

HOUSE BILL 1399

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6lr3693
CF SB 910

By: **Delegates Hayes, Conaway, Lierman, Moon, Smith, and Tarlau**

Introduced and read first time: February 12, 2016

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Education Development Collaborative – Established**

3 FOR the purpose of establishing the Maryland Education Development Collaborative;
4 providing that the Collaborative is a body politic and corporate and is an
5 instrumentality of the State; providing for the purposes of the Collaborative;
6 establishing a Board of Directors of the Collaborative; providing for the composition,
7 residency requirement, appointment considerations, removal, chair, and quorum
8 requirements for the Board; requiring the Collaborative to employ an executive
9 director that meets certain qualifications; providing for the legal advisor for the
10 Collaborative and the hiring of certain legal counsel; authorizing the Collaborative
11 to retain certain professionals; exempting the Collaborative from certain provisions
12 of law; providing that the Collaborative is subject to the Public Information Act;
13 providing that the Board and the officers and employees of the Collaborative are
14 subject to the Public Ethics Law; providing that certain officers and employees of the
15 Collaborative are not subject to certain provisions of law governing State personnel;
16 providing that the Collaborative and its Board and employees are subject to certain
17 procurement policies and procedures governing certain exempt units of government;
18 establishing the powers and duties of the Collaborative; providing that certain debts,
19 claims, obligations, or liabilities of the Collaborative or any subsidiary of the
20 Collaborative are not held against the State or a pledge of credit of the State;
21 authorizing certain institutions of higher education to perform certain acts regarding
22 the Collaborative; providing that the Collaborative is exempt from State and local
23 taxes; providing that the books and records of the Collaborative are subject to a
24 certain audit by certain entities at certain times; requiring the Collaborative to
25 report certain information to the Governor, State Department of Education, and
26 General Assembly on or before a certain date each year; defining certain terms; and
27 generally relating to the establishment of the Maryland Education Development
28 Collaborative.

29 BY adding to

30 Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 9.5–101 through 9.5–114 to be under the new title “Title 9.5. Maryland
2 Education Development Collaborative”
3 Annotated Code of Maryland
4 (2014 Replacement Volume and 2015 Supplement)

5 Preamble

6 WHEREAS, Schools with freedom of curriculum and structure will innovate
7 Maryland’s education system and allow partnerships with outside businesses and social
8 organizations to educate all students for the modern workforce; and

9 WHEREAS, Increasing socioeconomic diversity in schools will prepare all students
10 to work with people from different social and cultural backgrounds; and

11 WHEREAS, Research demonstrates that children from low–income families who
12 attend economically diverse schools achieve significantly better academic outcomes
13 compared with their peers who attend majority low–income schools; and

14 WHEREAS, 86% of Maryland’s black students and 78% of Maryland’s Latino
15 students are enrolled in majority minority schools, and almost 25% of Maryland’s black
16 students attend a school that is 99% minority; and

17 WHEREAS, The benefits of a public school education should extend to all students’
18 needs and interests; now, therefore,

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

21 **Article – Education**

22 **TITLE 9.5. MARYLAND EDUCATION DEVELOPMENT COLLABORATIVE.**

23 **9.5–101.**

24 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (B) “BOARD” MEANS THE BOARD OF DIRECTORS OF THE COLLABORATIVE.

27 (C) “COLLABORATIVE” MEANS THE MARYLAND EDUCATION
28 DEVELOPMENT COLLABORATIVE.

29 **9.5–102.**

30 (A) THERE IS A MARYLAND EDUCATION DEVELOPMENT COLLABORATIVE.

1 **(B) THE COLLABORATIVE IS A BODY POLITIC AND CORPORATE AND IS AN**
2 **INSTRUMENTALITY OF THE STATE.**

3 **(C) THE PURPOSES OF THE COLLABORATIVE ARE TO:**

4 **(1) ADVISE AND MAKE RECOMMENDATIONS TO THE STATE BOARD**
5 **AND THE GENERAL ASSEMBLY REGARDING STATUTORY AND REGULATORY**
6 **POLICIES NECESSARY TO PROMOTE 21ST CENTURY LEARNING THAT ENHANCES**
7 **SOCIOECONOMIC AND DEMOGRAPHIC DIVERSITY ACROSS THE STATE;**

8 **(2) STUDY AND PROMOTE POLICIES THAT INCREASE THE**
9 **OPPORTUNITY FOR ENHANCING SOCIOECONOMIC AND DEMOGRAPHIC DIVERSITY**
10 **OF STUDENT ENROLLMENT THROUGH 21ST CENTURY LEARNING OPPORTUNITIES**
11 **ACROSS ALL SCHOOLS AND BETWEEN LOCAL SCHOOL SYSTEMS IN THE STATE;**

12 **(3) SUPPORT THE PACKAGING AND TRANSMITTING OF KNOWLEDGE**
13 **ACROSS LOCAL SCHOOL SYSTEMS, THE STATE BOARD, AND LOCAL AND STATE**
14 **POLICYMAKERS OF EVIDENCE-BASED BEST PRACTICES AND SCHOOL DESIGNS THAT**
15 **SUPPORT THE:**

16 **(I) READINESS OF ALL CHILDREN TO BE PRODUCTIVE**
17 **MEMBERS WITHIN AN INCREASINGLY DIVERSE STATE, NATIONAL, AND**
18 **INTERNATIONAL COMMUNITY AND KNOWLEDGE-BASED, HIGH-SKILL,**
19 **LABOR-DRIVEN ECONOMY; AND**

20 **(II) REDUCTION OF THE ACHIEVEMENT GAP BETWEEN**
21 **CHILDREN FROM LOW-INCOME FAMILIES AND CHILDREN FROM MIDDLE- AND**
22 **HIGH-INCOME FAMILIES;**

23 **(4) FOSTER PARTNERSHIPS WITH PRIVATE BUSINESS, UNIVERSITIES,**
24 **GOVERNMENT, AND NONPROFIT ENTITIES TO DEVELOP AND SUPPORT THE**
25 **IMPLEMENTATION OF MODERN SCHOOL DESIGNS, 21ST CENTURY CURRICULA,**
26 **POSITIVE SCHOOL CULTURE, AND RESTORATIVE DISCIPLINE TO PROMOTE**
27 **SOCIOECONOMIC AND DEMOGRAPHIC DIVERSITY AND 21ST CENTURY LEARNING IN**
28 **SCHOOLS IN THE STATE;**

29 **(5) ASSIST IN COMPILING AND TRANSMITTING KNOWLEDGE AND**
30 **TECHNOLOGY TO SCHOOLS THAT SUPPORT MODERN SCHOOL DESIGNS AND 21ST**
31 **CENTURY LEARNING; AND**

32 **(6) CULTIVATE, DESIGN, AND AUTHORIZE FUNDS AND INNOVATION**
33 **GRANTS TO SUPPORT AND DEVELOP 21ST CENTURY SCHOOL DESIGNS, MODERN**

1 SCHOOL DESIGNS, AND 21ST CENTURY CURRICULA, TECHNOLOGIES, AND
2 PRACTICES IN THE STATE.

3 **9.5–103.**

4 (A) A BOARD OF DIRECTORS SHALL MANAGE THE COLLABORATIVE AND
5 EXERCISE ITS CORPORATE POWERS.

6 (B) THE BOARD CONSISTS OF THE FOLLOWING 15 MEMBERS:

7 (1) THE STATE SUPERINTENDENT, OR THE STATE
8 SUPERINTENDENT'S DESIGNEE;

9 (2) THE SECRETARY OF COMMERCE, OR THE SECRETARY'S
10 DESIGNEE;

11 (3) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE
12 PRESIDENT OF THE SENATE;

13 (4) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE
14 SPEAKER OF THE HOUSE; AND

15 (5) THE FOLLOWING 11 MEMBERS, APPOINTED BY THE GOVERNOR
16 WITH THE ADVICE AND CONSENT OF THE SENATE:

17 (I) ONE REPRESENTING A PUBLIC INSTITUTION OF HIGHER
18 EDUCATION IN THE STATE;

19 (II) ONE REPRESENTING A LOCAL BOARD OF EDUCATION;

20 (III) ONE REPRESENTING A PUBLIC SCHOOL IN THE STATE;

21 (IV) ONE REPRESENTING AN INNOVATIVE PUBLIC SCHOOL IN
22 THE STATE;

23 (V) ONE REPRESENTING A PRIVATE SCHOOL;

24 (VI) ONE REPRESENTING A BUSINESS INVOLVED IN
25 INTERNATIONAL COMMERCE;

26 (VII) ONE REPRESENTING A PHILANTHROPIC ORGANIZATION
27 WITH A FOCUS IN EDUCATION POLICY;

1 **(VIII) ONE REPRESENTING AN INSTITUTION OF HIGHER**
2 **EDUCATION IN THE STATE WHO HAS A BACKGROUND IN PROGRAM EVALUATION AND**
3 **DESIGN;**

4 **(IX) ONE REPRESENTING A LABOR ORGANIZATION THAT**
5 **REPRESENTS PUBLIC EDUCATION EMPLOYEES;**

6 **(X) ONE REPRESENTATIVE WITH EXPERIENCE IN EDUCATION**
7 **TECHNOLOGY; AND**

8 **(XI) ONE REPRESENTATIVE FROM A BUSINESS WITH**
9 **EXPERIENCE IN ARCHITECTURE, ENGINEERING, OR THE SCIENCES.**

10 **(C) A MEMBER OF THE BOARD SHALL RESIDE IN THE STATE.**

11 **(D) IN MAKING APPOINTMENTS TO THE BOARD, THE GOVERNOR SHALL**
12 **CONSIDER:**

13 **(1) DIVERSITY; AND**

14 **(2) ALL GEOGRAPHIC REGIONS OF THE STATE.**

15 **(E) A MEMBER OF THE BOARD:**

16 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD;**
17 **BUT**

18 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
19 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

20 **(F) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.**

21 **(2) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO**
22 **SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

23 **(3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
24 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
25 **QUALIFIES.**

26 **(G) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR**
27 **INCOMPETENCE, MISCONDUCT, OR FAILURE TO PERFORM THE DUTIES OF THE**
28 **POSITION.**

1 **(H) THE BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.**

2 **(I) THE BOARD MAY ACT WITH AN AFFIRMATIVE VOTE OF EIGHT BOARD**
3 **MEMBERS.**

4 **9.5-104.**

5 **(A) THE COLLABORATIVE SHALL EMPLOY AN EXECUTIVE DIRECTOR.**

6 **(B) THE EXECUTIVE DIRECTOR SHALL HAVE EXPERIENCE WITH AND**
7 **POSSESS QUALIFICATIONS RELEVANT TO THE ACTIVITIES AND PURPOSES OF THE**
8 **COLLABORATIVE.**

9 **9.5-105.**

10 **(A) THE ATTORNEY GENERAL IS THE LEGAL ADVISOR TO THE**
11 **COLLABORATIVE.**

12 **(B) WITH THE APPROVAL OF THE ATTORNEY GENERAL, THE**
13 **COLLABORATIVE MAY RETAIN ANY NECESSARY LAWYERS.**

14 **9.5-106.**

15 **THE COLLABORATIVE MAY RETAIN ANY NECESSARY ACCOUNTANTS,**
16 **FINANCIAL ADVISORS, OR OTHER CONSULTANTS.**

17 **9.5-107.**

18 **(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B), (C), AND (E) OF THIS**
19 **SECTION, THE COLLABORATIVE IS EXEMPT FROM:**

20 **(1) TITLE 10 AND DIVISION II OF THE STATE FINANCE AND**
21 **PROCUREMENT ARTICLE; AND**

22 **(2) §§ 3-301 AND 3-303 OF THE GENERAL PROVISIONS ARTICLE.**

23 **(B) THE COLLABORATIVE IS SUBJECT TO THE PUBLIC INFORMATION ACT.**

24 **(C) THE BOARD AND THE OFFICERS AND EMPLOYEES OF THE**
25 **COLLABORATIVE ARE SUBJECT TO THE PUBLIC ETHICS LAW.**

1 **(D) THE OFFICERS AND EMPLOYEES OF THE COLLABORATIVE ARE NOT**
2 **SUBJECT TO THE PROVISIONS OF DIVISION I OF THE STATE PERSONNEL AND**
3 **PENSIONS ARTICLE THAT GOVERN THE STATE PERSONNEL MANAGEMENT SYSTEM.**

4 **(E) THE COLLABORATIVE AND ITS BOARD AND EMPLOYEES ARE SUBJECT**
5 **TO TITLE 12, SUBTITLE 4 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

6 **9.5-108.**

7 **THE COLLABORATIVE MAY:**

8 **(1) ADOPT BYLAWS FOR THE CONDUCT OF ITS BUSINESS;**

9 **(2) ADOPT A SEAL;**

10 **(3) MAINTAIN OFFICES AT A PLACE THE COLLABORATIVE**
11 **DESIGNATES IN THE STATE;**

12 **(4) ACCEPT LOANS, GRANTS, OR ASSISTANCE OF ANY KIND FROM THE**
13 **FEDERAL OR STATE GOVERNMENT, A LOCAL GOVERNMENT, A COLLEGE OR**
14 **UNIVERSITY, OR A PRIVATE SOURCE;**

15 **(5) ENTER INTO CONTRACTS AND OTHER LEGAL INSTRUMENTS;**

16 **(6) SUE OR BE SUED;**

17 **(7) ACQUIRE, PURCHASE, HOLD, LEASE AS LESSEE, AND USE:**

18 **(I) A FRANCHISE, PATENT, OR LICENSE;**

19 **(II) ANY REAL, PERSONAL, MIXED, TANGIBLE, OR INTANGIBLE**
20 **PROPERTY; OR**

21 **(III) AN INTEREST IN THE PROPERTY LISTED IN THIS ITEM;**

22 **(8) SELL, LEASE AS LESSOR, TRANSFER, LICENSE, ASSIGN, OR**
23 **DISPOSE OF PROPERTY OR A PROPERTY INTEREST THAT THE COLLABORATIVE**
24 **ACQUIRES;**

25 **(9) FIX AND COLLECT RATES, RENTALS, FEES, ROYALTIES, AND**
26 **CHARGES FOR SERVICES AND RESOURCES THE COLLABORATIVE PROVIDES OR**
27 **MAKES AVAILABLE;**

1 **(10) CREATE, OWN, CONTROL, OR BE A MEMBER OF A CORPORATION, A**
2 **LIMITED LIABILITY COMPANY, A PARTNERSHIP, OR ANY OTHER ENTITY, WHETHER**
3 **OPERATED FOR PROFIT OR NOT FOR PROFIT;**

4 **(11) EXERCISE POWER USUALLY POSSESSED BY A PRIVATE**
5 **CORPORATION IN PERFORMING SIMILAR FUNCTIONS UNLESS TO DO SO WOULD**
6 **CONFLICT WITH STATE LAW; AND**

7 **(12) DO ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT THE**
8 **POWERS GRANTED BY THIS TITLE.**

9 **9.5–109.**

10 **THE COLLABORATIVE MAY:**

11 **(1) ACQUIRE, DEVELOP, IMPROVE, MANAGE, MARKET, LICENSE,**
12 **SUBLICENSE, MAINTAIN, LEASE AS LESSOR OR LESSEE, OR OPERATE A PROJECT IN**
13 **THE STATE TO CARRY OUT THE PURPOSES OF THE COLLABORATIVE;**

14 **(2) ACQUIRE, DIRECTLY OR INDIRECTLY, FROM A PERSON OR**
15 **POLITICAL SUBDIVISION, BY PURCHASE, GIFT, OR DEVISE ANY PROPERTY,**
16 **RIGHTS-OF-WAY, FRANCHISES, EASEMENTS, OR OTHER INTERESTS IN LAND,**
17 **INCLUDING SUBMERGED LAND AND RIPARIAN RIGHTS:**

18 **(I) AS NECESSARY OR CONVENIENT TO IMPROVE OR OPERATE**
19 **A PROJECT TO CARRY OUT ITS PURPOSES; AND**

20 **(II) ON THE TERMS AND AT THE PRICES THAT THE**
21 **COLLABORATIVE CONSIDERS REASONABLE; AND**

22 **(3) ENTER INTO A PROJECT WITH A MANUFACTURER TO CARRY OUT**
23 **THE PURPOSES OF THE COLLABORATIVE.**

24 **9.5–110.**

25 **A DEBT, A CLAIM, AN OBLIGATION, OR A LIABILITY OF THE COLLABORATIVE**
26 **OR ANY SUBSIDIARY OF THE COLLABORATIVE IS NOT:**

27 **(1) A DEBT, A CLAIM, AN OBLIGATION, OR A LIABILITY OF THE STATE,**
28 **A UNIT OR AN INSTRUMENTALITY OF THE STATE, OR A STATE OFFICER OR STATE**
29 **EMPLOYEE; OR**

30 **(2) A PLEDGE OF THE CREDIT OF THE STATE.**

1 **9.5-111.**

2 **INSTITUTIONS OF HIGHER EDUCATION MAY:**

3 **(1) CONTRACT WITH THE COLLABORATIVE OR SUBSIDIARIES OF THE**
4 **COLLABORATIVE;**

5 **(2) ASSIGN TO THE COLLABORATIVE OR SUBSIDIARIES OF THE**
6 **COLLABORATIVE INTELLECTUAL PROPERTY AND OTHER RESOURCES TO ASSIST IN**
7 **DEVELOPMENT AND ACTIVITIES; AND**

8 **(3) ASSIGN FACULTY AND STAFF TO THE COLLABORATIVE.**

9 **9.5-112.**

10 **THE COLLABORATIVE IS EXEMPT FROM STATE AND LOCAL TAXES.**

11 **9.5-113.**

12 **THE BOOKS AND RECORDS OF THE COLLABORATIVE ARE SUBJECT TO AUDIT:**

13 **(1) AT ANY TIME BY THE STATE; AND**

14 **(2) EACH YEAR BY AN INDEPENDENT AUDITOR THAT THE OFFICE OF**
15 **LEGISLATIVE AUDITS APPROVES.**

16 **9.5-114.**

17 **(A) ON OR BEFORE OCTOBER 1 EACH YEAR, THE COLLABORATIVE SHALL**
18 **REPORT TO THE GOVERNOR, THE DEPARTMENT, AND, IN ACCORDANCE WITH §**
19 **2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**

20 **(B) THE REPORT SHALL INCLUDE A COMPLETE OPERATING AND FINANCIAL**
21 **STATEMENT COVERING THE OPERATIONS OF THE COLLABORATIVE AND A SUMMARY**
22 **OF THE COLLABORATIVE'S ACTIVITIES DURING THE PRECEDING FISCAL YEAR.**

23 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
24 **1, 2016.**