BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: February 25, 2004

TO: Board of Education

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: Key School Legislation

ORIGINATOR: Dr. George P. Poff, Jr.,
Assistant to the Superintendent Governmental Relations

RECOMMENDATION

* * * * *

That the Board considers taking positions on
Key School Legislation.
SB 1 Education – Teachers – State and Local Aid Program for Certification
Under current law, there is a program of State and local aid to teachers who pursue certification by the National Board for Professional Teaching Standards known as the State and Local Aid Program for Certification by the National Board for Professional Teaching Standards. Each school year, the State Board is required to select, consistent with the amount provided in the State budget, a maximum of 500 teachers to participate in the Program. The law provided for the act to remain effective for a period of 7 years, and to sunset May 31, 2004. As proposed, this bill would strike the sunset provision.

Board supports SB 1.

SB 8 (HB 306) Teachers’ Retirement and Pension Systems – Reemployment of Retired Teachers – Sunset
Current law is scheduled to sunset June 30, 2004. This measure would extend the termination date until June 30, 2008, for provisions of law that allow retirees of the Teachers’ Retirement and Pension Systems to be reemployed without an earnings limitation imposed on their retirement benefit.

Board supports SB 8 (HB 306).

SB 115 Task Force to Study the Maryland Teachers’ Pension System and the Teachers’ Retirement System
This legislation would establish a 27-member task force to review and evaluate the adequacy of the two systems and, if deemed necessary, make recommendations for changes.

Changes to the benefits structure of the Maryland Teachers’ Pension and Retirement Systems have left our State with one of the least attractive systems in our nation.

Board supports SB 115.
*SB 174 (HB 741) Education – Maryland School for the Blind – Notice to Parents or Guardians of Availability of Programs
This legislation, sponsored by Senators Klausmeier, Harris, Hollinger, and Stone, requires that local education agencies notify the parents or guardians of each blind or visually impaired child, including children with multiple disabilities, of the availability of the educational programs offered by the Maryland School for the Blind. This legislation would require a process that is already in place relative to the Maryland School for the Deaf and in fact is already employed in serving the needs of visually impaired children by the Baltimore County Public Schools.

Support is recommended for SB 174 (HB 741).

*SB 526 (HB 851) Education – Distressed Schools – Performance Incentive Grants
This legislation, sponsored by Senator Delores Kelley, would create an incentive grant program for schools defined by the Maryland State Department of Education as in need of improvement, corrective action, or restructuring. Should these schools demonstrate “statistically significant progress” toward achieving AYP for three years, the school would be eligible to receive a $15,000 grant.

Support is recommended for SB 526 (HB 851)

HB 162 Teacher Incentives
This legislation, requested by the State Department of Education, specifies that a classroom teacher who holds a professional certificate or a resident teacher’s certificate and teaches in a public school identified in accordance with State Board regulations as a school in need of improvement, a school under corrective action, or a restructured school that achieves adequate, yearly progress for two consecutive years shall receive a one-time stipend from the State in the amount of $4,000, provided that the teacher taught in the school for the two years in which the school achieved adequate, yearly progress.

Board supports HB 162.
HB 199 Public School Construction – Modular Construction
This legislation would require that the Board of Public Works shall include modular construction as an approved public school construction or capital costs. It would also require that the Board of Public Works adopt regulations defining modular construction and minimum specifications for their approval as a public school construction cost.

Board supports HB 199

*HB 208 Education – County Boards of Education – Competitive Bidding
This legislation would increase the threshold dollar amount of a contract for which a county board of education must use competitive bidding. This increase in the statutory limit from $15,000 to $25,000 would place local boards of education on par with the same $25,000 limit used by the State of Maryland, counties, and other municipalities.

Support is recommended for HB 208.

*HB 345 (SB 245) Bridge to Excellence in Public Schools Act – Trigger Provision – Repeal
This legislation would repeal the provision in the Bridge to Excellence in Public Schools Act that makes a specified level of State funding contingent upon the adoption of a joint resolution by the General Assembly before the 50th day of the Session; and repeals the provision of the Act establishing an alternative funding level of State aid for education if the joint resolution is not adopted. The genesis of this resolution is the Attorney General’s opinion that this provision of the law raises serious legal questions. The House version of the Bill was quickly heard and passed and is currently before the Senate.

Support is recommended for HB 345 (SB 245).

*Added since last Board meeting
SENATE BILL 174

By: Senators Klausmeier, Britt, Conway, Dyson, Greenip, Grosfeld, Harris, Schrader, and Stone
Stone, Lawlah, Hollinger, and Pinsky

Introduced and read first time: January 23, 2004
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 17, 2004

CHAPTER_______

1 AN ACT concerning
2 Education - Maryland School for the Blind - Notice to Parents or Guardians
3 of Availability of Programs
4 FOR the purpose of requiring local education agencies to notify the parents or
5 guardians of certain children of the availability of the educational programs
6 offered by the Maryland School for the Blind; and generally relating to providing
7 notice of educational programs offered at the Maryland School for the Blind.
8
9 BY adding to
10 Article - Education
11 Section 8-307.1
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2003 Supplement)
14
15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:
17
18 Article - Education
19
20 8-307.1.
21
22 EACH LOCAL EDUCATION AGENCY IN THE STATE SHALL NOTIFY THE PARENTS
23 OR GUARDIANS OF EACH BLIND OR VISUALLY IMPAIRED CHILD, INCLUDING
24 CHILDREN WITH MULTIPLE DISABILITIES, OF THE AVAILABILITY OF THE
25 EDUCATIONAL PROGRAMS OFFERED BY THE MARYLAND SCHOOL FOR THE BLIND.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2004.
A BILL ENTITLED

AN ACT concerning

Education - Distressed Schools - Performance Incentive Grants

FOR the purpose of repealing certain provisions relating to teacher incentive grants; reallocating certain teacher incentive grants to provide State grants to certain distressed schools; requiring the Governor to include certain funds in the annual State budget; requiring the State Department of Education to make a certain determination; defining certain terms; and generally relating to grants for certain distressed schools.

BY repealing

Article - Education
Section 6-306
Annotated Code of Maryland
(2001 Replacement Volume and 2003 Supplement)

BY adding to

Article - Education
Section 6-306
Annotated Code of Maryland
(2001 Replacement Volume and 2003 Supplement)

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

Article - Education

[6-306.
(a) In this section, "county grant for national certification" means an annual grant distributed to a teacher certified by the National Board for Professional Teaching Standards established:

(1) Outside of the collective bargaining process; or
As part of a collective bargaining agreement with the local employee organization.

For fiscal year 2000 and each subsequent fiscal year, the Governor shall include in each year’s operating budget funding for the stipends and bonuses provided in this subsection.

A classroom teacher who holds a standard professional certificate or an advanced professional certificate who is employed by a county board and who holds a certificate issued by the National Board for Professional Teaching Standards shall receive a stipend from the State in an amount equal to the county grant for national certification, up to a maximum of $2,000 per qualified teacher.

An individual who graduates from an accredited institution of higher education with a grade point average of at least 3.5 on a 4.0 scale or its equivalent, becomes employed by a county board, and remains employed as a classroom teacher in the public school system for a minimum of 3 consecutive years shall receive a salary signing bonus of $1,000.

If the individual leaves employment with the public school system before the end of the 3-year commitment, the individual shall reimburse the State in the amount of $1,000.

A classroom teacher who holds an advanced professional certificate and teaches in a public school identified by the State Board as a reconstitution school, a reconstitution-eligible school, or a challenge school shall receive a stipend from the State in the amount of $2,000 for each year that the teacher performs satisfactorily in the classroom.

An individual who receives a stipend or bonus under subsection (b) of this section may not be deemed an employee of the State.

The employer of an individual who receives a stipend or bonus under subsection (b) of this section shall pay the increase in fringe benefit costs associated with the stipend or bonus.

The Department shall act as fiscal agent for funds disbursed under this section.

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

"ELIGIBLE SCHOOL" MEANS A PUBLIC SCHOOL THAT HAS BEEN IDENTIFIED BY THE DEPARTMENT AS IN NEED OF IMPROVEMENT, CORRECTIVE ACTION, OR RESTRUCTURING.

"STATISTICALLY SIGNIFICANT PROGRESS" MEANS SCHOOLWIDE IMPROVEMENT IN STUDENT ACADEMIC ACHIEVEMENT THAT MEETS A STANDARD ESTABLISHED BY THE DEPARTMENT FOR THE PURPOSES OF THIS SECTION.

IT IS THE INTENT OF THIS SECTION TO PROVIDE PERFORMANCE INCENTIVE GRANTS TO ELIGIBLE SCHOOLS.

FOR FISCAL YEAR 2005 AND EACH SUBSEQUENT FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN EACH YEAR'S OPERATING BUDGET FUNDING FOR GRANTS FOR ELIGIBLE SCHOOLS AS PROVIDED IN THIS SECTION.

THE AMOUNT OF THE GRANT FOR AN ELIGIBLE SCHOOL IS $15,000 FOR A SCHOOL YEAR.

A GRANT TO AN ELIGIBLE SCHOOL MAY BE RENEWED ANNUALLY SO LONG AS THE SCHOOL MAINTAINS STATISTICALLY SIGNIFICANT PROGRESS OR UNTIL IT ACHIEVES ADEQUATE YEARLY PROGRESS.

EACH SCHOOL YEAR, THE DEPARTMENT SHALL:

IDENTIFY EACH ELIGIBLE SCHOOL THAT DEMONSTRATES STATISTICALLY SIGNIFICANT PROGRESS TOWARD ACHIEVING ADEQUATE YEARLY PROGRESS FOR EACH OF THE 3 PRECEDING SCHOOL YEARS; AND DISTRIBUTING A GRANT TO EACH ELIGIBLE SCHOOL IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2004.
A BILL ENTITLED

1 AN ACT concerning

2 Education - County Boards of Education - Competitive Bidding

3 FOR the purpose of increasing the threshold dollar amount of a contract for which a
4 county board of education must use competitive bidding; providing that a certain
5 threshold amount shall be the same as a certain amount that applies to units of
6 State government under certain circumstances; making a stylistic change; and
7 generally relating to public school procurement.

8 BY repealing and reenacting, with amendments,
9 Article - Education
10 Section 5-112
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2003 Supplement)

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

15 Article - Education

16 5-112.

17 (a) This section does not apply to:

18 (1) Contracts for the purchase of books and other materials of instruction
19 as defined in the State Department of Education Financial Reporting Manual;
20 (2) Emergency repairs; and
21 (3) A county board’s participation in contracts for goods or commodities
22 that are awarded by other public agencies or by intergovernmental purchasing
23 organizations if the lead agency for the contract follows public bidding procedures.

24 (b) (1) IF the cost of any school building, improvement, supplies, or equipment is more than

1 ($15,000) $25,000, the county board, at least 2 weeks before bids are to be filed, shall advertise for bids in a medium accessible to the general public, which includes:

3 (i) A newspaper of general circulation in the region;
4 (ii) The Maryland Contract Weekly or comparable State publication; or
6 (iii) An electronic posting on a bid board and physical posting on the local school system bid board.

8 (2) IF THE AMOUNT SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION DIFFERS FROM THE AMOUNT IN § 13-109(A) OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE AMOUNT IN § 13-109(A) OF THE STATE FINANCE AND PROCUREMENT ARTICLE SHALL APPLY UNDER PARAGRAPH (1) OF THIS SUBSECTION.

12 (3) (i) The county board shall draft specifications that provide a clear and accurate description of the functional characteristics or the nature of an item to be procured, without modifying the county board's requirements.
15 (ii) The specifications may:
16 1. Include a statement of any of the county board's requirements; and
18 2. Provide for the submission of samples, inspection, or testing of the item before procurement.

20 (4) (i) Except as provided in subparagraph (ii) of this [subsection] PARAGRAPH, specifications that use one or more manufacturer's product to describe the standard of quality, performance, or other characteristics needed to meet the county board's requirements, must allow for the submission of equivalent products.

25 (ii) Subparagraph (i) of this paragraph does not apply if the county board determines in the written specification that:
27 1. A particular manufacturer's product is required to maintain compatibility of service or equipment;
29 2. A particular manufacturer's product is required to meet the health needs of students;
31 3. Replacement parts or maintenance are a paramount consideration; or
33 4. A product is purchased for resale.

34 (c) (1) A contract for the school building, improvements, supplies, or other equipment shall be awarded to the lowest responsible bidder who conforms to specifications with consideration given to:
(i) The quantities involved;
(ii) The time required for delivery;
(iii) The purpose for which required;
(iv) The competency and responsibility of the bidder;
(v) The ability of the bidder to perform satisfactory service; and
(vi) The plan for utilization of minority contractors.

The county board may reject any and all bids and readvertise for other bids.

In this subsection, the term "minority business enterprise" has the meaning stated in § 14-301 of the State Finance and Procurement Article.

In Montgomery County, by resolution and by implementing regulations, the Montgomery County Board of Education shall establish a minority business utilization program to facilitate the participation of responsible certified minority business enterprises in contracts awarded by the Montgomery County Board of Education in accordance with competitive bidding procedures.

Nonpublic schools may participate under any contracts for goods or commodities that are awarded by county boards, other public agencies, or intergovernmental purchasing organizations, if the lead agency for the contract award follows public bidding procedures.

A contract entered into or purchase made in violation of this section is void.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2004.
HOUSE BILL 345
EMERGENCY BILL


Introduced and read first time: January 28, 2004
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 12, 2004

CHAPTER_____

1 AN ACT concerning

2 Bridge to Excellence in Public Schools Act - Trigger Provision - Repeal

3 FOR the purpose of repealing the provision in the Bridge to Excellence in Public Schools Act, commonly referred to as the "trigger provision", that makes certain State aid for education contingent on the adoption of a joint resolution by the General Assembly by a certain date; repealing the provision of the Act establishing an alternative funding level of State aid for education if the joint resolution is not adopted by a certain date; making this Act an emergency measure; and generally relating to the repeal of the trigger provision in the Bridge to Excellence in Public Schools Act.

11 BY repealing and reenacting, with amendments,
13 Section 20

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
SECTION 20. AND BE IT FURTHER ENACTED, That:

(a) Except as otherwise provided in this section, Sections 1 and 2 of this Act shall take effect July 1, 2003.

(b) On or before September 30, 2002, the Prince George's County Board of Education shall develop and submit to the State Department of Education a comprehensive master plan that meets the requirements of § 5-401 of the Education Article as enacted under Section 2 of this Act.

(c) On or before September 30, 2002, the State Department of Education shall contract with a private entity to conduct the study required under § 5-202(f)(2) of the Education Article as enacted under Section 2 of this Act.

[(d) (1) For the additional State aid for education as enacted by Section 2 of this Act to be implemented in fiscal 2005, the General Assembly at the 2004 regular session shall affirm by joint resolution adopted no later than the fiftieth day of the session that the additional State aid for education is within the State's fiscal resources for fiscal 2005.

(2) If a joint resolution pursuant to paragraph (1) of this subsection is not adopted by the fiftieth day, then the additional State aid for education contained in Section 2 of this Act shall be funded in fiscal 2005 at 105 percent of the fiscal 2004 level as enacted by Section 2 of this Act for each county from the appropriations proposed by the Governor for additional State aid for education. The balance of the appropriations proposed by the Governor for additional State aid for education shall revert to the General Fund.

(e) If subsection (d)(2) of this section is implemented, then the additional State aid for education contained in Section 2 of this Act shall be funded at the following percentage of the fiscal 2004 level as enacted by Section 2 of this Act for each county:

(1) 110.25 percent in fiscal 2006;

(2) 115.75 percent in fiscal 2007; and

(3) 121.50 percent in fiscal 2008.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.