

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

March 8, 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

HB1067 Education - Public Charter Schools - Appeals, Policies, and Regulations
<http://mlis.state.md.us/2011rs/bills/hb/hb1067f.pdf>

Construction/Maintenance

HB0650 County Boards of Education - Green Product Cleaning Supplies - Written Policies
<http://mlis.state.md.us/2011rs/bills/hb/hb0650f.pdf>

Fiscal

SB0316 Property Tax - Charter Counties - Education Funding
<http://mlis.state.md.us/2011rs/bills/sb/sb0316f.pdf>

Human Resources

HB0895 Public Schools - Substitute Teachers - Qualifications, Training, and Study
<http://mlis.state.md.us/2011rs/bills/hb/hb0895f.pdf>

Other

HB1081 Education - Public Schools - Petitions for Intervention
<http://mlis.state.md.us/2011rs/bills/hb/hb1081f.pdf>

SB0776 Parent Empowerment Act of 2011
<http://mlis.state.md.us/2011rs/bills/sb/sb0776f.pdf>

Reporting

HB0751 Agriculture - Jane Lawton Farm-to-School Program - Reporting
<http://mlis.state.md.us/2011rs/bills/hb/hb0751f.pdf>

Students-Curriculum

SB0825 Education - Development and Review of Content Standards for Chess Instruction

<http://mlis.state.md.us/2011rs/bills/sb/sb0825f.pdf>

Students-Enrollment

HB0977 Public Schools - Enrollment and Transfer - Parental Decision

<http://mlis.state.md.us/2011rs/bills/hb/hb0977f.pdf>

Students-Health

HB1062 Public Schools - Meal Menus - Nutrition Information

<http://mlis.state.md.us/2011rs/bills/hb/hb1062f.pdf>

Transportation

HB0462 Vehicle Laws - Overtaking and Passing School Vehicles - School Bus Monitoring Cameras

<http://mlis.state.md.us/2011rs/bills/hb/hb0462f.pdf>

HB1106 Vehicle Laws - Overtaking and Passing School Vehicles - School Bus Monitoring Cameras

<http://mlis.state.md.us/2011rs/bills/hb/hb1106f.pdf>

SB0679 Vehicle Laws - Overtaking and Passing School Vehicles - School Bus Monitoring Cameras

<http://mlis.state.md.us/2011rs/bills/sb/sb0679f.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

HB1067 **Education - Public Charter Schools - Appeals, Policies, and Regulations**
Sponsor **Delegates Ivey, Afzali, Glass, Murphy, Rosenberg, Ross, and Walker**

Synopsis

For the purpose of 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 certain regulations and includes certain specific criteria; requiring the charter school policy to be reviewed and approved by the State Board and to be available on the State Board's Web site; etc.

Analysis

The bill allows the State Board of Education to use a de novo standard of review for denial of charter school applications by county boards. The current standard of review that gives deference to local school board decisions is appropriate because local school systems are uniquely situated to understand the multifaceted and complex constellation of factors that must be considered in approving a charter application. It would in essence create a second unduly burdensome process whereby school systems would be required to conduct an extensive process to consider the feasibility of a charter school applicant's proposal and if applicant is not approved be faced with an exhaustive litigation process. A de novo standard of review would foster litigation by encouraging denied applicants to take "a second bite of the apple" regardless of the merit of their proposal. By using a de novo review standard the local school system's judgment would be substituted with the judgment of the State Board, which is an abrogation of local school system authority.

Recommendation: Oppose

Construction/Maintenance

HB0650 **County Boards of Education - Green Product Cleaning Supplies - Written Policies**
Sponsor **Delegates Murphy, Kipke, Bohanan, Costa, Fisher, Frick, Frush, George, Gilchrist, Healey, Howard, Hubbard, Ivey, Jameson, Luedtke, Mizeur, Myers, O'Donnell, Ross, Schuh, Walker, Wilson, and Wood**

Synopsis

For the purpose of requiring a county board of education to adopt certain written policies relating to the procurement of green product cleaning supplies subject to certain exceptions; etc.

Analysis

This bill requires that Boards establish written procurement policies for the purchase of green cleaning supplies. Currently, requirements for procurement of green cleaning products are included in the Division of School Plant Operations (DSPO) Green Cleaning Plan. The bill is sufficiently flexible to allow for exceptions to purchasing green cleaning products. In such cases, the bill requires that annual notification be made to the state if we are not compliant. Chemical information lists for schools/offices are provided in accordance with reporting requirements to the Maryland State Department of Education (MSDE) and the Maryland Occupational Safety and Health (MOSH) annually. These lists can include notations to highlight the cleaning products that cannot meet the green criteria.

Recommendation: Support

Fiscal

SB0316 Property Tax - Charter Counties - Education Funding
Sponsor Senator Madaleno

Synopsis

For the purpose of authorizing a county council in a charter county, for a certain purpose under certain circumstances, to set a property tax rate that is higher than the rate authorized under the county's charter or to collect more property tax revenues than are authorized under the county's charter, notwithstanding any provision of a county charter that places certain limits on that county's property tax rate or revenues; requiring a county to appropriate to the local board of education certain revenues and prohibiting a county from reducing certain funding to the local board of elections under certain circumstances; etc.

Analysis

This bill authorizes a county council to set property tax rates higher than authorized under its county charter. Any county setting a rate higher than permitted by its charter must appropriate the higher revenue exclusively for public school purposes. Counties are barred from reducing revenue for schools from other sources to compensate for the higher amount of property tax revenue. This bill appears to be directed at the Tax Reform Initiative by Marylanders (TRIM) amendment to the Prince George's County charter which forbids the county to increase property tax rates above 96 cents per \$100 of assessed valuation. Although the Montgomery County Fairness in Taxation (FIT) charter amendment limits property tax revenue, the County Council has authority by nine votes to override the limitation. The bill appears to permit the Montgomery County Council to bypass the FIT limit by a simple majority vote.

Recommendation: Support

Human Resources

HB0895 Public Schools - Substitute Teachers - Qualifications, Training, and Study
Sponsor Delegates Kaiser, Barkley, Carr, Healey, Hucker, Luedtke, Nathan-Pulliam,
B. Robinson, and V. Turner

Synopsis

For the purpose of requiring each county board of education to establish certain qualifications for substitute teachers employed by a county board; requiring a county board to require each substitute teacher to complete a certain orientation and training program; requiring county boards to train certain school administrators in certain issues related to substitute teachers; requiring a county superintendent to develop a certain in-service training program; requiring the State Department of Education to commission a certain study regarding substitute teaching in the state; requiring the study to include certain data; requiring the Department to submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to qualifications, training, and a study of substitute teachers in public schools.

Analysis

The bill calls for classroom teachers to be trained on how to utilize substitutes and for the county to develop a substitute teacher resource kit. Currently, the Montgomery County Public Schools (MCPS) has established specific qualifications for substitute teachers. The Office of Human Resources and Development (OHRD) provides an orientation program for substitute teachers. The current orientation program includes information related to classroom management, learning strategies, school safety, and teacher professionalism. Staff from OHRD and the Department of Safety and Security provide relevant information. All substitutes are fingerprinted.

In addition, through the Montgomery County Education Association (MCEA) negotiated agreement, there are designated training days provided for substitutes. Substitute teachers may participate in continuing professional development (CPD) courses on a space available basis. In addition, any substitute who has worked at least 45 days in a previous semester is eligible to enroll in various professional development experiences as the budget allows. Substitute teachers are offered seven hours of training. OHRD provides this professional development.

There is no need to train administrators on best practices in recruiting and retaining substitute teachers. MCPS has a long waiting list for candidates who would like to substitute for the system. In addition, all substitutes are screened and interviewed by OHRD. As negotiated with MCEA, MCPS substitute teachers with a Maryland professional certificate are paid at a higher hourly rate, this helps to ensure that more substitutes teaching core academic subjects are highly qualified.

Recommendation: Oppose

Other

HB1081 Education - Public Schools - Petitions for Intervention
Sponsor Delegates Bates, Aumann, Elliott, Hough, Kipke, McDonough, and W. Miller

Synopsis

For the purpose of authorizing certain 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 certain interventions; requiring county boards to notify the State Superintendent of Schools and the State Board of Education on receipt and of final disposition of certain petitions; requiring county boards to make certain determinations in a certain manner within a certain time frame; requiring county boards to designate interventions other than the options requested by certain petitions under certain circumstances; requiring county boards to notify the State Superintendent and the State Board that certain interventions have substantial promise of enabling certain schools to make adequate yearly progress; requiring certain students to have the option of receiving a certain scholarship in a certain amount for a certain time period; requiring certain funds to be calculated in a certain manner; requiring certain counties to include certain students in their full-time equivalent enrollment; requiring the State Board to adopt certain regulations; prohibiting the expansion of certain regulatory authority regarding certain private schools; defining certain terms; and generally relating to authorizing parents of students attending public schools that are subject to corrective action to petition county boards of education for an intervention.

Analysis

This bill enables parents with students attending schools in corrective action and not making adequate yearly progress to petition their Board of Education (BOE) to implement one of three specific interventions, if over 50 percent of the parents or legal guardians of students attending a public school, or a combination of more than 50 percent of the parents or legal guardians of students attending the school and the elementary or middle schools that normally matriculate into the middle or high school if there is evidence of improving student achievement. Additionally, if a school was petitioned to be an “educational choice model,” the BOE would have to provide scholarships for students to attend any private or other public school outside of county schools.

Currently, the State Board of Education requires schools in the corrective action stage of improvement to identify one or two *No Child Left Behind Act of 2001* (NCLB) corrective action reforms and supporting action steps. These reforms are identified with the assistance of the individual school leadership team, including parents and the central office staff. Reform actions are based on a thorough root cause analysis supported by system data, teacher perceptions, and student and parent voices. Parents are engaged in the intervention model for the school through the school improvement teams and are an essential party in creating the school improvement plans.

This bill does not clarify what will happen to a school that has implemented the parent-petitioned choices, nor does it speak to how long a student would receive scholarship money to attend another school, once their home school is out of corrective action.

Recommendation: Oppose

Other

SB0776 Parent Empowerment Act of 2011
Sponsor Senator Ferguson

Synopsis

For the purpose of authorizing certain 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 certain interventions based on accomplishing certain improvements; requiring county boards to notify the State Superintendent of Schools and the State Board of Education on receipt and of final disposition of certain petitions; etc.

Analysis

This bill would enable parents with students attending schools in corrective action and not making adequate yearly progress to petition their Board of Education (BOE) to implement one of 15 specific alternative governance interventions. Most of these interventions are already stated in the *No Child Left Behind Act of 2001* (NCLB). The interventions allowing for the payment of incentives or additional salary is not identified as a reform action in NCLB.

Currently, the State Board of Education requires schools in the corrective action stage of improvement to identify one or two NCLB corrective action reforms and supporting action steps that are to be implemented and monitored during the current school. These reforms are identified with the assistance of the individual school leadership team, which parents participate on, and the central office staff. Currently, our reform actions are selected based upon a thorough root cause analysis using the Teacher Capacity Needs Assessment supported by system data, teacher perception, and student and parent voices. Parents are engaged in the intervention model for the school through the school improvement teams and are an essential party in creating the school improvement plans.

Recommendation: Oppose

Reporting

HB0751 **Agriculture - Jane Lawton Farm-to-School Program - Reporting**
Sponsor **Delegates Luedtke, Barkley, Carr, Frick, Kaiser, S. Robinson, Rosenberg, and Waldstreicher**

Synopsis

Requiring each local educational agency participating in the Jane Lawton Farm-to-School Program to report by January 1 each year to the Department of Agriculture the types and amounts of farm products purchased from farms in the state.

Analysis

This bill requires each local educational agency participating in the Jane Lawton Farm-to-School Program to report by January 1 each year to the Department of Agriculture the types and amounts of farm products purchased from farms in the state. MCPS currently celebrates the Farm-to-School Program every year in September. MCPS collects and provides specific information pertaining to produce obtained from specific local farms to schools. Reporting to the Department of Agriculture is unnecessary.

Recommendation: Oppose

Students-Curriculum

SB0825 **Education - Development and Review of Content Standards for Chess Instruction**
Sponsor **Senators Currie, Raskin, and Simonaire**

Synopsis

For the purpose of authorizing the State Department of Education to develop and review content standards for chess instruction in public schools; authorizing county boards of education to implement certain instruction in certain schools under certain circumstances; and generally relating to the implementation of chess instruction in the public schools in the state.

Analysis

This bill permits MSDE to develop contents standards for chess instruction but does not require LEA's to implement the curriculum. Chess is currently offered as a club in several elementary, middle, and high schools. While chess is a worthwhile activity for students, there is no need for state curriculum. America's Foundation for Chess has developed a research-based and tested curriculum, First Move, a supplement using "chess as a learning tool to teach higher level critical thinking skills, advance math and reading skills, behavioral and social skills, and build self-esteem in students." Current scholastic chess curriculum exists as a supplemental year-long program supporting the concurrent development of academic skills, and can be used in a way that best supports the needs of students in each school.

Recommendation: Oppose

Students-Enrollment

HB0977 **Public Schools - Enrollment and Transfer - Parental Decision**
Sponsor **Delegates Olszewski, Aumann, Barnes, Bates, Boteler, Branch, Bromwell, Cardin, Clagett, Clippinger, DeBoy, Elliott, Frank, George, Glass, Guzzone, Haddaway-Riccio, Healey, Hershey, Hixson, Howard, Impallaria, Kipke, Luedtke, McMillan, A. Miller, Minnick, Myers, O'Donnell, B. Robinson, Rosenberg, Ross, Schuh, Schulz, Serafini, Smigiel, Stocksdale, Stukes, Summers, Walker, Weir, and Wood**

Synopsis

For the purpose of authorizing the parent or guardian of a student eligible for enrollment in certain public schools to decide to enroll the student in a public school in the county other than the public school to which the student was assigned by a county board of education beginning in a certain school year; requiring a county board to publish certain classroom seat information on or before a certain date each year; requiring certain classroom seats to be open to certain students on a space-available basis; requiring certain schools to enroll and admit certain students on a lottery basis under certain circumstances; requiring each county board to develop and adopt a certain process on or before a certain date; authorizing certain students to attend certain schools for a certain period of time; requiring a certain parent or guardian to sign a certain form regarding the transportation of a certain student; providing that certain provisions of law may not be construed to affect certain students who enroll or transfer schools under other provisions of law or a certain federal law; and generally relating to a parent or guardian's decision to enroll or transfer a student in public schools.

Analysis

This bill requires all school systems have a student transfer system based on available classroom seats and administration of lotteries when more students want to go to a particular school than there are available seats. This bill does place the transportation responsibility on the parents.

This bill conflicts with MCPS student transfer policies, as well as the guiding principles behind these policies. MCPS is committed to maintaining diverse schools. In addition, MCPS strongly embraces and supports the concept of neighborhood schools to build and encourage local school communities and increase parent and family involvement in the education process.

This bill would present complicated challenges including implementation of a lottery system for all schools. It creates unrealistic timelines for determining numbers of available seats. Current COSA deadlines would have to be changed and strictly adhered to, which is difficult given the nature of unforeseen hardships and mobility of students. MCPS has developed guidelines to address the complicated situations that occur around students attending paired schools. The bill would effectively undo all of the guidelines established by MCPS. The bill provides for transferred students to attend a school until the student completes all grades of the school.

Recommendation: Strongly Oppose

Transportation

HB0462 **Vehicle Laws - Overtaking and Passing School Vehicles - School Bus Monitoring Cameras**
Sponsor **Delegate Hogan**

HB1106 **Vehicle Laws - Overtaking and Passing School Vehicles - School Bus Monitoring Cameras**
Sponsor **Delegate Hucker**

SB0679 **Vehicle Laws - Overtaking and Passing School Vehicles - School Bus Monitoring Cameras**
Sponsor **Senators Brinkley, Madaleno, Middleton, Rosapepe, and Young**

Synopsis

Authorizing a county board of education, in consultation with a local law enforcement agency, to place school bus monitoring cameras on county school buses for the purpose of recording motor vehicles committing violations relating to overtaking and passing school vehicles; requiring a school bus operator to give a recording of the violations to a local law enforcement agency; etc.

Analysis

This is enabling legislation that allows photo/video evidence to be used to issue tickets to motorists who pass stopped school buses. MCPS began installing outside cameras on new school buses placed in service for the 2010–2011 school year in anticipation of the passage of this bill.

Recommendation: Support