

MONTGOMERY COUNTY BOARD OF EDUCATION
Rockville, Maryland

March 13, 2012

MEMORANDUM

To: Members of the Board of Education

From: Laura Steinberg, Staff Assistant, Legislative and Inter-Governmental Relations

Subject: Recommended Positions on Education Legislation

This memorandum is to provide you with information regarding proposed legislation that could impact Montgomery County Public Schools (MCPS). Each bill has been analyzed to determine any impact on MCPS, as well as whether or not it is consistent with the legislative platform that was adopted by the Board on November 8, 2011. Attachment A provides recommended positions on bills that are not covered by the platform. Attachment B provides, for your information, a summary of bills that are consistent with the Board's platform and for which no action is needed.

The bills before you today are listed below, including the web site where you can find the full text of each bill. To access the text online, right click each hyperlink. In addition to these bills, I will be bringing to you for your consideration the most current version of any proposed legislation regarding Maintenance of Effort.

Bills with Recommended Positions (Attachment A)

Charter Schools

HB1218

Public Charter Schools - Chartering Authorities, Application Requirements, Employees, and Facility Funding

<http://mlis.state.md.us/2012rs/billfile/HB1218.htm>

HB1217

Public Charter Schools - Chartering Authorities, Application Requirements, and Funding

<http://mlis.state.md.us/2012rs/billfile/HB1217.htm>

Construction/Maintenance

HB1214

Education - Public High Schools - Maximum Student Enrollment Policy

<http://mlis.state.md.us/2012rs/billfile/HB1214.htm>

Construction/Maintenance (Continued)

HB0002/SB0173

Public School Buildings - Carbon Monoxide Detection and Warning Equipment

<http://mlis.state.md.us/2012rs/billfile/hb0002.htm>

<http://mlis.state.md.us/2012rs/billfile/sb0173.htm>

Reporting

HB1110/SB0863

Public Schools – Dating Violence – Kristen Marie Mitchell Law

<http://mlis.state.md.us/2012rs/billfile/HB1110.htm>

<http://mlis.state.md.us/2012rs/billfile/sb0863.htm>

Bills Consistent with Platform (Attachment B)

Curriculum

SB0867/HB1401

State Department of Education - Oral Health Education - Certification and Monitoring

<http://mlis.state.md.us/2012rs/billfile/SB0867.htm>

<http://mlis.state.md.us/2012rs/billfile/hb1401.htm>

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

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Attachments

Charter Schools

HB1218 **Public Charter Schools - Chartering Authorities, Application Requirements, Employees, and Facility Funding**
Sponsor **Delegate Ivey**

Synopsis

For the purpose of authorizing the State Board of Education to be a primary chartering authority for the granting of a charter to a public charter school applicant; providing for the public charter schools granted a charter by the State Board to be independent from the local school system, county, or municipality in which the school is located but to be considered as the local school system for certain purposes; establishing an appeal process when the State Board denies an application to establish a public charter school; authorizing the State Board to issue and renew a charter for a certain period of time under certain circumstances; authorizing employees of a public charter school granted a charter by the State Board to elect to be members of the Teachers' Pension System and to choose to participate in the State Employee and Retiree Health and Welfare Benefits Program or to choose to form a separate health insurance collaborative; authorizing employees of a public charter school granted a charter by the State Board to organize as public employees as an independent bargaining unit and to develop a collective bargaining agreement; authorizing employees of certain public charter schools to choose to continue membership in the Teachers' Pension System or to terminate their membership; authorizing employees of certain public charter schools to continue to participate in the State Employee and Retiree Health and Welfare Benefits Program or to choose to form a separate health insurance collaborative; authorizing the State Department of Education to retain a certain amount of funds allotted for certain public charter schools; requiring certain public charter schools to receive an annual per pupil facilities allotment and prohibiting certain public charter schools from receiving an entire facilities allotment; requiring each county board to compile a list of school sites or buildings that may no longer be needed for school purposes; establishing the Public Charter School Facility Revolving Loan Fund; requiring the Governor to provide a certain amount of money in the State budget for the Fund; specifying the purpose of the Fund; authorizing certain applicants to obtain loans from the Fund; requiring the State Board to administer the Fund and to consider certain factors when evaluating loan applications; specifying loan amounts; requiring the State Board to report certain information to county boards of education each fiscal year; establishing certain requirements for loan repayment; making a certain county governing body or county board of education liable for loan repayment under certain circumstances; requiring the State Board to adopt certain regulations; and generally relating to chartering authorities, application requirements, employees, and facility funding for public charter schools.

Analysis

This bill authorizes the State Board of Education to be a primary chartering authority. A state chartered school would receive federal and state program funds and would be subject to accountability in those areas. LEAs would be required to fund these schools under the same formula as funding a charter school authorized by the LEA; however, the 2% administrative fee typically retained by the LEA would be retained by the State Board. Additionally, the bill establishes a "Public Charter School Facility Revolving Loan Fund" by allocating \$400,000 in the Capital Improvement Program of the public school construction program for the fund. This bill would give responsibility for funding and federal, state, and local accountability to the LEA but no operational or administrative authority or input on selection of school.

Recommendation: Oppose

Charter Schools

HB1217 Public Charter Schools - Chartering Authorities, Application Requirements, and Funding

Sponsors Delegates Ivey and Rosenberg

Synopsis

For the purpose of expanding the purpose of the Maryland Public Charter School Program; expanding the definition of a public charter school; authorizing the State Board of Education to be a primary chartering authority for the granting of a charter to a public charter school applicant; requiring a county board of education or the State Board to take certain actions when reviewing, evaluating, and making a decision on a charter school application; authorizing an initial charter to be granted for a certain time period under certain circumstances; requiring a legally binding performance contract that includes certain items to be executed between a county board or the State Board and a public charter school within a certain time period; exempting a public charter school from certain State education statutes; requiring the State Board and each county board to establish certain offices; authorizing public charter school employees to establish an independent bargaining unit and to develop a collective bargaining agreement; requiring each county board to disburse a certain amount of funds to each public charter school on or before a certain date; requiring transportation funds to be included in the funding provided from each county board; authorizing the State Department of Education to retain a certain amount of funds allotted to certain public charter schools; requiring a county board to offer a certain option to a public charter school when school property is no longer needed by the county board; and generally relating to chartering authorities, application requirements, and funding for public charter schools.

Analysis

This bill proposes under broad and vague conditions, permitting the State Board of Education to be a primary chartering authority for the granting of a charter (under current law only LEAs are chartering authorities); exempting Charter Schools from significant state and local rules; permitting undefined Charter School models and preferences for certain children and charter school staff not afforded to other students in the LEA; extending the term of initial contracts from the current 4 years to 5 years; permitting charter school employees to develop an independent employee organization that may develop a collective bargaining agreement; requiring LEAs to require transportation funds to be included in the funding provided from each county board; and requiring each LEA to establish an office within its system to ensure compliance and implementation of the law and serve as the State Board's liaison for authorizing responsibilities.

Recommendation: Oppose

Construction/Maintenance

HB1214 Education - Public High Schools - Maximum Student Enrollment Policy
Sponsors Delegates Kaiser, Carr, A. Miller, and Stukes

Synopsis

For the purpose of requiring each county board of education on or before a certain date to establish a policy on maximum student enrollment at each public high school within the county board’s jurisdiction; requiring each county board to consider certain items and solicit certain input in establishing the policy; requiring each county board, in consultation with its county governing body, on or before a certain date, to develop and determine the cost of a plan to implement the established policy; requiring each county board on or before a certain date to submit the policy and the implementation plan to certain entities; and generally relating to a maximum student enrollment policy in public high schools.

Analysis

This bill requires each Board of Education to have a policy on the maximum enrollment in each high school. In consultation with its governing body, the BOE must develop and determine the cost of a plan to implement the policy and submit an implementation plan to the Interagency Committee on Public School Construction.

School facility planning in Montgomery County Public Schools (MCPS) is governed by Board of Education Policy FAA, *Long-Range Educational Facilities Planning*, and MCPS Regulation FAA-RA, *Long-Range Educational Facilities Planning*. Regulation FAA-RA provides a preferred range of enrollment for schools as a guide for facility planning and school construction. The preferred range for high schools is stated as 1,000 to 2,000 students. However, the upper end of this range is not considered a maximum enrollment for high schools.

While this bill includes a waiver for situations when the maximum enrollment is exceeded for certain conditions, the process would complicate its efforts to keep pace with enrollment growth in our urbanizing county where there is limited land available for schools. We believe the flexibility to adapt to particular circumstances through the use of a “preferred” range of enrollment versus a “maximum” enrollment for high schools is important.

Recommendation: Oppose

Construction/Maintenance

HB0002 Public School Buildings - Carbon Monoxide Detection and Warning Equipment

SB0173

Sponsor Delegate Glenn

Sponsors Senators Klausmeier, Benson, Montgomery, and Young

Synopsis

For the purpose of requiring the construction or remodeling of certain public school buildings to conform to a certain standard for the installation of carbon monoxide detection and warning equipment for commercial structures; making certain stylistic changes; making this Act an emergency measure; and generally relating to requiring the installation of carbon monoxide detection and warning equipment in public school buildings.

Analysis

This bill requires that the construction or remodeling of a schools comply with provisions of NFPA 720, 2009 edition, that are not applicable to school construction. These provisions cover the installation, location, performance, inspection, testing, and maintenance of CO detection and warning equipment.

The majority of the MCPS new, modernized, or renovated schools are being designed with geo-thermal exchange systems for heating and cooling. Such systems do not incorporate fuel-burning appliances and do not need or require CO detection and warning equipment. In those instances where gas-fired boilers are installed, MCPS currently installs sensors in the boiler rooms for detection of natural gas leakage.

It appears this bill will require MCPS to install, monitor, test, and report on sensors and equipment in some areas of our schools that currently are not monitored for CO. It appears that all sensors will have to be linked to the building's annunciator panel to ensure monitoring and audio/visual alarm activation. Based on currently available information, more certifications are required for installers, maintenance personnel, and station operators.

Recommendation: Oppose

Reporting

HB1110 **Public Schools – Dating Violence – Kristen Marie Mitchell Law**
SB0863
Sponsors **Delegates Kramer, Carter, Arora, Barkley, Carr, Cullison, DeBoy, Dumais, Frick, Frush, Howard, Hucker, Kaiser, A. Kelly, K. Kelly, W. Miller, Reznik, B. Robinson, Simmons, Sophocleus, Stein, Summers, and Valderrama**
Senators **Manno, Colburn, and Montgomery**

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; altering the date by which each county board is required to submit a certain policy to the State Superintendent of Schools; altering certain provisions of law granting certain immunity to certain school employees; altering certain provisions of law relating to the legal rights of certain victims; defining certain terms; and generally relating to dating violence in the public schools.

Analysis

This bill seeks to add “dating violence” to the list of incidents, along with bullying, harassment, and intimidation, that must be reported to the Maryland State Department of Education. It also 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. “Dating violence” is defined as a pattern of behavior in which one person uses the threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control the person’s dating partner.

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 are already addressed within the context of existing policies and regulations regardless of the circumstances of the incident.

Recommendation: Oppose

Proposed Legislation Consistent with 2012 Adopted Legislative Platform

Curriculum

SB0867 **State Department of Education - Oral Health Education - Certification and**
HB1401 **Monitoring**
Sponsor **Senator Conway**
Sponsors **Delegates Oaks, Costa, Frank, Kipke, and Pena-Melnyk**

Synopsis

For the purpose of requiring certain county superintendents to make certain certifications regarding oral health education on or before a certain date each year; requiring the State Department of Education to support and facilitate certain education and develop a process to monitor certain implementation of certain education; requiring the Department to report certain information to the Governor and General Assembly on or before a certain date each year; and generally relating to oral health education in the State.

Analysis

This bill requires oral disease prevention and dental health promotion be taught in the schools. It is the role of the State Board of Education to make such decisions.

Recommendation: Oppose