any other part  
34 of such an agreement,] the exclusive negotiating agent for the public school  
35 employees in a unit and the public school employer shall meet and negotiate under  
36 this section the salaries, wages, hours, and other working conditions of all persons  
37 actually employed as substitute teachers OR HOME AND HOSPITAL TEACHERS.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 July 1, 2000.