

April 4, 2018

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 639 – Education – Public School Personnel – Disciplinary Hearing Procedures.

This piece of legislation is the latest in an unfortunate series of efforts by the General Assembly to pass flawed bills that negatively impact our public schools. For reasons only known to them, far too many members of the legislature seem obsessed with watering down educational standards and stymying efforts to provide accountability. This needs to stop.

Previous examples include a botched effort to restructure the hiring process of members of the Maryland State Board of Education and the “Protect our [Failing] Schools Act” that has resulted in Maryland now having the second lowest school accountability rankings in the nation. Most recently, the General Assembly rammed through legislation to strip fiscal oversight over school construction from statewide elected officials.

Senate Bill 639, the latest installment, is a radical attempt to strip away the duly authorized powers of local school boards to terminate certified personnel. Such a transfer would negatively impact the ability of local boards to respond to employee misconduct consistent with the best interests of students, the school system, and community.

There is currently a well-defined and very robust due process for terminating teachers in the Maryland annotated code and developed under case law. This current system strikes the right balance between ensuring a hearing and providing local school boards with the ability to discipline teachers who school superintendents have suspended. Local boards represent the interests of the entire community – students, teachers, parents, businesses, government leaders – and must be able to decide when an individual’s actions should disqualify that person from teaching students in that community.

Conversely, outside arbitrators, by definition, have no connection to the school system and should not be entitled to determine who should remain employed by the school system. Local boards of education can debate and deliberate on termination and suspension cases. However, Senate Bill 639 would empower a single individual to make these important decisions for our students.

Incredibly, this bill would allow an arbitrator, who would not even have to reside in the State of Maryland, to make these decisions. That type of system might work for other areas of personnel law, but our first and primary consideration in our public schools simply must be the welfare and needs of our students.

The vast majority of our teachers do an incredible job, often making tough personal sacrifices, educating our students. However, those who consistently fail our children and consistently fail to achieve our state's high standards should not be protected through an extra layer of obscure bureaucracy.

This bill strips away the duty and responsibility from the elected or appointed board members that are most responsible for the children and gives it to a disinterested arbitrator who has no vested interest or "deference to educational judgement" that local school officials have.

For these reasons, I have vetoed SB 639.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Cc: The Honorable Michael E. Busch