

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: February 23, 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 23, 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
<p>HB 17</p>	<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 – Hearing 02/17/10 at 1:00 p.m.</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 terms.</p>	<p style="text-align: center;">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 SB 467</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 Delegate Pena-Melnyk</p> <p>Bill Status: House – Hearing 02/03/10 at 1:00 p.m. Senate – First Reading 02/01/10</p> <p>Establishing the 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>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 SB 590</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 – Hearing 03/10/10 at 1:00 p.m. Senate – Hearing 03/04/10 at 1:00 p.m.</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; establishing that specified decisions by the Public School.</p>	<p>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 issue 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 funding 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</p>
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<p>SB 801 HB 1016</p>	<p style="text-align: center;">OTHER LABOR RELATIONS BILLS</p> <p>Baltimore County - Public School Employees - Collective Bargaining and Representation Fees</p> <p>Introduced by Senator <u>Klausmeier</u></p> <p>Introduced by Delegates <u>Jones</u> and <u>DeBoy</u></p> <p>Bill Status: Senate - First Reading 02/10/10 House – First Reading 02/15/10</p> <p>Requiring the Board of Education of Baltimore County to negotiate specified fees with specified employee organizations representing specified certificated and non-certificated employees to be charged to specified nonmembers for specified representation.</p>	<p>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> <p>Recommended Position – Oppose</p> <p>This Bill would <i>authorize</i> the Board to negotiate reasonable service fees for non-certificated employees who are not members of a recognized collective bargaining organization for representation in negotiations and employee grievances. This Bill would <i>require</i> the Board to negotiate a reasonable service fee to be charged to both certificated and non-certificated employees (in any unit of 25 or more employees) who are nonmembers of the recognized collective bargaining organization for negotiations, contract administration, grievance matters, and all other activities. Current College Bargaining Agreements that the Board has with TABCO, AFSCME, BACE, and CASE contain language that addresses the issue of “agency fee” or service fee as discussed in this Bill.</p>
<p>SB 884 HB 948</p>	<p>Baltimore County - Bargaining Unit for Public School Employees</p> <p>Introduced by Senator <u>Klausmeier</u> and <u>Stone</u></p> <p>Introduced by Delegates <u>Olszewski</u>, <u>Aumann</u>, <u>Cardin</u>, <u>DeBoy</u>, <u>Lafferty</u>, <u>Malone</u>, <u>Minnick</u>, and <u>Schuler</u></p> <p>Bill Status: Senate - First Reading 02/15/10 House – First Reading 02/12/10</p> <p>Altering provisions of law relating to the designation of the exclusive representative for specified public school employees in Baltimore County; repealing provisions of law that authorized Baltimore County to designate as a separate bargaining unit only specified registered nurses in specified schools in the county; prohibiting more than two bargaining units in Baltimore County and requiring each unit to consist of specified employees; etc.</p>	<p>Recommended Position: No Position</p> <p>This Bill would eliminate the authorization for designation of a collective bargaining unit of registered nurses in elementary and special schools. The Bill would allow for recognition of not more than two units in Baltimore County, which would be consistent with the law regarding other local school systems. The Bill provides that one of the bargaining units shall consist of employees whose positions required an administrative and supervisory certificate as well as non-certificated supervisory employees. The second bargaining unit shall consist of all other certificated professional employees.</p>

<p>HB 335</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: Hearing 03/03/10 at 1:00 p.m.</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 public high schools in the county; requiring students to complete a financial literacy course in order to graduate from high school; etc.</p>	<p>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>
<p>OTHER BILLS RELATING TO FINANCIAL LITERACY</p>		
<p>SB 264 HB 764</p>	<p>State Board of Education - Financial Literacy Curriculum - Graduation Requirement</p> <p>Introduced by Senators Muse, <u>Klausmeier</u>, and Colburn</p> <p>Bill Status: Senate - Hearing 02/24/10 at 1:00 p.m. House – Hearing 03/03/10 at 1:00 p.m.</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 specified curriculum content in specified high schools; requiring specified students to complete a specified course in order to graduate from high school; etc.</p>	<p>NO POSITION</p> <p>The language in these cross-filed Bills is identical to HB 335. The proposed curriculum and graduation requirement change reflects findings in the General Assembly’s Task Force to Study How to Improve Financial Literacy in the State, which issued its final report in January 2010.</p>

<p>HB 467 SB 275</p>	<p>Education - Maryland Longitudinal Data System</p> <p>Introduced by The Speaker (By Request - Administration) and Delegates Kaiser, Bartlett, <u>Cardin</u>, Elmore, Reznik, and Shewell</p> <p>Bill Status: House - Hearing 02/24/10 at 2:00 p.m.</p>	<p>Recommended Position – Support</p> <p>This Bill requires the creation of a Maryland Longitudinal Data System Center and a related data system to be jointly established by MSDE, the Maryland Higher Education Commission, University System of Maryland, Morgan State University, St. Mary’s College and the Department of Labor, Licensing, and</p>
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	<p>Senate – Hearing 02/17/10 at 1:00 p.m.</p> <p>Establishing the Maryland Longitudinal Data System as a statewide data system containing individual-level student data from all levels of education and into the workforce; establishing the purpose of the system; establishing the Maryland Longitudinal Data System Center as an independent unit of State government; providing for the organizational placement, location, staffing, and funding of the Center; etc.</p>	<p>Regulation. The Center and Data System would be operational by December 31, 2014.</p> <p>The Data System is defined as a statewide system that contains individual-level student data from all levels of education and the State’s workforce. The Center would serve as the repository and warehouse for data from MSDE, local school systems, the Maryland Higher Education Commission and higher education institutions. The Data System is designed to manage student data, facilitate exchange and use of data and provide information to evaluate and improve student performance. The Bill creates an 11 member Governing Board for the Center. The Bill does not provide a defined funding source for the Center and/or the Data System but indicates that funding may be received from state appropriations, grants, public or private contributions, and user fees that could be established.</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 Kasemeyer, Currie, DeGrange, Garagiola, Kittleman, Madaleno, McFadden, Middleton, and Munson</p> <p>Introduced by Delegates Jones, Conway, Hixson, Holmes, McIntosh, O'Donnell, Ross, and Schuh</p> <p>Bill Status: Senate - Hearing 02/04/10 at 1:00 p.m. House – Hearing 02/24/10 at 2:00 p.m.</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>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</p>
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	<p style="text-align: center;">OTHER BILLS RELATING TO MAINTENANCE OF EFFORT</p> <p>SB 403</p> <p>Education - Maintenance of Effort – Penalty</p> <p>Introduced by Senators Pinsky, Exum, Harrington, Lenett, Madaleno, and Raskin</p> <p>Bill Status: Hearing 02/24/10 at 1:00 p.m.</p> <p>Altering the penalty provisions for a county governing body that fails to meet the maintenance of effort requirement for primary and secondary education.</p>	<p>is working with the Maryland Association of Counties to analyze the Bill and any potential amendments to formulate a position on this bill.</p> <p>Recommended Position – Support</p> <p>This Bill would change the current penalty process by shifting an MOE penalty from being imposed on the school system (as a reduction in state education aid) to the county government. The county government could then have other state aid allocated withheld in the amount of the MOE penalty. While MOE had not been a concern in Baltimore County because of the continued support of County Government to provide school funding above required MOE levels, the Board supports efforts related to maintaining appropriate educational funding levels and believes that imposition of any MOE penalty would be appropriate against the funding authority.</p>
<p>HB 410</p>	<p>Education - Statewide Maintenance of Effort Waiver</p> <p>Introduced by Delegates Hixson, Boteler, Bronrott, Cane, G. Clagett, DeBoy, Doory, Dumais, Frick, Gilchrist, Glenn, Healey, Hecht, Ivey, Kaiser, King, Love, Minnick, Mizeur, Montgomery, Niemann, Ramirez, Rice, Shewell, Sophocleus, Sossi, Stocksdale, and Wood</p> <p>Bill Status: Hearing 02/24/10 at 2:00 p.m.</p> <p>Waiving the maintenance of effort requirement for the counties and Baltimore City for a specified fiscal year; providing for the calculation of specified levels of appropriations by the counties and Baltimore City for a specified fiscal year; making the Act an emergency measure; etc.</p>	<p>Recommended Position – Oppose</p> <p>This Bill would create a blanket waiver of the maintenance of effort (MOE) funding level for all the counties and Baltimore City for FY 2011. For FY 2012, the required MOE level will be based upon the larger per pupil local appropriation for FY 2011 or FY 2010, whichever is greater. The BCPS Legislative Platform includes opposition to a blanket MOE waiver. If enacted, this Bill would adversely impact funding levels needed to maintain the progress in K-12 education that has been made in recent years because of appropriate MOE funding levels being honored.</p>

<p>HB 632</p>	<p>Maintenance of Effort - Penalty</p> <p>Introduced by Delegates Howard, Benson, Davis, Frush, Gaines, Healey, Holmes, Ivey, Niemann, Pena-Melnyk, Proctor, Ramirez, Ross, Valderrama, Vaughn, and Walker</p> <p>Bill Status: Hearing 02/24/10 at 2:00 p.m.</p> <p>Waiving the maintenance of effort penalty for fiscal year 2010; providing for the application of the Act; etc.</p>	<p>Recommended Position – No Position</p> <p>This Bill would waive the penalty assessed for a local jurisdiction failing to meet the maintenance of effort (MOE) funding level for FY 2010 only. This Bill does not have any impact in Baltimore County because the required MOE level is being met for the current budget year.</p>
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<p>SB 899</p>	<p>Education Reform Act of 2010</p> <p>Introduced by The President (By Request - Administration)</p> <p>Bill Status: First Reading 02/15/10</p> <p>Altering the probationary period of employment of a certificated employee in a public school system; altering specified procedures related to the probationary period of a certificated employee; requiring a county board of education to evaluate annually a non-tenured certificated employee based on established performance evaluation criteria; etc.</p>	<p>Recommended Position – Support</p> <p>This Bill is entitled “The Education Reform Act of 2010” which is the Governor’s legislative proposal to facilitate Maryland’s activities to effectively address federal education reforms efforts and to be competitive for the U.S. Department of Education’s Race to the Top (RTTT) Fund. The Bill would increase the probationary period for certificated teachers from 2 to 3 years. It provides that if a certificated employee is not on track for tenure at the end of his/her first or second year, a mentor will be assigned and additional professional development will be provided. It would also require that teachers and principals will have data regarding student achievement included as a significant component of their performance evaluation. Non-certificated employees will also be required to be evaluated annually based upon established performance criteria. The Bill requires MSBE to develop regulations to implement these provisions. Lastly, the Bill would provide a stipend (contingent upon receipt of RTTT grant funds) to highly effective teachers and principals assigned to a public school identified in the State’s RTTT application as a school in the lowest achieving 5% of Title I schools in improvement, corrective action, or restructuring (MSBE will determine the stipend amount).</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: 02/10/10 -- Unfavorable Report</p> <p>Requiring the operator of a vending machine that contains a food that contains peanuts to post a warning label on the exterior of the vending machine that informs consumers that some foods contained within the vending machine may contain peanuts; etc.</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: Hearing 02/25/10 at 1:00 p.m.</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; etc.</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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