

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: March 9, 2010
TO: **BOARD OF EDUCATION**
FROM: Dr. Joe A. Hairston, Superintendent
SUBJECT: **LEGISLATION UPDATE**
ORIGINATOR: Edward J. Novak, Esq., Manager, Government and External Relations

RECOMMENDATION

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

BOARD OF EDUCATION OF BALTIMORE COUNTY
LEGISLATIVE UPDATE

March 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. As of February 28, 2010, there have been 1,067 Bills introduced in the Senate and 1,484 Bills introduced in the House of Delegates. Additionally, five Senate Joint resolutions and thirteen House Joint Resolutions have been introduced. The total number of legislative introductions so far in the 2010 General Assembly Session is 2,569. The regular filing deadline for introduction of Bills had passed.

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 – 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 5580 (and the related Superintendent's Rule) provides Principals with guidelines to 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 was 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 Principles 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>Introduced by Senators Conway, Madaleno, Colburn, Dyson, Exum, Forehand, Garagiola, Glassman, Harrington, King, <u>Klausmeier</u>, Kramer, Lenett, McFadden, Muse, Pinsky, Raskin, Rosapepe, and <u>Zirkin</u></p> <p>Bill Status: House – Hearing 02/03/10 at 1:00 p.m. Senate – Hearing 03/03/10 at 1:00 p.m.</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>Introduced by Senators Raskin, Middleton, Conway, Exum, Frosh, Garagiola, Harrington, Jones, <u>Kelley</u>, King, Lenett, Madaleno, Peters, Pinsky, Pugh, Rosapepe, and <u>Stone</u></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;</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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establishing that specified decisions by the Public School.

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.

OTHER LABOR RELATIONS BILLS

SB 801
HB 1016

Baltimore County - Public School Employees - Collective Bargaining and Representation Fees

Introduced by Senator Klausmeier

Introduced by Delegates Jones and DeBoy

Bill Status:
Senate - First Reading 03/11/10 at 1:00 p.m.
House – Hearing 03/24/10 at 1:00 p.m.

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.

Oppose

This Bill would *authorize* 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 *require* 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 collective 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.

SB 884
HB 948

Baltimore County - Bargaining Unit for Public School Employees

Introduced by Senator Klausmeier and Stone

Introduced by Delegates Olszewski, Aumann, Cardin, DeBoy, Lafferty, Malone, Minnick, and Schuler

Bill Status:
Senate - First Reading 02/15/10
House – Hearing 03/10/10 at 1:00 p.m.

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.

No Position

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 require 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>HB 335 SB 1030</p>	<p>State Board of Education – Financial Literacy Curriculum – Graduation Requirement</p> <p>Introduced by Delegate Walker</p> <p>Introduced by Senator <u>Klausmeier</u></p> <p>Bill Status: House - Hearing 03/24/10 at 1:00 p.m. Senate – First Reading 02/25/10</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 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>SB 264 HB 764</p>	<p>OTHER BILLS RELATING TO FINANCIAL LITERACY</p> <p>State Board of Education - Financial Literacy Curriculum - Graduation Requirement</p> <p>Introduced by Senators Muse, <u>Klausmeier</u>, and Colburn</p> <p>Introduced by Delegates Carter, Anderson, Gutierrez, and Stukes</p> <p>Bill Status: Senate - Hearing 03/10/10 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 House Bill 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, Cardin, Elmore, Reznik, and Shewell</p> <p>Introduced by (By Request - Administration) and Senators Pinsky and King</p> <p>Bill Status: House - Hearing 02/24/10 at 2:00 p.m. 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>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 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 specify a 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 that user fees could be established.</p>
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<p>HB 781</p>	<p>Teachers and Other Personnel - Transfer - Notice</p> <p>Introduced by Delegates Howard, Harrison, Ivey, Proctor, Robinson, Vaughn, and Walker</p> <p>Bill Status: Hearing 03/10/10 at 1:00 p.m.</p> <p>Requiring a county superintendent to provide a specified individual with written notice of the reason for the transfer at least 10 days before the transfer of the individual.</p>	<p>Recommended Position - Oppose</p> <p>This Bill would require a county superintendent to provide a specified individual with written notice of the reason for the transfer at least 10 days before the transfer of the individual. This Bill is unnecessary because BCPS follows sound personnel policies and practices that provide appropriate notice.</p>
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<p>HB 946 SB 385</p>	<p>Building Opportunities for All Students and Teachers (BOAST) in Maryland Tax Credit</p> <p>Introduced by Delegates Proctor, Walker, Vallario, Anderson, <u>Aumann</u>, Bartlett, Bates, Beidle, Beitzel, Benson, Bohanan, <u>Boteler</u>, <u>Burns</u>, Conaway, Conway, Davis, <u>DeBoy</u>, Donoghue, Doory, Dumais, Eckardt, Elliott, Elmore, <u>Frank</u>, Frush, Gaines, George, Glenn, Haddaway, Hammen, Haynes, Heller, Holmes, Hubbard, Ivey, James, Jameson, <u>Jennings</u>, <u>Kach</u>, Kelly, King, Kipke, Krebs, Krysiak, Kullen, Levi, Levy, <u>Malone</u>, Mathias, McConkey, McHale, Miller, <u>Minnick</u>, Myers, O'Donnell, Oaks, Ramirez, Robinson, Rosenberg, Ross, Schuh, Shank, Shewell, Sophocleus, Sossi, Stocksdale, Stukes, Stull, Tarrant, Taylor, V. Turner, Valderrama, Vaughn, Weir, and Wood</p> <p>Introduced by Senators DeGrange, Brinkley, Dyson, <u>Klausmeier</u>, McFadden, Peters, Reilly, and Stoltzfus</p> <p>Bill Status: House - Hearing 03/17/10 at 1:00 p.m. Senate – Hearing 03/03/10 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>Recommended Position - Oppose</p> <p>This Bill would create a tax credit for contributions to eligible nonprofit organizations to provide scholarships to students and teachers or grants to public schools for innovative programs. Consistent with BCPS' Legislative Platform. Similar bills have been introduced in past Legislative Sessions. This Bill would reduce available tax funds to support public education.</p>
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<p>HB 1072</p>	<p>Baltimore County Board of Education - Election of Members</p> <p>Introduced by Delegates <u>Lafferty</u>, <u>Boteler</u>, <u>DeBoy</u>, <u>Kach</u>, <u>Malone</u>, <u>Morhaim</u>, and <u>Stein</u></p> <p>Bill Status: Hearing 03/24/10 at 1:00 p.m.</p> <p>Establishing procedures for the election of the members of the Baltimore County Board of Education; repealing provisions governing the appointment of the members of the county board; requiring that some of the members of the county board reside in and be elected from specified districts and that some of the members be elected at large; establishing a term of office; providing for the</p>	<p>Recommended Position - Oppose</p> <p>Changing the Board from appointed to elected Board composed of 12 members. Board would consist of 11 members, one would be elected from each of the councilmanic districts based on an affirmative vote (candidate must be a resident of the district and maintain residency) and four members would be elected from the county at large based with the four candidates receiving the highest number of votes; one appointed student member at large member. Should there be insufficient candidates that seek election, the County Executive will appoint members with the County Council's</p>
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removal of members and the appointment of a member to fill a vacancy; providing for the termination of the terms of the appointed county board members; etc.

consent. Elected Board members would serve a term of four years; the initial terms of the elected or appointed members would not be staggered. Board members will elect a Chair and Vice Chair from among members each year. Unless approved by Board majority, the student member could not attend hearings involving special education placement and suspension/termination actions involving certificated employees or collective bargaining matters; the student member (generally) may not vote on suspension/termination actions involving certificated employees, collective bargaining matters, budgets, school closings and openings, and boundaries. Board members would be entitled to compensation as provided in the Baltimore County Budget and travel/expense reimbursements. State Board would have the authority to remove an elected or appointed member for cause with notice and a hearing. Bill would be effective June 1, 2010.

OTHER BILLS RELATING TO THE BOARD OF EDUCATION OF BALTIMORE COUNTY

SB 982

Baltimore County - Board of Education - Elected Members

Recommended Position – Oppose

Introduced by Senators Zirkin and Brochin

Creating a hybrid Board of Education of Baltimore County that would consist of 15 members, eight appointed members (one from each councilmanic district and one student member from the county at large) and seven elected members. The current Board would continue to operate until December 6, 2010 (the first Monday in December following the 2010 General Election). Elected members must be residents of their respective councilmanic districts and must maintain residency for the duration of their term. Seven elected members would be elected by affirmative vote in a nonpartisan general election (no primary election is allowed). Elected members would serve a term of four years; the initial terms of the elected or appointed members would not be staggered; elected members would serve until a successor is elected; appointed members would continue to serve five year terms (terms still starting on July 1st) except for the retention of the one year

Bill Status: First Reading 02/22/10

Establishing a procedure for the election of specified members of the Baltimore County Board of Education; requiring specified members of the County Board to reside in and be elected from specified districts; establishing a specified term of office for the elected members; providing for the removal of members under specified circumstances; providing a procedure for the filling of a vacancy for an elected member; providing for the election of the chair and vice chair of the County Board; etc.

		<p>term for the student member. Requires the County Executive to appoint a member with the consent of the County Council, if a vacancy exists because of the lack of an elected candidate(s). Board members would elect a Chair and Vice Chair from among members each year. State Board would have the authority to remove an elected or appointed member for cause with notice and a hearing. Board members would be entitled to compensation as provided in the Baltimore County Budget and travel/expense reimbursements. Bill would be effective October 1, 2010</p> <p>These Bills are not needed. The current appointed Board has effectively served public education in Baltimore County. A larger, hybrid (elected and appointed) school board (SB 982) or an elected board only (HB 1072) would impair the Board's ability to address educational matters in a long-term, strategic manner. A hybrid board (SB 982) or elected board only (HB 1072) would be subject to political concerns and narrow special interest pressures that would adversely affect the formulation of sound educational policy. The election and appointment (SB 982) of the Board based upon councilmatic districts could lead to divisiveness involving more localized interests rather than effective decisions made on a countywide school system decisions. Additionally, there would be increased costs resulting from either Bill because the Board would be larger (SB 982) and members would be entitled to compensation under both Bills.</p>
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<p>HB 1154</p>	<p>Education Funding Formula - Average Daily Attendance</p> <p>Introduced by Delegates O'Donnell, <u>Aumann</u>, Bates, Beitzel, Costa, Dwyer, Eckardt, Elliott, Elmore, <u>Frank</u>, George, Haddaway, <u>Jennings</u>, <u>Kach</u>, Kipke, McComas, McConkey, Miller, Norman, Schuh, Shank, Smigiel, Sossi, Stifler, and Stocksdale</p> <p>Bill Status: Hearing 03/17/10 at 1:00 p.m.</p> <p>Requiring specified enrollment calculations used for</p>	<p>Recommended Position - Oppose</p> <p>This Bill would require specific enrollment calculations used for education aid to be based on the average daily attendance in specified school years.</p>
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	education aid to be based on the average daily attendance in specified school years; etc.	
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<p>HB 1160</p>	<p>Safe Schools Act of 2010</p> <p>Introduced by Delegates Busch, Dumais, Gilchrist, Heller, Hixson, Ivey, Kaiser, Kramer, Manno, Myers, <u>Olszewski</u>, and Rice</p> <p>Bill Status: Hearing 03/03/10 at 1:00 p.m.</p> <p>Requiring the juvenile court to notify a specified school official that a child has been found to be delinquent, in need of assistance, or in need of supervision and committed to a specified agency under specified circumstances; adding specified offenses to a list of offenses for which a student is arrested that are required to be reported to specified school officials under specified circumstances; etc.</p>	<p>Recommended Position - Support with Amendments</p> <p>This Bill would require juvenile courts to notify a school system if a child is determined to be delinquent or a child in need of assistance. The Bill prohibits a student who is convicted or adjudged delinquent for rape or a sexual offense or arrested for certain offenses from attending the same school or riding the same school bus as the victim if necessary to protect the physical or psychological well-being of the victim. It would increase information sharing among courts, law enforcement agencies, and schools regarding student juvenile delinquency, criminal activity, and/or suspected gang activity. Each public middle school and high school would be required to designate at least one school security officer. By January 1, 2011, the State Board, after consultation with and input from the Department of Juvenile Services, the Department of State Police, and local school systems, shall develop a model policy to address gangs and gang-like activities in schools. Local boards would be required to establish a policy to address gangs and gang-like activity in schools based on the State's model policy. Local school systems would be required to develop specific educational programs addressing gangs and gang-like activity in schools. Each county superintendent would be required to conduct regular school security meetings for each middle and high school to enhance the coordination of gang prevention and intervention efforts. The Bill requires that each county superintendent enter into a memorandum of understanding with the County State's Attorney's Office to foster coordination of gang prevention, intervention, and suppression efforts. Beginning in 2011, MSDE would submit an annual report to the General Assembly. While the sponsors of the Bill are understandably concerned about gang-related activities in schools, this Bill is an unfunded mandate. Amendments may be needed to clarify the designation of school</p>
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		security officers and the potential need for Board policy versus administrative regulation and/or policy.
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<p>HB 1362</p>	<p>Education - Public Schools - Virtual Schools</p> <p>Introduced by Delegates <u>Boteler</u>, <u>Aumann</u>, Bartlett, Barve, Elmore, George, <u>Kach</u>, Murphy, Myers, <u>Schuler</u>, Shank, Shewell, Sossi, Stocksdale, and Stukes</p> <p>Bill Status: Hearing 03/24/10 at 1:00 p.m.</p> <p>Authorizing a county board of education, subject to the approval of the State Department of Education, to establish a virtual school in the State; establishing that a virtual school is a public school subject to applicable laws and regulations; requiring a virtual school to provide specified curricular programs to the students of the virtual school; requiring a virtual school to provide specified materials and access to technology to the parent or guardian of a student enrolled in the virtual school; etc.</p>	<p>Recommended Position - Oppose</p> <p>This Bill authorizes a local board to create a virtual school subject to the approval of MSDE. A virtual school would be: an independent public school using the internet in a virtual or remote setting to deliver most of the curriculum (of same duration and sequence) interactively, taught by certificated teachers with regular student assessment, open to any student, the school would be evaluated annually to measure increases in student achievement and the school's academic, fiscal, and operational performance. No funding source is identified in the Bill should the Board create a school(s). BCPS has been recognized as a leader in application of cutting-edge technology to our schools instruction program, including the highly regarded virtual program at Chesapeake HS.</p>
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<p>HB 1376 SB 1001</p>	<p>Vehicle Laws - Overtaking and Passing School Vehicles - School Bus Monitoring Cameras</p> <p>Introduced by Delegates Stull, G. Clagett, Elliott, Hecht, and Jenkins</p> <p>Introduced by Senator Brinkley</p> <p>Bill Status: House - Hearing 03/09/10 at 2:00 p.m. Senate – First Reading 02/22/10</p> <p>Authorizing a county board of education, in consultation with a local law enforcement agency, to place school bus monitoring cameras on county school buses for the purpose of recording motor vehicles committing violations relating to overtaking and passing school vehicles; requiring a school bus operator to give a recording of the violations to a local law enforcement agency; requiring recordings made by a school bus monitoring camera to include specified images and information about the violations; etc.</p>	<p>Recommended Position - Pending</p> <p>This Bill would authorize a county board of education, in consultation with a local law enforcement agency, to place school bus monitoring cameras on county school buses for the purpose of recording motor vehicles committing violations relating to overtaking and passing school vehicles; requiring a school bus operator to give a recording of the violations to a local law enforcement agency; requiring recordings made by a school bus monitoring camera to include specified images and information about the violations. The Bill imposes an unfunded mandate and could require school system employees to appear as witnesses in court proceedings.</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 Delegates <u>Jones</u>, Conway, Hixson, Holmes, McIntosh, O'Donnell, Ross, and Schuh</p> <p>Bill Status: Senate - Hearing 02/24/10 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 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>SB 403</p>	<p>OTHER BILLS RELATING TO MAINTENANCE OF EFFORT</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>Support</p> <p>This Bill would change the current penalty process by shifting a 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 allocated state aid withheld in the amount of the MOE penalty. While a 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</p>

<p>SB 1014</p>	<p>Education - Maintenance of Effort Requirement - Waiver and Appeal Process</p> <p>Introduced by Senator Stolfus</p> <p>Bill Status: First Hearing 02/24/10</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; clarifying the maintenance of effort requirement for which a county or Baltimore City may apply for a waiver; requiring the State Board to grant a waiver, subject to specified limitations, under specified circumstances; etc.</p>	<p>maintaining appropriate educational funding levels and believes that imposition of any MOE penalty would be appropriate against the funding authority.</p> <p>Recommended Position Oppose</p> <p>This Bill would require that the State Board grant a waiver of up to 5% of the maintenance of effort (MOE) requirement if the income and sales tax revenues are less than the preceding annual March projection, if the county's constant yield tax rate is higher than the county's current tax rate and if the county and the local board agree that a waiver should be granted. The Bill would allow the State Board to grant a higher waiver based on a set of criteria (some factors are currently in regulation) included in the Bill (including County's loss of a major employee or industry, history of county's MOE efforts, significant cuts in state aid). A county can appeal a denial of an MOE waiver to the State's Office of Administrative Hearings under a process created in the Bill. This Bill is consistent with the Board's 2010 Legislative Platform. The Bill would limit the State Board's ability to analysis and decide specific waiver requests based on a variety of appropriate considerations.</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, Mizour, Montgomery, Niemann, Ramirez, Rice, Shewell, Sophocleus, Sossi, Stocksdales, 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>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>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>
<p>HB 1131</p>	<p>Education - Maintenance of Effort Waiver - Appeal Process</p> <p>Introduced by Delegates O'Donnell, Barve, and Bates</p> <p>Bill Status: Hearing 02/24/10 at 2:00 p.m.</p> <p>Requiring the State Board of Education to inform county boards of education of a specified decision; authorizing specified parties to appeal the decision of the State Board of Education to the Office of Administrative Hearings within a specified time frame; requiring the Office of Administrative Hearings to conduct a hearing and issue a decision within a specified time frame and according to specified provisions of law; etc.</p>	<p>Recommended Position – Oppose</p> <p>This Bill would allow local government or the local school board to appeal the maintenance of effort (MOE) waiver decision issued by Maryland State Board of Education (MSBE) to the State’s Office of Administrative Hearings (OAH). OAH would conduct a hearing and make a decision made upon “substantive grounds” based upon whether the county’s fiscal condition significantly impedes the county’s ability to fund at the required MOE level. This Bill would move the final administrative decision regarding an MOE waiver request from MSBE to an administrative law judge. The bill language raises the possibility that existing regulatory waiver criteria would not be utilized.</p>

<p>SB 741</p>	<p>Charter Schools - Certificated Professional Employees - Exemption from Collective Bargaining Agreements</p> <p>Introduced by Senators Jacobs, Brinkley, Colburn, <u>Haines</u>, <u>Harris</u>, Kittleman, Mooney, Pipkin, Reilly, and Stoltzfus</p> <p>Bill Status: Hearing 03/11/10 at 3:00 p.m.</p> <p>Exempting charter schools and certificated professional employees of charter schools from provisions of law and regulation that govern other public schools and other public school employees under specified circumstances; authorizing these employees to be represented by the existing employee organization, or to form their own employee organization, for the purpose of collective</p>	<p>Recommended Position – Oppose</p> <p>This Bill would allow certificated employees of a public charter school to form an independent employee organization consisting solely of certificated employees employed at that school. The Bill provides that such charter school employees are not subject to a collective bargaining agreement covering other certificated employees of the school system unless, by majority vote, the charter school employees elect to be so represented. This Bill contains language that would authorize the creation of a separate bargaining unit at each public charter school. It could create additional, multiple employee organizations that local school systems would be required to negotiate separate collective bargaining agreements with based upon the number of</p>
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	bargaining; etc.	charter schools within the jurisdiction.
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<p>SB 865 HB 1391</p>	<p>Education - Student-Athletes - Concussions</p> <p>Introduced by Senators Lenett and Zirkin</p> <p>Introduced by Delegates Montgomery, Reznik, Barnes, Bronrott, Cardin, Frick, Frush, Heller, Ivey, Kaiser, Kramer, Kullen, Mizeur, Morhaim, Pena-Melnyk, Rice, and Walker</p> <p>Bill Status: Senate - Hearing 03/17/10 at 1:00 p.m. House – Hearing 03/24/10 at 1:00 p.m.</p> <p>Requiring the State Department of Education, in collaboration with specified organizations and individuals, to develop and implement a specified program to provide awareness and training to coaches, school personnel, student-athletes, and the parents or guardians of student- athletes on the nature and risks of a concussion, the criteria for return to play, and the risks of not reporting injury and continuing to play; etc.</p>	<p>Recommended Position – Oppose</p> <p>This Bill requires MSDE to implement a program in collaboration with other involved stakeholders to school personnel, student-athletes, and parents/guardians to increase awareness and provide training regarding head injuries resulting from athletic/sports school programs and/or youth sports programs (would include recreation/parks programs) held at school facilities, requiring: verification that a coach receives required training, MSDE will create an annual information notice to parents/guardians, with a written receipt to be required, a student-athlete believed to have sustained a concussion/head injury shall be removed from play, evaluated by a licensed health care provider, and not able to return to play unless a provider gives written permission. The Board would not have any civil liability for related injury/death resulting during a youth sports program and the program was insured (with proper proof provided) for such injury except for several specific situations. This Bill would impose directives on local school systems. BCPS has procedures in place that address the concerns raised in this Bill.</p>
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<p>SB 899 HB 1263</p>	<p>Education Reform Act of 2010</p> <p>Introduced by The President (By Request - Administration)</p> <p>Introduced by The Speaker (By Request - Administration) and Delegates Busch, Hixson, Kaiser, and Rosenberg</p> <p>Bill Status: Senate – Hearing 03/03/10 at 1:00 p.m. House – Hearing 03/10/10 at 1:00 p.m.</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</p>	<p>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</p>
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	<p>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>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 Maryland State Board of Educated (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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<p>SB 959</p>	<p>State Retirement and Pension System - Local Employer Contributions - Educators and Educational Staff</p> <p>Introduced by Senator Miller</p> <p>Bill Status: First Reading 02/18/10</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>Recommended Position – Oppose</p> <p>This Bill would require local school systems to pay retirement-related contributions relating to new teachers hired after July 1, 2010, as well as increases in salaries for teachers. Consistent with the Board's approved Legislative Platform. Teacher pension costs are properly the responsibility of the State because Maryland has a state-level teacher certification and standards system. Retention of a State teacher-funded retirement system would continue to allow teachers to transfer among the 24 school systems with retained pension rights.</p>
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<p>SB 1029</p>	<p>Baltimore County - Use of Public School Facilities - Games of Chance</p> <p>Introduced by Senators <u>Klausmeier</u>, <u>Brochin</u>, and <u>Stone</u></p> <p>Bill Status: First Reading 02/25/10</p> <p>Authorizing the use of public school facilities in Baltimore County for games of chance such as raffles</p>	<p>Recommended Position – Oppose</p> <p>This Bill would apply only to Baltimore County. It would allow a school facility to be used for games of chance (defined in the Bill as "raffles, bingo, or other games of chance that do not award cash money prizes"). The Bill does not prohibit the sponsoring entity (PTA or school staff) from charging a cash admission fee or a cash fee to participate in games of</p>
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	<p>and bingo that do not award cash money prizes; providing that the Act may not be construed to prohibit specified entities from charging a cash money admission fee to an event at which games of chance are played or a cash money fee in order to participate in games of chance; etc.</p>	<p>chance. This Bill may conflict with other legal requirements regarding activities that involve gambling. While the definition contained in the Bill is intended to preclude cash being awarded as a prize in a bingo or raffle, nothing in the Bill addresses potential questions or concerns regarding the value of non-cash prizes.</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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<p>SB 412</p>	<p>Teacher Certification - Career Professionals</p> <p>Introduced by Senators Pugh, Forehand, Harrington, <u>Harris</u>, Lenett, Madaleno, Miller, Muse, Peters, and Raskin</p> <p>Bill Status: Hearing 02/24/10 at 1:00 p.m.</p> <p>Requiring the State Department of Education to establish teacher certification for career professionals in specialized fields; and requiring the Department to adopt specified regulations.</p>	<p>This Bill would require MSDE to establish teacher certification for career professionals in specialized fields with implementing regulations. This proposal could provide another avenue to teacher certification in addition to MSDE's Resident Teacher Certificate Program and the process to request a Conditional Teacher Certificate.</p>
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<p>HB 1179 SB 888</p>	<p>Office of Student Financial Assistance - Public Service Scholarships - Student Members of County Boards of Education</p> <p>Introduced by Delegates Murphy, Bartlett, Barve, <u>Cardin</u>, Doory, Elmore, Frick, George, Hecht, Hixson, Howard, Jameson, Kullen, Levy, Rice, Shank, Stukes, Walker, and Wood</p> <p>Introduced by Senator Middleton</p> <p>Bill Status: House – Hearing 03/24/10 at 1:00 p.m. Senate – Hearing 03/10/10 at 1:00 p.m.</p> <p>Authorizing members of the General Assembly to authorize the Office of Student Financial Assistance to award specified scholarship funds to student members of county boards of education; establishing the program of Public Service Scholarships for Student Members of County Boards of Education; establishing requirements for receiving a scholarship; establishing the amount, use, and duration of specified awards; providing for the funding of Public Service Scholarships; etc.</p>	<p>This Bill adds student members of local boards who are eligible recipients of a public service scholarship program created in this Bill to the list of eligible applicants for receipt of a state senatorial scholarship. The new program would provide \$1,000 per year for up to 4 years for eligible students that have served a full term as a student member. The Bill provides that some or all of the required funding for the new program from the allocation of funds for senatorial scholarships at the discretion of each senator.</p>
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<p>HB 1214</p>	<p>Equity in Education Funding Act of 2010</p> <p>Introduced by Delegates Ross, Barnes, Benson, Braveboy, Davis, Frush, Gaines, Griffith, Healey, Holmes, Howard, Hubbard, Ivey, Levi, Niemann, Pena-Melnyk, Proctor, Ramirez, V. Turner, Valderrama, Vallario, Vaughn, and Walker</p> <p>Bill Status: Hearing 03/24/10 at 1:00 p.m.</p>	<p>This Bill would alter the calculation of specified distributions required to be made to specified counties based on per yield of county income taxes; providing for the calculation of net taxable income for the calculation of specified State aid for education. For fiscal year 2012 and each year thereafter, net taxable income shall be calculated based on tax returns filed on or before September 1 and November</p>
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	<p>Altering the calculation of specified distributions required to be made to specified counties based on per yield of county income taxes; providing for the calculation of net taxable income for the calculation of specified State aid for education; providing for the allocation of funds for State aid for education resulting from specified calculations; providing for the allocation of federal funds under specified circumstances; etc.</p>	<p>1. The calculation that results in the greater amount of state aid for each county shall be used to calculate State aid for education programs that use wealth to calculate the formulas. The allocation of any additional state aid that results from the difference between the two calculations shall be phased in proportionally to the extent funds are provided in the State budget, provided that no jurisdiction shall receive less state aid for education programs that use wealth to calculate the formulas than the amount received in the prior fiscal year as a result of the calculations.</p>
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<p>HJ 8</p>	<p>Secondary Schools - Cardiopulmonary Resuscitation Instruction</p> <p>Introduced by Delegates Kelly, Beitzel, Kramer, Myers, Simmons, and Smigiel</p> <p>Bill Status: First Reading 02/04/10</p> <p>Urging each county board of education and the Baltimore City Board of School Commissioners to make available American Red Cross Cardiopulmonary Resuscitation (CPR) instruction, the American Heart Association's Heart Saver CPR curriculum, or an equivalent program, to high school students in the each jurisdiction.</p>	<p>This HJR recognizes the value of basic medical training for both emergency situations and as a way to increase potential interest in health care training and involvement with community emergency services providers. It urges but does not require) local boards to offer American Red Cross or American Heart Association or equivalent cardiopulmonary resuscitation instruction.</p>
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