

# SENATE BILL 908

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By: **Senators Ferguson, Benson, Guzzone, Klausmeier, Middleton, Peters, and Young**

Introduced and read first time: February 3, 2017

Assigned to: Budget and Taxation

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## 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 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;  
14 providing that the Governing Board and the officers and employees of the  
15 Collaborative are subject to the Public Ethics Law; providing that certain officers  
16 and employees of the Collaborative are not subject to certain provisions of law  
17 governing State personnel; providing that the Collaborative and its Governing Board  
18 and employees are subject to certain procurement policies and procedures governing  
19 certain exempt units of government; establishing the powers and duties of the  
20 Collaborative; providing that certain debts, claims, obligations, or liabilities of the  
21 Collaborative are not held against the State or a pledge of credit of the State;  
22 authorizing certain institutions of higher education to perform certain acts regarding  
23 the Collaborative; providing that the Collaborative is exempt from State and local  
24 taxes; providing that the books and records of the Collaborative are subject to a  
25 certain audit by certain entities at certain times; requiring the Collaborative to  
26 report certain information to the Governor, the State Department of Education, and  
27 the General Assembly on or before a certain date each year; defining certain terms;  
28 providing for the termination of this Act; and generally relating to the establishment  
29 of the Maryland Education Development Collaborative.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to

2 Article – Education

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

5 Annotated Code of Maryland

6 (2014 Replacement Volume and 2016 Supplement)

7 Preamble

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

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

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

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

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

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

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

27 WHEREAS, The federal Every Student Succeeds Act (ESSA) shifts accountability  
28 for student success to the states in designing turnaround strategies, creating  
29 next–generation assessments, and implementing best practices to improve student  
30 outcomes at low–performing schools; and

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

33 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

34 That the Laws of Maryland read as follows:

35 Article – Education

1           **TITLE 9.7. MARYLAND EDUCATION DEVELOPMENT COLLABORATIVE.**2           **9.7-101.**3           (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.5           (B) "COLLABORATIVE" MEANS THE MARYLAND EDUCATION  
6 DEVELOPMENT COLLABORATIVE.7           (C) "GOVERNING BOARD" MEANS THE GOVERNING BOARD OF THE  
8 COLLABORATIVE.9           **9.7-102.**

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

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

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

14           (1) ADVISE AND MAKE RECOMMENDATIONS TO THE STATE BOARD,  
15 THE GENERAL ASSEMBLY, AND LOCAL SCHOOL SYSTEMS REGARDING STATUTORY  
16 AND REGULATORY POLICIES NECESSARY TO PROMOTE 21ST-CENTURY LEARNING  
17 AND TO ENHANCE SOCIOECONOMIC AND DEMOGRAPHIC DIVERSITY ACROSS THE  
18 STATE'S PUBLIC SCHOOLS;19           (2) STUDY AND PROMOTE POLICIES OR PROGRAMS THAT INCREASE  
20 THE OPPORTUNITY FOR ENHANCING SOCIOECONOMIC AND DEMOGRAPHIC  
21 DIVERSITY OF STUDENT ENROLLMENT THROUGH 21ST-CENTURY LEARNING  
22 OPPORTUNITIES ACROSS ALL PUBLIC SCHOOLS AND BETWEEN LOCAL SCHOOL  
23 SYSTEMS IN THE STATE;24           (3) SUPPORT THE COLLECTING AND TRANSMITTING OF KNOWLEDGE  
25 AND TECHNOLOGY BETWEEN LOCAL SCHOOL SYSTEMS, THE STATE BOARD, AND  
26 LOCAL AND STATE POLICYMAKERS OF EVIDENCE-BASED BEST PRACTICES, PUBLIC  
27 SCHOOL PROGRAMS AND DESIGNS, AND 21ST-CENTURY LEARNING THAT SUPPORT  
28 THE ESSENTIAL ELEMENTS OF A WORLD-CLASS EDUCATION SYSTEM WHERE:29           (I) CHILDREN COME TO SCHOOL READY TO LEARN, AND EXTRA  
30 SUPPORT IS GIVEN TO STRUGGLING STUDENTS TO ENSURE THAT ALL HAVE THE  
31 OPPORTUNITY TO ACHIEVE HIGH STANDARDS;

4 (III) A HIGHLY EFFECTIVE, INTELLECTUALLY RIGOROUS  
5 SYSTEM OF CAREER AND TECHNICAL EDUCATION IS AVAILABLE TO THOSE  
6 PREFERRING AN APPLIED EDUCATION; AND

10 (4) FOSTER PARTNERSHIPS BETWEEN PUBLIC SCHOOLS, PRIVATE  
11 BUSINESSES, UNIVERSITIES, GOVERNMENT, AND NONPROFIT ENTITIES TO DEVELOP  
12 AND SUPPORT THE IMPLEMENTATION OF MODERN PUBLIC SCHOOL DESIGNS,  
13 21ST-CENTURY CURRICULA, POSITIVE SCHOOL CULTURE, AND RESTORATIVE  
14 DISCIPLINE TO PROMOTE SOCIOECONOMIC AND DEMOGRAPHIC DIVERSITY AND  
15 21ST-CENTURY LEARNING IN PUBLIC SCHOOLS IN THE STATE; AND

20 (D) THE COLLABORATIVE SHALL PERFORM THE FOLLOWING FUNCTIONS  
21 AND DUTIES:

**27 (2) WORK IN PARTNERSHIP WITH STAKEHOLDERS TO:**

28 (I) DISSEMINATE INFORMATION ON BEST PRACTICES,  
29 PROGRAMS, AND RESOURCES;

**30 (II) PROVIDE TECHNICAL ASSISTANCE AND TRAINING;**

1 (IV) PROMOTE INTERAGENCY EFFORTS THAT SUPPORT  
2 21ST-CENTURY LEARNING AND ENHANCE SOCIOECONOMIC DIVERSITY;

9 9.7-103.

10 (A) A GOVERNING BOARD SHALL MANAGE THE COLLABORATIVE AND  
11 EXERCISE ITS ORGANIZATIONAL POWERS.

12 (B) THE GOVERNING BOARD CONSISTS OF THE FOLLOWING NINE  
13 MEMBERS, APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE  
14 SENATE:

15 (1) ONE REPRESENTATIVE OF THE STATE BOARD;

22 (5) ONE INDIVIDUAL WITH EXPERIENCE MANAGING A SYSTEM OF  
23 PRIMARY, SECONDARY, OR POSTSECONDARY EDUCATION:

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

6 (D) IN MAKING APPOINTMENTS TO THE GOVERNING BOARD, THE  
7 GOVERNOR SHALL CONSIDER:

9 (2) ALL GEOGRAPHIC REGIONS OF THE STATE.

10 (E) A MEMBER OF THE GOVERNING BOARD:

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

21 (G) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR  
22 INCOMPETENCE, MISCONDUCT, OR FAILURE TO PERFORM THE DUTIES OF THE  
23 POSITION.

24 (H) THE GOVERNING BOARD SHALL ELECT A CHAIR FROM AMONG ITS  
25 MEMBERS.

26 (I) THE GOVERNING BOARD MAY ACT WITH AN AFFIRMATIVE VOTE OF FIVE  
27 GOVERNING BOARD MEMBERS.

28 (J) (1) THE GOVERNING BOARD SHALL ESTABLISH AN ADVISORY  
29 COUNCIL TO PROVIDE ADVICE ON MATTERS RELATING TO 21ST-CENTURY

1 LEARNING, DATA COLLECTION AND SHARING, AND ANY OTHER ISSUES RELATED TO  
2 THE COLLABORATIVE'S WORK.

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

6 **9.7-104.**

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

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

11 **9.7-105.**

12 (A) THE ATTORNEY GENERAL IS THE LEGAL ADVISER TO THE  
13 COLLABORATIVE.

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

16 **9.7-106.**

17 THE COLLABORATIVE MAY RETAIN ANY NECESSARY ACCOUNTANTS,  
18 FINANCIAL ADVISERS, OR OTHER CONSULTANTS.

19 **9.7-107.**

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

22 (1) TITLE 10 AND DIVISION II OF THE STATE FINANCE AND  
23 PROCUREMENT ARTICLE; AND

24 (2) §§ 3-301 AND 3-303 OF THE GENERAL PROVISIONS ARTICLE.

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

26 (C) THE GOVERNING BOARD AND THE OFFICERS AND EMPLOYEES OF THE  
27 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 GOVERNING BOARD AND EMPLOYEES  
5 ARE SUBJECT TO TITLE 12, SUBTITLE 4 OF THE STATE FINANCE AND  
6 PROCUREMENT ARTICLE.

7 **9.7-108.**

8                   THE COLLABORATIVE MAY:

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

10                  (2) ADOPT A SEAL;

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

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

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

17                  (6) SUE OR BE SUED; AND

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

20 **9.7-109.**

21                  A DEBT, A CLAIM, AN OBLIGATION, OR A LIABILITY OF THE COLLABORATIVE  
22 IS NOT:

23                  (1) A DEBT, A CLAIM, AN OBLIGATION, OR A LIABILITY OF THE STATE,  
24 A UNIT OR AN INSTRUMENTALITY OF THE STATE, OR A STATE OFFICER OR STATE  
25 EMPLOYEE; OR

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

27 **9.7-110.**

28                  INSTITUTIONS OF HIGHER EDUCATION MAY:

## **(1) CONTRACT WITH THE COLLABORATIVE;**

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

6 9.7-111.

## THE COLLABORATIVE IS EXEMPT FROM STATE AND LOCAL TAXES.

8 9.7-112.

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

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

11 (2) EACH YEAR BY AN INDEPENDENT AUDITOR.

12 9.7-113.

16 (B) THE REPORT SHALL INCLUDE:

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2017. It shall remain effective for a period of 4 years and, at the end of September  
26 30, 2021, with no further action required by the General Assembly, this Act shall be  
27 abrogated and of no further force and effect.