

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: February 26, 2002
TO: BOARD OF EDUCATION
FROM: Dr. J. Hairston, Superintendent
SUBJECT: HB 492-School Buying Consortium-County Boards of Education-
Procurement-Exceptions

ORIGINATOR: Dr. J. Hairston, Superintendent

RESOURCE

PERSON(S): George P. Pofl', Jr., Assistant to the Superintendent, Governmental
Relations

RECOMMENDATION

That the Board of Education support House Bill 492
School Buying Consortium

Synopsis of this legislation (Appendix I)

GPP: ccm

Appendix I - Recommendation for Approval of HB 492

Appendix II - HB 492

Appendix III - Key School Legislation, Current Status of Legislation that the Board
Previously Supported or Opposed.

Recommendation for Approval of HB 492
February 26, 2002

This legislation authorizes non-public schools to participate in specified contracts for goods or commodities and requires for the State Department of Education to establish a process that allows access and participation. It is similar to last year's bill but with additional sponsors. (Appendix 11 includes the fiscal note from last year's bill.) Dr. Morhaim seeks support of the Board of Education.

For the past two years, the Governor has given non-public schools \$5-\$6 million in aid. Delegate Morhaim unsuccessfully introduced a counter proposal in 2001 via legislation that would allow non-public/parochial schools to join a public education buying consortium, thus rendering them a monetary savings benefit in lieu of cash grants.

The superintendent recommends Board support of HB 492.

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

Revised

House Bill 251 (Delegate Morhaim, et al.)

Ways and Means

Education - Maryland Educational Buying Consortium

This bill establishes a Maryland Educational Buying Consortium within the Maryland State Department of Education (MSDE). The purpose of the consortium is to enable local boards of education and public and private schools to receive a volume discount on textbooks and educational supplies. Participation in the consortium is voluntary and has no effect on a school's curriculum. MSDE must adopt regulations by December 1, 2001 for: (1) the staffing of the consortium's central office; (2) the distribution of catalogs and price lists to participating schools; and (3) coordination of the purchase and distribution of textbooks and supplies.

The bill is effective June 1, 2001.

Fiscal Summary

State Effect: General fund expenditures would increase by \$176,300 in FY 2002 to staff the consortium and to pay a contractor to design and implement a web site for the consortium. Future year expenditures reflect annualization, salary increases, and inflation. No effect on revenues.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	176,300	155,700	164,100	173,000	182,600
Net Effect	(\$176,300)	(\$155,700)	(\$164,100)	(\$173,000)	(\$182,600)

Note: () = decrease; GF = general funds; FF= federal funds; SF= special funds; - = indeterminate effect

Local Effect: Assuming a 10% savings on textbooks and school supplies, and all school systems participate in the consortium, local school expenditures could decrease by \$14 million each year.

Small Business Effect: Potential meaningful. Private schools could realize a cost savings on textbooks and supplies in the amount of \$2.2 million.

Analysis

Current Law: There is no Maryland Educational Buying Consortium. Local school systems and private schools are responsible for purchasing textbooks and other educational supplies.

Background: The establishment of the Maryland Educational Buying Consortium has been touted as a way to reduce the cost of school supplies for both public and private schools, thereby aiding private schools without providing direct State funding while simultaneously helping public schools. The Governor's proposed fiscal 2002 budget includes approximately \$2.6 billion for local school systems and \$8 million for textbooks at private schools. Last year the General Assembly approved \$6 million in funding for private school textbooks, the first time the State had provided public money for this purpose.

Some school districts and local governments in Maryland have established cooperative purchasing consortiums to attain volume discounts. For example, the Baltimore Regional Cooperative Purchasing Committee includes school systems and local governments from Baltimore City; the City of Annapolis; and Anne Arundel, Baltimore, Carroll, Harford, and Howard counties. School systems in the committee have not begun to acquire school supplies through the cooperative, but the committee is currently soliciting bids for the provision of instructional materials. The committee advises that it is not necessarily expecting to purchase textbooks through the cooperative because of the different curriculums among the participating school systems. However, a savings of about 20% is anticipated for other classroom instructional materials.

State Expenditures: MSDE would have to hire three additional individuals to administer the consortium: an education specialist to organize, implement, and operate the consortium; an agency procurement specialist to obtain catalogs, identify products, solicit bids, and negotiate discounts; and an office secretary to provide support for the consortium. Accordingly, general fund expenditures would increase by an estimated \$176,276 in fiscal 2002, which accounts for a 120-day start-up delay period. The estimate includes salaries, fringe benefits, one-time start-up costs for office equipment, ongoing operating expenses, and a one-time cost to contract for the development of a consortium web site.

Salaries and Fringe Benefits	\$111,150
One-time Cost for Web Site Development	50,000
Start-up Costs and Operating Expenses	<u>15,126</u>
Total FY 2002 State Expenditures	\$176,276

Future year expenditures reflect: (1) full salaries with a 6.5% increase in fiscal 2003 and a 4.5% increase each year thereafter, with 3% employee turnover; and (2) 1% annual increase in ongoing operating expenses.

MSDE could establish and adopt regulations for the consortium with existing budgeted resources.

Local Expenditures: Local school systems spent \$140.9 million on textbooks and instructional supplies in fiscal 1999. At this time, the level of savings that could be achieved through volume discounts is unknown. The technology consortium at MSDE, which buys technology equipment for students with special needs, realizes an estimated 32% reduction in technology expenditures. However, because each local school system has its own curriculum and uses different instructional materials, a lesser savings would be expected for the Maryland Educational Buying Consortium. Assuming a 1.0% volume discount, local school expenditures on textbooks and instructional materials could decrease by about \$14 million. **Exhibit 1** shows the fiscal 1999 expenditures on textbooks and supplies by local school system and also displays the savings each system could expect if a 5%, 10%, or 15% volume discount is realized.

Small Business Effect: There are 1,144 private schools in Maryland, of which 468 serve only prekindergarten and kindergarten students, 385 serve elementary students, 11 serve middle school students, 79 serve high school students, and 201 serve students in combined schools. Assuming that private schools spend on average, the same amount per student on textbooks and supplies as public schools (\$185 in fiscal 1999), private schools' expenditures would total approximately \$22.3 million annually. If private schools realize a 10% reduction in textbook costs through the consortium, expenditures would decrease by \$2.2 million. A 5% reduction in costs would generate an expenditure savings of \$1.1 million, and a 15% reduction would generate an expenditure savings of \$3.3 million.

Potential minimal or meaningful impact if a small business is contracted for the development of a web site for the consortium.

Additional Information

Prior Introductions: None.

Cross File: SB 382 (Senator Van Hollen) - Budget and Taxation.

Information Source(s): Maryland State Department of Education, Maryland Association of Boards of Education, Department of Legislative Services

Fiscal Note History: First Reader - January 30, 2001
Ef/jr Revised - Updated Information - January 31, 2001
Revised - Updated Information - February 20, 2001

Analysis by: Mark W. Collins

Direct Inquiries to:
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(410) 946-5510
(301) 970-5510

Exhibit 1
Local School Expenditures on Textbooks and Instructional Materials
Fiscal 1999

School System	Total Amount	Volume Discount Savings Level		
		5%	10%	15%
Allegany	\$1,331,197	\$66,560	\$133,120	\$199,679
Anne Arundel	7,359,371	367,969	735,937	1,103,906
Baltimore City	23,624,606	1,181,230	2,362,461	3,543,691
Baltimore	16,897,416	844,871	1,689,742	2,534,612
Calvert	2,275,741	113,787	227,574	341,361
Caroline	766,231	38,312	76,623	114,935
Carroll	3,881,700	194,085	388,170	582,255
Cecil	2,450,174	122,509	245,017	367,526
Charles	3,110,333	155,517	311,033	466,550
Dorchester	745,509	37,275	74,551	111,826
Frederick	5,424,898	271,245	542,490	813,735
Garrett	748,506	37,425	74,851	112,276
Harford	5,853,347	292,667	585,335	878,002
Howard	7,236,233	361,812	723,623	1,085,435
Kent	532,033	26,602	53,203	79,805
Montgomery	22,654,617	1,132,731	2,265,462	3,398,193
Prince George's	23,592,002	1,179,600	2,359,200	3,538,800
Queen Anne's	1,715,506	85,775	171,551	257,326
St. Mary's	2,774,884	138,744	277,488	416,233
Somerset	823,277	41,164	82,328	123,492
Talbot	664,971	33,249	66,497	99,746
Washington	2,849,459	142,473	284,946	427,419
Wicomico	2,252,061	112,603	225,206	337,809
Worcester	1,317,122	65,856	131,712	197,568
State	\$140,881,194	\$7,044,060	\$14,088,119	\$21,132,179

Source: Maryland State Department of Education

HOUSE BILL 492

Unofficial Copy
F5

2002 Regular Session
21x0848
CF 21x0506

By: Delegates Morhaim, Heller, Shriver, Bozman, Barkley, Barve, Boutin,
Bronrott, Burns, Busch, Carlson, Clagett, D'Amato, DeCarlo, Dembrow,
Dewberry, Donoghue, Doory, Dypski, Eckardt, Frush, Giannetti,
Glassman, Goldwater, Hammen, Hubbard, Hubers, Burson, James,
Kach, Kagan, Klausmeier, Kopp, Leopold, Mandel, Marriott, McIntosh,
McKee, Menes, Nathan-Pulliam, Parrott, Phillips, Pitkin, Ports,
Redmer, Riley, Rosenberg, Shank, Sher, Sophocleus, Stocksdales, Weir,
and Zirkin

Introduced and read first time: January 30, 2002
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 School Buying Consortium - County Boards of Education - Procurement -
3 Exceptions

4 FOR the purpose of authorizing a county board to participate in certain contracts for
5 goods or commodities; authorizing the advertisement of bids for certain
6 procurements in certain media; authorizing nonpublic schools to participate in
7 certain contracts for goods or commodities; and requiring the Department of
8 Education to establish a process that allows access to certain information.

9 BY repealing and reenacting, with amendments,
10 Article - Education
11 Section 5-112
12 Annotated Code of Maryland
13 (2001 Replacement Volume)

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

16 Article - Education

17 5-112.

18 (a) This section does not apply to:

19 (1) Contracts for the purchase of books and other materials of instruction
20 as defined in the State Department of Education Financial Reporting Manual; [and]

21 (2) Emergency repairs; AND

1 (3) A COUNTY BOARD'S PARTICIPATION IN CONTRACTS FOR GOODS OR
 2 COMMODITIES THAT ARE AWARDED BY OTHER PUBLIC AGENCIES OR BY
 3 INTERGOVERNMENTAL PURCHASING ORGANIZATIONS IF THE LEAD AGENCY FOR
 4 THE CONTRACT FOLLOWS PUBLIC BIDDING PROCEDURES.

5 (b) (1) If the cost of any school building, improvement, supplies, or
 6 equipment is more than \$15,000, the county board, at least 2 weeks before bids are to
 7 be filed, shall advertise for bids in [at least one newspaper of general circulation in
 8 the county] A MEDIUM ACCESSIBLE TO THE GENERAL PUBLIC, WHICH INCLUDES:

9 (I) A NEWSPAPER OF GENERAL CIRCULATION IN THE REGION;

10 (II) THE MARYLAND CONTRACT WEEKLY OR COMPARABLE STATE
 11 PUBLICATION; OR

12 (III) AN ELECTRONIC POSTING ON A BID BOARD AND PHYSICAL
 13 POSTING ON THE LOCAL SCHOOL SYSTEM BID BOARD.

14 (2) (i) The county board shall draft specifications that provide a clear
 15 and accurate description of the functional characteristics or the nature of an item to
 16 be procured, without modifying the county board's requirements.

17 (ii) The specifications may:

18 1. Include a statement of any of the county board's
 19 requirements; and

20 2. Provide for the submission of samples, inspection, or
 21 testing of the item before procurement.

22 (3) (i) Except as provided in subparagraph (ii) of this subsection,
 23 specifications that use one or more manufacturer's product to describe the standard of
 24 quality, performance, or other characteristics needed to meet the county board's
 25 requirements, must allow for the submission of equivalent products.

26 (ii) Subparagraph (i) of this paragraph does not apply if the county
 27 board determines in the written specification that:

28 1. A particular manufacturer's product is required to
 29 maintain compatibility of service or equipment;

30 2. A particular manufacturer's product is required to meet
 31 the health needs of students;

32 3. Replacement parts or maintenance are a paramount
 33 consideration, or

34 4. A product is purchased for resale.

1 (c) (1) A contract for the school building, improvements, supplies, or other
2 equipment shall be awarded to the lowest responsible bidder who conforms to
3 specifications with consideration given to:

4 (i) The quantities involved;

5 (ii) The time required for delivery;

6 (iii) The purpose for which required;

7 (iv) The competency and responsibility of the bidder;

8 (v) The ability of the bidder to perform satisfactory service; and

9 (vi) The plan for utilization of minority contractors.

10 (2) The county board may reject any and all bids and readvertise for
11 other bids.

12 (d) (1) In this subsection, the term "minority business enterprise" has the
13 meaning stated in § 14-301 of the State Finance and Procurement Article.

14 (2) In Montgomery County, by resolution and by implementing
15 regulations, the Montgomery County Board of Education shall establish a minority
16 business utilization program to facilitate the participation of responsible certified
17 minority business enterprises in contracts awarded by the Montgomery County Board
18 of Education in accordance with competitive bidding procedures.

19 (E) NONPUBLIC SCHOOLS MAY PARTICIPATE UNDER ANY CONTRACTS FOR
20 GOODS OR COMMODITIES THAT ARE AWARDED BY COUNTY BOARDS, OTHER PUBLIC
21 AGENCIES, OR INTERGOVERNMENTAL PURCHASING ORGANIZATIONS, IF THE LEAD
22 AGENCY FOR THE CONTRACT AWARD FOLLOWS PUBLIC BIDDING PROCEDURES.

23 [(e)] (F) A contract entered into or purchase made in violation of this section
24 is void.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Department shall
26 establish a process, which may include a website, that provides access to information
27 about contracts for goods or commodities held by public agencies or
28 intergovernmental purchasing organizations.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
30 effect October 1, 2002.

BALTIMORE COUNTY PUBLIC SCHOOLS

Joe A. Hairston, Superintendent

6901 Charles Street Towson, Maryland 21204-3711

KEY SCHOOL LEGISLATION February 26, 2002

HB 15 Education - Teacher Salary Signing Bonus - Eligibility Requirements

This bill would alter the eligibility requirement for the teacher-signing bonus to require a grade point average of at least 3.6 on a 4.0 scale or its equivalent from an accredited institution of higher education. Would further increase the teacher salary-signing bonus from the current \$1,000 to \$3,000. Would also alter the amount the teacher must reimburse the State if the teacher fails to meet the three-year commitment from \$1,000 to \$3,000. This enhancement of the existing program is an added incentive to recruitment.

The Board supports HB 15.

HB 51 Education - State Stipends - Eligibility of Library Media Specialists and Reading Specialists

This bill would alter the definition of classroom teacher to include library media specialists and reading specialists to grant library media specialists and reading specialists eligibility to receive specific State stipends.

The Board supports HB 51.

SB 153 Education - Full-Day Kindergarten and Half-Day Pre-Kindergarten Program - Establishment

By the 2007-2008 school year, each county board would be required to establish full-day kindergarten programs in that county. The State Board shall adopt regulations to phase in the implementation by the 2007-2008 school year. This bill would repeal the exemption for kindergarten programs from requirements for minimum days or hours of operation.

This legislation would require the Governor to include \$5 million in the State budget for fiscal years 2004 through 2008 for the establishment of half-day pre-kindergarten programs in each local school system in the State for 4-year-old children who are potentially at risk of failing in school. The school systems may contract with a private provider for the operation of the half-day pre-kindergarten programs, provided that the programs comply in all respects with the laws and regulations governing early childhood and extended elementary education programs.

The Board has voiced its strong support of full-day and pre-kindergarten programs and has expressed that position in a Board Resolution.

The Board has testified in support of the Thornton Commission's Recommendations, which include these provisions. This legislation is expected to be filed in the near future.

SB 169 Teachers' Retirement and Pension Systems - Reemployment of Retired Personnel

This legislation expands the category of employees who may retire and be rehired by a board of education without a penalty in their retirement benefit by adding assistant principals and guidance counselors. If passed, this legislation offers local boards additional staffing options in areas of shortage.

The Board supports SB 169.

SB 186 (HB 701) Education - Children in Out-of-County Living Arrangements - Informal Kinship Care

This legislation would alter the current residency or "domicile" law governing student enrollment. Residency with a guardian would be expanded to be defined as a "relative who exercises care, custody, and control over the child 24 hours a day and 7 days a week" to be referred to as "informal kinship care." Serious family hardships, upon which a superintendent "SHALL" admit a child, are defined. Verification of said "kinship care" is achieved through submission of an affidavit specified in the bill and cites penalties for fraudulent use and notes the superintendent will remove the subject child.

The bill as presented requires no substantiation of the hardships cited, only the presentation of the affidavit.

Staff recommends that the presenter of the affidavit be required to present some evidence of the hardship as a companion requirement for admission, for instance, in the case of the death of a parent of the child, a copy of the death certificate.

The Board recommends that the affidavit language be amended to require supporting documentation of one or more of the hardships in paragraph (c)(IV) of the new language proposed for Section 7-101. If this is not attainable, the "SHALL" in line 22 of page 3 of the bill must be changed to the word "MAY." If some standards of verifiable hardship are not in place, the potential to a return to the conditions that preceded the "domicile" law are significant.

SB 233 (1111 290) Education - Negotiations Between Public School Employers and Employee Organizations

This Administration Bill, through a few brief amendments to current law, completely revises the scope of what may be bargained and negates the role and decisions of the State Board of Education as the arbiter of school labor issues in Maryland. The language, "A PUBLIC SCHOOL EMPLOYER MAY NOT NEGOTIATE ANY MATTER THAT IS PRECLUDED BY APPLICABLE LAW," would have the converse effect of allowing

the many items, declared illegal subjects of bargaining by the State Board, to be bargained. As they are not precluded by "law" but rather by Board decisions, issues such as class size and calendar would be on the table. This safeguard of the scope of collective bargaining being vested with the lay citizen leadership of a State Board of Education is a cornerstone of Maryland education governance.

Additionally, this bill includes language that would allow, in the non-certification section of the law, that the substance of discipline and discharge be an item of bargaining. If it were to be bargained, and a case were at hand, present binding grievance law would allow a third party to decide the discipline or lack thereof that we could enforce.

The Board opposes SB 233(HB 290).

SB 336 (HB 544) Education - Baltimore County - Public School Employees
Under current provisions of the collective bargaining law pertaining to "certificated employees," Baltimore County may have no more than three units. Pursuant to the law, "the public school employer shall determine the composition of the unit." We have one unit composed of teachers, one of elementary and special education school nurses, and a third comprised of administrative and supervisory personnel.

This legislation, proposed by the CASE organization, would codify the composition of that unit to correspond to prior action of the Board of Education of Baltimore County in recognizing a bargaining unit comprised of both certificated and non-certificated personnel.

The sponsor of the bill, Senator Michael Collins, held the bill last year when the fact was raised that though the unit is comprised of administrators, whose jobs require professional educational certification, and others, whose jobs do not (Facilities' supervisors being an example), that the rights under Board Policy for professional personnel were not intended to pertain to administrators whose jobs do not require certification.

Since the 2001 Legislative Session, with the understanding of the sponsor and the superintendent, CASE representatives and staff have worked to develop language to clarify those concerns. That new language appears as lines 19 and 20 on the last page of the bill.

The Board supports SB 336 (HB 544).

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: February 26, 2002

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: HB 1010-Prohibition Against Possession of Portable Pagers on School Property-Reveal in Baltimore County

ORIGINATOR: Dr. J. Hairston, Superintendent

RESOURCE
PERSON(S): George P. Pof, Jr., Assistant to the Superintendent,
Governmental Relations

RECOMMENDATION

That the Board of Education support House Bill 1010 -
Prohibition Against Possession of Portable Pagers on
School Property - Repeal in Baltimore County.

Recent history of the prohibition of portable pagers and cell phones on school property.

GGP: ccm

Appendix I - Recommendation for Approval of HB 1010

Appendix II - HB 1010

Appendix III - Key School Legislation, Current Status of Legislation that the Board Previously Supported or Opposed.

Recommendation for Approval of HB 1010
February 26, 2002

This bill would remove Baltimore County from the state statute prohibiting the possession of portable pagers on school property. The effective date would be October 1, 2002.

Baltimore County was amended out of a bill last Session that would allow local boards the authority to promulgate their own policy and regulations as regards pagers (cell phones).

The Division of Student Support Services is preparing suggested modifications to applicable Policy/Rules or procedures. Upon review by the superintendent, these will be mailed to Board members in advance of the February 26, 2002, Board meeting.

The superintendent recommends Board support of BB 1010.

HOUSE BILL 1010

Unofficial Copy
E3

2002 Regular Session
21r2449

By: Delegates Finifter, Dewberry, Hurson, Minnick, Morhaim, Murphy,
Ports, Redmer, and Zirkin
Introduced and read first time: February 8, 2002
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 Juvenile Law - Prohibition Against Possession of Portable Pagers on School
3 Property - Repeal in Baltimore County

4 FOR the purpose of repealing a prohibition against the possession of portable pagers
5 on public school property in Baltimore County; declaring the intent of the
6 General Assembly; and generally relating to the possession of portable pagers on
7 public school property.

8 BY repealing and reenacting, with amendments,
9 Article - Education
10 Section 26-104
11 Annotated Code of Maryland
12 (2001 Replacement Volume)

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

15 Article - Education

16 26-104.

17 (a) [This section applies only in Baltimore County.] This section applies only
18 in Caroline, Dorchester, Somerset, Talbot, Wicomico, and Worcester counties. This
19 section applies only in Baltimore City.

20 (b) (1) In this section the following words have the meanings indicated.

21 (2) "Portable pager" means any device carried, worn, or transported by
22 an individual to receive or communicate messages.

23 "Public school property" means the grounds of any public school.

24 (c) Except as provided in subsection (d) of this section, an individual may not
25 possess a portable pager on public school property.

2

HOUSE BILL 1010

1 (d) This section does not apply to:

2 (1) Handicapped students using portable pagers for medical reasons;

3 (2) Law enforcement officers;

4 (3) Visitors on public school property for an authorized program,
5 meeting, or function-;

6 (4) Faculty or staff members employed by a county board;

7 (5) Members of any volunteer fire department, ambulance company, or
8 rescue squad, who are designated to possess a portable pager on public school
9 property by the chief of the volunteer fire department, ambulance company, or rescue
10 squad, and the school principal; and

11 (6) Students whose portable pagers are contained in vehicles that are on
12 public school property and are not found to be connected with criminal activity.

13 (e) If an individual violates subsection (c) of this section, the school
14 authorities:

15 (1) On a first offense, may contact a law enforcement officer; and

16 (2) On a second or subsequent offense, shall immediately contact a law
17 enforcement officer.

18 (f) A law enforcement officer contacted by school authorities in accordance
19 with subsection (e) of this section:

20 (1) Shall immediately inquire as to the reasons the individual possesses
21 the pager; and

22 (2) May arrest the violator.

23 (g) Any person who violates subsection (c) of this section is guilty of a
24 misdemeanor and on conviction is subject to a fine not exceeding \$2,500,
25 imprisonment not exceeding 6 months, or both.

26 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
27 General Assembly that the Baltimore County Board of Education, working with the
28 State Department of Education, develop its own local policies regarding the use of
29 portable pagers and cellular telephones on public school property during school hours
30 and, in enacting Section 1 of this Act, it is not the intent of the General Assembly to
31 encourage the use of portable pagers and cellular telephones on public school property
32 during school hours.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
34 effect October 1, 2001

House Bill 1010

A potential modification in Policy 5550, Disruptive Behavior, might be:

A revision, Category I-Examples of offenses which may result in suspension:

Item k. USE OF ELECTRONIC COMMUNICATION DEVICES, SUCH AS A PAGER (BEEPER), PORTABLE TELEPHONE, OR PALM PILOT WITH WIRELESS COMMUNICATION (WHICH ARE NOT PART OF THE EDUCATIONAL PROGRAM) DURING REGULAR SCHOOL HOURS AND/OR WHILE BEING TRANSPORTED ON A BUS. (THE DEVICE MUST BE TURNED OFF AND STORED IN LOCKER, BOOKBAG, AUTO, OR PURSE DURING SCHOOL HOURS AND WHILE BEING TRANSPORTED ON THE BUS.).

BALTIMORE COUNTY PUBLIC SCHOOLS

Joe A. Hairston, Superintendent

6901 Charles Street Towson, Maryland 21204-3711

KEY SCHOOL LEGISLATION February 26, 2002

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This bill would alter the eligibility requirement for the teacher-signing bonus to require a grade point average of at least 3.6 on a 4.0 scale or its equivalent from an accredited institution of higher education. Would further increase the teacher salary-signing bonus from the current \$1,000 to \$3,000. Would also alter the amount the teacher must reimburse the State if the teacher fails to meet the three-year commitment from \$1,000 to \$3,000. This enhancement of the existing program is an added incentive to recruitment.

The Board supports BB 15.

HB 51 Education - State Stipends - Eligibility of Library Media Specialists and Reading Specialists

This bill would alter the definition of classroom teacher to include library media specialists and reading specialists to grant library media specialists and reading specialists eligibility to receive specific State stipends.

The Board supports HB 51.

SB 153 Education - Full-Day Kindergarten and Half-Day Pre-Kindergarten Program - Establishment

By the 2007-2008 school year, each county board would be required to establish full-day kindergarten programs in that county. The State Board shall adopt regulations to phase in the implementation by the 2007-2008 school year. Would repeal the exemption for kindergarten programs from requirements for minimum days or hours of operation.

Would require the Governor to include \$5 million in the State budget for fiscal years 2004 through 2008 for the establishment of half-day pre-kindergarten programs in each local school system in the State for 4-year-old children who are potentially at risk of failing in school. The school systems may contract with a private provider for the operation of the half-day pre-kindergarten programs, provided that the programs comply in all respects with the laws and regulations governing early childhood and extended elementary education programs.

The Board has voiced its strong support of full-day and pre-kindergarten programs and has expressed that position in a Board Resolution.

The Board has testified in support of the Thornton Commission's Recommendations, which include these provisions. This legislation is expected to be filed in the near future.

SB 169 Teachers' Retirement and Pension Systems - Reemployment of Retired Personnel

This legislation expands the category of employees who may retire and be rehired by a board of education without a penalty in their retirement benefit by adding assistant principals and guidance counselors. If passed, this legislation offers local boards additional staffing options in areas of shortage.

The Board supports SB 169.

SB 186 (HR 701) Education - Children in Out-of-County Living Arrangements - Informal Kinship Care

This legislation would alter the current residency or "domicile" law governing student enrollment. Residency with a guardian would be expanded to be defined as a "relative who exercises care, custody, and control over the child 24 hours a day and 7 days a week" to be referred to as "informal kinship care." Serious family hardships, upon which a superintendent "SHALL" admit a child, are defined. Verification of said "kinship care" is achieved through submission of an affidavit specified in the bill and cites penalties for fraudulent use and notes the superintendent will remove the subject child.

The bill as presented requires no substantiation of the hardships cited, only the presentation of the affidavit.

Staff recommends that the presenter of the affidavit be required to present some evidence of the hardship as a companion requirement for admission, for instance, in the case of the death of a parent of the child, a copy of the death certificate.

The Board recommends that the affidavit language be amended to require supporting documentation of one or more of the hardships in paragraph (c)(IV) of the new language proposed for Section 7-101. If this is not attainable, the "SHALL" in line 22 of page 3 of the bill must be changed to the word "MAY." If some standards of verifiable hardship are not in place, the potential to a return to the conditions that preceded the "domicile" law are significant.

SB 233 (HB 290) Education - Negotiations Between Public School Employers and Employee Organizations

This Administration Bill, through a few brief amendments to current law, completely revises the scope of what may be bargained and negates the role and decisions of the State Board of Education as the arbiter of school labor issues in Maryland. The language, "A PUBLIC SCHOOL EMPLOYER MAY NOT NEGOTIATE ANY MATTER THAT IS PRECLUDED BY APPLICABLE LAW," would have the converse effect of allowing

the many items, declared illegal subjects of bargaining by the State Board, to be bargained. As they are not precluded by "law" but rather by Board decisions, issues such as class size and calendar would be on the table. This safeguard of the scope of collective bargaining being vested with the lay citizen leadership of a State Board of Education is a cornerstone of Maryland education governance.

Additionally, this bill includes language that would allow, in the non-certification section of the law, that the substance of discipline and discharge be an item of bargaining. If it were to be bargained, and a case were at hand, present binding grievance law would allow a third party to decide the discipline or lack thereof that we could enforce.

The Board opposes SB 233(BB 290).

SB 336 (HB 544) Education - Baltimore County - Public School Employees

Under current provisions of the collective bargaining law pertaining to "certificated employees," Baltimore County may have no more than three units. Pursuant to the law, "the public school employer shall determine the composition of the unit." We have one unit composed of teachers, one of elementary and special education school nurses, and a third comprised of administrative and supervisory personnel.

This legislation, proposed by the CASE organization, would codify the composition of that unit to correspond to prior action of the Board of Education of Baltimore County in recognizing a bargaining unit comprised of both certificated and non-certificated personnel.

The sponsor of the bill, Senator Michael Collins, held the bill last year when the fact was raised that though the unit is comprised of administrators, whose jobs require professional educational certification, and others, whose jobs do not (Facilities' supervisors being an example), that the rights under Board Policy for professional personnel were not intended to pertain to administrators whose jobs do not require certification.

Since the 2001 Legislative Session, with the understanding of the sponsor and the superintendent, CASE representatives and staff have worked to develop language to clarify those concerns. That new language appears as lines 19 and 20 on the last page of the bill.

The Board supports SB 336 (BB 544).