

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: March 25, 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
Governmental Relations

FOR YOUR INFORMATION

* * * * *

That the Board consider the attached update of Key
School Legislation

Attachment I – Key School Legislation
Attachment II – Comparison of Charter School Bills

KEY SCHOOL LEGISLATION MARCH 25, 2003

SB 5 (HB 11) SB 75 and SB 859 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.

* Attached you will find a side-by-side comparison of the House and Senate versions of Charter School Bills as of this date.

* As of this date, the House has substituted the language in the Governor’s SB 859 with their own language from last year as represented by HB 11. This legislation, thus amended, will allow charter authority to remain with local boards, whose decisions may be appealed to the State Board. The State Board and University Charter authority has been removed. As the House and Senate, and the Governor’s staff, have differing opinions, a Conference Committee will determine the fate of Charter School legislation.

HB 22 Public Schools – Specialists – Stipends

This Bill would have authorized 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 would have been 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.”

* HB 22 received an unfavorable report in the House Ways and Means Committee.

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.

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.

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 have 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.

* SB 395 received an unfavorable report in the Senate Education, Health, and Environmental Affairs Committee.

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 245 has passed the House and is presently before the Senate.

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 crossfiled SB 27 has been withdrawn by its sponsor.

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.

* New since last Board meeting

* SB 620 received an unfavorable report by the Senate Education, Health, and Environmental Affairs Committee.

The Board opposed 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.

The Baltimore County House Delegation heard the Bill on February 21, 2003, and the amendment was well received by all parties.

* The House has passed the Bill, and it has gone to the Senate Finance Committee.

HB 1087 Teachers' Retirement and Pension Systems – Reemployment of Retired Teachers – Sunset Extension

This legislation is designed to extend the sunset date of existing law, which is designed to allow teachers and principals, who meet certain conditions, to retire and be rehired without an actuarial penalty to their retirement benefit.

This proposal extends the option to local superintendents and boards in meeting staffing needs.

The Board supports HB 1087.

**Senate Bill 75 and House Bill 859
Pending Charter School Legislation**

	SENATE BILL 75 (As amended)	HOUSE BILL 859 (As amended)
Status	Passed Senate with committee amendments	Passing House with committee amendments
Chartering Authority	<p>Local boards would be primary chartering authority. However, upon appeal and reversal, the State Board could operate as an independent chartering authority without preserving any local board oversight role.</p> <p>The primary public chartering authority for the granting of a charter shall be a county board of education. The secondary public chartering authority for the granting of a charter shall be the State Board acting in its appeal review capacity.</p>	<p>Local boards would be the sole chartering authority: The public chartering authority for the establishment of public charter schools is the county board.</p> <p>State Board not an independent chartering authority, even on appeal: 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.</p>
Accountability	<p>A public charter school shall comply with the provisions of law and regulation governing other public schools. A waiver may be sought through an appeal to the State Board. A waiver may not be granted to audit requirements, or measurements of student achievement including all assessments required for other public schools.</p>	<p>The State Board may grant a waiver to a public charter school from specific state education regulations and requirements. The county board may grant a waiver to a public charter school from specific local education regulations and requirements. 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.</p>
Employees	<p>Employees at a public charter school (1) are public school employees as defined in §§6-401(d) and 6-501(f), (2) are employees of a public school employer in the county in which the charter school is located, and (3) shall have the rights granted under Title 6, subtitles 4 and 5.</p> <p>The employee organization and charter school may mutually agree to negotiate amendments to the existing collective bargaining agreement.</p>	<p>A member of the professional staff of a public charter school shall hold the appropriate Maryland certification. 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.</p>
Funding	<p>A county board shall disburse to a public charter school an amount of county, state, and federal money for elementary, middle, and secondary students that is commensurate with the amount disbursed to other public schools in the local jurisdiction.</p>	<p>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. A public charter school may negotiate with the county board for additional funding.</p>