

Blueprint for Maryland's Future

Accountability and Implementation Board Nominating Committee

**Thursday, July 8, 2021 2:00 p.m.
Virtual Meeting**

Agenda

- I. Welcome and Introduction of Members**
- II. Adoption of Bylaws**
- III. Election of Officers**
- IV. Open Meetings Act, Public Information Act, and Ethics Requirements**
- V. Overview of Role and Responsibilities of the Accountability and Implementation Board (AIB) and AIB Nominating Committee**
- VI. AIB Candidate Application Procedures and Timeline**
- VII. Public Participation**
- VIII. Adjourn to Executive Session**

For further information on application requirements and future meetings, please go to the Nominating Committee's website (<http://dls.maryland.gov/policy-areas/aib-nominating-committee>). Application information will be posted on the website on July 12, 2021.

Public notice of meetings will also be posted in the Public Hearing Schedule on the Maryland General Assembly's website (<http://mgaleg.maryland.gov/mgaweb/Meetings/Month>).

Blueprint for Maryland's Future Accountability and Implementation Board Nominating Committee Roster

Committee Members

Appointed by Governor Lawrence J. Hogan, Jr.

Dr. Rose Maria Li

Dr. Edward Root

Appointed by Senate President Bill Ferguson

Senator Paul Pinsky

Dr. Shanaysha Sauls

Appointed by Speaker Adrienne A. Jones

Cheryl Bost

Franchesca Brown

Committee Staff

Stacy M. Goodman

Rachel H. Hise

Accountability and Implementation Board Nominating Committee BYLAWS

Article I. Name

- A. There is an Accountability and Implementation Board Nominating Committee as established under § 5-403 of the Education Article of the Maryland Annotated Code (Code).
- B. In these bylaws, “Committee” means the Accountability and Implementation Board Nominating Committee.

Article II. Purposes

- A. The Committee shall have all the enumerated powers set forth in § 5-403 of the Education Article of the Code.
- B. The Committee’s purpose is to timely, impartially, and equitably seek, select, and nominate for appointment by the Governor qualified individuals to serve on the Accountability and Implementation Board as required by § 5-402 of the Education Article of the Code.
- C. In fulfilling the duties of the Committee, the Committee shall act in accordance to the requirements of the law and the following principles:
 - 1. perform its duties in a timely, impartial, ethical, and equitable manner;
 - 2. provide for reasonable and appropriate public participation as determined by the Committee;
 - 3. provide timely notice of meetings and actions of the Committee to the public and candidates; and
 - 4. engage in any other actions or activities determined by the Committee to be necessary to carry out its responsibilities and meet its goals, purposes, and duties.

Article III. Membership

- A. Composition
 - 1. The Committee is composed of six members appointed as follows:

- i. two members appointed by the Governor;
 - ii. two members appointed by the President of the Senate; and
 - iii. two members appointed by the Speaker of the House of Delegates.
2. The individuals appointed to the Committee shall:
- i. collectively reflect, to the extent practicable, the geographic, racial, ethnic, cultural, and gender diversity of the State; and
 - ii. have collective knowledge of:
 - a. education policy for early childhood education through postsecondary education;
 - b. education strategies used by top-performing state and national systems in the world;
 - c. systemic changes in complex organizations; and
 - d. financial auditing and accounting.

B. Term of Office

1. The term of each member is 5 years beginning on July 1 of the year of appointment and shall terminate on June 30.
2. The term of an initial member shall terminate on June 30, 2026.

C. Vacancy

In the event of a vacancy, the official who appointed the member shall appoint a new member to fill the vacancy of the member of the Committee for the remainder of that term for which the appointment was made and until a successor is appointed.

D. Compensation

A member of the Committee may not receive compensation as a member of the Committee but is entitled to reimbursement for expenses under the Standard State Travel Regulations for duties performed under § 5-403 of the Education Article of the Code.

E. Voting

1. Each member of the Committee shall have one vote on each matter submitted to a vote of the Committee.
2. A vote may not be exercised by proxy.

F. Duties and Powers of Committee Members

1. In general, the members of the Committee shall manage the business and affairs of the Committee.
2. The duties and powers of the members of the Committee are as follows:
 - i. review, understand, and carry out the requirements of law relating to the solicitation, selection, and nomination of candidates for the Accountability and Implementation Board in a timely, fair, ethical, and equitable manner;
 - ii. conduct public meetings as required to fulfill its duties and responsibilities;
 - iii. establish a fair and appropriate application and interview process for candidates;
 - iv. call for the appointment of subcommittees;
 - v. supervise all officers, staff, and agents of the Committee to ensure the proper performance of their duties;
 - vi. review all Committee correspondence and materials in preparation for meetings and interviews; and
 - vii. attend Committee meetings and vote on matters being considered by the Committee.

Article IV. Committee Officers

A. Election of Officers

1. At the first meeting of the Committee in July, the Committee shall elect a chair and vice chair from among its members.
2. The term of the chair and vice chair is 1 year. An officer may be re-elected.

B. Officer duties

1. The duties of the chair of the Committee are as follows:
 - i. act as principal executive officer of the Committee, subject to the control of the members of the Committee;
 - ii. in general, supervise and control all the business and affairs of the Committee;
 - iii. create meeting agendas;
 - iv. preside at all meetings of the Committee, while present;
 - v. appoint members of subcommittees, if required;
 - vi. provide notice of all meetings and Committee business and distribute meeting and other relevant materials to the members of the Committee in a timely manner;
 - vii. act as official spokesperson for the Committee; and
 - viii. perform all duties incident to the office of chair and any other duties as may be determined by the members of the Committee.
2. The duties of the vice chair are to perform the duties of the chair if the chair is absent or unavailable.

Article V. Meetings

A. Meetings Requirements

1. The Committee shall have regularly scheduled meetings as required to conduct the business of the Committee.
2. The time and place of meetings shall be determined by the members of the Committee.
3. Notice of the time and place of a Committee meeting and publication of the agenda and materials to be considered at a meeting shall, if practicable, be provided at least 7 days before the meeting.

B. Quorum

1. A majority of Committee members constitutes a quorum.
2. Action by the Committee requires the affirmative vote of a majority of the appointed members.

C. Public Participation

1. The Committee may provide for public participation.
2. The Committee shall establish reasonable rules and policies regarding public participation, including notice and procedures for the submission of written comments.
3. The Committee is subject to the Public Information Act.

D. Open Meetings

1. The Committee is subject to the Open Meetings Act.
2.
 - i. Except for those actions authorized or required by law, the actions of the Committee shall be taken at a public meeting and all actions shall be made public.
 - ii. The Committee may take actions in closed session in accordance with § 3-305 of the General Provisions Article of the Code.
3.
 - i. Each open meeting of the Committee shall be made available to the public through live video streaming.
 - ii. The Committee shall make publicly available on the Internet, a complete, unedited archived video recording of each open meeting for a minimum of 5 years after the date of the meeting.

Article VI. Nominations

A. Voting

In accordance with § 5-403(d) of the Education Article of the Code, each nomination of the Committee shall require:

1. a majority vote of the Committee; and

2. a vote cast in the majority by at least one of the two members appointed by the Governor, President of the Senate, and the Speaker of the House, respectively.

B. Initial Nominations for the Accountability and Implementation Board

For the establishment of the initial Accountability and Implementation Board, the Committee shall submit a slate of nominees to the Governor that contains at least nine individuals who meet the qualifications for membership on the Board as set forth in § 5-402(d) of the Education Article of the Code.

C. Accountability and Implementation Board Vacancies

For each vacant position on the Accountability and Implementation Board, the Committee shall submit a slate of nominees to the Governor that contains at least two names for each vacant position on the Board.

Article VII. Notice

A. Written Notice Requirements

1. Any notice required to be given in writing by the Committee may be communicated by electronic mail, registered or certified mail (return receipt by the recipient required), facsimile, or private carrier.
2. A written notice shall be deemed effective at the earliest of the following:
 - i. the date received;
 - ii. the date shown on the return receipt, if sent by registered or certified mail and the receipt is signed by the recipient; or
 - iii. the date of delivery as shown by a private carrier.

B. Publication of Meeting Notice

All meeting notices shall be published:

1. on the Committee's website;
2. in the hearing schedule on the Maryland General Assembly website at mgaleg.maryland.gov under the "meetings" tab; and

3. at any other location or by any other method determined appropriate by the Committee.

Article VIII. Ethics

- A. The Committee and its officers are subject to the Maryland Public Ethics Law.
- B. Each member of the Committee shall disclose to the Committee any conflict of interest or potential conflict of interest whenever the conflict or potential conflict relates to a matter or applicant or candidate being considered by the Committee.
- C. A member of the Committee who is disqualified from participating on a matter or applicant or candidate being considered by the Committee due to a conflict of interest:
 1. may not:
 - i. vote on the matter or applicant or candidate; or
 - ii. discuss, advocate, influence or attempt to influence other members of the Committee, or participate in any way on the matter or applicant or candidate; but
 2. shall be counted for the purpose of establishing a quorum of the Committee to conduct business.
- D. The disclosure of a member's conflict of interest shall be made public at a meeting of the Committee.

Article IX. Confidentiality

- A.
 1. Except as otherwise provided by law and in accordance with the Public Information Act, all information received by the Committee shall be confidential, including applications, names of candidates, communications, correspondence, and notes received orally, in writing, or electronically.
 2. This information may only be discussed or disseminated among members of the Committee and staff to be used in the performance of their duties and responsibilities as provided in law and in these bylaws.
- B. Any requests for disclosure of confidential Committee information and materials shall be considered by the chair and members of the Committee.

Article X. Amendments

- A. These bylaws may be amended by a vote of two-thirds of the members of the Committee.
- B. Any proposed amendments to these bylaws shall be provided to all Committee members at least 10 days before the meeting at which the proposed amendment will be considered.

Accountability and Implementation Board Nominating Committee Overview

Purpose. The purpose of the Accountability and Implementation Board (AIB) Nominating Committee (committee) is to seek, select, and nominate for appointment by the Governor qualified individuals to serve on the Accountability and Implementation Board as required under § 5-402 of the Education Article of the Maryland Annotated Code.

Membership. The committee is composed of six members – two members each appointed by the Governor, President of the Senate, and Speaker of the House of Delegates. The members serve a term of five years. The law requires the committee to consist of individuals who:

- (1) collectively reflect, to the extent practicable, the geographic, racial, ethnic, cultural, and gender diversity of the State; and
- (2) have collective knowledge of:
 - (i) education policy for early childhood education through postsecondary education;
 - (ii) education strategies used by top-performing state and national systems in the world;
 - (iii) systemic changes in complex organizations; and
 - (iv) financial auditing and accounting.00.

(§ 5-403 of the Education Article of the Maryland Annotated Code)

Nominations. The committee must nominate a slate of at least nine individuals that meet the statutory requirements for the initial establishment of AIB. For a vacancy on AIB, a slate of at least two individuals must be nominated.

Nominees shall be decided by a majority vote of the committee, provided that at least one vote must be cast in the majority by a member appointed by the Governor, President, and Speaker, respectively.

The Governor must appoint AIB members within 30 days of receipt of the slate of nominees from the committee.

Accountability and Implementation Board Overview

Purpose. The Accountability and Implementation Board (AIB or board) is a seven-member board appointed by the Governor, with the advice and consent of the Senate, charged with holding State and local governments, including county boards of education, accountable for implementing the Blueprint for Maryland’s Future and evaluating the outcomes achieved against the goals of the Blueprint for Maryland’s Future and the Commission on Innovation and Excellence in Education during the implementation period 2021 through 2032.

The board must strive to provide equal access to a high-quality education with equitable outcomes for each student regardless of the student’s race, ethnicity, gender, address, disability status, socioeconomic status, or the language spoken in the student’s home.

Membership. AIB consists of seven individuals who *collectively*:

- (1) reflect, to the extent practicable, the geographic, racial, ethnic, cultural and gender diversity of the State; and
- (2) have a high level of knowledge and expertise in:
 - (i) early education through secondary education policy;
 - (ii) postsecondary education policy;
 - (iii) teaching in public schools;
 - (iv) strategies used by top-performing state and national education systems in the world;
 - (v) leading and implementing systemic change in complex organizations; and
 - (vi) financial auditing and accounting.

The Governor, President of the Senate, and Speaker of the House jointly appoint the AIB chair.

A member of the board may not receive compensation but is entitled to expense reimbursements.

The term of a member is six years, which is staggered for initial members as follows: three terms expire July 1, 2024; two terms expire July 1, 2025; and two terms expire July 1, 2026. A member may be renominated by the AIB Nominating Committee.

AIB is authorized in statute until June 30, 2032.

Powers and Duties. AIB is an independent unit of State government. The board has the authority to adopt regulations to carry out provisions of the law; adopt bylaws for the conduct of its business; sue or be sued; accept loans, grants, or assistance of any kind; enter into contracts as necessary, including with independent experts to fulfill its duties; subpoena data needed to complete its functions and duties; and appoint an executive director and hire staff to carry out its powers and duties.

AIB is subject to the Public Information Act, the Open Meetings Act, and the Maryland Public Ethics Law. Open meetings of the board must be made available to the public through live video streaming and archived on the Internet for at least five years. The board is not intended to usurp or abrogate the operational authority of the Maryland State Department of Education (MSDE), the Governor's Workforce Investment Board, the Maryland Higher Education Commission, the Department of Commerce or the Maryland Department of Labor. The board may not usurp or abrogate the lawful collective bargaining process.

AIB has plenary authority over all matters within its jurisdiction under State law, including the intended outcomes of the Blueprint for Maryland's Future. In the event of a conflict between AIB and the decision or policy of another entity on a matter within AIB's jurisdiction, AIB's decision or policy shall control.

Operational funding of at least \$1.8 million annually is mandated for AIB in fiscal 2022 through 2032, with an additional \$3.0 million mandated in fiscal 2022 through 2024 to provide technical assistance to local school systems to develop and implement their Blueprint implementation plans and for the Career and Technical Education (CTE) Committee to provide technical assistance. (Due to the timing of the enactment of House Bill 1300 (Chapter 36 of 2021), fiscal 2022 funding is at the Governor's discretion.)

Responsibilities. In general, the board is responsible for overseeing implementation of the Blueprint for Maryland's Future (Blueprint) by State and local units of government, monitoring and evaluating whether the Blueprint is achieving the intended results, and making recommendations for changes needed to ensure that the Blueprint is implemented successfully. Specifically, the responsibilities of the board include:

Implementation Plans and Use of Funds

- Developing a statewide Comprehensive Implementation Plan, including an implementation timeline, for the Blueprint for Maryland's Future and its intended outcomes that all units of State and local government responsible for implementing the Blueprint must follow and adopting the initial plan by February 15, 2022;
- Reviewing and approving the implementation plans, initially submitted no later than June 15, 2022, by local school systems and other units of State and local government;

- Providing technical assistance to local school systems to develop and implement local implementation plans;
- Approving the MSDE criteria for recommending to AIB the approval or disapproval of local school system implementation plans and release of funds;
- Monitoring implementation of the Comprehensive Implementation Plan and the implementation plans adopted by local school systems and other units of State and local government;
- Approving and managing the release of annual funding increases in the State share of major education aid from each local school system and development of appeals process; and
- Reviewing the use of funds by State and local governments to implement the Blueprint, including monitoring school-level expenditures.

Oversight and Training

- Providing training to Expert Review Teams and approving plans for the deployment of teams submitted by MSDE and the CTE Committee;
- Oversight of the CTE Committee;
- Providing outreach and education materials to parents, students, and members of the public on the Blueprint for Maryland's Future;
- Disseminating information on best practices, programs, and resources, providing technical assistance and training, and resolving implementation issues; and
- Identifying ways to establish and promote partnerships or collaborative relationships between local school systems, public schools, institutions of higher education to facilitate the development of a world-class education system within the State.

Monitoring Performance and Evaluations

- Evaluating the outcomes achieved during implementation of the Blueprint by gathering and analyzing data (working with the Maryland Longitudinal Data System Center (MLDSC)), including disaggregated data based on race, ethnicity, family income, linguistic status, and disability status, to measure student progress, including the effects on student performance over time and closing achievement gaps among student demographic groups and the effect of implementation on other student outcomes;

- Monitoring and reviewing the performance of teacher preparation programs and alternative teacher preparation programs in the State;
- In consultation with MLDC, evaluating the effectiveness of efforts to increase diversity in teacher preparation programs and teachers and school leaders in the State with a report due by December 31, 2026;
- Monitoring changes in the concentration of poverty in public schools and school systems;
- Examining school-level diversity of public school staff and student bodies;
- Monitoring and reviewing the placement of teachers and the demographics of the students they teach;
- Monitoring and reviewing the progress of community schools;
- Examining the implementation of full-day prekindergarten by public and private providers and the student makeup to determine if meeting the needs of families;
- Monitoring that sufficient numbers of teachers are participating in the career ladder and achieving National Board Certification;
- Determining when the career ladder system is well established throughout the State;
- Submitting an annual report to the Governor, General Assembly, and the public that includes progress made on implementing the Blueprint and achieving its intended outcomes, any recommended legislative changes to the Blueprint, the degree to which State and local agencies are implementing the Blueprint as required, and whether State and local funding being provided are consistent with AIB's estimate of what is necessary to fully implement the Blueprint; and
- Contracting with a public or private entity to conduct an independent evaluation of the State's progress in Blueprint implementation and meeting the intended outcomes. AIB must submit evaluation reports to the Governor and General Assembly by December 1, 2024, and December 1, 2030, with the final report including recommendations on whether AIB should continue to monitor Blueprint implementation after June 30, 2032.

Consultation and Collaboration

- Coordinating through MSDE the State's participation in the Organization for Economic Cooperation and Development Program for International Student Assessment survey program;
- After consultation with AIB, units of State government required to implement an element of the Blueprint may adopt regulations relating to the Blueprint;
- In consultation with AIB, MSDE contracts with a public/private entity to conduct an empirical study of college and career readiness (CCR) standards based on what is needed to succeed in entry-level courses at community colleges in the State. In consultation with AIB and other entities, the State Board of Education adopts new CCR standards;
- In consultation with AIB, the State Board of Education and Professional Standards and Teacher Education Board adopt regulations to carry out the content and specified requirements for teacher preparation programs; and
- In collaboration with AIB, MSDE provides school leadership training programs on the Blueprint for State and local superintendents and senior instruction-related staff and members of State and local boards of education and school principals.

STATE ETHICS COMMISSION

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October 1, 2017

TO: Prospective Board and Commission Appointees

SUBJECT: Board and Commission Ethics Law Requirements-Partial Summary & Analysis

Members serving on boards and commissions subject to the Public Ethics Law (Md. Code Ann., General Provisions Article, Title 5) are “public officials,” and, for purpose of board activities, have a fiduciary responsibility to the State and are bound by the conflict of interest provisions of the law. The nature of the member’s employment and his or her role in that organization will have an impact on the degree of potential conflicts of interest related to board responsibilities. Formal ethics advice from the State Ethics Commission relies on specific factual situations. The general principles discussed below may be considered:

1. Non-Participation (Public Ethics Law § 5-501) – A board or commission member is required to recuse him or herself if the board is considering a matter that would have a specific impact on the member’s employer or on an entity in which the member has an ownership interest. Generally, disqualification is not required as to matters in which an employer is only generally interested, but recusal is required as to those matters in which the employer has some specific and clearly defined interest that is unique, or nearly unique, to it. For example, if a board considers adopting a policy to eliminate the board member’s particular employer from an area of business or greatly hindering it in some special way, recusal is required unless the member’s disqualification would result in the lack of a quorum. Thus, the State Ethics Commission’s advice has been that situations requiring non-participation on licensing or advisory boards tend to involve more than general policy development, while situations in which there is some discrete and particularized impact on the official, his employer, or certain family members would require disqualification. If disqualification would result in a quorum problem, the member may disclose the conflict on the record and participate.
2. Employment and Ownership Interests (Public Ethics Law § 5-502(b) and (c)) - The Ethics Law recognizes that persons appointed to boards or commissions may have affiliations resulting in prohibited conflicts of interest. The law allows these individuals to be appointed despite these otherwise disqualifying affiliations provided they file public “time of appointment” exemption forms with the Commission disclosing the conflict to the appointing authority and the Senate, if confirmation is required. This exemption is addressed in § 5-502(c)(4). The decision to accept the conflict and make the appointment under these particular disclosure procedures is the function of the appointing authority rather than the State Ethics Commission, although the Commission does have a role in determining the scope of the exemption. The exemption process is available only for **conflicts that exist at the time of appointment** and does not apply to conflicts that develop after appointment. Generally, board memberships on private entities (both for profit and non-profit), even if non-compensated, are considered employment for the purposes of the Public Ethics Law. While private board membership conflicts most often occur in grant or procurement situations, they also may occur in other situations in which people are on professional or trade association boards.

There is also an exemption for individual licensees who are appointed to licensing boards pursuant to a statutory requirement that persons subject to the jurisdiction of the board serve on that board.

3. Lobbyists serving on Boards and Commissions (Public Ethics Law § 5-703 and COMAR 19A.07.01.05B and .06) Lobbyists may serve on boards and commissions provided that, within 5 days of the dual status, the member/lobbyist discloses to the Commission any current representation of a person for compensation before a State governmental unit, except in a judicial or quasi-judicial proceeding; any current representation of a State agency for compensation, any contractual relationship with State government, or any transaction with State government for monetary consideration; any current interest held by the regulated lobbyist, the regulated lobbyist's spouse or dependent children, together or separately, having either 10 percent or more of the capital stock, or stock worth \$35,000 or more, in a corporation subject to regulation by or doing business with the board or commission, or any interest in a partnership, limited liability partnership, or limited liability company subject to regulation by or doing business with the board or commission; the name of the primary employer of the regulated lobbyist; and the name of any business entity from which the regulated lobbyist or spouse of the regulated lobbyist receives earned income as a result of an ownership interest. Additionally, the regulated lobbyist/member shall update the information required to reflect the lobbyist's current registrations throughout each reporting period, and, whenever an issue arises within the board or commission related to the disclosed information, the regulated lobbyist member shall submit a statement, on the record of the board or commission, of recusal from discussion of, voting on, or any other action required by the circumstances concerning the issue.
4. Post Service (Public Ethics Law § 5-504(d)) - When a member leaves a board either because the board ceases to exist or the member's term expires, that member may be limited in activities he performs relating to actions in which he was significantly involved as a board member.
5. Misuse of Position (Public Ethics Law § 5-506) - This section prohibits board members from intentionally using their board positions for their own gain or that of another. For example, a board member would have to avoid activities on behalf of an employer involving board activities, particularly as to any policy or legislative issues in which his or her board status would be relevant to the situation. A board member also cannot use his or her status in marketing the member's private businesses. A board member also may not: 1) use his/her position to influence the award of a State contract to a specific person (except in the conduct of official duties); 2) directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist; or 3) use public resources or title to solicit a political campaign contribution.
6. Confidential Information (Public Ethics Law § 5-507) - A board member is prohibited from using any confidential information acquired by serving the board for his or her own gain or the gain of another.
7. Procurement Specifications (Formerly Public Ethics Law § 5-508) – This provision was transferred from the Public Ethics Law to the State Finance and Procurement Article (§13-212.1) on October 1, 2015. However, the text remains the same and board members should be aware of its application. If a board member who, as part of his or her board's activities, takes an active role in developing specifications for a State procurement, the member's employer may be barred from bidding on that procurement, even if the board member does not assist the employer in the procurement process. If any board becomes involved in procurement specifications, board members who are employees of any potential vendors must abstain from participation in this aspect of the board's activities.

8. Financial Disclosure (Public Ethics Law § 5-609) - This subtitle requires members of boards and commissions that are not purely advisory to file annual public financial disclosure statements. At a minimum, this requires disclosure of the employment of the board member, spouse and dependent children and any business activity from which income is earned. Other situations that may present a potential for conflict of interest must also be disclosed.

This memorandum is not a comprehensive analysis of the Law. The State Ethics Commission will respond to questions on the basis of the specific facts involved.