

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
Enrolled - Revised

Senate Bill 739

(Senator Madaleno, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

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State Board of Education - Membership - Teachers and Parent

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This bill increases the membership of the State Board of Education from 12 to 15 members, by adding 2 certified teachers and 1 parent of a student enrolled in a public school, and establishes processes to appoint these members. Of the teacher members, one must have experience teaching students in at least one of the elementary grades, kindergarten through sixth grade, and one must have experience teaching students in at least one of the secondary grades, seventh through twelfth grade. **The bill takes effect June 1, 2018.**

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Fiscal Summary

**State Effect:** Any expense reimbursements for the additional State board members are assumed to be minimal and absorbable within existing budgeted resources.

**Local Effect:** The bill does not affect local government finances. Any operational changes associated with having public school teachers serve on the State board can be handled with existing resources.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The Governor must appoint the teacher and parent members, with the advice and consent of the Senate, from a list of qualified individuals submitted to the Governor.

For teacher members, the Governor selects one member from a list of three qualified elementary school teachers and one member from a list of three qualified secondary teachers. The lists must be jointly submitted to the Governor by the Maryland State Education Association and the Baltimore Teachers Union. The two teacher members selected may not be employed by the same local board of education.

The Maryland Department of Education (MSDE) must provide notice of a teacher member vacancy to (1) all certified teachers in the State and (2) all statewide teachers' organizations representing a majority of teachers in the State for purposes of collective bargaining.

A teacher member may attend and participate in an executive session of the State Board of Education; however, a teacher member may not vote on any matter that relates to appeals to the State board regarding the suspension or dismissal of teachers, principals, and other professional personnel.

For parent members, the Maryland Parent Teacher Association (PTA) submits a list of three qualified individuals to the Governor. MSDE must provide notice of a parent member vacancy to the Maryland PTA. A parent member may attend and participate in an executive session of the State board.

The bill also staggers the initial terms of the teacher and parent members.

**Current Law/Background:** The State Board of Education consists of 11 regular members and 1 student member appointed by the Governor with the advice and consent of the Senate. In making appointments to the State board, the Governor must consider representation from all parts of the State and areas of the State with concentrations of population or unique needs. Members of the board must be appointed from the general public. Except for the student member, any individual who is subject to the authority of the State board may not be appointed to the State board. In addition, the Governor and the State Superintendent of Schools may not be appointed to the State board.

Each regular member serves for a staggered four-year term and until a successor is appointed and qualifies. The Governor must appoint a new member to fill any vacancy on the State board for the remainder of that term and until a successor is appointed and qualifies. A member is eligible for reappointment but may not serve for more than two full four-year terms. The student member serves for a term of one year. A student member is eligible for reappointment but may not serve more than two full one-year terms.

According to research of state statutes by the Department of Legislative Services (DLS) in 2017, eight states either require or allow a teacher to be a member of a state board of education (Indiana, Mississippi, Nevada, Tennessee, Wyoming, Connecticut, North Carolina, and Pennsylvania). In Indiana, at least six members of the board must

have professional experience in education, including as a teacher. North Carolina allows up to two current public school employees to be appointed to the board. However, seven states prohibit current teachers or professional educators from serving on the state board of education (Arkansas, Iowa, Kentucky, Maine, Oregon, Washington, and West Virginia). Two states (Massachusetts and Nevada) require a parent of a public school student to be appointed to the board.

**State Fiscal Effect:** Any expense reimbursements for the additional State Board of Education members are assumed to be minimal and absorbable within existing budgeted resources. MSDE advises that adding three members to the State Board of Education is anticipated to increase expenditures by less than \$10,000 annually due to reimbursing expenditures and mailing meeting materials. DLS advises that MSDE may be able to control many of the expenses related to new board members through choices made about printing, postage, and board activities.

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### Additional Information

**Prior Introductions:** HB 590 of 2017 received a hearing in the House Ways and Means Committee, but no further action was taken. Its cross file, SB 609, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

**Cross File:** HB 154 (Delegate Ebersole, *et al.*) - Ways and Means.

**Information Source(s):** Maryland State Department of Education; State Retirement Agency; Department of Legislative Services

**Fiscal Note History:** First Reader - February 11, 2018  
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