

March 18, 2014

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Legislative Committee Calendar

- **March 24, 2014 - NEW**
- ~~March 31, 2014 (cancelled)~~
(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.

Labor Relations Update & Call to Action

Call to Action

Labor Relations Board Sunset Repeal Passes House – Now Urge Senate No Vote, or Amendments to Extend the Sunset

House Bill 1181 – Fairness in Negotiations Act - Sunset Repeal

This bill would repeal the termination of the Fairness in Negotiations Act (Chapter 325 of 2010), which established the Public School Labor Relations Board (PSLRB) to administer and enforce labor relations laws for local boards of education and their employees. The Fairness in Negotiations Act is scheduled to terminate June 30, 2015. The House emended the bill but only to require a report from the PSLRB by August 1, 2018 on the number and disposition of cases heard and any recommended legislation.

The cross-filed companion bill, [Senate Bill 1066](#), has not been referred from the Rules Committee to the Finance Committee, and so has not been acted upon.

Call to Action

Contact your Senators to let them know that MABE opposes House Bill 1181, and in the alternative to a NO Vote MABE is requesting an amendment to extend the 2015 sunset to 2016, with the additional requirement that the PSLRB report to the General Assembly on its compliance with the Administrative Procedures Act and the Open Meetings Act.

Click here for the link to the [Finance Committee Roster](#)

School Counselors Bill Update & Call to Action

House Bill 571 – School Counselors - Role Expansion in Public High Schools

Status: The bill passed the House with amendments to remove the federal funding contingency and remove the mandates regarding the 80% professional responsibilities role and for transition plans. However, the bill retains the overall state goal and the mandate for local plans to achieve that goal. MABE Position: Oppose; bill as amended is better, but still an unprecedented mandate to set per pupil ratios for staff.

This bill establishes a State goal of achieving a ratio of at least one school counselor to every 250 students in every public high school and middle school in the State by 2020. By December 1, 2016, each local school system must develop and adopt a plan for achieving this ratio of counselors to students. Also, each local board of education must use existing local school system resources to develop a transition plan. At least 80% of a school counselor's time must be spent performing specified direct services to students; the State Board of Education must develop and distribute guidelines to each local school system for doing so. Each local school system must share resources and technology for school counselors. The State board, in collaboration with local boards, must adopt regulations to implement the bill.

Call to Action

MABE encourages boards and board members to contact your Senators in opposition to House Bill 571. There is no precedent for such prescriptive staffing ratios, even as a goal. In this light, House Bill 571 would set a hiring preference for School Counselors over other professional staff, and thereby intrude on local policies and priorities to invest scarce resources as locally determined. **The fiscal note estimates that achieving the 1 to 250 ratio will cost local school systems more than \$15 million.**

Click here for a link to the [Education, Health and Environmental Affairs Committee Roster](#):

Special Education Update

House Bill 1198/Senate Bill 779 – Education - Due Process Hearings for Children With Disabilities - Burden of Proof

There has been no action as of yet on the Burden of Proof bill. However, the advocates remain active, and MABE urges boards and board members to remain vigilant. This bill would place the burden of proof on the public agency, typically the local school system, in a due process hearing that is held to resolve disputes about the identification, evaluation, or educational placements of children with disabilities or the provision of a free appropriate public education. The bill states that it is not intended to change federal law regarding recordkeeping requirements or what constitutes a free appropriate public education.

MABE has testified in opposition to these bills, while at the same time emphasizing the ongoing need for local school systems and staff attention to engaging fully in the sharing information regarding parental rights, and school system responsibilities and services available. In this context, the following bills, which MABE does not oppose, are passing or highly likely to pass, and become law.

House Bill 413 – Special Education - Individualized Education Program Parental Notice Requirements and Service Models List

This bill would require each local board of education to develop and publish on its website a list of all special education service delivery models in the local school system. The local board must clearly state that decisions regarding the placement of a child in a special education delivery model will be made by an individualized education program (IEP) team in consultation with the child's parents and consistent with the least restrictive environment requirements of the federal Individuals with Disabilities Education Act (IDEA). On request, the local board must provide a written copy of the information described above.

At the initial evaluation meeting the parents of a child with a disability must be provided a verbal and written explanation, in plain language, of the parents' rights and responsibilities in the IEP process and a program procedural safeguards notice. The parents may request this information at any subsequent meeting.

Status: Passed the House with the amendment requiring the "plain language" explanation. MABE Position: No Position

Senate Bill 701/House Bill 798 – Education - Children With Disabilities - Habilitative Services Information

This bill requires each local school system to provide to parents of a child with a disability verbal and written information about access to habilitative services, including a copy of the Maryland Insurance Administration's Parents' Guide to Habilitative Services, at specified times.

Status: Passed both the House and Senate in identical form. MABE Position: No Position.

Student Health & Fitness Update

Senate Bill 503/House Bill 1366 – Public Schools - Cardiopulmonary Resuscitation and Automated External Defibrillator Instruction - Graduation Requirement (Breanna's Law)

This bill as introduced would have required public school students to complete instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) as a condition of high school graduation.

As amended in the Senate, the bill would require that beginning in the 2015-2016 school year, each local board of education has to provide instruction in CPR and AED use, through the health or physical education programs, in every public school that enrolls students in any of grades 9 through 12.

As amended in the House, the bill would require that beginning in the 2015-2016 school year, each local board of education has to provide instruction in CPR - but not AED use, through the health or physical education programs, in every public school that enrolls students in any of grades 7 through 12.

*Status: passed the House and Senate with the different amendments as described above. MABE Position: Oppose; MABE strongly opposed the bill as introduced to become a new graduation requirement, and based our opposition on the rationale that instruction in CPR and AED techniques are already in the state curriculum. **The bill as amended is clearly intended to be aligned with the state curriculum, but nonetheless will require additional instructional resources and staffing to comply with the new statutory mandate(s).***

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Person in Position of Authority Update

House Bill 781/Senate Bill 460 – Criminal Law - Person in a Position of Authority - Sexual Offenses With a Minor (Delegate Clippinger, et al.)

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House Bill 781, as amended, (1) repeals provisions under the fourth degree sexual offense statute involving a “person in a position of authority”; (2) redefines “person in a position of authority”; and (3) creates a new criminal offense prohibiting specified sexual acts between a minor and a person in a position of authority. Violators are guilty of a misdemeanor, punishable by a fine of up to \$1,000 and imprisonment for up to one year.

A “person in a position of authority” is a person who is at least 21 years old and who works at (1) a public or private preschool, elementary school, or secondary school or (2) a sports or recreational facility or program. “Person in a position of authority” includes an individual who is a volunteer with, under contract with, or a paid employee of a county board of education, an institution, a program, or an activity described above.

A person in a position of authority may not engage in sexual contact, a sexual act, or vaginal intercourse with a minor who the person in a position of authority knows is enrolled or participating in the institution, program, or activity at which the person in a position of authority works.

Senate Bill 460, as amended, strikes most of the bill as introduced in favor of simply removing the restriction in current 4th degree sex offence statute that applies the prohibition and crime to “full-time permanent employees.” This is the “keep it simple” approach MABE advocated in the House, and which was more represented by House Bill 362 than House Bill 781. However, since the House already rejected House Bill 362, the chambers are once again confronting two very different approaches to reforming the person in position of authority law.

Status: passed the House and Senate as amended and described above. MABE Position; Support with Amendments; MABE continues to support this bills as amended, and is encouraging Senators and Delegates to craft a compromise or concede to the other chamber’s approach.

Maintenance of Effort Update

Non-recurring Costs & MOE

House Bill 1145 – Maintenance of Effort - Qualifying Nonrecurring Costs - Methods of Approval

This bill would require the State Board of Education, by December 31 of each year, to distribute to local boards of education and county governments documents that include (1) a list of items, programs, or categories of qualifying nonrecurring costs that are exempted from the State’s public school maintenance of effort (MOE) requirement and that would be subject to direct administrative approval for the upcoming fiscal year; and (2) an application and instructions for submitting an expenditure for approval that fits within the list.

Status: The House Ways and Means Committee held its hearing, but there has been no action in subcommittee. MABE Position: Oppose

Lease Payments & MOE

House Bill 349 – Education - Maintenance of Effort - Lease Payment Exclusion

This bill, as introduced, would have excluded lease payments made by a local board of education to a private entity holding title to school property from the State’s public school maintenance of effort (MOE) requirement.

Status: Amendments were being considered to ensure that school systems are not obligated to pay any new lease payments within their current MOE amount, and that any current arrangements are preserved. MABE Position: Oppose. However, as amended, there is no basis for opposition remaining.

The amendments adopted in the House dramatically revise the bill, by converting it into a mandated study by the Department of Legislative Services, as follows:

(a) The Department of Legislative Services shall conduct a study that examines the use of lease payments or other alternative financing methods as defined in § 4–126 of the Education Article by local school systems for school construction.

(b) In conducting the study, the Department shall examine how lease payments and alternative financing methods affect the maintenance of effort calculation established in § 5–202 of the Education Article.

(c) On or before December 15, 2014, the Department shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

Prevailing Wage Update

House Bill 727/Senate Bill 232 – Procurement - Prevailing Wage - Applicability

This bill, as introduced, would have required all public works projects of \$500,000 or more that are funded in whole or in part with State money to pay a prevailing wage. As amended in both the House and Senate, the bill will apply prevailing wage requirements to the construction of elementary and secondary schools for which 25% or more of the money used for construction is state money. The current threshold, in place since 2000, is 50%.

MABE, joined by MACo, strongly proposed this legislation as introduced. The Senate acted first on the bill, and initially voted to lower the threshold to 40%. However, the next day the Finance Committee reconsidered that vote, and agreed to lower the threshold to 25%.

MABE greatly appreciates the many boards and board members who responded to the Call to Action to oppose this legislation.

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. For a hard copy of this publication, please contact the MABE office at 410.841.5414, or email Sandi Barry at 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.