

Office of the Superintendent of Schools  
MONTGOMERY COUNTY PUBLIC SCHOOLS  
Rockville, Maryland

February 28, 2011

MEMORANDUM

To: Members of the Board of Education  
From: Jerry D. Weast, Superintendent of Schools  
Subject: Recommended Positions on Education Legislation

This memorandum provides you with information regarding proposed legislation that would impact Montgomery County Public Schools (MCPS). Attached is an analysis of each bill, as well as a recommended position.

The bills before you today are listed below. I also have provided the web site where you can find the full text of each bill. To access the text on line, right click each hyperlink.

**Charter Schools**

SB0609 Public Charter Schools - Occupation and Use of School Sites and Buildings  
<http://mlis.state.md.us/2011rs/bills/sb/sb0609f.pdf>

SB0610 Education - Public Charter Schools - Hiring of Certificated Employees  
<http://mlis.state.md.us/2011rs/bills/sb/sb0610f.pdf>

**Construction/Maintenance**

HB0528 Education - Open Space on Public School Property - Planting and Maintaining Gardens  
<http://mlis.state.md.us/2011rs/bills/hb/hb0528f.pdf>

SB0626 Public School Construction Funding Reform Act of 2011  
<http://mlis.state.md.us/2011rs/bills/sb/sb0626f.pdf>

**Fiscal**

HB0869 Education - Maintenance of Effort - Penalty  
<http://mlis.state.md.us/2011rs/bills/hb/hb0869f.pdf>

SB0683 Equity in Education Funding Act of 2011  
<http://mlis.state.md.us/2011rs/bills/sb/sb0683f.pdf>

SB0628 State Health and Retirement Benefits - Public Employees and Retirees  
<http://mlis.state.md.us/2011rs/bills/sb/sb0628f.pdf>

SB0629 Teachers' Retirement and Pension Systems - Local Employer Contributions  
<http://mlis.state.md.us/2011rs/bills/sb/sb0629f.pdf>

**Human Resources**

HB0202 Education - Discrimination Prohibited - Protected Classes  
<http://mlis.state.md.us/2011rs/bills/hb/hb0202f.pdf>

SB0608 Public School Personnel - Grounds for Suspension or Dismissal - Ineffectiveness  
<http://mlis.state.md.us/2011rs/bills/sb/sb0608f.pdf>

### **Reporting**

SB0492 Education - County School Board Budgets - Transparency  
<http://mlis.state.md.us/2011rs/bills/sb/sb0492f.pdf>

SB0676 County Boards of Education - Alien Students  
<http://mlis.state.md.us/2011rs/bills/sb/sb0676f.pdf>

### **Students-Athletics**

HB0364 Student Participation in High School Sports - Academic Requirements  
<http://mlis.state.md.us/2011rs/bills/hb/hb0364f.pdf>

### **Students-Curriculum**

HB0168 Student Health and Fitness Act  
<http://mlis.state.md.us/2011rs/bills/hb/hb0168f.pdf>

HB0386 Education - Tween/Teen Dating Violence (Kristin Marie Mitchell Law)  
<http://mlis.state.md.us/2011rs/bills/hb/hb0386f.pdf>

### **Students-Harassment**

SB0549 Education - Bullying Safety Risks and Health Problems - Parental Information  
<http://mlis.state.md.us/2011rs/bills/sb/sb0549f.pdf>

SB0617 Public Schools - Dating Violence - Policy and Disciplinary Standards  
<http://mlis.state.md.us/2011rs/bills/sb/sb0617f.pdf>

### **Students-Health**

SB0754 State Department of Education - Permanent Hearing Aid Loan Bank Program - Establishment and Operation  
<http://mlis.state.md.us/2011rs/bills/sb/sb0754f.pdf>

### **Students-Other**

HB0500 Public Schools - Extracurricular Activities - Students in Home Instruction Programs  
<http://mlis.state.md.us/2011rs/bills/hb/hb0500f.pdf>

HB0191 Public Schools - Student Attendance - Preventing Chronic Absenteeism  
<http://mlis.state.md.us/2011rs/bills/hb/hb0191f.pdf>

### **Transportation**

SB0369 Education - School Buses - Fire Safety Standards  
<http://mlis.state.md.us/2011rs/bills/sb/sb0369f.pdf>

Staff will continue to monitor proposed legislation. I will bring you recommended positions on those additional bills that will impact the Montgomery County Public Schools.

Attachment

*Charter Schools*

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**SB0609**      **Public Charter Schools - Occupation and Use of School Sites and Buildings**  
**Sponsor**      **Senators Ferguson, Benson, Colburn, Conway, Currie, Kelley, King, McFadden,**  
                         **Montgomery, Pugh, and Young**

**Synopsis**

For the purpose of requiring certain county boards of education to inform certain public charter schools in the county if school sites or buildings have been determined by the county board to be no longer needed for school purposes under certain circumstances; requiring certain county boards to establish certain procedures; prohibiting a public charter school that is occupying and using a certain school site or building from selling, disposing of, or otherwise transferring the school site or building; exempting certain buildings or property occupied and used by a public charter school from certain real property taxes for a certain period of time; and generally relating to public charter schools.

**Analysis**

This bill requires the Board of Education to inform all county public charter schools that a property is available for occupancy and use prior to the property being surplus. Currently, before any property is surplus, the Board must take public action asserting that the property is no longer needed for educational use. Advance notice of any such action is available through meeting agendas and notice of action is posted on the web.

**Recommendation: Support**

**SB0610**      **Education - Public Charter Schools - Hiring of Certificated Employees**  
**Sponsor**      **Senators Ferguson, Benson, Currie, King, McFadden, Pugh, and Young**

**Synopsis**

For the purpose of providing that mutual consent between the county board and charter operator shall govern the hiring of certain qualified and certificated individuals who are working in a public charter school; providing that existing obligations or contract rights may not be impaired by this Act; and generally relating to the hiring of certificated public charter school employees.

**Analysis**

This bill sets forth that public charter school staff be hired through mutual consent between the Board of Education and the charter operator. However, sometimes it is necessary for the superintendent of schools to place staff members who have been involuntarily transferred into vacant positions that exist in schools. This is not done with mutual consent of the principal or staff. The superintendent of schools should maintain this same ability with charter schools.

**Recommendation: Support with Amendment**

*Construction/Maintenance*

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**HB0528**      **Education - Open Space on Public School Property - Planting and Maintaining Gardens**  
**Sponsor**      **Delegates Luedtke, Alston, Carr, Clippinger, Frick, Frush, Ivey, Kaiser, A. Kelly, Kipke, A. Miller, Mizeur, Morhaim, Niemann, S. Robinson, Rosenberg, F. Turner, and Zucker**

**Synopsis**

For the purpose of requiring county boards of education to encourage the use of open space on public school property for a certain purpose; requiring certain county boards to permit the use of certain public school property for certain purposes during certain times by certain groups subject to certain requirements; requiring certain groups to submit certain plans to the county superintendent of schools; requiring certain groups to limit the application of pesticides under certain circumstances; authorizing certain county boards to incorporate the use of school gardens into certain curriculum guides and courses of study; authorizing county boards to use certain produce in school cafeterias in accordance with certain laws and regulations; and generally relating to the use of open space on public school property for the planting and maintaining of school gardens.

**Analysis**

This bill requires Boards of Education to permit the use of “open space” on public school property for planting and maintaining gardens. Currently, the planting of gardens must have the approval of the school principal and the Department of Facilities Management. The issues raised by this legislation are best handled at the local level by each school balancing the site limitations, interest and other factors on a case-by-case basis in coordination with the school principal.

**Recommendation: No Position**

**SB0626**      **Public School Construction Funding Reform Act of 2011**  
**Sponsor**      **Senators Glassman, Colburn, and Forehand**

**Synopsis**

For the purpose of repealing the Interagency Committee on School Construction; altering the authority of the State Superintendent of Schools to approve certain public school construction projects; requiring public school construction funds allocated in the annual budget to be distributed to local boards using a certain formula; etc.

**Analysis**

This bill would transfer the roles and responsibilities of the Interagency Committee on School Construction to the Maryland State Department of Education (MSDE) and allocate school construction dollars proportional to student enrollment. Allocation of construction dollars by formula would be more equitable, however, the Interagency Committee on School Construction is best equipped to provide the necessary supports for school construction.

**Recommendation: Support with Amendment**

*Fiscal*

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**HB0869      Education - Maintenance of Effort - Penalty**  
**Sponsor      Delegates Hixson, Arora, Barkley, Barve, Feldman, Frick, Gilchrist, Kaiser, Luedtke,**  
**A. Miller, Reznik, and F. Turner**

**Synopsis**

Making the imposition of a penalty for a county's noncompliance with specified maintenance of effort provisions for funding public education applicable in a specified fiscal year; waiving the maintenance of effort penalty for fiscal year 2011; and providing for the application of the Act.

**Analysis**

This bill postpones any penalty of the loss of state aid due to non-compliance of a county with the state Maintenance of Effort (MOE) requirement until the succeeding fiscal year. Current law authorizes the Maryland State Board of Education to require the state comptroller to withhold any increase in state aid for the current fiscal year if a county fails to comply with MOE. This bill retains the penalty, but delays its effective date until the succeeding fiscal year.

School systems and students should be held harmless for MOE non-compliance by local governments by requiring the state to transfer from state disbursements or county state aid to school system state aid the amount by which a county failed to meet MOE.

**Recommendation: Support with Amendment**

**SB0683      Equity in Education Funding Act of 2011**  
**Sponsor      Senators Peters and Currie**

**Synopsis**

For the purpose of providing for the calculation of net taxable income for the calculation of certain State aid for education beginning in a certain fiscal year; providing for the allocation of funds for State aid for education resulting from certain calculations; providing for the application of this Act; and generally relating to the determination of net taxable income for purposes of certain State aid for education funding.

**Analysis**

This bill would change the date for calculating net taxable income for the purpose of determining state Foundation aid for schools. Beginning for FY 2013, the date would change from before September 1 to on or before September 1 and November 1. Counties would receive the higher of the two calculations.

The bill would capture income of late filers, whose returns are typically due in October. Because Montgomery County tends to have more than the statewide average of late filers with high incomes, the use of a later date increases the relative wealth of Montgomery County used to calculate state education aid. It should be noted that Montgomery County already receives less aid than would otherwise be the case because of its relative wealth. Staff estimates that for FY 2012, Montgomery County taxpayers will pay approximately \$565 million to support education aid in other Maryland counties, more than it expects to receive in state aid formula programs for its own schools.

**Recommendation: Oppose**

*Fiscal*

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**SB0628      State Health and Retirement Benefits - Public Employees and Retirees**  
**Sponsor      Senator Miller**

**Synopsis**

For the purpose of altering the eligibility requirements for certain individuals to receive health benefits under the State Employee and Retiree Health and Welfare Benefits Program; requiring that on or before a certain date the State discontinue a certain prescription drug benefit plan available to certain retirees; requiring certain local employers to pay a certain portion of certain employer contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; etc.

**Analysis**

This bill creates significant changes to the State Teachers Pension Plan. It shifts a portion of the costs for the State Teachers Plan to local jurisdictions as of July 1, 2012. It changes the eligibility to retire to age 62 and ten years of eligibility service or has at least 92 years of combined age and years of eligibility service for all employees hired as of July 1, 2006. Furthermore, it reintroduces a differentiation of the retirement benefit based on the Social Security Integration Level.

The local employer is responsible for a 2% contribution in FY 2013, 6% in FY 2014, 10% for FY 2015 and 16 respectively, and a rate to be set by the Board of Trustees thereafter. The contribution is based on the aggregate annual earnable compensation of the local employees. The phase in for libraries and community colleges are half the rate of school boards.

**Recommendation: Oppose**

**SB0629      Teachers' Retirement and Pension Systems - Local Employer Contributions**  
**Sponsor      Senators Pipkin and Brinkley**

**Synopsis**

For the purpose of providing for the calculation of a payment of a certain portion of employer contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; requiring counties to pay a certain amount of employer contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; requiring the State to pay, under certain circumstances, a certain portion of certain employer contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; etc.

**Analysis**

This bill requires the counties to pay a share of pension plan contributions for the Maryland State Teachers Pension Plan beginning on July 1, 2012. The amount to be paid is related to the excess amount that the local median salary exceeds the state median salary.

This proposal does not consider the different cost of living impact in different parts of the state that drive teacher and other salaries. It looks at the state median with no adjustment for cost of living.

**Recommendation: Oppose**

*Human Resources*

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**HB0202**      **Education - Discrimination Prohibited - Protected Classes**  
**Sponsor**      **Delegates Kaiser, Bobo, Cane, Carr, Clippinger, Frick, Gutierrez, Guzzone, Hixson, Ivey, Luedtke, McIntosh, A. Miller, Reznik, B. Robinson, Rosenberg, F. Turner, Waldstreicher, Washington, and Zucker**

**Synopsis**

Altering a provision of law relating to discrimination in the employment of teachers in the public schools in the State to conform to other provisions of State law governing discrimination in employment.

**Analysis**

This bill conforms provisions of law relating to discrimination in the employment of teachers to other provisions of the state law. The bill repeals and then reenacts with the amendments, Article—Education 6-104 the Annotated Code of Maryland. The recommended repeal of Article—Education 6-104 the Annotated Code of Maryland and the proposal HB0202 adds areas of nondiscrimination relating to assignment, compensation, promotion, transfer, dismissal, etc. to a protected class (teachers).

**Recommendation: Support**

**SB0608**      **Public School Personnel - Grounds for Suspension or Dismissal - Ineffectiveness**  
**Sponsor**      **Senators Ferguson, Currie, Pugh, and Young**

**Synopsis**

For the purpose of authorizing county boards of education, on the recommendation of the county superintendent of schools, to suspend or dismiss teachers, principals, and certain other public school personnel for ineffectiveness as determined under certain circumstances; declaring a certain intent of the General Assembly; and generally relating to the suspension or dismissal of ineffective public school personnel.

**Analysis**

Currently there are five reasons for dismissal listed in COMAR. This bill adds an additional reason for dismissal of a certificated employee—Ineffectiveness.

Adding a sixth reason for dismissal provides the option to dismiss teachers for being ineffective. Currently, a teacher who is dismissed through the Peer Assistance and Review process is dismissed for incompetence. “Ineffective” may be a more appropriate term.

**Recommendation: Support**

*Reporting*

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**SB0492**      **Education - County School Board Budgets - Transparency**  
**Sponsor**      **Senator Peters**

**Synopsis**

For the purpose of requiring county boards to develop and operate a certain Web site that includes certain information; specifying certain parameters of the Web site; defining a certain term; and generally relating to the development and operation of a searchable Web site by county boards.

**Analysis**

The Montgomery County Public Schools (MCPS) budget is published annually, but does not contain school-level budget data. All school based funds are rolled up to K–12 Instruction. To the extent possible, some school allocated costs are reported in MCPS Schools at a Glance. Providing school-level budget data would require major modification to current reporting structures and would be extremely costly.

**Recommendation: Oppose**

**SB0676**      **County Boards of Education - Alien Students**  
**Sponsor**      **Senators Brinkley, Colburn, Simonaire, and Stone**

**Synopsis**

Requiring each county board of education, on or before March 1 of each year, to make a good faith effort to provide the governing body of the county with the total number of students enrolled in the public school system of the county whose presence in the United States cannot be reasonably documented; and prohibiting a county board from associating a student's race, appearance, language, or name with citizenship or immigration status.

**Analysis**

If adopted, this bill would require a major investigative effort that would impact staff at all schools. Elaborate procedures would need to be developed, including a rigorous appeals process. At issue is whether a local school system has the legal authority and ability to collect data that would tend to support whether a student is lawfully present in the United States. Collecting information on “immigration status” would likely make some immigrant parents so fearful that they would not enroll their children in school and, thus, the protections of the Supreme Court case to provide the benefits of education to immigrant children would be “nullified.”

In 2009, the State Board of Education concluded “... that the impact of illegal immigrant students ... is not a valid public purpose under the ruling and reasoning of *Pyler v. Doe*, 457 U.S. 2002 (1982), which held that the United States Constitution prohibits the State or local government from denying immigrant children the benefit of a public education...” and that federal law would prohibit a local school system from asking for documents regarding lawful status in the United States.

**Recommendation: Oppose**

*Students-Athletics*

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**HB0364      Student Participation in High School Sports - Academic Requirements**  
**Sponsor      Delegate Walker**

**Synopsis**

For the purpose of requiring the State Board of Education to adopt regulations to establish certain academic performance standards that students in public high schools in the State must meet in order to participate in certain high school athletic competitions; requiring the regulations to include certain provisions; requiring county boards of education to allow certain students to participate in certain high school athletic competitions only in accordance with the regulations of the State Board; and generally relating to academic requirements for student participation in high school sports.

**Analysis**

This bill proposes to establish specific statewide academic eligibility applicable to all schools and to all students. The Maryland State Department of Education (MSDE) and the Maryland Public Secondary Schools Athletic Association (MPSSAA) require that all school systems establish standards for athletic participation which assure that students are making satisfactory progress toward graduation. Neither MSDE nor MPSSAA specify precisely what those standards should be. Though the standards are similar from one school system to another, they are not exactly the same.

School systems have established eligibility standards and grading criteria that meet the needs of their students and the community. School systems are unique from one another in many important respects, including their grading criteria. There is little reason to require that all school systems have precisely the same grading criteria and participation standards.

**Recommendation: Oppose**

*Students-Curriculum*

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**HB0168 Student Health and Fitness Act**  
**Sponsor Delegates Walker, Alston, Barnes, Bobo, Boteler, Branch, Braveboy, Bromwell, Burns, Cane, Cardin, Costa, Dwyer, Feldman, Frush, George, Healey, Holmes, Howard, Hubbard, Ivey, Kach, Kipke, Lafferty, Minnick, Mitchell, Oaks, Olszewski, Pena-Melnyk, Proctor, Reznik, Ross, Schuh, Simmons, V. Turner, Valderrama, Vaughn, Waldstreicher, Weir, and Wilson**

**Synopsis**

For the purpose of requiring a public school student in elementary school to be provided a certain minimum level of a program of physical activity each week; requiring that the program of physical activity for a certain category of student be consistent with a certain plan for the student; requiring public elementary schools to designate a certain group to plan and coordinate certain activities; etc.

**Analysis**

MCPS has addressed increasing the physical activity of elementary school students through the newly developed elementary physical education curriculum and by providing the opportunity for physical activity during recess. In elementary schools, up to 50 minutes of physical education instruction per week are recommended, and recess provides students 30 minutes of time to exercise each day. The elementary physical education curriculum provides teachers with resources to meet their students' needs. Additionally, physical education teachers work closely with the adapted physical education instructional specialists to determine accommodations and design appropriate lessons for special needs students.

**Recommendation: Oppose**

**HB0386 Education - Tween/Teen Dating Violence (Kristin Marie Mitchell Law)**  
**Sponsor Delegates Carter, Anderson, Carr, Dumais, Ivey, Love, McComas, Oaks, Pena-Melnyk, Simmons, Stukes, F. Turner, and Walker**

**Synopsis**

For the purpose of requiring the State Board of Education to adopt in the public schools a program to educate students about dating violence on or before a certain date; requiring the program to include education on services provided to victims of dating violence; requiring the program to be started in each public school before a certain grade; altering the definition of "victim of domestic violence" for purposes of certain provisions of law to include a certain person; requiring the Governor to proclaim the first week in February each year "Tween/Teen Dating Violence Education and Awareness Week"; and generally relating to dating violence.

**Analysis**

This bill requires MSDE to develop and implement a program, beginning in Grade 6, to educate students about dating violence. The Comprehensive Health Education Curriculum Framework, aligned with the Maryland State Curriculum, and in a developmentally appropriate context, addresses sexual harassment as a form of violence and identifies skills to overcome or prevent harassment, as well as strategies for identifying trusted adults to notify if harassment occurs. The inclusion of a one-week awareness campaign would impact already limited instructional time. Additionally, the bill, though well intentioned, compromises local school board's autonomy to determine appropriate programs and curriculum.

**Position: Oppose**

*Students-Harassment*

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**SB0549            Education - Bullying Safety Risks and Health Problems - Parental Information**  
**Sponsor            Senators King, Forehand, Garagiola, Montgomery, Peters, Raskin, and Robey**

**Synopsis**

For the purpose of requiring the State Department of Education, in collaboration with the Department of Health and Mental Hygiene, to provide certain information by a certain date to county boards of education relating to certain safety risks and health problems; requiring certain public schools to send certain information to certain parents and guardians; and generally relating to the dissemination of information on the safety risks and health problems associated with bullying.

**Analysis**

This bill requires MSDE to provide information, developed collaboratively with the Department of Health and Mental Hygiene, to county boards of education regarding the health risks associated with bullying. Additionally, it requires local school systems to provide the parents of victims and perpetrators of bullying information about when it is appropriate to contact a health care provider. MCPS is concerned about the safety and well-being of all its students and already provides information to students and families regarding the safety and health risks of bullying.

**Recommendation: No Position**

**SB0617            Public Schools - Dating Violence - Policy and Disciplinary Standards**  
**Sponsor            Senator Manno**

**Synopsis**

For the purpose of adding dating violence to provisions of law requiring the reporting of incidents of certain other conduct by a county board of education; altering the content of a certain form and report, policies, and educational programs to include incidents of dating violence; requiring the State Board of Education to develop, by a certain date, a certain model policy that includes a prohibition on dating violence; etc.

**Analysis**

This bill requires incorporating “dating violence” into the bullying policy, which requires procedures for reporting and investigating such incidents, as well as education awareness efforts and protocols for prevention, intervention, and consequences.

Incidents involving physical, sexual, verbal or emotional abuse that occur on school property, at a school activity or event, on a school bus, or substantially disrupts the orderly operation of a school would be addressed within the context of existing policies and regulations regardless of the circumstances of the incident. While schools provide educational information and support for many aspects of student lives, intimate relationships that are primarily characterized by the expectation of affection are generally outside the scope of the school’s involvement. It is acknowledged that dating violence is a very serious matter in society, but the proposed law does not make clear how one would detect or identify a pattern of behavior that is intended to control one’s dating partner.

**Recommendation: Oppose**

*Students-Health*

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**SB0754**      **Permanent Hearing Aid Loan Bank Program - Establishment and Operation**  
**Sponsor**      **Senators King, Benson, Forehand, Kelley, Madaleno, Montgomery, and Raskin**

**Synopsis**

For the purpose of establishing a permanent Hearing Aid Loan Bank Program in the State Department of Education; providing for the staffing of the Program; establishing the purpose of the Program; requiring the Program to establish a Hearing Aid Loan Bank; etc.

**Analysis**

This bill proposes to establish a permanent Hearing Aid Loan Bank Program at the Maryland State Department of Education (MSDE). Montgomery County Infants & Toddlers Program currently provides Deaf and Hard of Hearing services to children in the birth–3 population. Early identification of hearing loss and fitting of amplification is crucial for developing normal speech and language skills. The diagnosis of a hearing loss is often a shock and many families do not have means to purchase hearing aids, costing approximately \$5,000, in a timely fashion.

**Recommendation: Support**

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*Students-Other*

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**HB0500**      **Public Schools - Extracurricular Activities - Students in Home Instruction Programs**  
**Sponsor**      **Delegates Kach and McDonough**

**Synopsis**

For the purpose of authorizing a public school to allow certain students to participate in certain extracurricular activities under certain circumstances; requiring public schools to give placement priority to certain students over certain students if certain limitations exist; defining a certain term; and generally relating to allowing students in home instruction programs to participate in extracurricular activities sponsored by public schools.

**Analysis**

Currently, students in home instruction programs are not allowed to participate in public school extracurricular activities. This bill allows home-schooled students registered with the county superintendent to participate in certain extracurricular activities under certain circumstances.

Currently, MCPS has more than 2,400 registered home-schooled students—approximately 700 under the supervision of MCPS and the remaining under the supervision of programs registered with MSDE. It is not clear from this legislation if the intent is for all home-schooled students or only those under local supervision to participate in extracurricular activities. Among the areas of concern is the lack of detail regarding what criteria would be used to determine eligibility to participate in extracurricular activities beyond the eligibility to attend the public school; whether or not the home-schooled student would be restricted to participation at their neighborhood school; under what circumstances a school could deny or rescind participation; the appeal right/process for denial of participation; the funding sources for fees and materials required for participation; and insurance and liability coverage.

**Recommendation: Oppose**

*Students-Other*

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**HB0191**      **Public Schools - Student Attendance - Preventing Chronic Absenteeism**  
**Sponsor**      **Delegates Gutierrez, Barkley, Barnes, Bobo, Carr, Carter, Cullison, Feldman, Frick, Frush, Guzzone, Haynes, Holmes, Howard, Hucker, A. Kelly, Kramer, Lee, Luedtke, A. Miller, Mitchell, Nathan-Pulliam, Niemann, Pena-Melnyk, Proctor, Reznik, B. Robinson, S. Robinson, Sophocleus, Stukes, V. Turner, Valderrama, Waldstreicher, and Walker**

**Synopsis**

For the purpose of requiring certain schools to maintain a record of the daily attendance of certain students using a certain identifier, calculate and maintain a certain record of certain student attendance information, and submit a certain report to the county board of education that includes certain student attendance information at certain times each year; requiring each county board of education to calculate and maintain a certain record of certain attendance information; requiring each county board to report certain information to the State Board of Education at least a certain number of times each year; requiring each county board to develop and implement a certain attendance incentive action plan that includes certain information; defining certain terms; and generally relating to tracking and reporting student attendance in public schools.

**Analysis**

This bill would require attendance rate be reported to boards of education on a quarterly basis. Additionally, it requires each LEA develop a plan to encourage regular attendance and implement chronic absenteeism prevention strategies, early intervention strategies, positive attendance campaigns, parental outreach, and student attendance incentives.

Currently, MSDE is responsible for calculating attendance rates, and does so on an annual basis. Local school systems are not equipped to calculate attendance rates.

Moreover, actual reports of attendance are significantly more helpful to schools than reports of rates of attendance. In fact, principals receive, for all students, monthly reports of daily attendance and use the information as warranted. Individual student attendance issues are brought to school problem-solving teams for intervention. Specifically, students who have been absent 10 or more days, lawfully or unlawfully, may be referred to staff or outside agencies for intensive interventions designed to increase regular attendance. Pupil Personnel Workers work with students/families referred to them for attendance/truancy issues.

This bill contemplates schoolwide programs related to attendance. The attendance rate in MCPS is extremely high, and focusing efforts on those who need assistance, rather than schoolwide, is a more effective and efficient use of limited resources.

**Recommendation: Support with amendment**

*Transportation*

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**SB0369      Education - School Buses - Fire Safety Standards**  
**Sponsor      Senator Conway**

**Synopsis**

For the purpose of requiring a school bus to meet certain fire safety criteria; requiring the State Department of Education to adopt certain fire safety regulations for school buses that include certain requirements; requiring certain engine components of certain school buses to meet a certain standard; defining certain terms; providing for the application of this Act; and generally relating to seven school bus fire safety standards.

**Analysis**

This bill introduces fire safety standards gleaned from the furniture (ASTM E 1537) and appliance (UL 94) industries and proposes their application to the manufacture of school buses.

Currently, there are no tests regarding the application of such standards to the automotive industry. What has been tested in the automotive world is already being used in MCPS buses. The standards for the fire safety of components in the engine compartment of buses is required by Federal Motor Vehicle Safety Standard 302 and has been adhered to in the manufacture of all school buses for many years. Engine compartment fire suppression systems are available and the estimated cost is between \$3,500–\$4,500 per bus.

The standard for fire safety of school bus seats is recommended in the 2010 National Standards for School Buses. While not required to do so by any law, MCPS has been purchasing buses with the highest available level of “fire blocking” available for many years. The cost of fire block school bus upholstery is approximately \$500 per bus. This is an option that MCPS already purchases on school buses.

**Recommendation: Oppose**