

SENATE BILL 739

F1
SB 609/17 – EHE

8lr0717
CF HB 154

By: **Senators Madaleno, Benson, Guzzone, King, Lee, Manno, McFadden, Smith, and Young**

Introduced and read first time: February 5, 2018

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2018

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 and a parent of a certain
5 student; authorizing the teacher members to be appointed to the State Board
6 although the individuals are subject to the authority of the State Board; requiring
7 the Governor to appoint certain teacher members with the advice and consent of the
8 Senate from ~~a certain list~~ certain lists submitted to the Governor ~~by the State~~
9 ~~Department of Education after an election by teachers in the State~~ by certain
10 organizations; requiring the Department to provide notice of a certain vacancy to
11 certain individuals and organizations; ~~requiring a certain election to be conducted~~
12 ~~under regulations that the Department adopts~~; requiring the Governor to appoint a
13 certain parent member with the advice and consent of the Senate from a certain list
14 submitted to the Governor by the Maryland PTA; requiring the Department to
15 provide notice of a certain vacancy to the Maryland PTA; providing for the
16 appointment and terms of certain initial teacher members and the initial parent
17 member of the State Board; and generally relating to teacher and parent members
18 of the State Board of Education.

19 BY repealing and reenacting, with amendments,
20 Article – Education
21 Section 2–202
22 Annotated Code of Maryland
23 (2014 Replacement Volume and 2017 Supplement)

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.



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

3 **Article – Education**

4 2–202.

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

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

9 (i) All parts of this State; and

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

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

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

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

17 (ii) The Governor; and

18 (iii) The State Superintendent.

19 (4) **(I) OF THE 14 REGULAR MEMBERS OF THE STATE BOARD, TWO**
20 **REGULAR MEMBERS SHALL BE CERTIFIED TEACHERS.**

21 **(II) THE GOVERNOR SHALL APPOINT THE TEACHER MEMBERS,**
22 **WITH THE ADVICE AND CONSENT OF THE SENATE, FROM A LIST OF QUALIFIED**
23 **INDIVIDUALS SUBMITTED TO THE GOVERNOR ~~BY THE DEPARTMENT AFTER AN~~**
24 **~~ELECTION BY TEACHERS IN THE STATE~~ AS FOLLOWS:**

25 **1. THREE INDIVIDUALS NOMINATED BY THE MARYLAND**
26 **STATE EDUCATION ASSOCIATION; AND**

27 **2. TWO INDIVIDUALS NOMINATED BY THE BALTIMORE**
28 **TEACHERS UNION.**

1 **(III) THE DEPARTMENT SHALL PROVIDE NOTICE OF A TEACHER**
 2 **MEMBER VACANCY ON THE STATE BOARD TO:**

3 1. **ALL CERTIFIED TEACHERS IN THE STATE; AND**

4 2. **ALL STATEWIDE TEACHERS' ORGANIZATIONS**
 5 **REPRESENTING A MAJORITY OF TEACHERS IN THE STATE FOR PURPOSES OF**
 6 **COLLECTIVE BARGAINING.**

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

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

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

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

17 **[(4)] (6)** The student member shall be selected by the Governor from a list
 18 of 2 persons nominated by the Maryland Association of Student Councils.

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

20 (i) A regularly enrolled student; and

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

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

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

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

27 (ii) Appeals to the State Board under § 2–205 of this subtitle or §
 28 4–205 or § 6–202 of this article.

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

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

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

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

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

9 (1) the two initial teacher members of the State Board of Education as
10 follows:

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

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

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

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
21 1, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.