

**February 28, 2014**

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### MABE's Legislative Committee Hears From Governor's Education Policy Advisor

MABE's Legislative Committee met on Monday, February 24 and was pleased to have as a guest speaker Jared Billings, the Governor's Education Policy Advisor. Mr. Billings shared the Governor's support for the Prekindergarten Expansion Act, sustaining investments in education through fully funding the Bridge to Excellence Act and school construction. Legislative Committee chair Donna Brightman and committee members engaged Mr. Billings in a discussion of pending bills on the Common Core, including legislation to address the technology needs arising from the Common Core-related, online PARCC assessments.

Mr. Billings emphasized that the PARCC assessments are not required to be taken online for several years, and therefore the purchasing of new computers and infrastructure upgrades should not be viewed as being done for the new tests, but as integral to the future of teaching and learning. Ms. Brightman asked whether additional funding for school technology would be included in the capital budget, similar to last year's \$25 million school safety initiative. Mr. Billings responded that no decision on such an initiative was being considered. Board members asked for clarification on the need to purchase new computers for the PARCC tests, and Mr. Billings reiterated that it was not true that new computers needed to be purchased at this time for next year, because the PARCC test can be administered using paper and pencil for the next 3 years.

The other major topic of discussion was the unrest surrounding the transition of the Common Core, College and Career Ready standards and assessments. Mr. Billings reviewed the status of the ESEA waivers being developed as a one-year extension for 2014-2015 school year, and the U.S. Department of Education's requirement that this extension request be accompanied by a plan for the 2015-2016 and 2016-2017 school years that shows commitment to sustain the Race to the Top reforms. He noted that the request was being made to delay the use of assessments for educator evaluations until 2016-2017 and to ensure that any evaluation system not be punitive regarding teachers. He emphasized the importance of this issue to the Governor, and that the Governor had spoken with Education Secretary Arne Duncan

### Legislative Committee Calendar

- 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.

Board members raised questions concerning the use of the PARCC tests in Algebra and English as the HSAs in those subjects beginning in the 2014-2015 school year. Mr. Billings confirmed that this would occur, but highlighted that only students taking either assessment for the first time would use the PARCC tests, and therefore any high stakes consequences arising from failing to pass and having to retake a test would occur several years from now, not in the coming school year. He also stressed that although national cut scores for PARCC tests would be announced, that Maryland's would be setting our own HSA cut scores.

## **MABE Takes Positions and Discusses Pending Legislation**

The Legislative Committee discussed and took action on several pending bills, ranging from supporting a new Seal of Biliteracy boards could opt to offer to add to a student's diploma, to opposing the bill to repeal the 2015 sunset of the Public School Labor Relations Board. The committee also deliberated on bills to create new task forces on school-based health centers and expanding school-based mental health services, deciding to support both bills with amendments to add three local board members recommended by MABE and a superintendent representing PSSAM; and an amendment to require the task forces to assess the fiscal impact on school system operating and capital budgets of any recommendations.

### **Diploma Seal of Biliteracy**

MABE voted to support [House Bill 86](#), a bill to establish a Maryland Seal of Biliteracy Program to recognize public high school graduates, beginning with the graduating class of 2015, who have attained proficiency in speaking, reading, and writing one or more languages in addition to English. The purpose of the program is to promote linguistic proficiency and cultural literacy in one or more languages in addition to English and to provide recognition of the attainment of those skills by affixing a Seal of Biliteracy to the student's diploma or transcript at graduation. Participation in the program by a local school system would be voluntary, with only mandate being the requirement for the State Board of Education to adopt regulations to implement the program.

### **Task Force on Community-Partnered School-Based Mental Health**

MABE voted to support with amendments legislation to create a Task Force on Community-Partnered School-Based Mental Health, [House Bill 639/Senate Bill 679](#). The task force would be charged with (1) studying the prevalence of existing community-partnered school-based mental health programs in the State; (2) collecting and evaluating data on the efficacy of community-partnered school-based mental health programs across the State and the nation; and (3) identifying fiscally sustainable models of providing community-partnered school-based mental health services, including maximizing third-party billing for mental health services and supplemental funding for ancillary services.

### **Task Force to Study School-Based Health Centers**

Similarly, MABE voted to support with amendments [House Bill 783](#) and [Senate Bill 717](#), bills to create a task force to study (1) how to fully integrate SBHCs into State and local plans to ensure long-term sustainability of SBHCs; (2) how to ensure the coordinated interagency and intra-agency effort reflective of the interdisciplinary nature of SBHCs to provide the policy, technical assistance, and program support necessary to sustain quality SBHC efforts across State agencies; (3) the resources needed by State agencies to implement the task force's plan; and (4) if and how the mission and structure of the Maryland SBHC Policy Advisory Committee can be modified to assist the State in implementing the task force's plan.

### **Local School System Autonomy from State Board Regulations**

MABE voted to oppose [House Bill 893](#), a bill to provide that the bylaws, rules, and regulations established by the State Board of Education only apply to a local board of education to the extent that they are consistent with the bylaws, rules, and regulations established by a local board of education. Each local board of education must provide a specified public notice on the local board's website and allow for public comment at least three months before the local board submits a grant application to seek funds to support the local public school system.

## **Digital Equity for All Students**

MABE voted to support [Senate Bill 821](#), the Digital Equity for All Maryland Students Act of 2014, in that if enacted it would provide substantial funding for enormous school technology costs, and with amendments to clarify that the mandates in the bill for school systems to provide “equal and ubiquitous access to digital technology” should instead be stated as goals. This bill as introduced would mandate that on or before the 2016–2017 school year all public school 23 students shall have equal and ubiquitous access to digital technology in the classroom to optimize learning opportunities.. To accomplish this, the bill would create a new technology infrastructure improvement program to be administered by the Interagency Committee on School Construction (IAC). The Act would require the State in FY 2015 through 2017 to distribute grants from an appropriation in the state budget or general obligation bonds to county boards for the technology infrastructure improvement program. The grants could be used to:

- increase the bandwidth capacity of a school;
- install all necessary wiring and equipment to provide wireless internet connections throughout the school building;
- provide additional software;
- provide additional hardware including desktop computers, laptop computers, and tablets;
- hire additional technical staff to maintain the technology infrastructure and equipment in a school; and
- install additional electric capacity necessary to support the technology infrastructure and equipment in a school.

This bill is scheduled for a hearing on March 11.

## **Early In Early Out Education Act of 2014**

MABE voted to oppose [Senate Bill 822](#), a bill to require local school systems to allocate additional per pupil funding received for students graduating early to support the expansion of their Prekindergarten program.

## **MABE Opposes Repeal of Labor Board Sunset**

On February 26, MABE testified in opposition to [House Bill 1181](#), a bill to repeal the termination date, or sunset provision, of the Fairness in negotiations Act and the Public School Labor Relations Board established by that law. MABE joined a panel with Tim Thornburg, President of the Maryland Negotiation Service (MNS), and Patrick Spicer, General Counsel for Harford County School System. We asserted that before repealing the 2015 sunset provision, the General Assembly should thoroughly assess the performance of the PSLRB and, based on that assessment, require significant improvements in its operation.

In 2010, the General Assembly enacted legislation, over the strong opposition of local boards and superintendents represented by MABE, PSSAM, and MNS, to abolish 40 years of public education collective bargaining law and negotiation practices and procedures in favor of creating a Public School Labor Relations Board (PSLRB) with the authority to resolve scope of bargaining disputes and to enforce binding arbitration decisions on contract negotiations. Prior to 2010, the State Board of Education had the authority to determine whether a topic raised at the bargaining table was a mandated, permissive, or illegal subject for bargaining. Prior to 2010, a nonbinding impasse procedure, overseen by the State Superintendent of Schools, was used to resolve the most intractable disputes at the bargaining table. However, in those impasse cases, the final decision on the contract rested with the local board of education.

When the legislation was considered in 2010, local boards of education raised objections to creating the PSLRB and the pitfalls of adopting a new dispute resolution process to replace Maryland’s longstanding and successful negotiation framework. Local boards and superintendents highlighted concerns that the new PSLRB would be unable to make timely decisions given limited resources; revisit and thereby confuse long-established legal

principles and decisions; compete for jurisdiction with the State Board of Education; and interfere with the fiscal relationship between school systems and their local government's funding authority. MABE believes that each of these concerns has been validated by the conduct of the PSLRB.

### **MABE and MSEA Oppose Shifting the Burden of Proof in Special Education Cases**

MABE and MSEA partnered in testifying in opposition to legislation introduced again this session to shift the burden of proof to the school system in due process hearings for children with disabilities ([Senate Bill 779/House Bill 1198](#)). "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.

MABE testified that while we oppose shifting the burden of proof, we do not oppose addressing the "information gap" that exists between parents who are not aware of their rights and the responsibilities of educators and school systems under the law. In this context, MABE noted that we are not opposing other pending bills intended to address this gap. Most notably, MABE is taking no position on [House Bill 413](#) which 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 & Panel Oppose Private School Tax Credit Financing**

MABE and a panel of representatives from MSEA, the ACLU, and Advocates for Children and Youth testified in strong opposition to [Senate Bill 633](#), the Maryland Education Credit bill which would create within the Maryland state government a new, multi-million dollar private school tuition assistance program in Maryland. MABE has consistently and successfully joined with other major public education advocates to oppose creating any income tax credit program fund private and parochial schools through tuition scholarships, or vouchers. We always emphasize that we oppose foregoing millions of dollars in precious tax revenues to support public education, in exchange for a program which will provide additional grants to private and parochial schools. 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 the House hearing on March 7.

## **Budget Update**

### **Aid to Education Budget Analysis & Hearing**

The Governor's proposed FY 2015 Aid to Education Budget was presented to the Budget and Taxation Committee's Education Subcommittee on February 27. The Department of Legislative Services (DLS) analysis presented highlighted major trends and identified issues on which DLS staff requests additional information or agency action.

The [DLS Analysis](#) identified as major trends the decrease in Maryland School Assessment reading and math scores starting in the 2011-2012 school year; the decrease in the High School Assessment percent passing in Government, level performance in English; and increase for Algebra and Biology; and increase in the statewide

graduation rate. The analysis focuses in much more detail on the following budget and policy issues, with DLS comments in bold.

**State Aid for Education Increases in Fiscal 2015:** Public schools are expected to receive an estimated \$6.2 billion in fiscal 2015, representing a \$138.8 million (2.5%) increase over fiscal 2014. Largely due to recent pension reform and local cost-sharing initiatives, teachers' retirement payments made by the State on behalf of local school boards are increasing by a relatively modest \$10.3 million, representing 1.2% of the increase. The total increase includes \$26.8 million for the second year of a five-year phase in of the Net Taxable Income (NTI) Adjustment Grant. **The Department of Legislative Services recommends freezing the NTI adjustment at 20.0% and reduce future NTI appropriations.**

**Adequacy Study to Begin in 2014:** MSDE must contract with a public or private entity to conduct a study of the adequacy of education funding in the State. The study must be conducted in phases, with the first phase beginning no later than June 30, 2014, and the final phase being completed by December 1, 2016. The adequacy study is estimated to cost approximately \$800,000, but the full amount is not yet known as the contract has yet to be awarded. A request for proposals is currently being developed by MSDE for the contract to perform the study. **The State Superintendent should discuss, in broad terms, the most significant impacts that the adequacy study is expected to have on State aid for education once it is complete.**

**All Counties Meet Maintenance of Effort Requirement:** As of October 2013, MSDE has certified that the school appropriations of all 24 counties have met the fiscal 2014 maintenance of effort (MOE) requirement. Overall, MOE appropriations increase by approximately 2% statewide over fiscal 2013, and 12 counties appropriated more than the required MOE amount.

**Status of the School Progress Index:** In May 2012, Maryland received an Elementary and Secondary Education Act (ESEA) flexibility waiver, allowing the State to replace the No Child Left Behind (NCLB) performance measures with the Maryland School Progress Index (SPI). This new accountability system measures school progress in improving student achievement, closing achievement gaps, and moving students toward college and career readiness. Under the waiver, new performance targets are set for each school to reduce student achievement gaps for student subgroups and for all students by 50% by 2017. **The State Superintendent should discuss how progress on annual targets will be assessed in the context of the Partnership for Assessment of Readiness for College and Careers exams being given alongside the Maryland School Assessment tests this year, and how the SPI will be used to inform MSDE resources in helping schools, as all schools are being held harmless for accountability purposes this school year due to the ESEA waiver.**

## **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).