

HOUSE BILL 9

Unofficial Copy  
F1

1999 Regular Session  
(91r0883)

**ENROLLED BILL**

-- Ways and Means/Budget and Taxation and Economic and Environmental Affairs --

Introduced by **Delegates Hixson, Rawlings, Taylor, Arnick, Busch, Dewberry, Doory, Guns, Harrison, Howard, Hurson, Kopp, Menes, Montague, Owings, Rosenberg, Vallario, and Wood Wood, W. Baker, Bartlett, Benson, Bobe, Bozman, Brown, Cadden, Carlson, Conroy, Cryor, C. Davis, Donoghue, Dypski, Finifter, Franchot, Frush, Fulton, Giannetti, Goldwater, Healey, Heller, Hubers, A. Jones, V. Jones, Kagan, Kirk, Klausmeier, Krysiak, Love, Marriott, McIntosh, McKee, Minnick, Mitchell, Mohorovic, Morhaim, Nathan-Pulliam, Patterson, Pendergrass, Petzold, Phillips, Pitkin, Rosso, Rzepkowski, Shriver, Sophocleus, Turner, and Zirkin**

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 **Quality Teacher Incentive Act of 1999**

3 FOR the purpose of providing certain competitive State grants to county boards of  
4 education for certain teacher mentoring programs; providing for a ~~3-year~~  
5 certain probationary period of employment for teachers and an extension under  
6 certain circumstances and ~~certain other public school employees~~; requiring the  
7 State Board to adopt certain regulations ~~for certain mentoring programs~~;  
8 providing for certain State stipends and ~~salary enhancements~~ bonuses for

1 certain teachers under certain circumstances; requiring the Governor to include  
2 funding for certain stipends and ~~salary enhancements~~ bonuses in the operating  
3 budget each year; ~~repealing certain authority for the State Board of Education~~  
4 ~~to establish a certain fee for issuance or renewal of teacher certificates;~~  
5 ~~requiring the State Department of Education to collect a fee of a certain amount~~  
6 ~~for the issuance or renewal of certain certificates; providing that all money~~  
7 ~~collected from the fees constitutes a special fund to be used only to defray~~  
8 ~~partially the expenses incurred in the administration of teacher certificates;~~  
9 allowing an individual who is a classroom teacher a credit against the State  
10 income tax for certain tuition paid for certain courses required to maintain  
11 certification under certain circumstances; providing for a certain report;  
12 defining a certain term; providing for a delayed effective date for certain  
13 provisions of this Act; and generally relating to qualifications and incentives for  
14 teachers in Maryland public school systems.

15 BY repealing  
16 Article - Education  
17 Section 6-202(b)  
18 Annotated Code of Maryland  
19 (1997 Replacement Volume and 1998 Supplement)

20 BY adding to  
21 Article - Education  
22 Section 5-206.1, 6-202(b), and 6-306  
23 Annotated Code of Maryland  
24 (1997 Replacement Volume and 1998 Supplement)

25 BY repealing and reenacting, with amendments,  
26 Article - Education  
27 Section 6-704(b)  
28 Annotated Code of Maryland  
29 (1997 Replacement Volume and 1998 Supplement)

30 BY adding to  
31 Article - Tax - General  
32 Section 10-712  
33 Annotated Code of Maryland  
34 (1997 Replacement Volume and 1998 Supplement)

35 Preamble

36 WHEREAS, Maryland public school enrollments are projected to rise from 20%  
37 to almost 40% in some school systems by the fall of 2001; and

38 WHEREAS, The numbers of retirement-eligible teachers will be rising  
39 concurrently; and

1 WHEREAS, Teacher preparation programs are not producing enough graduates  
2 in areas of critical need; and

3 WHEREAS, The Maryland General Assembly believes it imperative that  
4 Maryland move now to create incentives to attract and to retain high quality teachers  
5 in the State's public schools; now, therefore,

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

8 **Article - Education**

9 5-206.1.

10 (A) IT IS THE INTENT OF THIS SECTION TO PROVIDE COMPETITIVE GRANTS TO  
11 ENCOURAGE COUNTY BOARDS TO EXPAND AND DEVELOP MENTORING PROGRAMS  
12 ~~FOR NEWLY HIRED TEACHERS.~~

13 (B) ~~(1)~~ SUBJECT TO THE APPROPRIATION OF FUNDS IN THE ANNUAL STATE  
14 BUDGET, THE STATE SUPERINTENDENT ANNUALLY SHALL DISTRIBUTE IN  
15 ACCORDANCE WITH THE CRITERIA SPECIFIED IN SUBSECTION (C) OF THIS SECTION  
16 COMPETITIVE GRANTS TO COUNTY BOARDS FOR EXPANSION OF MENTOR PROGRAMS  
17 ~~FOR NEWLY HIRED TEACHERS.~~

18 ~~(2) THE DEPARTMENT SHALL ESTABLISH GUIDELINES FOR THE~~  
19 ~~DETERMINATION OF ELIGIBILITY FOR AND DISTRIBUTION OF GRANTS UNDER THIS~~  
20 ~~SECTION.~~

21 ~~(3) THE HIGHEST PRIORITY FOR THE GRANTS UNDER THIS SECTION~~  
22 ~~SHALL BE TO MENTORING PROGRAMS FOR NEWLY HIRED TEACHERS IN AT RISK~~  
23 ~~SCHOOLS.~~

24 ~~(4)~~

25 (C) (1) A COUNTY BOARD APPLYING FOR A GRANT UNDER THIS SECTION  
26 SHALL SUBMIT A PLAN FOR FUNDING TO THE STATE SUPERINTENDENT.

27 (2) THE STATE SUPERINTENDENT SHALL GIVE PRIORITY TO PLANS  
28 TARGETING FUNDS TO SCHOOLS IN WHICH 40% OF THE STUDENTS RECEIVE FREE OR  
29 REDUCED PRICE MEALS.

30 (3) IN ADDITION TO THE CRITERIA IN PARAGRAPH (2) OF THIS  
31 SUBSECTION, THE STATE SUPERINTENDENT SHALL GIVE PRIORITY TO PLANS  
32 TARGETING FUNDS TO SCHOOLS IN WHICH:

33 (I) 50% OR MORE OF THE TEACHERS HAVE 5 YEARS OR LESS OF  
34 TEACHING EXPERIENCE; OR

35 (II) STUDENT ACHIEVEMENT SCORES ON LOCAL, STATE, AND  
36 NATIONAL ASSESSMENTS ARE AT OR BELOW A SATISFACTORY LEVEL.

1 (D) THE TOTAL GRANTS DISTRIBUTED UNDER THIS SECTION FOR ANY FISCAL  
2 YEAR MAY NOT EXCEED \$5,000,000.

3 6-202.

4 [(b) This section does not prohibit the State Board from adopting bylaws to  
5 provide for a probationary period of employment of 2 years or less.]

6 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE  
7 PROBATIONARY PERIOD OF EMPLOYMENT OF A TEACHER, PRINCIPAL, SUPERVISOR,  
8 ASSISTANT SUPERINTENDENT, OR OTHER PROFESSIONAL ASSISTANT CERTIFICATED  
9 EMPLOYEE IN A PUBLIC SCHOOL SYSTEM SHALL BE FOR COVER A PERIOD OF 3 2  
10 YEARS FROM THE DATE OF EMPLOYMENT AND SHALL CONSIST OF A 1-YEAR  
11 EMPLOYMENT CONTRACT THAT MAY BE RENEWED BY THE COUNTY BOARD.

12 (2) (I) A PROBATIONARY PERIOD FOR A CERTIFICATED EMPLOYEE IN  
13 A PUBLIC SCHOOL SYSTEM MAY BE EXTENDED FOR A THIRD YEAR FROM THE DATE  
14 OF EMPLOYMENT IF THE CERTIFICATED EMPLOYEE DOES NOT QUALIFY FOR  
15 TENURE AT THE END OF THE SECOND YEAR BASED ON ESTABLISHED  
16 PERFORMANCE EVALUATION CRITERIA AND THE EMPLOYEE DEMONSTRATES A  
17 STRONG POTENTIAL FOR IMPROVEMENT.

18 (II) IF THE PROBATIONARY PERIOD OF A CERTIFICATED EMPLOYEE  
19 IS EXTENDED AS PROVIDED IN THIS PARAGRAPH, A MENTOR SHALL BE ASSIGNED TO  
20 THE EMPLOYEE AND THE EMPLOYEE SHALL BE EVALUATED AT THE END OF THE  
21 THIRD YEAR BASED ON ESTABLISHED PERFORMANCE EVALUATION CRITERIA.

22 ~~(2)~~ (3) THE STATE BOARD SHALL ADOPT REGULATIONS THAT  
23 IMPLEMENT THE PROVISIONS OF PARAGRAPH (1) PARAGRAPHS (1) AND (2) OF THIS  
24 SUBSECTION AND DEFINE THE SCOPE OF A MENTORING PROGRAM THAT WILL BE  
25 ALIGNED WITH THE 3-YEAR 2-YEAR PROBATIONARY PERIOD AND THE 1-YEAR  
26 EXTENSION AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION.

27 6-306.

28 (A) ~~(A)~~ IN THIS SECTION, "COUNTY GRANT FOR NATIONAL CERTIFICATION"  
29 MEANS AN ANNUAL GRANT DISTRIBUTED TO A TEACHER CERTIFIED BY THE  
30 NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS ESTABLISHED:

31 (1) OUTSIDE OF THE COLLECTIVE BARGAINING PROCESS; OR

32 (2) AS PART OF A COLLECTIVE BARGAINING AGREEMENT WITH THE  
33 LOCAL EMPLOYEE ORGANIZATION.

34 (B) (1) FOR FISCAL YEAR 2000 AND EACH SUBSEQUENT FISCAL YEAR, THE  
35 GOVERNOR SHALL INCLUDE IN EACH YEAR'S OPERATING BUDGET FUNDING FOR THE  
36 STIPENDS AND ~~SALARY ENHANCEMENTS~~ BONUSES PROVIDED IN THIS SUBSECTION.

37 (2) A CLASSROOM TEACHER WHO HOLDS A STANDARD PROFESSIONAL  
38 CERTIFICATE OR AN ADVANCED PROFESSIONAL CERTIFICATE WHO IS EMPLOYED BY

1 A COUNTY BOARD AND WHO ~~EARN~~HOLDS A CERTIFICATE ISSUED BY THE  
 2 NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS SHALL RECEIVE A  
 3 STIPEND FROM THE STATE IN AN ~~THE AN~~ AMOUNT ~~EQUAL TO 10% OF THE TEACHER'S~~  
 4 ~~ANNUAL SALARY OF \$2,000 FOR EACH YEAR THAT THE TEACHER MAINTAINS~~  
 5 ~~NATIONAL BOARD CERTIFICATION AND REMAINS EMPLOYED AS A TEACHER IN A~~  
 6 ~~MARYLAND PUBLIC SCHOOL SYSTEM~~ EQUAL TO THE COUNTY GRANT FOR NATIONAL  
 7 CERTIFICATION, UP TO A MAXIMUM OF \$2,000 PER QUALIFIED TEACHER.

8 (3) (I) AN INDIVIDUAL WHO GRADUATES FROM AN ACCREDITED  
 9 INSTITUTION OF HIGHER EDUCATION IN THE TOP 10% OF HIS OR HER CLASS,  
 10 BECOMES EMPLOYED BY A COUNTY BOARD, AND REMAINS EMPLOYED AS A  
 11 CLASSROOM TEACHER IN ~~THE PUBLIC SCHOOL SYSTEM~~ A PUBLIC SCHOOL WITH A  
 12 HIGH AT RISK POPULATION ~~THE PUBLIC SCHOOL SYSTEM~~ FOR A MINIMUM OF 3  
 13 CONSECUTIVE YEARS SHALL RECEIVE A SALARY SIGNING BONUS OF ~~\$3,000~~ \$1,000.

14 (II) IF THE INDIVIDUAL ~~LEAVES EMPLOYMENT WITH THE PUBLIC~~  
 15 ~~SCHOOL SYSTEM NO LONGER TEACHES AT A PUBLIC SCHOOL WITH A HIGH AT RISK~~  
 16 ~~POPULATION~~ LEAVES EMPLOYMENT WITH THE PUBLIC SCHOOL SYSTEM BEFORE  
 17 THE END OF THE 3-YEAR COMMITMENT, THE INDIVIDUAL SHALL REIMBURSE THE  
 18 STATE IN THE AMOUNT OF \$3,000 \$1,000.

19 (4) A CLASSROOM TEACHER WHO HOLDS AN ADVANCED PROFESSIONAL  
 20 CERTIFICATE AND TEACHES IN ~~OR ACTS AS A MENTOR IN~~ A PUBLIC SCHOOL ~~WITH A~~  
 21 ~~HIGH AT RISK STUDENT POPULATION~~ IDENTIFIED BY THE STATE BOARD AS A  
 22 RECONSTITUTION SCHOOL, A RECONSTITUTION-ELIGIBLE SCHOOL, OR A  
 23 CHALLENGE SCHOOL SHALL RECEIVE A STIPEND FROM THE STATE IN THE AMOUNT  
 24 OF ~~\$1,000~~ \$2,000 FOR EACH YEAR THAT THE TEACHER PERFORMS SATISFACTORILY IN  
 25 THE CLASSROOM ~~OR AS A MENTOR IN THE SCHOOL.~~

26 ~~(B)~~ (C) AN INDIVIDUAL WHO RECEIVES A STIPEND OR ~~SALARY~~  
 27 ~~ENHANCEMENT~~ BONUS UNDER SUBSECTION ~~(A)~~ (B) OF THIS SECTION MAY NOT BE  
 28 DEEMED AN EMPLOYEE OF THE STATE.

29 ~~(C)~~ (D) THE EMPLOYER OF AN INDIVIDUAL WHO RECEIVES A STIPEND OR  
 30 ~~SALARY ENHANCEMENT~~ BONUS UNDER SUBSECTION ~~(A)~~ (B) OF THIS SECTION SHALL  
 31 PAY THE INCREASE IN FRINGE BENEFIT COSTS ASSOCIATED WITH THE STIPEND OR  
 32 ~~SALARY ENHANCEMENT~~ BONUS.

33 ~~(D)~~ (E) THE DEPARTMENT SHALL ACT AS FISCAL AGENT FOR FUNDS  
 34 DISPERSED UNDER THIS SECTION.

35 6-704.

36 (b) (1) The {Board may establish} ~~DEPARTMENT SHALL COLLECT~~ a fee[,  
 37 not to exceed \$10,] ~~OF \$20~~ for ~~THE~~ issuance or renewal of a {teacher} certificate  
 38 ~~ISSUED TO A TEACHER OR OTHER PROFESSIONAL ASSISTANT.~~

39 (2) The Board may not require a fee:



1 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That the probationary  
2 period of ~~3 years~~ of employment as provided by § 6-202(b) of the Education Article, as  
3 enacted under Section 1 of this Act, shall apply to all ~~professional assistants~~  
4 certificated employees in a public school system hired on or after July 1, 1999.

5 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That the Maryland State  
6 Department of Education shall report to the Governor and General Assembly on the  
7 effectiveness of the programs established in this Act after 3 years and no later than  
8 September 1, 2002.

9 SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act  
10 shall take effect July 1, 2000 and shall be applicable to all taxable years beginning  
11 after December 31, 1999.

12 SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in  
13 Section 5 of this Act, this Act shall take effect July 1, 1999.