

THE AEL ADVOCATE

The Legislative Newsletter of the Association of Educational Leaders

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Welcome

Welcome to the first issue of THE AEL ADVOCATE. THE AEL ADVOCATE will be published monthly, providing information and insight into issues relevant to AEL before the Board of Education, the County Council and the Maryland Legislature, when in session. Periodically, potential contract negotiation topics will be analyzed from a legal standpoint as well. An informed AEL is a strong AEL, certainly a necessity in these times.

The AEL/BOE Negotiated Agreement: CAN WE NEGOTIATE THAT?

The Maryland Code is the source for the formula of what can and what cannot be a topic for negotiation. All matters that are related to "salaries, wages, hours, and other working conditions" are mandatory subjects for bargaining. All matters that are related to the determination or implementation of school policy or the administration of the school system, including, but not limited to the school calendar and maximum class size are prohibited. The union and the Board can agree to negotiate other items that are not mandatory, as long as they are not prohibited. These items are sometimes referred to as permissive subjects for bargaining.

Unfortunately, almost any topic can be construed as related in some way to "salaries, wages, hours, and other working conditions" (mandatory) and almost any topic can be construed as related in some way to the "administration of the school system" (prohibited). The negotiation of retiree health insurance is an example of this conflict, the Board's position being that it is prohibited, the unions, that it is allowed. Who is the ultimate authority? Read the article to the right.

Negotiation of Retiree Health Insurance Benefits

By Barbara Kovelant

The Board of Education has refused to negotiate retiree health insurance benefits as part of TAAAC and AEL's respective negotiated agreements, claiming that it is a prohibited subject for negotiation. Both TAAAC and AEL disagree with the Board on this matter and are considering challenging the Board's position. Unfortunately, according to prevailing law, the unions cannot seek judicial intervention immediately in resolving this dispute at this point in time.

The Education Article of the Maryland Code gives statutory authority to the State Board of Education to interpret the meaning of the provisions of the Education Article, including the sections defining the mandatory, prohibited and mutually agreed upon ("permissive") subjects for contract negotiation between the BOE and the unions. Courts have consistently held that the determination of whether a particular topic must be or may be a subject of negotiation is, for this reason, within the sole province of the State Board. Courts will review the ruling of the State Board on appeal, but will only overturn the ruling if it is found to be arbitrary and capricious, a difficult burden to meet.

Due to the foregoing, unions must, therefore, approach the State Board first on this issue. This could be in the form of a request for an Opinion on whether retiree health insurance benefits are a proper subject of negotiation, and if so, whether they are mandatory or permissive in nature. Another option would be to attempt to negotiate the retiree insurance benefit during contract negotiation and if denied, appeal the denial to the State Board. If the denial is upheld by the State Board, the unions can then appeal to the Circuit Court, but the Court rarely overturns the State Board due to the arbitrary and capricious standard which must be met. Ultimately, however, even if we can convince the Board to negotiate retiree health insurance benefits, the benefits as negotiated, would not survive the expiration of the Agreement, so the longevity of the bargaining after retirement would not be guaranteed.

Board of Education Business

Technology Update

The AACPS Technology Division made a presentation to the BOE at the September 3, 2008 Board Meeting, highlighting the new technology support structure, emerging classroom technologies and the newly developed “Student Testing Information Dashboard” (STID”).

The Chief Information Officer of the Technology Division is Greg Barlow with Division Secretary Alice Stahl. Reporting to Mr. Barlow are:

1. Support Services – Fred Bednarik, Senior Manager
2. Applications - Maureen Beaupre, Senior Manager
3. Instructional Technology - Val Emerich, Manager
4. Telecommunications and Business Management - Dave Burkins, Senior Manager
5. Operations - John Magnus, Senior Manager

Instructional Technology, overseen by Val Emerich, will include Smart Boards, Document Cameras, Audio Enhancement Systems, Airliners, Senteos and wireless capabilities. An internet safety curriculum is being developed for use in the schools as well.

In addition to Instructional Technology, there has been an increased integration of existing systems, including the development of student information “dashboards”. The dashboard performs student searches, providing complete student profiles, including, for example, name, grade, gender, ethnicity, whether special education, whether ESOL, HSA scores and attendance, whether Bridge Plan candidate, course history, GPA, weighted and unweighted, credits attempted and earned, and days absent.

The new technology support structure will utilize a team approach of regionally based field support staff comprised of one tech lead and eleven techs in each region. In addition to field support, a help desk will be available for remote repair, control and installation of software, as well as an extensive support website for customer self help.

Academic Integrity

Policy 613 “Academic Integrity” and the Regulation supporting it have been rewritten, setting forth a broad spectrum of violations constituting dishonesty and cheating. Part D “Responsibilities” places the burden on teachers and school staff to communicate and enforce academic integrity guidelines. Part E (1) requires elementary school teachers and principals to review the rules with the students at the beginning of each year. Teachers have the burden as to students enrolled after the school year has begun. Middle and high school students will be required to sign an acknowledgement in either homeroom or student advisory. Principals in each middle and high school will be required to establish an Academic Integrity Council consisting of students, parents and faculty to periodically review the academic integrity in the school and make recommendations for change. Required disciplinary actions for violations are set forth in Part F of the Regulation.

Inservicing in the requirements of the reformulated Academic Integrity Policy and Regulation should be provided by the BOE so that proper procedure can be followed.

The Superintendent’s Fiscal Year 2010 Capital Budget

The Superintendent’s Revised Recommended Fiscal Year 2010 Capital Budget, Six Year Plan and State Capital Improvement Plan is set for a public hearing, scheduled as part of the September 17, 2008 Board of Education Meeting. This budget hearing does not affect negotiations of the AEL/BOE Negotiated Agreement, but the meeting may be of general interest to AEL members.