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TO: Members of the Maryland State Board of Education
FROM: Nancy S. Grasmick *Nancy*
DATE: February 22, 2011
RE: State Legislative Update

PURPOSE:

The purpose of this item is to provide a legislative update and status report of issues relative to education legislation that are currently before the 2011 General Assembly. Please find attached a synopsis of significant legislation that has been introduced since your last State Board meeting.

EXECUTIVE SUMMARY:

I have asked Ms. Renee Spence to briefly update the members of the State Board of Education on the significant legislation that has been introduced during the 2011 session, as well as to review the attached legislation with you for possible action.

Attachment 1 is a synopsis for your review and discussion only. Attachment 2 is the legislative proposals that have been introduced relative to Charter Schools in Maryland. Attachment 3 includes legislation which may require the State Board of Education to discuss and consider further action.

If you have any questions, please feel free to contact me or Ms. Renee Spence at 410-767-0469. As always, thank you for your continuous help and support.

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Attachments

Attachment 1

Synopsis of significant legislation for review and possible discussion only.

HB 386/SB 667 Tween/Teen Dating Violence (Kristin Marie Mitchell Law)

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

HB 448/SB 615 Residential Boarding Education Programs for At-Risk Youth - Funding

Requiring the Governor to appropriate specified funds to the State Department of Education to cover the transportation, boarding, and administrative costs of residential boarding education programs for at-risk youth; limiting the total amount of funds to an amount adequate to fund 400 students per fiscal year; and defining terms.

SB 282 Family Day Care Providers - Amnesty Period - Repeal

Repealing obsolete provisions of law relating to an amnesty period for unregistered family day care providers.

SB 284 High School Graduation Records-Collection, Maintenance, Analysis, and Reporting

Altering the Maryland high school graduation rate formula and ethnic and racial categories in the formula to be consistent with specified federal regulations and guidelines; defining "four-year adjusted cohort"; and repealing an annual reporting requirement.

SB 315/HB 932 Building Opportunities for All Students and Teachers (BOAST) in Maryland Tax Credit

Providing a tax credit against the State income tax for contributions made to an eligible educational scholarship organization or an eligible innovative educational organization; requiring the State Department of Education to administer the tax credit; requiring specified entities to submit an application to be an eligible organization by January 1 of each year; establishing the Building Opportunities for All Students and Teachers Reserve Fund; etc.

SB 358/HB 1088 Local Education Agencies, Community Colleges, and Public Libraries - Employer Pension Contributions

Authorizing the State Department of Education, rather than the State Retirement Agency, to conduct audits on local school systems and public libraries to determine if the employer contributions for State pension benefits have been paid appropriately to the State Retirement and Pension System; etc.

SB 474/HB 191 Public Schools - Student Attendance - Preventing Chronic Absenteeism

Requiring public schools to maintain a record of the daily attendance of students in kindergarten through 12th grade using a specified identifier, calculate and maintain a record of specified attendance information, and submit a report to the county board of education that includes specified student attendance information for each grading period each year; requiring each county board to calculate and maintain a specified record of countywide student attendance information; etc.

SB 489/HB 38 Nonpublic Schools Accepting State Funds - Bullying, Harassment, and Intimidation - Policies

Requiring nonpublic schools that accept State funds to adopt by March 31, 2012, a policy prohibiting bullying, harassment, and intimidation; requiring the policy to include specified provisions; encouraging nonpublic schools to develop the policy in consultation with specified groups; encouraging nonpublic schools to publicize the policy in a specified manner; providing that specified employees who report acts of bullying, harassment, or intimidation are not civilly liable under specified circumstances; etc.

SB 492/HB 644 County School Board Budgets - Transparency

Requiring each county board of education to develop and operate a single searchable Web site that is accessible to the public and includes annual school budget data; etc.

SB 495/HB 937 Education - State Aid - Grant to Limit Decreases in Funding

Requiring the State to provide a specified grant to a county board of education if specified funding provided to a county board decreases by a specified amount; and requiring a study on the adequacy of education funding to include the impact on State funding of declining enrollments in specified local school systems.

SB 549/HB 685 Bullying Safety Risks and Health Problems - Parental Information

Requiring the State Department of Education, in collaboration with the Department of Health and Mental Hygiene, to provide specified information by a specified date to county boards of education relating to specified safety risks and health problems; requiring specified schools to send specified information to specified parents and guardians; etc.

SB 617/HB 812 Dating Violence - Policy and Disciplinary Standards

Adding dating violence to provisions of law requiring the reporting of bullying, harassment, and intimidation by a county board of education; specifying who may report incidents of dating violence; requiring specified forms, reports, policies and educational programs to include incidents of dating violence; etc.

SB 683/HB 704 Equity in Education Funding Act of 2011

Providing for the calculation of net taxable income for the calculation of specified State aid for education; providing for the allocation of funds for State aid for education resulting from specified calculations; etc.

SB 771 Student-Athletes - Concussions

Requiring the State Department of Education, in collaboration with specified organizations and individuals, to develop policies and implement a program to provide awareness on the nature and risk of concussions; requiring county boards of education to provide a specified information sheet to specified individuals; requiring the removal from play of specified athletes; prohibiting the return to play of specified athletes until specified conditions are met; etc.

Attachment 2

Charter School legislation for your review.

SB 123/HB 231 Public Charter School Facility Revolving Loan Fund

<http://mlis.state.md.us/2011rs/billfile/sb0123.htm>

Establishing the Public Charter School Facility Revolving Loan Fund; stating the purpose of the Fund; authorizing specified applicants to obtain loans from the Fund; requiring the State Board of Education to administer the Fund and to consider specified factors when evaluating loan applications; specifying loan amounts; requiring the State Board to report specified information to county boards of education each fiscal year; specifying provisions relating to loan repayment; requiring the State Board to adopt regulations; etc.

SB 609/HB 530 Public Charter Schools - Occupation and Use of School Sites and Buildings

<http://mlis.state.md.us/2011rs/billfile/sb0609.htm>

Requiring a county board of education to inform 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 specified circumstances; requiring a county board to establish a specified procedure; prohibiting a public charter school occupying and using a school site or building from selling, disposing of, or otherwise transferring the school site or building; etc.

SB 610/HB 526 Public Charter Schools - Hiring of Certificated Employees

<http://mlis.state.md.us/2011rs/billfile/SB0610.htm>

Providing that mutual consent between the county board and the charter operator shall govern qualified and certificated individuals working in a public charter school; and providing that existing obligations or contract rights may not be impaired by the Act.

SB 449/HB 792 Baltimore City Public School System - Charter Management Organizations - Amendments to Collective Bargaining Agreements

<http://mlis.state.md.us/2011rs/billfile/SB0449.htm>

Authorizing in Baltimore City charter management organizations and the employees who work at specified public charter schools in Baltimore City to amend the provisions of an existing collective bargaining agreement if 80% or more of the employees at the particular public charter school approve the amendment; requiring the charter management organization to propose and present the amendments to the employees and to inform specified public school personnel of the amendments; etc.

HB 1067 Public Charter Schools - Appeals, Policies, and Regulations

<http://mlis.state.md.us/2011rs/billfile/hb1067.htm>

Requiring an appeal of a decision by a county board of education to deny an application for a public charter school to be heard de novo by the State Board of Education; requiring each county board to develop a charter school policy that is consistent with specified regulations, includes specified criteria, and is reviewed and approved by the State Board; requiring the State Board to adopt specified regulations that establish specified criteria, guidelines, and procedures regarding public charter schools; etc.

Attachment 3

The State Board of Education may want to discuss and consider taking positions on several of these proposals.

SB 167/HB 470 Tuition Charges - Maryland High School Students

<http://mlis.state.md.us/2011rs/billfile/sb0167.htm>

Establishing that specified individuals, other than specified nonresident individuals, shall be exempt from paying nonresident tuition at specified public institutions of higher education under specified circumstances; requiring specified individuals to provide documentation regarding Maryland income tax withholding; and requiring the governing board of each public institution of higher education to adopt specified policies.

SB 275 Educational Programs - Implementation Date

<http://mlis.state.md.us/2011rs/billfile/sb0275.htm>

Changing to July 1, 2012 the date by which the Department of Education shall develop and implement juvenile services educational programs for specified residential facilities of the Department of Juvenile Services.

SB 608/HB 525 Grounds for Suspension or Dismissal - Ineffectiveness

<http://mlis.state.md.us/2011rs/billfile/sb0608.htm>

Authorizing county boards of education, on the recommendation of the county superintendent of schools, to suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other professional assistant for ineffectiveness as determined under specified circumstances; declaring the intent of the General Assembly; etc.

SB 776 Parent Empowerment Act of 2011

<http://mlis.state.md.us/2011rs/billfile/sb0776.htm>

Authorizing specified parents and legal guardians of students attending public schools that are subject to corrective action and are not making adequate yearly progress to petition county boards of education to implement specified interventions based on improving academic achievement or student safety; requiring county boards to notify the State Superintendent of Schools and the State Board of Education of the receipt and disposition of specified petitions; etc.

SB 775 Adult Education and Literacy Services - Transfer to Maryland State Department of Education

<http://mlis.state.md.us/2011rs/billfile/sb0775.htm>

Transferring adult education and literacy services functions administered by the Department of Labor, Licensing, and Regulation to the State Department of Education; designating the State Board of Education the sole agency in the State responsible for administering and supervising policy and funding for adult education and literacy; requiring the State Department of Education to be responsible for the development of a specified State plan and submission of the plan to the federal Department of Education; etc.

SB 776 Parent Empowerment Act of 2011

<http://mlis.state.md.us/2011rs/billfile/sb0776.htm>

Authorizing specified parents and legal guardians of students attending public schools that are subject to corrective action and are not making adequate yearly progress to petition county boards of education to implement specified interventions based on improving academic achievement or student safety; requiring county boards to notify the State Superintendent of Schools and the State Board of Education of the receipt and disposition of specified petitions; etc.

HB 401 Public Institutions of Higher Education - Tuition - Undocumented Aliens

<http://mlis.state.md.us/2011rs/billfile/hb0401.htm>

Prohibiting public institutions of higher education from classifying individuals as residents of the State eligible for in-State tuition unless the individuals provide documentation that certifies them as being lawfully present in the United States; requiring each public institution of higher education to use a specified federal program to verify that specified individuals are lawfully present in the United States; etc.

HB 500 Extracurricular Activities - Students in Home Instruction Programs

<http://mlis.state.md.us/2011rs/billfile/hb0500.htm>

Authorizing a public school to allow students in home instruction programs to participate in specified extracurricular activities under specified circumstances; requiring public schools to give placement priority to enrolled students if there are a limited number of spaces available for students in extracurricular activities; defining "extracurricular activity"; etc.

HB 525 Grounds for Suspension or Dismissal - Ineffectiveness

<http://mlis.state.md.us/2011rs/billfile/hb0525.htm>

Authorizing county boards of education, on the recommendation of the county superintendent of schools, to suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other professional assistant for ineffectiveness as determined under specified circumstances; declaring the intent of the General Assembly; etc.