MEETING OF THE BOARD OF EDUCATION OF BALTIMORE COUNTY, MARYLAND

OPEN SESSION

Tuesday, January 28, 2003
4:30 P.M.-Closed Session, 7:30 P.M.-Open Session
Educational Support Services Building

I. PLEDGE OF ALLEGIANCE

II. SILENT MEDITATION IN REMEMBRANCE

III. AGENDA

Consideration of the agenda for Tuesday, January 28, 2003

IV. MINUTES

Consideration of the open and closed session minutes of December 17, 2002  Exhibit A

V. SUPERINTENDENT’S REPORT

VI. RECOGNITION OF ADMINISTRATIVE APPOINTMENT FROM JANUARY 14, 2003 (Mr. Grimsley)

VII. OLD BUSINESS

Consideration of proposed revisions to Policy 3124 – Accounting and Cash Management (Third Reading)  Exhibit B (Ms. Burnopp)

VIII. REPORT

Resolution Proclaiming February 3-7, 2003, as National School Counseling Week in Baltimore County  Exhibit C (Mr. Arnold)

IX. NEW BUSINESS

* A. Scheduling of Athletic Events  Exhibit D (Mr. Teplitzky)

   B. Consideration of consent to the following personnel matters:  Exhibit E (Mr. Grimsley)

      1. Retirements

      2. Resignations

      3. Leaves of Absence

      4. Appointment  Exhibit F-1

   C. Consideration of consent to the following contract awards:  Exhibit G (Ms. Burnopp)

      1. Computer Assisted Real Time (CART) Services for Hearing Impaired Students (Mr. Gay)
IX. NEW BUSINESS (Cont.)

2. Contracted Services: Boiler and Pressure Vessel Repair, Maintenance, and Installation Services

3. Contracted Services: Expeditionary Learning Outward Bound

4. Contracted Services: Multicultural Education and Diversity Consulting

5. Contracted Services: Title I Supplemental Services

6. Driver Education Vehicles

7. Re-Manufactured Dell Workstations

8. Printing: Blueprint for Progress

D. Consideration of consent to the following Building Committee recommendations:

1. Video Surveillance System – New Town High School Exhibit H

2. Request to Negotiate – On-Call Architectural Services – Various Schools Exhibit I

3. Request to Negotiate – On-Call Civil/Structural Engineering Services – Various Schools Exhibit J

4. Request to Negotiate – On-Call Geotechnical Engineering Services – Various Schools Exhibit K

5. Request to Negotiate – On-Call Mechanical/Electrical Engineering Services – Various Schools Exhibit L

6. Fee Acceptance – Design Services for Stabilization Project – Farmland Tenant House Exhibit M

Deferred 7. Change Order – Design Services for Science Room Renovation – Woodlawn High School Exhibit N

E. Consideration of school legislation (Dr. Poff) Exhibit O

X. ANNOUNCEMENTS

Next Board Meeting February 11, 2003
7:30 P.M. Greenwood
The Board of Education of Baltimore County, Maryland, met in open session at 5:02 p.m. at Greenwood. President Donald L. Arnold and the following Board members were present: Ms. Sarah D. Bormel, Ms. Phyllis E. Ettinger, Mr. Thomas G. Grzymski, Ms. Jean M. H. Jung, Mr. Michael P. Kennedy, and Mr. James R. Sasiadek. In addition, Dr. Joe A. Hairston, Superintendent of Schools, and staff members were present.

Dr. Hairston noted changes on tonight’s agenda—the addition of an appointment and the withdrawal of Exhibit P, Revised Rule 4004.

Mr. Teplitzky entered the room at 5:03 p.m.

Mr. Arnold suggested the creation of two ad hoc committees—a Facilities Strategic Planning Committee and an Operations Strategic Planning Committee. Dr. Hairston noted that the information in the Strategic Plan will be developed from the Master Plan. The school system is required to submit a five-year plan in facilities and operations in October 2003.

Dr. Hayman entered the room at 5:05 p.m.

Mr. Grzymski will lead the Operations Committee and Mr. Kennedy will lead the Facilities Committee. Mr. Teplitzky was also asked to serve on the Operations Committee.

Mr. Hayden and Mr. Walker entered the room at 5:08 p.m.

Mr. Sasiadek moved that the student Board member be permitted to participate in negotiations discussions during closed session. The motion was seconded by Mr. Teplitzky and approved by the Board.

At 5:09 p.m., Mr. Sasiadek moved the Board go into closed session to discuss a personnel matter, consult with counsel regarding legal advice, consult with counsel regarding potential litigation, and to discuss matters relative to negotiations pursuant to the Annotated Code of Maryland, State Government Article, §10-508(a)(1), (a)(7), (a)(8), and (a)(9). The motion was seconded by Mr. Kennedy and unanimously approved by the Board.

CLOSED SESSION MINUTES

Mr. Grimsley reviewed the advisory council appointment and administrative appointment on tonight’s agenda.

Mr. Grimsley and Mr. Capozzi reviewed negotiation proposals from employee groups with the Board.
CLOSED SESSION MINUTES (Cont.)

Mr. Hayden left the room at 5:50 p.m.

Ms. Saffran-Brinks described a matter involving potential litigation.

Mr. Hayden re-entered the room at 6:05 p.m.

Ms. Saffran-Brinks provided legal counsel with regard to the Board’s submission of proposed revisions to its Ethics Code policies to the State Ethics Commission.

At 6:08 p.m., Mr. Walker moved to adjourn the closed session for a brief dinner recess. The motion was seconded by Mr. Sasiadek and approved by the Board.

OPEN SESSION MINUTES

The Board of Education of Baltimore County, Maryland, reconvened in open session at 7:35 p.m. at Greenwood. President Donald L. Arnold and the following members were present: Ms. Sarah D. Bormel, Ms. Phyllis E. Ettinger, Mr. Thomas G. Grzymski, Mr. John A. Hayden, III, Ms. Jean M. H. Jung, Mr. Michael P. Kennedy, Mr. James R. Sasiadek, Mr. Sanford V. Teplitzky, and Mr. James E. Walker. In addition, Dr. Joe A. Hairston, Superintendent of Schools; staff members; members of various civic, employee, and community organizations were present as was the media.

PLEDGE OF ALLEGIANCE

The open session commenced with the Pledge of Allegiance to the Flag, which was led by Ms. Jessie Vincent and Ms. Allison Jennings, students at Perry Hall High School, and a period of silent meditation for those who have served education in the Baltimore County Public Schools.

MINUTES

Mr. Kennedy clarified his comment made at the November 18th Board meeting with regard to students reading a minimum number of books. He wanted it understood that he would like to see a good balance in the type of books that will appear on the recommended list.

Hearing no further comments regarding the open and closed session minutes of November 18, 2002, Mr. Arnold declared the minutes approved as presented on the web site and as clarified by Mr. Kennedy.

Mr. Arnold informed the audience of the previous sessions in which Board members had participated in the afternoon.
OPEN SESSION MINUTES (Cont.)

Mr. Arnold recognized the parents of student Board member Sarah Bormel who were in the audience.

SUPERINTENDENT’S REPORT

Dr. Hairston noted that over the last month or so, there have been newspaper articles with regard to published test scores and the relationship as to where we are headed with assessment in Maryland and with No Child Left Behind. Knowing that MSPAP was being phased out, the school system had the option of administering the test and did so. Dr. Hairston stated that MSPAP was used as a diagnostic tool. It provided an opportunity for individual schools to take stock and review the work that had been done and to do internal analysis. There was misinterpretation that scores were down. Dr. Hairston noted that new assessments will be used over the next 12 years. He reassured the public that Baltimore County Public Schools is a fine school system and its performance as an organization is at its highest. Dr. Hairston stated the scores were never intended to be used as a rating. He offered his congratulations to principals and teachers for their hard work.

RECOGNITION OF ADVISORY COUNCIL APPOINTMENT

Mr. Grimsley recognized Ms. Sandra Skordalos, whose appointment to the Southeast Area Educational Advisory Council was approved at the December 3rd meeting.

OLD BUSINESS

Mr. Arnold announced the Board would take action on the proposed revisions to the Blueprint for Progress on January 14, 2003, so that the public would have ample time to submit its comments. He noted that no one signed up at the last meeting to address the proposed changes.

Mr. Kennedy questioned why social studies and science were not included in item m) on page 9. Ms. Johns stated under the No Child Left Behind Act, we first need to focus on improving performance in reading and mathematics. It is believed that if students can read and perform in mathematics successfully, they will do well in social studies and science.

With respect to Performance Goal 1, Mr. Kennedy inquired if other curricular areas would be included. Ms. Johns reminded everyone that the Blueprint is a framework and that the importance of other curricular areas is not being diminished. She stated that what will be required of the system for public reporting through the Maryland School Assessment will be reading, language arts, mathematics, and science, initially. Ms. Johns stated the committee felt it important to model the document after No Child Left Behind and the Bridge to Excellence Act.
OLD BUSINESS (Cont.)

Mr. Teplitzky asked staff to explain to the audience what the document is and isn’t. He noted the Blueprint might be the most important document the Board will issue; however, it doesn’t list priorities during any particular year.

Dr. Hairston stated it is important to understand this document was born based on the simple concept of characteristics in a school that any parent would want their child to experience in their educational career.

Ms. Johns stated that the document is the outline for the school system’s vision, mission, belief statements, performance goals, performance indicators, and key strategies. Ms. Audette added that it is important for the Blueprint to provide the framework for the school system’s five-year master plan that has to be submitted to the State Department of Education. It must also align with the budget.

Mr. Teplitzky stated he looks forward to seeing the proposed budget tie into this document. He also stated that it’s important to get more information to the public about the resources included in the Blueprint so it will be clear to them what we are trying to accomplish. Ms. Johns responded that once the document is approved Mr. Neilson and his staff will begin to implement a plan to put the document on the BCPS web site as well as distribute it to key stakeholder groups. She assured Mr. Teplitzky that this document and its underlying resources would be clearly communicated to the public.

Ms. Ettinger suggested that the document be effectively communicated with the teachers. She stated that teachers need to understand how this applies to them and see it as a way to achieve.

Mr. Kennedy questioned the establishment of a minimum goal for reading. He felt that setting a goal of 25 books might discourage students from reading. Mr. Kennedy shared his feeling that while the intent is good, students should read because they enjoy the activity.

Dr. Hayman voiced his concern about the lack of diversity in the photographs in the document. With regard to the Belief Statements, Dr. Hayman suggested that “will” in the fourth bullet should be changed to “should.” He also suggested that “must” would be a better word in the last two bullets instead of “will.” Dr. Hayman also suggested a formatting change.

Ms. Ettinger requested information on the percentage of students identified with special needs that are considered diploma bound rather than IMAP candidates. She also asked at what point the decision is made as to which path they follow.

Mr. Walker commented on the public’s lack of response to this document. Ms. Johns stated this lack of public comment might be because of the stakeholder groups’ input early in the process.
OLD BUSINESS (Cont.)

Dr. Hayman suggested the inclusion of a strategy for Goal 1 making certain that what is tested is taught. He made it clear that he was not suggesting teaching to the test.

Ms. Bormel suggested the term “Title I” be included in the glossary.

REPORTS

The Board received the following reports:

A. Report on Proposed Revisions to Policy 3124 – Accounting and Cash Management (First Reading) – Ms. Burnopp described the proposed changes to the policy as being technical and updating language.

B. Report on Proposed Revisions to Policy 3131 – External Audit (Second Reading) – Ms. Burnopp explained a Board member had requested the change after the last meeting. Mr. Arnold reminded everyone that a vote would be taken on the revisions on January 14th.

C. Fiscal Year 2002 Comprehensive Annual Fiscal Report – Ms. Burnopp introduced Mr. Pat Boyle of KPMG, the firm that performed the audit. Mr. Teplitzky noted the first report, the Comprehensive Annual Financial Report (CAFR), received an unqualified opinion from KPMG, which constitutes a positive finding for Baltimore County Public Schools.

On the second report, the Single Audit, Mr. Teplitzky described KPMG’s three findings, and Mr. Boyce shared his reactions to staff’s plan to resolve the issues.

The last document was the Management Letter. Mr. Teplitzky noted that all the issues raised in previous years have been completed or are in the process of being addressed. Any issues raised in this year’s report are in the process of being resolved.

Mr. Teplitzky expressed his gratitude to staff for working diligently and cooperatively, and he thanked KPMG for its work this year. Ms. Burnopp also thanked the Internal Audit office for their work on this project. Mr. Boyce shared his appreciation for the cooperation received from Ms. Burnopp, Mr. Fannon and his staff, Ms. Parker and the Internal Audit office.

Mr. Arnold and Mr. Teplitzky presented savings bonds to the students whose work appeared in the CAFR.
REPORTS (Cont.)

D. Report on Residency Review – Mr. Kemmery, Executive Director for Student Support Services, reviewed the history behind the residency investigation. Through a Power Point™ presentation, Mr. Rauenzahn, Director of Student Support Services, presented the results of the review. As a result of the review, ten students were withdrawn from Baltimore County Public Schools.

Mr. Grzymski noted the Board’s responsibility to assure taxpayers that they are paying for the education of those students who belong in Baltimore County Public Schools. He requested a list of the 13 schools involved in the investigation. Mr. Grzymski expressed his hope that Mr. Kemmery’s office would work closely with the Executive Directors of Schools in being more proactive in investigating possible fraudulent enrollments, rather than waiting for a school to seek the assistance of Student Support Services.

Mr. Teplitzky asked for clarification of residency verification done by schools. Mr. Rauenzahn stated that of the approximately 16,500 new students to Baltimore County Public Schools each year, approximately 12,000 are resident students who are approved through deed/lease documentation. The remainder are requesting enrollment because of hardship or multiple family living arrangements, which have to be approved by the Pupil Personnel Office.

Mr. Teplitzky shared his surprise of the low number of cases reviewed in this report (411 for 13 schools). Mr. Kemmery stated that the 13 principals were asked to send him all names of questionable cases. He noted that Board members would be sent the list of schools, the number of cases referred by each school, and what was found. Dr. Ferguson, Coordinatr of Pupil Personnel Services, indicated that names are still being referred to Mr. Kemmery’s office for investigation. He shared his concern there are people who move and do not notify the school so that the child can remain in the same school.

Mr. Kennedy noted that in some cases, people wait too late in the summer to register their children. He inquired about the accommodations we are asking schools to make to increase personnel the last two weeks before schools open. Dr. Ferguson stated that staff is available throughout the summer to assist parents/guardians. Parents/guardians/social workers are encouraged to enroll children early. Mr. Rauenzahn stated during the last two weeks of August and the first two weeks of September, retired pupil personnel workers are hired to assist in reviewing cases. This year, in
some places, pupil personnel workers were assigned to schools the first day or two schools were in session.

Ms. Ettinger suggested providing the larger apartment complexes and churches with information related to enrollment for new residents. Mr. Arnold also suggested providing this information to realtors.

Dr. Hayman suggested the possibility of temporary placement for students in particular situations while an investigation takes place.

PERSONNEL MATTERS

On motion of Mr. Teplitzky, seconded by Mr. Kennedy, the Board approved the personnel matters as presented on Exhibits F, G, H, I, J, K, and K-1. (Copies of the exhibits are attached to the formal minutes.)

CONTRACT AWARDS

Mr. Hayden pulled item 1; Mr. Kennedy pulled item 2.

With regard to item 4, Ms. Jung questioned separate vendors for the body and chassis. Mr. Gay indicated that it is not unusual to bid the two separately.

On motion of Mr. Kennedy, seconded by Mr. Walker, the Board approved items 3-5.

3. RFI: Computer Memory Modules

4. School Buses (Six-Month Contract)

5. Supply Contract: Various Types of Sod (Three-Year Bid)

Item 1

On motion of Mr. Walker, seconded by Mr. Grzymski, the Board approved item 1. Mr. Hayden abstained from discussion and voting on this item.

1. Contracted Services: Plumbing Services

Item 2

Mr. Kennedy expressed a desire to hear discussion on this item at a future date. On motion of Mr. Hayden, seconded by Mr. Walker, the Board approved item 2.
CONTRACT AWARDS (Cont.)

2. Campus Beverage Contracts (Five-Year Contract)

BUILDING COMMITTEE

The Building Committee, represented by Mr. Kennedy, recommended approval of items 1 and 2. Mr. Hayden pulled item 1. The Board approved item 2.

2. Fee Acceptance – Construction Inspection Services – Maiden Choice School

Item 1

As recommended by the Building Committee, the Board approved item 1. Mr. Hayden abstained from discussion and voting on this item.

1. Stage Lighting and ADA Upgrades – Dundalk Middle School

INFORMATION

The Board received the following as information:

Memorandum of Understanding Between Baltimore County Public Schools and The Community Colleges of Baltimore County

ANNOUNCEMENTS

Mr. Arnold made the following announcements:

A. On Wednesday, December 18, 2002, the Southwest Area Educational Advisory Council will meet at Featherbed Lane Primary School at 7:30 p.m.

B. Schools and offices will be closed for Winter Break from December 21, 2002, through January 1, 2003. Schools will reopen for students and teachers on Thursday, January 2, 2003.

C. On Tuesday, January 7, 2003, the Southeast Area Educational Advisory Council will meet at Battle Monument School at 7:30 p.m.

D. On Wednesday, January 8, 2003, the Northeast Area Educational Advisory Council will meet at Carney Elementary School at 6:30 p.m.
ANNOUNCEMENTS (Cont.)

E. The next regularly scheduled meeting of the Board of Education of Baltimore County will be held on Tuesday, January 14, 2003, at Greenwood. The meeting will begin with an open session at 4:30 p.m. After the Board adjourns to meet in closed session, followed by a brief dinner recess, the open meeting will reconvene at approximately 7:30 p.m. The public is welcome at all open sessions.

Mr. Arnold reminded speakers to refrain from discussing matters which might come before the Board in the form of an appeal, as well as personnel matters.

PUBLIC COMMENT

Dr. Al Thompson, Principal of the Dundalk Evening High School (DEHS), shared information with Board members on the impact of the Dundalk Evening High School. The school is not just a community school. It has served students from every school in the county, as well as private school students, and students from Harford and Howard Counties and Baltimore City. Dr. Thompson noted that each year more students attend DEHS.

Ms. Maggie Kennedy, Coordinator of the Area Educational Advisory Councils, thanked Ms. Johns and Ms. Audette for including Jasmine Shriver (of the PTA Council) and herself in the Blueprint work group. She clarified some additions included in the document at their request. Ms. Kennedy responded to Mr. Kennedy’s comment on reading.

Ms. Meg O’Hare, Chair of the Northeast Area Educational Advisory Council, spoke of the December meeting in the Northeast Area, which was attended by the new County Executive. She shared the broad range of groups and individuals that were present. Mr. Lawrence gave an overview of the Blueprint for Progress. There was discussion about the importance of the mentoring program for teachers in all schools. Ms. Streb spoke about the Citizens Advisory Committee for Indoor Air Quality. Another issue discussed was the overcrowding at Perry Hall High School. It was suggested that perhaps a study similar to that done in the Northwest be conducted for this area. With regard to the Middle School Task Force, Ms. O’Hare stated that more time will be spent on reading and math.

An unidentified member of the Minority Achievement Advisory Group expressed the group’s appreciation for the work that went into the proposed revisions to the Blueprint for Progress. He urged the Board to look at the effectiveness of some of the programs in place and ask why some of the programs are not working. Another issue mentioned was the large number of foster homes in the Northwest and Southwest Areas.

Mr. Michael Franklin, President of the PTA Council of Baltimore County, noted the Council’s support of the Blueprint for Progress. He also noted the complexity of the residency issue.
PUBLIC COMMENT (Cont.)

Mr. Mark Beytin, President of the Teachers Association of Baltimore County, commented on the County Council’s Spending Affordability Committee meeting the day before. He stated there was no discussion of educational issues, but rather on how to limit the County’s operating budget. Mr. Beytin said there was discussion on limiting and placing a cap on one-time purchases. Items recently falling under this category include musical instrument replacements, elementary and secondary library updating, elementary math and language textbooks, and graphing calculators. A vote will probably be taken at the January 21st meeting. Mr. Beytin urged everyone to let legislators know that the education of our children is at stake.

No one signed up to speak to the proposed revisions to Policies 3121 – Funds, 3123 – Reporting, and 3131 – External Audit.

Mr. Kennedy noted the recent passing of Audrey Cheek, the first female principal in Baltimore County.

Mr. Marty Lagon, parent of a first grader at Edmondson Heights Elementary School, spoke of the overcrowding at the school. He noted that the library and music rooms have been lost because of overcrowding.

Mr. Arnold wished everyone a Happy Holiday and thanked everyone for their hard work in making Baltimore County Public Schools a great school system.

At 10:06 p.m., Mr. Walker moved to adjourn the open session. The motion was seconded by Mr. Sasiadek and approved by the Board.

Respectfully submitted,

___________________
Joe A. Hairston
Secretary-Treasurer

dz
DATE: January 28, 2003

TO: BOARD OF EDUCATION

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: Policy 3124 – NON-INSTRUCTIONAL SERVICES: Fiscal Services – Accounting and Cash Management – Other Source Funds

ORIGINATOR: J. Robert Haines, Deputy Superintendent, Business Services

RESOURCE PERSON(S): Barbara Burnopp, Executive Director, Fiscal Services
Patrick Fannon, Controller

RECOMMENDATION

Approval of Policy 3124 – NON-INSTRUCTIONAL SERVICES: Fiscal Services – Accounting and Cash Management. This policy was updated as part of the initiative of the Division of Business Services to update outdated Board Policies. The policy was adopted in 1968 and has never been revised. Changes have been reviewed by the Board Policy Review Committee on November 20, 2002, and have been made to reflect current language and references. The policy change was presented to the Board on December 17, 2002, and available for public comment on January 14, 2003.

Attachment I – Board Policy 3124
NON-INSTRUCTIONAL SERVICES: Fiscal Services

Accounting and Cash management: Other Source funds

1. State

All funds received from the State of Maryland for BALTIMORE COUNTY PUBLIC SCHOOLS [the public schools of Baltimore county] shall be [used] SPENT IN ACCORDANCE WITH STATE LAW OR REGULATIONS [only for the intended purposes provided for by law].

2. Federal

[Each year when it is believed that the county is eligible for federal assistance under the provisions of Public laws, application for said assistance shall be submitted so long as acceptance of the funds does not include conditions contrary to Board of Education policy.] THE SUPERINTENDENT OF SCHOOLS MAY SUBMIT APPLICATIONS FOR FEDERAL FUNDS. ALL FEDERAL FUNDS RECEIVED SHALL BE SPENT IN ACCORDANCE WITH STATE AND FEDERAL LAWS AND REGULATIONS.

[Legal Reference: Annotated Code of Maryland, Education Article §5-[206] 211 Federal Funds]
DATE: January 28, 2003

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: Recognition of National School Counseling Week, February 3-7, 2003

ORIGINATOR: Christine M. Johns, Deputy Superintendent of Curriculum and Instruction

RESOURCE PERSON(S): Robert J. Kemmery, Executive Director of Student Support Services

Rowland Savage, Coordinator of Guidance and Counseling Services

RECOMMENDATION

That the Board of Education read a proclamation declaring February 3-7, 2003 as National School Counseling Week, recognizing the contribution of Baltimore County guidance counselors on behalf of children and families in the Baltimore County Public Schools.

*****

RJK/ds
RESOLUTION

WHEREAS, School counselors are part of Baltimore County Public Schools’ *necessary support services that will enable all students to maximize their educational opportunities* (Blueprint for Progress); and

WHEREAS, School counselors are actively committed to helping students explore their abilities, strengths, interests, and talents as these traits relate to career awareness and development; and

WHEREAS, School counselors help parents focus on ways to further their own involvement in schools and the educational, personal, and social growth of their children; and

WHEREAS, School counselors consult with teachers and other educators to help students explore their potential and set realistic goals for themselves; and

WHEREAS, School counselors seek to identify and utilize community resources that can enhance and complement comprehensive school counseling programs and help students become productive members of society; and

WHEREAS, Comprehensive developmental school counseling programs are considered an integral part of the educational process that enables all students to achieve success in school; and

WHEREAS, School counselors have chosen *School Counselors: Providing Lessons for Life* as their national theme for this school year; now, therefore, be it

RESOLVED, That the Board of Education of Baltimore County extends its deep appreciation to all school counselors for their commitment and dedication to students; and be it further

RESOLVED, That the Board of Education of Baltimore County does hereby proclaim the week of February 3-7, 2003, as *National School Counseling Week* in Baltimore County.

_____________________________________  __________________________________
Donald L. Arnold, President                Joe A. Hairston, Secretary-Treasurer

January 28, 2003
**RETIEMENTS**

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<thead>
<tr>
<th>NAME</th>
<th>POSITION</th>
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<td>Hanna Moore</td>
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As of 1/14/03
Baltimore County Public Schools
Towson, Maryland 21204

January 28, 2003

Resignations

Elementary – 8

Chapel Hill Elementary School
Vera S. Shade, 01/08/03, 10.4 yrs.

Dundalk Elementary School
Adrienne M. O’Connor, 11/30/02, 3.0 mos.

Franklin Elementary School
Anne Marie B. Chelland, 12/20/02, 4.0 mos.

Hillcrest Elementary School
Erin K. O’Connor, 12/20/02, 3.4 yrs.

Owings Mills Elementary School
Alan J. Liebowitz, 11/15/02, 3.0 mos.

Red House Run Elementary School
Mara G. Sheehan, 01/09/03, 4.0 mos.

Timber Grove Elementary School
Deborah M. Ward, 01/03/03, 4.0 mos.

Winfield Elementary School
Alice Gregg, 01/12/03, 1.2 yrs.

Secondary - 5

Parkville High School
Edward R. Cheek, 06/30/03, 2.0 yrs.
Donald J. Langlois, 01/09/0, 1.0 yr.

Southwest Academy
Trifinia D. Ashmon, 11/27/02, 2.0 mos.
Deborah D. Bogues, 01/17/03, 4.0 mos.

Sparrows Point Middle School
Margaret R. Sullivan, 06/30/03, 3.0 yrs.

DOP: 1/29/03
Exhibit

BALTIMORE COUNTY PUBLIC SCHOOLS
TOWSON, MARYLAND 21204

January 28, 2003

LEAVES

CHILD REARING LEAVES

REBECCA EARP DAUSCH - Johnnycake Elementary School
Effective February 13, 2003 through February 13, 2005

JENNIFER MARTIN GEMMILL - Catonsville High School
Effective February 2, 2003 through February 2, 2005

STACY NELSON LEVERY – Edgemere Elementary School
Effective January 22, 2003 through June 30, 2004

PERSONAL ILLNESS LEAVE

ZENOBIA BASS – Featherbed Lane Primary School (Cafeteria Worker)*
Effective August 26, 2002 through February 26, 2003

ANDREA V. BUTLER – Parkville High School
Effective December 23, 2002 through June 30, 2003

REVISION UNUSUAL OR IMPERATIVE LEAVE

TRACEY A. BOER – Red House Run Elementary School (Office Assistant)
Effective November 23, 2002 through June 30, 2003

UNUSUAL OR IMPERATIVE LEAVE

MICHELLE L. FLORY – Battle Monument School (Instructional Assistant)
Effective August 26, 2002 through June 30, 2003

CHRISTINE O. SHEPPARD – Catonsville Elementary School
Effective January 13, 2003 through June 30, 2003

*Non-member Maryland State Retirement System & Pension System

DOP: 1/29/2003
NAME
KIMBERLY A. GRABAREK
(Effective January 29, 2003)

FROM
Teacher/Resource Title I
Department of Federal and State Programs

TO
Specialist of Teacher Quality
Department of Federal and State Programs

(New Position)

DOP: 1/29/2003
Baltimore County Public Schools

Date: January 14, 2003

To: Board of Education

From: Joe A. Hairston, Superintendent

Subject: Recommendations for Award of Contracts

Originator: J. Robert Haines, Deputy Superintendent, Business Services

Resource Person(s): Patrick Fannon, Controller; Rick Gay, Purchasing Manager

Recommendation

That the Board of Education approves the following contract recommendations.

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See the attached list of contract recommendations presented for consideration by the Board of Education of Baltimore County.
Recommendations for Award of Contracts
Board Exhibit – January 28, 2003

The following contract recommendations are presented for consideration by the Board of Education of Baltimore County.

1. **Computer Assisted Real Time (CART)**
   - Estimated Annual Value: $50,000
   - Two-year contract
   - Estimated Award Value: $100,000
   - Contract #PCR-203-03

   A bid for CART services was issued on November 14, 2002, to six vendors. Responses were received from three vendors, including one no-bid response.

   CART services are specialized services provided to hearing-impaired students. The service performs text interpretation through a stenographer-type reporter (also referred to as a transliterator text interpreter, court reporter, or captioner) who transcribes voiced information to typed text format. As the information is being transcribed and re-formatted to text, it is continually being sent to a student’s laptop. The student is able to read from a screen what the instructor has spoken seconds before. The service may be provided in two ways: (1) by the transliterator actually being present in the classroom (item one pricing), or (2) by the transliterator being off-site and communicating through a phone connection and modem (item two pricing).

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>Item 1</th>
<th>Item 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birnbaum Interpreting</td>
<td>$200/hour</td>
<td>$88/hour</td>
</tr>
<tr>
<td>Court Reporting</td>
<td>$125/hour</td>
<td>N/B</td>
</tr>
</tbody>
</table>

   Recommendation of award for the transliterator in the classroom is to Court Reporting, Lutherville, MD, and the award for the transliterator modem services is to Birnbaum Interpreting, Silver Spring, MD. A secondary award for classroom services is recommended to Birnbaum Interpreting only if Court Reporting is unable to fill the need.

   Funding will be provided through the Office of Special Education.

**Contracted Services:** Inspections, Preventative Maintenance, and Time & Material Projects with Not-to-Exceed Quotes

The Division of Physical Facilities, Office of Maintenance, has requested the Office of Purchasing to issue the following solicitation. The following contract is an indefinite-quantity contract, as the services intended for purchase are based upon future needs of the system, and are pending allocation of funds.
The Office of Maintenance intends to have pre-qualified contractors with the appropriate insurance, training, and certification to be on call to do inspections, repairs, and installations. Based upon the previous needs of the Office of Maintenance for these types of services, the availability of the contractors when called upon to do work, and the urgency to have the work done within a specified timeframe, the award of contract may be made to multiple contractors. All work under this contract will be done on a *time-and-material* or *not-to-exceed* quote basis.

Inspections will be done by the primary award contractor. If, for any reason, the primary award contractor is unable to do the work within the timeframe of the Office of Maintenance, the next ranked contractor will be asked to do the work, and so on throughout the list. For the following contract, if a larger project with a definable scope has been identified, *all of the award bidders* will be asked to provide a *not-to-exceed* quote. All of the award bidders will be provided with the scope of the project and will be asked to include all materials and labor required to properly complete the project by a specified date. Since all the award bidders are offering a competitive price, the cost is usually substantially less than utilizing the time-and-material scenario. However, this quote process still guarantees that all work is to be done by pre-qualified contractors.

2. **Contracted Services: Boiler & Pressure Vessel Repair, Maintenance, and Installation Services**

   **Five-year Contract**

   **Contract #RHA-332-03**

   A bid for a five-year contract to qualify and select contractors to provide boiler and pressure vessel preventative maintenance inspection, installation, and repair services was issued on November 28, 2002, to 15 vendors. Proposals were received from seven vendors.

   The specifications were developed in conjunction with the Office of Maintenance and prospective bidders at a pre-bid conference. The Office of Maintenance intends to have three contractors *on call* to provide boiler and pressure vessel preventative maintenance inspection, installation, and repair services.

   Bidders provided an *average* price for a journeyman and an apprentice. The following are the hourly rates for each person that is on-site working. Typically, a master boiler technician and a helper are required to do the work.

   **Award** | **Company** | **Hourly Rate**
   --- | --- | ---
   Primary | East Coast Mech. Cntrctrs, Inc., Glen Burnie, MD | $33.40
   Secondary | Industrial Maint. & Repair Inc., Baltimore, MD | $37.00
   Tertiary | Phillips Way Inc., Owings Mills, MD | $48.00
Recommendation of award is to the above contractors in each area as the responsive and responsible bidders offering the most favorable bid prices. The funding for this contract will be provided by the Office of Maintenance’s operating budget.

3. **Contracted Services: Expeditionary Learning Outward Bound**
   
   Estimated Annual Value: $80,000
   Estimated Award Value: $240,000
   
   Three-year Grant
   MSDE #33030301

Edmondson Heights Elementary has received approval from The Maryland State Department of Education (MSDE) to use the *Expeditionary Learning Outward Bound* program as a resource for improving student achievement. The approval is for a three-year period.

MSDE has approved several programs as avenues to improve test scores through alternative teaching methods. MSDE has approved the *Expeditionary Learning Program* for Edmondson Heights because it was determined to meet the needs of the students, teachers, and administrators. Students, faculty, and staff work together to implement the expeditionary learning design as the primary framework for school change, with the goals of improving teaching and learning skills within the school.

The program was selected as part of the application process for a MSDE *Comprehensive School Reform Demonstration Grant*. Approval of the grant was based upon the use of the *Expeditionary Learning Outward Bound* program as the vehicle for improving student achievement in the school.

Funding is provided by the MSDE Comprehensive School Reform Demonstration Grant. The grant was approved for a three-year period. The initial term of this grant is from July 1, 2002, through June 30, 2003, with extensions through 2005.
Baltimore County Public Schools continues to progress in its implementation of the Education That Is Multi-cultural (ETM) Regulation, Thornton Legislation, Visionary Panel Recommendations, and No Child Left Behind. As the demographics of the school system continue to reflect the growth of minority populations, there will be increasing emphasis on diversity and addressing the situation of diverse groups of students in order to afford all students the best education possible.

The Office of Equity and Assurance is requesting Board approval of a consulting contract with Dr. Paul Gorski, a noted authority in multicultural education and diversity, to serve as a consultant. His services would allow BCPS to take advantage of available expertise to expand and enrich the office’s services and to better assist schools and other offices in areas such as minority achievement, diversity, equity, curriculum transformation, and multiculturalism.

BCPS advertised and requested that any individual interested in taking on this assignment meet the following criteria: possess a doctorate from an accredited, recognized university; have an established background in multicultural education topics as well as technology skills related to computers and web site designing; and be recognized for publications related to multicultural education and diversity, including K-12 education. Dr. Gorski’s was the only resume received, and he meets the qualification criteria. In order to assist schools and offices in their respective efforts, Dr. Gorski will provide approximately 25 work hours per week between February 1 and June 30, 2003. During the contract period, he will provide the following services:

1. Build content and resources in multiculturalism, equity and diversity, and minority achievement for the Office of Equity and Assurance Web site.
2. Continue the development of multicultural education workshops and course curricula for BCPS, and assist in the development of an online course in ETM in alignment with the Maryland ETM Regulation.
3. Create a guide about diverse learners for BCPS teachers, counselors, and administrators, including resource listings with more information.
4. Conduct or coordinate multicultural education workshops or courses.
5. Collaborate with the Office of Equity and Assurance and BCPS on other projects related to his field of expertise.

Funding is provided by FY 03 Minority Achievement Funds.
<table>
<thead>
<tr>
<th>Contracted Services:</th>
<th>Estimated Annual Award Value: $693,476</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title One Supplemental Services</td>
<td>Estimated Award Value: $3,467,380</td>
</tr>
<tr>
<td>Five-year Contract</td>
<td></td>
</tr>
</tbody>
</table>

Under the No Child Left Behind Act of 2001 (NCLB), Title I schools in the second year of school improvement are required to provide parents certain options for students attending those schools. Local school systems (LSS) must provide the option for students to transfer to another school in the district not identified for school improvement, or arrange for the provision of supplemental educational services to eligible children from a public or private sector provider of their choice selected from a State approved list.

In May of 2002, the Maryland State Department of Education released a request for proposals to solicit qualified providers for supplemental educational services. A MSDE committee convened in the summer to determine which providers met the NCLB requirements as a provider of supplemental educational services. At that time, Huntington Learning Centers, Inc., Oradell, NJ 07649, and Sylvan Learning Centers, Inc., Baltimore, MD 21202, were approved as qualified providers.

MSDE will continue to identify and approve providers on a quarterly basis to add to the acceptable providers across the State, by school district, from which parents may select qualified providers. Baltimore County Public Schools will make available to parents the list of providers for them to use in selecting a provider. The LEA must enter into a contract with the provider(s) from the State’s list of approved providers.

The Federal regulations require that LSSs required to offer supplemental services shall make available the lesser of the amount of the agency’s allocation divided by the number of children from families below the poverty level, or the actual cost of the supplemental educational services received by the child. The Title I office plans to spend Title I funds, if necessary, for the supplementary educational services over a five-year period. For the 2002-2003 school year, $693,476 in Title I funds has been set aside for the purpose of underwriting the contractual cost of providing the supplemental educational services.
6. **Driver Education Vehicles**  
**Estimated Award Value: $45,000**  
**One-year Contract**  
**Contract #PCR-299-03**

Fourteen vehicles are required to meet Driver Education requirements for the 2002-2003 school year. Following inquiries of local dealerships made by the Office of Alternative Programs, two dealers, Keene Dodge and Bohn Pontiac, agreed to lease vehicles to BCPS. The current rental cost from both dealerships is $10 per day per vehicle.

The Driver Education program services approximately 1500 participants composed of high-school students and adults. Two sessions are offered each semester, and an additional session is offered during the summer at ten schools.

Recommendation of award of contract is to Keene Dodge and Bohn Pontiac in the total estimated amount of $45,000.

**ADDITIONAL INFORMATION**
- Insurance is provided through group self-insurance coverage from the Maryland Association of Boards of Education Group Insurance Pool.
- BCPS fits vehicles with dual brakes.
- Vehicles:
  - Bohn Pontiac: Four midsize sedans
  - Keene Dodge: Ten compact sedans

The program is self-funded through fees paid by participants.

7. **Re-manufactured Dell Workstations**  
**Estimated Annual Value: 100,000**  
**Three-year Contract**  
**Estimated Award Value: $300,000**  
**Contract #PCR-205-03**

A bid for re-manufactured Dell PCs was issued on November 21, 2002, to ten vendors. Responses were received from five vendors, including three no-bids.

The PCs will be used in a stand-alone environment or as nodes in a Microsoft certified local area network, predominately in Career and Technology Programs. Re-manufactured PCs are provided only through re-manufacturers licensed by Dell, Inc., and include a three-year parts and labor warranty. BCPS loads software specific to particular technology education programs, such as graphics and AutoCAD programs.
<table>
<thead>
<tr>
<th>BIDDER</th>
<th>Item 1</th>
<th>Item 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frontier Tech</td>
<td>Desktop GX1, GX110, GX150, GX240</td>
<td>Laptop C600, C610, C800, C810</td>
</tr>
<tr>
<td>Partstock</td>
<td>$448</td>
<td>N/B</td>
</tr>
</tbody>
</table>

Frontier Tech $960 $1650

Recommendation of award is to Partstock Computer Solutions, Minneapolis, MN, for the Desktop models and no award for laptop re-manufactured systems. Funding will be provided through the Office of Career and Technology.
8. Contract: Printing: *Blueprint for Progress*
   Bid #: JCO-415-03

   Term: Job Completion   Extensions: 0   Contract Ending Date: Job Completion
   Estimated total award value: $30,842

   Bid issued: December 12, 2002
   Pre-bid meeting date: none
   Due Date: January 9, 2003
   No. of vendors issued to: 26
   No. of bids received: 11
   No. of no-bids received: 5

   Description:
   This bid is for the printing and delivery of 200,000 to 300,000 copies of the *Blueprint for Progress* pamphlets. Cost will vary based on actual number of pamphlets requested.

   Recommendation:
   Award of contract is recommended to:

   John D. Lucas Printing, Baltimore, MD $0.128 - $0.123 per copy

   Responsible school or office: Office of Communications
   Contact Person: Douglas Neilson
   Funding Source: Office of Communications
DATE: January 28, 2003

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: Award of Contract – Video Surveillance System at New Town High School

ORIGINATOR: J. Robert Haines, Deputy Superintendent of Business Services

RESOURCE PERSON(S): Donald F. Krempel, Ph.D., Executive Director, Department of Physical Facilities
Richard H. Cassell, Administrator, Office of Engineering and Construction
J. Kurt Buckler, Head of Engineering, Office of Engineering and Construction

RECOMMENDATION

That the Board of Education approves an award of contract.

* * * * *


Appendix I – Recommendation for Award of Contract
Appendix I

Recommendation for Award of Contract
Video Surveillance System at New Town High School
January 28, 2003

On January 7, 2003, five (5) bids were received for a video surveillance system at New Town High School - Bid #RHA-364-03. This project consists of the installation of thirty-two security cameras, a digital recording system, and an interface for remote monitoring of cameras. A summary of the bids received is attached. Based on the bids received, the Department of Physical Facilities recommends an award of contract to SPC, Inc., the lowest responsive bidder, in the amount of $115,000.00.

At this time, we also request approval of a 10% Change Order Allocation in the amount of $11,500.00 to cover any unforeseen conditions and minor changes to the contract, to be authorized and approved by the Building Committee in accordance with Board Policy.

Funding for this project is available in Capital Budget Project #625 – New Town High School.

APPROVED:

[Signature]
Donald F. Kemple, Ph.D.
Executive Director
Baltimore County Public Schools  
New Town High School Video Surveillance System  
Bid Number: RHA-364-03  
Bid Due Date: January 7, 2003

<table>
<thead>
<tr>
<th>Bidder's Name</th>
<th>Base Bid Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>SPC, Inc.</td>
<td>$115,000.00</td>
</tr>
<tr>
<td>Varia Systems, Inc.</td>
<td>$134,800.00</td>
</tr>
<tr>
<td>Black Box Network Services, Inc.</td>
<td>$136,351.00</td>
</tr>
<tr>
<td>H P Electronic, Inc.</td>
<td>$143,000.00</td>
</tr>
<tr>
<td>Guardian Security Systems</td>
<td>$192,000.00</td>
</tr>
</tbody>
</table>
DATE: January 28, 2003

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: Request to Negotiate – On-Call Architectural Services at Various Schools

ORIGINATOR: J. Robert Haines, Deputy Superintendent of Business Services

RESOURCE PERSON(S): Donald F. Krempel, Ph.D., Executive Director, Department of Physical Facilities
Richard Cassell, Administrator, Office of Engineering and Construction

RECOMMENDATION

That the Board of Education approves a request to negotiate.

*****

Request to Negotiate – On-Call Architectural Services at Various Schools.

Appendix I – Request to Negotiate
To address numerous requests for investigating project feasibility, preparing construction cost estimates, and developing designs for various architectural issues, the Department of Physical Facilities requires the use of consultants on an “on-call” basis. In order to obtain these services, an on-call architectural service contract was advertised. All procedures in the Board of Education’s Policy and Rule, Section 3250 were followed to advertise, qualify, interview, and select consultants.

In December 2002, the Qualification Committee met and reviewed the “expressions of interest” submitted by eighteen (18) consultants. This information was reviewed and graded with the Qualification Committee stating that four (4) qualified firms should be considered by the Selection Committee.

The Selection Committee met on January 15, 2003 to discuss the Qualification Committee’s report and discuss the consultants’ “expressions of interest.” The Selection Committee recommends that approval be given to begin contract negotiations with the following four firms:

Colimore Gallow Associates
Nutec Design
Murphy & Dittenhafer, Inc.
AS Architects, Inc.

APPROVED:

Donald F. Kumpel, Ph.D.
Executive Director
DATE: January 28, 2003

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: Request to Negotiate – On-Call Civil / Structural Engineering Services at Various Schools

ORIGINATOR: J. Robert Haines, Deputy Superintendent of Business Services

RESOURCE PERSON(S): Donald F. Krempel, Ph.D., Executive Director, Department of Physical Facilities
Richard Cassell, Administrator, Office of Engineering and Construction

RECOMMENDATION

That the Board of Education approves a request to negotiate.

*****

Request to Negotiate – On-Call Civil / Structural Engineering Services at Various Schools.


Appendix I – Request to Negotiate
Appendix I

Request to Negotiate
On-Call Civil / Structural Engineering Services
January 28, 2003

To address numerous requests for investigations, preparation of construction cost estimates, and developing designs for various civil and/or structural systems, the Department of Physical Facilities requires the use of consultants on an “on-call” basis. In order to obtain these services, an on-call civil / structural engineering service contract was advertised. All procedures in the Board of Education’s Policy and Rule, Section 3250 were followed to advertise, qualify, interview, and select consultants.

In December 2002, the Qualification Committee met and reviewed the “expressions of interest” submitted by thirteen (13) consultants. This information was reviewed and graded with the Qualification Committee stating that four (4) qualified firms should be considered by the Selection Committee.

The Selection Committee met on January 15, 2003 to discuss the Qualification Committee’s report and discuss the consultants’ “expressions of interest.” The Selection Committee recommends that approval be given to begin contract negotiations with the following four firms:

    KCI Technologies
    Wallace Montgomery & Associates
    Johnson, Mirmiran, & Thompson Engineering
    Whitney, Bailey, Cox & Magnani

APPROVED:

[Signature]
Donald F. Krempel, Ph.D.
Executive Director
DATE: January 28, 2003

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: Request to Negotiate – On-Call Geotechnical Engineering Services at Various Schools

ORIGINATOR: J. Robert Haines, Deputy Superintendent of Business Services

RESOURCE PERSON(S): Donald F. Krempel, Ph.D., Executive Director, Department of Physical Facilities

Richard Cassell, Administrator, Office of Engineering and Construction

RECOMMENDATION

That the Board of Education approves a request to negotiate.

*****

Request to Negotiate – On-Call Geotechnical Engineering Services at Various Schools.

Appendix I – Request to Negotiate
Appendix I

Request to Negotiate
On-Call Geotechnical Engineering Services
January 28, 2003

To address numerous requests for investigations, preparation of cost estimates, and development of designs for various geotechnical issues, the Department of Physical Facilities requires the use of consultants on an “on-call” basis. In order to obtain these services, an on-call geotechnical engineering service contract was advertised. All procedures in the Board of Education’s Policy and Rule, Section 3250 were followed to advertise, qualify, interview, and select consultants.

In December 2002, the Qualification Committee met and reviewed the “expressions of interest” submitted by five (5) consultants. This information was reviewed and graded with the Qualification Committee stating that four (4) qualified firms should be considered by the Selection Committee.

The Selection Committee met on January 15, 2003 to discuss the Qualification Committee’s report and discuss the consultants’ “expressions of interest.” The Selection Committee recommends that approval be given to begin contract negotiations with the following four (4) firms:

KCI Technologies, Inc.
Earth Engineering & Sciences, Inc.
Reuling Associates, Inc.
Gannett Fleming, Inc.

APPROVED:

[Signature]
Donald F. Krempel, Ph.D.
Executive Director
DATE: January 28, 2003

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: Request to Negotiate – On-Call Mechanical / Electrical Engineering Services at Various Schools

ORIGINATOR: J. Robert Haines, Deputy Superintendent of Business Services

RESOURCE PERSON(S): Donald F. Krempel, Ph.D., Executive Director, Department of Physical Facilities
Richard Cassell, Administrator, Office of Engineering and Construction

RECOMMENDATION

That the Board of Education approves a request to negotiate.

*****

Request to Negotiate – On-Call Mechanical / Electrical Engineering Services at Various Schools.

Appendix I – Request to Negotiate
Appendix I

Request to Negotiate
On-Call Mechanical / Electrical Engineering Services
January 28, 2003

To address numerous requests for investigations, preparation of cost estimates, and development of designs for various mechanical/electrical systems, the Department of Physical Facilities requires the use of consultants on an “on-call” basis. In order to obtain these services, an on-call mechanical/electrical engineering service contract was advertised. All procedures in the Board of Education’s Policy and Rule, Section 3250 were followed to advertise, qualify, interview, and select consultants.

In December 2002, the Qualification Committee met and reviewed the “expressions of interest” submitted by eleven (11) consultants. This information was reviewed and graded with the Qualification Committee stating that five (5) qualified firms should be considered by the Selection Committee.

The Selection Committee met on January 15, 2003 to discuss the Qualification Committee’s report and discuss the consultants’ “expressions of interest.” The Selection Committee recommends that approval be given to begin contract negotiations with the following five firms:

URS Corporation
Johnson, Mirmiran, & Thompson Engineering
Burdette, Koehler, Murphy & Associates, Inc.
Schlenger/Pitz & Associates, Inc.
Siegel, Rutherford, Bradford & Ridgeway, Inc.

APPROVED:

Donald F. Krempel, Ph.D.
Executive Director
DATE: January 28, 2003

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: Fee Acceptance – Design Services for Stabilization Project at the Farmland Tenant House

ORIGINATOR: J. Robert Haines, Deputy Superintendent of Business Services

RESOURCE PERSON(S): Donald F. Krempel, Ph.D., Executive Director, Department of Physical Facilities
Richard H. Cassell, Administrator, Office of Engineering and Construction
J. Kurt Buckler, Head of Engineering, Office of Engineering and Construction

RECOMMENDATION

That the Board of Education approves a negotiated fee.

*****

Fee Acceptance - Design Services for Stabilization Project at the Farmland Tenant House.

Appendix I – Request for Fee Acceptance
Appendix I

Request for Fee Acceptance
Design Services for Stabilization Project at the Farmland Tenant House
January 28, 2003

The Fiscal Year 2002 Capital Budget includes funding for the renovation of the Farmland Tenant House. This historic structure, located on the grounds of Catonsville High School, was constructed in 1794 and is listed on the Baltimore County’s Landmark Preservation List and the Maryland Historic Trust. Due to the historic nature of this property, the Department of Physical Facilities requests approval to utilize the services of an on-call consultant to perform the necessary engineering and design work. The services requested include investigation of the existing conditions, preparation of construction documents, construction administration services, assistance with bidding, and submission of documentation to the Maryland Historic Trust for review and approval.

On July 11, 2000, the Board approved the selection of URS Greiner, Inc. as an on-call architectural consultant. The Department of Physical Facilities has negotiated a fee in the not-to-exceed amount of $41,900.00. At this time, we recommend acceptance of this fee with URS Greiner, Inc. for design services related to the renovation of the farmland tenant house.

Funding for these services is available through Capital Budget Project #665 – Major Maintenance.

APPROVED:

[Signature]

Donald F. Krempel, Ph.D.
Executive Director
SB 5 (HB 11) SB 75 Public Charter School Act of 2003
These bills represent a re-introduction of legislation that has failed to pass during recent Sessions. These bills would enable local boards of education to grant charters that establish public charter schools. Staff members of a public school, parents or guardians of public school students, and public institutions of higher education may submit an application to establish a public charter school. Private, parochial, and home schools are not eligible to become a public charter school. Public charter schools would receive funds from the local board in the amount of the per pupil basic current expense figure. In addition, the local board and the public charter school can negotiate for additional funding.

The State Board of Education is required to submit an evaluation report of the Public Charter School Program to the General Assembly. This bill takes effect July 1, 2003.

Attached you will find an extensive analysis of this concept as composed by the Department of Legislative Services last Session.

We have been advised that the Governor favors Charter School legislation; however, we do not know if these bills represent his thoughts, and perhaps an Administration bill might be forthcoming.

Therefore, no recommendation is presently being made to the Board.

SB 32 Education – Children in Out-of-County Living Arrangements – Informal Kinship Care
This year’s legislation is the outcome of staff collaboration with Senator Delores Kelley to expedite the provision of educational services to children experiencing “hardships” and as a result of living in a “kinship care” arrangement.

This bill requires a county school superintendent to allow a student whose parent or guardian resides in another school district to attend the local public school system if the student is living with a relative within the school district due to a serious family hardship. The student’s relative must be providing informal kinship care to the student. The student’s relative must sign a sworn affidavit that includes the student’s old and new addresses and defines the family hardship and provide supporting documentation verifying the serious family hardship. The affidavit must be filed annually, and if a change in the care of the student occurs, the relative must notify the local school system in writing within 30 days of the change. Unless a court appoints a different guardian for the student, the student’s relative providing informal kinship care shall make educational decisions for the student.

The bill also allows the county receiving the student to collect payments from the county transferring the student.
Since the printing of the bill, we have suggested a clarifying amendment to hardship #6 on pages 4 and 5 of the bill.

Support is recommended for SB 32 with amendment.

**SB 66 Sales and Use Tax – Annual Back-to-School Tax-Free Week**
This legislation, sponsored by Baltimore County Senators Brochin and Klausmeier, would add specified “school supplies” to the exemption from sales taxes during the “tax-free week for back-to-school shopping” in Maryland.

Support is recommended.

**SB 81 Education – County School Board – Authority to Remove County Superintendents**
Following the action of the State Superintendent of Schools to block the dismissal of their Superintendent by the Prince George’s County Board of Education, several local boards have sought a change in State law to allow a local board authority to dismiss a Superintendent exclusive of any actions by the State Superintendent or Board.

This legislation would make that statutory clarification and allow removal subject to the terms of the contract between the Superintendent and the County Board or for cause.

Staff members do not suggest recommendations in matters of this nature.
Date: January 28, 2003

TO: BOARD OF EDUCATION

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: Consideration of School Legislation – Senate Bill 5

ORIGINATOR: George P. Poff, Jr., Assistant to the Superintendent, Governmental Relations

RECOMMENDATION

That the Board consider, but take no action at this time, Senate Bill 5 (House Bill 11) and Senate Bill 75 Charter Schools

SB 5 (HB 11) and SB 75 Charter Schools

SB 5 (HB 11) and SB 75 is a re-introduction of legislation that has failed to pass during recent Sessions. These bills would enable local boards of education to grant charters that establish public charter schools. Staff members of a public school, parents or guardians of public school students, and public institutions of higher education may submit an application to establish a public charter school. Private, parochial, and home schools are not eligible to become a public charter school. Public charter schools would receive funds from the local board in the amount of the per pupil basic current expense figure. In addition, the local board and the public charter school can negotiate for additional funding. The State Board of Education is required to submit an evaluation report of the Public Charter School Program to the General Assembly. This bill takes effect July 1, 2003.

Attached you will find an extensive analysis of this concept as composed by the Department of Legislative Services last Session.

We have been advised that the Governor favors Charter School legislation; however, we do not know if these bills represent his thoughts, and perhaps an Administration bill might be forthcoming. Therefore, no recommendation is presently being made to the Board.

Attachment I – SB 5
Attachment II – SB 75
Attachment III - Fiscal Note from last year’s legislation
SENATE BILL 5

By: Senators Greenip, Kittleman, Mooney, and Brinkley
Requested: November 19, 2002
Introduced and read first time: January 8, 2003
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Public Charter School Act of 2003

FOR the purpose of authorizing the county boards of education to be the public chartering authorities for public charter schools in the State; establishing the rights and duties of the county boards as public chartering authorities; enumerating the entities that may or may not apply for a charter; permitting existing public schools to convert to public charter schools under certain circumstances; requiring the county boards to establish an application process for charter schools; specifying certain application requirements; establishing certain procedures for applicants; establishing an appeals process for applicants who have been denied a charter; requiring the State Board to direct a county board to grant a charter under certain circumstances; requiring certain charter agreements between the public charter schools and the county boards; establishing certain rights and duties of public charter schools; establishing an admissions policy for public charter schools; prohibiting the charging of tuition and certain fees at public charter schools; establishing certain requirements for construction and development of facilities for public charter schools; authorizing the State Board of Education or the county boards of education to grant public charter schools certain waivers under certain circumstances; requiring the county boards to provide certain funding for public charter schools; authorizing negotiations between the public charter schools and the county boards concerning certain funding; requiring public charter schools and the parents of students at the schools to provide for transportation of the students attending the schools; authorizing negotiations between the public charter schools and the county boards concerning transportation; requiring a member of the professional staff to hold a certain certification; specifying certain rights for employees of public charter schools; establishing a general grievance and appeals process for certain persons; requiring the county boards to grant initial charters for public charter schools for up to a certain number of years; providing that the county boards may renew charters for subsequent periods for up to a certain number of years; requiring a certain review for renewal of a charter; requiring annual assessments of public charter schools; requiring dissemination of certain reports by charter schools; establishing the conditions for revocation of the charters, as well as an appeals process; permitting county boards to recover
certain property from former public charter schools; specifying the rights of
students at public charter schools; authorizing the county boards to recover
certain unspent funds from public charter schools; authorizing the State Board,
in consultation with the county boards, to adopt regulations pertaining to public
charter schools; defining a certain term; requiring the State Board to submit an
evaluation and report concerning public charter schools by a certain date; and
generally relating to the establishment of public charter schools in the State.

BY repealing and reenacting, without amendments,
Article - Education
Section 1-101(d), (e), (f), and (l)
Annotated Code of Maryland
(2001 Replacement Volume and 2002 Supplement)

BY adding to
Article - Education
Section 9-101 through 9-121, inclusive, to be under the new title "Title 9. Public
Charter School Program"
Annotated Code of Maryland
(2001 Replacement Volume and 2002 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
MARYLAND, That the Laws of Maryland read as follows:

Article - Education

1-101.

(d) "County board" means the board of education of a county and includes the
Baltimore City Board of School Commissioners.

(e) (1) "County superintendent" means the county superintendent of schools
of a county.

(2) "County superintendent" includes the Chief Executive Officer of the
Baltimore City Board of School Commissioners and the Chief Executive Officer of the
New Prince George's County Board of Education.

(f) "Department" means the State Department of Education.

(l) "State Board" means the State Board of Education.
IN THIS TITLE, "PUBLIC CHARTER SCHOOL" MEANS A PUBLIC SCHOOL THAT:

1. IS CREATED IN ACCORDANCE WITH § 9-103 OF THIS TITLE AUTHORIZING THE GRANTING OF CHARTERS TO SCHOOLS;

2. IS DEVELOPED AS A NEW PUBLIC SCHOOL OR IS ADAPTED FROM AN EXISTING PUBLIC SCHOOL UNDER THIS TITLE;

3. IS OPERATED UNDER COUNTY BOARD AND STATE BOARD SUPERVISION AND DIRECTION;

4. HAS A SPECIFIC ACADEMIC FOCUS AND SET OF EDUCATIONAL GOALS ON WHICH THE APPLICANT AND THE AUTHORIZED PUBLIC CHARTERING AGENCY AGREE;

5. PROVIDES A PROGRAM OF ELEMENTARY OR SECONDARY EDUCATION, OR BOTH; AND

6. IS NONSECTARIAN IN ITS PROGRAMS, ADMISSIONS POLICIES, EMPLOYMENT PRACTICES, AND ALL OTHER OPERATIONS AND IS NOT AFFILIATED WITH A SECTARIAN SCHOOL OR RELIGIOUS INSTITUTION.

THE GENERAL ASSEMBLY FINDS THAT:

1. PUBLIC CHARTER SCHOOLS, AS PART OF THE PROGRAM OF PUBLIC EDUCATION OFFERED IN THE STATE, CAN:

   (I) PROVIDE INNOVATIVE LEARNING OPPORTUNITIES; AND

   (II) SERVE AS A MODEL FOR THE IMPLEMENTATION OF NEW EDUCATIONAL APPROACHES; AND

2. THESE INNOVATIVE LEARNING OPPORTUNITIES AND NEW EDUCATIONAL APPROACHES CAN LEAD TO IMPROVEMENT IN THE EDUCATION OF STUDENTS.

THE GENERAL ASSEMBLY FURTHER FINDS THAT PUBLIC CHARTER SCHOOLS:

1. INCREASE THE EDUCATIONAL CHOICES AVAILABLE TO PARENTS AND STUDENTS;

2. CAN CREATE NEW PROFESSIONAL OPPORTUNITIES FOR TEACHERS; AND
(3) CAN BE VEHICLES FOR EDUCATIONAL RESEARCH AND DEVELOPMENT.

9-103.

(A) THE PUBLIC CHARTERING AUTHORITY FOR THE ESTABLISHMENT OF PUBLIC CHARTER SCHOOLS IS THE COUNTY BOARD.

(B) AS THE PUBLIC CHARTERING AUTHORITY, A COUNTY BOARD:

(1) MAY GRANT CHARTERS THAT ESTABLISH PUBLIC CHARTER SCHOOLS;

(2) SHALL MAKE AVAILABLE FOR DISSEMINATION INFORMATION CONCERNING THE ESTABLISHMENT, CURRICULUM, AND OPERATION OF PUBLIC CHARTER SCHOOLS IN THE COUNTY;

(3) MAY REVOKE A CHARTER GRANTED UNDER THIS TITLE OR PLACE A PUBLIC CHARTER SCHOOL ON PROBATIONARY STATUS; AND

(4) SHALL PROVIDE INSTRUCTIONAL AND FISCAL SUPERVISION TO A PUBLIC CHARTER SCHOOL.

9-104.

(A) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL MAY BE SUBMITTED TO A COUNTY BOARD BY:

(1) THE STAFF OF A PUBLIC SCHOOL;

(2) THE PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE PUBLIC SCHOOLS IN THE COUNTY;

(3) A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR

(4) ANY COMBINATION OF THE STAFF OF A PUBLIC SCHOOL, THE PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE PUBLIC SCHOOLS IN THE COUNTY, AND A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE.

(B) AN APPLICANT MAY ENGAGE THE SERVICES OF A NONPROFIT CORPORATION IN THE ESTABLISHMENT OF A PUBLIC CHARTER SCHOOL.

(C) A COUNTY BOARD MAY NOT GRANT A CHARTER UNDER THIS TITLE TO:

(1) A PRIVATE SCHOOL;

(2) A PAROCHIAL SCHOOL; OR

(3) A HOME SCHOOL.
SENATE BILL 5

9-105.

(A) A COUNTY BOARD SHALL:

(1) DETERMINE WHETHER TO ALLOW EXISTING PUBLIC SCHOOLS
LOCATED IN THE COUNTY TO APPLY TO CONVERT TO A PUBLIC CHARTER SCHOOL;
AND

(2) ESTABLISH POLICIES AND REGULATIONS RELATING TO STUDENTS
WHO ATTEND A PUBLIC SCHOOL BEING CONSIDERED FOR CONVERSION.

(B) SUBJECT TO SUBSECTION (A) OF THIS SECTION, AN EXISTING PUBLIC
SCHOOL MAY APPLY TO CONVERT TO A PUBLIC CHARTER SCHOOL IF:

(1) AT LEAST TWO-THIRDS OF THE STAFF OF THE EXISTING PUBLIC
SCHOOL AND AT LEAST TWO-THIRDS OF THE PARENTS OR GUARDIANS OF STUDENTS
WHO ATTEND THE EXISTING PUBLIC SCHOOL SIGN A PETITION REQUESTING
CONVERSION;

(2) THE PETITION CALLS FOR AN ELECTION BY SECRET BALLOT
CONDUCTED BY THE COUNTY BOARD TO DETERMINE IF THE SCHOOL SHOULD
BECOME A PUBLIC CHARTER SCHOOL; AND

(3) AT LEAST TWO-THIRDS OF THE STAFF OF THE EXISTING PUBLIC
SCHOOL AND AT LEAST TWO-THIRDS OF THE PARENTS OR GUARDIANS OF STUDENTS
WHO ATTEND THE EXISTING PUBLIC SCHOOL VOTE TO SUPPORT THE CONVERSION
OF THE SCHOOL TO A PUBLIC CHARTER SCHOOL.

9-106.

(A) A COUNTY BOARD SHALL DEVELOP AN APPLICATION PROCESS FOR
PUBLIC CHARTER SCHOOLS IN THE COUNTY.

(B) THE APPLICATION FOR A CHARTER SHALL INCLUDE:

(1) THE IDENTITY OF THE APPLICANT OR APPLICANTS;

(2) THE PROPOSED NAME OF THE SCHOOL, WHICH SHALL CONTAIN THE
TERM "PUBLIC CHARTER SCHOOL";

(3) TO THE EXTENT POSSIBLE, THE LOCATION AND A DESCRIPTION OF
THE SCHOOL FACILITY;

(4) THE PROPOSED STRUCTURE OF THE GOVERNING BOARD OF THE
SCHOOL, INCLUDING:

(I) THE QUALIFICATIONS FOR MEMBERS OF THE BOARD; AND

(II) THE METHOD OF APPOINTMENT OR ELECTION OF THE
MEMBERS;
WITH REGARD TO THE PURPOSE OF THE PUBLIC CHARTER SCHOOL:

(I) THE ACADEMIC FOCUS AND EDUCATIONAL GOALS OF THE SCHOOL; AND

(II) THE PROPOSED CURRICULUM OF THE SCHOOL;

A DESCRIPTION OF AND JUSTIFICATION FOR ANY WAIVER OF STATE OR LOCAL REGULATIONS THAT THE SCHOOL INTENDS TO REQUEST;

THE AGE OR GRADE RANGE OF STUDENTS TO BE ENROLLED;

THE SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE;

A DESCRIPTION OF STAFF RESPONSIBILITIES;

A DESCRIPTION OF THE PROCEDURES TO BE IMPLEMENTED TO ENSURE SIGNIFICANT PARENT AND COMMUNITY INVOLVEMENT IN THE PLANNING AND THE OPERATION OF THE PUBLIC CHARTER SCHOOL;

THE FINANCIAL PLAN FOR THE PUBLIC CHARTER SCHOOL;

THE ADMISSIONS POLICY; AND

ANY OTHER INFORMATION THAT THE COUNTY BOARD OR THE STATE BOARD REQUIRES.

A COMPLETED APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL SHALL BE SUBMITTED TO THE COUNTY BOARD OF THE COUNTY IN WHICH THE PUBLIC CHARTER SCHOOL WILL BE LOCATED AT LEAST 425 DAYS BEFORE THE DATE ON WHICH THE APPLICANT WISHES TO OPEN THE SCHOOL.

THE COUNTY BOARD SHALL REVIEW THE APPLICATION AND RENDER A DECISION WITHIN 120 DAYS OF RECEIPT OF THE APPLICATION.

THE COUNTY BOARD MAY DELAY RENDERING A DECISION FOR AN ADDITIONAL 60 DAYS FOR CAUSE.

THE COUNTY BOARD MAY USE THE SERVICES OF AN OUTSIDE AGENCY IN THE EVALUATION OF THE APPLICATION.

IF THE COUNTY BOARD DENIES AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL, THE COUNTY BOARD SHALL INCLUDE WITH THE DENIAL THE REASONS FOR THE DENIAL.

IF THE APPLICATION IS DENIED, THE APPLICANT MAY APPEAL THE DECISION TO THE STATE BOARD.

THE DECISION OF THE STATE BOARD IS FINAL.
(F) If the county board denies an application to establish a public charter school and the state board reverses the decision, the state board shall direct the county board to grant a charter.

(G) An applicant that is denied a charter may reapply for a charter after 1 year from the decision of:

1. The county board; or
2. The state board, if the denial was appealed to the state board.

9-108.

(A) (1) The state board may grant a waiver to a public charter school from specific state education regulations and requirements.

    (2) The county board may grant a waiver to a public charter school from specific local education regulations and requirements.

(B) A public charter school may be granted a waiver under subsection (A) of this section if the school demonstrates that a waiver will advance the educational goals and objectives of the school.

(C) The state board or a county board may not waive a regulation or requirement pertaining to the civil rights or the health and safety of a student.

9-109.

(A) A charter that is granted by a county board to a public charter school shall constitute a contract between the school and the county board.

(B) The charter shall include all agreements between the public charter school and the county board, including:

1. Any waivers of specific state and local education regulations or requirements granted to the school;

2. Matters relating to the operation of the school, including budgeting, curriculum, the acquisition of real property, the receipt and disbursement of funds, debt policies, and the solicitation of gifts and grants;

3. Audit requirements;

4. A performance agreement requiring that the academic achievement of the students enrolled at a public charter school be measured according to:
STATE ASSESSMENTS REQUIRED BY THE STATE FOR OTHER
PUBLIC SCHOOLS; AND

OTHER ASSESSMENTS MUTUALLY AGREEABLE TO THE COUNTY
BOARD AND THE SCHOOL; AND

A DESCRIPTION OF INNOVATIVE LEARNING PROGRAMS TO BE
IMPLEMENTED AND THE EDUCATIONAL RESEARCH OPPORTUNITIES TO BE
IMPLEMENTED.

A PUBLIC CHARTER SCHOOL AND A COUNTY MAY AMEND THE TERMS OF
THE CONTRACT ONLY BY WRITTEN MUTUAL AGREEMENT.

A PUBLIC CHARTER SCHOOL SHALL EXIST WITHIN THE SCHOOL DISTRICT
THAT IS GOVERNED BY THE COUNTY BOARD THAT ISSUED THE CHARTER TO THE
SCHOOL.

A PUBLIC CHARTER SCHOOL SHALL OPERATE UNDER THE DIRECT
SUPERVISION OF THE COUNTY BOARD IN ACCORDANCE WITH THE CHARTER
GRANTED TO THE SCHOOL AND THE PROVISIONS OF LAW GOVERNING OTHER
PUBLIC SCHOOLS IN THE COUNTY.

A PUBLIC CHARTER SCHOOL SHALL:

BE OPEN TO ALL STUDENTS IN THE COUNTY ON A SPACE AVAILABLE
BASIS; AND

SELECT STUDENTS TO ATTEND BY THE USE OF A LOTTERY IF MORE
STUDENTS APPLY FOR ENROLLMENT IN THE SCHOOL THAN THERE ARE SPACES
AVAILABLE.

A PUBLIC CHARTER SCHOOL SHALL GIVE PRIORITY IN ENROLLMENT TO:

A SIBLING OF A STUDENT WHO ATTENDS THE SCHOOL;

IF AN EXISTING PUBLIC SCHOOL CONVERTS TO A PUBLIC CHARTER
SCHOOL UNDER § 9-105 OF THIS TITLE, A STUDENT WITHIN THE SCHOOL
ATTENDANCE AREA AS DETERMINED BY THE COUNTY BOARD; AND

IF A SCHOOL IS ESTABLISHED BY A PARENT OR GUARDIAN OF A
CHILD WHO ATTENDS A PUBLIC SCHOOL IN THE COUNTY, THE CHILD OF THAT
PARENT OR GUARDIAN.

A PUBLIC CHARTER SCHOOL MAY NOT TAKE ANY ACTION THAT WOULD BE
ILLEGAL IF THE ACTION WERE UNDERTAKEN BY A COUNTY BOARD.
(D) UNLESS APPROVED BY THE COUNTY BOARD, A PUBLIC CHARTER SCHOOL MAY NOT CHARGE TUITION OR OTHER FEES THAT ARE NOT CHARGED BY A PUBLIC SCHOOL IN THE COUNTY.

9-112.

(A) A COUNTY BOARD MAY NOT REQUIRE A STUDENT IN THE COUNTY TO ENROLL IN A PUBLIC CHARTER SCHOOL.

(B) A STUDENT MAY WITHDRAW FROM A PUBLIC CHARTER SCHOOL AT ANY TIME.

(C) A STUDENT AT A PUBLIC CHARTER SCHOOL SHALL BE SUBJECT TO THE SAME DISCIPLINARY RULES AND REGULATIONS AS A STUDENT AT A PUBLIC SCHOOL.

(D) IF A STUDENT IS EXPELLED FROM A PUBLIC CHARTER SCHOOL, THE REMAINING FUNDS ALLOCATED BY THE COUNTY BOARD FOR THE STUDENT FOR THE CURRENT ACADEMIC YEAR SHALL REVERT TO THE COUNTY BOARD.

9-113.

(A) SUBJECT TO THE APPROVAL OF THE COUNTY BOARD, A PUBLIC CHARTER SCHOOL MAY BE LOCATED IN:

(1) PART OF AN EXISTING PUBLIC SCHOOL BUILDING;

(2) A PUBLIC BUILDING OTHER THAN AN EXISTING PUBLIC SCHOOL; OR

(3) ANY OTHER SUITABLE LOCATION.

(B) (1) UNLESS A WAIVER IS GRANTED TO A PUBLIC CHARTER SCHOOL UNDER § 9-108 OF THIS TITLE, THE FACILITY THAT CONTAINS THE SCHOOL SHALL CONFORM TO THE REGULATIONS FOR PUBLIC SCHOOL FACILITIES.

(2) A WAIVER OF HEALTH OR SAFETY REGULATIONS FOR THE FACILITY MAY NOT BE GRANTED.

(C) A PUBLIC CHARTER SCHOOL MAY NOT CONSTRUCT A FACILITY WITH PUBLIC FUNDS.

(D) A PUBLIC CHARTER SCHOOL MAY NOT RECEIVE PUBLIC FUNDS FOR CAPITAL IMPROVEMENTS TO THE FACILITY IN WHICH THE SCHOOL IS LOCATED UNLESS:

(1) THE FACILITY IS OWNED BY THE COUNTY BOARD; AND

(2) THE COUNTY BOARD REQUESTS THE FUNDS FOR THE FACILITY AS PART OF ITS PUBLIC SCHOOL CONSTRUCTION CAPITAL IMPROVEMENT PROGRAM REQUEST.
9-114.

(A) FOR A FISCAL YEAR, A PUBLIC CHARTER SCHOOL SHALL RECEIVE, FOR EACH STUDENT ENROLLED IN THE SCHOOL, THE PER PUPIL BASIC CURRENT EXPENSE FIGURE CALCULATED UNDER § 5-202 OF THIS ARTICLE.

(B) A PUBLIC CHARTER SCHOOL MAY NEGOTIATE WITH THE COUNTY BOARD FOR ADDITIONAL FUNDING.

9-115.

(A) A PUBLIC CHARTER SCHOOL AND THE PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE SCHOOL SHALL BE RESPONSIBLE FOR THE TRANSPORTATION OF THE STUDENTS TO AND FROM THE SCHOOL.

(B) A PUBLIC CHARTER SCHOOL AND A COUNTY BOARD MAY NEGOTIATE THE TRANSPORTATION OF STUDENTS WHO ATTEND A PUBLIC CHARTER SCHOOL.

9-116.

(A) A MEMBER OF THE PROFESSIONAL STAFF OF A PUBLIC CHARTER SCHOOL SHALL HOLD THE APPROPRIATE MARYLAND CERTIFICATION.

(B) A CERTIFICATED OR NONCERTIFICATED EMPLOYEE OF A PUBLIC CHARTER SCHOOL SHALL BE DEEMED AN EMPLOYEE OF THE COUNTY AND SHALL RETAIN:

(1) THE OPTION OF JOINING OR REMAINING A MEMBER OF THE APPROPRIATE EMPLOYEE BARGAINING UNIT;

(2) ALL RIGHTS AND RESPONSIBILITIES THAT EXIST UNDER THE APPLICABLE COLLECTIVE BARGAINING CONTRACT BETWEEN THE COUNTY BOARD AND THE EMPLOYEE REPRESENTATIVE; AND

(3) ALL EMPLOYMENT RIGHTS UNDER COUNTY, STATE, AND FEDERAL LAW.

9-117.

(A) A PERSON WHO ALLEGES THAT A PUBLIC CHARTER SCHOOL HAS VIOLATED A PROVISION OF THIS TITLE MAY FILE A COMPLAINT WITH THE PUBLIC CHARTER SCHOOL.

(B) IF THE COMPLAINT IS NOT RESOLVED BY THE PUBLIC CHARTER SCHOOL TO THE SATISFACTION OF THE COMPLAINANT, THE COMPLAINANT MAY PRESENT THE COMPLAINT TO THE COUNTY BOARD.

(C) (1) THE COMPLAINANT MAY APPEAL THE DECISION OF THE COUNTY BOARD TO THE STATE BOARD AS PROVIDED IN § 4-205 OF THIS ARTICLE.
THE DECISION OF THE STATE BOARD ON AN APPEAL UNDER PARAGRAPH (1) OF THIS SUBSECTION IS FINAL.

(A) A COUNTY BOARD SHALL DEVELOP PROCEDURES FOR THE RENEWAL OF A CHARTER GRANTED UNDER THIS TITLE.

(B) (1) A COUNTY BOARD SHALL GRANT AN INITIAL CHARTER FOR A PUBLIC CHARTER SCHOOL ESTABLISHED UNDER THIS TITLE FOR A PERIOD OF UP TO 4 YEARS.

(2) A COUNTY BOARD MAY RENEW A CHARTER FOR SUBSEQUENT PERIODS OF UP TO 5 YEARS.

(A) (1) A COUNTY BOARD SHALL CONDUCT AN ANNUAL ASSESSMENT OF A PUBLIC CHARTER SCHOOL TO DETERMINE IF THE SCHOOL IS MEETING THE EDUCATIONAL GOALS ESTABLISHED UNDER ITS CHARTER.

(2) THE ANNUAL ASSESSMENT BY THE COUNTY BOARD SHALL BE BASED ON THE MEASURES IDENTIFIED IN THE PERFORMANCE AGREEMENT UNDER § 9-109(B) OF THIS TITLE.

(B) (1) TO FACILITATE THE ANNUAL ASSESSMENT UNDER SUBSECTION (A) OF THIS SECTION, A PUBLIC CHARTER SCHOOL SHALL SUBMIT AN ANNUAL FISCAL REPORT AND STUDENT PERFORMANCE REPORT TO THE COUNTY BOARD AT A TIME AND IN A FORM PRESCRIBED BY THE COUNTY BOARD.

(2) THE PUBLIC CHARTER SCHOOL SHALL MAKE THE REPORT AVAILABLE TO THE PARENTS OR GUARDIANS OF STUDENTS ENROLLED IN THE SCHOOL.

(C) A COUNTY BOARD SHALL HAVE ACCESS TO THE FACILITIES AND TO THE RECORDS OF A PUBLIC CHARTER SCHOOL CHARTERED BY THE COUNTY BOARD.

(A) A COUNTY BOARD SHALL DEVELOP PROCEDURES FOR THE REVOCATION OF A CHARTER GRANTED UNDER THIS TITLE.

(B) A COUNTY BOARD MAY REVOKE THE CHARTER OF A PUBLIC CHARTER SCHOOL OR PLACE THE SCHOOL ON PROBATIONARY STATUS:

(1) IF THE SCHOOL HAS NOT FULFILLED A CONDITION IMPOSED BY THE COUNTY BOARD IN CONNECTION WITH THE GRANTING OF THE CHARTER;

(2) IF THE SCHOOL HAS MATERIALLY VIOLATED A CONDITION, STANDARD, OR PROCEDURE OF THE CHARTER;
(3) IF THE SCHOOL HAS VIOLATED ANY PROVISION OF THIS TITLE, OR
ANY REGULATION ADOPTED UNDER THIS TITLE, OR OF ANY OTHER LAW THAT
RELATES TO A PUBLIC CHARTER SCHOOL;

(4) IF THE SCHOOL FAILS TO MEET GENERALLY ACCEPTED STANDARDS
OF FISCAL MANAGEMENT;

(5) IF THE SCHOOL FAILS TO MEET THE STUDENT ACADEMIC
PERFORMANCE REQUIREMENTS CONTAINED IN THE CHARTER;

(6) IF TWO-THIRDS OF THE FACULTY AND INSTRUCTIONAL SUPPORT
PERSONNEL AT THE SCHOOL REQUEST THAT THE CHARTER BE REVOKED; OR

(7) FOR OTHER GOOD CAUSE SHOWN.

(C) (1) IF THE COUNTY BOARD PLACES A PUBLIC CHARTER SCHOOL ON
PROBATIONARY STATUS, THE COUNTY BOARD SHALL ESTABLISH A DATE BY WHICH
THE SCHOOL SHALL IMPLEMENT A REMEDIAL PLAN.

(2) IF THE COUNTY BOARD FINDS THAT THE SCHOOL HAS NOT
IMPLEMENTED A SATISFACTORY REMEDIAL PLAN BY THE ESTABLISHED DATE, THE
COUNTY BOARD MAY REVOKE THE CHARTER.

(D) A PUBLIC CHARTER SCHOOL MAY APPEAL THE REVOCATION OF THE
CHARTER BY THE COUNTY BOARD TO THE STATE BOARD.

(E) (1) THE STATE BOARD SHALL RENDER ITS DECISION WITHIN 90 DAYS OF
THE RECEIPT OF THE APPEAL.

(2) THE DECISION OF THE STATE BOARD IS FINAL.

(F) WHEN A CHARTER IS REVOKED, THE COUNTY BOARD MAY RECOVER THE
PROPERTY OF THE PUBLIC CHARTER SCHOOL THAT IS OWNED OR PROVIDED BY THE
COUNTY BOARD FOR OTHER PUBLIC SCHOOL PURPOSES.

9-121.

IN CONSULTATION WITH THE COUNTY BOARDS, THE STATE BOARD SHALL
ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That not later than October 1,
2006, based on information gathered from the county boards of education, the
Baltimore City Board of School Commissioners, members of the educational
community, and the public, the State Board of Education shall submit to the General
Assembly, in accordance with § 2-1246 of the State Government Article, a report on
and an evaluation of the public charter school program. The report shall include a
recommendation on the advisability of the continuation, modification, expansion, or
termination of the program.
SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2003.
A BILL ENTITLED

AN ACT concerning

Public Charter School Act of 2003

FOR the purpose of establishing the Maryland Public Charter School Program; adding a certain definition; establishing certain authority in certain boards; specifying certain charter school application requirements; prohibiting a county board from granting a charter to certain schools; requiring a county board to review an application to establish a charter school and render a decision within a certain time period; establishing a certain appeals process; establishing a certain certification requirement; requiring county boards to develop a certain policy; establishing a certain liaison for the Program; and generally relating to the Maryland Public Charter School Program.


SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Education

TITLE 9. MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.

9-101. (A) THERE IS A MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.

(B) THE GENERAL PURPOSE OF THE PROGRAM IS TO ESTABLISH AN ALTERNATIVE MEANS WITHIN THE EXISTING PUBLIC SCHOOL SYSTEM IN ORDER TO PROVIDE INNOVATIVE LEARNING OPPORTUNITIES AND CREATIVE EDUCATIONAL APPROACHES TO IMPROVE THE EDUCATION OF STUDENTS.
IN THIS TITLE, "PUBLIC CHARTER SCHOOL" MEANS A PUBLIC SCHOOL THAT:

1. IS NONSECTARIAN IN ALL ITS PROGRAMS, POLICIES, AND OPERATIONS;
2. IS A SCHOOL TO WHICH PARENTS CHOOSE TO SEND THEIR CHILDREN;
3. IS OPEN TO ALL STUDENTS ON A SPACE-AVAILABLE BASIS AND ADMITS STUDENTS ON A LOTTERY BASIS IF MORE STUDENTS APPLY THAN CAN BE ACCOMMODATED;
4. IS A NEW PUBLIC SCHOOL OR A CONVERSION OF AN EXISTING PUBLIC SCHOOL;
5. PROVIDES A PROGRAM OF ELEMENTARY OR SECONDARY EDUCATION OR BOTH;
6. OPERATES IN PURSUIT OF A SPECIFIC SET OF EDUCATIONAL OBJECTIVES;
7. IS TUITION-FREE;
8. IS SUBJECT TO FEDERAL AND STATE LAWS PROHIBITING DISCRIMINATION;
9. IS IN COMPLIANCE WITH ALL APPLICABLE HEALTH AND SAFETY LAWS; AND
10. IS CREATED IN ACCORDANCE WITH THIS TITLE AND THE APPROPRIATE COUNTY BOARD POLICY.

THE PRIMARY PUBLIC CHARTERING AUTHORITY FOR THE GRANTING OF CHARTERS SHALL BE THE COUNTY BOARDS OF EDUCATION.

THE SECONDARY PUBLIC CHARTERING AUTHORITY FOR THE GRANTING OF CHARTERS SHALL BE THE STATE BOARD ACTING IN ITS APPEAL REVIEW CAPACITY.

THE STATE BOARD MAY CREATE ADDITIONAL PUBLIC CHARTERING AUTHORITIES.

AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL SHALL BE SUBMITTED TO THE COUNTY BOARD OF THE COUNTY IN WHICH THE CHARTER SCHOOL WILL BE LOCATED.
(2) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL MAY BE
SUBMITTED TO A COUNTY BOARD BY:

(I) THE STAFF OF A PUBLIC SCHOOL;

(II) A PARENT OR GUARDIAN OF A STUDENT WHO ATTENDS A
PUBLIC SCHOOL IN THE COUNTY;

(III) A NONPROFIT ENTITY;

(IV) AN INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR

(V) ANY COMBINATION OF PERSONS SPECIFIED IN ITEMS (I)
THROUGH (IV) OF THIS PARAGRAPH.

(3) A COUNTY BOARD MAY NOT GRANT A CHARTER UNDER THIS TITLE
TO:

(I) A PRIVATE SCHOOL;

(II) A PAROCHIAL SCHOOL; OR

(III) A HOME SCHOOL.

(4) THE COUNTY BOARD SHALL REVIEW THE APPLICATION AND RENDER
A DECISION WITHIN 120 DAYS OF RECEIPT OF THE APPLICATION.

(B) IF THE COUNTY BOARD DENIES AN APPLICATION TO ESTABLISH A PUBLIC
CHARTER SCHOOL, THE APPLICANT MAY APPEAL THE DECISION TO THE STATE
BOARD, IN ACCORDANCE WITH § 4-205(C) OF THIS ARTICLE.

A MEMBER OF THE PROFESSIONAL STAFF OF A PUBLIC CHARTER SCHOOL
SHALL HOLD THE APPROPRIATE MARYLAND CERTIFICATION.

(EACH COUNTY BOARD SHALL DEVELOP A PUBLIC CHARTER SCHOOL
POLICY AND SUBMIT IT TO THE STATE BOARD.

THE DEPARTMENT SHALL DESIGNATE A STAFF PERSON TO FUNCTION AS
A CONTACT PERSON FOR THE MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
effect October 1, 2003.
Analysis

Bill Summary: Local boards of education are granted chartering authority for the establishment of public charter schools. Public charter schools can be located in a part of an existing public school building, public buildings, and any other suitable location. An existing public school is eligible to become a public charter school if at least two-thirds of the staff and two-thirds of the parents of children attending the school sign a petition and vote in support of the school becoming a public charter school. In addition, a local board must approve whether a public school can become a charter school. Public charter schools are valid for a four-year period and may be renewed by the local board for subsequent five-year periods.

A public charter school must be open to all students in the county on a space-available basis and may not discriminate in its admission policies or practices. Enrollment preference may be granted to siblings of a student who attends the charter school, a student within the school attendance area if an existing public school converts to a charter school, and the child of a parent or guardian who establishes a charter school. The State Board of Education or a local board of education may exempt a public charter school from certain education regulations or requirements, except those pertaining to civil rights, student health, and student safety.

Public charter schools may not charge students tuition and cannot construct school facilities with public funds. Public charter schools and the student’s parents are responsible for providing transportation services, however, a public charter school and a local board of education can negotiate an agreement for transporting students. In addition, the bill establishes certain personnel requirements for public charter schools.

Current Law: Local boards of education have the authority to establish public charter schools. However, there is currently no enabling State statute.

Background: The Maryland State Department of Education (MSDE) issued guidelines governing the establishment of public charter schools in 1997. Currently, there are no public charter schools operating in Maryland. However, there are a few schools in Baltimore City that are similar to charter schools.

Legislation enacted in 1998 established a task force to recommend legislation that would allow Maryland public charter schools to qualify and compete for start-up funds under the Federal Charter School Grant Program. This grant program is open to states that have enacted a state law authorizing the granting of charters to schools. As Maryland currently has no authorizing legislation, the task force identified the provisions that should be contained in such a law.
Charter school legislation has been enacted in 36 states, the District of Columbia, and Puerto Rico. The Center for Education Reform estimates that 2,073 charter schools will operate in the 2000-2001 school year serving approximately 520,000 students. This represents approximately 1% of all public school students. Arizona has the most charter schools (408) serving 95,000 students. California has 261 charter schools serving 122,000 students, followed by Texas (182) serving 38,000 students and Michigan (181) serving 53,000 students. Virginia has one charter school serving 30 students.

According to the U.S. Department of Education, approximately 48% of charter school students were white compared to 59% of public school enrollment. Black students comprise 24% of charter school enrollment, and Hispanic students comprise 21%. Charter schools in several states (Connecticut, Illinois, Louisiana, Massachusetts, Michigan, Minnesota, New Jersey, North Carolina, and Texas) enroll a much higher percentage of minority students than all public schools in those states. In addition, charter schools enroll a slightly higher percentage of students eligible for free and reduced-price lunch than do public schools (39% versus 37%).

Across the country charter school laws vary considerably; some states such as Arizona grant maximum autonomy to charter schools, while other states such as Georgia provide schools with limited authority. For example, in Arizona, charter schools are legally independent entities with complete waivers from district and state regulations. In Georgia, however, charter schools are considered part of the school district and are granted less freedom over budgets and personnel. While different in many ways, certain characteristics are common for all charter schools. Charter schools cannot charge tuition, must be nonsectarian, are subject to federal and state laws prohibiting discrimination, and must comply with all health and safety laws. In addition, most charter schools can negotiate and contract for facilities and services, acquire real property, receive and disburse funds, incur temporary debt, and operate as a business or corporation.

State Fiscal Effect: State funding for public schools could increase to the extent that establishing public charter schools encourages private school students to return to the public school system. Nationally, charter schools enroll only about 1% of public school students. Assuming public charter schools in Maryland experience similar trends, approximately 8,500 students could be enrolled in public charter schools. If a portion of these students comes from private schools, State education funding will increase. Currently 14% of students in Maryland attend private schools.

Local Fiscal Effect: A local board must provide the public charter school with funds in the amount of the per pupil basic current expense figure. In addition, the local board and the public charter school can negotiate for additional funding. In fiscal 2003, the per
pupil basic current expense figure totals $4,291. Under this bill, each public charter school would be guaranteed this amount (the actual dollar amount increases each year). This amount is approximately $4,100 less than the estimated fiscal 2003 average per pupil operating expenditures for public schools. Since public charter schools cannot charge tuition and the State has not provided charter schools with start-up or facility expenses, it is assumed that additional funding would be required to adequately finance public charter schools.

Teachers and other professional staff at a public charter school must hold the appropriate State certification, and certificated and noncertificated employees of a public charter school would remain employees of the local board. Requiring public charter schools to hire only certificated teachers could prevent the charter school from realizing lower instructional costs, which is needed in order to cover start-up expenses, facilities costs, new academic programs, and administrative costs. The required State local funding under this bill for public charter schools accounts for only 51% of the average operating costs at existing public schools. This does not include the potential cost for capital facilities, which the State is prohibited from funding under this bill.

**Additional Comments:** Even with the availability of State and local funds, public charter schools may still incur financial difficulties. Based on a study by the National Conference of State Legislatures, locating and paying for adequate school facilities pose significant barriers to charter schools. According to this report, new charter schools rarely have a financial track record or assets that enable them to secure loans to lease or buy buildings. In addition, many charter schools do not have access to local district funds available for capital improvements (buildings and major improvements), nor do they have the ability to issue bonds. Accordingly, most charter schools must use a portion of their operating funds to purchase and maintain school facilities.

Like similar legislation in other states, this bill prohibits public charter schools from using public funds to construct school facilities and does not provide any funding for facility acquisition or school start-up costs that could assist public charter schools to become operational. In addition, this bill requires public charter schools to conform to the regulations governing traditional public school facilities, unless a waiver is granted. This could eliminate potential facility sites for public charter schools, thus increasing costs. In many states, charter schools are located in commercial office and retail space and other facilities that may not conform to public school standards. Another major fiscal issue involves start-up costs.

According to a report by the Education Commission of the States, most charter schools have initial cash-flow problems because they do not receive any state or local money until the school year begins. Charter schools often have to take out loans for operating
and start-up expenses. Further, it can be difficult for a charter school to access or receive federal categorical funds during its first year, because funding for some federal programs is based on prior year enrollment. To alleviate this problem, some states, such as Massachusetts, have made an exception for charter schools by allowing them to qualify for federal categorical funds based on actual enrollment of eligible children during the first year.

Additional Information

**Prior Introductions:** A similar bill was introduced at the 1998 session as HB 999. The bill was amended in the House Ways and Means Committee and resulted in a task force to study public charter schools. At the 1999 session, HB 116 was introduced and received a favorable with amendments report by the House Ways and Means Committee and was adopted with floor amendments by the full House. In the Senate, HB 116 received a favorable with amendments report by the Economic and Environmental Affairs Committee and was approved by the full Senate. An agreement was never reached by both the House and Senate. At the 2000 session, HB 526 was introduced and received a favorable with amendments report by the House Ways and Means Committee and was adopted by the full House. The bill was referred to interim study by the Senate Economic and Environmental Affairs Committee. At the 2001 session, HB 29 was introduced and received a favorable with amendments report by the House Ways and Means Committee and was adopted by the full House. In the Senate, HB 29 received a favorable with amendments report by the Economic and Environmental Affairs Committee and was approved by the full Senate. An agreement was never reached by both the House and Senate.

**Cross File:** None.

**Information Source(s):** United States Department of Education, National Conference of State Legislatures, Education Commission of the States, Maryland State Department of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - January 21, 2002
mam/jr Revised - House Third Reader - March 26, 2002

Analysis by: Hiram L. Burch Jr. Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510

HB 131 / Page 5
DATE: January 28, 2003

TO: BOARD OF EDUCATION

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: Consideration of School Legislation – Senate Bill 32

ORIGINATOR: George P. Poff, Jr. Assistant to the Superintendent, Governmental Relations

RECOMMENDATION

That the Board consider support of Senate Bill 32, Kinship Care – Education

SB 32 Education – Children in Out-of-County Living Arrangements – Informal Kinship Care

This year’s legislation is the outcome of staff collaboration with Senator Delores Kelley to expedite the provision of educational services to children experiencing “hardships” and as a result of living in a “kinship care” arrangement.

This bill requires a county school superintendent to allow a student whose parent or guardian resides in another school district to attend the local public school system if the student is living with a relative within the school district due to a serious family hardship. The student’s relative must be providing informal kinship care to the student. The student’s relative must sign a sworn affidavit that includes the student’s old and new addresses and defines the family hardship and provide supporting documentation verifying the serious family hardship. The affidavit must be filed annually, and if a change in the care of the student occurs, the relative must notify the local school system in writing within 30 days of the change. Unless a court appoints a different guardian for the student, the student’s relative providing informal kinship care shall make educational decisions for the student.

The bill also allows the county receiving the student to collect payments from the county transferring the student.

Since the printing of the bill, we have suggested a clarifying amendment to hardship #6 on pages 4 and 5 of the bill.

Attachment I – SB 32
Attachment II – Suggested Amendment
SENATE BILL 32

By: Senators Kelley, Hollinger, Britt, Colburn, Conway, Della, Giannetti, Gladden, Grosfeld, Hooper, Jacobs, Jones, Lawlah, Mooney, Stoltzfus, and Teitelbaum

Introduced and read first time: January 13, 2003
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Education - Children in Out-of-County Living Arrangements - Informal Kinship Care

FOR the purpose of requiring a superintendent of schools of a county to allow a child to attend a public school in a county other than where the child was previously domiciled in Maryland with the child's parent or legal guardian if the child lives with a relative in the county due to a serious family hardship; altering a certain definition; defining certain terms; requiring certain relatives of a child to file certain affidavits and certain supporting documentation under certain circumstances; establishing the contents and form of certain affidavits; requiring certain affidavits to be provided free of charge at certain offices; authorizing certain relatives to make educational decisions for children in their custody; and generally relating to children in out-of-county living arrangements who live with relatives who provide informal kinship care.

BY renumbering
Article - Education
Section 7-101(c)
to be Section 7-101(d)
Annotated Code of Maryland
(2001 Replacement Volume and 2002 Supplement)

BY repealing and reenacting, with amendments,
Article - Education
Section 4-122(a) and 7-101(b)
Annotated Code of Maryland
(2001 Replacement Volume and 2002 Supplement)

BY adding to
Article - Education
Section 7-101(c)
SENATE BILL 32

Annotated Code of Maryland
(2001 Replacement Volume and 2002 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 7-101(c) of Article - Education of the Annotated Code of Maryland be renumbered to be Section(s) 7-101(d).

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Education

4-122.

(a) (1) In this section the following words shall have the meanings indicated.

(2) "Local current expense per student" means all expenditures made by a county from county appropriations, except State, federal, and other aid, for public elementary and secondary education in the prior fiscal year, divided by the full-time equivalent enrollment, as defined in § 5-202(a) of this article.

(3) "Child in an out-of-county living arrangement" means a child who is:

(I) placed by a State agency, a licensed child placement agency as provided by § 5-507 of the Family Law Article, or a court in a county other than where the child's parent or legal guardian resides; OR

(II) living with a relative, stepparent or a person exercising temporary care, custody or control over a child at the request of a parent or guardian of the child; relative who exercises care, custody, and control over the child 24 hours a day and 7 days a week and who provides informal kinship care, as defined in § 7-101 of this article, for the child.

(4) "Service providing local education agency" means the local education agency for the county where a child in an out-of-county living arrangement is placed.

(5) "Financially responsible county" means the county where the parent or legal guardian of a child in an out-of-county living arrangement resides. If the parents of the child live apart, the financially responsible county is:

(i) The county where the parent who has been awarded custody of the child resides;

(ii) If custody has not been awarded, the county where the parent with whom the child lives when not in a foster care home, in the home of an informal kinship care provider, or residential facility resides;

(iii) If custody has been awarded to both parents and the parents reside in different counties, both counties shall be considered financially responsible.
and shall pay one-half the amount as computed in accordance with subsection (c) of this section, except that if the child receives a public education in a county where a parent resides, this subparagraph shall not apply; or

(iv) If custody has been awarded to both parents and one parent resides in a county and the other resides out-of-state, the county shall be considered the financially responsible county.

7-101.

(b) (1) Except as provided in § 7-301 of this title and in paragraph (2) of this subsection, each child shall attend a public school in the county where the child is domiciled with the child's parent or guardian.

(2) Upon request and in accordance with a county board's policies concerning residency, a county superintendent may allow a child to attend school in the county even if the child is not domiciled in that county with the child's parent or guardian.

(3) If a child fraudulently attends a public school in a county where the child is not domiciled with the child's parent or guardian, the child's parent or guardian shall be subject to a penalty payable to the county for the pro rata share of tuition for the time the child fraudulently attends a public school in the county.

[(4) Nothing in this section alters the requirements for out-of-county placements contained in § 4-122 and Title 8, Subtitles 3 and 4 of this article or in any other State or federal law.]

(C) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "INFORMAL KINSHIP CARE" MEANS A LIVING ARRANGEMENT IN WHICH A RELATIVE OF A CHILD, WHO IS NOT IN THE CARE, CUSTODY, OR GUARDIANSHIP OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES, PROVIDES FOR THE CARE AND CUSTODY OF THE CHILD DUE TO A SERIOUS FAMILY HARDSHIP.

(III) "RELATIVE" MEANS AN ADULT RELATED TO THE CHILD BY BLOOD OR MARRIAGE WITHIN THE FIFTH DEGREE OF CONSANGUINITY.

(IV) "SERIOUS FAMILY HARDSHIP" MEANS:

1. DEATH OF A PARENT OR LEGAL GUARDIAN OF THE CHILD;

2. SERIOUS ILLNESS OF A PARENT OR LEGAL GUARDIAN OF THE CHILD;

3. DRUG ADDICTION OF A PARENT OR LEGAL GUARDIAN OF THE CHILD;
4          SENATE BILL 32

1 4. INCARCERATION OF A PARENT OR LEGAL GUARDIAN OF
2 THE CHILD; OR
3 5. ABANDONMENT BY A PARENT OR LEGAL GUARDIAN OF
4 THE CHILD; OR
5 6. ASSIGNMENT OF A PARENT OR LEGAL GUARDIAN OF A
6 CHILD TO ACTIVE MILITARY DUTY.
7
8 (2) (I) A COUNTY SUPERINTENDENT SHALL ALLOW A CHILD WHO IS A
9 RESIDENT OF THIS STATE TO ATTEND A PUBLIC SCHOOL IN A COUNTY OTHER THAN
10 THE COUNTY WHERE THE CHILD IS DOMICILED WITH THE CHILD'S PARENT OR
11 LEGAL GUARDIAN IF THE CHILD LIVES WITH A RELATIVE PROVIDING INFORMAL
12 KINSHIP CARE IN THE COUNTY AND THE RELATIVE VERIFIES THE INFORMAL
13 KINSHIP CARE RELATIONSHIP THROUGH A SWORN AFFIDAVIT.
14
15     (II) THE AFFIDAVIT SHALL BE ACCOMPANIED BY SUPPORTING
16 DOCUMENTATION OF ONE OR MORE SERIOUS FAMILY HARDSHIPS AND, WHERE
17 POSSIBLE, THE TELEPHONE NUMBER AND ADDRESS OF ANY AUTHORITY WHO CAN
18 VERIFY THE ASSERTIONS IN THE AFFIDAVIT.
19
20 (3) THE AFFIDAVIT SHALL INCLUDE:
21
22     (I) THE NAME AND DATE OF BIRTH OF THE CHILD;
23     (II) THE NAME AND ADDRESS OF THE CHILD'S PARENT OR LEGAL
24 GUARDIAN;
25     (III) THE NAME AND ADDRESS OF THE RELATIVE PROVIDING
26 INFORMAL KINSHIP CARE;
27     (IV) THE DATE THE RELATIVE ASSUMED INFORMAL KINSHIP CARE;
28     (V) THE NATURE OF THE SERIOUS FAMILY HARDSHIP AND WHY IT
29 RESULTED IN INFORMAL KINSHIP CARE;
30     (VI) THE KINSHIP RELATION TO THE CHILD OF THE RELATIVE
31 PROVIDING INFORMAL KINSHIP CARE;
32     (VII) THE NAME AND ADDRESS OF THE SCHOOL THE CHILD
33 PREVIOUSLY ATTENDED;
34     (VIII) NOTICE THAT THE COUNTY SUPERINTENDENT MAY VERIFY
35 THE FACTS GIVEN BY THE RELATIVE PROVIDING INFORMAL KINSHIP CARE IN THE
36 AFFIDAVIT AND CONDUCT AN AUDIT OF THE CASE AFTER THE CHILD HAS BEEN
37 ENROLLED IN THE COUNTY PUBLIC SCHOOL SYSTEM;
38     (IX) NOTICE THAT IF FRAUD OR MISREPRESENTATION IS
39 DISCOVERED DURING AN AUDIT, THE COUNTY SUPERINTENDENT SHALL REMOVE
40 THE CHILD FROM THE COUNTY PUBLIC SCHOOL SYSTEM ROLL; AND
(X) NOTICE THAT ANY PERSON WHO WILLFULLY MAKES A MATERIAL MISREPRESENTATION IN THE AFFIDAVIT SHALL BE SUBJECT TO A PENALTY PAYABLE TO THE COUNTY FOR THREE TIMES THE PRO RATA SHARE OF TUITION FOR THE TIME THE CHILD FRAUDULENTLY ATTENDS A PUBLIC SCHOOL IN THE COUNTY.

THE AFFIDAVIT SHALL BE IN THE FOLLOWING FORM:

(I) I, THE UNDERSIGNED, AM OVER EIGHTEEN (18) YEARS OF AGE AND COMPETENT TO TESTIFY TO THE FACTS AND MATTERS SET FORTH HEREIN.

(II) __________________ (NAME OF CHILD), WHOSE DATE OF BIRTH IS ___________, IS LIVING WITH ME BECAUSE OF THE FOLLOWING SERIOUS FAMILY HARDSHIP: (CHECK EACH THAT IS APPLICABLE)

_____ DEATH OF FATHER/MOTHER/LEGAL GUARDIAN

_____ SERIOUS ILLNESS OF FATHER/MOTHER/LEGAL GUARDIAN

_____ DRUG ADDICTION OF FATHER/MOTHER/LEGAL GUARDIAN

_____ INCARCERATION OF FATHER/MOTHER/LEGAL GUARDIAN

_____ ABANDONMENT BY FATHER/MOTHER/LEGAL GUARDIAN

_____ ASSIGNMENT OF A PARENT OR LEGAL GUARDIAN OF A CHILD TO ACTIVE MILITARY DUTY

(III) THE NAME AND LAST KNOWN ADDRESS OF THE CHILD'S PARENT(S) OR LEGAL GUARDIAN IS:

__________________________

__________________________

__________________________

(IV) MY KINSHIP RELATION TO THE CHILD IS ____________

(V) MY ADDRESS IS:

__________________________

STREET APT. NO.

__________________________

CITY STATE ZIP CODE

(VI) I ASSUMED INFORMAL KINSHIP CARE OF THIS CHILD FOR 24 HOURS A DAY AND 7 DAYS A WEEK ON __________________(DAY/MONTH/YEAR).
(VII) THE NAME AND ADDRESS OF THE LAST SCHOOL THAT THE CHILD ATTENDED IS: _________________________________________________________________

(VIII) THE COUNTY SUPERINTENDENT MAY VERIFY THE FACTS CONTAINED IN THE FOREGOING AFFIDAVIT AND CONDUCT AN AUDIT ON A CASE-BY-CASE BASIS AFTER THE CHILD HAS BEEN ENROLLED IN THE COUNTY PUBLIC SCHOOL SYSTEM. IF THE COUNTY SUPERINTENDENT DISCOVERS FRAUD OR MISREPRESENTATION, THE CHILD SHALL BE REMOVED FROM THE COUNTY PUBLIC SCHOOL SYSTEM ROLL.

(IX) I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

________________________________________
SIGNATURE OF AFFIANT

__________________________
(DAY/MONTH/YEAR)

(X) ANY PERSON WHO WILLFULLY MAKES A MATERIAL MISREPRESENTATION IN THIS AFFIDAVIT SHALL BE SUBJECT TO A PENALTY PAYABLE TO THE COUNTY FOR THREE TIMES THE PRO RATA SHARE OF TUITION FOR THE TIME THE CHILD FRAUDULENTLY ATTENDS A PUBLIC SCHOOL IN THE COUNTY.

(5) (I) INSTRUCTIONS THAT EXPLAIN THE NECESSITY FOR BOTH AN AFFIDAVIT AND SUPPORTING DOCUMENTATION OF THE SERIOUS FAMILY HARDSHIP RESULTING IN INFORMAL KINSHIP CARE SHALL BE ATTACHED TO AFFIDAVIT FORMS THAT COMPLY WITH SUBSECTION (C)(4) OF THIS SECTION.

(II) THE AFFIDAVIT FORMS, WITH ATTACHED INSTRUCTIONS, SHALL BE MADE AVAILABLE FREE OF CHARGE AT THE OFFICES OF EACH COUNTY BOARD OF EDUCATION, EACH LOCAL DEPARTMENT OF SOCIAL SERVICES, AND EACH LOCAL AREA AGENCY ON AGING.

(6) IF A CHANGE OCCURS IN THE CARE OR IN THE SERIOUS FAMILY HARDSHIP OF THE CHILD, THE RELATIVE PROVIDING INFORMAL KINSHIP CARE FOR THE CHILD SHALL NOTIFY THE LOCAL SCHOOL SYSTEM IN WRITING WITHIN 30 DAYS AFTER THE CHANGE OCCURS.

(7) (I) AN INFORMAL KINSHIP CARE AFFIDAVIT MAY BE FILED DURING A SCHOOL YEAR.

(II) THE RELATIVE PROVIDING INFORMAL KINSHIP CARE SHALL FILE AN AFFIDAVIT ANNUALLY AT LEAST 2 WEEKS PRIOR TO THE BEGINNING OF THE SCHOOL YEAR FOR EACH YEAR THE CHILD CONTINUES TO LIVE WITH THE RELATIVE BECAUSE OF A SERIOUS FAMILY HARDSHIP.
(8) UNLESS THE COURT APPOINTS A GUARDIAN FOR THE CHILD OR AWARDS CUSTODY OF THE CHILD TO SOMEONE OTHER THAN THE RELATIVE PROVIDING INFORMAL KINSHIP CARE, THE RELATIVE PROVIDING INFORMAL KINSHIP CARE SHALL MAKE THE FULL RANGE OF EDUCATIONAL DECISIONS FOR THE CHILD.

(9) THE RELATIVE PROVIDING INFORMAL KINSHIP CARE SHALL MAKE REASONABLE EFFORTS TO INFORM THE PARENT OR LEGAL GUARDIAN OF THE CHILD OF THE INFORMAL KINSHIP CARE RELATIONSHIP.

(10) THE PARENT OR LEGAL GUARDIAN OF A CHILD IN AN OUT-OF-COUNTY LIVING ARRANGEMENT SHALL HAVE FINAL DECISION MAKING AUTHORITY REGARDING THE EDUCATIONAL NEEDS OF THE CHILD.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2003.
DATE: January 21, 2003

TO: Susan Taylor
   Senator Delores Kelley

FAX: 410-841-3399

RE: SB 32

# PAGES: 1

Suggestion for new wording on page 4, lines 5, 6 and page 5, lines 17, 18:

CALL UP TO ACTIVE MILITARY DUTY OF BOTH PARENTS/GUARDIANS OR OF A SINGLE PARENT/GUARDIAN IN A SINGLE PARENT/GUARDIAN HOUSEHOLD.
DATE: January 28, 2003

TO: BOARD OF EDUCATION

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: Consideration of School Legislation – Senate Bill 66

ORIGINATOR: George P. Poff, Jr., Assistant to the Superintendent, Governmental Relations

RECOMMENDATION

That the Board consider support of Senate Bill 66, Tax-Free Week

SB 66 Sales and Use Tax – Annual Back-to-School Tax-Free Week

This legislation, sponsored by Baltimore County Senators Brochin and Klausmeier, would add specified “school supplies” to the exemption from sales taxes during the “tax-free week for back-to-school shopping” in Maryland.

Support is recommended.

Attachment I – SB 66
A BILL ENTITLED

AN ACT concerning

Sales and Use Tax - Annual Back-to-School Tax-Free Week

FOR the purpose of designating a certain week in certain calendar years to be a tax-free week during which a certain sales and use tax exemption will apply; altering a certain sales and use tax exemption to include certain school supplies; defining a certain term; and generally relating to the designation of a certain tax-free week in the State.

BY repealing and reenacting, with amendments,

Article - Tax - General
Section 11-228
Annotated Code of Maryland
(1997 Replacement Volume and 2002 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Tax - General

11-228.

(a) (1) In this section, "accessory items" THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "ACCESSORY ITEMS" includes jewelry, watches, watchbands, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, and belt buckles.

(3) (I) "SCHOOL SUPPLY" INCLUDES AN ITEM PURCHASED FOR USE IN THE CLASSROOM, FOR SCHOOLWORK COMPLETED IN SCHOOL, OR FOR ANY SCHOOL ACTIVITY.

(II) "SCHOOL SUPPLY" DOES NOT INCLUDE ANY ELECTRONIC DEVICE.
(b) (1) The week [from August 10, 2001 through August 16, 2001] THAT BEGINS ON THE SECOND FRIDAY IN AUGUST AND ENDS ON THE FOLLOWING THURSDAY IN AUGUST EACH YEAR shall be a tax-free week for back-to-school shopping in Maryland during which the exemption under paragraph (2) of this subsection shall apply.

(2) During the tax-free week for back-to-school shopping established under paragraph (1) of this subsection, the sales and use tax does not apply to the sale of ANY SCHOOL SUPPLY OR any item of clothing or footwear, excluding accessory items, if the taxable price of the SCHOOL SUPPLY OR item of clothing or footwear is less than $100.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2003.
DATE: January 28, 2003

TO: BOARD OF EDUCATION

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: Consideration of School Legislation – Senate Bill 81

ORIGINATOR: George P. Poff, Jr., Assistant to the Superintendent, Governmental Relations

RECOMMENDATION

That the Board be advised of Senate Bill 81, Authority to Remove County Superintendents

SB 81 Education – County School Board – Authority to Remove County Superintendents

Following the action of the State Superintendent of Schools to block the dismissal of their Superintendent by the Prince George’s County Board of Education, several local boards have sought a change in State law to allow a local board authority to dismiss a Superintendent exclusive of any actions by the State Superintendent or Board.

This legislation would make that statutory clarification and allow removal subject to the terms of the contract between the Superintendent and the County Board or for cause.

Staff members do not suggest recommendations in matters of this nature.

Attachment I – SB 81
By: Senators Kittleman, Greenip, Harris, Mooney, and Schrader  
Introduced and read first time: January 21, 2003  
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 Education - County School Board - Authority to Remove County

3 Superintendents

4 FOR the purpose of repealing certain provisions of law relating to the authority of the
5 State Superintendent of Schools to approve the appointment or removal of a
6 county superintendent of schools; authorizing a county board of education to
7 remove a county superintendent under certain circumstances; making a stylistic
8 change; and generally relating to the authority of a county school board to
9 remove a county superintendent.

10 BY repealing and reenacting, with amendments,
11 Article - Education
12 Section 4-201(c)
13 Annotated Code of Maryland
14 (2001 Replacement Volume and 2002 Supplement)

15 BY repealing
16 Article - Education
17 Section 4-201(e)
18 Annotated Code of Maryland
19 (2001 Replacement Volume and 2002 Supplement)

20 BY adding to
21 Article - Education
22 Section 4-201(e)
23 Annotated Code of Maryland
24 (2001 Replacement Volume and 2002 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:
An individual may not be appointed as county superintendent unless

- (1) Is eligible to be issued a certificate for the office by the State Superintendent;
- (2) Has graduated from an accredited college or university;
- (3) Has completed 2 years of graduate work at an accredited college or university, including public school administration, supervision, and methods of teaching.

The appointment of a county superintendent is not valid unless approved in writing by the State Superintendent.

If the State Superintendent disapproves an appointment, he shall give his reasons for disapproval in writing to the county board.

The State Superintendent may remove a county superintendent for:

- (i) Immorality;
- (ii) Misconduct in office;
- (iii) Insubordination;
- (iv) Incompetency; or
- (v) Willful neglect of duty.

Before removing a county superintendent, the State Superintendent shall send him a copy of the charges against him and give him an opportunity within 10 days to request a hearing.

If the county superintendent requests a hearing within the 10-day period:

- (i) The State Superintendent promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Superintendent sends the county superintendent a notice of the hearing; and
- (ii) The county superintendent shall have an opportunity to be heard publicly before the State Superintendent in his own defense, in person or by counsel.]
SENATE BILL 81

3 SENATE BILL 81

(E) A COUNTY BOARD MAY REMOVE A COUNTY SUPERINTENDENT, SUBJECT
2 TO THE TERMS OF THE CONTRACT BETWEEN THE SUPERINTENDENT AND THE
3 COUNTY BOARD OR FOR CAUSE.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2003.