

HOUSE BILL 9

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Q3

1999 Regular Session  
9lr0883

(PRE-FILED)

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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, Bobo, 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

Requested: November 20, 1998  
Introduced and read first time: January 13, 1999  
Assigned to: Ways and Means

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Committee Report: Favorable with amendments  
House action: Adopted with floor amendments  
Read second time: March 27, 1999

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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 probationary period of employment for teachers ~~and certain other public school~~  
6 ~~employees~~; requiring the State Board to adopt certain regulations ~~for certain~~  
7 ~~mentoring programs~~; providing for certain State stipends and salary  
8 enhancements for certain teachers under certain circumstances; requiring the  
9 Governor to include funding for certain stipends and salary enhancements in  
10 the operating budget each year; ~~repealing certain authority for the State Board~~  
11 ~~of Education to establish a certain fee for issuance or renewal of teacher~~  
12 ~~certificates~~; requiring the State Department of Education to collect a fee of a  
13 certain amount for the issuance or renewal of certain certificates; providing that  
14 ~~all money collected from the fees constitutes a special fund to be used only to~~  
15 ~~defray partially the expenses incurred in the administration of teacher~~  
16 ~~certificates~~; allowing an individual who is a classroom teacher a credit against  
17 the State income tax for certain tuition paid for certain courses required to  
18 maintain certification under certain circumstances; providing for a certain  
19 report; providing for a delayed effective date for certain provisions of this Act;

1 and generally relating to qualifications and incentives for teachers in Maryland  
2 public school systems.

3 BY repealing

4 Article - Education  
5 Section 6-202(b)  
6 Annotated Code of Maryland  
7 (1997 Replacement Volume and 1998 Supplement)

8 BY adding to

9 Article - Education  
10 Section 5-206.1, 6-202(b), and 6-306  
11 Annotated Code of Maryland  
12 (1997 Replacement Volume and 1998 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article - Education  
15 Section 6-704(b)  
16 Annotated Code of Maryland  
17 (1997 Replacement Volume and 1998 Supplement)

18 BY adding to

19 Article - Tax - General  
20 Section 10-712  
21 Annotated Code of Maryland  
22 (1997 Replacement Volume and 1998 Supplement)

23 Preamble

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

26 WHEREAS, The numbers of retirement-eligible teachers will be rising  
27 concurrently; and

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

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

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

1

**Article - Education**

2 5-206.1.

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

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

11 ~~(2) THE DEPARTMENT SHALL ESTABLISH GUIDELINES FOR THE~~  
 12 ~~DETERMINATION OF ELIGIBILITY FOR AND DISTRIBUTION OF GRANTS UNDER THIS~~  
 13 ~~SECTION.~~

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

17 ~~(4)~~

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

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

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

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

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

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

32 6-202.

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

35 (B) (1) THE PROBATIONARY PERIOD OF EMPLOYMENT OF A ~~TEACHER,~~  
 36 ~~PRINCIPAL, SUPERVISOR, ASSISTANT SUPERINTENDENT, OR OTHER PROFESSIONAL~~

1 ~~ASSISTANT CERTIFICATED EMPLOYEE IN A PUBLIC SCHOOL SYSTEM SHALL BE FOR~~  
2 ~~COVER A PERIOD OF 3 YEARS FROM THE DATE OF EMPLOYMENT AND SHALL CONSIST~~  
3 ~~OF A 1-YEAR EMPLOYMENT CONTRACT THAT MAY BE RENEWED BY THE COUNTY~~  
4 ~~BOARD.~~

5 (2) THE STATE BOARD SHALL ADOPT REGULATIONS THAT IMPLEMENT  
6 THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION AND DEFINE THE SCOPE  
7 OF A MENTORING PROGRAM THAT WILL BE ALIGNED WITH THE 3-YEAR  
8 PROBATIONARY PERIOD.

9 6-306.

10 (A) (1) FOR FISCAL YEAR 2000 AND EACH SUBSEQUENT FISCAL YEAR, THE  
11 GOVERNOR SHALL INCLUDE IN EACH YEAR'S OPERATING BUDGET FUNDING FOR THE  
12 STIPENDS AND SALARY ENHANCEMENTS PROVIDED IN THIS SUBSECTION.

13 (2) A CLASSROOM TEACHER WHO HOLDS A STANDARD PROFESSIONAL  
14 CERTIFICATE OR AN ADVANCED PROFESSIONAL CERTIFICATE WHO IS EMPLOYED BY  
15 A COUNTY BOARD AND WHO EARNS A CERTIFICATE ISSUED BY THE NATIONAL  
16 BOARD FOR PROFESSIONAL TEACHING STANDARDS SHALL RECEIVE A STIPEND  
17 FROM THE STATE IN ~~AN THE AMOUNT EQUAL TO 10% OF THE TEACHER'S ANNUAL~~  
18 ~~SALARY OF \$2,000~~ FOR EACH YEAR THAT THE TEACHER MAINTAINS NATIONAL BOARD  
19 CERTIFICATION AND REMAINS EMPLOYED AS A TEACHER IN A MARYLAND PUBLIC  
20 SCHOOL SYSTEM.

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

27 (II) IF THE INDIVIDUAL ~~LEAVES EMPLOYMENT WITH THE PUBLIC~~  
28 ~~SCHOOL SYSTEM NO LONGER TEACHES AT A PUBLIC SCHOOL WITH A HIGH AT RISK~~  
29 ~~POPULATION LEAVES EMPLOYMENT WITH THE PUBLIC SCHOOL SYSTEM BEFORE~~  
30 THE END OF THE 3-YEAR COMMITMENT, THE INDIVIDUAL SHALL REIMBURSE THE  
31 STATE IN THE AMOUNT OF \$3,000.

32 (4) A CLASSROOM TEACHER WHO HOLDS AN ADVANCED PROFESSIONAL  
33 CERTIFICATE AND TEACHES IN OR ACTS AS A MENTOR IN A PUBLIC SCHOOL WITH A  
34 HIGH AT-RISK STUDENT POPULATION SHALL RECEIVE A STIPEND FROM THE STATE  
35 IN THE AMOUNT OF \$1,000 FOR EACH YEAR THAT THE TEACHER PERFORMS  
36 SATISFACTORILY IN THE CLASSROOM OR AS A MENTOR IN THE SCHOOL.

37 (B) AN INDIVIDUAL WHO RECEIVES A STIPEND OR SALARY ENHANCEMENT  
38 UNDER SUBSECTION (A) OF THIS SECTION MAY NOT BE DEEMED AN EMPLOYEE OF  
39 THE STATE.

40 (C) THE EMPLOYER OF AN INDIVIDUAL WHO RECEIVES A STIPEND OR SALARY  
41 ENHANCEMENT UNDER SUBSECTION (A) OF THIS SECTION SHALL PAY THE

1 INCREASE IN FRINGE BENEFIT COSTS ASSOCIATED WITH THE STIPEND OR SALARY  
2 ENHANCEMENT.

3 (D) THE DEPARTMENT SHALL ACT AS FISCAL AGENT FOR FUNDS DISPERSED  
4 UNDER THIS SECTION.

5 6-704.

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

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

10 [(1)] (I) For the addition of any new area of certification to a currently  
11 valid certificate; or

12 [(2)] (II) Except for the fee authorized under this subsection, for the  
13 evaluation of credentials for the certification of teachers.

14 ~~(3) (I) ALL MONEY COLLECTED UNDER THIS SUBSECTION~~  
15 ~~CONSTITUTES A SPECIAL FUND TO BE USED ONLY TO DEFRAY PARTIALLY THE~~  
16 ~~EXPENSES INCURRED IN THE ADMINISTRATION OF TEACHER CERTIFICATES.~~

17 ~~(II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY~~  
18 ~~MONEY UNEXPENDED AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND~~  
19 ~~AND DOES NOT REVERT TO THE GENERAL FUND OF THE STATE.~~

20 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
21 read as follows:

22 **Article - Tax - General**

23 10-712.

24 (A) AN INDIVIDUAL WHO IS A CLASSROOM TEACHER HOLDING A STANDARD  
25 PROFESSIONAL CERTIFICATE OR AN ADVANCED PROFESSIONAL CERTIFICATE MAY  
26 CLAIM A CREDIT AGAINST THE STATE INCOME TAX FOR UP TO \$1,500 OF TUITION  
27 PAID BY THE INDIVIDUAL DURING THE TAXABLE YEAR FOR GRADUATE LEVEL  
28 COURSES REQUIRED TO MAINTAIN CERTIFICATION IF THE INDIVIDUAL:

29 (1) SUCCESSFULLY COMPLETES THE COURSES WITH A GRADE OF B OR  
30 BETTER;

31 (2) IS EMPLOYED BY A COUNTY BOARD OF EDUCATION;

32 (3) TEACHES IN A PUBLIC SCHOOL AND RECEIVES A SATISFACTORY  
33 PERFORMANCE EVALUATION FOR THAT TEACHING; AND

1 (4) HAS NOT BEEN REIMBURSED BY THE COUNTY FOR THE TUITION  
2 PAID.

3 (B) (1) IF A COUNTY PARTIALLY REIMBURSES AN INDIVIDUAL FOR TUITION  
4 PAID, THE INDIVIDUAL MAY CLAIM A TAX CREDIT ALLOWED UNDER THIS SECTION  
5 FOR THE BALANCE OF THE TUITION NOT PAID BY THE COUNTY.

6 (2) THE CREDIT ALLOWED UNDER THIS SECTION MAY NOT EXCEED THE  
7 STATE INCOME TAX FOR THAT TAXABLE YEAR, CALCULATED BEFORE THE  
8 APPLICATION OF THE CREDITS ALLOWED UNDER THIS SECTION AND §§ 10-701 AND  
9 10-701.1 OF THIS SUBTITLE BUT AFTER THE APPLICATION OF THE OTHER CREDITS  
10 ALLOWABLE UNDER THIS SUBTITLE.

11 (2) (3) THE UNUSED AMOUNT OF THE CREDIT FOR ANY TAXABLE YEAR  
12 MAY NOT BE CARRIED OVER TO ANY OTHER TAXABLE YEAR.

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

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

21 SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act  
22 shall take effect July 1, 2000.

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