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State Superintendent of Schools

TO: Members of the Maryland State Board of Education
FROM: Karen B. Salmon, Ph.D.
DATE: June 25, 2019
SUBJECT: Md. Code, Educ. §2-202 (Senate Bill 529/House Bill 87 State Board of Education – Membership – Teacher Parent Members)

PURPOSE:

The purpose of this item is to provide information to the State Board of Education (SBOE) members for discussion pertaining to the implementation of Md. Code, Educ. §2-202 (Senate Bill 529/House Bill 87 State Board of Education – Membership – Teacher Parent Members). This statute increases the membership of the SBOE from 12 to 14 members, by adding one certified teacher who is actively teaching and one parent of a student enrolled in a public school.

HISTORICAL BACKGROUND:

On May 24, 2019, Governor Hogan allowed Senate Bill 529/House Bill 87 State Board of Education – Membership – Teacher Parent Members to become a law without his signature. These bills have been codified in Education Article §2-202. This law increases the membership of the SBOE from 12 to 14 members by adding one Certified teacher who is actively teaching and one parent of a student enrolled in a public school. Both the parent and teacher member terms are to begin January 2020.

The Maryland State Department of Education (MSDE) is responsible for the following:

- Providing notice of a teacher member vacancy to:
 - all certified teachers who are actively teaching in the State and
 - all teachers' organizations representing teachers in the State for purposes of collective bargaining;
- Developing regulations pertaining to the election of the teacher member;
- Conducting elections in accordance with the regulations adopted by the MSDE; and
- Notifying the Maryland Parent Teacher Association (PTA) of a parent member vacancy.

The law indicates that the MSDE may consult with the State Retirement Agency of the Maryland State Retirement and Pension System (MSRSP) regarding election procedures. Prior to the development of the regulations, and in addition to consulting with the MSRSP, the MSDE will solicit input regarding the election process from the Maryland State Education Association (MSEA) and the Baltimore Teachers Union (BTU).

Finally, the MSDE is currently working on procuring an online voting system to conduct the teacher election. This system will need to be operational by November 1, 2019.

EXECUTIVE SUMMARY:

This update provides information pertaining to Md. Code, Educ. §2-202, which increases the membership of the SBOE from 12 to 14 members, by adding one certified teacher who is actively teaching and one parent of a student enrolled in a public school. The MSDE is providing SBOE members with a proposed time for ensuring that the Maryland PTA is notified of the parent vacancy, that certified teachers, MSEA and BTU are notified of the teacher vacancy, and that the teacher election is conducted in accordance with the regulations developed by the MSDE. The parent and teacher members are to be appointed by January 2020.

ACTION:

For discussion only.

Attachments (5)

- State Board of Education Membership Bill Summary
- Timeline
- MSDE Guidance
- House Bill 87
- Senate Bill 529

KBS: sds

State Board of Education – Membership - Teacher and Parent Members Summary

Overview of the Bill:

- Increases the membership of the State Board of Education from 12 to 14 members, by adding 1 certified teacher who is actively teaching and 1 parent of a student enrolled in a public school, and establishes processes to appoint these members.
- The Governor must appoint the teacher and parent members with the advice and consent of the Senate. The teacher member who received the highest number of votes after an election by teachers in the State must be appointed by the Governor. For the parent member, the Governor must appoint the parent member from a list of three qualified individuals submitted by the Maryland Parent Teacher Association
- A teacher or parent member may attend and participate in an executive session of the State Board; however, a teacher member may not vote on any matter that relates to appeals to the State Board related to the suspension or dismissal of teachers, principals, and other professional personnel.
- Initial teacher member begins on January 1, 2020 and serves for 2 years and 6 months.
- Initial parent member begins on January 1, 2020 and serves 3 years and 6 months.

Maryland State Department of Education Responsibilities:

- MSDE must provide notice of a teacher member vacancy to (1) all certified teachers who are actively teaching in the State, and (2) all teachers' organizations representing teachers in the State for purposes of collective bargaining.
- The elections must be conducted under regulations adopted by the MSDE.
- MSDE may consult with the State Retirement Agency of the Maryland State Retirement and Pension System to conduct the election.
- MSDE must provide notice of a parent member vacancy to the Maryland PTA.

Notification:

- Email blast to all active certificate holders in the Educator Information System (EIS)
- Email blast to all active teachers contributing to the State Retirement Agency of the Maryland State Retirement and Pension System
- Letters to MSEA , BTU, and nonpublic school community regarding the teacher vacancy
- Letter to the Maryland PTA regarding the parent vacancy
- Posting on the MSDE website

Proposed Timeline

- See attachment

MSDE Guidance for Md. Code, Educ. 2-202 (Senate Bill 529/House Bill 87 State Board of Education – Membership – Teacher and Parent Members)

- See attachment

State Board of Education – Membership – Teacher and Parent Membership Timeline

| | 2019 | | | | | | | 2020 |
|---|---------------|---|-----------------|-----------|-------------------------------------|-------------------|--------------------|------------------|
| | June | July | August | September | October | November | December | January |
| Solicit Feedback from MSEA and BTU | June 30, 2019 | | | | | | | |
| Consult with State Retirement Agency of the Maryland State Retirement and Pension Systems | June 30, 2019 | | | | | | | |
| Election Regulations (Emergency) | | Adoption: We need pre-approval from AELR prior to SBOE adoption. Process may take longer than July. | | | | | | |
| Procure an Online Voting System | | | August 31, 2019 | | | | | |
| Online Voting System is Operational | | | | | | November 1, 2019 | | |
| Notify All Maryland Certified Teachers, MSEA, and BTU of Teacher Vacancy Notify Maryland PTA of Parent Vacancy | | | August 31, 2019 | | | | | |
| Nomination Application Developed | | July 30, 2019 | | | | | | |
| Disseminate Nomination | | | August 31, 2019 | | | | | |
| Nomination Period | | | | | October 6 - 19, 2019 | | | |
| Vet Nominations | | | | | October 19, 2019 – November 9, 2019 | | | |
| Announce Ballot | | | | | | November 15, 2019 | | |
| Election Period | | | | | | | December 1-8, 2019 | |
| Announce Election Outcome | | | | | | | | January 1, 2020 |
| Teacher and Parent Members of the SBOE are Seated | | | | | | | | January 24, 2020 |

**MSDE Guidance for Md. Code, Educ. 2-202 (Senate Bill 529/House Bill 87 State Board of Education –
Membership – Teacher and Parent Members)**

This guidance is offered to assist Maryland teachers, Maryland State Education Association, Baltimore teachers Union, and nonpublic school teachers with understanding the provisions of Md. Code, Educ. 2-202. It is not meant to include all of the statute's requirements.

1. Who can be a nominee on the ballot for the SBOE vacancy?

All teachers who hold a valid Maryland teaching certificate and are actively teaching in a prek-12 program in Maryland may be considered as a nominee.

2. Who can vote for the teacher vacancy?

All teachers that hold a valid teaching certificate in Maryland.

3. May a teacher in a nonpublic school be a nominee on the ballot?

Yes, as long as they hold a valid teaching certificate and are actively teaching in Maryland.

4. What does actively teaching mean?

While the MSDE Educator Information System can identify all individuals who hold a valid Maryland teaching certificate, it does not contain information regarding an individual's teaching or employment status. Therefore, each nominee will need to affirm that they are actively teaching in a prek-12 classroom and have the human resources officer for their school certify that they are in fact actively teaching. To be a nominee, an individual's teaching experience may not be as a substitute.

5. Can an individual who is on extended leave be a nominee on the ballot?

No. A nominee must be actively teaching to serve as the teacher member of the SBOE.

6. May a specialist or administrator who holds an active Maryland certificate with a teaching area be a nominee on the ballot?

No. Unless the administrator or specialist is actively teaching in addition to their responsibilities as an administrator or specialist, they may not be a nominee on the ballot.

7. Can an individual that holds a valid Maryland teaching certificate but is actively teaching in another state be a nominee on the ballot?

No.

8. Can an individual that holds a valid Maryland teaching certificate but is not actively teaching in Maryland vote?

Yes. To cast a vote, a teacher only needs to hold a valid Maryland teaching certificate.

9. Will the MSDE post the results of the election?

Yes. The MSDE will post the names of all of the candidates and the number of votes they received.

10. Can the teacher member continue to serve as a SBOE member if their certificate expires during their membership?

No. If the certificate expires, the teacher no longer holds a Maryland certificate, which is one of the requirements of the statute. In addition, a teacher without a valid Maryland certificate may not actively teach in Maryland.

11. Can the teacher member continue to serve as a SBOE member if they are no longer actively teaching mid-term?

No. Another election will need to be held because the teacher member needs to hold a valid certificate and be actively teaching.