

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: April 8, 2008
TO: **Board of Education**
FROM: Dr. Joe A. Hairston, Superintendent
SUBJECT: **LEGISLATION UPDATE**
ORIGINATOR: Dr. Donald A. Peccia Assistant Superintendent of Human Resources
and Governmental Relations

RECOMMENDATION

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

**BALTIMORE COUNTY PUBLIC SCHOOLS
KEY SCHOOL LEGISLATION
April 8, 2008**

UPDATES LEGISLATION

(*Status as of 3/19/08 – updated information in **RED**)

HB15 – Task Force on Classroom Indoor Air Quality Standards

Establishing a Task Force on Classroom Indoor Air Quality Standards; establishing the membership and staffing of the Task Force; providing for the designation of the chair of the Task Force; requiring the Task Force to evaluate and make recommendations regarding specified issues; etc.

Board of Education position: Oppose

*Status: House – Hearing on 2/5/08 at 11:00 a.m.

HB21 – Education – Compulsory Attendance – Age of Withdrawal

Altering the age at which a child may withdraw from required schooling to 18 years old; requiring specified individuals with the legal custody or care and control of children between the ages of 5 and 18 years old to see that the children attend school or receive specified instruction; and providing for a delayed effective date.

Board of Education position: Oppose

Comments: This legislation has a \$55 million impact to the State

*Status: House – Hearing on 03/11/08 at 1:00 p.m.

HB23 – Maryland Green Buildings Standards of 2008

Requiring specified buildings to be high performance buildings under specified circumstances; requiring the Department of Budget and Management to conduct a specified analysis of the costs and benefits of requiring specified buildings to be high performance buildings; requiring the Department to waive specified high performance building requirements under specified circumstances; etc.

Board of Education position: Oppose

*Status: House – Withdrawn on 02/19/08

HB49 – Education – Maryland High School Assessment Test Results

Requiring the State Board of Education to report to each county board on or before July 1 each year on the performance of each student in the local school system on the Maryland High School Assessment.

Board of Education position: Support

*Status: House – Hearing on 03/05/08 at 1:00 p.m.

HB367 – Department of Labor, Licensing, and Regulation - Consolidation of Workforce Development Functions - Transfer of Adult Education and Literacy Services and Education Programs for Correctional Facilities

(Cross-Filed with SB203)

Consolidating workforce development functions by transferring adult education and literacy services and education and training programs for correctional facilities that are administered by the State Department of Education to the Department of Labor, Licensing, and Regulation; establishing the Workforce Creation and Adult Education Transition Council; etc.

Board of Education position: Oppose

*Status: House – Hearing on 02/20/08 at 11:00 a.m.

SB77 - Education – Children in Informational Kinship Care Relationship

(Cross-Filed with HB169)

Requiring a superintendent of schools of a county to allow a child to attend a public school in a school attendance area other than the school in the school attendance area where the child is domiciled with the child’s parent or legal guardian if the child lives with a relative in the school attendance area in an informal kinship care relationship due to a serious family hardship; etc.

Board of Education position: Oppose

*Status: Senate – 3rd Reading Passed on 02/08/08
House – 1st Reading on 02/11/08

SB96 – Education – Truancy Rates – Positive Behavioral Interventions and Support Programs and Behavior Modification Programs

(Cross-Filed with HB285)

Requiring a county board of education to require a school that has a truancy rate that exceeds specified standards to implement a positive behavioral interventions and support program or an alternative, research-based, positive, and effective behavior modification program in collaboration with the State Department of Education; etc.

Board of Education position: Oppose

Status: Senate – 3rd Reading Passed on 02/18/08
House – 1st Reading on 02/19/08

Comments: The flawed premise of this bill is that it would mandate the use of PBIS on truancy rates, not suspension rates which is already governed by statute.

SB150 - Creation of a State Debt - Maryland Consolidated Capital Bond Loan of 2008, and the Maryland Consolidated Capital Bond Loans of 1999, 2000, 2002, 2003, 2004, 2005, 2006, and 2007.

(Cross-Filed with HB155)

Authorizing the creation of a State Debt in the amount of \$872,099,000, the proceeds to be used, subject to specified restrictions and reporting requirements, for the acquisition, building, construction, demolition, planning, renovation, conversion, replacement, and capital equipping of specified State projects, and for grants to specified subdivisions and other organizations for specified purposes, subject to the requirement that specified grantees provide and expend specified matching funds; etc.

Board of Education position: Support

Comments: This legislation has a total of \$333 million for public school construction

*Status: Senate – 1st Reading – 01/18/08

SB850 – Education – Collective Bargaining - Public School Labor Relations Board

(Cross-Filed with HB1518)

Establishing a Public School Labor Relations Board; providing for the appointment, membership, duties, responsibilities, and staff of the Board; authorizing the Board to adopt and enforce regulations, guidelines, and policies, as specified; permitting the Board to petition a circuit court to seek enforcement of an order of the Board; providing that a hearing and determination under the Act is a contested case; specifying requirements and procedures for the use of mediation, fact-finding, and arbitration in dispute resolution; etc.

Board of Education position:

Oppose

Status: Senate – 1st Reading on 02/11/08

Comments: This bill would move the power to decide on matters of bargaining (whether items are bargainable or not, whether a subject is legal or illegal to the bargaining process, whether actions constitute unfair labor practices) from the State Board of Education to a newly-created Public School Labor Relations Board.

Legislative Update

Enclosed is a brief update of activities at The Maryland General Assembly through March 17, 2008. Key bills remaining regarding the education community are legislation relating to HSAs and Collective Bargaining Public Employee Relations Board. Updates will be provided at the April 8, 2008, board meeting.

Information relating to the State Operating Budget, Capital Budget, Aging Schools Budget, and bills that have passed the Senate or House or have received unfavorable reports.

A comprehensive review of why the Board of Education of Baltimore County **OPPOSES** Senate Bill 850 and House Bill 1518, Collective Bargaining Public School Labor Relations Board follows.

Senate Bill 850 / House Bill 1518

Collective Bargaining Public School Labor Relations Board

This bill would establish a public school labor relations board. The following information is taken from MABE's Green Sheet.

Oppose the new collective bargaining law which would:

- Unnecessarily create a new public school labor relations board, with 2 members handpicked by the unions;
- Unwisely undo 40 years of collective bargaining law, ensuring the costly litigation of all major bargaining issues;
- Impose a new, and costly, binding arbitration process; and
- Inappropriately remove consideration of the best interests of students from the bargaining table.

What you need to know:

MABE opposes House Bill 1518 and Senate Bill 850, which would replace the State Board of Education with a Public School Labor Relations Board for the purpose of hearing and deciding all bargaining disputes.

Legislators should oppose this bill because:

It is unnecessary because the State Board of Education already performs the function of resolving labor disputes and has done so for decades and certainly since the beginning of collective bargaining in the late 1960's.

And the new labor relations board would not be a more independent or neutral decision-maker than the State Board of Education. The State Board is appointed by the Governor, without conditions on the professional backgrounds of the candidates. The new Labor Relations Board would also be appointed by the Governor, but 2 members would be selected from a list of candidates submitted by the teacher and employee unions.

But this bill is about much more than simply shifting State Board work to another board – and the real reasons for creating a new board are the real reasons for opposing this legislation.

The bill would amend the collective bargaining law to undue all of the established categories of illegal, permissive, and mandatory subjects of bargaining.

The litigation and re-litigation of long-settled bargaining issues would waste valuable time and taxpayer dollars that should be invested in the classroom – not the courtroom.

This bill would establish a mediation and binding arbitration process to resolve virtually every longstanding and new proposed bargaining issue.

The new binding arbitration process lacks any standards or requirement to consider the interests of the students and the public. In this way the bill would place the interests of teachers and other employees above the interests of students. Again, nowhere in the bill is the new Labor Relations Board directed to consider the interests of students.

Binding arbitration is an inappropriate way to resolve bargaining disputes that arise in the school setting.

This new board would view virtually all aspects of public education in a labor context, bringing education policy to the same bargaining table where salaries will be negotiated. The Maryland State Board of Education and numerous appellate court decisions have repeatedly held that educational policy matters must remain outside of the collective bargaining arena.

Why is this such an important reason to oppose this legislation?

Because the bill attempts to remove any distinction between issues of concern to labor unions (i.e. what is best for its members) and issues of concern to the public (i.e. what is best for students, parents, and the community as a whole). When a third party arbitrator can decide a dispute solely on the basis of what is best for the employees, local boards will be forced to turn to local governments for the additional funding to support the decision – and if funds are not provided then the interests of employees will supersede the best interests of students.

By removing the State Board of Education from any role related to labor relations and the content of negotiated agreements, the bill effectively removes the interests of students and their parents from the bargaining table - a key role played by the State Board of Education today.

Budget Information

State Budget

The *Budget Bill, SB 90*, has passed the Senate with reductions to the Governor's proposed budget of \$390.9 million in all funds, thus reflecting the State Board of Revenue Estimates March report that revenues for fiscal year 2008 and 2009 will be \$332.9 million less than previously estimated. There were no changes to the aid to education funding.

Capital Budget

On Friday, March 14, 2008, at 8:30 a.m. the Senate Committee on Budget and Taxation, Capital Budget Subcommittee held a briefing on the Capital Budget. Erin Dorrien, DLS Analyst explained that the state share of eligible costs for school construction formula is updated every three years to reflect changes in the inputs on the local level. In October 2007, the Board of Public Works approved updated State shares to be phased in beginning in fiscal 2010.

The fiscal 2009 budget as introduced for public school construction contains \$333.4 million. The budget includes \$300 million in general obligation (GO) bonds, \$25 million in bond premiums, \$2.4 million in special fund PAYGO and \$5.9 million from the Public School Construction Program's Statewide Contingency Fund. In the contingency fund, \$1.9 million is reserved for special local education agencies (LEAs). **Baltimore County Public Schools is currently scheduled to receive \$30,851,000 in Capital Budget funds in fiscal 2009. A balance of \$33.3 million is still available to be distributed to specific projects statewide. An update will be available at the April 8, 2008, Board meeting.**

Seventy-five percent of the preliminary \$300 million announced by the Governor in October, or \$225 million, was recommended for specific projects by IAC and approved by Board of Public Works (BPW) in January 2008. Another \$75.06 million was recommended by IAC in late February 2008 and is subject to the approval of BPW. These actions satisfy the requirement that the IAC submit recommendations by March equal to 90% of the \$333.4 million total funding provided in the Governor's proposed capital budget. The remaining balance of \$33.3 million is available for allocation to specific projects.

Aging Schools Budget

The Aging Schools budget was funded, but inflationary adjustments were deferred for 2009 and 2010. No exact figures were released, but BCPS has received between \$1.0 million and \$1.6 million per year for various projects.

List of Bills Passed by the House

HB 169 – Education – Children in Informal Kinship Care Relationships - Bill is in the Senate Education, Health, and Environmental Affairs Committee.

HB230 – Vehicle Laws – School Crossing Guards – Authority to Direct Traffic – Bill is in the Senate Judicial Proceedings Committee is amended.

HB407 – Commissioner of Labor and Industry – Boiler and Pressure Vessel Safety – Authorized inspection Agencies – Bill is in the Senate Education and Environmental Affairs Committee.

HB472 – State Retirement and Pension System – Imposition of Administrative Fees on Employers – Bill is in the Senate Budget and Taxation Committee.

HB696 – Farm-to-School Program – Activities and Promotional Events – Bill is in the Senate Education and Environmental Affairs Committee.

HB720 – State Retirement and Pension System – Reemployment of Retirees - Bill is in the Senate Budget and Taxation Committee.

List of Bills Passed by the Senate

SB1 – Maryland Youth Advisory Council - Bill is in the House Ways and Means Committee as amended.

SB20 – Vehicle Laws – School Buses and Former School Buses – Seat Belts – Bill is in the House Environmental Matters Committee as amended. The amended version strikes “retarded” and inserts “development disabilities.”

SB50 – Education – Special Education Services – Children in a Home-School Setting – Bill is in the House Ways and Mean Committee.

SB77 – Education – Children in Informal Kinship Care Relationships – Bill is in the House Ways and Means Committee.

SB96 – Education – Truancy Rates – Positive Behavioral Interventions and Support Programs and Behavior Modifications Programs - Bill is in the House Ways and Means Committee as amended.

SB158 – Farm-to-School Program – Activities and Promotional Events - Bill is in the House Environmental Matters Committee as amended.

SB243 – Child Abuse and Neglect – Additional Professions and Failure to Report – Penalty - Bill is in the House Judiciary Committee as amended.

SB600 – Schools – Early Intervention – Hearing and Vision Screenings - Bill is in the House Ways and Means Committee.

**List of Bills That Have Been Withdrawn or Have Received
an Unfavorable Report in Committee**

Status through March 17, 2008

House Bills

HB23 Maryland Green Building Standards Act of 2008
HB185 Parental Choice Scholarship Program
HB186 Great Schools Tax Credit Program
HB188 Smart Start Scholarship Program
HB291 Sales and Use Tax – Tax-Free Period for Back-to-School Shopping
HB300 Education – Public and Private Schools – Criminal Law and Criminal Procedure Courses
HB345 Sales and Use Tax – Tax-Free Period for Back-to-School Shopping
HB400 Child Welfare – Reports of Children at Substantial Risk of Abuse or Neglect
HB480 State Retirement and Pension System – Unused Sick Leave – Creditable Service
HB540 Income Tax-Subtraction Modification-Public School Volunteer Aids
HB702 Education – Baltimore County Public School Employee Units
HB711 Motor Vehicles – School Bus Drivers – Prohibition on Use of Wireless Communication Devices While Driving

Senate Bills

SB78 Task Force to Study System Variables That Impact Student Achievement in Underperforming Public Schools
SB167 Education – Teacher Certification – National Organization Standards
HB219 Baltimore County – Proposed New School Buildings – High Performance Buildings
SB229 Education – Classroom Instruction Expenditures – Required Funding
SB230 Public School Collective Bargaining Sunshine Act
SB267 Income Tax – Subtraction Modification – Public School Volunteer Aids
SB376 State Retirement and Pension System – Unused Sick Leave – Creditable Service
SB519 Education – Student Who is a Victim of Violent Crime – Option to Require Offender to Change Schools
SB714 State Board of Education – Development of Curriculum Content – Financial Literacy