

# HOUSE BILL 87

F5

(9lr0729)

## ENROLLED BILL

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

Introduced by **Delegates Ebersole, Cain, Carey, Charkoudian, Feldmark, Guyton, Hettleman, Ivey, Kerr, Korman, Luedtke, Moon, Mosby, Palakovich Carr, Patterson, Smith, Solomon, Terrasa, Turner, C. Watson, and Wilkins**

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.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Education – Membership – ~~Teachers~~ Teacher and Parent**  
3 **Members**

4 FOR the purpose of altering the membership of the State Board of Education to add a  
5 ~~certain number of members who are certified teachers with certain experience~~  
6 certain certified teacher and a parent of a certain student; authorizing the teacher  
7 ~~members~~ member to be appointed to the State Board although the ~~individuals are~~  
8 individual is subject to the authority of the State Board; requiring the Governor to  
9 appoint a certain teacher ~~members~~ member with the advice and consent of the  
10 Senate ~~from a certain list submitted to the Governor by the State Department of~~  
11 ~~Education~~ after an election by teachers in the State; ~~requiring a certain list~~  
12 ~~submitted to the Governor by the Department to consist of a certain number of~~  
13 ~~teacher members who received a certain number of votes after an election by~~

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#### 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.*



~~teachers in the State~~; requiring the *State Department of Education* to provide notice of a certain vacancy to certain individuals and organizations; requiring a certain election to be conducted under regulations that the Department adopts; authorizing the Department to consult with the State Retirement Agency of the Maryland State Retirement and Pension System to conduct a certain election; authorizing a certain teacher ~~members~~ member to attend and participate in certain sessions of the State Board; prohibiting a the teacher member from voting on certain matters; 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  
 (2018 Replacement Volume and 2018 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~~ **13** 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 PARAGRAPHS (4) THROUGH (6) 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 MEMBER** AND student member, any individual who is subject to the authority of the Board;

1 (ii) The Governor; and

2 (iii) The State Superintendent.

3 (4) (I) OF THE ~~14~~ 13 REGULAR MEMBERS OF THE STATE BOARD,  
4 ~~TWO ONE~~ REGULAR MEMBERS MEMBER SHALL BE A CERTIFIED TEACHERS;

5 1. ONE OF WHOM SHALL HAVE EXPERIENCE TEACHING  
6 STUDENTS IN AT LEAST ONE OF THE ELEMENTARY GRADES, KINDERGARTEN  
7 THROUGH SIXTH GRADE; AND TEACHER WHO IS ACTIVELY TEACHING.

8 2. ONE OF WHOM SHALL HAVE EXPERIENCE TEACHING  
9 STUDENTS IN AT LEAST ONE OF THE SECONDARY GRADES, SEVENTH THROUGH  
10 TWELFTH GRADE.

11 (II) THE GOVERNOR SHALL APPOINT THE TEACHER MEMBERS  
12 MEMBER, WITH THE ADVICE AND CONSENT OF THE SENATE, ~~FROM A LIST~~  
13 ~~SUBMITTED TO THE GOVERNOR BY THE DEPARTMENT, AND CONSISTING OF THE~~  
14 ~~TWO TEACHER MEMBERS~~ WHO RECEIVED THE HIGHEST NUMBER OF VOTES AFTER  
15 AN ELECTION BY TEACHERS IN THE STATE.

16 (III) THE DEPARTMENT SHALL PROVIDE NOTICE OF A TEACHER  
17 MEMBER VACANCY ON THE STATE BOARD TO:

18 1. ALL CERTIFIED TEACHERS WHO ARE ACTIVELY  
19 TEACHING IN THE STATE; AND

20 2. ALL ~~STATEWIDE~~ TEACHERS' ORGANIZATIONS  
21 REPRESENTING ~~A MAJORITY OF~~ TEACHERS IN THE STATE FOR PURPOSES OF  
22 COLLECTIVE BARGAINING.

23 (IV) 1. THE ELECTION SHALL BE CONDUCTED UNDER  
24 REGULATIONS THAT THE DEPARTMENT ADOPTS.

25 2. THE DEPARTMENT MAY CONSULT WITH THE STATE  
26 RETIREMENT AGENCY OF THE MARYLAND STATE RETIREMENT AND PENSION  
27 SYSTEM TO CONDUCT THE ELECTION REQUIRED UNDER THIS SUBPARAGRAPH.

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

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

1           **(5) (I) OF THE ~~14~~ 13 REGULAR MEMBERS OF THE STATE BOARD,**  
 2 **ONE REGULAR MEMBER SHALL BE THE PARENT OF A STUDENT ENROLLED IN A**  
 3 **PUBLIC SCHOOL IN THE STATE.**

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

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

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

11           **[(4)] (6)** The student member shall be selected by the Governor from a list  
 12 of 2 persons nominated by the Maryland Association of Student Councils.

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

14                   (i) A regularly enrolled student; and

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

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

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

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

21                   (ii) Appeals to the State Board under § 2–205 of this subtitle or §  
 22 4–205 or § 6–202 of this article.

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

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

28           (3) A member is eligible for reappointment but may not serve for more than  
 29 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~~ member of the State Board of  
6 Education ~~as follows:~~

7 (i) ~~one teacher member shall serve for a term of 1 year and 6 months~~  
8 ~~beginning January 1, 2020, and terminating at the end of June 30, 2021, or until a successor~~  
9 ~~is appointed and qualifies; and~~

10 (ii) ~~one teacher member,~~ who shall serve for a term of 2 years and 6  
11 months beginning January 1, 2020, and terminating at the end of June 30, 2022, or until a  
12 successor is appointed and qualifies; and

13 (2) the initial parent member of the State Board of Education, who shall  
14 serve for a term of 3 years and 6 months beginning January 1, 2020, and terminating at  
15 the end of June 30, 2023, 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, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.