

**BALTIMORE COUNTY PUBLIC SCHOOLS**

**DATE:** March 24, 2009  
**TO:** **BOARD OF EDUCATION**  
**FROM:** Dr. Joe A. Hairston, Superintendent  
**SUBJECT:** **LEGISLATION UPDATE**  
**ORIGINATOR:** Edward J. Novak, Associate General Counsel, Legislative and Policy Matters

**RECOMMENDATION**

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

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# BOARD OF EDUCATION OF BALTIMORE COUNTY

## LEGISLATIVE UPDATE

March 24, 2009

### Background Information

The Maryland General Assembly began its annual Legislative Session on January 14, 2009. This year's Session will adjourn on April 13, 2009. To date, more than 2,500 legislative bills and resolutions have been introduced.

### Discussion

The following bills are presented for the Board of Education's consideration. **The first section** contains bills on which the Board is requested to take a formal position. **The second section** contains bill on which the Board has taken a formal position. **The third section** contains bills for your information. A Board position is not being requested at this time.

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#### SECTION 1: BOE RECOMMENDED POSITION

	<b>Building Opportunities for All Students and Teachers (BOAST) in Maryland Tax Credit</b>	<b>OPPOSE</b>
<b>HB 1259</b> <b>SB 715</b>	<p>Introduced by Delegates Proctor, Vallario, Anderson, <u><b>Aumann</b></u>, Bartlett, Bates, Beidle, Bohanan, <u><b>Boteler</b></u>, <u><b>Burns</b></u>, Conaway, Conway, Davis, <u><b>DeBoy</b></u>, <u><b>Donoghue</b></u>, Doory, Eckardt, Elmore, <u><b>Frank</b></u>, Frush, Gaines, George, Haddaway, Hammen, Haynes, Heller, Holmes, Hubbard, Ivey, Jameson, <u><b>Jennings</b></u>, <u><b>Kach</b></u>, King, Kipke, Krebs, Krysiak, Levi, <u><b>Malone</b></u>, Mathias, McConkey, McHale, <u><b>Minnick</b></u>, Myers, O'Donnell, Robinson, Shank, Shewell, Sophocleus, Sossi, Stocksdale, Stukes, Stull, Tarrant, V. Turner, Valderrama, Vaughn, Walker, and Wood</p> <p>Senators DeGrange, Brinkley, Della, Dyson, <u><b>Klausmeier</b></u>, McFadden, Munson, Peters, Stoltzfus, and <u><b>Stone</b></u></p> <p><b>Bill Status:</b> House - Hearing 03/10/09 at 1:00 p.m. Senate – Hearing 03/11/09 at 1:00 p.m.</p> <p>Providing a tax credit against the State income tax for contributions made to an eligible educational scholarship organization or an eligible innovative educational organization; requiring the State Department of Education to administer the tax credit; requiring specified entities to submit an application to be an eligible organization by January 1 of each year; establishing the Building Opportunities for All Students and Teachers Reserve Fund; etc.</p>	<p>The Board previously opposed similar bills introduced in prior legislative sessions because of the reduction in available State General Funds for public schools.</p>

**SECTION 2: BOE POSITION**

BILL	TITLE / SYNOPSIS	POSITION
<p><b>HB 26</b></p>	<p><b>Public Schools – Children with Anaphylactic Allergies – Reduction of Risk</b></p> <p>Introduced by Delegate Kullen</p> <p><b>Bill Status: Hearing 02/17/09 at 1:00 p.m.</b></p> <p>Requiring principals of public schools that have children attending the schools who have been identified as having anaphylactic allergies to take specified actions to reduce specified risks; requiring school principals to monitor specified files; requiring the monitoring of individualized health plans; etc.</p>	<p align="center"><b>OPPOSE</b></p> <p>The Bill would increase responsibilities to school-based administrators and nurses without increasing the safety of students with the subject allergies. There would be substantial additional recordkeeping</p>

<p><b>HB 189</b> <b>SB 319</b></p>	<p><b>Respiratory Illness Prevention Act</b></p> <p>Introduced by Delegates <u>Morhaim</u>, <u>Cardin</u>, and Hubbard</p> <p>Senator Gladden</p> <p><b>Bill Status:</b> <b>House – Hearing 02/25/09 at 1:00 p.m.</b> <b>Senate – Hearing 03/05/09 at 1:00 p.m.</b></p> <p>Prohibiting the operation of a public school bus on or after a specified date if the bus does not have diesel emission control equipment; requiring the Asthma Control Program to set up a grant program to be used for the installation of diesel emission control equipment on public school buses; requiring specified State procurement contracts to include specified clauses regarding diesel emissions control equipment.</p>	<p align="center"><b>OPPOSE</b></p> <p>This Bill would require the retrofitting of pre-2007 school buses with the purchase and installation of after-market emissions equipment. Although the Bill discusses use of grant monies, there is no language in the Bill that specifies grant amounts or guaranteed availability in view of the funding constraints that both the federal and state governments. Staff estimate is that the cost to BCPS would be more than \$ 5 M for compliance. There also does not appear substantial agreement on whether there is a definitive connection between the equipment that would be required to be used and respiratory conditions.</p>
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<p><b>HB 379</b> <b>SB 990</b></p>	<p><b>Education – Reporting Requirement – Class Size</b></p> <p>Introduced by <u>Olszewski</u>, <u>Cardin</u>, Walker, <u>Boteler</u>, Braveboy, <u>Bromwell</u>, Frush, Griffith, Healey, Hixson, Howard, Hubbard, Ivey, <u>Kach</u>, Kaiser, <u>Minnick</u>, Pena-Melnyk, Rice, Ross, <u>Schuler</u>, Stukes, F. Turner, V. Turner, and Valderrama</p> <p>Senator <u>Stone</u></p> <p><b>Bill Status:</b> <b>House – Hearing 02/17/09 at 1:00 p.m.</b> <b>Senate – Hearing 03/25/09 at 1:00 p.m.</b></p>	<p align="center"><b>OPPOSE</b></p> <p>This requirement under this Bill is unnecessary because BCPS properly monitors student attendance and compiles necessary data.</p>
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	<p>Requiring the State Department of Education to develop a uniform data collection method to track the number of students who regularly participate in a classroom teacher's class by the beginning of the 2012-2013 academic year; requiring the method to reflect the number of these students in a classroom teacher's class as of September 30 of each year; requiring each county board of education to implement the method and report the results to the Department on or before December 1 of each year; etc.</p>	
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<p><b>HB 505</b></p>	<p><b>Education – High School Assessment Requirements</b></p> <p>Introduced by Delegates Walker, Barnes, Benson, <b>Boteler</b>, Carter, Conaway, Frush, Gutierrez, Healey, Holmes, Howard, Hubbard, Oaks, Pena-Melnyk, Proctor, Rice, Robinson, Stukes, Tarrant, Taylor, V. Turner, Valderrama, and Vaughn</p> <p><b>Bill Status: Hearing 02/17/09 at 1:00 p.m.</b></p> <p>Prohibiting the State Board of Education from including the passing of statewide, mandatory, curriculum-based examinations or assessments in public high school graduation requirements; etc.</p>	<p><b>OPPOSE</b></p> <p>The Board has previously opposed legislative efforts to prohibit use of High School Assessments. The Maryland State Board of Education (MSDE) rejected efforts to prohibit or delay prohibited use of HSAs. MSDE has developed an examination alternatives as well as a waiver process.</p>
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<p><b>HB 533</b></p>	<p><b>Cooperative Purchasing Agreements – Requirements and Expansion of Use</b></p> <p>Introduced by Delegates <b>Morhaim</b> and Weldon</p> <p><b>Bill Status: Hearing 02/25/09 at 1:00 p.m.</b></p> <p>Requiring that specified procurement contracts entered into by State and local entities include specified provisions that facilitate other entities to join the contracts; authorizing State and local entities to enter into specified agreements for the cooperative or joint administration of programs with other State or local entities; requiring that State and local entities make specified efforts to determine if another State or local entity is participating in a specified contract before initiating a procurement; etc.</p>	<p><b>OPPOSE</b></p> <p>The Bill would mandate cooperative purchasing efforts that BCPS and several other school systems presently do voluntarily and effectively. The Bill requires additional reporting and initial procurement activities. There is also concern that small and/or local vendors may have difficulty participating in statewide procurements.</p>
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<p><b>HB 588</b></p>	<p><b>Education – Public Schools – Standardized Course Numbering System</b></p> <p>Introduced by Delegates Kaiser, <u>Cardin</u>, and <u>Olszewski</u></p> <p><b>Bill Status: Hearing 02/17/09 at 1:00 p.m.</b></p> <p>Authorizing the State Department of Education to develop a standardized course numbering system to facilitate the collection of data on student participation in courses offered in the public schools; authorizing each county school system to adopt the standardized course numbering system on a voluntary basis; and requiring a specified county school system to provide a translation of course numbers under specified circumstances.</p>	<p><b>OPPOSE</b></p> <p>The Bill imposes a new unfunded mandate. The need to develop and reconcile listings of courses would be burdensome for larger school systems.</p>
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<p><b>HB 632</b></p>	<p><b>Education – New Teachers – Classroom Management Training</b></p> <p>Introduced by Delegates Levi, <u>DeBoy</u>, and Walker</p> <p><b>Bill Status: Hearing 02/24/09 at 1:00 p.m.</b></p> <p>Requiring that new teachers receive classroom management training before teaching in the public schools; and requiring the State Board of Education to adopt specified regulations.</p>	<p><b>OPPOSE</b></p> <p>This Bill imposes an unfunded directive regarding the orientation of teachers. BCPS believes that it has an effective process in place that properly prepare new teachers for their classroom duties.</p>
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<p><b>HB 1053</b> <b>SB 824</b></p>	<p><b>Community Environmental Protection Act of 2009</b></p> <p>Introduced by Delegates McIntosh, Barkley, Bobo, Cane, V. Clagett, Dumais, Frush, Haynes, Healey, Howard, Hucker, Ivey, Kaiser, <u>Lafferty</u>, Lee, McHale, <u>Morhaim</u>, Niemann, <u>Olszewski</u>, Riley, Robinson, and Waldstreicher</p> <p>Senators Frosh, <u>Brochin</u>, Harrington, Pinsky, Raskin, and Rosapepe</p> <p><b>Bill Status:</b> <b>House - Hearing 03/11/09 at 1:00 p.m.</b> <b>Senate – Hearing 03/18/09 at 1:00 p.m.</b></p> <p>Providing specified persons and associations standing in specified claims under specified circumstances; providing judicial review of specified final administrative decisions under specified circumstances; providing specified persons standing to participate in specified administrative appeal proceedings under specified circumstances; etc.</p>	<p><b>OPPOSE</b></p> <p>This Bill would expand the ability for individuals and associations to challenge a very broad range of state and local government actions involving facilities construction. Enactment of the Bill would cause delay and additional expense in the construction process and would allow potential monetary recover for “injury” involving property based on very broad and confusing standards.</p>
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<p><b>SB 100</b></p>	<p><b>Public Schools and Child Care Centers – Artificial Color Additives</b></p> <p>Introduced by Senator <u>Stone</u></p> <p><b>Bill Status: 03/02/09 Unfavorable Report</b></p> <p>Prohibiting public schools and child care centers from purchasing, selling, using, or serving food products containing or consisting of specified artificial color additives on or after July 1, 2010; authorizing the State Board of Education to adopt regulations; providing that child care centers may serve specified foods containing or consisting of specified artificial color additives under specified circumstances; etc.</p>	<p><b>OPPOSE</b></p> <p>The Bill would require the purchase of food products that do not contain various artificial color additives. The federal government has responsibility for the regulation of these items used in food. The legislation would increase food purchase costs, potential limit vendor options without any clear benefit.</p>
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<p><b>SB 101</b></p>	<p><b>Public Health – Warning Labels and Prohibition on Color Additives in Food</b></p> <p>Introduced by Senator <u>Stone</u></p> <p><b>Bill Status: 02/23/09 Unfavorable Report</b></p> <p>Prohibiting, from January 1, 2010, to December 31, 2011, the sale of food products that contain or consist of specified color additives unless specified labeling requirements are met; prohibiting food service facilities from purchasing, selling, using, or serving food products that contain or consist of specified color additives unless menus and notices meet labeling requirements between specified dates; authorizing the Secretary of Health and Mental Hygiene to seize or condemn food containing specified color additives; etc.</p>	<p><b>OPPOSE</b></p> <p>This Bill is similar to SB 100 affecting food purchase and labeling for menus. The legislation would increase costs because of the additional requirements involving food labeling.</p>
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<p><b>SB 139</b></p>	<p><b>Education – High School Assessment Requirement</b></p> <p>Introduced by Senator Muse</p> <p><b>Bill Status: 03/02/09 Unfavorable Report</b></p> <p>Prohibiting the State Board of Education from including the passing of statewide, mandatory, curriculum-based examinations or assessments in public high school graduation requirements; etc.</p>	<p><b>OPPOSE</b></p> <p>The Board has previously opposed legislative efforts to prohibit use of High School Assessments (HSA). The Maryland State Board of Education (MSDE) rejected efforts to prohibit or delay prohibited use of HSAs. MSDE has developed an examination alternatives as well as a waiver process.</p>
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<p><b>SB 569</b> <b>HB 792</b></p>	<p><b>Education – Collective Bargaining – Topics of Negotiation</b></p> <p>Introduced by Senators Pugh, Frosh, Lenett, Muse, Raskin, and <b>Stone</b></p> <p>Delegates Rice, Ali, Barkley, Cane, Glenn, Howard, Hucker, Kaiser, Lee, Levi, Manno, Montgomery, <b>Olszewski</b>, Pena-Melnyk, Reznik, <b>Schuler</b>, Valderrama, Vaughn, and Waldstreicher</p> <p><b>Bill Status:</b> Senate - Hearing 03/05/09 at 1:00 p.m. House – Hearing 03/10/09 at 1:00 p.m.</p> <p>Including the discipline and discharge of an employee for just cause and employee transfers and assignments among the matters about which a public school employer must meet and negotiate with a specified employee organization on request; and repealing the public school employer's authority to negotiate due process for discipline and discharge with a specified employee organization under specified circumstances.</p>	<p><b>OPPOSE</b></p> <p>This Bill applies to non-certificated employees. It would require school systems to negotiate with unions regarding discipline and discharge for just cause and also would require negotiations for employee transfers and assignments. The Bill would unnecessarily restrict Superintendents to make effective staffing decisions, resulting in delay and additional costs. Non-certificated employees currently have the ability to challenge disciplinary/discharge actions to the Superintendent, the Board, the State Board, and ultimately to a court.</p>
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<p><b>SB 673</b> <b>HB 1243</b></p>	<p><b>Fairness in Negotiations Act</b></p> <p>Senators Raskin, <b>Brochin</b>, Dyson, Exum, Frosh, Garagiola, Glassman, Harrington, Jones, King, Madaleno, Muse, Peters, Pinsky, Pugh, Rosapepe, and <b>Stone</b></p> <p>Delegates Hixson, Ali, Barkley, Bobo, Bronrott, G. Clagett, Conaway, Dumais, Feldman, Gaines, Harrison, Haynes, Healey, Hubbard, Hucker, Ivey, <b>Jones</b>, Kirk, Kramer, Lee, Levi, Levy, Manno, McHale, <b>Minnick</b>, Montgomery, Proctor, Ramirez, Rice, Riley, Robinson, Taylor, Vaughn, and Waldstreicher</p> <p><b>Bill Status:</b> Senate – Hearing 03/05/09 at 1:00 p.m. House – Hearing 03/10/09 at 1:00 p.m.</p> <p>Requiring specified collective bargaining agreements to provide for binding arbitration of the grievances arising under the agreements that the parties have agreed to be subject to arbitration; requiring a public school employer and an exclusive representative of specified public school employees to negotiate in a specified manner; etc.</p>	<p><b>OPPOSE</b></p> <p>This Bill has been introduced in similar form during the last several Legislative Sessions. It mandates the use of mediation and arbitration involving bargaining topics and employment matters that are now classified as permissive areas of bargaining (and require both the school system and union to agree to discuss) when raised by one Party. The legislation does not require an arbitrator to apply the many years of decisions rendered by the Maryland State Board of Education. Arbitrator decisions would be final and binding on the Board (and potentially on the County) potentially requiring the Board to seek approve from the County to shift previously approved funds to cover new mandates. The Bill would cause delays in the labor and employee relations process and increase costs for newly required mediation and increased arbitration cases. The potential costs impact of additional binding arbitration decisions could be substantial.</p>
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<p><b>SB 710</b> <b>HB 1046</b></p>	<p><b>State Retirement and Pension System - Local Employer Contributions - Educators and Educational Staff</b></p> <p>Introduced by Senator Miller</p> <p>Delegate Schuh</p> <p><b>Bill Status:</b> Senate – Hearing 03/11/09 at 1:00 p.m. House – Hearing 02/24/09 at 1:00 p.m.</p> <p>Providing for the calculation of a payment of a portion of the employer contributions for local school board employees and community college employees who are members of the Teachers' Retirement System or the Teachers' Pension System; requiring counties to pay a portion of the employer contributions for local school board employees and community college employees who are members of the Teachers' Retirement System or the Teachers' Pension System; etc.</p>	<p><b>OPPOSE</b></p> <p>This Bill would require local governments to pay the pension costs for new teachers hired beginning in Fiscal Year 2010. In addition to the change from a long established state pension system, the need to cover these costs would likely result in reduced funds being available for local education priorities and needs.</p>
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<p><b>SB 754</b></p>	<p><b>Vehicle Laws – School Buses – Prohibition on Permitting Sitting on Floor or Standing</b></p> <p>Introduced by Senators Pipkin, Jacobs, and <u>Stone</u></p> <p><b>Bill Status:</b> Hearing 03/05/09 at 1:00 p.m.</p> <p>Prohibiting a person who is responsible for pupils on a school bus from permitting any pupil to stand while the bus is in motion; prohibiting a person who is responsible for pupils on a school bus from permitting any pupil to sit on the floor; etc.</p>	<p><b>OPPOSE</b></p> <p>BCPS has existing policies that address the responsibilities of bus drivers and attendants in handling students being transported to schools. This Bill would limit the ability of the school system to address temporary transportation issues that may arise at the beginning of the school year.</p>
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<p><b>SB 903</b></p>	<p><b>Education – High School Assessment – Graduation Requirement - Prohibition</b></p> <p>Introduced by Senators Muse, Exum</p> <p><b>Bill Status:</b> 03/02/09 Unfavorable Report</p> <p>Prohibiting the State Board of Education from including the passing of statewide, mandatory, curriculum-based examinations or assessments in its requirements to graduate from a public high school in the State for students graduating in the 2008-2009 school year; making the Act an emergency measure; and providing for the termination of the Act.</p>	<p><b>OPPOSE</b></p> <p>This Bill is similar to SB 139 but it was introduced as emergency legislation to prohibit the use of curriculum-based assessments for students in the 2008-2009 graduating class. The Board has previously opposed similar efforts.</p>
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**SECTION 3: BOE INFORMATION ONLY**

<b>BILL</b>	<b>TITLE / SYNOPSIS</b>	<b>NO POSITION</b>
<b>HB 183</b>	<p><b>Lottery for Schools Act of 2009</b></p> <p>Introduced by Delegate Holmes</p> <p><b>Bill Status: Hearing 02/25/09 at 1:00 p.m.</b></p> <p>Requiring the Comptroller to distribute 25% of specified lottery proceeds to public school systems for classroom staff and instructional materials; requiring that 75% of specified lottery proceeds be distributed to the General Fund of the State and used for the Bridge to Excellence in Public Schools Program; etc.</p>	<p>While the identification and use of a specified revenue source could benefit school systems, revenue and related issues are the under the auspices of the County as the funding authority. The Board has not historically taken formal positions on funding sources and bond-funded projects legislation.</p>

<b>SB 111</b>	<p><b>Public Health – Food Allergen Labeling – Vending Machines</b></p> <p>Introduced by Senators Muse, Exum</p> <p><b>Bill Status: 02/24/09 Unfavorable Report</b></p> <p>Requiring the operator of a vending machine to include any information required under the federal Food Allergen Labeling and Consumer Protection Act of 2004 on the exterior of the vending machine; etc.</p>	<p>Staff indicated that the requirement under this Bill could be meet without significant increased costs.</p>
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