

May 24, 2018

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
State House  
Annapolis, MD 21401

The Honorable Michael E. Busch  
Speaker of the House  
State House  
Annapolis, MD 21401

Dear Mr. President and Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed the following bills: Senate Bill 739 – *State Board of Education – Membership – Teachers and Parent*, House Bill 808 – *Collective Bargaining – Education – Supervisory Personnel*, and House Bill 643/Senate Bill 678 *State Department of Education – Employment Categories and Practices*.

Combined, these three bills are a crude attempt to accomplish two things; dilute the authority of the Board of Education by packing it with appointees that represent the interest of lobbyists rather than those of teachers, parents, administrators or students. Secondly, these bills also seek to prevent the Maryland State Department of Education – a body that is already insulated from political influence – from removing high-level employees who are ineffectual, incompetent, or who simply aren't getting the job done. It is shocking to me, as well as the citizens of Maryland, the lengths the General Assembly will go to to weaken accountability that will hurt the performance of our school children.

Furthermore, these pieces of flawed legislation join the unfortunate litany of attempts by the General Assembly over the past four sessions to pass legislation to enhance the power of partisan special interests, while eliminating transparency and usurping accountability. Perhaps most egregiously, last session the General Assembly passed the "Protect our [Failing] Schools Act," which has resulted in Maryland being the second least accountable system in the nation.

This session, when students, parents, teachers, and communities were once again demanding greater accountability and oversight of local education systems, the General Assembly passed retributive, tone-deaf legislation to take away fiscal oversight from the state's fiscal leaders. Instead, the General Assembly placed

billions of taxpayer dollars into the hands of the Interagency Commission on School Construction, making us less and less accountable when a number of ethical lapses, criminal charges, grading irregularities, and procurement crises have occurred in multiple Maryland school systems.

Unfortunately, the General Assembly chose not to pass legislation to provide for an independent Investigator General, which would have also increased accountability in our schools by establishing an anonymous electronic tip program, protected whistleblowers, and allowed Maryland citizens to report any potential cases of wrongdoing, abuse, or unethical conduct.

Senate Bill 739 seems to mirror the botched attempt by the General Assembly in 2016 to pass legislation which would have changed the process Maryland uses to select the superintendent of the state school system, a move that would have diluted the independence of the State Board of Education.

With this bill again the General Assembly has tried to take away authority from the State Board of Education. The current twelve-member body, is comprised of individuals who bring to their role a diverse range of personal, professional, and civic experiences in education. Members of the State Board are selected for their great diversity in the skills, experiences and areas of expertise, such as accountability, special education, school leadership, mental health, and gifted and talented education.

One of the most troubling aspects of Senate Bill 739 is the selection process by which members would be chosen. For teacher members, the Governor selects one member from a list of three elementary teachers and the other from a list of three secondary teachers produced by the Maryland State Education Association and Baltimore Teachers Union. The parent member would be selected from a list of three parents chosen by the Maryland Parent Teacher Association.

Several State Board members are themselves parents of students currently, or previously enrolled in Maryland Public schools. The membership also includes current and former educators and administrators in positions on local boards and in parent teacher associations. These and other experiences provide Maryland's State Board with a solid understanding of education policy and practice, including the practical implications of policy decisions as they affect children, parents, and teachers.

Senate Bill 739 would negatively impact the Board's composition by requiring an additional three seats be selected from just two of the many important stakeholder groups that exist statewide. Excluded groups would include, but not be limited to, school principals, guidance counselors, curriculum specialists, superintendents, librarians, and support personnel. The participation of individuals selected to

represent a specific special interest union group, could have unintended negative consequences and could result in encouraging narrowly focused agendas that are in the interest of a few and not for the common good. A policy making board of the magnitude and importance of the Maryland State Board of Education should represent all stakeholder groups, but most of all who are singularly focused on the needs of Maryland school children and not just be a collection of special interest group representatives.

In an additional attempt to dilute the authority of the Maryland State Board of Education, the General Assembly passed Senate Bill 678 and House Bill 643. This legislation seeks to weaken the Department's capacity to achieve its – and the board's, the General Assembly's and the Governor's – educational goals at a time when strengthening the performance of Maryland's schools and students is more important than ever.

Senate Bill 678 and House Bill 643 would eliminate appointment positions within the Department and convert the status of approximately 900 at-will (special appointment) employees. A long standing practice in the State is not simply convert at-will employees to merit protected without a competitive recruitment. This legislation would have significant operational and fiscal impacts on the Department in terms of loss of flexibility to hire highly qualified staff, increased administrative burdens, and the fiscal consequences of great expenses for staff and operations. Most troubling, this bill will hinder the Department's ability to compete in an already competitive job market and make it more difficult to acquire talented employees.

In a continued theme to strip accountability from our local school systems, the General Assembly passed House Bill 808. This legislation alters the definition of "supervisory employee" by removing "as determined by the public school employer in negotiation with the employee organization." Removing this language would remove the local authority to determine who is classified as supervisory, thus sending any disputes over classifications to the Public School Labor Relations Board.

There are several ramifications associated with the new structure set up in House Bill 808. Local school system organizational charts would be left to the discretion of the Public School Labor Relations Board. Preventing local school systems from making changes to staff and roles will impact students, as employees would be unable to be reclassified without a tedious legal challenge which could take a year or more.

Removing all authority to classify positions from the local board will prohibit the public school employer from ensuring an efficient operation best suited for the needs of their local school system. In order to operate efficiently, the local school system needs to be able to reclassify positions to the changing needs of the school system.

At a time when unethical behavior and mismanagement continue to hold our school systems back from serving school children, this sequence of bills that I am vetoing today, coupled with the other legislation I have spoken out against, seek to move Maryland in exactly the wrong direction. Instead, we need to be working together to restore accountability for our students, teachers, and families.

For these reasons, I have vetoed Senate Bill 739, Senate Bill 678/House Bill 643, and House Bill 808.

Sincerely,

Lawrence J. Hogan, Jr.  
Governor