

Chapter 849

(Senate Bill 908)

AN ACT concerning

Maryland Education Development Collaborative – Established

FOR the purpose of establishing the Maryland Education Development Collaborative; providing that the Collaborative is an instrumentality of the State; providing for the purposes of the Collaborative; establishing a Governing Board of the Collaborative; providing for the composition, residency requirement, appointment considerations, removal, chair, and quorum requirements for the Governing Board; requiring the Governing Board to establish an Advisory Committee, made up of certain persons, to advise in certain matters; requiring the Collaborative to employ an Executive Director who meets certain qualifications; providing for the legal adviser for the Collaborative and the hiring of certain legal counsel; authorizing the Collaborative to retain certain professionals; exempting the Collaborative from certain provisions of law; providing that the Collaborative is subject to the Public Information Act; providing that the Governing Board and the officers and employees of the Collaborative are subject to the Public Ethics Law; providing that certain officers and employees of the Collaborative are not subject to certain provisions of law governing State personnel; providing that the Collaborative and its Governing Board and employees are subject to certain procurement policies and procedures governing certain exempt units of government; establishing the powers and duties of the Collaborative; providing that certain debts, claims, obligations, or liabilities of the Collaborative are not held against the State or a pledge of credit of the State; authorizing certain institutions of higher education to perform certain acts regarding the Collaborative; providing that the Collaborative is exempt from State and local taxes; providing that the books and records of the Collaborative are subject to a certain audit by certain entities at certain times; requiring the Collaborative to report certain information to the Governor, the State Department of Education, and the General Assembly on or before a certain date each year; defining certain terms; providing for the termination of this Act; and generally relating to the establishment of the Maryland Education Development Collaborative.

BY adding to

Article – Education

Section 9.7–101 through 9.7–113 to be under the new title “Title 9.7. Maryland Education Development Collaborative”

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

Preamble

WHEREAS, Schools with freedom of curriculum and structure will innovate Maryland's education system and allow partnerships with outside businesses and social organizations to educate all students for the modern workforce; and

WHEREAS, The Maryland Commission on Innovation and Excellence in Education seeks to set forth a clear vision for Maryland's public school system in the 21st century; and

WHEREAS, Standardized accountability reform efforts have not generated sufficient innovation and workforce readiness in our public schools for students to compete effectively in a globalized economy; and

WHEREAS, The National Conference of State Legislatures (NCSL) "No Time to Lose" report has identified the essential elements of a world-class education system; and

WHEREAS, The Commission on Innovation and Excellence in Education, NCSL, and the National Center on Education and the Economy have partnered to focus statewide education reform efforts on building a world-class education system; and

WHEREAS, Most state education systems are falling dangerously behind the world in a number of international comparisons and on our own National Assessment of Educational Progress (NAEP); and

WHEREAS, Student performance on the international Programme for International Student Assessment (PISA) shows United States students ranking 24th in reading, 36th in mathematics, and 28th in science as compared to developed countries across the globe; and

WHEREAS, The federal Every Student Succeeds Act (ESSA) shifts accountability for student success to the states in designing turnaround strategies, creating next-generation assessments, and implementing best practices to improve student outcomes at low-performing schools; and

WHEREAS, The benefits of a public school education should extend to all students' needs and interests; now, therefore,

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

Article – Education

TITLE 9.7. MARYLAND EDUCATION DEVELOPMENT COLLABORATIVE.

9.7–101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COLLABORATIVE” MEANS THE MARYLAND EDUCATION DEVELOPMENT COLLABORATIVE.

(C) “EVIDENCE-BASED” MEANS THAT A STRATEGY OR INTERVENTION HAS BEEN SHOWN TO BE EFFECTIVE BY RIGOROUS, PEER-REVIEWED QUALITATIVE OR QUANTITATIVE STUDIES.

~~(D)~~ (D) “GOVERNING BOARD” MEANS THE GOVERNING BOARD OF THE COLLABORATIVE.

9.7-102.

(A) THERE IS A MARYLAND EDUCATION DEVELOPMENT COLLABORATIVE.

(B) THE COLLABORATIVE IS A BODY POLITIC AND CORPORATE AND IS AN INSTRUMENTALITY OF THE STATE.

(C) THE PURPOSES OF THE COLLABORATIVE ARE TO:

(1) ADVISE AND MAKE RECOMMENDATIONS TO THE STATE BOARD, THE GENERAL ASSEMBLY, AND LOCAL SCHOOL SYSTEMS REGARDING STATUTORY AND REGULATORY POLICIES NECESSARY TO PROMOTE 21ST-CENTURY LEARNING AND TO ENHANCE SOCIOECONOMIC AND DEMOGRAPHIC DIVERSITY ACROSS THE STATE’S PUBLIC SCHOOLS;

(2) STUDY AND PROMOTE POLICIES OR PROGRAMS THAT INCREASE THE OPPORTUNITY FOR ENHANCING SOCIOECONOMIC AND DEMOGRAPHIC DIVERSITY OF STUDENT ENROLLMENT THROUGH 21ST-CENTURY LEARNING OPPORTUNITIES ACROSS ALL PUBLIC SCHOOLS AND BETWEEN LOCAL SCHOOL SYSTEMS IN THE STATE;

(3) SUPPORT THE COLLECTING AND TRANSMITTING OF KNOWLEDGE AND TECHNOLOGY BETWEEN LOCAL SCHOOL SYSTEMS, THE STATE BOARD, AND LOCAL AND STATE POLICYMAKERS OF EVIDENCE-BASED BEST PRACTICES, PUBLIC SCHOOL PROGRAMS AND DESIGNS, AND 21ST-CENTURY LEARNING THAT SUPPORT THE ESSENTIAL ELEMENTS OF A WORLD-CLASS EDUCATION SYSTEM WHERE:

(I) CHILDREN COME TO SCHOOL READY TO LEARN, AND EXTRA SUPPORT IS GIVEN TO STRUGGLING STUDENTS TO ENSURE THAT ALL HAVE THE OPPORTUNITY TO ACHIEVE HIGH STANDARDS;

(II) A WORLD-CLASS TEACHING PROFESSION SUPPORTS WORLD-CLASS INSTRUCTIONAL SYSTEMS IN WHICH EVERY CHILD HAS ACCESS TO EFFECTIVE TEACHERS AND IS EXPECTED TO ACHIEVE;

(III) A HIGHLY EFFECTIVE, INTELLECTUALLY RIGOROUS SYSTEM OF CAREER AND TECHNICAL EDUCATION IS AVAILABLE TO THOSE PREFERRING AN APPLIED EDUCATION; ~~AND~~

(IV) STUDENTS WHO INTEND TO PURSUE HIGHER EDUCATION ARE FULLY PREPARED TO ATTEND A PUBLIC INSTITUTION OF HIGHER EDUCATION WITHOUT THE NEED FOR REMEDIAL COURSEWORK; AND

~~(IV)~~ (V) INDIVIDUAL EDUCATION REFORMS ARE CONNECTED AND ALIGNED AS PARTS OF A CLEARLY PLANNED AND CAREFULLY DESIGNED COMPREHENSIVE SYSTEM;

(4) FOSTER PARTNERSHIPS BETWEEN PUBLIC SCHOOLS, PRIVATE BUSINESSES, UNIVERSITIES, GOVERNMENT, AND NONPROFIT ENTITIES TO DEVELOP AND SUPPORT THE IMPLEMENTATION OF MODERN PUBLIC SCHOOL DESIGNS, 21ST-CENTURY CURRICULA, POSITIVE SCHOOL CULTURE, AND RESTORATIVE DISCIPLINE TO PROMOTE SOCIOECONOMIC AND DEMOGRAPHIC DIVERSITY AND 21ST-CENTURY LEARNING IN PUBLIC SCHOOLS IN THE STATE; AND

(5) AUTHORIZE FUNDS AND INNOVATION GRANTS TO SUPPORT AND DEVELOP, THROUGH PILOT PROGRAMS ~~AND INITIATIVES~~, INITIATIVES, AND RESEARCH STUDIES, 21ST-CENTURY PUBLIC SCHOOL PROGRAMS, MODERN PUBLIC SCHOOL DESIGNS, AND 21ST-CENTURY CURRICULA, TECHNOLOGIES, AND PRACTICES IN THE STATE.

(D) THE COLLABORATIVE SHALL PERFORM THE FOLLOWING FUNCTIONS AND DUTIES:

(1) COLLABORATE WITH LOCAL SCHOOL SYSTEMS, STATE AND LOCAL GOVERNMENT, EMPLOYERS, COMMUNITY ORGANIZATIONS, PARENTS, INSTITUTIONS OF HIGHER EDUCATION, EDUCATORS, ORGANIZATIONS REPRESENTING EDUCATORS, AND OTHER STAKEHOLDERS IN THE STATE TO PROVIDE A RESEARCH AND DEVELOPMENT APPROACH TO 21ST-CENTURY LEARNING OPPORTUNITIES IN THE STATE'S PUBLIC SCHOOLS;

(2) WORK IN PARTNERSHIP WITH STAKEHOLDERS TO:

(I) DISSEMINATE INFORMATION ON BEST PRACTICES, PROGRAMS, AND RESOURCES;

(II) PROVIDE TECHNICAL ASSISTANCE AND TRAINING;

(III) COLLABORATE ON THE COLLECTION, ANALYSIS, AND INTEGRATION OF STATEWIDE, LOCAL SCHOOL SYSTEM, AND SCHOOL LEVEL DATA REGARDING 21ST-CENTURY LEARNING AND SOCIOECONOMIC DIVERSITY; AND

(IV) PROMOTE INTERAGENCY EFFORTS THAT SUPPORT 21ST-CENTURY LEARNING AND ENHANCE SOCIOECONOMIC DIVERSITY;

(3) ASSIST LOCAL SCHOOL SYSTEMS OR COHORTS OF PUBLIC SCHOOLS IN ASSESSING OPPORTUNITIES TO ENHANCE SOCIOECONOMIC DIVERSITY; AND

(4) DEVELOP A DATABASE OF EVIDENCE-BASED PROGRAMS AND INITIATIVES EXISTING IN THE STATE'S PUBLIC SCHOOLS THAT ENHANCE 21ST-CENTURY LEARNING AND SOCIOECONOMIC DIVERSITY.

9.7-103.

(A) A GOVERNING BOARD SHALL MANAGE THE COLLABORATIVE AND EXERCISE ITS ORGANIZATIONAL POWERS.

(B) THE GOVERNING BOARD CONSISTS OF THE FOLLOWING ~~NINE~~ 10 MEMBERS, APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE:

(1) ONE REPRESENTATIVE OF THE STATE BOARD;

(2) ONE INDIVIDUAL WITH EXPERIENCE IN A BUSINESS INVOLVED WITH INTERNATIONAL COMMERCE;

(3) ONE INDIVIDUAL WITH EXPERIENCE IN INTERNATIONAL EDUCATION SYSTEMS;

(4) ONE INDIVIDUAL ~~WITH A BACKGROUND IN EDUCATION REFORM POLICY~~ WHO IS AN ACADEMIC RESEARCHER WITH EXPERIENCE IN EDUCATION REFORM;

(5) ONE INDIVIDUAL WITH EXPERIENCE MANAGING A SYSTEM OF PRIMARY, SECONDARY, OR POSTSECONDARY EDUCATION;

(6) ONE INDIVIDUAL WITH EXPERIENCE IMPLEMENTING INNOVATIVE PUBLIC SCHOOL DESIGNS;

(7) ~~ONE INDIVIDUAL~~ TWO INDIVIDUALS WITH EXPERIENCE TEACHING IN OR ~~MANAGING~~ ADMINISTERING A PUBLIC SCHOOL, SELECTED FROM A

LIST OF NAMES SUBMITTED JOINTLY BY THE MARYLAND STATE EDUCATION ASSOCIATION AND THE BALTIMORE TEACHERS UNION;

(8) ONE INDIVIDUAL WITH EXPERIENCE WITH A PHILANTHROPIC ORGANIZATION; AND

(9) ONE INDIVIDUAL WITH EXPERIENCE IN CAREER AND TECHNOLOGY EDUCATION, APPRENTICESHIPS, OR WORKFORCE DEVELOPMENT.

(C) A MEMBER OF THE GOVERNING BOARD SHALL RESIDE IN THE STATE.

(D) IN MAKING APPOINTMENTS TO THE GOVERNING BOARD, THE GOVERNOR SHALL CONSIDER:

(1) DIVERSITY; AND

(2) ALL GEOGRAPHIC REGIONS OF THE STATE.

(E) A MEMBER OF THE GOVERNING BOARD:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE GOVERNING BOARD; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(F) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.

(2) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(G) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR INCOMPETENCE, MISCONDUCT, OR FAILURE TO PERFORM THE DUTIES OF THE POSITION.

(H) THE GOVERNING BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.

(I) THE GOVERNING BOARD MAY ACT WITH AN AFFIRMATIVE VOTE OF ~~FIVE~~ SIX GOVERNING BOARD MEMBERS.

(J) (1) THE GOVERNING BOARD SHALL ESTABLISH AN ADVISORY COUNCIL TO PROVIDE ADVICE ON MATTERS RELATING TO 21ST-CENTURY LEARNING, DATA COLLECTION AND SHARING, AND ANY OTHER ISSUES RELATED TO THE COLLABORATIVE'S WORK.

(2) THE ADVISORY COUNCIL SHALL BE MADE UP OF EDUCATORS AND REPRESENTATIVES OF THE BUSINESS COMMUNITY, NONPROFIT ORGANIZATIONS, AND OTHER STAKEHOLDERS WITH WHOM THE COLLABORATIVE WORKS.

9.7-104.

(A) THE COLLABORATIVE SHALL EMPLOY AN EXECUTIVE DIRECTOR.

(B) THE EXECUTIVE DIRECTOR SHALL HAVE EXPERIENCE WITH AND POSSESS QUALIFICATIONS RELEVANT TO THE ACTIVITIES AND PURPOSES OF THE COLLABORATIVE.

9.7-105.

(A) THE ATTORNEY GENERAL IS THE LEGAL ADVISER TO THE COLLABORATIVE.

(B) WITH THE APPROVAL OF THE ATTORNEY GENERAL, THE COLLABORATIVE MAY RETAIN ANY NECESSARY LAWYERS.

9.7-106.

THE COLLABORATIVE MAY RETAIN ANY NECESSARY ACCOUNTANTS, FINANCIAL ADVISERS, OR OTHER CONSULTANTS.

9.7-107.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B), (C), AND (E) OF THIS SECTION, THE COLLABORATIVE IS EXEMPT FROM:

(1) TITLE 10 AND DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(2) §§ 3-301 AND 3-303 OF THE GENERAL PROVISIONS ARTICLE.

(B) THE COLLABORATIVE IS SUBJECT TO THE PUBLIC INFORMATION ACT.

(C) THE GOVERNING BOARD AND THE OFFICERS AND EMPLOYEES OF THE COLLABORATIVE ARE SUBJECT TO THE PUBLIC ETHICS LAW.

(D) THE OFFICERS AND EMPLOYEES OF THE COLLABORATIVE ARE NOT SUBJECT TO THE PROVISIONS OF DIVISION I OF THE STATE PERSONNEL AND PENSIONS ARTICLE THAT GOVERN THE STATE PERSONNEL MANAGEMENT SYSTEM.

(E) THE COLLABORATIVE AND ITS GOVERNING BOARD AND EMPLOYEES ARE SUBJECT TO TITLE 12, SUBTITLE 4 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

9.7-108.

THE COLLABORATIVE MAY:

- (1) ADOPT BYLAWS FOR THE CONDUCT OF ITS BUSINESS;**
- (2) ADOPT A SEAL;**
- (3) MAINTAIN OFFICES AT A PLACE THE COLLABORATIVE DESIGNATES IN THE STATE;**
- (4) ACCEPT LOANS, GRANTS, OR ASSISTANCE OF ANY KIND FROM THE FEDERAL OR STATE GOVERNMENT, A LOCAL GOVERNMENT, AN INSTITUTION OF HIGHER EDUCATION, OR A PRIVATE SOURCE;**
- (5) ENTER INTO CONTRACTS AND OTHER LEGAL INSTRUMENTS;**
- (6) SUE OR BE SUED; AND**
- (7) DO ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT THE POWERS GRANTED BY THIS TITLE.**

9.7-109.

A DEBT, A CLAIM, AN OBLIGATION, OR A LIABILITY OF THE COLLABORATIVE IS NOT:

- (1) A DEBT, A CLAIM, AN OBLIGATION, OR A LIABILITY OF THE STATE, A UNIT OR AN INSTRUMENTALITY OF THE STATE, OR A STATE OFFICER OR STATE EMPLOYEE; OR**
- (2) A PLEDGE OF THE CREDIT OF THE STATE.**

9.7-110.

INSTITUTIONS OF HIGHER EDUCATION MAY:

- (1) CONTRACT WITH THE COLLABORATIVE;**
- (2) ASSIGN TO THE COLLABORATIVE INTELLECTUAL PROPERTY AND OTHER RESOURCES TO ASSIST IN RESEARCH AND DEVELOPMENT AND ACTIVITIES; AND**
- (3) ASSIGN FACULTY AND STAFF TO THE COLLABORATIVE.**

9.7-111.

THE COLLABORATIVE IS EXEMPT FROM STATE AND LOCAL TAXES.

9.7-112.

THE BOOKS AND RECORDS OF THE COLLABORATIVE ARE SUBJECT TO AUDIT:

- (1) AT ANY TIME BY THE STATE; AND**
- (2) EACH YEAR BY AN INDEPENDENT AUDITOR.**

9.7-113.

(A) ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE COLLABORATIVE SHALL REPORT TO THE GOVERNOR, THE DEPARTMENT, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(B) THE REPORT SHALL INCLUDE:

- (1) A COMPLETE OPERATING AND FINANCIAL STATEMENT COVERING THE OPERATIONS OF THE COLLABORATIVE;**
- (2) A SUMMARY OF THE COLLABORATIVE'S ACTIVITIES DURING THE PRECEDING FISCAL YEAR; AND**
- (3) AN EVALUATION OF THE IMPACT OF THE COLLABORATIVE'S ACTIVITIES TO PROMOTE AND ENHANCE 21ST-CENTURY LEARNING AND SOCIOECONOMIC DIVERSITY IN THE STATE'S PUBLIC SCHOOLS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017. It shall remain effective for a period of 4 years and, at the end of September

30, 2021, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.