

SENATE BILL 908

F1

(71r2904)

ENROLLED BILL

— Budget and Taxation / Ways and Means —

Introduced by **Senators Ferguson, Benson, Guzzone, Klausmeier, Middleton, Peters, ~~and Young~~ Young, Currie, DeGrange, Eckardt, Edwards, Kasemeyer, King, Madaleno, Manno, McFadden, and Serafini**

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.

President.

CHAPTER _____

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 an instrumentality of the State; providing for the
5 purposes of the Collaborative; establishing a Governing Board of the Collaborative;
6 providing for the composition, residency requirement, appointment considerations,
7 removal, chair, and quorum requirements for the Governing Board; requiring the
8 Governing Board to establish an Advisory Committee, made up of certain persons,
9 to advise in certain matters; requiring the Collaborative to employ an Executive
10 Director who meets certain qualifications; providing for the legal adviser for the
11 Collaborative and the hiring of certain legal counsel; authorizing the Collaborative
12 to retain certain professionals; exempting the Collaborative from certain provisions
13 of law; providing that the Collaborative is subject to the Public Information Act;

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.

Italics indicate opposite chamber / conference committee amendments.



1 providing that the Governing Board and the officers and employees of the
2 Collaborative are subject to the Public Ethics Law; providing that certain officers
3 and employees of the Collaborative are not subject to certain provisions of law
4 governing State personnel; providing that the Collaborative and its Governing Board
5 and employees are subject to certain procurement policies and procedures governing
6 certain exempt units of government; establishing the powers and duties of the
7 Collaborative; providing that certain debts, claims, obligations, or liabilities of the
8 Collaborative are not held against the State or a pledge of credit of the State;
9 authorizing certain institutions of higher education to perform certain acts regarding
10 the Collaborative; providing that the Collaborative is exempt from State and local
11 taxes; providing that the books and records of the Collaborative are subject to a
12 certain audit by certain entities at certain times; requiring the Collaborative to
13 report certain information to the Governor, the State Department of Education, and
14 the General Assembly on or before a certain date each year; defining certain terms;
15 providing for the termination of this Act; and generally relating to the establishment
16 of the Maryland Education Development Collaborative.

17 BY adding to

18 Article – Education

19 Section 9.7–101 through 9.7–113 to be under the new title “Title 9.7. Maryland
20 Education Development Collaborative”

21 Annotated Code of Maryland

22 (2014 Replacement Volume and 2016 Supplement)

23 Preamble

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

27 WHEREAS, The Maryland Commission on Innovation and Excellence in Education
28 seeks to set forth a clear vision for Maryland’s public school system in the 21st century; and

29 WHEREAS, Standardized accountability reform efforts have not generated
30 sufficient innovation and workforce readiness in our public schools for students to compete
31 effectively in a globalized economy; and

32 WHEREAS, The National Conference of State Legislatures (NCSL) “No Time to
33 Lose” report has identified the essential elements of a world–class education system; and

34 WHEREAS, The Commission on Innovation and Excellence in Education, NCSL, and
35 the National Center on Education and the Economy have partnered to focus statewide
36 education reform efforts on building a world–class education system; and

37 WHEREAS, Most state education systems are falling dangerously behind the world
38 in a number of international comparisons and on our own National Assessment of
39 Educational Progress (NAEP); and

1 WHEREAS, Student performance on the international Programme for International
2 Student Assessment (PISA) shows United States students ranking 24th in reading, 36th in
3 mathematics, and 28th in science as compared to developed countries across the globe; and

4 WHEREAS, The federal Every Student Succeeds Act (ESSA) shifts accountability
5 for student success to the states in designing turnaround strategies, creating
6 next-generation assessments, and implementing best practices to improve student
7 outcomes at low-performing schools; and

8 WHEREAS, The benefits of a public school education should extend to all students'
9 needs and interests; now, therefore,

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

12 **Article – Education**

13 **TITLE 9.7. MARYLAND EDUCATION DEVELOPMENT COLLABORATIVE.**

14 **9.7–101.**

15 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
16 INDICATED.

17 (B) “COLLABORATIVE” MEANS THE MARYLAND EDUCATION
18 DEVELOPMENT COLLABORATIVE.

19 (C) “EVIDENCE–BASED” MEANS THAT A STRATEGY OR INTERVENTION HAS
20 BEEN SHOWN TO BE EFFECTIVE BY RIGOROUS, PEER–REVIEWED QUALITATIVE OR
21 QUANTITATIVE STUDIES.

22 ~~(D)~~ (D) “GOVERNING BOARD” MEANS THE GOVERNING BOARD OF THE
23 COLLABORATIVE.

24 **9.7–102.**

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

26 (B) THE COLLABORATIVE IS A BODY POLITIC AND CORPORATE AND IS AN
27 INSTRUMENTALITY OF THE STATE.

28 (C) THE PURPOSES OF THE COLLABORATIVE ARE TO:

1 (1) ADVISE AND MAKE RECOMMENDATIONS TO THE STATE BOARD,
2 THE GENERAL ASSEMBLY, AND LOCAL SCHOOL SYSTEMS REGARDING STATUTORY
3 AND REGULATORY POLICIES NECESSARY TO PROMOTE 21ST-CENTURY LEARNING
4 AND TO ENHANCE SOCIOECONOMIC AND DEMOGRAPHIC DIVERSITY ACROSS THE
5 STATE'S PUBLIC SCHOOLS;

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

11 (3) SUPPORT THE COLLECTING AND TRANSMITTING OF KNOWLEDGE
12 AND TECHNOLOGY BETWEEN LOCAL SCHOOL SYSTEMS, THE STATE BOARD, AND
13 LOCAL AND STATE POLICYMAKERS OF EVIDENCE-BASED BEST PRACTICES, PUBLIC
14 SCHOOL PROGRAMS AND DESIGNS, AND 21ST-CENTURY LEARNING THAT SUPPORT
15 THE ESSENTIAL ELEMENTS OF A WORLD-CLASS EDUCATION SYSTEM WHERE:

16 (I) CHILDREN COME TO SCHOOL READY TO LEARN, AND EXTRA
17 SUPPORT IS GIVEN TO STRUGGLING STUDENTS TO ENSURE THAT ALL HAVE THE
18 OPPORTUNITY TO ACHIEVE HIGH STANDARDS;

19 (II) A WORLD-CLASS TEACHING PROFESSION SUPPORTS
20 WORLD-CLASS INSTRUCTIONAL SYSTEMS IN WHICH EVERY CHILD HAS ACCESS TO
21 EFFECTIVE TEACHERS AND IS EXPECTED TO ACHIEVE;

22 (III) A HIGHLY EFFECTIVE, INTELLECTUALLY RIGOROUS
23 SYSTEM OF CAREER AND TECHNICAL EDUCATION IS AVAILABLE TO THOSE
24 PREFERRING AN APPLIED EDUCATION; ~~AND~~

25 (IV) STUDENTS WHO INTEND TO PURSUE HIGHER EDUCATION
26 ARE FULLY PREPARED TO ATTEND A PUBLIC INSTITUTION OF HIGHER EDUCATION
27 WITHOUT THE NEED FOR REMEDIAL COURSEWORK; AND

28 ~~(IV)~~ (V) INDIVIDUAL EDUCATION REFORMS ARE CONNECTED
29 AND ALIGNED AS PARTS OF A CLEARLY PLANNED AND CAREFULLY DESIGNED
30 COMPREHENSIVE SYSTEM;

31 (4) FOSTER PARTNERSHIPS BETWEEN PUBLIC SCHOOLS, PRIVATE
32 BUSINESSES, UNIVERSITIES, GOVERNMENT, AND NONPROFIT ENTITIES TO DEVELOP
33 AND SUPPORT THE IMPLEMENTATION OF MODERN PUBLIC SCHOOL DESIGNS,
34 21ST-CENTURY CURRICULA, POSITIVE SCHOOL CULTURE, AND RESTORATIVE
35 DISCIPLINE TO PROMOTE SOCIOECONOMIC AND DEMOGRAPHIC DIVERSITY AND
36 21ST-CENTURY LEARNING IN PUBLIC SCHOOLS IN THE STATE; AND

1 (5) AUTHORIZE FUNDS AND INNOVATION GRANTS TO SUPPORT AND
2 DEVELOP, THROUGH PILOT PROGRAMS ~~AND INITIATIVES~~, INITIATIVES, AND
3 RESEARCH STUDIES, 21ST-CENTURY PUBLIC SCHOOL PROGRAMS, MODERN PUBLIC
4 SCHOOL DESIGNS, AND 21ST-CENTURY CURRICULA, TECHNOLOGIES, AND
5 PRACTICES IN THE STATE.

6 (D) THE COLLABORATIVE SHALL PERFORM THE FOLLOWING FUNCTIONS
7 AND DUTIES:

8 (1) COLLABORATE WITH LOCAL SCHOOL SYSTEMS, STATE AND LOCAL
9 GOVERNMENT, EMPLOYERS, COMMUNITY ORGANIZATIONS, PARENTS, INSTITUTIONS
10 OF HIGHER EDUCATION, EDUCATORS, ORGANIZATIONS REPRESENTING EDUCATORS,
11 AND OTHER STAKEHOLDERS IN THE STATE TO PROVIDE A RESEARCH AND
12 DEVELOPMENT APPROACH TO 21ST-CENTURY LEARNING OPPORTUNITIES IN THE
13 STATE'S PUBLIC SCHOOLS;

14 (2) WORK IN PARTNERSHIP WITH STAKEHOLDERS TO:

15 (I) DISSEMINATE INFORMATION ON BEST PRACTICES,
16 PROGRAMS, AND RESOURCES;

17 (II) PROVIDE TECHNICAL ASSISTANCE AND TRAINING;

18 (III) COLLABORATE ON THE COLLECTION, ANALYSIS, AND
19 INTEGRATION OF STATEWIDE, LOCAL SCHOOL SYSTEM, AND SCHOOL LEVEL DATA
20 REGARDING 21ST-CENTURY LEARNING AND SOCIOECONOMIC DIVERSITY; AND

21 (IV) PROMOTE INTERAGENCY EFFORTS THAT SUPPORT
22 21ST-CENTURY LEARNING AND ENHANCE SOCIOECONOMIC DIVERSITY;

23 (3) ASSIST LOCAL SCHOOL SYSTEMS OR COHORTS OF PUBLIC
24 SCHOOLS IN ASSESSING OPPORTUNITIES TO ENHANCE SOCIOECONOMIC DIVERSITY;
25 AND

26 (4) DEVELOP A DATABASE OF EVIDENCE-BASED PROGRAMS AND
27 INITIATIVES EXISTING IN THE STATE'S PUBLIC SCHOOLS THAT ENHANCE
28 21ST-CENTURY LEARNING AND SOCIOECONOMIC DIVERSITY.

29 **9.7-103.**

30 (A) A GOVERNING BOARD SHALL MANAGE THE COLLABORATIVE AND
31 EXERCISE ITS ORGANIZATIONAL POWERS.

1 (B) THE GOVERNING BOARD CONSISTS OF THE FOLLOWING ~~NINE~~ 10
2 MEMBERS, APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE
3 SENATE:

4 (1) ONE REPRESENTATIVE OF THE STATE BOARD;

5 (2) ONE INDIVIDUAL WITH EXPERIENCE IN A BUSINESS INVOLVED
6 WITH INTERNATIONAL COMMERCE;

7 (3) ONE INDIVIDUAL WITH EXPERIENCE IN INTERNATIONAL
8 EDUCATION SYSTEMS;

9 (4) ONE INDIVIDUAL ~~WITH A BACKGROUND IN EDUCATION REFORM~~
10 ~~POLICY~~ WHO IS AN ACADEMIC RESEARCHER WITH EXPERIENCE IN EDUCATION
11 REFORM;

12 (5) ONE INDIVIDUAL WITH EXPERIENCE MANAGING A SYSTEM OF
13 PRIMARY, SECONDARY, OR POSTSECONDARY EDUCATION;

14 (6) ONE INDIVIDUAL WITH EXPERIENCE IMPLEMENTING INNOVATIVE
15 PUBLIC SCHOOL DESIGNS;

16 (7) ~~ONE INDIVIDUAL~~ TWO INDIVIDUALS WITH EXPERIENCE
17 TEACHING IN OR ~~MANAGING~~ ADMINISTERING A PUBLIC SCHOOL, SELECTED FROM A
18 LIST OF NAMES SUBMITTED JOINTLY BY THE MARYLAND STATE EDUCATION
19 ASSOCIATION AND THE BALTIMORE TEACHERS UNION;

20 (8) ONE INDIVIDUAL WITH EXPERIENCE WITH A PHILANTHROPIC
21 ORGANIZATION; AND

22 (9) ONE INDIVIDUAL WITH EXPERIENCE IN CAREER AND
23 TECHNOLOGY EDUCATION, APPRENTICESHIPS, OR WORKFORCE DEVELOPMENT.

24 (C) A MEMBER OF THE GOVERNING BOARD SHALL RESIDE IN THE STATE.

25 (D) IN MAKING APPOINTMENTS TO THE GOVERNING BOARD, THE
26 GOVERNOR SHALL CONSIDER:

27 (1) DIVERSITY; AND

28 (2) ALL GEOGRAPHIC REGIONS OF THE STATE.

29 (E) A MEMBER OF THE GOVERNING BOARD:

1 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
2 GOVERNING BOARD; BUT

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

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

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

8 (3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
9 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
10 QUALIFIES.

11 (G) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR
12 INCOMPETENCE, MISCONDUCT, OR FAILURE TO PERFORM THE DUTIES OF THE
13 POSITION.

14 (H) THE GOVERNING BOARD SHALL ELECT A CHAIR FROM AMONG ITS
15 MEMBERS.

16 (I) THE GOVERNING BOARD MAY ACT WITH AN AFFIRMATIVE VOTE OF ~~FIVE~~
17 SIX GOVERNING BOARD MEMBERS.

18 (J) (1) THE GOVERNING BOARD SHALL ESTABLISH AN ADVISORY
19 COUNCIL TO PROVIDE ADVICE ON MATTERS RELATING TO 21ST-CENTURY
20 LEARNING, DATA COLLECTION AND SHARING, AND ANY OTHER ISSUES RELATED TO
21 THE COLLABORATIVE'S WORK.

22 (2) THE ADVISORY COUNCIL SHALL BE MADE UP OF EDUCATORS AND
23 REPRESENTATIVES OF THE BUSINESS COMMUNITY, NONPROFIT ORGANIZATIONS,
24 AND OTHER STAKEHOLDERS WITH WHOM THE COLLABORATIVE WORKS.

25 9.7-104.

26 (A) THE COLLABORATIVE SHALL EMPLOY AN EXECUTIVE DIRECTOR.

27 (B) THE EXECUTIVE DIRECTOR SHALL HAVE EXPERIENCE WITH AND
28 POSSESS QUALIFICATIONS RELEVANT TO THE ACTIVITIES AND PURPOSES OF THE
29 COLLABORATIVE.

30 9.7-105.

1 (A) THE ATTORNEY GENERAL IS THE LEGAL ADVISER TO THE
2 COLLABORATIVE.

3 (B) WITH THE APPROVAL OF THE ATTORNEY GENERAL, THE
4 COLLABORATIVE MAY RETAIN ANY NECESSARY LAWYERS.

5 9.7-106.

6 THE COLLABORATIVE MAY RETAIN ANY NECESSARY ACCOUNTANTS,
7 FINANCIAL ADVISERS, OR OTHER CONSULTANTS.

8 9.7-107.

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

11 (1) TITLE 10 AND DIVISION II OF THE STATE FINANCE AND
12 PROCUREMENT ARTICLE; AND

13 (2) §§ 3-301 AND 3-303 OF THE GENERAL PROVISIONS ARTICLE.

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

15 (C) THE GOVERNING BOARD AND THE OFFICERS AND EMPLOYEES OF THE
16 COLLABORATIVE ARE SUBJECT TO THE PUBLIC ETHICS LAW.

17 (D) THE OFFICERS AND EMPLOYEES OF THE COLLABORATIVE ARE NOT
18 SUBJECT TO THE PROVISIONS OF DIVISION I OF THE STATE PERSONNEL AND
19 PENSIONS ARTICLE THAT GOVERN THE STATE PERSONNEL MANAGEMENT SYSTEM.

20 (E) THE COLLABORATIVE AND ITS GOVERNING BOARD AND EMPLOYEES
21 ARE SUBJECT TO TITLE 12, SUBTITLE 4 OF THE STATE FINANCE AND
22 PROCUREMENT ARTICLE.

23 9.7-108.

24 THE COLLABORATIVE MAY:

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

26 (2) ADOPT A SEAL;

27 (3) MAINTAIN OFFICES AT A PLACE THE COLLABORATIVE
28 DESIGNATES IN THE STATE;

1 (4) ACCEPT LOANS, GRANTS, OR ASSISTANCE OF ANY KIND FROM THE
2 FEDERAL OR STATE GOVERNMENT, A LOCAL GOVERNMENT, AN INSTITUTION OF
3 HIGHER EDUCATION, OR A PRIVATE SOURCE;

4 (5) ENTER INTO CONTRACTS AND OTHER LEGAL INSTRUMENTS;

5 (6) SUE OR BE SUED; AND

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

8 **9.7-109.**

9 A DEBT, A CLAIM, AN OBLIGATION, OR A LIABILITY OF THE COLLABORATIVE
10 IS NOT:

11 (1) A DEBT, A CLAIM, AN OBLIGATION, OR A LIABILITY OF THE STATE,
12 A UNIT OR AN INSTRUMENTALITY OF THE STATE, OR A STATE OFFICER OR STATE
13 EMPLOYEE; OR

14 (2) A PLEDGE OF THE CREDIT OF THE STATE.

15 **9.7-110.**

16 INSTITUTIONS OF HIGHER EDUCATION MAY:

17 (1) CONTRACT WITH THE COLLABORATIVE;

18 (2) ASSIGN TO THE COLLABORATIVE INTELLECTUAL PROPERTY AND
19 OTHER RESOURCES TO ASSIST IN RESEARCH AND DEVELOPMENT AND ACTIVITIES;
20 AND

21 (3) ASSIGN FACULTY AND STAFF TO THE COLLABORATIVE.

22 **9.7-111.**

23 THE COLLABORATIVE IS EXEMPT FROM STATE AND LOCAL TAXES.

24 **9.7-112.**

25 THE BOOKS AND RECORDS OF THE COLLABORATIVE ARE SUBJECT TO AUDIT:

26 (1) AT ANY TIME BY THE STATE; AND

1 **(2) EACH YEAR BY AN INDEPENDENT AUDITOR.**

2 **9.7-113.**

3 **(A) ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE COLLABORATIVE SHALL**
 4 **REPORT TO THE GOVERNOR, THE DEPARTMENT, AND, IN ACCORDANCE WITH §**
 5 **2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**

6 **(B) THE REPORT SHALL INCLUDE:**

7 **(1) A COMPLETE OPERATING AND FINANCIAL STATEMENT COVERING**
 8 **THE OPERATIONS OF THE COLLABORATIVE;**

9 **(2) A SUMMARY OF THE COLLABORATIVE'S ACTIVITIES DURING THE**
 10 **PRECEDING FISCAL YEAR; AND**

11 **(3) AN EVALUATION OF THE IMPACT OF THE COLLABORATIVE'S**
 12 **ACTIVITIES TO PROMOTE AND ENHANCE 21ST-CENTURY LEARNING AND**
 13 **SOCIOECONOMIC DIVERSITY IN THE STATE'S PUBLIC SCHOOLS.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 15 October 1, 2017. It shall remain effective for a period of 4 years and, at the end of September
 16 30, 2021, with no further action required by the General Assembly, this Act shall be
 17 abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.