

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 24, 2021

CHAPTER _____

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

22 BY repealing and reenacting, with amendments,
23 Article – Education
24 Section 2–202

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 Annotated Code of Maryland
2 (2018 Replacement Volume and 2020 Supplement)

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

5 **Article – Education**

6 2–202.

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

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

11 (i) All parts of this State; and

12 (ii) Areas of this State with concentrations of population or unique
13 needs.

14 **(2) TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO**
15 **THE STATE BOARD SHALL REASONABLY REFLECT THE RACIAL, ETHNIC, CULTURAL,**
16 **AND GENDER DIVERSITY OF THE STATE.**

17 ~~(2)~~ **(3) ON OR BEFORE JANUARY 1 OF THE YEAR IN WHICH A**
18 **MEMBER’S TERM EXPIRES, THE GOVERNOR SHALL APPOINT A NEW MEMBER OR**
19 **REAPPOINT THE CURRENT MEMBER.**

20 [(2)] ~~(3)~~ **(4) Except as provided in paragraphs [(4)] ~~(5)~~ (6) through [(6)] ~~(7)~~**
21 **(8) of this subsection, the members of the Board shall be appointed from the general public**
22 **AS FOLLOWS, AT LEAST:**

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

27 **(II) ONE MEMBER SHALL POSSESS A HIGH LEVEL OF**
28 **KNOWLEDGE AND EXPERTISE CONCERNING THE SUCCESSFUL MANAGEMENT OF A**
29 **LARGE BUSINESS, NONPROFIT, OR GOVERNMENTAL ENTITY AND HAS SERVED IN A**
30 **HIGH LEVEL MANAGEMENT POSITION;**

1 (III) ONE MEMBER SHALL POSSESS KNOWLEDGE AND
2 EXPERTISE IN INSTRUCTIONAL PROGRAMS, ADAPTATIONS, AND SUPPORTS FOR
3 STUDENTS WITH DISABILITIES;

4 (IV) ONE MEMBER SHALL POSSESS KNOWLEDGE AND
5 EXPERTISE IN MULTILINGUAL INSTRUCTION AND IN ACHIEVING PROFICIENCY IN
6 ENGLISH AS A SECOND LANGUAGE;

7 (V) ONE MEMBER SHALL POSSESS KNOWLEDGE AND
8 EXPERTISE IN EARLY CHILDHOOD DEVELOPMENT AND EDUCATION;

9 (VI) TWO MEMBERS SHALL HAVE A BACKGROUND AND
10 EXPERIENCE IN PROGRAMS THAT ENHANCE SOCIOECONOMIC AND DEMOGRAPHIC
11 DIVERSITY IN PUBLIC SCHOOLS;

12 (VII) TWO MEMBERS SHALL HAVE EXPERIENCE IMPLEMENTING
13 SUCCESSFUL EDUCATION REFORM EFFORTS OR INNOVATIVE PUBLIC SCHOOL
14 DESIGNS OR IMPLEMENTING SUCCESSFUL DIGITAL LEARNING PROGRAMS; AND

15 (VIII) TWO MEMBERS SHALL HAVE EXPERIENCE IN
16 SUCCESSFULLY ADMINISTERING A PUBLIC SCHOOL, A SCHOOL SYSTEM, OR AN
17 INSTITUTION OF POSTSECONDARY EDUCATION.

18 [(3)] ~~(4)~~ (5) The following individuals may not be appointed to the Board:

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

21 (ii) The Governor; and

22 (iii) The State Superintendent.

23 [(4)] ~~(5)~~ (6) (i) Of the [13] regular members of the State Board, one
24 regular member shall be a certified teacher who is actively teaching.

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

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

30 1. All certified teachers who are actively teaching in the
31 State; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (a) The Governor shall appoint to the State Board of Education three members in
6 2021 who meet the qualifications for members established under § 2–202 of the Education
7 Article as enacted by Section 1 of this Act.

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.