



February 13, 2014

### In this issue:

- PreK Expansion Grants Bill Supported
- MSA Waiver & Local Educator Evaluations Bills Supported
- ESEA Waivers by Regulation Bill Opposed
- Burden of Proof and More
- Private School Tax Credit Funding Bill is Back
- MABE Advocacy Resources
- MABE's [Annapolis Advocacy Center](#) features MABE [Bill Testimony & Bill Highlights](#)

### MABE Supports Administration's PreK Grants Initiative

MABE's Legislative Committee met on Monday, February 10 and voted to support the Prekindergarten Expansion Act of 2014 ([Senate Bill 332/House Bill 297](#)). This bill will establish a new Preschool Expansion Grant Program to broaden the availability of prekindergarten and school readiness services in coordination with the currently mandated public school program, Judy Centers, and private providers. The private providers would be required to be state accredited and approved as partnering with a local school system under an MOU. The grant program would use a new definition of "economically disadvantaged background" to mean a family whose income is no more than 300% of the federal poverty guidelines. This is significantly higher, but in no way amends, the current eligibility threshold for mandated prekindergarten, which is no more than 185% of the federal poverty guidelines.

The bill provides that the Prekindergarten Expansion Grants may be used for the following:

1. Half-day prekindergarten for additional eligible children;
2. Full-day prekindergarten for eligible children under the currently mandated, targeted program, or additional eligible children as defined under the new eligibility standard; and
3. Judy Centers for the families of eligible children as defined under the currently mandated, targeted program, or additional eligible children as defined under the new eligibility standard who are located in Title I school attendance areas.

Clinton Macsherry, Director of Public Policy for the Maryland Family Network, addressed the Legislative Committee on his organization's support for the Prekindergarten Expansion Act, and support for the forthcoming

### Legislative Committee Calendar

- February 24, 2014
- March 17, 2014
- March 31, 2014  
(Session ends April 7, 2014 - Sine Die)
- April 28, 2014 (Session Wrap-Up)

Meetings are held from 10:00 a.m. to Noon in the MABE office in Annapolis, unless otherwise indicated.

adequacy study's work to recommend a long-term funding approach to expanding public prekindergarten programs.

On Wednesday, February 12, the Lt. Governor led two panels of supporters for the legislation in bill hearings in the House Ways and Means Committee and Senate Budget and Taxation Committee. The panels included representatives from MSDE, MABE, MSEA, PSSAM, Maryland Family Network, Baltimore Community Foundation, and Maryland Childcare Association. MABE's testimony echoed the Lt. Governor's call for a "modest first step" in creating this competitive grant program, support for the adequacy study's recommendations relating to state funding for any major expansion. MABE emphasized the successful prekindergarten programs offered by local boards of education and the need for a long-term funding strategy to support these efforts. . . .

## **MABE Acts on Bills on Common Core Educator Evaluations, ESEA Waivers, and More**

MABE voted on January 29, 2014 to support legislation introduced by Delegate Luedtke and Senator King, [House Bill 117/Senate Bill 165](#), to call on the Maryland State Department of Education's (MSDE) to include in its next waiver request to the U.S. Department of Education a specific request for relief from the administration of the Maryland School Assessments (MSAs) in 2014. House Bill 117 has been scheduled for a hearing on Feb. 5; and Senate Bill 165 will be heard on Feb. 12. More information on the history and status of [Maryland's ESEA flexibility waivers](#) is available on MSDE's website.

On February 10, MABE's Legislative Committee voted to support legislation introduced to clarify and reinforce that the role of the state model educator evaluation system is to serve as the default model in the absence of a the educator evaluation system developed by the local school system and mutually agreed to by employee organizations. The bills supported include the very similar following pieces of legislation:

### **[Senate Bill 911](#), and [Senate Bill 676/HB 1167](#) – Education – Performance Evaluation Criteria (SUPPORT)**

Senate Bill 911 provides that the "default" state model educator evaluation system would only take effect if the local school system and the employee organization fail to mutually agree on a locally developed educator evaluation system. Senate Bill 976 and House Bill 1167 include the same provision, but also provide that that educator performance evaluation criteria developed by the state or local school systems may not require student growth data based on state assessments to be used to make personnel decisions before the 2016–2017 school year. The bills further provide that the law may not be construed to require a local board to adopt the default model performance evaluation criteria developed by MSDE.

Also considered at Monday's Legislative Committee meeting were two other bills relating to Common Core and the federal role in education reform. MABE voted to oppose [Senate Bill 910/House Bill 1001](#) – **Education – Federal Elementary and Secondary Education Act – Waivers (OPPOSE)**, which would require MSDE to develop regulations including the provisions of any waivers being requested from the U.S. Department of Education. MABE took no position on a bill to create a new legislative Commission to oversee the implementation of the PARCC assessments. [House Bill 1164](#) – **Common Core State Standards and Partnership for Assessment of Readiness for College and Careers (PARCC) Implementation Review Workgroup (NO POSITION)**.

## **MABE Prepares for Opposition to Shifting the Burden of Proof**

[Senate Bill 779/House Bill 1198](#) - **Education - Due Process Hearings for Children With Disabilities - Burden of Proof (OPPOSE)**, would once again propose to shift the burden of proof in special education-related due process complaints and proceedings, "Due process complaint", under existing law, is defined as a written request for a due process hearing filed by the parent of a child with a disability, as defined in § 8–412 of this subtitle, or a

public agency, to resolve a dispute over the identification, evaluation, educational placement, or the provision of free appropriate public education, in accordance with federal law. MABE opposed very similar legislation in 2013. That legislation did not pass; and instead the General Assembly passed House Bill 1161 to establish a Commission on Special Education Access and Equity. The commission is now studying the extent to which parents and guardians of students with disabilities are made aware of their rights under the Individuals with Disabilities Education Act (IDEA) and State law and regulations relating to children with disabilities and potential ways to improve the awareness of these rights. Hearings will be held on the Senate Bill on February 26 and the House Bill on February 28.

MABE did consider another special education-related bill on Monday, February 10; resulting in MABE taking no position on **House Bill 413 - Special Education – Individualized Education Program Parental Notice Requirements and Service Models List (NO POSITION)**. This bill would require school systems to provide the parents of a child attending their initial individualized education program evaluation meeting with a verbal and written explanation of their rights and responsibilities and a program procedural safeguards notice. In addition, the bill would require boards to develop and publish on the school system web site a list of special education service delivery models that includes a statement regarding how a child is placed.

## **MABE Opposes Private School Tax Credit Financing**

**Senate Bill 633/House Bill 1262 – Maryland Education Credit**, has been introduced to establish a new Maryland Education Credit in order to provide tax credits to businesses that donate to nonprofit organizations that support public and nonpublic school students. The bill would give businesses a 60% tax credit on donations up to \$200,000 to nonprofit Student Assistance Organizations to help pay for tuition, supplies, and tutoring. The bill would allow up to \$15 million in tax credits; 60% to go to nonpublic schools, and 40% to public schools. Tax credits would be allowed on a first-come, first-serve basis until the caps are reached. The bill is now scheduled for a Senate hearing on February 26 and a House hearing on March 7.

MABE is urging the General Assembly to reject outright the creation of a multimillion dollar private school tuition assistance program in Maryland. We oppose creating a new income tax credit program fund private and parochial schools through tuition scholarships, or vouchers. Also, we oppose foregoing up to \$15 million in precious tax revenues to support public education, in exchange for a program which will provide additional grants to private and parochial schools.

## **FY 2015 State Budget Highlights**

The amounts of education funding included in the Governor's proposed FY 2015 State Budget include the overall investment of \$6.116 billion for both direct education aid (\$5.316 billion) and teacher retirement costs (\$800 million). Direct aid refers to the largely per pupil allocations for the major funding categories including the Foundation, Compensatory, Limited English Proficient, Special Education, and other programs. In FY 2015 Direct Aid is proposed to increase by \$125 million overall, with county-by-county amounts included in the documents provided below. The State Budget also includes \$4.3 million for Maryland Prekindergarten Expansion Program.

The Administration's FY 2015 capital budget allocates \$275 million for school construction. This amount is supplemented by \$6.1 million in Qualified Zone Academy Bond (QZAB) program funding, and \$6.1 million in Aging Schools Program funding.

## MSDE Headquarters Budget Analysis

MSDE's proposed FY 2015 Headquarters Budget, and the Department of Legislative Services' analysis, is available on the [General Assembly website](#). Major issues in the budget report include:

1. Common Core and Elementary and Secondary Education Act Waiver Request
2. Race to the Top Annual Performance Report and Wrap-up
3. College and Career Readiness and College Completion Act of 2013
4. Teacher Professional Development in Preparation for MCCRCS

The department submits a narrative report on the budget request, and the analyst then inserts requests for additional information and clarification. For example, in the following section MSDE describes the status of the ESEA waiver request, followed by the DLS analyst's request for additional information in bold:

"Common Core and Elementary and Secondary Education Act Waiver Request: The new State curriculum aligned with the Maryland College and Career Ready Standards (MCCRCS) is being fully implemented across the State in the 2013-2014 school year. In addition, the new assessments aligned with the MCCRCS, PARCC, will be field tested in spring 2014 as the State prepares to replace the Maryland School Assessment (MSA) with PARCC in the 2014-2015 school year. Following federal law, MSDE will require that the MSA still be given to students this year, even with the misalignment of curriculum as MCCRCS is implemented. **The State Superintendent should discuss how MSDE will ensure it meets the deadlines for implementing the PARCC tests fully online by the 2016-2017 school year, while reconciling the fact that the local education agencies (LEA) have asked for millions of dollars in information technology infrastructure upgrades in order to meet that deadline.**"

## MABE Resources

MABE resources during session include the [GreenSheet legislative newsletter](#) and the [Advocacy](#) pages on the website. As session progresses, MABE will provide legislative updates and Calls to Action via the GreenSheet, and continuously update the website to provide all bill testimony and other resources, in order to facilitate the advocacy efforts of local boards and board members.

- MABE's [Annapolis Advocacy Center](#) features MABE [Bill Testimony & Bill Highlights](#), the [GreenSheet](#) legislative newsletters, and [Calls to Action](#) on pending legislation.
- MABE's [Priority Issues](#) page provides more detailed information on MABE's top legislative priorities, and hot topics such as student discipline.

Also available on MABE's Website:

- [State Board Advocacy Center](#) and [Federal Advocacy Center](#)
- MABE's [Advocacy Toolkit](#) in PDF - MABE's [Advocacy Toolkit](#) is intended to complement board and board member efforts by providing a portable guide to assist in lobbying local, state, and federal officials on behalf of Maryland's outstanding public schools and students. Members can obtain a copy of the toolkit by contacting Sandi Barry, [sbarry@mabe.org](mailto:sbarry@mabe.org). For a hard copy of this publication, please contact the MABE office at 410.841.5414, or email Sandi Barry at [sbarry@mabe.org](mailto:sbarry@mabe.org).
- [The Monitor](#): MABE staff produces this newsletter on the State Board of Education's monthly meeting. Meeting handouts (regulations, memos, and briefing materials) are available on the MABE website.
- For any additional information regarding legislative matters, please contact John Woolums, MABE's Director of Governmental Relations at (410) 841-5414, (800) 841-8197, or [jwoolums@mabe.org](mailto:jwoolums@mabe.org).