

# Emergency Action on Regulations

### Symbol Key

- Roman type indicates text existing before emergency status was granted.
- *Italic type* indicates new text.
- [Single brackets] indicate deleted text.

### Emergency Regulations

Under State Government Article, §10-111(b), Annotated Code of Maryland, an agency may petition the Joint Committee on Administrative, Executive, and Legislative Review (AELR), asking that the usual procedures for adopting regulations be set aside because emergency conditions exist. If the Committee approves the request, the regulations are given emergency status. Emergency status means that the regulations become effective immediately, or at a later time specified by the Committee. After the Committee has granted emergency status, the regulations are published in the next available issue of the Maryland Register. The approval of emergency status may be subject to one or more conditions, including a time limit. During the time the emergency status is in effect, the agency may adopt the regulations through the usual promulgation process. If the agency chooses not to adopt the regulations, the emergency status expires when the time limit on the emergency regulations ends. When emergency status expires, the text of the regulations reverts to its original language.

## Title 13A STATE BOARD OF EDUCATION

### Subtitle 07 SCHOOL PERSONNEL

#### *13A.07.13 State Board of Education Teacher Member Election*

*Authority: Education Article, §2-202, Annotated Code of Maryland*

#### Notice of Emergency Action [19-232-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulations **.01—.07** under a new chapter, **COMAR 13A.07.13 State Board of Education Teacher Member Election**.

**Emergency status began: October 24, 2019.**  
**Emergency status expires: April 21, 2020.**

#### Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** The Maryland State Department of Education (MSDE) anticipates expending approximately \$30,000 to secure a contract with a vendor to offer an online election. This funding was not allocated by the General Assembly. The MSDE anticipates the funding to come from the General Funds allocated for the State Board of Education.

| II. Types of Economic Impact | Revenue (R+/R-)<br>Expenditure (E+/E-) | Magnitude |
|------------------------------|--|-----------|
| A. On issuing agency:        | (E+)                                   | \$30,000  |
| B. On other State agencies:  | NONE                                   |           |
| C. On local governments:     | NONE                                   |           |

|                         |           |
|-------------------------|-----------|
| Benefit (+)<br>Cost (-) | Magnitude |
|-------------------------|-----------|

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- D. On regulated industries or trade groups: NONE
- E. On other industries or trade groups: NONE
- F. Direct and indirect effects on public: NONE

#### III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. The MSDE anticipates expending approximately \$30,000 to secure a contract with a vendor to offer an online election.

#### Economic Impact on Small Businesses

The emergency action has minimal or no economic impact on small businesses.

#### .01 Scope.

*This chapter establishes the process for electing the teacher member to the State Board of Education whenever there is a vacancy in that position.*

#### .02 Definitions.

A. *In this chapter, the following terms have the meanings indicated.*

##### B. Terms Defined.

(1) "Actively teaching" means an individual is:

- (a) Employed full-time;
- (b) Not employed as a substitute;
- (c) Not on extended leave; and
- (d) Teaching for at least 30 percent of the work week.

(2) "Candidate" means a teacher actively teaching in Maryland and certified in Maryland who has met the nomination requirements to stand for election to a seat on the State Board of Education.

(3) "Certificate" means an educator credential issued by the Department, which allows the holder to practice the area or areas of certification noted.

(4) "Department" means the Maryland State Department of Education.

(5) "Immediate family member" means a:

- (a) Parent;
- (b) Sibling;
- (c) Child by blood, adoption, or marriage;

- (d) Spouse;
- (e) Grandparent; or
- (f) Grandchild.

(6) "Teacher member-elect" means the teacher candidate who received the highest number of votes from certified teachers in the State in an election conducted by the Department.

(7) "Vacancy" means a teacher member:

(a) Has resigned as the "teacher member" on the State Board of Education, or the teacher member's designated term has ended;

- (b) Has been removed from office;
- (c) Is no longer certified to teach in the State; or
- (d) Is no longer actively teaching in the State.

#### **.03 General Provisions.**

A. The Department shall conduct an election to determine the teacher member-elect, whose name shall be presented to the Governor for appointment to the State Board of Education, with the advice and consent of the Senate.

B. The teacher member elect shall be selected from a list of candidates provided by the Department to all certified teachers in the State.

C. A teacher member's seat on the State Board of Education shall become vacant if the teacher fails to hold certification in Maryland or stops actively teaching.

#### **.04 Election Schedule.**

A. The Department shall conduct an election whenever there is a vacancy of a teacher member of the State Board of Education.

B. The Department shall prepare a schedule for conducting the election that conforms to the requirements of §C of this regulation.

C. The election schedule shall include the following information:

- (1) The time period during which an eligible teacher may obtain a nomination form from the Department;
- (2) The date by which a teacher shall be certified in order to qualify as a candidate or be an eligible voter in the election;
- (3) The date completed nomination forms shall be submitted to the Department;
- (4) The date the Department shall certify the names of all candidates on the ballot;
- (5) The dates the Department shall conduct the online election; and
- (6) The date that election results shall be announced publicly.

D. The election schedule shall be posted online and transmitted by email to all certified teachers in the State using the email addresses provided by those educators to the Department.

#### **.05 Election Notice.**

A. The Department shall provide notice of a teacher member vacancy and election to all certified teachers in the State.

B. The notice shall include:

- (1) The election schedule set by the Department;
- (2) An explanation of the eligibility requirements to serve as a teacher member on the State Board of Education and how to become a candidate;
- (3) Information on how to vote for a teacher candidate to the State Board of Education; and
- (4) Any other information the Department considers necessary for eligible voters to fully understand the purpose and procedures of the election.

C. The Department shall circulate the election notice by:

- (1) Sending a copy to all certified teachers in Maryland via the email address registered with the Department's Educator Information System; and
- (2) Posting the information to the Department's website.

#### **.06 Nomination of Candidates.**

A. The name of an eligible teacher shall be placed on the ballot as a candidate if the Department certifies that they have met the criteria set by this regulation.

B. Eligibility Requirements. To be placed on the ballot, a teacher:

- (1) Shall be a resident of Maryland;
- (2) Shall be certified to teach in Maryland;
- (3) Shall be actively teaching in a public or nonpublic school in Maryland;
- (4) Shall have been actively teaching for at least 5 years;
- (5) May not have:

(a) Had a certificate suspended or revoked by the Department; or

(b) Been convicted of or entered a plea of guilty or nolo contendere for any criminal violation other than a minor traffic offense;

(6) Shall be current on all federal, state, or local debt, without any delinquencies for income, property, or other taxes;

(7) Shall provide all of the information required by the nomination form; and

(8) Shall complete an ethics disclosure form.

C. Nomination Form.

(1) A teacher shall submit a complete nomination form in order to be considered for placement on the ballot.

(2) Teachers shall only nominate themselves as candidates.

(3) All nomination forms shall include the following:

(a) The teacher's name, current school, and assignment area;

(b) The teacher's mailing address, email address, and phone number;

(c) A brief biography of not more than 500 words and a resume, which shall include the teacher's prior teaching assignment or assignments and the length of time at each;

(d) A personal statement of not more than 500 words explaining why the teacher should be elected to the State Board of Education;

(e) Confirmation from the human resources director, or equivalent position, of the teacher's current school verifying that the teacher is actively teaching and has completed a criminal background check;

(f) Three letters of support, not from an immediate family member, recommending the teacher for election to the State Board of Education, which may be from any combination of the following:

(i) An administrator at the teacher's current or former school;

(ii) A teacher at the teacher's current or former school;

or

(iii) A parent of a current or former student;

(g) Documentation showing that a letter from the teacher to the local school system superintendent or head of a nonpublic school's legal authority was submitted informing them of their intent to nominate themselves to serve on the State Board of Education; and

(h) A completed ethics disclosure form.

D. The Department shall provide teachers with at least 30 days in which to submit a nomination form after the Department sends notice of a teacher member vacancy.

E. Selection or Rejection as Candidate.

(1) The Department shall add a teacher's name as a candidate to the election ballot if the teacher meets all of the eligibility requirements and submits all of the information required by the nomination form.

(2) The Department shall reject teachers as candidates if they fail to meet the eligibility requirements or fail to submit all of the information required by the nomination form.

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(3) Upon request of a teacher, the Department shall provide the teacher the reasons for rejecting the teacher as a candidate for election.

(4) The name of a candidate shall be removed from the election ballot if:

- (a) The teacher requests in writing that the teacher's name be withdrawn;
- (b) A local school system, a nonpublic school, or the Department files charges against the teacher's certificate;
- (c) The teacher is arrested for a cause that could lead to the suspension or revocation of the teacher's certificate;
- (d) The teacher no longer holds a certificate in the State;
- (e) The teacher is no longer actively teaching in the State;

or

(f) The teacher has made false statements or presented false documents in connection with the teacher's nomination.

(5) The Department's determination of whether a teacher shall be added, removed, or rejected as a candidate on the election ballot shall be final.

F. Only One Eligible Teacher as Candidate. If the Department certifies that only one eligible teacher qualifies as a candidate, the Department shall:

- (1) Forward the name of the single candidate to the Governor for appointment; and
- (2) Notify all certified teachers in the State of the cancelation of the election and the name of the teacher member-elect.

G. No Eligible Teacher as Candidate. If the Department is unable to certify any teachers as candidates, the Department shall:

- (1) Cancel the election; and
- (2) Prepare a new election schedule.

H. More than 25 Eligible Candidates.

(1) If more than 25 teachers meet the qualifications to be placed on the ballot as candidates, the Department shall automatically schedule two rounds of voting.

(2) The first round of voting shall include all candidates who meet the requirements to be placed on the ballot.

(3) The second round of voting shall include the five candidates who received the most votes during the first round of voting.

(4) The candidate who receives the most votes after the second round of voting shall win the election.

**.07 Election.**

A. The Department shall conduct an online election.

B. Ballots.

(1) Candidates shall be listed in alphabetical order on the ballot.

(2) Each certified teacher in the State shall receive access to a ballot through notice provided by the Department's Education Information System.

(3) The ballot shall, at a minimum, have the name of each candidate and the candidate's current school and teaching assignment.

(4) The Department may include additional relevant biographical information about the candidates on the ballot, including a candidate's personal statement, resume, biography, and other information submitted as part of the nomination form.

C. Voting.

(1) The Department shall designate one week during which votes may be cast.

(2) In the event that more than 25 candidates are on the ballot, the Department shall schedule a second round of voting that includes the five candidates who received the most votes during the first round of voting.

(3) The Department shall extend the voting period for a run-off election in the event that the final two candidates receive the same number of votes.

(4) The Department may extend the voting period for up to an additional week at its discretion.

(5) Each certified teacher in the State may cast one vote.

(6) Voiding Ballots. The Department may void a teacher's ballot if:

(a) The teacher loses certification during the election period; or

(b) The teacher attempts to manipulate election results, cast multiple votes, or otherwise interfere with the integrity of the election process.

(7) Technical Assistance.

(a) The Department or election vendor shall provide technical assistance to teachers who experience technical problems in casting a ballot if the problems are reported during the voting period.

(b) Technical problems that are reported after the end of the voting period may not be grounds to cast a new ballot or otherwise delay the election results.

D. Reporting the Results.

(1) The candidate receiving the highest number of votes shall win the election.

(2) In the event of a tie, the Department shall conduct a run-off election.

(3) The Department shall notify all candidates of the preliminary results of the election, including the total number of votes received by each candidate.

(4) The Department shall report to the public the total number of votes received by each candidate and the Department's final determination of the winner within 30 days after the end of the voting period.

E. Challenging the Results.

(1) An unsuccessful candidate may challenge the election results by filing a formal protest in writing to the Department within 5 days of being informed of the preliminary results.

(2) The Department shall decide all protests within 10 days of receiving them.

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