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TO: Members of the Maryland State Board of Education
FROM: Nancy S. Grasmick *Nancy*
RE: Legislative Update
DATE: February 24, 2009

PURPOSE:

The purpose of this item is to provide an overview of the significant legislation that has been introduced thus far during the 2009 session of the Maryland General Assembly.

EXECUTIVE SUMMARY:

I have asked Ms. Renee Spence to briefly update the members of the State Board of Education (SBOE) on pending legislation for your review and discussion. Please find attached several pieces of legislation which may require the SBOE to decide whether to take a formal position or not.

Attachment 1 is provided for review purposes only—these proposals were presented during the January 2009 SBOE meeting.

Attachment 2 is the most current legislation that has been introduced and I have asked Ms. Spence to highlight the most significant bills during her presentation.

During the SBOE meeting you asked Ms. Spence to provide for you information on **Senate Bill 41 Higher Education-Tuition Charges-Maryland High School Students (Attachment 3)**. Since that time a companion bill has been introduced in the House, **House Bill 612** and is scheduled for a hearing on February 24, 2009 before the Ways and Means Committee. I have asked Mr. South and Ms. Spence to call the members of the SBOE prior to this upcoming hearing for further discussion on this legislation. Also, I am enclosing the fiscal note from the 2008 legislation (**Attachment 4**) which provides extensive background information relative to the history of this legislation.

Ms. Renee Spence has spoken to staff at the Maryland Higher Education Commission for their position on **Senate Bill 41/House Bill 612**. During previous sessions they have taken no position on this legislation. The University of Maryland system is currently monitoring this legislation. This proposed legislation effects Section 15-106.7 of the Education Article for Public Institutions of Higher Education. The Maryland State Department of Education has taken no position on this legislation in previous sessions deferring to the Maryland Higher Education Commission as the lead agency.

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The last attachment (**Attachment 5**) are the legislative proposals that I have asked Ms. Spence to discuss in more detail with you.

HB 792 Collective Bargaining - Topics of Negotiation
SB 340 High School Diploma – GED Options Program
SB 569 Collective Bargaining – Topics Of Negotiation
SB 857 Public High Schools and Public High School Students - Revisions and Requirements
SB 879 Gwendolyn Britt Student Health and Fitness Act
SB 903 High School Assessment - Graduation Requirement - Prohibition

As always, thank you for your continuous guidance and support. If you have any further questions, please feel free to call me or Renee Spence at 410-767-0462.

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Attachments

Attachments can be located at <http://www.mlis.state.md.us/#bill>

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Synopsis 1

Bill #	House Bills
HB 20	<p>Intellectual Disability (Rosa's Law) Changing references to mental retardation to an intellectual disability; changing references to a mentally retarded individual to an individual with an intellectual disability; renaming State residential centers for the mentally retarded to be State residential centers for individuals with an intellectual disability; renaming an intermediate care facility for the mentally retarded (ICF-MR) to be an intermediate care facility for individuals with an intellectual disability (ICF-ID); altering definitions; etc.</p>
HB 26	<p>Public Schools - Children with Anaphylactic Allergies - Reduction of Risk Requiring principals of public schools that have children attending the schools who have been identified as having anaphylactic allergies to take specified actions to reduce specified risks; requiring school principals to monitor specified files; requiring the monitoring of individualized health plans; etc.</p>
HB 43/ SB 29	<p>Talbot County - School Buses - Length of Operation Increasing to 15 years the length of time a school bus may be operated in Talbot County.</p>
HB 73	<p>Education - Floating Teacher Pilot Program Establishing the Floating Teacher Pilot Program in Baltimore City and in Montgomery and Prince George's Counties; requiring specified boards of education to select three underperforming schools to participate in the Pilot Program; requiring the State Department of Education to reimburse specified boards for the cost of implementing the Program; requiring the Department to report on the effectiveness of the Floating Teacher Pilot Program by December 31, 2011; etc.</p>
HB 100/ SB 165	<p>Budget Bill (Fiscal Year 2010) Making the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 2010, in accordance with Article III, Section 52 of the Maryland Constitution; etc.</p>
HB 101/ SB 166	<p>Budget Reconciliation and Financing Act of 2009 Altering or repealing specified required appropriations and grants; altering provisions relating to State aid to local governments and local sharing of specified costs; authorizing the transfer of specified funds to the General Fund; authorizing the use of specified funds for specified purposes; etc</p>
HB 110/ SB 21	<p>Dorchester County - School Bus Length of Operation - Sunset Repeal Repealing the termination date for a provision of law that allows school buses to be operated in Dorchester County for 15 years.</p>
HB 112	<p>Dorchester County Board of Education - Annual Election of Board Officers Altering the date of the annual election of officers of the Dorchester County Board of Education.</p>
HB 120/ SB 140	<p>Task Force to Study How to Improve Financial Literacy in the State - Membership Extending the reporting and termination provisions relating to the Task Force to Study How to Improve Financial Literacy in the State; altering the composition and staffing of the Task Force; etc.</p>
HB 122	<p>Calvert County – School Personnel – Employee Service Or Representation Fee Authorizing the Calvert County Board of Education to negotiate with the public school employee organization a service or representation fee to be charged to nonmember school employees for representing them in negotiation; requiring the Board to negotiate with the public school employee organization a reasonable service fee to be charged nonmember school employees for specified purposes; etc.</p>

Bill #	Senate Bills
SB 15	<p>School Construction - Pedestrian and Bicycle Trail Enhancements - Funding Requiring the Board of Public Works to include pedestrian and bicycle trail enhancements as an approved public school construction or capital improvement cost; requiring the Board to adopt specified regulations; limiting the aggregate amount the Board may approve each fiscal year for specified pedestrian and bicycle trail enhancements; authorizing local governments to use specified highway user revenues for sidewalk construction; specifying State policy regarding sidewalks, footpaths, and bicycle trails; etc.</p>
SB 16	<p>Baltimore City and P. G. County - Organization of Parents and Teachers Renaming the Parent-Teacher Association Matching Fund Pilot Program to be the Organization of Parents and Teachers Matching Fund Pilot Program; clarifying the purpose of the Program and the eligibility for the Program; requiring a report to be submitted to the Senate Education, Health, and Environmental Affairs Committee; etc.</p>
SB 24	<p>Public Schools - State Aid for School Construction - Planning and Design Costs Requiring the Board of Public Works to include the cost of planning and design as an approved public school construction or capital improvement cost; requiring the Board of Public Works, at the recommendation of the Interagency Committee on School Construction, to adopt specified regulations; etc.</p>
SB 35	<p>Creation of a State Debt - Talbot County - Family Support Center Authorizing the creation of a State Debt not to exceed \$250,000, the proceeds to be used as a grant to the County Council of Talbot County for the acquisition, planning, design, and construction of the Family Support Center, located in Easton; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; etc.</p>
SB 41	<p>Higher Education - Tuition Charges - Maryland High School Students Establishing that specified individuals, other than specified nonresidents, 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 appropriate policies.</p>
SB 100	<p>Public Schools and Child Care Centers - Artificial Color Additives - Prohibition Prohibiting public schools and child care centers from purchasing, selling, using, or serving food products containing or consisting of specified artificial color additives on or after July 1, 2010; authorizing the State Board of Education to adopt regulations; providing that child care centers may serve specified foods containing or consisting of specified artificial color additives under specified circumstances; etc.</p>
SB 111	<p>Public Health - Food Allergen Labeling - Vending Machines Requiring the operator of a vending machine to include any information required under the federal Food Allergen Labeling and Consumer Protection Act of 2004 on the exterior of the vending machine; etc.</p>
SB 121	<p>Mandatory Reporting Of Children In Contact With Persons Convicted Of Child Sexual Abuse Requiring specified professionals to notify the local department of social services or the appropriate law enforcement agency if the professionals have reason to believe that a parent, guardian, or caregiver allows a child to reside with or regularly associate with a specified individual; specifying exceptions; describing the information that is to be included in a specified report; providing for the receipt and investigation of a report that a child is at substantial risk of abuse or neglect;</p>

SB 124	OFFICE OF ADMINISTRATIVE HEARINGS – CONTESTED CASES – TIME LIMIT Decreasing from 90 days to 45 days the time limit by which the Office of Administrative Hearings is required to complete specified procedures in contested cases delegated to the Office by a State agency.
SB 139	Education - High School Assessment Requirement Prohibiting the State Board of Education from including the passing of statewide, mandatory, curriculum-based examinations or assessments in public high school graduation requirements; etc.
SB 189	Vehicle Laws - School Buses and Former School Buses - Seat Belts Clarifying that a Type I school vehicle is not required to be equipped with seat belts and is not subject to specified regulations if it is used by specified schools, camps, day nurseries, or day care centers to transport children; and establishing that a motor vehicle that was formerly registered as a Type I school vehicle is not required to be equipped with seat belts and is not subject to specified regulations under specified circumstances; etc.

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Bill #	House Bills
HB 183	<p>Lottery For Schools Act Of 2009 Requiring the Comptroller to distribute 25% of specified lottery proceeds to public school systems for classroom staff and instructional materials; requiring that 75% of specified lottery proceeds be distributed to the General Fund of the State and used for the Bridge to Excellence in Public Schools Program; etc.</p>
HB 184/ SB 234	<p>Maryland's Preschool For All Business Plan Requiring the State Department of Education to consult with and accept comments from county superintendents and local governing bodies regarding the Maryland's Preschool for All Business Plan before preparing and publishing a final version of a specified Business Plan; and requiring the Department to submit to the Governor and General Assembly a copy of a final report that includes specified information on or before a specified date.</p>
HB 201	<p>Student Discipline - Alternative Education Program In any county that has a juvenile justice alternative education program, authorizing a juvenile court to order a student who is suspended, expelled, or identified as a candidate for suspension or expulsion from school to attend that program; and terminating the Act at the end of June 30, 2012.</p>
HB 205	<p>Public Schools - Mandatory School Uniforms Requiring that each county board of education develop a county school uniform policy; requiring that the county board establish the policy in consultation with specified persons; requiring the State Superintendent of Schools to adopt specified regulations; requiring that conformance with and enforcement of the uniform policy comply with specified regulations and laws; and requiring the State Superintendent to develop specified standards, appropriate procedures, and guidelines</p>
HB 306	<p>Interstate Compact On Educational Opportunity For Military Children Establishing, through an Interstate Compact with specified member states, the Interstate Compact on Educational Opportunity for Military Children for specified purposes.</p>
HB 322	<p>State Library Resource Center Altering the minimum allocations per resident that the State Library Resource Center shall receive for operating and capital expenses in specified fiscal years; etc.</p>
HB 323	<p>Texting While Driving Ban Of 2009 Prohibiting the use of a wireless communication device to write, send, or read a text message while operating a motor vehicle; establishing exceptions to the prohibition; and providing that specified use of a wireless communication device does not constitute writing, sending, or reading a text message under the Act.</p>
HB 339	<p>Maintenance Of Effort – Slots Revenue Requiring that expenditures from the Education Trust Fund to primary and secondary education be in addition to State general funds provided for State aid for education;</p>
HB 342	<p>Education Trust Fund – Use Of Funds Requiring that expenditures from the Education Trust Fund be additional funding for public elementary and secondary education, community colleges, and public senior higher education institutions and not supplant any existing funding;</p>

HB 348	A. A. Co.– Board Of Student Member Scholarship Establishing a \$5,000 scholarship for a student member of the Anne Arundel County Board of Education who completes a full term; and providing that the Act does not apply to the incumbent student board member. Preliminary analysis: local government mandate
HB 350	Wash. County Board of Education-President and Members Salary Increasing the salary of the president of the Washington County Board of Education to \$6,200; increasing the salary of other members of the county board to \$6,100; and providing that the Act does not apply to the salary or compensation of an incumbent president or member of the county board.
HB 365	Adult Education And Literacy Grants Requiring the Department of Labor, Licensing, and Regulation to provide competitive adult education grants beginning in fiscal year 2011 for specified eligible adult education providers; requiring that funding for State adult education grants shall be provided in the State budget; providing for the manner of calculation of the amount of a specified State adult education grant available for each county for distribution to specified adult education providers;
HB 379	Reporting Requirement – Class Size Requiring the State Department of Education to develop a uniform data collection method to track the number of students who regularly participate in a classroom teacher’s class by the beginning of the 2012–2013 academic year; requiring the method to reflect the number of these students in a classroom teacher’s class as of September 30 of each year; requiring each county board of education to implement the method and report the results to the Department on or before December 1 of each year;
HB 383/ SB 393	Managing For Results – Evidence–Based Practices Requiring the Department of Health and Mental Hygiene, the Department of Human Resources, the Department of Juvenile Services, and the State Department of Education to submit to the Department of Budget and Management descriptions of the use of evidence–based practices; requiring that the descriptions include specified items;
HB 478	Task Force On Public Health Risks Linked To Bullying Creating the Task Force on Public Health Risks Linked to Bullying; providing for the composition, chair and subcommittee chairs, and staffing of the Task Force; providing that a member of the Task Force may not receive compensation but may be reimbursed for specified expenses; and requiring the Task Force to conduct hearings, review data and studies, and develop guidelines or make recommendations; etc.
HB 505/ SB 139	High School Assessment Requirement Prohibiting the State Board of Education from including the passing of statewide, mandatory, curriculum–based examinations or assessments in public high school graduation requirements;
HB 508	Physical Education Facilities Requiring the State Department of Education to adopt regulations that require newly designed or constructed public schools occupied after January 1, 2012, to include a gymnasium and support spaces for physical education instruction and to adopt guidelines for facilities for physical education programs.
HB 509	Harassment – Electronic Communications Altering an existing prohibition against using electronic mail with the intent to harass; prohibiting a person from making an electronic communication with the intent to harass a person or the person’s immediate family; etc.
HB 587	Teacher Identification Number Authorizing the State Department of Education to assign a unique identification number to each teacher employed in the public schools in the State; requiring that the identification number meet specified requirements; and limiting the use of the teacher identification number to specified educational purposes.

HB 588	Numbering System Authorizing the State Department of Education to develop a standardized course numbering system to facilitate the collection of data on student participation in courses offered in the public schools; authorizing each county school system to adopt the standardized course numbering system on a voluntary basis; and requiring a specified county school system to provide a translation of course numbers under specified circumstances.
HB 623	Biannual Financial Status Report Requirement Repealing the requirement that a local superintendent of schools or chief executive officer of a local school system file a biannual report on the financial status of the local school system; and requiring a local school system with a financial deficit to include specified information in an annual financial status report.
HB 630	Restore Respect at School Act Denying eligibility for a specified subtraction modification and specified tax credit allowed against the State income tax to specified parents or guardians if their dependent child does not meet specified school discipline and attendance requirements; requiring the State Board of Education to adopt specified regulations that provide a process for determining ineligibility;
HB 632	New Teachers - Classroom Management Training Requiring that new teachers receive classroom management training before teaching in the public schools; and requiring the State Board of Education to adopt specified regulations.
HB 633	Employee Leave - Parent-Teacher Conferences Authorizing employees of specified employers that provide leave with pay to use leave with pay to attend parent-teacher conferences under specified circumstances; authorizing employees of specified employers that do not provide leave with pay to use leave without pay to attend parent-teacher conferences under specified circumstances; limiting the cumulative amount of leave that can be used each calendar year under the Act;
HB 694	Special Education Services - Children in a Home School Setting Requiring that a child with a disability in a home school setting be given the same consideration as a child with a disability in a private school setting for the purpose of passing through federal funds for the provision of specified federally authorized special education services; and defining "child in a home school setting."
HB 709	Children's Environmental Health Protection Act Requiring each county board to adopt a health and safety program that includes specified plans; requiring a hazardous substance removal plan to contain specified provisions; requiring a fire and life safety code repair plan to contain specified provisions; requiring a facility and equipment violation plan to contain specified provisions; requiring a health, safety, and environmental management plan to require the use of environmentally preferable cleaning and maintenance products;
HB 792	Collective Bargaining - Topics of Negotiation Including the discipline and discharge of an employee for just cause and employee transfers and assignments among the matters about which a public school employer must meet and negotiate with a specified employee organization on request; and repealing the public school employer's authority to negotiate due process for discipline and discharge with a specified employee organization under specified circumstances.
SB 234	Maryland's Preschool For All Business Plan – Final Report Requirements Requiring the State Department of Education to consult with and accept comments from county superintendents and local governing bodies regarding the Maryland's Preschool for All Business Plan before preparing and publishing a final version of a specified Business Plan; and requiring the Department to submit to the Governor and General Assembly a copy of a final report that includes specified information on or before a specified date.

SB 235	Mdk12 Digital Library Establishing the MDK12 Digital Library in the Maryland State Department of Education; establishing a steering committee within the MDK12 Digital Library; establishing the membership of the steering committee; establishing the membership of the MDK12 Digital Library, subject to specified limitations; etc.
SB 241	Suspension And Expulsion Procedures – Attendance Prohibiting a principal from suspending or expelling a student from school solely for attendance-related offenses.
SB 257	Interstate Compact On Educational Opportunity For Military Children Establishing, through an Interstate Compact with specified member states, the Interstate Compact on Educational Opportunity for Military Children for specified purposes.
SB 315	Task Force on the Correlation Between Population Size of Middle and High Schools Establishing a Task Force on the Correlation Between Population Size of Middle and High Schools and Academic Achievement; establishing the membership and staffing of the Task Force; providing for the designation of the chair of the Task Force; requiring the Task Force to evaluate and make policy recommendations regarding specified issues; requiring the Task Force to submit a report to the Governor and the General Assembly on or before December 1, 2010; etc.
SB 340	High School Diploma – GED Options Program Requiring the State Board of Education to establish a GED Options Program that provides specified students with an alternative course for obtaining a high school diploma beginning August 1, 2009; providing for specified Program requirements; requiring students enrolled in the GED Options Program to be counted in the average daily attendance of a local school system; and requiring the State Board to adopt specified regulations.
SB 356	Family Day Care Homes And Child Care Centers – Emergency Preparedness Plans Requiring family day care providers and child care centers to have emergency preparedness plans for emergency situations that require evacuation or protection of children; requiring these plans to include relocation sites, evacuation routes, procedures for notifying parents, procedures to address the needs of children with special needs, and procedures for communicating with local emergency management boards; etc.
SB 404	Public Schools – Physical Education Facilities Requiring the State Department of Education to adopt regulations that require newly designed or constructed public schools occupied after January 1, 2012, to include a gymnasium and support spaces for physical education instruction and to adopt guidelines for facilities for physical education programs.
SB 409	Office Discipline Referrals-Accountability Policy Requiring the State Board of Education to develop by March 31, 2010, a model policy for accounting for all office discipline referrals submitted in public schools; requiring the model policy to include specified information; requiring county boards of education to establish policies to account for office discipline referrals submitted in schools; requiring accountability policies established by county boards of education to include specified components;
SB 414	Maryland Quality Ratings And Improvement System For Child Care Programs Requiring the State Department of Education to establish the Maryland Quality Ratings and Improvement System (QRIS) on or before July 1, 2011; establishing requirements for the Maryland QRIS; clarifying the purpose of the Maryland QRIS; requiring the Department to use existing State and federal resources to fund the Maryland QRIS; allowing the funds used for the implementation of the Maryland QRIS to be used for specified purposes;

SB 500	Prince George’s County – Board Of Education – Financial Literacy Curriculum Content Requiring the Prince George’s County Board of Education to develop curriculum content for a semester-long course in financial literacy; requiring the curriculum content to include instruction in choosing a career, earning an income, saving and investing money, credit, and budgeting; and requiring students to complete a course in financial;
SB 569	Collective Bargaining – Topics Of Negotiation Including the discipline and discharge of an employee for just cause and employee transfers and assignments among the matters about which a public school employer must meet and negotiate with a specified employee organization on request; and repealing the public school employer’s authority to negotiate due process for discipline and discharge with a specified employee organization under specified circumstances.
SB 857	Public High Schools and Public High School Students - Revisions and Requirements Requiring the State Department of Education to develop a data collection system for students who graduate from high school in 3 years, 4 years, or 5 years; requiring the State Board of Education to report the reasons students opt to take the GED; requiring county boards of education to partner with community colleges in order to offer a 50% discount on tuition to students who take college courses while still in high school; etc.
SB 861	Higher Education Funding Model for Maryland Act of 2009 Setting funding, performance, and financial aid goals for specified Maryland higher education institutions; repealing specified State funding goals; requiring funding proposals for regional higher education centers to be calculated using a specified funding strategy; providing that a program should be developed that promises to cover a specified percent of financial need for specified students; etc.
SB 879	Gwendolyn Britt Student Health and Fitness Act Requiring each local school system to develop and implement an annual physical fitness measurement program; establishing specified program elements for the fitness measurement programs; requiring the State Department of Education to take specified steps to support the establishment of the fitness measurement programs; requiring the Department to establish an Advisory Council on Health and Physical Education; providing for the membership of the Advisory Council; etc.
SB 903	High School Assessment - Graduation Requirement - Prohibition Prohibiting the State Board of Education from including the passing of statewide, mandatory, curriculum-based examinations or assessments in its requirements to graduate from a public high school in the State for students graduating in the 2008-2009 school year; making the Act an emergency measure; and providing for the termination of the Act.