

BILL: Senate Bill 739
TITLE: State Board of Education - Membership - Teachers and Parents
DATE: April 3, 2018
POSITION: OPPOSE
COMMITTEE: Ways and Means Committee
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The Maryland Association of Boards of Education (MABE) opposes Senate Bill 739. This bill would impose unwarranted and inappropriate conditions on the membership of an expanded State Board of Education, and create potential conflicts of interest for these new board members.

MABE strongly opposes the proposal to have two designated slots on the State Board of Education for teachers. The premise of this legislation would appear to be the desire to have two teachers appointed to represent their collective interests on the State Board. This premise raises problematic ethical issues concerning conflicts of interest on legal, legislative and policy issues routinely deliberated and decided by the State Board.

Maryland's Public Ethics Law prohibits participation in matters by board members or employees: where the board member or employee, or certain relatives of the board member or employee (spouse, parent, child, brother, sister), have a specific interest; and on matters involving business entities in which the board member or employee, or certain relatives of the board member or employee, have employment, contractual, creditor, or potential employment relationships.

If a certified teacher is an employee of a local school system (and therefore receiving compensation and paying union fees or dues) their presence on the State Board could routinely create at least the appearance of conflicts of interest as legal, legislative, and policy matters arise which impact other certified teachers, employee organizations, their local school system (employer), or the employee organization of which they are a member.

For example, the State Board is responsible for the de novo consideration and appellate decisions in teacher discipline and discharge appeals under Section 6-202 of the Education Article. In such appeals, the State Board is to employ its *independent judgment* to determine whether to uphold or modify the suspension or dismissal of a certificated employee (*emphasis added*).

In this context, if one or more designated teacher positions were to be created, it would be imperative to make clear that they may not hold office or official capacity with an employee organization. Similarly, the law should require recusal from deliberating on or deciding appeals from other certificated employees, including other employees from the teacher's respective local school system or employee organization. The bill is silent on these matters.

This bill would also add a designated parent representative of the Maryland PTA. MABE is a strong advocate for parental involvement in public education, recognizing that supportive and involved parents are essential partners for their children's education. However, MABE does not support legislation to require that at least one member of the State Board be a parent of a student enrolled in public school. Problematic scenarios abound. Under the bill as drafted, the parent who qualifies when appointed but whose child then graduates or enrolls in a nonpublic school would be ineligible to continue to serve. In addition, the bill does not address the access of non-PTA member parents (such as PTO members) to the list submitted by the Maryland PTA.

For these reasons, MABE urges this Committee to issue an unfavorable report on Senate Bill 739.