

**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**

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That the Board considers taking positions on  
Key School Legislation.

Attachment I – Key School Legislation  
Attachment II – Senate Bill 174  
Attachment III – Senate Bill 526  
Attachment IV – House Bill 208  
Attachment V – House Bill 345

**BALTIMORE COUNTY PUBLIC SCHOOLS  
KEY SCHOOL LEGISLATION  
FEBRUARY 25, 2004**

**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 50<sup>th</sup> 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**

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2004 Regular Session  
4r1712  
CF 4r1407

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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

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 17, 2004

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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 BY adding to  
9 Article - Education  
10 Section 8-307.1  
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 8-307.1.

17 EACH LOCAL EDUCATION AGENCY IN THE STATE SHALL NOTIFY THE PARENTS  
18 OR GUARDIANS OF EACH BLIND OR VISUALLY IMPAIRED CHILD, INCLUDING  
19 CHILDREN WITH MULTIPLE DISABILITIES, OF THE AVAILABILITY OF THE  
20 EDUCATIONAL PROGRAMS OFFERED BY THE MARYLAND SCHOOL FOR THE BLIND.

**SENATE BILL 174**

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

SENATE BILL 526

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2004 Regular Session  
4r1421  
CF 4r2612

By: **Senators Kelley, Britt, Conway, Exum, Gladden, Grosfeld, Kittleman,  
Lawlah, and Pinsky**

Introduced and read first time: February 6, 2004  
Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Distressed Schools - Performance Incentive Grants**

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

9 BY repealing

10 Article - Education  
11 Section 6-306  
12 Annotated Code of Maryland  
13 (2001 Replacement Volume and 2003 Supplement)

14 BY adding to

15 Article - Education  
16 Section 6-306  
17 Annotated Code of Maryland  
18 (2001 Replacement Volume and 2003 Supplement)

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

21 **Article - Education**

22 [6-306.

23 (a) In this section, "county grant for national certification" means an annual  
24 grant distributed to a teacher certified by the National Board for Professional  
25 Teaching Standards established:

26 (1) Outside of the collective bargaining process; or

SENATE BILL 526

1 (2) As part of a collective bargaining agreement with the local employee  
2 organization.

3 (b) (1) For fiscal year 2000 and each subsequent fiscal year, the Governor  
4 shall include in each year's operating budget funding for the stipends and bonuses  
5 provided in this subsection.

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

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

16 (ii) If the individual leaves employment with the public school  
17 system before the end of the 3-year commitment, the individual shall reimburse the  
18 State in the amount of \$1,000.

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

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

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

29 (e) The Department shall act as fiscal agent for funds disbursed under this  
30 section.]

31 6-306.

32 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
33 INDICATED.

34 (2) "ADEQUATE YEARLY PROGRESS" MEANS THE GOALS FOR STUDENT  
35 ACHIEVEMENT IN THE PUBLIC SCHOOLS ESTABLISHED BY THE DEPARTMENT IN  
36 ACCORDANCE WITH THE NO CHILD LEFT BEHIND ACT OF 2001, P. L. 107-201.



SENATE BILL 526

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

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

7 (B) IT IS THE INTENT OF THIS SECTION TO PROVIDE PERFORMANCE  
8 INCENTIVE GRANTS TO ELIGIBLE SCHOOLS.

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

12 (D) (1) THE AMOUNT OF THE GRANT FOR AN ELIGIBLE SCHOOL IS \$15,000  
13 FOR A SCHOOL YEAR.

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

17 (E) EACH SCHOOL YEAR, THE DEPARTMENT SHALL:

18 (1) IDENTIFY EACH ELIGIBLE SCHOOL THAT DEMONSTRATES  
19 STATISTICALLY SIGNIFICANT PROGRESS TOWARD ACHIEVING ADEQUATE YEARLY  
20 PROGRESS FOR EACH OF THE 3 PRECEDING SCHOOL YEARS; AND

21 (2) DISTRIBUTE A GRANT TO EACH ELIGIBLE SCHOOL IN ACCORDANCE  
22 WITH SUBSECTION (D) OF THIS SECTION.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2004.

**HOUSE BILL 208**

Unofficial Copy  
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2004 Regular Session  
4r0167

**By: Chairman, Health and Government Operations Committee (By Request  
- Departmental - Education)**

Introduced and read first time: January 22, 2004

Assigned to: Ways and Means

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] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
25 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  
2 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  
5 publication; or
- 6 (iii) An electronic posting on a bid board and physical posting on the  
7 local school system bid board.

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

12 [(2)] (3) (i) The county board shall draft specifications that provide a  
13 clear and accurate description of the functional characteristics or the nature of an  
14 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  
17 requirements; and
- 18 2. Provide for the submission of samples, inspection, or  
19 testing of the item before procurement.

20 [(3)] (4) (i) Except as provided in subparagraph (ii) of this  
21 [subsection] PARAGRAPH, specifications that use one or more manufacturer's product  
22 to describe the standard of quality, performance, or other characteristics needed to  
23 meet the county board's requirements, must allow for the submission of equivalent  
24 products.

25 (ii) Subparagraph (i) of this paragraph does not apply if the county  
26 board determines in the written specification that:

- 27 1. A particular manufacturer's product is required to  
28 maintain compatibility of service or equipment;
- 29 2. A particular manufacturer's product is required to meet  
30 the health needs of students;
- 31 3. Replacement parts or maintenance are a paramount  
32 consideration; or
- 33 4. A product is purchased for resale.

34 (c) (1) A contract for the school building, improvements, supplies, or other  
35 equipment shall be awarded to the lowest responsible bidder who conforms to  
36 specifications with consideration given to:

HOUSE BILL 208

- 1 (i) The quantities involved;
- 2 (ii) The time required for delivery;
- 3 (iii) The purpose for which required;
- 4 (iv) The competency and responsibility of the bidder;
- 5 (v) The ability of the bidder to perform satisfactory service; and
- 6 (vi) The plan for utilization of minority contractors.

7 (2) The county board may reject any and all bids and readvertise for  
 8 other bids.

9 (d) (1) In this subsection, the term "minority business enterprise" has the  
 10 meaning stated in § 14-301 of the State Finance and Procurement Article.

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

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

20 (f) A contract entered into or purchase made in violation of this section is void.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
 22 effect July 1, 2004.

**HOUSE BILL 345  
EMERGENCY BILL**

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2004 Regular Session  
4r1241  
CF 4r1718

By: **Delegates Hixson, Bozman, Healey, Anderson, Barkley, Barve, Benson, Bobo, Bronrott, Brown, Burns, Busch, Cane, Cardin, G. Clagett, Conway, C. Davis, D. Davis, DeBoy, Donoghue, Dumais, Feldman, Frush, Gaines, Goldwater, Goodwin, Gordon, Griffith, Gutierrez, Harrison, Haynes, Howard, Hurson, Jones, Kaiser, Kelley, King, Kirk, Krysiak, Lee, Love, Madaleno, Malone, Mandel, Marriott, McHale, McIntosh, Menes, Mitchell, Moe, Montgomery, Murray, Nathan-Pulliam, Niemann, Owings, Parker, Patterson, Pendergrass, Petzold, Proctor, Quinter, Ramirez, Rosenberg, Sophocleus, Taylor, F. Turner, V. Turner, Vallario, Vaughn, Weir, Wood, and ~~Zirkin~~ Zirkin, Cryor, Heller, and Ross**

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

11 BY repealing and reenacting, with amendments,  
12 Chapter 288 of the Acts of the General Assembly of 2002  
13 Section 20

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

**Chapter 288 of the Acts of 2002**

2 SECTION 20. AND BE IT FURTHER ENACTED, That:

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

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

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

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

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

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

28 (1) 110.25 percent in fiscal 2006;

29 (2) 115.75 percent in fiscal 2007; and

30 (3) 121.50 percent in fiscal 2008.]

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