

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 832
Finance

(Senator Guzzone)

Education - Grounds for Discipline

This bill allows a local educator to request binding arbitration instead of a hearing before the county board of education within 10 days of being notified that the individual is subject to suspension or dismissal based on charges of immorality, misconduct in office, insubordination, incompetency, or willful neglect of duty. If the individual's request for a hearing does not explicitly request arbitration, it is considered a request for a hearing before the county board of education.

Fiscal Summary

State Effect: None.

Local Effect: Minimal. The bill does not specify who pays for the arbitrator. Assuming the cost is shared between the county board of education and the individual, expenditures by county boards may increase minimally to share in the cost of an arbitrator in cases where affected individuals request binding arbitration. Circuit courts may experience a minimal increase in cases from binding arbitration decisions petitioned to judicial review. No effect on revenues.

Small Business Effect: None.

Analysis

Bill Summary: If the individual requests binding arbitration and the parties agree on an arbitrator, the arbitrator is selected by mutual agreement of the parties. If the parties do not agree, the bill specifies a process for selecting an arbitrator from a list provided by the American Arbitration Association.

The arbitrator must determine whether the county board has sufficient cause for suspension or termination of the individual, and may impose a lesser penalty only to the extent that either party proposes the lesser penalty during the proceeding. Any decision by the arbitrator is governed by the bill and any collective bargaining agreement applicable to the individual.

The arbitrator's award is final and binding on both parties, but may be petitioned to judicial review by a circuit court.

Current Law: On the recommendation of a county superintendent, a county board of education may suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other professional assistant for the reasons specified above. Before removing an individual, the board must provide a copy of the charges and give them 10 days to request a hearing. If the member requests a hearing within the 10-day period, the county board of education must promptly hold a hearing but not within 10 days of sending notice of the hearing. The individual must have an opportunity to be heard, either in person or by counsel, and to bring witnesses to the hearing. The individual may appeal the county board's decision to the State Board of Education.

Additional Information

Prior Introductions: None.

Cross File: HB 1228 (Delegate A. Washington, *et al.*) - Ways and Means.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland State Department of Education, Department of Legislative Services

Fiscal Note History: First Reader - March 9, 2016
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