

SENATE BILL 785

F1, F2

EMERGENCY BILL

1lr2110

By: **Senators Ferguson and Pinsky**

Introduced and read first time: February 5, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Education Membership and Terms – Capability and Capacity**
3 **Study of Education Agencies**

4 FOR the purpose of requiring the Governor to appoint members of the State Board of
5 Education on or before a certain date in a certain year; establishing qualifications
6 for members of the State Board; requiring a member's term to begin on a certain day;
7 requiring the Accountability and Implementation Board, in consultation with certain
8 entities, to contract with a consultant to conduct a certain capability and capacity
9 study of certain education agencies; providing for the purpose of the capability and
10 capacity study; requiring certain State agencies and entities to provide certain
11 information to the Accountability and Implementation Board and the Department of
12 Legislative Services in a timely manner; requiring the Governor to include certain
13 funding in the annual budget bill for the capability and capacity study; requiring the
14 Accountability and Implementation Board to submit certain reports to the Governor
15 and the General Assembly on or before certain dates; requiring the Governor to
16 appoint certain members to the State Board in 2021 that meet certain qualifications;
17 providing for the termination of the term of certain members of the State Board;
18 making this Act an emergency measure; and generally relating to the State Board of
19 Education and a study of education agencies.

20 BY repealing and reenacting, with amendments,
21 Article – Education
22 Section 2–202
23 Annotated Code of Maryland
24 (2018 Replacement Volume and 2020 Supplement)

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

27 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2–202.

2 (a) The State Board consists of 13 regular members, and 1 student member,
3 appointed by the Governor with the advice and consent of the Senate.

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

6 (i) All parts of this State; and

7 (ii) Areas of this State with concentrations of population or unique
8 needs.

9 **(2) ON OR BEFORE JANUARY 1 OF THE YEAR IN WHICH A MEMBER’S**
10 **TERM EXPIRES, THE GOVERNOR SHALL APPOINT A NEW MEMBER OR REAPPOINT**
11 **THE CURRENT MEMBER.**

12 **[(2)] (3) Except as provided in paragraphs [(4)] (5) through [(6)] (7) of**
13 **this subsection, the members of the Board shall be appointed from the general public AS**
14 **FOLLOWS, AT LEAST:**

15 **(I) ONE MEMBER SHALL POSSESS A HIGH LEVEL OF**
16 **KNOWLEDGE AND EXPERTISE IN USING ANTIRACISM AND EQUITY PRINCIPLES,**
17 **PRACTICES, AND FRAMEWORKS IN AN EDUCATIONAL SETTING TO MAKE SYSTEMIC**
18 **CHANGES THAT IMPROVE STUDENT OUTCOMES;**

19 **(II) ONE MEMBER SHALL POSSESS A HIGH LEVEL OF**
20 **KNOWLEDGE AND EXPERTISE CONCERNING THE SUCCESSFUL MANAGEMENT OF A**
21 **LARGE BUSINESS, NONPROFIT, OR GOVERNMENTAL ENTITY AND HAS SERVED IN A**
22 **HIGH LEVEL MANAGEMENT POSITION;**

23 **(III) ONE MEMBER SHALL POSSESS KNOWLEDGE AND**
24 **EXPERTISE IN INSTRUCTIONAL PROGRAMS, ADAPTATIONS, AND SUPPORTS FOR**
25 **STUDENTS WITH DISABILITIES;**

26 **(IV) ONE MEMBER SHALL POSSESS KNOWLEDGE AND**
27 **EXPERTISE IN MULTILINGUAL INSTRUCTION AND IN ACHIEVING PROFICIENCY IN**
28 **ENGLISH AS A SECOND LANGUAGE;**

29 **(V) ONE MEMBER SHALL POSSESS KNOWLEDGE AND**
30 **EXPERTISE IN EARLY CHILDHOOD DEVELOPMENT AND EDUCATION;**

1 (VI) TWO MEMBERS SHALL HAVE A BACKGROUND AND
2 EXPERIENCE IN PROGRAMS THAT ENHANCE SOCIOECONOMIC AND DEMOGRAPHIC
3 DIVERSITY IN PUBLIC SCHOOLS;

4 (VII) TWO MEMBERS SHALL HAVE EXPERIENCE IMPLEMENTING
5 SUCCESSFUL EDUCATION REFORM EFFORTS OR INNOVATIVE PUBLIC SCHOOL
6 DESIGNS; AND

7 (VIII) TWO MEMBERS SHALL HAVE EXPERIENCE IN
8 SUCCESSFULLY ADMINISTERING A PUBLIC SCHOOL, A SCHOOL SYSTEM, OR AN
9 INSTITUTION OF POSTSECONDARY EDUCATION.

10 [(3)] (4) The following individuals may not be appointed to the Board:

11 (i) Except for the teacher member and student member, any
12 individual who is subject to the authority of the Board;

13 (ii) The Governor; and

14 (iii) The State Superintendent.

15 [(4)] (5) (i) Of the [13] regular members of the State Board, one
16 regular member shall be a certified teacher who is actively teaching.

17 (ii) The Governor shall appoint the teacher member, with the advice
18 and consent of the Senate, who received the highest number of votes after an election by
19 teachers in the State.

20 (iii) The Department shall provide notice of a teacher member
21 vacancy on the State Board to:

22 1. All certified teachers who are actively teaching in the
23 State; and

24 2. All teachers' organizations representing teachers in the
25 State for purposes of collective bargaining.

26 (iv) 1. The election shall be conducted under regulations that the
27 Department adopts.

28 2. The Department may consult with the State Retirement
29 Agency of the Maryland State Retirement and Pension System to conduct the election
30 required under this subparagraph.

31 (v) The teacher member may attend and participate in an executive
32 session of the State Board.

1 (vi) The teacher member may not vote on any matter that relates to
2 appeals to the State Board under § 6–202 of this article.

3 ~~[(5)]~~ **(6)** (i) Of the ~~[13]~~ regular members of the State Board, one
4 regular member shall be the parent of a student enrolled in a public school in the State.

5 (ii) The Governor shall appoint the parent member, with the advice
6 and consent of the Senate, from a list of three qualified individuals submitted to the
7 Governor by the Maryland PTA.

8 (iii) The Department shall provide notice of the parent member
9 vacancy on the State Board to the Maryland PTA.

10 (iv) The parent member may attend and participate in an executive
11 session of the State Board.

12 ~~[(6)]~~ **(7)** The student member shall be selected by the Governor from a list
13 of 2 persons nominated by the Maryland Association of Student Councils.

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

15 (i) A regularly enrolled student; and

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

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

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

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

22 (ii) Appeals to the State Board under § 2–205 of this subtitle or §
23 4–205 or § 6–202 of this article.

24 (d) (1) **(I)** Each regular member serves for a term of 4 years **BEGINNING**
25 **JULY 1 AFTER APPOINTMENT OF THE MEMBER** and until a successor is appointed and
26 qualifies. ~~[These]~~

27 **(II)** **THE** terms **OF THE MEMBERS** are staggered as required by the
28 terms of the members serving on the State Board as of July 1, ~~[1989]~~ **2021**.

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

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

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That:

6 (a) The Accountability and Implementation Board, in consultation with the
7 Department of Legislative Services, shall contract with a consultant for a study of the
8 capability and capacity of the State Department of Education, the Maryland Higher
9 Education Commission, the Maryland Department of Labor, and other State governmental
10 entities to carry out their duties and to implement the Blueprint for Maryland’s Future.

11 (b) The study required under subsection (a) of this section, shall include any
12 recommendations to change the mission, organization, personnel, or resources that are
13 needed for the agencies to fulfill their statutory roles in education and in implementing The
14 Blueprint for Maryland’s Future.

15 (c) The State agencies and entities described under subsection (a) of this section
16 shall provide any information requested by the Accountability and Implementation Board,
17 the Department of Legislative Services, or the consultant conducting the study, in a timely
18 manner.

19 (d) The Governor shall include in the annual budget bill an appropriation in an
20 amount sufficient to conduct the study required under this section.

21 (e) (1) The Accountability and Implementation Board shall submit a
22 preliminary report on the study’s scope and any preliminary findings to the Governor and,
23 in accordance with § 2–1257 of the State Government Article, the General Assembly on or
24 before December 15, 2021.

25 (2) The Accountability and Implementation Board shall submit a final
26 report on the findings of the study to the Governor and, in accordance with § 2–1257 of the
27 State Government Article, the General Assembly on or before September 1, 2022.

28 SECTION 3. AND BE IT FURTHER ENACTED, That:

29 (a) The Governor shall appoint to the State Board of Education three members in
30 2021 who meet the qualifications for members established under § 2–202 of the Education
31 Article as enacted by Section 1 of this Act.

32 (b) The terms of two of the four members of the State Board of Education whose
33 terms are scheduled to expire on June 30, 2023, shall terminate at the end of June 30, 2022,
34 and the two members appointed by the Governor in 2022 shall succeed those appointed
35 members and serve a term of 5 years or until a successor is appointed and qualifies.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety, has
3 been passed by a yea and nay vote supported by three-fifths of all the members elected to
4 each of the two Houses of the General Assembly, and shall take effect from the date it is
5 enacted.