

**BALTIMORE COUNTY PUBLIC SCHOOLS**

**DATE:** March 11, 2003  
**TO:** BOARD OF EDUCATION  
**FROM:** Dr. Joe A. Hairston, Superintendent  
**SUBJECT:** Key School Legislation  
**ORIGINATOR:** Dr. George P. Poff, Jr., Assistant to the Superintendent  
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**FOR YOUR INFORMATION**

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The attached Key School Legislation is an update.

## **KEY SCHOOL LEGISLATION MARCH 11, 2003**

### **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. These Bills would take effect July 1, 2003.

The Board opposes these Bills.

### **SB 388 (HB 859) Education – Public School Charter School Act of 2003**

This Administration Bill, if passed, would authorize the State Board of Education, local boards of education, public institutions of higher education, or any other entity designated by the State Board of Education to Charter “public charter schools” within local jurisdictions. These schools would be independent legal entities, able to receive state, federal, and local per-pupil funds normally designated for regular public school. Chartered Schools may receive exemption from certain state education regulations and all local district laws or regulations. Also, any collective bargaining units in a charter school must be separate from other bargaining units and withdraw from any bargaining unit representing other teachers in the county.

This legislation would allow a chartering agent, other than a local board, to establish a school within the local board’s jurisdiction even if the local board, which must fund the school, deems it inappropriate.

Consistent with its position of opposition to similar legislation since its first filing in 1999, the Board continues to oppose proposals that would divert public funds from traditional public education programs.

The Senate Education, Health, and Environmental Affairs Committee is presently working with amendments to SB 388.

**HB 22 Public Schools – Specialists – Stipends**

This Bill authorizes the State Board of Education (SBE) to expand eligibility for State stipends that are paid to employees of local school boards who hold certification from the National Board for Professional Teaching Standards. Subject to the availability of funds, eligibility may be expanded to library media specialists, speech-language pathologists, audiologists, and other professionally certified education specialists, in that order. The State stipend is equal to the county grant for national certification, up to a maximum of \$2,000 per qualifying individual.

The Teacher Quality Incentive Act of 1999 established the original State stipend for “classroom teachers.”

The Board of Education has consistently supported this proposal as an incentive for the demonstration of an exceptional level of professional standing reflected in national certification by the National Board for Professional Teaching Standards.

The Board supports HB 22.

**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.

The Board supports SB 32 with amendments. The amended Bill has passed the Senate and is presently before the House of Delegates.

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

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

The Board supported SB 66 with an amendment that would include the purchase of electronic devices to be exempt from taxation as a “school supply.”

The Bill was withdrawn by its sponsor.

**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 have made that statutory clarification and allowed removal subject to the terms of the contract between the Superintendent and the County Board or for cause.

The Board supported SB 81. SB 81 received an unfavorable report on February 21, 2003.

**SB 395 Commercialism in Schools Act of 2003 – Policy**

This legislation, which has been unsuccessful in 2001 and 2002, would statutorily mandate local school board policies regarding the prohibition of certain advertising and/or contracts between Boards and vendors.

While the stated intention of the sponsors of this Bill has been the protection of students, this law would supersede the role and responsibilities of local boards of education to consider and implement school policy in this area.

The Board opposes SB 395.

**HB 245 (SB 178) Residential Child Care Programs – State-Funded Operators – Licensing Provisions**

Speaker Pro Tem Jones and Senator Kelley have introduced this legislation to strengthen the standards for licensure of residential childcare programs by the addition of a new subsection to the Education Article. The operator must expeditiously obtain the academic records of a child from the transferring school and send the records to the school that the child will be attending while living in the operator’s care. The licensed operator must also meet with the child’s teacher at the time of enrollment and at any other time the school or teacher requests, and sign and return the student’s report card to the school. The state agency that licenses the operator must notify the operator of these

requirements. A residential childcare program includes group homes, alternative living units, and emergency shelter care.

The Board supports this legislation with an amendment to achieve improved cooperation between the school and caregivers. This was accepted by the Bill's sponsors. SB 178 has passed out of the Senate by a unanimous vote and is now before the House.

**HB 611 (SB 27) Teachers' Retirement and Pension Systems – Reemployment of Retired Speech-Language Pathologists and Audiologists**

These pension Bills exempt from the reemployment earnings limitations retirees of the Teachers' Retirement System (TRS) or Teachers' Pension System (TPS), who are reemployed as speech-language pathologists or audiologists. This legislation would add these two categories of employees to the laws of 1999 and 2000 dealing with classroom teachers and principals.

The Board has consistently supported these efforts, which expand their hiring options in needed employment categories.

The Board supports HB 611.

**SB 620 State Board of Education – Graduation Requirements – Student Service**

This legislation would statutorily amend the powers and duties of the State Board of Education, as specified in State Law, concerning "policy and guidelines for programs of instruction." Specifically, the State Board would be disallowed from requiring student service as a condition of graduation.

Local boards of education of Maryland historically have supported the role of the State Board of Education in the establishment of educational policy and standards for graduation.

The Board opposes SB 620.

**HB 778 Education – Baltimore County – Public School Employees**

This legislation would clarify unit membership eligibility for supervisory employees whose jobs do not require educational certification. Language also clarified that Baltimore County may have three non-supervisory units under the subtitle governing organizations of certificated employees.

The Board supports the new language proposed but suggests amendments to Section 2 on the last page of the Bill. This section, as written, can be construed to grant permanent representation rights to the current bargaining agent without the right to challenge said agent pursuant to methods of designating an agent by unit member election.

