

SENATE BILL 529

F5
SB 739/18 – EHE

9lr1913
CF HB 87

By: **Senators Zucker, Guzzone, King, Lee, McCray, Nathan–Pulliam, Pinsky, Smith, and Young**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 27, 2019

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~~ certain certified teacher and
6 a parent of a certain student; authorizing the teacher ~~members~~ member to be
7 appointed to the State Board although the ~~individuals are~~ individual is subject to the
8 authority of the State Board; requiring the Governor to appoint a certain teacher
9 ~~members~~ member with the advice and consent of the Senate ~~from a certain list~~
10 ~~submitted to the Governor by the State Department of Education~~ after an election
11 by teachers in the State; ~~requiring a certain list submitted to the Governor by the~~
12 ~~Department to consist of a certain number of teacher members who received a~~
13 ~~certain number of votes after an election by teachers in the State; requiring the State~~
14 Department of Education to provide notice of a certain vacancy to certain individuals
15 and organizations; requiring a certain election to be conducted under regulations
16 that the Department adopts; authorizing the Department to consult with the State
17 Retirement Agency of the Maryland State Retirement and Pension System to
18 conduct a certain election; authorizing a certain teacher member to attend and
19 participate in certain sessions of the State Board; prohibiting the teacher member
20 from voting on certain matters; requiring the Governor to appoint a certain parent
21 member with the advice and consent of the Senate from a certain list submitted to
22 the Governor by the Maryland PTA; requiring the Department to provide notice of a
23 certain vacancy to the Maryland PTA; authorizing a certain parent member to attend
24 and participate in certain sessions of the State Board; providing for the appointment

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 and terms of certain initial ~~teacher~~ members ~~and the initial parent member~~ of the
 2 State Board; and generally relating to teacher and parent members of the State
 3 Board of Education.

4 BY repealing and reenacting, with amendments,
 5 Article – Education
 6 Section 2–202
 7 Annotated Code of Maryland
 8 (2018 Replacement Volume and 2018 Supplement)

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

11 **Article – Education**

12 2–202.

13 (a) The State Board consists of [11] ~~14~~ **13** regular members, and 1 student
 14 member, appointed by the Governor with the advice and consent of the Senate.

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

17 (i) All parts of this State; and

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

20 (2) **[The] EXCEPT AS PROVIDED IN PARAGRAPHS (4) THROUGH (6) OF**
 21 **THIS SUBSECTION, THE** members of the Board shall be appointed from the general public.

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

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

25 (ii) The Governor; and

26 (iii) The State Superintendent.

27 **(4) (I) OF THE 13 REGULAR MEMBERS OF THE STATE BOARD, ONE**
 28 **REGULAR MEMBER SHALL BE A CERTIFIED TEACHER WHO IS ACTIVELY TEACHING.**

29 **(II) THE GOVERNOR SHALL APPOINT THE TEACHER MEMBER,**
 30 **WITH THE ADVICE AND CONSENT OF THE SENATE, WHO RECEIVED THE HIGHEST**
 31 **NUMBER OF VOTES AFTER AN ELECTION BY TEACHERS IN THE STATE.**

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

3 **1. ALL CERTIFIED TEACHERS WHO ARE ACTIVELY**
4 **TEACHING IN THE STATE; AND**

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

7 **(IV) 1. THE ELECTION SHALL BE CONDUCTED UNDER**
8 **REGULATIONS THAT THE DEPARTMENT ADOPTS.**

9 **2. THE DEPARTMENT MAY CONSULT WITH THE STATE**
10 **RETIREMENT AGENCY OF THE MARYLAND STATE RETIREMENT AND PENSION**
11 **SYSTEM TO CONDUCT THE ELECTION REQUIRED UNDER THIS SUBPARAGRAPH.**

12 **(V) THE TEACHER MEMBER MAY ATTEND AND PARTICIPATE IN**
13 **AN EXECUTIVE SESSION OF THE STATE BOARD.**

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

16 **(5) (I) OF THE 13 REGULAR MEMBERS OF THE STATE BOARD, ONE**
17 **REGULAR MEMBER SHALL BE THE PARENT OF A STUDENT ENROLLED IN A PUBLIC**
18 **SCHOOL IN THE STATE.**

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

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

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

26 ~~**(4) (I) OF THE 14 REGULAR MEMBERS OF THE STATE BOARD, TWO**~~
27 ~~**REGULAR MEMBERS SHALL BE CERTIFIED TEACHERS.**~~

28 ~~**(II) THE GOVERNOR SHALL APPOINT THE TEACHER MEMBERS,**~~
29 ~~**WITH THE ADVICE AND CONSENT OF THE SENATE, FROM A LIST SUBMITTED TO THE**~~
30 ~~**GOVERNOR BY THE DEPARTMENT, AND CONSISTING OF THE TWO TEACHER**~~

~~MEMBERS WHO RECEIVED THE HIGHEST NUMBER OF VOTES AFTER AN ELECTION BY TEACHERS IN THE STATE.~~

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

~~1. ALL CERTIFIED TEACHERS IN THE STATE; AND~~

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

~~(IV) THE ELECTION 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.~~

[(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.

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

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

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

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

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

12 (1) the ~~two~~ initial teacher ~~members~~ member of the State Board of
13 Education ~~as follows:~~

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

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

20 (2) the initial parent member of the State Board of Education, who shall
21 serve for a term of 3 years and 6 months beginning January 1, 2020, and terminating at
22 the end of June 30, 2023, or until a successor is appointed and qualifies.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
24 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.