



Legislative Committee Meeting  
ML2  
February 18, 2009 – 3:00 p.m.

Committee: Janet Siddiqui, Chairman; Frank J. Aquino; Sandra H. French  
Staff: Raymond H. Brown, CFO

Attendees: Janet Siddiqui, Frank J. Aquino, Sandra H. French, Raymond H. Brown  
Staff: Kathy Hanks

Item	Subject	Discussion	Action/Status	Follow-up
			<ul style="list-style-type: none"> <li>• House Bill 274 – Task Force on the Correlation Between Population Size of Middle &amp; High Schools &amp; Achievement – oppose</li> <li>• HB205 Public Schools- Mandatory School Uniforms – oppose</li> <li>• HB505 High School Assessment Requirement – oppose</li> <li>• SB404 – Public Schools PE Facilities &amp; SB379 Task Force to Study the County &amp; Municipal Revenue Structure: It was recommended the Board support these with amendments.</li> </ul>	<p>2. HB588 – Public Schools - Standardize Course Numbering System – MSDE will support this. Mr. Brown will monitor this bill and keep the committee informed.</p> <p>HB587 – Teacher Identification Number – Mr. Brown will monitor this bill and keep the committee informed.</p>

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			<ul style="list-style-type: none"> <li>• SB409 Public Schools – Office Discipline Referrals-Accountability Policy – oppose</li> <li>• SB235 Education – MDK12 Digital Library – support</li> <li>• HB845 Tween/Teen Dating Violence Education and Awareness - oppose</li> <li>• SB241 Suspension &amp; Expulsion Procedures- Attendance –Related Offenses &amp; 138 – oppose</li> <li>• HB306 Interstate Compact on Educational Opportunity for Military Children - support</li> </ul>	

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			<ul style="list-style-type: none"> <li>• SB315 Task Force on the Correlation Between Population Size of Middle and High Schools and Academic Achievement – oppose</li> <li>• HB621 Prevailing Wage Rate Law (Bates) - support</li> <li>• SB462 Prevailing Wage Rate Law (Kittleman) – support</li> <li>• HB1094 Equity in Education for 2009 that was introduced by Prince George’s County was discussed in detail. It was recommended the Board support with an amendment.</li> </ul>	

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<b>Item</b>	<b>Subject</b>	<b>Discussion</b>	<b>Action/Status</b>	<b>Follow-up</b>
		3. State Pensions	3. Mr. Brown will bring the bills that discuss pensions and recommend opposing because it is consistent with the Board platform.	
IV	Scheduling	The next meeting will be held on March 4, 2009 at 3:30 p.m. in ML2		
V	Adjournment	4:05 p.m.	By consensus	



Pg/Ln	Section	Provision	Concern
15/12-13	6-510 (b)(1) & (b)(2)	Adds "discipline and discharge for just cause" as a mandatory subject of bargaining for noncertificated employees, replacing "due process for discipline and discharge" as a permissive subject.	Currently "due process for discipline and discharge" is a permissive subject specifically identified for noncertificated employees. In conjunction with the binding interest arbitration provision, this would likely result in the opportunity for outside arbitrators to make employment and dismissal decisions in most or all counties in Maryland.
<b>Impasse Procedure – Mediation, Binding Interest Arbitration</b>			
6/1-4	6-408 (c)(4)	Removes the prohibition against raising permissive subjects not mutually agreed to in any action taken to resolve an impasse.	Allows a union to make proposals related to permissive subjects and then take them through the impasse procedure even if the employer never agreed to negotiate on them. Then allows an outside arbitrator to decide whether or not to include the proposal in a contract.
15/24-27	6-510 (c)(4)		
6/12-16	6-408 (d)(1)	Removes responsibility for determination of impasse from the State Superintendent of Schools.	Either party can unilaterally require initiation of the impasse procedure without ever having to engage in good serious bargaining.
15/31-33	6-510 (d)(1)		
7/1-7	6-408 (e)(1)	Requires initiation of mediation procedures after 30 calendar days of negotiations if demanded by either party.	Requiring mediation after such an arbitrary period of time upon demand of one party is expensive and counter-productive. Currently the State Superintendent can determine that negotiations should continue on request of either party or based on the facts alone.
16/25-31	6-510 (e)(2)		
8/3-7	6-408 (f)(1)	If mediation does not result in agreement within 25 days, either party may request (and get) final and binding arbitration.	Establishes mandatory binding interest arbitration for all school system negotiations as a matter of State law and policy. Either party may demand binding interest arbitration at any time and it must occur.
17/25-29	6-510 (f)(1)		
8/27-29	6-408 (f)(6)	Arbitrator considers "every term or condition of employment in dispute and the ... last and best offer" of each party on that item.	This provision removes any incentive for the parties to reach agreement on anything less than the "ideal solution."
18/17-19	6-510 (f)(6)		
9/1-14	6-408 (f)(8)	The arbitrator shall: (iii) Administer oaths; (iv) Issue subpoenas for documents and other tangible evidence. (v) Issue subpoenas to compel the testimony of witnesses.	The required structure makes it clear that the arbitration process is intended to be adversarial rather than an attempt to resolve legitimate differences and solve problems.
18/23 to 19/5	6-510 (f)(8)		

Pg/Ln	Section	Provision	Concern
9/15 to 10/2 19/6-23	6-408 (f)(8)(vii) 6-510 (f)(8)(vii)	The arbitrator considers: 1. conditions in comparable surrounding and out-of-state jurisdictions; 2. Interests and welfare of the public and reasonable interests of the employees; 3. Value to the public of services; 4. Value of collaborative programs. 5. Ability of Board of Education and county to fund the proposals and other personnel costs paid by the county.	While there are standards in this proposed legislation, there are none related to the interests of students or to the interests of proper and effective management of the school system and the resources of the county. Nothing requires consideration of the educational policy and goals of the school system, or of the relative importance of negotiations proposals compared to other priorities of the school system.
10/11-14 20/1-4	6-408 (f)(12) 6-510 (f)(12)	Arbitrator must sustain the "last and final offer" of one of the two parties for each issue that is included in the impasse.	Could result in very expensive items that the Board would be required to include in its budget, and provisions that could have a very adverse impact on the education of students. Nothing in the proposed law requires any consideration of impact on students or impact on other programs.
10/15-23 20/5-13	6-408 (13)&(14) 6-510 (13)&(14)	Arbitrator's finding is: I. Final and binding on the BOE and the exclusive representative II. Self-executing mandate on BOE and county government. (14) subject to provisions concerning fiscal relationship between BOE and county government.	The "mandate" on the county government appears to be in conflict with the language concerning the fiscal relationship. The proposed law appears to bind the county government as well as the Board of Education. In any event, there is no provision for review of any kind.
<b>Binding Arbitration on Scope of Bargaining / Interpretation of the Law / Unfair Labor Practices</b>			
11/1-9 20/22-30	6-408 (g)(1) & (2) 6-510 (g)(1)&(2)	There is separate binding arbitration for disputes concerning: (i) Application or interpretation of the bargaining law; (ii) The duty to bargain; (iii) Alleged unfair labor practice.	A series of outside arbitrators will make binding decisions concerning the proper application of the law and the proper relationship between the employer and the exclusive representative.
12/10-12 22/1-3	6-408 (g)(6)(vii) 6-510 (g)(6)(vii)	Arbitrator decides all disputes, including matters of procedure and the scope of the arbitration.	The outside arbitrators, individually and separately, make all decisions concerning scope of bargaining for public schools in Maryland and the relationship between the Boards of Education and Unions.
12/15-18 22/6-9	6-408 (g)(7) 6-510 (g)(7)	Prior State Board of Education decisions do not constitute binding precedent.	All previous State Board rulings concerning scope of bargaining and good faith bargaining standards are invalidated and made null and void by the legislation.

Pg/Ln	Section	Provision	Concern
12/24-28	6-408 (g)(10)	Arbitrator's ruling on interpretation of the law is: -final and binding on both parties	A series of outside arbitrators, without the benefit of previously made decisions, and without consideration of how any issue relates to educational policy in the local school system or in the State, make all decisions regarding scope of bargaining and good faith bargaining. By wiping the slate clean, the legislation would guarantee a flood of very expensive challenges and reconsideration of previously decided issues. There will also be numerous other challenges, each decided separately and without the need to consider what any other arbitrator has decided, perhaps on an identical issue.
22/15-19	6-510 (g)(10)	-a self-executing mandate on the parties	