

# HOUSE BILL 87

F5  
HB 154/18 – W&M

9lr0729  
CF SB 529

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By: **Delegates Ebersole, Cain, Carey, Charkoudian, Feldmark, Guyton, Hettleman, Ivey, Kerr, Korman, Luedtke, Moon, Mosby, Palakovich Carr, Patterson, Smith, Solomon, Terrasa, Turner, C. Watson, and Wilkins**

Introduced and read first time: January 17, 2019  
Assigned to: Ways and Means

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: February 13, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Education – Membership – Teachers and Parent**

3 FOR the purpose of altering the membership of the State Board of Education to add a  
4 certain number of members who are certified teachers with certain experience and a  
5 parent of a certain student; authorizing the teacher members to be appointed to the  
6 State Board although the individuals are subject to the authority of the State Board;  
7 requiring the Governor to appoint certain teacher members with the advice and  
8 consent of the Senate ~~from a certain list submitted to the Governor by the State~~  
9 ~~Department of Education~~ after an election by teachers in the State; ~~requiring a~~  
10 ~~certain list submitted to the Governor by the Department to consist of a certain~~  
11 ~~number of teacher members who received a certain number of votes after an election~~  
12 ~~by teachers in the State~~; requiring the Department to provide notice of a certain  
13 vacancy to certain individuals and organizations; requiring a certain election to be  
14 conducted under regulations that the Department adopts; authorizing certain  
15 teacher members to attend and participate in certain sessions of the State Board;  
16 prohibiting a teacher member from voting on certain matters; requiring the  
17 Governor to appoint a certain parent member with the advice and consent of the  
18 Senate from a certain list submitted to the Governor by the Maryland PTA; requiring  
19 the Department to provide notice of a certain vacancy to the Maryland PTA;  
20 authorizing a certain parent member to attend and participate in certain sessions of  
21 the State Board; providing for the appointment and terms of certain initial teacher  
22 members and the initial parent member of the State Board; and generally relating  
23 to teacher and parent members of the State Board of Education.

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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.



1 BY repealing and reenacting, with amendments,  
2 Article – Education  
3 Section 2–202  
4 Annotated Code of Maryland  
5 (2018 Replacement Volume and 2018 Supplement)

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

8 **Article – Education**

9 2–202.

10 (a) The State Board consists of ~~[11]~~ **14** regular members, and 1 student member,  
11 appointed by the Governor with the advice and consent of the Senate.

12 (b) (1) In making appointments to the State Board, the Governor shall  
13 consider representation from:

14 (i) All parts of this State; and

15 (ii) Areas of this State with concentrations of population or unique  
16 needs.

17 (2) **[The] EXCEPT AS PROVIDED IN PARAGRAPHS (4) THROUGH (6) OF**  
18 **THIS SUBSECTION, THE** members of the Board shall be appointed from the general public.

19 (3) The following individuals may not be appointed to the Board:

20 (i) Except for the **TEACHER MEMBERS AND** student member, any  
21 individual who is subject to the authority of the Board;

22 (ii) The Governor; and

23 (iii) The State Superintendent.

24 **(4) (I) OF THE 14 REGULAR MEMBERS OF THE STATE BOARD, TWO**  
25 **REGULAR MEMBERS SHALL BE CERTIFIED TEACHERS:**

26 **1. ONE OF WHOM SHALL HAVE EXPERIENCE TEACHING**  
27 **STUDENTS IN AT LEAST ONE OF THE ELEMENTARY GRADES, KINDERGARTEN**  
28 **THROUGH SIXTH GRADE; AND**

1                                   **2. ONE OF WHOM SHALL HAVE EXPERIENCE TEACHING**  
2 **STUDENTS IN AT LEAST ONE OF THE SECONDARY GRADES, SEVENTH THROUGH**  
3 **TWELFTH GRADE.**

4                                   **(II) THE GOVERNOR SHALL APPOINT THE TEACHER MEMBERS,**  
5 **WITH THE ADVICE AND CONSENT OF THE SENATE, ~~FROM A LIST SUBMITTED TO THE~~**  
6 **~~GOVERNOR BY THE DEPARTMENT, AND CONSISTING OF THE TWO TEACHER~~**  
7 **~~MEMBERS~~ WHO RECEIVED THE HIGHEST NUMBER OF VOTES AFTER AN ELECTION BY**  
8 **TEACHERS IN THE STATE.**

9                                   **(III) THE DEPARTMENT SHALL PROVIDE NOTICE OF A TEACHER**  
10 **MEMBER VACANCY ON THE STATE BOARD TO:**

11                                   **1. ALL CERTIFIED TEACHERS IN THE STATE; AND**

12                                   **2. ALL ~~STATEWIDE~~ TEACHERS' ORGANIZATIONS**  
13 **REPRESENTING ~~A MAJORITY OF~~ TEACHERS IN THE STATE FOR PURPOSES OF**  
14 **COLLECTIVE BARGAINING.**

15                                   **(IV) THE ELECTION SHALL BE CONDUCTED UNDER**  
16 **REGULATIONS THAT THE DEPARTMENT ADOPTS.**

17                                   **(V) A TEACHER MEMBER MAY ATTEND AND PARTICIPATE IN AN**  
18 **EXECUTIVE SESSION OF THE STATE BOARD.**

19                                   **(VI) A TEACHER MEMBER MAY NOT VOTE ON ANY MATTER THAT**  
20 **RELATES TO APPEALS TO THE STATE BOARD UNDER § 6-202 OF THIS ARTICLE.**

21                                   **(5) (I) OF THE 14 REGULAR MEMBERS OF THE STATE BOARD, ONE**  
22 **REGULAR MEMBER SHALL BE THE PARENT OF A STUDENT ENROLLED IN A PUBLIC**  
23 **SCHOOL IN THE STATE.**

24                                   **(II) THE GOVERNOR SHALL APPOINT THE PARENT MEMBER,**  
25 **WITH THE ADVICE AND CONSENT OF THE SENATE, FROM A LIST OF THREE**  
26 **QUALIFIED INDIVIDUALS SUBMITTED TO THE GOVERNOR BY THE MARYLAND PTA.**

27                                   **(III) THE DEPARTMENT SHALL PROVIDE NOTICE OF THE**  
28 **PARENT MEMBER VACANCY ON THE STATE BOARD TO THE MARYLAND PTA.**

29                                   **(IV) THE PARENT MEMBER MAY ATTEND AND PARTICIPATE IN**  
30 **AN EXECUTIVE SESSION OF THE STATE BOARD.**

31                                   **[(4)] (6) The student member shall be selected by the Governor from a list**  
32 **of 2 persons nominated by the Maryland Association of Student Councils.**

1 (c) (1) The student member shall be:

2 (i) A regularly enrolled student; and

3 (ii) In good standing in a public high school in the State.

4 (2) The student member may attend and participate in an executive  
5 session of the Board.

6 (3) The student member may not vote on any matter that relates to:

7 (i) The dismissal of or other disciplinary action involving personnel;  
8 or

9 (ii) Appeals to the State Board under § 2–205 of this subtitle or §  
10 4–205 or § 6–202 of this article.

11 (d) (1) Each regular member serves for a term of 4 years and until a successor  
12 is appointed and qualifies. These terms are staggered as required by the terms of the  
13 members serving on the State Board as of July 1, 1989.

14 (2) The Governor shall appoint a new member to fill any vacancy on the  
15 Board for the remainder of that term and until a successor is appointed and qualifies.

16 (3) A member is eligible for reappointment but may not serve for more than  
17 two full 4-year terms.

18 (4) The student member shall serve for a term of 1 year. A student member  
19 is eligible for reappointment but may not serve more than two full 1-year terms.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall appoint,  
21 in accordance with § 2–202(b)(4) and (5) of the Education Article, as enacted by this Act:

22 (1) the two initial teacher members of the State Board of Education as  
23 follows:

24 (i) one teacher member shall serve for a term of 1 year and 6 months  
25 beginning January 1, 2020, and terminating at the end of June 30, 2021, or until a successor  
26 is appointed and qualifies; and

27 (ii) one teacher member shall serve for a term of 2 years and 6  
28 months beginning January 1, 2020, and terminating at the end of June 30, 2022, or until a  
29 successor is appointed and qualifies; and

1                   (2)     the initial parent member of the State Board of Education shall serve  
2 for a term of 3 years and 6 months beginning January 1, 2020, and terminating at the end  
3 of June 30, 2023, or until a successor is appointed and qualifies.

4                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
5 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.