

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: February 9, 2010

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **CONSIDERATION OF SCHOOL LEGISLATION**

ORIGINATOR: Edward J. Novak, Esq., Manager, Government and External Relations

**RESOURCE
PERSON:**

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

February 9, 2010

Background Information

The Maryland General Assembly began its annual Legislative Session on January 13, 2010. This year's Session will adjourn on April 12, 2010.

Discussion

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

SECTION 1: BOE POSITION

BILL	TITLE / SYNOPSIS	POSITION
HB 17	<p>Education – Incidents of Bullying, Harassment, or Intimidation – Reports by Principals – Local Law Enforcement Agency.</p> <p>Introduced by Delegate McConkey</p> <p>Bill Status: House – 01/13/10 First Reading</p> <p>Authorizing public school principals to report incidents of bullying, harassment, or intimidation against students attending the school to the chief of the local law enforcement agency; requiring principals to use a specified form, and defining certain terms.</p>	<p>Recommendation – Oppose</p> <p>This Bill would authorize Principals to report an incident of bullying, harassment, or intimidation to the County Police using the standard MSDE reporting form. The Bill would not require any specific response from the County Police. This Bill is not needed. In July 2009, the Board approved Policy 5580, which is based upon the model bullying policy adopted by MSDE. BCPS Policy (and the related Superintendent's Rule) provides Principals with properly address bullying incidents, to use related support services and to involve law enforcement, if deemed appropriate. The Bill also raises potential concern regarding the potential disclosure of confidential information included on the standard reporting form. A Bill hearing is scheduled for February 17, 2010 in the House Ways and Means Committee.</p>

<p>HB 59</p>	<p>Task Force to Incorporate the Principals of Universal Design for Learning into Policies, Practices, and Curriculum of the Education Systems in Maryland</p> <p>Introduced by Delegates Pena-Melnyk</p> <p>Bill Status: House – Hearing 02/03/10 at 1:00 p.m.</p> <p>Establishing a Task Force to Incorporate the Principles of Universal Design for Learning into the Policies, Practices, and Curriculum of the Education Systems in Maryland; providing for the membership, purposes, and staffing of the Task Force; requiring the Task Force to study and make specified recommendations on how to incorporate and apply the principles of Universal Design for Learning into the policies, practices, and curriculum of the education systems in Maryland; etc.</p>	<p>Recommendation – No Position</p> <p>While the Bill only creates a Task Force, it is likely that recommendations would include imposition of curriculum-related requirements that could affect BCPS instructional activities. In addition, the State’s budgetary difficulties will likely be significant in FY 2012 when the Task Force report/recommendations would be considered by the General Assembly. Based on the current scheme, FY 2012 will be the first budget year in which federal stimulus monies (from the American Recovery and Reinvestment Act), which will make the fiscal climate extremely challenging. This could create a situation where an unfunded mandate involving UDL could be imposed. BCPS FY 2010 Legislative Platform includes opposition to unfunded mandates and/or mandated curriculum. At its January 25, 2010 Legislative Committee Meeting, MABE voted 8-5 to take “no position” on the bill. At a February 3, 2010 hearing in the House Ways & Means Committee, favorable testimony regarding the Bill was presented by MSDE, the State PTA and members of the special education community.</p>
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<p>HB 243</p>	<p>Fairness in Negotiations Act</p> <p>Introduced by Delegates Hixson, Barve, Howard, Hucker, Ivey, Kaiser, Mizeur, <u>Olszewski</u>, Rice, Ross, Stukes, and F. Turner</p> <p>Bill Status: House – 01/25/10 First Reading</p> <p>Establishing as an independent unit of State government-- a Public School Labor Relations Board--to assume specified duties previously held by the State Board of Education; requiring the Public School Labor Relations Board to hear specified controversies and disputes and to issue decisions on same.</p>	<p>Recommendation – Oppose</p> <p>This Bill would create a new five member Public School Labor Relations Board. The Bill will substantially expand the number of topics required to be negotiated and will require mediation when an agreement cannot be reached after negotiations. In cases where mediation does not resolve the negotiations dispute, the Board would be required to conduct a hearing and would a binding decision based on accepting the last best offer of the union, the school system, or the mediator’s imposed settlement. In situations where a County could not provide additional finding required to implement a decision, the school system would be required to renegotiate with the union. This process would likely lead to prolonged negotiations and will require the school system to reprogram funds from other budgetary areas (with the approval of the County). It should be noted that a large majority of the school system’s budget is used to pay for employee salaries and benefits, leaving a relatively small amount of monies that could even be considered for reallocation.</p>
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<p>HB 335 SB 264</p>	<p>State Board of Education – Financial Literacy Curriculum – Graduation Requirement</p> <p>Introduced by Delegate Walker</p> <p>Introduced by Senators Muse, <u>Klausmeier</u>, and Colburn</p> <p>Bill Status: First Reading 01/27/10</p> <p>Requiring the State Board of Education to develop curriculum content for a course in financial literacy; requiring county boards of education to implement financial literacy curriculum content in a county’s public high schools; requiring students to complete a financial literacy course in order to graduate from high school.</p>	<p>Recommendation – No Position</p> <p>This Bill would require the Board to implement a semester-long financial literacy course based upon curriculum developed by the State Board. The course would be taught in all high schools and would be a high school graduation requirement.</p> <p>While the Bill addresses an important subject, particularly because of recent consumer-related aspects of the nation’s financial difficulties, it is an unfunded mandate with resource and curriculum adjustment implications. Recommend “No position” based upon importance of the subject matter but with consideration of the BCPS FY 2010 Legislative Platform.</p>
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<p>SB 310 HB 304</p>	<p>Education – Maintenance of Effort Requirement – Process and Factors</p> <p>Introduced by Senators <u>Kasemeyer</u>, Currie, DeGrange, Garagiola, Kittleman, Madaleno, McFadden, Middleton, and Munson</p> <p>Introduced by Delegate <u>Jones</u>, Conway, Hixson, Holmes, McIntosh, O'Donnell, Ross, and Schuh</p> <p>Bill Status: First Reading 01/27/10</p> <p>Altering the date by which a county governing body must make a request to the State Board of Education for a waiver from the maintenance of effort requirement; requiring the State Board of Education to consider specified factors when making a decision whether to grant a waiver; altering the date by which the State Board of Education must inform the county governing body whether the waiver application has been granted or denied; etc.</p>	<p>Recommendation – No Position</p> <p>This Bill proposes to incorporate existing regulatory criteria and recommendations of the Joint Legislative Workgroup on Study State, County, and Municipal Fiscal Relationships into the statute governing the maintenance of effort (MOE) waiver process. It would change the deadline for a county to file an MOE waiver request, require the State Board to hold a hearing regarding a request and places seven factors (loss of a major employer or industry or a broad economic downturn affecting more than one county, tax bases, rate of inflation relative to student population, MOE requirement relative to a county’s statutory ability to raise revenues, history of whether the county has exceeded MOE, whether there is an agreement between the county and the local board as to whether a waiver should be granted and significant reductions in state aid to a county) in the law that MSBE must consider in making a waiver determination. The Bill would not change the current process that requires pursuit of individual county MOE waiver request. Baltimore County Government is working with the Maryland Association of Counties to analyze the Bill and any potential amendments to formulate a position on this bill.</p>
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SECTION 2: BOE INFORMATION ONLY

BILL	TITLE / SYNOPSIS	NO POSITION
<p>SB 101</p>	<p>Public Health – Peanut Warning – Vending Machines</p> <p>Introduced by Senator <u>Stone</u></p> <p>Bill Status: Hearing 02/04/10 at 2:00 p.m.</p> <p>Requiring the operator of a vending machine that contains a food with peanuts to post a warning label on the exterior of the vending machine informing consumers that some foods contained within the vending machine may contain peanuts.</p>	<p>This Bill would require operators of vending machines to place warning labels on machines if products sold therein may contain peanuts. At a minimum, BCPS would need to ensure that required labels are affixed to vending machines owned by businesses.</p>

<p>SB 315</p>	<p>Public Ethics Laws – Elected Local Officials and Board of Education Members - Requirements</p> <p>Introduced by Senators Raskin, Peters, Miller, Astle, Currie, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Glassman, Harrington, Jones, <u>Kelley</u>, King, <u>Klausmeier</u>, Kramer, Lenett, Madaleno, McFadden, Middleton, Muse, Pinsky, Rosapepe, and <u>Stone</u></p> <p>Bill Status: 01/27/10 First Reading</p> <p>Requiring local ethics commissions or other appropriate entities to certify to the State Ethics Commission compliance with specified provisions of law relating to elected local officials on or before a specified date each year; requiring conflict of interest and financial disclosure provisions for elected local officials enacted by a county or municipal corporation to be equivalent to or exceed requirements under specified provisions of law.</p>	<p>This Bill requires that a school board adopt regulations (equivalent to or exceeding State statutory requirements) regarding conflict of interest and financial disclosure applicable to school board members and that the Baltimore County Ethics Commission certify school board compliance to the State Ethics Panel. The Bill would not change the authority of the local board to include school officials and some employees under conflict of interest and financial regulations.</p>
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