

MEMORANDUM

TO: County Council

FROM: Robert H. Drummer, Legislative Attorney 

SUBJECT: **Action:** Bill 7-09, Schools and Camps – Workforce Investment Scholarship

Planning, Housing and Economic Development Committee recommendation (3-0): approve the Bill with amendments.

Bill 7-09, Schools and Camps – Workforce Investment Scholarship, sponsored by Councilmembers Knapp, Leventhal, and Ervin was introduced on February 24, 2009. A public hearing was held on March 24. The Council's Planning, Housing and Economic Development Committee (PHED) reviewed the Bill in a worksession on April 2.

Bill 7-09 would establish a workforce investment scholarship program administered by the Department of Economic Development. The Bill would create a workforce investment scholarship board to develop guidelines for the award of scholarships to undergraduate students at Montgomery College or the Universities at Shady Grove who are in degree programs that prepare the student for:

1. one of the County's 10 most needed occupations;
2. certification to teach mathematics or science in the County public schools; or
3. a degree in engineering, mathematics, or a natural science.

Students who receive a scholarship would be required to agree to work in the County in one of the County's 10 most needed occupations for the number of years the student receives the scholarship. Students who do not obtain a degree or who do not meet the other conditions of the scholarship must repay the scholarship.

PHED Worksession

The PHED Committee reviewed Bill 7-09 at worksession held on April 2. The Committee recommended approval (3-0) of the Bill with the following amendments:

1. Add careers in early childhood education;
2. Delete the Workforce Investment Scholarship Board and replace it with the existing Workforce Investment Board; and
3. Add language to encourage gender equity in careers in science, technology, engineering, mathematics, and early childhood education.

The Committee also requested staff to report back on the availability of undergraduate education degree programs at the Universities at Shady Grove.

Issues

1. Does the Bill target the County's scarce financial resources in a productive manner?

The logic behind the Bill is that the County's economic vitality is based, in part, upon the success of the businesses located in the County. A well-trained County workforce is an important factor in new businesses locating in the County and current County businesses succeeding. The Bill is designed to encourage students to enter college degree programs leading to occupations that are needed by County businesses. The Bill completes the circle by requiring scholarship recipients to work in these important occupations in the County for the same number of years the student receives the scholarship.

The Bill targets the County's ten most needed occupations along with degrees in engineering, mathematics, or a natural science and degrees leading to certification to teach mathematics and science in the County public schools. Nationally, the need to increase the numbers of students receiving college degrees in mathematics, science, and engineering is beyond dispute. The National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine released a comprehensive report called "*Rising Above the Gathering Storm – Energizing and Employing America for a Brighter Economic Future*" in 2007. The Executive Summary is at ©7-20. The report found that the United States must optimize its knowledge-based resources, particularly in science and technology, in order to continue as a world leader in science and technology. The report recommends devoting greater financial resources to educating both students and teachers of mathematics, science, and technology.

The Bill would create a new Workforce Investment Scholarship Board consisting of volunteer members staffed by the Department of Economic Development. The OMB Director estimates that the program would require 2 full-time staff members to administer and market the scholarship program in the Fiscal Impact statement at ©38.¹ The total fiscal impact of the Bill would depend upon the amount appropriated by the Council to create the scholarship fund each year. The Bill represents a step in the right direction in following the recommendations of the National Academies. The inclusion of the 10 most needed occupations in the County is both logical and consistent as well.² **Committee recommendation (3-0):** approve the workforce investment scholarship created by the Bill.

¹ The required staff time would likely decrease after the program is established.

² The Department of Economic Development told Council staff that there is no current list of the County's 10 most needed occupations. The Bill would authorize the new Workforce Investment Scholarship Board to adopt regulations defining this list and thereafter compile and update the list.

2. Should the scholarship program be expanded to include careers in early childhood education?

Both the Maryland State Teachers Association (©21) and the County Commission on Child Care (©22-23) sent letters requesting similar amendments to the Bill that would expand the scholarship program to include both an associates of arts in teaching degree and a bachelor's degree in Early Childhood Education or Early Childhood Special Education. The Commission on Child Care also requested an amendment that would add expertise in early childhood education to the list of qualifications for public members of the scholarship board. Both organizations stress the current need for professionals working in early childhood education in the County.

Careers in early childhood education may be among the County's 10 most needed occupations. If they are, then the Bill would already include degree programs leading to these careers. If not, it may be inconsistent with the purpose of the Bill to include these careers in the Bill. With regard to adding expertise in early childhood education to the list of qualifications for public members of the board, the Bill already includes expertise in education. **Committee recommendation (3-0):** add degree programs in early childhood education and early childhood special education to the list of degree programs eligible for the scholarship program. See lines 32-33 of the attached Bill.

3. Should the Bill be amended to require that women make up 50% of the board membership and 50% of the scholarship recipients?

The County Commission for Women sent a letter (©24) requesting amendments requiring that women make up 50% of the scholarship board membership and 50% of the scholarship recipients. The Commission referred to a 2007 report of the Girls in Information Technology Task Force finding that girls make up only 13% of the students enrolled in advanced placement computer science courses. The Commission also referred to their own recent report finding that "of the 64 students placed in high school technology-related internships, all were boys."

While these statistics are discouraging, a 50% quota for women receiving scholarships would be a voluntary gender based affirmative action program. In *United States v. Virginia*, 116 S. Ct. 2264 (1996), the Supreme Court struck down the state's proposed plan to create separate state run military colleges for men and women as a violation of the Fourteenth Amendment Equal Protection Clause of the US Constitution. The Court held that a gender based classification by a government is unconstitutional unless the government can show that (1) the challenged classification serves an important governmental objective, and (2) the discriminatory means employed are substantially related to the achievement of that objective. This heightened standard of review is similar to the review required for race based affirmative action plans. In *Podberesky v. Kirwin*, 38 F.3d 147 (4th Cir. 1994), the Court struck down a University of Maryland scholarship program for African-American students as a violation of the Equal Protection Clause because the State could not show that its goals were narrowly tailored to

remedy a compelling government interest. A race based classification governing the assignment of Montgomery County public school students to magnet schools was similarly struck down by the Court in *Eisenberg v. MCPS*, 197 F.3d 123 (4th Cir. 1999).

The Council does not have sufficient statistical support to show that women are statistically underrepresented in the pool of available and qualified candidates for a scholarship in any of these degree programs. In addition, a blanket 50% quota is unlikely to be considered narrowly tailored. Therefore, in Council staff's opinion, a gender or race based quota on scholarships without a comprehensive disparity study supporting it would be impossible to defend in a court challenge under the Equal Protection Clause. The Commission's request to set aside 50% of the board seats for women may not raise the same legal problems, but it assumes that women will receive a greater number of scholarships from female board members than they would from male board members. Instead, the Committee decided to add language to the Bill that would encourage gender equity in these scholarships. **Committee recommendation (3-0):** add language to encourage gender equity. See lines 11-13 of the attached Bill.

4. Should the scholarships be limited to degree programs at Montgomery College and the Universities at Shady Grove?

The Committee was concerned that some of the bachelor degree programs that lead to eligible careers may not be offered at the Universities at Shady Grove. The Universities at Shady Grove is a collaboration of nine, public degree-granting institutions that brings some of their degree programs from across the state to one facility in Montgomery County. The participating universities are Bowie State, Salisbury, Towson, University of Baltimore, University of Maryland, Baltimore, University of Maryland, Baltimore County, University of Maryland, College Park, University of Maryland Eastern Shore, and University of Maryland University College. The Committee asked staff to research the available degree programs at the Universities at Shady Grove. A list of the available undergraduate degree programs is at ©25. Towson University offers a BS in Early Childhood Education and a BS in Elementary Education/Special Education. However, none of the Universities at Shady Grove offer an undergraduate degree in one of the engineering fields at Shady Grove. **Council staff recommendation:** amend the Bill to permit scholarship recipients to attend a different campus of a participating university if the degree program is not offered at Shady Grove as follows:

Amend lines 70-73 of the attached Bill as follows:

The Board must:

- (a) adopt regulations under Method 2 governing the award of workforce investment scholarships covering tuition, books, fees, and related expenses to attend an undergraduate degree program at:

1. Montgomery College;
2. [[or]] the Universities at Shady Grove; or
3. any campus for one of the participating Universities at Shady Grove if the degree program is not offered at Shady Grove.

5. Should a new Workforce Investment Scholarship Board be created to administer the program?

The Committee, at the April 2 worksession, approved an amendment that would delete the creation of the Workforce Investment Scholarship Board and delegate the board’s authority to the existing Workforce Investment Board (WIB). The purpose of this amendment is to avoid the extra work of creating a new board and leverage the experience of the existing Workforce Investment Board. However, further research into the Workforce Investment Board uncovered some legal issues with this amendment.

The existing 30 person Montgomery County Workforce Investment Board (WIB) was created by Executive Order 159-02, effective July 3, 2002, (©26-30) pursuant to a Federal law, the Workforce Investment Act of 1998. (©31-37) The WIB must be certified by the Governor of Maryland and the functions of the WIB are established by Federal Law. In Council staff’s opinion, the Bill cannot be amended to delegate the scholarship duties to the WIB without first re-creating the WIB in County law. This would require new appointments to the WIB and may require re-certification by the State. It also may conflict with the duties of the WIB established under Federal law. *Therefore, the Committee reconsidered this decision after the worksession due to this new information and now recommends keeping the original Workforce Investment Scholarship Board created by the Bill, as introduced.*

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Bill No. 7-09
Concerning; Schools and Camps –
Workforce Investment Scholarship
Revised: April 8, 2009 Draft No. 6
Introduced: February 24, 2009
Expires: August 24, 2010
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmembers Knapp, Leventhal, Ervin, and Floreen

An Act to:

- (1) establish a workforce investment scholarship program;
- (2) establish a workforce investment scholarship board to adopt guidelines;
- (3) direct the Department of Economic Development to administer the program; and
- (4) generally enhance workforce development in the County.

By adding

Montgomery County Code
Chapter 44, Schools and Camps
Article IV, Workforce Investment Scholarship Program

Boldface	Heading or a defined term.
<u>Underlining</u>	Added to existing law by original bill.
[Single boldface brackets]	Deleted from existing law by original bill.
<u>Double underlining</u>	Added by amendment.
[[Double boldface brackets]]	Deleted from existing law or the bill by amendment.
* * *	Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Chapter 44 is amended by adding Article IV as follows:**

2 **Article IV. Workforce Investment Scholarship Program.**

3 **44-46. Legislative findings.**

4 (a) The economic development of the County requires a well-prepared,
 5 educated, trained, and adaptable workforce to meet the current and future
 6 needs of County businesses.

7 (b) The County workforce needs the tools and resources to successfully compete
 8 in a complex global economy.

9 (c) County workforce training should encourage students to prepare for those
 10 occupations that are most needed in the County.

11 (d) County workforce training should provide equal opportunity for women to
 12 train for careers in science, technology, engineering, and mathematics and
 13 generally encourage gender equity in all careers.

14 (e) Montgomery College and the Universities at Shady Grove provide high
 15 quality higher education training in the County.

16 [[e)] (f) A workforce investment scholarship program would promote
 17 economic development in the County.

18 **44-47. Workforce Investment Scholarship Program.**

19 (a) Definitions.

20 Board means the Workforce Investment Scholarship Board created in
 21 Section 44-48.

22 Director means the Director of the Department of Economic Development
 23 or the Director's designee.

24 (b) The Director must administer a workforce investment scholarship program
 25 that:

26 (1) awards workforce investment scholarships to students in an
 27 undergraduate degree program which prepares students for:

- 28 (A) one of the County’s 10 most needed occupations;
- 29 (B) certification by the State Department of Education to teach
- 30 mathematics or science in a Maryland public school; [[or]]
- 31 (C) a degree in engineering, mathematics, or a natural science; or
- 32 (D) a degree in early childhood education or early childhood special
- 33 education.
- 34 (2) requires a student who receives a workforce investment scholarship to
- 35 agree to work in the County as a mathematics or science teacher, as an
- 36 engineer, or in one of the County’s 10 most needed occupations for at
- 37 least the number of years the student receives the scholarship; and
- 38 (3) requires the repayment of the scholarship by a student who does not
- 39 complete a degree or who does not satisfy other conditions of the
- 40 scholarship.
- 41 (c) The Director must award scholarships under the regulations adopted by the
- 42 Board.

43 **44-48. Workforce Investment Scholarship Board**

- 44 (a) Creation. The County Executive must appoint, subject to confirmation by
- 45 the County Council, a Workforce Investment Scholarship Board, consisting
- 46 of 9 members.
- 47 (b) Composition; appointment of members.
- 48 (1) Six members must be selected from the public and must each be a
- 49 County resident who is or has been active in government, business,
- 50 industry, labor, community service, or education.
- 51 (2) One member must be nominated by the Director.
- 52 (3) One member must be nominated by the President of Montgomery
- 53 College.

- 54 (4) One member must be nominated by the Executive Director of the
 55 Universities at Shady Grove.
- 56 (c) Chair; vice chair. The Board must annually select one member as chair and
 57 another as vice chair, and any other officers it finds necessary.
- 58 (d) Terms; reappointments. The term of office of each member is 3 years. A
 59 public member must not serve more than 2 consecutive terms. A member
 60 continues in office until a successor is confirmed.
- 61 (e) Compensation. A member receives no compensation for serving on the
 62 Board.
- 63 (f) Quorum. A quorum is a majority of the members of the Board.
- 64 (g) Meetings; reports. The Board may meet at the call of the chair as frequently
 65 as required to perform its duties, but no less than 4 times each year. The
 66 Board must submit an annual report on December 31 to the Executive and
 67 Council summarizing its activities, needs, and recommendations, and the
 68 degree to which the goals of the Board are being met.

69 **44-49. Duties of Board.**

70 The Board must:

- 71 (a) adopt regulations under Method 2 governing the award of workforce
 72 investment scholarships covering tuition, books, fees, and related expenses
 73 to attend Montgomery College or the Universities at Shady Grove;
- 74 (b) annually specify the County's 10 most needed occupations;
- 75 (c) submit an annual Workforce Investment Scholarship budget request to the
 76 Executive for inclusion in the County's annual operating budget;
- 77 (d) adopt procedures as necessary to achieve the purposes of this Article, and
 78 keep a record of its activities and minutes of all meetings; and
- 79 (e) make recommendations to the Executive and the Council on the workforce
 80 investment scholarship program.

81 **44-49. Staff Support.**

82 The Director must provide staff services and administrative support to the Board.

83 **Sec. 2 Transition.** The Executive must stagger the initial terms of the members of
84 the Workforce Investment Scholarship Board appointed under Section 44-47 so
85 that one-third of the terms of these members expires each year.

86

87 *Approved:*

88

89

Philip M. Andrews, President, County Council Date

90 *Approved:*

91

92

Isiah Leggett, County Executive Date

93 *This is a correct copy of Council action.*

94

95

Linda M. Lauer, Clerk of the Council Date

LEGISLATIVE REQUEST REPORT

Bill 7-09

Schools and Camps – Workforce Investment Scholarship

DESCRIPTION:	<p>This Bill would establish a workforce investment scholarship program administered by the Department of Economic Development. The Bill would create a workforce investment scholarship board to develop guidelines for the award of scholarships to undergraduate students at Montgomery College or the Universities at Shady Grove who are in a degree program that prepares the student for:</p> <ol style="list-style-type: none">1. one of the County's 10 most needed occupations;2. to teach math or science in the County public schools; or3. a degree in engineering, mathematics, or a natural science.
PROBLEM:	<p>The County workforce needs the tools and resources to successfully compete in our complex global economy in order to enhance the County's economic development.</p>
GOALS AND OBJECTIVES:	<p>To encourage students to prepare for occupations that are most needed in the County.</p>
COORDINATION:	<p>Department of Economic Development</p>
FISCAL IMPACT:	<p>To be requested.</p>
ECONOMIC IMPACT:	<p>To be requested.</p>
EVALUATION:	<p>To be requested.</p>
EXPERIENCE ELSEWHERE:	<p>To be researched.</p>
SOURCE OF INFORMATION:	<p>Robert H. Drummer, Legislative Attorney</p>
APPLICATION WITHIN MUNICIPALITIES:	<p>To be researched.</p>
PENALTIES:	<p>Students who do not complete a degree or satisfy other conditions of the scholarship must repay the scholarship.</p>

RISING ABOVE
THE GATHERING
Energizing and STORM
Employing America
for a Brighter
Economic Future

Committee on Prospering in the
Global Economy of the 21st Century:
An Agenda for American Science and Technology
Committee on Science, Engineering, and Public Policy

NATIONAL ACADEMY OF SCIENCES,
NATIONAL ACADEMY OF ENGINEERING, AND
INSTITUTE OF MEDICINE
OF THE NATIONAL ACADEMIES

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Executive Summary

The United States takes deserved pride in the vitality of its economy, which forms the foundation of our high quality of life, our national security, and our hope that our children and grandchildren will inherit ever-greater opportunities. That vitality is derived in large part from the productivity of well-trained people and the steady stream of scientific and technical innovations they produce. Without high-quality, knowledge-intensive jobs and the innovative enterprises that lead to discovery and new technology, our economy will suffer and our people will face a lower standard of living. Economic studies conducted even before the information-technology revolution have shown that as much as 85% of measured growth in US income per capita was due to technological change.¹

Today, Americans are feeling the gradual and subtle effects of globalization that challenge the economic and strategic leadership that the United States has enjoyed since World War II. A substantial portion of our workforce finds itself in direct competition for jobs with lower-wage workers around the globe, and leading-edge scientific and engineering work is being accomplished in many parts of the world. Thanks to globalization, driven by modern communications and other advances, workers in virtually every sector must now face competitors who live just a mouse-click away in Ireland, Finland, China,

¹For example, work by Robert Solow and Moses Abramovitz published in the middle 1950s demonstrated that as much as 85% of measured growth in US income per capita during the 1890-1950 period could not be explained by increases in the capital stock or other measurable inputs. The unexplained portion, referred to alternatively as the “residual” or “the measure of ignorance,” has been widely attributed to the effects of technological change.

India, or dozens of other nations whose economies are growing. This has been aptly referred to as “the Death of Distance.”

CHARGE TO THE COMMITTEE

The National Academies was asked by Senator Lamar Alexander and Senator Jeff Bingaman of the Committee on Energy and Natural Resources, with endorsement by Representative Sherwood Boehlert and Representative Bart Gordon of the House Committee on Science, to respond to the following questions:

What are the top 10 actions, in priority order, that federal policymakers could take to enhance the science and technology enterprise so that the United States can successfully compete, prosper, and be secure in the global community of the 21st century? What strategy, with several concrete steps, could be used to implement each of those actions?

The National Academies created the Committee on Prospering in the Global Economy of the 21st Century to respond to this request. The charge constitutes a challenge both daunting and exhilarating: to recommend to the nation specific steps that can best strengthen the quality of life in America—our prosperity, our health, and our security. The committee has been cautious in its analysis of information. The available information is only partly adequate for the committee’s needs. In addition, the time allotted to develop the report (10 weeks from the time of the committee’s first gathering to report release) limited the ability of the committee to conduct an exhaustive analysis. Even if unlimited time were available, definitive analyses on many issues are not possible given the uncertainties involved.²

This report reflects the consensus views and judgment of the committee members. Although the committee consists of leaders in academe, industry, and government—including several current and former industry chief executive officers, university presidents, researchers (including three Nobel prize winners), and former presidential appointees—the array of topics and policies covered is so broad that it was not possible to assemble a committee of 20 members with direct expertise in each relevant area. Because of those limitations, the committee has relied heavily on the judgment of many experts in the study’s focus groups, additional consultations via e-mail and telephone with other experts, and an unusually large panel of reviewers.

²Since the prepublication version of the report was released in October, certain changes have been made to correct editorial and factual errors, add relevant examples and indicators, and ensure consistency among sections of the report. Although modifications have been made to the text, the recommendations remain unchanged, except for a few corrections, which have been footnoted.

Although other solutions are undoubtedly possible, the committee believes that its recommendations, if implemented, will help the United States achieve prosperity in the 21st century.

FINDINGS

Having reviewed trends in the United States and abroad, the committee is deeply concerned that the scientific and technological building blocks critical to our economic leadership are eroding at a time when many other nations are gathering strength. We strongly believe that a worldwide strengthening will benefit the world's economy—particularly in the creation of jobs in countries that are far less well-off than the United States. But we are worried about the future prosperity of the United States. Although many people assume that the United States will always be a world leader in science and technology, this may not continue to be the case inasmuch as great minds and ideas exist throughout the world. We fear the abruptness with which a lead in science and technology can be lost—and the difficulty of recovering a lead once lost, if indeed it can be regained at all.

The committee found that multinational companies use such criteria³ as the following in determining where to locate their facilities and the jobs that result:

- Cost of labor (professional and general workforce).
- Availability and cost of capital.
- Availability and quality of research and innovation talent.
- Availability of qualified workforce.
- Taxation environment.
- Indirect costs (litigation, employee benefits such as healthcare, pensions, vacations).
 - Quality of research universities.
 - Convenience of transportation and communication (including language).
 - Fraction of national research and development supported by government.

³D. H. Dalton, M. G. Scrapio, Jr., and P. G. Yoshida. *Globalizing Industrial Research and Development*. Washington, DC: US Department of Commerce, Technology Administration, Office of Technology Policy, 1999; Grant Gross. "CEOs Defend Moving Jobs Offshore at Tech Summit." *InfoWorld*, October 9, 2003; Bruce Mehlmán. 2003. "Offshore Outsourcing and the Future of American Competitiveness"; Bruce Einhorn et al. "High Tech in China: Is It a Threat to Silicon Valley?" *Business Week* online, October 28, 2002; B. Callan, S. Costigan, and K. Keller. *Exporting U.S. High Tech: Facts and Fiction About the Globalization of Industrial R&D*. New York: Council on Foreign Relations, 1997.

- Legal-judicial system (business integrity, property rights, contract sanctity, patent protection).
- Current and potential growth of domestic market.
- Attractiveness as place to live for employees.
- Effectiveness of national economic system.

Although the US economy is doing well today, current trends in each of those criteria indicate that the United States may not fare as well in the future without government intervention. This nation must prepare with great urgency to preserve its strategic and economic security. Because other nations have, and probably will continue to have, the competitive advantage of a low wage structure, the United States must compete by optimizing its knowledge-based resources, particularly in science and technology, and by sustaining the most fertile environment for new and revitalized industries and the well-paying jobs they bring. We have already seen that capital, factories, and laboratories readily move wherever they are thought to have the greatest promise of return to investors.

RECOMMENDATIONS

The committee reviewed hundreds of detailed suggestions—including various calls for novel and untested mechanisms—from other committees, from its focus groups, and from its own members. The challenge is immense, and the actions needed to respond are immense as well.

The committee identified two key challenges that are tightly coupled to scientific and engineering prowess: creating high-quality jobs for Americans, and responding to the nation's need for clean, affordable, and reliable energy. To address those challenges, the committee structured its ideas according to four basic recommendations that focus on the human, financial, and knowledge capital necessary for US prosperity.

The four recommendations focus on actions in K–12 education (*10,000 Teachers, 10 Million Minds*), research (*Sowing the Seeds*), higher education (*Best and Brightest*), and economic policy (*Incentives for Innovation*) that are set forth in the following sections. Also provided are a total of 20 implementation steps for reaching the goals set forth in the recommendations.

Some actions involve changes in the law. Others require financial support that would come from reallocation of existing funds or, if necessary, from new funds. Overall, the committee believes that the investments are modest relative to the magnitude of the return the nation can expect in the creation of new high-quality jobs and in responding to its energy needs.

The committee notes that the nation is unlikely to receive some sudden “wake-up” call; rather, the problem is one that is likely to evidence itself gradually over a surprisingly short period.

10,000 TEACHERS, 10 MILLION MINDS,
AND K–12 SCIENCE AND MATHEMATICS EDUCATION

Recommendation A: Increase America's talent pool by vastly improving K–12 science and mathematics education.

Implementation Actions

The highest priority should be assigned to the following actions and programs. All should be subjected to continuing evaluation and refinement as they are implemented.

Action A-1: Annually recruit 10,000 science and mathematics teachers by awarding 4-year scholarships and thereby educating 10 million minds. Attract 10,000 of America's brightest students to the teaching profession every year, each of whom can have an impact on 1,000 students over the course of their careers. The program would award competitive 4-year scholarships for students to obtain bachelor's degrees in the physical or life sciences, engineering, or mathematics with concurrent certification as K–12 science and mathematics teachers. The merit-based scholarships would provide up to \$20,000 a year for 4 years for qualified educational expenses, including tuition and fees, and require a commitment to 5 years of service in public K–12 schools. A \$10,000 annual bonus would go to participating teachers in underserved schools in inner cities and rural areas. To provide the highest-quality education for undergraduates who want to become teachers, it would be important to award matching grants, on a one-to-one basis, of \$1 million a year for up to 5 years, to as many as 100 universities and colleges to encourage them to establish integrated 4-year undergraduate programs leading to bachelor's degrees in the physical and life sciences, mathematics, computer sciences, or engineering *with teacher certification*. The models for this action are the UTeach and California Teach program.

Action A-2: Strengthen the skills of 250,000 teachers through training and education programs at summer institutes, in master's programs, and in Advanced Placement (AP) and International Baccalaureate (IB) training programs. Use proven models to strengthen the skills (and compensation, which is based on education and skill level) of 250,000 *current* K–12 teachers.

- *Summer institutes:* Provide matching grants to state and regional 1- to 2-week summer institutes to upgrade the skills and state-of-the-art knowledge of as many as 50,000 practicing teachers each summer. The material covered would allow teachers to keep current with recent developments in science, mathematics, and technology and allow for the exchange of best teaching practices. The Merck Institute for Science Education is one model for this action.

- *Science and mathematics master's programs:* Provide grants to research universities to offer, over 5 years, 50,000 current middle school and high school science, mathematics, and technology teachers (with or without undergraduate science, mathematics, or engineering degrees) 2-year, part-time master's degree programs that focus on rigorous science and mathematics content and pedagogy. The model for this action is the University of Pennsylvania Science Teacher Institute.

- *AP, IB, and pre-AP or pre-IB training:* Train an additional 70,000 AP or IB and 80,000 pre-AP or pre-IB instructors to teach advanced courses in science and mathematics. Assuming satisfactory performance, teachers may receive incentive payments of \$1,800 per year, as well as \$100 for each student who passes an AP or IB exam in mathematics or science. There are two models for this program: the Advanced Placement Incentive Program and Laying the Foundation, a pre-AP program.

- *K-12 curriculum materials modeled on a world-class standard:* Foster high-quality teaching with world-class curricula, standards, and assessments of student learning. Convene a national panel to collect, evaluate, and develop rigorous K-12 materials that would be available free of charge as a *voluntary* national curriculum. The model for this action is the Project Lead the Way pre-engineering courseware.

Action A-3: Enlarge the pipeline of students who are prepared to enter college and graduate with a degree in science, engineering, or mathematics by increasing the number of students who pass AP and IB science and mathematics courses. Create opportunities and incentives for middle school and high school students to pursue advanced work in science and mathematics. By 2010, increase the number of students who take at least one AP or IB mathematics or science exam to 1.5 million, and set a goal of tripling the number who pass those tests to 700,000.⁴ Student incentives for success would include 50% examination fee rebates and \$100 mini-scholarships for each passing score on an AP or IB science or mathematics examination.

Although it is not included among the implementation actions, the committee also finds attractive the expansion of two approaches to improving K-12 science and mathematics education that are already in use:

- *Statewide specialty high schools:* Specialty secondary education can foster leaders in science, technology, and mathematics. Specialty schools immerse students in high-quality science, technology, and mathematics education; serve as a mechanism to test teaching materials; provide a training

⁴This sentence was incorrectly phrased in the original October 12, 2005, edition of the executive summary and has now been corrected.

ground for K–12 teachers; and provide the resources and staff for summer programs that introduce students to science and mathematics.

- *Inquiry-based learning*: Summer internships and research opportunities provide especially valuable laboratory experience for both middle-school and high-school students.

SOWING THE SEEDS THROUGH SCIENCE AND ENGINEERING RESEARCH

Recommendation B: Sustain and strengthen the nation's traditional commitment to long-term basic research that has the potential to be transformational to maintain the flow of new ideas that fuel the economy, provide security, and enhance the quality of life.

Implementation Actions

Action B-1: Increase the federal investment in long-term basic research by 10% each year over the next 7 years through reallocation of existing funds⁵ or, if necessary, through the investment of new funds. Special attention should go to the physical sciences, engineering, mathematics, and information sciences and to Department of Defense (DOD) basic-research funding. This special attention does not mean that there should be a disinvestment in such important fields as the life sciences or the social sciences. A balanced research portfolio in all fields of science and engineering research is critical to US prosperity. **Increasingly, the most significant new scientific and engineering advances are formed to cut across several disciplines.** This investment should be evaluated regularly to realign the research portfolio to satisfy emerging needs and promises—unsuccessful projects and venues of research should be replaced with research projects and venues that have greater potential.

Action B-2: Provide new research grants of \$500,000 each annually, payable over 5 years, to 200 of the nation's most outstanding *early-career* researchers. The grants would be made through existing federal research agencies—the National Institutes of Health (NIH), the National Science Foundation (NSF), the Department of Energy (DOE), DOD, and the National Aeronautics and Space Administration (NASA)—to underwrite new research opportunities at universities and government laboratories.

Action B-3: Institute a National Coordination Office for Advanced Research Instrumentation and Facilities to manage a fund of \$500 million in incremental funds per year over the next 5 years—through reallocation of existing funds or, if necessary, through the investment of new funds—to ensure that universities and government laboratories create and maintain

⁵The funds may come from anywhere in government, not just other research funds.

the facilities, instrumentation, and equipment needed for leading-edge scientific discovery and technological development. Universities and national laboratories would compete annually for these funds.

Action B-4: Allocate at least 8% of the budgets of federal research agencies to discretionary funding that would be managed by technical program managers in the agencies and be focused on catalyzing high-risk, high-payoff research of the type that often suffers in today's increasingly risk-averse environment.

Action B-5: Create in the Department of Energy an organization like the Defense Advanced Research Projects Agency (DARPA) called the Advanced Research Projects Agency-Energy (ARPA-E).⁶ The director of ARPA-E would report to the under secretary for science and would be charged with sponsoring specific research and development programs to meet the nation's long-term energy challenges. The new agency would support creative "out-of-the-box" transformational generic energy research that industry by itself cannot or will not support and in which risk may be high but success would provide dramatic benefits for the nation. This would accelerate the process by which knowledge obtained through research is transformed to create jobs and address environmental, energy, and security issues. ARPA-E would be based on the historically successful DARPA model and would be designed as a lean and agile organization with a great deal of independence that can start and stop targeted programs on the basis of performance and do so in a timely manner. The agency would itself perform no research or transitional effort but would fund such work conducted by universities, startups, established firms, and others. Its staff would turn over approximately every 4 years. Although the agency would be focused on specific energy issues, it is expected that its work (like that of DARPA or NIH) will have important spinoff benefits, including aiding in the education of the next generation of researchers. Funding for ARPA-E would start at \$300 million the first year and increase to \$1 billion per year over 5-6 years, at which point the program's effectiveness would be evaluated and any appropriate actions taken.

Action B-6: Institute a Presidential Innovation Award to stimulate scientific and engineering advances in the national interest. Existing presidential awards recognize lifetime achievements or promising young scholars, but the proposed new awards would identify and recognize persons who develop unique scientific and engineering innovations in the national interest at the time they occur.

⁶One committee member, Lee Raymond, does not support this action item. He does not believe that ARPA-E is necessary, because energy research is already well funded by the federal government, along with formidable funding by the private sector. Also, ARPA-E would, in his view, put the federal government into the business of picking "winning energy technologies"—a role best left to the private sector.

**BEST AND BRIGHTEST
IN SCIENCE AND ENGINEERING HIGHER EDUCATION**

Recommendation C: Make the United States the most attractive setting in which to study and perform research so that we can develop, recruit, and retain the best and brightest students, scientists, and engineers from within the United States and throughout the world.

Implementation Actions

Action C-1: Increase the number and proportion of US citizens who earn bachelor's degrees in the physical sciences, the life sciences, engineering, and mathematics by providing 25,000 new 4-year competitive undergraduate scholarships each year to US citizens attending US institutions. The Undergraduate Scholar Awards in Science, Technology, Engineering, and Mathematics (USA-STEM) would be distributed to states on the basis of the size of their congressional delegations and awarded on the basis of national examinations. An award would provide up to \$20,000 annually for tuition and fees.

Action C-2: Increase the number of US citizens pursuing graduate study in "areas of national need" by funding 5,000 new graduate fellowships each year. NSF should administer the program and draw on the advice of other federal research agencies to define national needs. The focus on national needs is important both to ensure an adequate supply of doctoral scientists and engineers and to ensure that there are appropriate employment opportunities for students once they receive their degrees. Portable fellowships would provide a stipend of \$30,000⁷ annually directly to students, who would choose where to pursue graduate studies instead of being required to follow faculty research grants, and up to \$20,000 annually for tuition and fees.

Action C-3: Provide a federal tax credit to encourage employers to make continuing education available (either internally or through colleges and universities) to practicing scientists and engineers. These incentives would promote career-long learning to keep the workforce productive in an environment of rapidly evolving scientific and engineering discoveries and technological advances and would allow for retraining to meet new demands of the job market.

Action C-4: Continue to improve visa processing for international students and scholars to provide less complex procedures and continue to make improvements on such issues as visa categories and duration, travel for

⁷An incorrect number was provided for the graduate student stipend in the original October 12, 2005, edition of the executive summary.

scientific meetings, the technology alert list, reciprocity agreements, and changes in status.

Action C-5: Provide a 1-year automatic visa extension to international students who receive doctorates or the equivalent in science, technology, engineering, mathematics, or other fields of national need at qualified US institutions to remain in the United States to seek employment. If these students are offered jobs by US-based employers and pass a security screening test, they should be provided automatic work permits and expedited residence status. If students are unable to obtain employment within 1 year, their visas would expire.

Action C-6: Institute a new skills-based, preferential immigration option. Doctoral-level education and science and engineering skills would substantially raise an applicant's chances and priority in obtaining US citizenship. In the interim, the number of H-1B visas should be increased by 10,000, and the additional visas should be available for industry to hire science and engineering applicants with doctorates from US universities.⁸

Action C-7: Reform the current system of "deemed exports." The new system should provide international students and researchers engaged in fundamental research in the United States with access to information and research equipment in US industrial, academic, and national laboratories comparable with the access provided to US citizens and permanent residents in a similar status. It would, of course, exclude information and facilities restricted under national-security regulations. In addition, the effect of deemed-exports⁹ regulations on the education and fundamental research work of international students and scholars should be limited by removing from the deemed-exports technology list all technology items (information and equipment) that are available for purchase on the overseas open market from foreign or US companies or that have manuals that are available in the public domain, in libraries, over the Internet, or from manufacturers.

⁸Since the report was released, the committee has learned that the Consolidated Appropriations Act of 2005, signed into law on December 8, 2004, exempts individuals that have received a master's or higher education degree from a US university from the statutory cap (up to 20,000). The bill also raised the H-1B fee and allocated funds to train American workers. The committee believes that this provision is sufficient to respond to its recommendation—even though the 10,000 additional visas recommended is specifically for science and engineering doctoral candidates from US universities, which is a narrower subgroup.

⁹The controls governed by the Export Administration Act and its implementing regulations extend to the transfer of technology. Technology includes "specific information necessary for the 'development,' 'production,' or 'use' of a product." Providing information that is subject to export controls—for example, about some kinds of computer hardware—to a foreign national within the United States may be "deemed" an export, and that transfer requires an export license. The primary responsibility for administering controls on deemed exports lies with the Department of Commerce, but other agencies have regulatory authority as well.

INCENTIVES FOR INNOVATION

Recommendation D: *Ensure that the United States is the premier place in the world to innovate; invest in downstream activities such as manufacturing and marketing; and create high-paying jobs based on innovation by such actions as modernizing the patent system, realigning tax policies to encourage innovation, and ensuring affordable broadband access.*

Implementation Actions

Action D-1: Enhance intellectual-property protection for the 21st-century global economy to ensure that systems for protecting patents and other forms of intellectual property underlie the emerging knowledge economy but allow research to enhance innovation. The patent system requires reform of four specific kinds:

- Provide the US Patent and Trademark Office with sufficient resources to make intellectual-property protection more timely, predictable, and effective.
- Reconfigure the US patent system by switching to a “first-inventor-to-file” system and by instituting administrative review *after* a patent is granted. Those reforms would bring the US system into alignment with patent systems in Europe and Japan.
- Shield research uses of patented inventions from infringement liability. One recent court decision could jeopardize the long-assumed ability of academic researchers to use patented inventions for research.
- Change intellectual-property laws that act as barriers to innovation in specific industries, such as those related to data exclusivity (in pharmaceuticals) and those that increase the volume and unpredictability of litigation (especially in information-technology industries).

Action D-2: Enact a stronger research and development tax credit to encourage private investment in innovation. The current Research and Experimentation Tax Credit goes to companies that *increase* their research and development spending above a base amount calculated from their spending in prior years. Congress and the Administration should make the credit permanent,¹⁰ and it should be increased from 20 to 40% of the qualifying increase so that the US tax credit is competitive with those of other countries. The credit should be extended to companies that have consistently spent large amounts on research and development so that they will

¹⁰The current R&D tax credit expires in December 2005.

not be subject to the current de facto penalties for having previously invested in research and development.

Action D-3: Provide tax incentives for US-based innovation. Many policies and programs affect innovation and the nation's ability to profit from it. It was not possible for the committee to conduct an exhaustive examination, but alternatives to current economic policies should be examined and, if deemed beneficial to the United States, pursued. These alternatives could include changes in overall corporate tax rates and special tax provisions providing incentives for the purchase of high-technology research and manufacturing equipment, treatment of capital gains, and incentives for long-term investments in innovation. The Council of Economic Advisers and the Congressional Budget Office should conduct a comprehensive analysis to examine how the United States compares with other nations as a location for innovation and related activities with a view to ensuring that the United States is one of the most attractive places in the world for long-term innovation-related investment and the jobs resulting from that investment. From a tax standpoint, that is not now the case.

Action D-4: Ensure ubiquitous broadband Internet access. Several nations are well ahead of the United States in providing broadband access for home, school, and business. That capability can be expected to do as much to drive innovation, the economy, and job creation in the 21st century as did access to the telephone, interstate highways, and air travel in the 20th century. Congress and the administration should take action—mainly in the regulatory arena and in spectrum management—to ensure widespread affordable broadband access in the very near future.

CONCLUSION

The committee believes that its recommendations and the actions proposed to implement them merit serious consideration if we are to ensure that our nation continues to enjoy the jobs, security, and high standard of living that this and previous generations worked so hard to create. Although the committee was asked only to recommend actions that can be taken by the federal government, it is clear that related actions at the state and local levels are equally important for US prosperity, as are actions taken by each American family. The United States faces an enormous challenge because of the disparity it faces in labor costs. Science and technology provide the opportunity to overcome that disparity by creating scientists and engineers with the ability to create entire new industries—much as has been done in the past.

It is easy to be complacent about US competitiveness and preeminence in science and technology. We have led the world for decades, and we continue to do so in many research fields today. But the world is changing

rapidly, and our advantages are no longer unique. Some will argue that this is a problem for market forces to resolve—but that is exactly the concern. Market forces are *already at work* moving jobs to countries with less costly, often better educated, highly motivated workforces and friendlier tax policies.

Without a renewed effort to bolster the foundations of our competitiveness, we can expect to lose our privileged position. For the first time in generations, the nation's children could face poorer prospects than their parents and grandparents did. We owe our current prosperity, security, and good health to the investments of past generations, and we are obliged to renew those commitments in education, research, and innovation policies to ensure that the American people continue to benefit from the remarkable opportunities provided by the rapid development of the global economy and its not inconsiderable underpinning in science and technology.

BILL



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NA
CC
BD

Maryland State Teachers Association
140 Main Street • Annapolis, Maryland • 21401-2020
800/448-MSTA • fax 410/263-3605 • www.mstanea.org

Clara Floyd, President
Betty H. Weller, Vice President
David E. Helfman, Executive Director

March 23, 2009

Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Dear Members of the Montgomery County Council:

This letter serves as written testimony urging your support of Bill 03-07 Workforce Investment-amendment for early childhood education. For the past six months, I have served as a member of the Montgomery County Universal Preschool Task Force. The Task Force members have agreed on support of the recommended amendments, delineated below.

1. After line 28, but before 29, insert the following:
 - d. Or an Associates of Arts in Teaching degree (AAT)
 - e. Or a Bachelors degree in Early Childhood Education or in Early Childhood Special Education leading to an early childhood certification from the Maryland State Department of Education.
2. Change line 29 to 32 to read:
 - (2) Requires a student who received a workforce investment scholarship to agree to work in the County as a mathematics or science teacher, as an engineer, *in an early childhood education setting*, or in one of the County's 10 most needed occupations...

I cannot stress enough the importance of access to high quality early childhood education for all children, but most especially, those children who live in poverty. This legislation clearly links to HB 184 Education - Maryland's Preschool for All Business Plan, which is supported by the Maryland State Teachers Association.

Thank you for your time and consideration of my testimony.

Sincerely,

Clara Floyd
President

RECEIVED
MONTGOMERY COUNTY
MAY 11 2009

GREAT PUBLIC SCHOOLS
for EVERY CHILD

The Commission looks forward to continuing to collaborate with you on child care related issues. Please contact me if I, or the Commission, can be of any assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Mann". The signature is fluid and cursive, with a large initial "D".

Chair

cc: Members of the Montgomery County Council
Uma Ahluwalia, Director, Montgomery County Department of Health and Human Services
Kate Garvey, Chief, Children, Youth and Family Services, Montgomery County Department of Health and Human Services

2/3 7-09
2/3 9-09



COMMISSION FOR WOMEN

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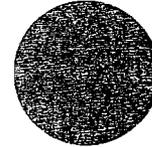
Isiah Leggett
County Executive

Judith Vaughan-Prather
Director

March 18, 2009

The Honorable Michael Knapp
Montgomery County Council
Council Office Building
100 Maryland Avenue – 6th floor
Rockville, Maryland 20850

041221



Dear Councilman Knapp:

The Montgomery County Commission for Women read with interest about the bills you are introducing to create opportunities for teacher training in "the County's 10 most needed occupations," and to provide scholarships for students preparing for careers in "areas of need."

We write to urge you to ensure that women and girls are equally represented among those benefiting from this important initiative. Girls are vastly underrepresented in MCPS and Montgomery College advanced math, science and technology courses. Women are vastly underrepresented in the careers to which these courses lead.

The 2007 final report of the Girls in Information Technology Task Force, lead by Councilwoman Nancy Floreen, indicated that girls are only 13% of the students enrolled in Advanced Placement Computer Science Courses.

The Commission for Women's 2007 *Report on the Status of Women in Montgomery County* found that "of the 64 students placed in high school technology-related internships, all were boys." (p. 20)

The numbers are similar for Montgomery College and for school systems, colleges and universities nationwide.

Without a visible and specific commitment to gender equality in science, technology, engineering and math (STEM), we will never achieve the goal – or even come close. Your important legislation provides an opportunity to move in that direction. It is for this reason that the Commission for Women urges you to:

- Require that 50% of the membership of the Workforce Investment Scholarship Board be female;
- Require that 50% of the Workforce Investment Scholarships go to female students.

In so doing, you will set Montgomery County as a model for the rest of the nation in recognizing and addressing the enormous disparity in women's participation in STEM careers and course preparation. We would be happy to cooperate in this effort and offer our assistance in any way that might be appropriate.

Sincerely,

Regina L. Oldak
Regina L. Oldak, President

cc: County Council Members

24



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Undergraduate

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- Construction Management Technology
- Criminology and Criminal Justice
- Education
- Health Systems Management
- History (Fall 2008)
- Homeland Security Management
- Hotel and Restaurant Management
- Investigative Forensics
- Laboratory Management
- Nursing
- Political Science
- Psychology
- Respiratory Therapy (Fall 2008)
- Simulation and Digital Entertainment
- Social Work

Graduate

- Biotechnology Studies
- Business
- Computer Information Systems and Technology
- Education
- Engineering
- Geographic Information Systems (Fall 2008)
- Health Care Administration
- Industrial-Organizational Psychology
- Library Science
- Nursing
- Pharmacy
- Public Administration
- Publications Design
- Social Work

Certificate Courses

- Undergraduate
- Graduate

Spring 2009
Schedule of Classes

Spring 2009 Final
Exam Schedule

Summer 2009
Schedule of Classes

Undergraduate Programs

Biological Sciences

University of Maryland, College Park

B.S. in Biological Sciences

Biotechnology

University of Maryland University College

B.T.P.S. in Biotechnology

Business

University of Maryland, College Park

B.S. in Accounting

B.S. in General Business

B.S. in General Business w/ Specialization in Entrepreneurship

B.S. in International Business

B.S. in Marketing

Communication

University of Maryland, College Park

B.A. in Communication

Computer and Information Sciences

University of Maryland University College

B.S. in Computer and Information Science

B.S. in Computer Information Technology

B.S. in Computer Studies

B.S. in Information Assurance

B.S. in Information Systems Management (Daytime & Evening)

Construction Management Technology

University of Maryland Eastern Shore

B.S. in Construction Management Technology

Criminology and Criminal Justice

University of Maryland, College Park

B.A. in Criminology and Criminal Justice

Education

Towson University

B.S. in Early Childhood Education (Fall 2008)

B.S. in Elementary Education / Special Education (EESE - Integrated Program with Dual Certification)

Health Systems Management

University of Baltimore

B.S. in Health Systems Management (Weekend Format)

History

University of Maryland, Baltimore County

B.A. in History (Fall 2008)

Homeland Security Management

University of Maryland University College

B.S. in Emergency Management

B.S. in Homeland Security

B.S. in Information Assurance

Hotel and Restaurant Management

University of Maryland Eastern Shore

B.S. in Hotel and Restaurant Management

Investigative Forensics

University of Maryland University College

B.S. in Investigative Forensics

Laboratory Management

University of Maryland University College

B.T.P.S. in Laboratory Management

Nursing

University of Maryland, Baltimore

B.S. in Nursing

Political Science

University of Maryland, Baltimore County

B.A. in Political Science

Psychology

University of Maryland, Baltimore County

B.A. in Psychology

Respiratory Therapy

Salisbury University

B.S. in Respiratory Therapy (Fall 2008)

Simulation & Digital Entertainment

University of Baltimore

B.S. in Simulation & Digital Entertainment

Social Work

University of Maryland, Baltimore County

B.A. in Social Work

9630 Gudelsky Drive, Rockville, MD 20850 | Phone: 301.738.6000 | TTY: 301.738.6088 | E-mail: shadygrove@umd.edu



MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Montgomery County Workforce Investment Board	Executive Order No. 159-02	Subject Suffix
Originating Department Department of Economic Development	Department Number	Effective Date 7/03/02

WHEREAS,

BACKGROUND

1. The federal Workforce Investment Act of 1998 (Public Law 105-22) (Act) sets forth the guidelines for local areas to administer workforce programs and services in the local workforce investment area.
2. Montgomery County is a local workforce investment area.
3. The Act requires that each local workforce investment area establish a Workforce Investment Board for the purposes of administering the Act and to establish policies to guide and lead the workforce agenda in each local area.
4. Section 117 of the Act establishes the frame work for the appointment and membership of the local Workforce Investment Board.
5. The Act authorizes the chief local elected official in the local area to appoint members to the Workforce Investment Board in accordance with the Act and the guidelines of the State.
6. In carrying out this commitment, the County seeks to strengthen public-private involvement through which County business leaders, government representatives, educators, and organized labor may provide input to policy formulation and oversight of Workforce Investment Act programs and services in the County.
7. The County seeks to strengthen workforce development policies and programs for job seekers and employers that will enhance the social and economic opportunities of its citizens.

ACTION

1. There is established a Montgomery County Workforce Investment Board which is composed of 30 members representing the business community, organized labor, community based organizations, the public schools, the community college, public agencies (including economic development, health and human services, housing, vocational rehabilitation, and job services), and other entities as mandated in the Act.



MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Montgomery County Workforce Investment Board	Executive Order No. 159-02	Subject Suffix .
Originating Department Department of Economic Development	Department Number	Effective Date 7/03/02

2. The chairperson of the board must be a representative from the business community. The County Executive appoints the first chairperson, who serves for a one-year term. Thereafter, the board elects the chairperson.
3. Members serve a term of 3 years. Initially, the County Executive must appoint 10 members to a one-year term; 10 members to a 2-year term; and 10 members to a 3-year term. Board members may not serve more than 2 consecutive, full terms.
4. The County Executive appoints all members subject to confirmation by the County Council.
5. As provided for in the Act, the composition of the Workforce Investment Board will be as follows:
 - a. 16 members representing a cross section of employers in the local area. These members must include representatives who: (i) are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policy making or hiring authority; (ii) represent businesses with employment opportunities that reflect the employment opportunities of the local area; and (iii) are appointed from among individuals nominated by local business organizations and business trade associations;
 - b. 3 members representing community based organizations (including organizations representing individuals with disabilities and veterans);
 - c. 2 members representing labor organizations nominated by local labor federations;
 - d. A member nominated by the Montgomery County Public Schools;
 - e. A member nominated by Montgomery College;
 - f. A member nominated by a four-year college or university;
 - g. A member representing the Montgomery County Department of Economic Development;



MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Montgomery County Workforce Investment Board	Executive Order No. 159-02	Subject Suffix
Originating Department Department of Economic Development	Department Number	Effective Date 7/03/02

- h. A member representing the Montgomery County Housing Opportunities Commission;
 - i. A member representing the Montgomery County Department of Health and Human Services;
 - j. A member representing the Maryland Division of Rehabilitation Services;
 - k. A member representing the Maryland Job Service; and
 - l. A member representing an agency administering Title V, The Older Americans Act.
6. The Workforce Investment Board performs the following duties:
- a. Provide policy guidance and oversight to the County in the administration of the Act's funds, programs and services;
 - b. Advise the County on workforce needs and issues in the community and assist the Division of Workforce Investment Services, Department of Economic Development, in its activities and responsibilities;
 - c. Conduct oversight of local adult and youth workforce programs and provide general oversight to the one-stop delivery system in the County;
 - d. Assist the County in the development of the local strategic workforce plan;
 - e. Designate or certify one-stop operators;
 - f. Identify local providers of adult and dislocated worker services;
 - g. Identify and evaluate training services providers;
 - h. Provide for a youth council to oversee youth employment and training programs;



MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Montgomery County Workforce Investment Board	Executive Order No. 159-02	Subject Suffix
Originating Department Department of Economic Development	Department Number	Effective Date 7/03/02

- i. Negotiate and reach agreement on local performance measures with the County Executive and the Governor;
 - j. Undertake such assignments and programs designated by the County Executive and initiate their own workforce related initiatives as members deem necessary;
 - k. Develop a budget for the purpose of carrying out the duties of the Board subject to approval by the County Executive.
 - l. Perform all other functions of a local board under the Act.
7. Under § 117 of the Act and § 19A-16 (b) of the Montgomery County Public Ethics Law, members of the Board and employees of the Division of Workforce Investment Services who are authorized by the Director of the Department of Economic Development may solicit donations for the benefit of the Workforce Investment Act programs and services.

Gifts may be used for staffing or other operating costs or to purchase needed equipment or supplies necessary for the activities, programs, and services over which the Board exercises responsibility.

The Board or the Director of the Department of Economic Development must authorize all solicitations. A person authorized to solicit a gift under this order may participate in presentations, conduct general solicitations through mailings, participate in media activities, or meet personally with potential donors to discuss program needs.

A direct solicitation must not be made to any person or entity that has a contract with the County entered into under Chapter 11B of the County Code that is administered by the Department of Economic Development.

Gifts may be solicited from associations, businesses, corporations, foundations, service organizations, chambers of commerce, community groups, religious organizations, government agencies, or individuals.



MONTGOMERY COUNTY EXECUTIVE ORDER

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Subject Montgomery County Workforce Investment Board	Executive Order No. 159-02	Subject Suffix
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Gifts may include monetary contributions, goods and services, technical assistance, training, space, furniture, equipment, or staffing assistance.

All gifts must be publicly acknowledged unless the donor requests in writing that no public acknowledgment is to be made. Public acknowledgment may be made by placement of a notice in the Montgomery County Register. At the discretion of the Board or the Director of Economic Development, additional public acknowledge may be provided including the use of a Press Release.

APPROVED:

Douglas M. Duncan
County Executive

Distribution:

- County Executive's File
- Clerk, County Council
- Director of Finance (2)
- Park and Planning Relocation Assistance
- County Attorney

Approved as to form and legality.

Marc P. Hansen, Chief
General Counsel Division

MPH:ppb
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WORKFORCE INVESTMENT ACT OF 1998 (Excerpt)

SEC. 117. LOCAL WORKFORCE INVESTMENT BOARDS.

(a) Establishment.--There shall be established in each local area of a State, and certified by the Governor of the State, a local workforce investment board, to set policy for the portion of the statewide workforce investment system within the local area (referred to in this title as a ``local workforce investment system'').

(b) Membership.--

(1) State criteria.--The Governor of the State, in partnership with the State board, shall establish criteria for use by chief elected officials in the local areas for appointment of members of the local boards in such local areas in accordance with the requirements of paragraph (2).

(2) Composition.--Such criteria shall require, at a minimum, that the membership of each local board--

(A) shall include--

(i) representatives of business in the local area, who--

(I) are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority;

(II) represent businesses with employment opportunities that reflect the employment opportunities of the local area; and

(III) are appointed from among individuals nominated by local business organizations and business trade associations;

(ii) representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist), selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities;

(iii) representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations, or (for a local area in which no employees are represented by such organizations), other representatives of employees;

(iv) representatives of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present);

(v) representatives of economic development agencies, including private sector economic development entities; and

(vi) representatives of each of the one-stop partners; and

(B) may include such other individuals or representatives of entities as the chief elected official in the local area may

determine to be appropriate.

(3) Authority of board members.--Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities.

(4) Majority.--A majority of the members of the local board shall be representatives described in paragraph (2)(A)(i).

(5) Chairperson.--The local board shall elect a chairperson for the local board from among the representatives described in paragraph (2)(A)(i).

(c) Appointment and Certification of Board.--

(1) Appointment of board members and assignment of responsibilities.--

(A) In general.--The chief elected official in a local area is authorized to appoint the members of the local board for such area, in accordance with the State criteria established under subsection (b).

(B) Multiple units of local government in area.--

(i) In general.--In a case in which a local area includes more than 1 unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials--

(I) in the appointment of the members of the local board from the individuals nominated or recommended to be such members in accordance with the criteria established under subsection (b); and

(II) in carrying out any other responsibilities assigned to such officials under this subtitle.

(ii) Lack of agreement.--If, after a reasonable effort, the chief elected officials are unable to reach agreement as provided under clause (i), the Governor may appoint the members of the local board from individuals so nominated or recommended.

(C) Concentrated employment programs.--In the case of a local area designated in accordance with section 116(a)(2)(B), the governing body of the concentrated employment program involved shall act in consultation with the chief elected official in the local area to appoint members of the local board, in accordance with the State criteria established under subsection (b), and to carry out any other responsibility relating to workforce investment activities assigned to such official under this Act.

(2) Certification.--

(A) In general.--The Governor shall, once every 2 years, certify 1 local board for each local area in the State.

(B) Criteria.--Such certification shall be based on criteria established under subsection (b) and, for a second or subsequent certification, the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the local performance measures.

(C) Failure to achieve certification.--Failure of a local board to achieve certification shall result in reappointment

and certification of another local board for the local area pursuant to the process described in paragraph (1) and this paragraph.

(3) Decertification.--

(A) Fraud, abuse, failure to carry out functions.-- Notwithstanding paragraph (2), the Governor may decertify a local board, at any time after providing notice and an opportunity for comment, for--

(i) fraud or abuse; or

(ii) failure to carry out the functions specified for the local board in any of paragraphs (1) through (7) of subsection (d).

(B) Nonperformance.--Notwithstanding paragraph (2), the Governor may decertify a local board if a local area fails to meet the local performance measures for such local area for 2 consecutive program years (in accordance with section 136(h)).

(C) Plan.--If the Governor decertifies a local board for a local area under subparagraph (A) or (B), the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with the chief elected official in the local area, and in accordance with the criteria established under subsection (b).

(4) Single state area.--Notwithstanding subsection (b) and paragraphs (1) and (2), if a State described in section 116(b) indicates in the State plan that the State will be treated as a local area for purposes of the application of this title, the Governor may designate the State board to carry out any of the functions described in subsection (d).

(d) Functions of Local Board.--The functions of the local board shall include the following:

(1) Local plan.--Consistent with section 118, each local board, in partnership with the chief elected official for the local area involved, shall develop and submit a local plan to the Governor.

(2) Selection of operators and providers.--

(A) Selection of one-stop operators.--Consistent with section 121(d), the local board, with the agreement of the chief elected official--

(i) shall designate or certify one-stop operators as described in section 121(d)(2)(A); and

(ii) may terminate for cause the eligibility of such operators.

(B) Selection of youth providers.--Consistent with section 123, the local board shall identify eligible providers of youth activities in the local area by awarding grants or contracts on a competitive basis, based on the recommendations of the youth council.

(C) Identification of eligible providers of training services.--Consistent with section 122, the local board shall identify eligible providers of training services described in section 134(d)(4) in the local area.

(D) Identification of eligible providers of intensive services.--If the one-stop operator does not provide intensive services in a local area, the local board shall identify

eligible providers of intensive services described in section 134(d)(3) in the local area by awarding contracts.

(3) Budget and administration.--

(A) Budget.--The local board shall develop a budget for the purpose of carrying out the duties of the local board under this section, subject to the approval of the chief elected official.

(B) Administration.--

(i) Grant recipient.--

(I) In general.--The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.

(II) Designation.--In order to assist in the administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in subclause (I).

(III) Disbursal.--The local grant recipient or an entity designated under subclause (II) shall disburse such funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title, if the direction does not violate a provision of this Act. The local grant recipient or entity designated under subclause (II) shall disburse the funds immediately on receiving such direction from the local board.

(ii) Staff.--The local board may employ staff.

(iii) Grants and donations.--The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.

(4) Program oversight.--The local board, in partnership with the chief elected official, shall conduct oversight with respect to local programs of youth activities authorized under section 129, local employment and training activities authorized under section 134, and the one-stop delivery system in the local area.

(5) Negotiation of local performance measures.--The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local performance measures as described in section 136(c).

(6) Employment statistics system.--The local board shall assist the Governor in developing the statewide employment statistics system described in section 15(e) of the Wagner-Peyser Act.

(7) Employer linkages.--The local board shall coordinate the workforce investment activities authorized under this subtitle and carried out in the local area with economic development strategies and develop other employer linkages with such activities.

(8) Connecting, brokering, and coaching.--The local board shall promote the participation of private sector employers in the statewide workforce investment system and ensure the effective provision, through the system, of connecting, brokering, and coaching activities, through intermediaries such as the one-stop operator in the local area or through other organizations, to assist such employers in meeting hiring needs.

(e) Sunshine Provision.--The local board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth activities, and on request, minutes of formal meetings of the local board.

(f) Limitations.--

(1) Training services.--

(A) In general.--Except as provided in subparagraph (B), no local board may provide training services described in section 134(d)(4).

(B) Waivers of training prohibition.--The Governor of the State in which a local board is located may, pursuant to a request from the local board, grant a written waiver of the prohibition set forth in subparagraph (A) (relating to the provision of training services) for a program of training services, if the local board--

(i) submits to the Governor a proposed request for the waiver that includes--

(I) satisfactory evidence that there is an insufficient number of eligible providers of such a program of training services to meet local demand in the local area;

(II) information demonstrating that the board meets the requirements for an eligible provider of training services under section 122; and

(III) information demonstrating that the program of training services prepares participants for an occupation that is in demand in the local area;

(ii) makes the proposed request available to eligible providers of training services and other interested members of the public for a public comment period of not less than 30 days; and

(iii) includes, in the final request for the waiver, the evidence and information described in clause (i) and the comments received pursuant to clause (ii).

(C) Duration.--A waiver granted to a local board under subparagraph (B) shall apply for a period of not to exceed 1 year. The waiver may be renewed for additional periods of not to exceed 1 year, pursuant to requests from the local board, if the board meets the requirements of subparagraph (B) in making the requests.

(D) Revocation.--The Governor may revoke a waiver granted under this paragraph during the appropriate period described in subparagraph (C) if the State determines that the local board

involved has engaged in a pattern of inappropriate referrals to training services operated by the local board.

(2) Core services; intensive services; designation or certification as one-stop operators.--A local board may provide core services described in section 134(d)(2) or intensive services described in section 134(d)(3) through a one-stop delivery system described in section 134(c) or be designated or certified as a one-stop operator only with the agreement of the chief elected official and the Governor.

(3) Limitation on authority.--Nothing in this Act shall be construed to provide a local board with the authority to mandate curricula for schools.

(g) Conflict of Interest.--A member of a local board may not--

(1) vote on a matter under consideration by the local board--

(A) regarding the provision of services by such member (or by an entity that such member represents); or

(B) that would provide direct financial benefit to such member or the immediate family of such member; or

(2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

(h) Youth Council.--

(1) Establishment.--There shall be established, as a subgroup within each local board, a youth council appointed by the local board, in cooperation with the chief elected official for the local area.

(2) Membership.--The membership of each youth council--

(A) shall include--

(i) members of the local board described in subparagraph (A) or (B) of subsection (b)(2) with special interest or expertise in youth policy;

(ii) representatives of youth service agencies, including juvenile justice and local law enforcement agencies;

(iii) representatives of local public housing authorities;

(iv) parents of eligible youth seeking assistance under this subtitle;

(v) individuals, including former participants, and representatives of organizations, that have experience relating to youth activities; and

(vi) representatives of the Job Corps, as appropriate;

and

(B) may include such other individuals as the chairperson of the local board, in cooperation with the chief elected official, determines to be appropriate.

(3) Relationship to local board.--Members of the youth council who are not members of the local board described in subparagraphs (A) and (B) of subsection (b)(2) shall be voting members of the youth council and nonvoting members of the board.

(4) Duties.--The duties of the youth council include--

(A) developing the portions of the local plan relating to eligible youth, as determined by the chairperson of the local board;

(B) subject to the approval of the local board and

consistent with section 123--

(i) recommending eligible providers of youth activities, to be awarded grants or contracts on a competitive basis by the local board to carry out the youth activities; and

(ii) conducting oversight with respect to the eligible providers of youth activities, in the local area;

(C) coordinating youth activities authorized under section 129 in the local area; and

(D) other duties determined to be appropriate by the chairperson of the local board.

(i) Alternative Entity.--

(1) In general.--For purposes of complying with subsections (a), (b), and (c), and paragraphs (1) and (2) of subsection (h), a State may use any local entity (including a local council, regional workforce development board, or similar entity) that--

(A) is established to serve the local area (or the service delivery area that most closely corresponds to the local area);

(B) is in existence on December 31, 1997;

(C)(i) is established pursuant to section 102 of the Job Training Partnership Act, as in effect on December 31, 1997; or

(ii) is substantially similar to the local board described in subsections (a), (b), and (c), and paragraphs (1) and (2) of subsection (h); and

(D) includes--

(i) representatives of business in the local area; and

(ii)(I) representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations; or

(II) (for a local area in which no employees are represented by such organizations), other representatives of employees in the local area.

(2) References.--References in this Act to a local board or a youth council shall be considered to include such an entity or a subgroup of such an entity, respectively.



OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett
County Executive

Joseph F. Beach
Director

MEMORANDUM

April 9, 2009

TO: Phil Andrews, President, County Council

FROM: Joseph F. Beach, Director 

SUBJECT: Council Bill 7-09, Schools and Camps – Workforce Investment Scholarship

2009 APR 10 PM 2:00
MONTGOMERY COUNTY
OFFICIAL

The purpose of this memorandum is to transmit a fiscal impact statement to the Council on the subject legislation.

LEGISLATION SUMMARY

The proposed legislation creates a workforce investment scholarship program administered by the Department of Economic Development that provides:

- Scholarships to students in an undergraduate degree program which prepares students for:
 - a) one of the County's ten most needed occupations
 - b) certification by the State Department of Education to teach mathematics or science in a Maryland public school, or
 - c) a degree in engineering, mathematics, or a natural science;
- Requires a student who receives a workforce investment scholarship to agree to work in the County as a mathematics or science teacher, as an engineer, or in one of the County's ten most needed occupations for at least the number of years the student receives the scholarship; and
- Requires the repayment of the scholarship by a student who does not complete a degree or who does not satisfy other conditions of the scholarship.

FISCAL SUMMARY

The legislation directs the Department of Economic Development to provide staff services and administrative support to operate the scholarship program. Staff will be responsible for developing program guidelines, negotiating partnerships with Montgomery County Public Schools, Montgomery College, private sector businesses, and Universities at Shady Grove,

Office of the Director

Phil Andrews, President, County Council

April 8, 2009

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developing and implementing marketing plans, and tracking scholarship recipients. Initial cost estimates for FY10 total \$213,000. Costs are broken down as follows: Program management and office support, \$122,500; marketing, local travel, and computer, \$15,500; twenty-five scholarships at \$3,000 each, \$75,000.

The following contributed to this analysis: Hugh Bailey of the Department of Economic Development and John Cuff of the Office of Management and Budget.

JFB:jc

Attachment

- c: Kathleen Boucher, Assistant Chief Administrative Officer
- Dee Gonzalez, Offices of the County Executive
- Jennifer Barrett, Department of Finance
- Tina Benjamin, Department of Economic Development
- Hugh Bailey, Department of Economic Development
- Beryl Feinberg, Office of Management and Budget
- Charles Goldsmith, Office of Management and Budget
- John Cuff, Office of Management and Budget

**Workforce Investment Scholarship Program
Draft budget (1 – year) FY 2010**

Staffing	Program Mgr I \$58,000 + 25% benefits	\$72,500
	Office Support Coordinator \$40,000 + 25% benefits	\$50,000
Program	Staff will be responsible for: <ul style="list-style-type: none"> ▪ Developing program guidelines ▪ Negotiating partnerships with MCPS, private sector businesses, and Universities at Shady Grove ▪ Developing marketing plan and then deploying it ▪ Tracking scholarship recipients 	
Resources	Marketing costs	\$7,500
	Local travel	\$4,000
	Computer (2)	\$4,000
Scholarships	Twenty-five scholarships at \$3,000 a piece	\$75,000
Total		\$213,000