

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: March 8, 2005
TO: **Board of Education**
FROM: Dr. Joe A. Hairston, Superintendent
SUBJECT: **LEGISLATION UPDATE**
ORIGINATOR: Kara Calder, Chief Communications Officer

RECOMMENDATION

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That the Board of Education consider taking positions on Key School Legislation.

Attachment I – Key School Legislation Summary
Attachment II – Senate and House Bills

BALTIMORE COUNTY PUBLIC SCHOOLS
KEY SCHOOL LEGISLATION
March 8, 2005

UPDATES ON LEGISLATION PREVIOUSLY CONSIDERED

(*Status is as of 3/2/2005)

HB 143 - Education - Public Schools - Use of Asthma Drugs and Related Medication

This bill would require public school systems to adopt a policy authorizing a student to possess and self-administer specified medication pertaining to the student's asthma or other airway-constricting disease while in school, at school-sponsored activities, or on school property. It requires prior written approval from a student's health practitioner and parent or legal guardian before a student can self-administer medication and requires that the school nurse conduct a specified review.

Board of Education position: Support

*Status: unchanged

HB 227 – Education - Arrest for Reportable Offenses – Notification

This bill would expand the requirement that law enforcement agencies notify local superintendents of public schools of arrests for reportable offenses to include arrests of all students. It also more clearly defines "student" as an individual enrolled in a public school system in the State who is 5 years old or older and under 21 years of age.

Board of Education position: Support

*Status: Passed the House with amendments;

HB 330 - Education - National Board Certified Teachers - Stipend Eligibility

This legislation is one of three bills under consideration that would aid in the expansion and promotion of national board certification for teachers in Maryland.

Specifically this bill would expand the stipend eligibility for specified teachers to include an individual who has been assigned or promoted from classroom teacher to an instructional or classroom support position. Currently these teachers are ineligible for the stipend.

Board of Education position: Support

*Status: unchanged

HB 389 - Teachers - Certification - Fetal Alcohol Spectrum Disorders Course Credit

This bill would require that the State Superintendent of Schools and the Professional Standards and Teacher Education Board require applicants for a teacher's certificate to complete a minimum number of semester hours covering Fetal Alcohol Spectrum Disorders and to determine the minimum number of specified semester hours required for a teacher's certificate. This would provide teachers the advantage of the necessary technical training to support teaching and learning with students affected by such disorders.

Board of Education position: Support with amendments

*Status: unchanged

HB 560 - Education - State Aid for Public Elementary and Secondary Education - Trigger Provision – Repeal

This bill would repeal the provision of law that makes annual per pupil foundation aid for education contingent on the adoption of a joint resolution by the General Assembly if State aid for public elementary and secondary education exceeds a specified threshold and repeals the provision that limits the annual per pupil foundation aid to a specified amount if the joint resolution is not adopted.

Board of Education position: Support

*Status: Heard 3/3 Ways & Means

HB 579 - Pilot Program to Study and Improve Screening Practices for Autism Spectrum Disorders

This bill would establish a Pilot Program to Study and Improve Screening Practices for Autism Spectrum Disorders in the Department of Education and would require the Department of Education, in collaboration with the Department of Health and Mental Hygiene, to establish relationships with specified providers to participate in the Pilot Program. It also provides that training materials be developed and that written information on early detection of autism spectrum disorders be distributed.

Such a pilot program could serve as a model to schools for the early identification and intervention of students with autism and related disorders.

Board of Education position: Support

*Status: unchanged

HB 641 - Education - Comprehensive Master Plan Updates - Due Dates

This bill would alter the date by which county boards of education must submit master plan updates and other information to the State Department of Education and alter the date by which the State Superintendent of Schools must report to the General Assembly.

This change was requested by MSDE at the suggestion of schools to provide more time for schools to assess and adjust plans based on testing data.

Board of Education position: Support

*Status: Heard 3/3

SB 266 - Quality Teacher Incentive Act - Increasing Participation

Like HB 330, passage of this bill would help advance and promote the teaching profession by increasing the maximum number of teachers selected each year to participate in the State and Local Aid Program for Certification by the National Board for Professional Teaching Standards from 500 to 750.

Board of Education position: Support

*Status: passed the Senate

SB 268 - Education - School Based Employees – Stipends

This bill provides for a stipend of up to a maximum of \$2,000 for certificated school-based employees who work directly with students or teachers and who hold a certificate issued by the National Board for Professional Teaching Standards. As with HB 330 and SB 266 it would help support the professional career ladder for teachers.

Board of Education position: Support

*Status: passed the Senate

LEGISLATION FOR CONSIDERATION

HB899 Education - Geographic Cost of Education Index – Funding

This bill would require the State to provide a grant to specified county boards of education to reflect regional differences in the cost of education that are due to factors outside the control of local jurisdictions beginning in fiscal year 2006. While the GCEI was identified in the Thornton legislation, it has not yet been funded.

Recommendation: Support

HB1254 Education - Closing the Gap School Recognition Awards

This bill would establish the “Closing the Gap School Recognition Awards” program in order to recognize primary and secondary schools that have made significant efforts in reducing achievement gaps for specified student racial and ethnic groups and subgroups as demonstrated by data reported to the State Department of Education in accordance with the federal No Child Left Behind Act. It would require the Governor to include \$2,750,000, entirely from federal funds, in the annual State budget to fund the awards program.

Recommendation: Support

HB1325 Creation of State Debt - Aging School Program - Qualified Zone Academy Bonds

This bill proposed the creation of a State Debt in the amount of \$9,361,000 to be used as a grant to the Interagency Committee on School Construction for specified development or improvement purposes to be allocated to eligible school systems. It would be subject to a requirement that the grantee document the provision of a required federal matching fund.

Recommendation: Support

By: **Delegates Marriott, Hixson, Howard, Anderson, Barkley, Barve, Benson, Bozman, Branch, Bronrott, Burns, Carter, Conroy, Cryor, C. Davis, D. Davis, Doory, Dumais, Feldman, Franchot, Frush, Gaines, Goldwater, Goodwin, Gordon, Griffith, Gutierrez, Hammen, Haynes, Healey, Heller, Holmes, Hubbard, Hurson, Kaiser, Kelley, King, Kirk, Krysiak, Lee, Madaleno, Mandel, McHale, McIntosh, Menes, Moe, Montgomery, Murray, Nathan-Pulliam, Oaks, Paige, Parker, Patterson, Petzold, Proctor, Quinter, Ramirez, Rosenberg, Ross, Simmons, Taylor, V. Turner, and Vaughn**

Introduced and read first time: February 10, 2005
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Geographic Cost of Education Index - Funding**

3 FOR the purpose of requiring the State to provide certain grants to certain county
4 boards of education to reflect regional differences in the cost of education that
5 are due to factors outside the control of local jurisdictions; providing for the
6 manner of calculation and distribution of certain grants in certain fiscal years;
7 and generally relating to the funding of a geographic cost of education index in
8 the Bridge to Excellence in Public Schools Act.

9 BY repealing and reenacting, with amendments,
10 Article - Education
11 Section 5-202(f)
12 Annotated Code of Maryland
13 (2004 Replacement Volume and 2004 Supplement)

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

16 **Article - Education**

17 5-202.

18 (f) (1) In this subsection, "GCEI adjustment" means the foundation
19 program for each county multiplied by:

20 (i) 0.000 in Allegany;

- 1 (ii) 0.018 in Anne Arundel;
- 2 (iii) 0.042 in Baltimore City;
- 3 (iv) 0.008 in Baltimore;
- 4 (v) 0.021 in Calvert;
- 5 (vi) 0.000 in Caroline;
- 6 (vii) 0.014 in Carroll;
- 7 (viii) 0.000 in Cecil;
- 8 (ix) 0.020 in Charles;
- 9 (x) 0.000 in Dorchester;
- 10 (xi) 0.024 in Frederick;
- 11 (xii) 0.000 in Garrett;
- 12 (xiii) 0.000 in Harford;
- 13 (xiv) 0.015 in Howard;
- 14 (xv) 0.010 in Kent;
- 15 (xvi) 0.034 in Montgomery;
- 16 (xvii) 0.048 in Prince George's;
- 17 (xviii) 0.011 in Queen Anne's;
- 18 (xix) 0.002 in St. Mary's;
- 19 (xx) 0.000 in Somerset;
- 20 (xxi) 0.000 in Talbot;
- 21 (xxii) 0.000 in Washington;
- 22 (xxiii) 0.000 in Wicomico; and
- 23 (xxiv) 0.000 in Worcester.

24 (2) [To the extent funds are provided in the State budget for the grants
25 under this subsection,] EACH YEAR, in addition to the State share of the foundation
26 program, each county board [may] SHALL receive a grant to reflect regional
27 differences in the cost of education that are due to factors outside of the control of the
28 local jurisdiction.

1 (3) [Subject to paragraph (4) of this subsection, the] THE amount of the
2 grant to each county board under this subsection shall equal the GCEI adjustment for
3 the county board multiplied times:

- 4 (i) 0.50 in fiscal year 2006;
- 5 (ii) 0.62 in fiscal year 2007;
- 6 (iii) 0.74 in fiscal year 2008;
- 7 (iv) 0.86 in fiscal year 2009; and
- 8 (v) 1.00 in fiscal year 2010 and each fiscal year thereafter.

9 (4) For any fiscal year, if sufficient funds are not provided in the State
10 budget to fully fund the grants provided under this subsection, the grant to each
11 county board under this subsection shall equal the amount determined under
12 paragraph (3) of this subsection multiplied by a fraction:

- 13 (i) The numerator of which is the amount provided in the State
14 budget to fund the grants; and
- 15 (ii) The denominator of which is the sum of the amounts calculated
16 under paragraph (3) of this subsection for all the county boards.]

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 July 1, 2005.

By: **Delegates Gutierrez, Bobo, Cane, Gordon, Heller, Hubbard, Lee,
Madaleno, Marriott, McIntosh, Menes, Nathan-Pulliam, Ramirez,
Simmons, Taylor, and Vaughn**

Introduced and read first time: February 11, 2005

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Closing the Gap School Recognition Awards**

3 FOR the purpose of establishing the Closing the Gap School Recognition Awards
4 program to recognize primary and secondary schools which have made
5 significant efforts in reducing certain achievement gaps for certain students;
6 requiring the Governor to include a certain amount of certain federal funds in
7 the annual State budget under certain circumstances to fund the awards
8 program; requiring the State Superintendent to establish certain guidelines for
9 determining the eligibility for and distribution of award funds; requiring the
10 State Department of Education to annually determine and report to the General
11 Assembly, State Board, and county boards the primary and secondary schools
12 that have made gains in reducing certain achievement gaps for certain students;
13 requiring certain recipient schools to determine how award funds shall be used
14 to further reduce achievement gaps subject to certain limitations; requiring the
15 principal of a recipient school to file a certain report with the county
16 superintendent; requiring the county superintendent to file a certain report
17 with the county board, the State Superintendent, and the State Board; repealing
18 a certain provision of law establishing certain school performance recognition
19 awards; defining certain terms; and generally relating to establishing the
20 Closing the Gap School Recognition Awards program.

21 BY repealing

22 Article - Education

23 Section 5-211

24 Annotated Code of Maryland

25 (2004 Replacement Volume and 2004 Supplement)

26 BY adding to

27 Article - Education

28 Section 5-211

29 Annotated Code of Maryland

30 (2004 Replacement Volume and 2004 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 5-211 of Article - Education of the Annotated Code of
3 Maryland be repealed.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
5 read as follows:

6 **Article - Education**

7 5-211.

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (2) "AWARD" MEANS A CLOSING THE GAP SCHOOL RECOGNITION AWARD.

11 (3) "NCLB ACT" MEANS THE FEDERAL NO CHILD LEFT BEHIND ACT.

12 (4) "RECIPIENT SCHOOL" MEANS A PUBLIC SCHOOL THAT RECEIVES AN
13 AWARD UNDER THIS SECTION.

14 (B) (1) IT IS THE INTENT OF THIS SECTION TO RECOGNIZE INDIVIDUAL
15 SCHOOLS WHICH HAVE MADE SIGNIFICANT EFFORTS IN REDUCING THE
16 ACHIEVEMENT GAPS FOR AFRICAN AMERICAN, LATINO, AND OTHER STUDENT
17 SUBGROUPS IN STATE SCHOOLS AS DEMONSTRATED BY DATA REPORTED TO THE
18 DEPARTMENT IN ACCORDANCE WITH THE SUBGROUPS SPECIFIED IN THE FEDERAL
19 NCLB ACT.

20 (2) INDIVIDUAL SCHOOLS MAY BE RECOGNIZED THROUGH RECEIPT OF
21 "CLOSING THE GAP SCHOOL RECOGNITION AWARDS".

22 (C) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET SUBMISSION
23 FOR FISCAL YEAR 2007 AND EACH YEAR THEREAFTER \$2,750,000 FOR AWARDS TO BE
24 FUNDED ENTIRELY BY USING FEDERAL FUNDS FROM THE STATE-LEVEL RESERVE
25 ALLOCATIONS FOR SCHOOL IMPROVEMENT ACTIVITIES SPECIFIED BY THE FEDERAL
26 TITLE I GRANTS TO LOCAL EDUCATION AGENCIES.

27 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE STATE
28 SUPERINTENDENT SHALL ESTABLISH GUIDELINES FOR DETERMINING ELIGIBILITY
29 FOR AND DISTRIBUTION OF AWARDS UNDER THIS SECTION.

30 (2) (I) THE DEPARTMENT SHALL ANNUALLY DETERMINE AND REPORT
31 TO THE GENERAL ASSEMBLY, STATE BOARD, AND COUNTY BOARDS THOSE PRIMARY
32 AND SECONDARY SCHOOLS THAT HAVE MADE SIGNIFICANT GAINS IN REDUCING
33 ACHIEVEMENT GAPS FOR AFRICAN AMERICAN, LATINO, AND OTHER STUDENT
34 SUBGROUPS IN STATE PUBLIC SCHOOLS.

35 (II) THE AWARD CRITERIA SHOULD BE BASED ON THE MANDATED
36 DISAGGREGATED ACHIEVEMENT GAP INDICATORS IN ACCORDANCE WITH THE NCLB
37 ACT, INCLUDING, BUT NOT LIMITED TO:

1 1. REDUCED GAPS OR SIGNIFICANT GAINS TOWARD ZERO
2 GAP IN ELEMENTARY SCHOOL READING AND MATH ASSESSMENTS BY THE THIRD
3 GRADE;

4 2. REDUCED GAP IN THE NUMBER OF AFRICAN AMERICAN,
5 LATINO, AND OTHER SUBGROUP MIDDLE SCHOOL STUDENTS PARTICIPATING IN
6 PRE-ALGEBRA OR ALGEBRA AND HONORS/ADVANCED COURSES;

7 3. REDUCED GAP IN THE NUMBER OF AFRICAN AMERICAN,
8 LATINO, AND OTHER SUBGROUP HIGH SCHOOL STUDENTS PARTICIPATING IN
9 HONORS AND ADVANCED PLACEMENT COURSES; AND

10 4. SIGNIFICANT GAINS TOWARD ZERO GAP IN GRADUATION,
11 DROPOUT, AND SUSPENSION RATES AMONG ALL RACIAL AND ETHNIC HIGH SCHOOL
12 STUDENTS.

13 (E) (1) A RECIPIENT SCHOOL SHALL DETERMINE HOW THE AWARD SHALL
14 BE USED TO FURTHER REDUCTION OF ACHIEVEMENT GAPS SUBJECT TO THE
15 FOLLOWING CONDITIONS:

16 (I) AWARD FUNDS ARE IN ADDITION TO AND MAY NOT SUPPLANT
17 FEDERAL, STATE, AND LOCAL FUNDS REGULARLY APPROPRIATED FOR USE BY THE
18 SCHOOL;

19 (II) AWARD FUNDS MAY NOT BE USED FOR:

20 1. STAFF BONUSES;

21 2. DIFFERENTIAL PAY INCREASES; OR

22 3. TECHNOLOGY; AND

23 (III) AWARD FUNDS SHALL BE EXPENDED IN ACCORDANCE WITH
24 POLICIES AND PROCEDURES OF THE SCHOOL SYSTEM WHERE THE RECIPIENT
25 SCHOOL IS LOCATED.

26 (2) THE PRINCIPAL OF THE RECIPIENT SCHOOL SHALL FILE A REPORT
27 WITH THE COUNTY SUPERINTENDENT INDICATING THE AMOUNT AND USES OF THE
28 AWARD FUNDS BY THE RECIPIENT SCHOOL.

29 (3) THE COUNTY SUPERINTENDENT SHALL FILE A REPORT WITH THE
30 COUNTY BOARD, THE STATE SUPERINTENDENT, AND THE STATE BOARD INDICATING
31 THE AMOUNTS AND USES OF THE AWARD FUNDS BY EACH RECIPIENT SCHOOL IN
32 THE SCHOOL DISTRICT.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 July 1, 2005.

By: **Chairman, Appropriations Committee (By Request - Departmental -
Interagency Committee on School Construction)**

Introduced and read first time: February 11, 2005

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Creation of a State Debt - Aging School Program - Qualified Zone Academy**
3 **Bonds**

4 FOR the purpose of authorizing the creation of a State Debt in the amount of
5 \$9,361,000, the proceeds to be used as a grant to the Interagency Committee on
6 School Construction for certain development or improvement purposes;
7 providing for disbursement of the loan proceeds and the allocation of funds to
8 eligible school systems, subject to a requirement that the grantee document the
9 provision of a required federal matching fund; authorizing the Board of Public
10 Works to sell certain bonds at certain sales; and providing generally for the
11 issuance and sale of bonds evidencing the loan.

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That:

14 (1) The Board of Public Works may borrow money and incur indebtedness on
15 behalf of the State of Maryland through a State loan to be known as the Aging School
16 Program - Qualified Zone Academy Bonds Loan of 2005 in a total principal amount of
17 \$9,361,000. This loan shall be evidenced by the issuance, sale, and delivery of State
18 general obligation qualified zone academy bonds, as defined in § 1397E(d)(1) of the
19 Internal Revenue Code of the United States, as amended, authorized by a resolution
20 of the Board of Public Works and issued, sold, and delivered in accordance with §§
21 8-117 through 8-124 of the State Finance and Procurement Article and Article 31, §
22 22 of the Annotated Code of Maryland, and § 1397E of the Internal Revenue Code, as
23 amended.

24 (2) The bonds to evidence this loan or installments of this loan may be sold as
25 a single issue or may be consolidated and sold as part of a single issue of bonds under
26 § 8-122 of the State Finance and Procurement Article. Notwithstanding § 8-123 of
27 the State Finance and Procurement Article, the Board of Public Works may sell the
28 bonds authorized herein at one or more private sales that best meet the terms and
29 conditions of sale set by the Board.

30 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer
31 and first shall be applied to the payment of the expenses of issuing, selling, and

1 delivering the bonds, unless funds for this purpose are otherwise provided, and then
2 shall be credited on the books of the Comptroller, and held separately in a qualified
3 zone academy bond account, and expended, on approval by the Board of Public Works,
4 for the following public purposes: as a grant to the Interagency Committee on School
5 Construction (referred to hereafter in this Act as "the grantee") for the allocation to
6 eligible school systems under the Aging School Program for the renovation, repair,
7 and capital improvements of qualified zone academies, as defined in § 1397E(d)(4)(A)
8 of the Internal Revenue Code, as amended, and in accordance with the Aging School
9 Program of the Interagency Committee on School Construction, as provided under §
10 5-303 of the Education Article of the Annotated Code of Maryland.

11 (4) An annual State tax is imposed on all assessable property in the State in
12 rate and amount sufficient to pay the principal of and interest, if any, on the bonds as
13 and when due and until paid in full. The principal shall be discharged within 15 years
14 after the date of issuance of the bonds.

15 (5) (a) The grantee shall document the provision of a matching fund as
16 provided in this paragraph.

17 (b) No part of the matching fund may be provided, either directly or
18 indirectly, from funds of the State, whether appropriated or unappropriated. No part
19 of the fund may consist of real property. The fund shall consist of private business
20 contributions, which may consist of funds or in kind contributions, as required under
21 § 1397E(d)(2) of the Internal Revenue Code, as amended. In case of any dispute as to
22 what money or assets may qualify as matching funds, the Board of Public Works shall
23 determine the matter and the Board's decision is final.

24 (c) The grantee shall present evidence to the satisfaction of the Board of
25 Public Works of the provision and documentation of the matching fund, and the Board
26 of Public Works shall authorize the disbursement of the proceeds of the grant under
27 the provisions of this Act for the purposes set forth in Section 1(3) above.

28 (d) As the grantee documents the provision of the matching fund and
29 meets other requirements of § 1397E of the Internal Revenue Code, as amended, the
30 Board of Public Works shall authorize the disbursement of an installment of the
31 proceeds of the grant in proportion to the matching fund documented at that time by
32 the grantee.

33 (e) This method of documentation of the matching fund shall continue
34 until the first to occur of the disbursement of the total amount of the grant or June 1,
35 2007.

36 (f) The grantee has until June 1, 2007, to present the final evidence
37 satisfactory to the Board of Public Works that the total matching fund will be
38 provided and documented. If satisfactory evidence is presented, the Board shall
39 certify this fact to the State Treasurer, and the final proceeds of the loan proportional
40 to the final installment of the matching fund shall be expended for the purposes
41 provided in this Act. After June 1, 2007, any amount of the loan that has not been

1 authorized by the Board of Public Works for disbursement shall be canceled and be of
2 no further effect.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
4 effect June 1, 2005.