

# 2014 Legislative Session Summary



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## Maryland Association of Boards of Education

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### Introduction

The Maryland Association of Boards of Education (MABE), founded in 1957, is a private, non-profit organization to which all twenty-four of Maryland's local boards of education voluntarily belong. The mission of the Maryland Association of Boards of Education is to provide members with a strong collective voice, and to support local school board governance through professional development, advocacy and member services. We consistently challenge, educate, and support our members, enabling them to create and maintain excellent public schools for all of Maryland's children. MABE remains dedicated and vigilant to our purpose – to advocate for local school board governance as the cornerstone of excellence and equity in public education.

MABE's government relations program facilitates board and board member advocacy actions at the local, state and federal government levels. MABE continuously monitors and adopts advocacy positions on pending legislation, regulations and policies. MABE's Legislative Committee, with representatives from each local board, adopts annual legislative priorities and positions, and meets regularly during the 90-day legislative session to take actions on pending legislation. We coordinate federal advocacy with the National School Boards Association (NSBA) Advocacy Institute (formerly Federal Relations Network). The advocacy section of MABE's website, <http://www.mabe.org>, provides access to information and resources organized under the [Annapolis Advocacy Center](#), [State Board Advocacy Center](#), and [Federal Advocacy Center](#).

### The 2014 Legislative Session

This session saw the introduction of 1117 Senate bills and 1555 House bills, with more than 250 relating to the funding, operation, or governance of local school systems. MABE monitored all of these bills, and submitted written or oral testimony on more than 65 bills. MABE's legislative priorities, as described below, focused on preserving local board governance authority, securing adequate operating and capital funding for FY 2015 and the 2014-2015 school year, promoting a renewed study of long-term adequacy and equity in public education funding, and opposing legislative encroachment into the education policy and regulatory arena reserved to local boards of education in conjunction with the State Board.

The General Assembly enacted new laws addressing the implementation of the controversial Common Core Standards initiative; state funding for prekindergarten expansion grants; reducing the annual investment in the teachers' retirement system; expanding the scope of prevailing wage requirements for school construction projects; mandating additional communication with parents of special education students; requiring high school health instruction in CPR and AED use; and closing the loophole for part-time school employees in the person in position of authority law. Bills debated, but ultimately rejected, would have shifted the burden of proof in special education due process hearings; modified the approval process for nonrecurring cost exclusions maintenance of effort; and established a tax credit financed private school tuition voucher program.

MABE's Legislative Summary highlights all education legislation enacted in the 2014 session and selected bills which did not pass. For more information, the Department of Legislative Services [90 Day Report](#) provides a comprehensive session summary.

## MABE's 2014 Legislative Priorities

### MABE's top priorities for the 2014 Legislative Session included:

- **Support for continued governance autonomy for local boards of education to set education policy and school budgets; and opposition to unfunded mandates** – MABE supports continued autonomy for all local boards to adopt education policies that promote high standards for academic and fiscal accountability. Therefore, MABE opposes any legislative or regulatory initiatives which would have the effect of reducing local board governance or budgetary authority, or which create unfunded mandates.



MABE supported legislation enacted to prohibit enforcement of a state model educator performance evaluation system, and the use of student growth data based on the new PARCC assessments until the 2016-2017 school year. MABE worked collaboratively with proponents of legislation to expand informational requirements regarding special education services, and course requirements for health education. MABE successfully opposed legislation to mandate, but not fund, universal access to school technology; to establish state-adopted job descriptions and staffing ratios for school counselors; and to mandate financial literacy course and graduation requirements.

- **Support for full State funding for Maryland's outstanding public schools** – MABE urges the continued support of the Governor and General Assembly for full funding of public education in the FY 2015 State Budget. Our public schools are consistently ranked at or near the top in the nation. Sustaining Maryland's success at this time of rapid change and rising expectations to prepare all students to be career and college ready will require increased per pupil spending. Therefore, the FY 2015 State Budget should build on last year's per pupil amount of \$6,829 by the statutory inflation factor.



MABE advocated successfully for full funding of the Thornton Bridge to Excellence Act, including the Geographic Cost of Education Index (GCEI), the mandated inflation factor, and the more recent increases in state aid to implement the net taxable income adjustment. The per pupil funding amount for foundation aid calculations increases to \$6,860 based on the inflation factor of 0.46%. The State Budget (Senate Bill 170) also includes funding to limit the impact of cuts due to declining enrollment for school systems with fewer than 5000 students.

- **Support for robust State funding for school construction and renovation projects** – MABE places a high priority on providing students high quality, healthy, and safe learning environments. Therefore, we greatly appreciate the State's consistent investment of between \$250 million and \$400 million in school construction and renovation projects. MABE advocated in support of an FY 2015 school construction budget to exceed the \$325 million provided in last year's FY 2014 budget to ensure that all Maryland schools are better learning environments to prepare our students to be college and career ready.



The Governor's proposed \$275 million school construction budget remained intact during House and Senate deliberations on the capital budget ([Senate Bill 171](#)). MABE successfully advocated for school facility funding and policies, through the Capital Budget and other legislation, which provide robust investments in school construction and renovation projects while also limiting the scope of new mandates. Legislation was enacted to rectify a longstanding concern regarding indoor air quality standards for relocatable classrooms; and a bill was rejected regarding excluding lease payments from maintenance of effort. Unfortunately, legislation passed to dramatically expand the application of mandated prevailing wage rates, thereby increasing future costs of school construction projects.

- **Support for sustained local government investments in education** – Local government funding plays a critical role in each of Maryland’s twenty-four school systems to support continuous improvements in teaching and learning in the classroom. Therefore, MABE strongly supports the Maintenance of Effort reforms enacted in 2012 to ensure that adequate local operating funding is provided. Similarly, MABE supports sustaining adequate local capital funding essential to financing the construction and renovation of high quality school facilities in partnership with the State.



The 2014 session did not see any significant efforts to erode the protection of local funding secured by passage of the Maintenance of Effort reforms in 2012. MABE opposed, and the General Assembly did not act on, a Maryland Association of Counties bill to expedite the approval of nonrecurring cost exclusions from Maintenance of Effort.

## 2014 Session Highlights

Passed	Failed
<ul style="list-style-type: none"> <li>• Fully funded operating &amp; capital budgets</li> <li>• Prevailing wage expansion</li> <li>• Person in position of authority loophole closed</li> <li>• Labor relations board sunset repeal</li> <li>• Prekindergarten expansion grants</li> <li>• CPR &amp; defibrillator instruction mandate</li> <li>• AEDs in middle schools</li> <li>• ESEA waiver legislative review process</li> <li>• Common Core/PARCC implementation commission</li> <li>• Educator evaluation system reforms</li> <li>• Special education informational mandates</li> <li>• Hybrid Baltimore County Board of Education</li> </ul>	<ul style="list-style-type: none"> <li>• Shift in IEP Burden of Proof</li> <li>• School counselor staffing plans</li> <li>• Financial literacy graduation requirement</li> <li>• Expanded physical education</li> <li>• Cloud computing contracts</li> <li>• Nonrecurring cost MOE exclusion reform</li> <li>• School technology mandates</li> <li>• Repeal of 2014 MSA requirement</li> <li>• School-based mental health services</li> <li>• Tuition tax credit voucher program</li> </ul>

## The FY 2015 State Budget for Education

The FY 2015 State Budget ([Senate Bill 170](#)) provides state aid for education increases of \$124.5 million, amounting to a total state investment in direct education aid (excluding retirement costs) of more than \$5 billion. State payments for teacher retirement total more than \$850 million, bringing the state’s total investment to more than \$6 billion. Major components of the state aid to education budget include the Foundation Program, Net Taxable Income (NTI) adjustment, Geographic Cost of Education Index (GCEI), Supplemental Grants, Compensatory Education Program, Special Education Program, Nonpublic Special Education Placements, Limited English Proficiency, Guaranteed Tax Base Program, and Student Transportation.

The newest component of state education aid is the NTI adjustment, which provides additional education grants to counties whose formula funding amount is higher, based on county wealth, when using NTI data from November compared to September. The 2013 legislation phases in the NTI grant amounts over five years; with NTI grants to 18 counties totaling \$8.3 million in FY 2014 and increasing to \$26.8 million in FY 2015.

The 2014 session saw a brief period of tension arising from reduced revenue projections and advocacy to restore the state's commitment to make \$300 million annual supplemental payments to the teachers' pension system. 2011 legislation reformed the retirement system by increasing employee contributions and modifying benefits, and required that \$300 million of the savings from the reform be reinvested in the system each year, beginning in FY 2014. The Department of Legislative Services (DLS) presented stark budget alternatives that recommended reductions in funding for GCEI, NTI, and the proposed prekindergarten expansion grants. Ultimately the General Assembly agreed to a \$100 million retirement investment, thereby avoiding the need for dire budget actions impacting education aid.

The FY 2015 budget also includes \$400,000, in general funds necessary to contract for the Bridge to Excellence Adequacy Study mandated in statute to begin by June 30, 2014. This is the first of two \$400,000 installments toward completing the study. Since 2002 when first enacted, the Bridge to Excellence Act included a provision for a future study of the adequacy and equity of the school finance system. The timing and scope of this study has been deferred and amended, resulting in the current law that requires the Maryland State Department of Education (MSDE) to contract with a public or private entity to conduct this study beginning no later than June 30, 2014, and concluding by December 1, 2016. The [RFP for the study](#) was issued on March 7, 2014 and is available on the eMaryland Marketplace website.

**State Aid for Education**  
**Fiscal 2014 and 2015**  
**(\$ in Thousands)**

<u>Program</u>	<u>2014</u>	<u>2015</u>	<u>\$ Change</u>	<u>% Change</u>
Foundation Program	\$2,850,479	\$2,882,444	\$31,966	1.1%
Net Taxable Income Grant	8,325	26,860	18,535	222.6%
Geographic Cost Adjustment	130,790	132,685	1,895	1.4%
Supplemental Grant	46,496	46,620	124	0.3%
Special Grants	0	595	595	
Compensatory Education Program	1,195,985	1,251,676	55,691	4.7%
Special Education Program	269,309	271,966	2,657	1.0%
Limited English Proficiency	193,428	197,652	4,224	2.2%
Guaranteed Tax Base	52,317	59,390	7,073	13.5%
Student Transportation	254,528	258,380	3,851	1.5%
<b><i>Bridge to Excellence Subtotal</i></b>	<b><i>\$5,001,658</i></b>	<b><i>\$5,128,268</i></b>	<b><i>\$126,610</i></b>	<b><i>2.5%</i></b>
Nonpublic Special Education	109,819	110,655	835	0.8%
Prekindergarten Expansion	0	4,300	4,300	
Other Programs	84,244	86,852	2,609	3.1%
<b><i>Direct Aid Subtotal</i></b>	<b><i>5,195,721</i></b>	<b><i>5,330,075</i></b>	<b><i>134,354</i></b>	<b><i>2.6%</i></b>
Teachers' Retirement	728,116	738,575	10,459	1.4%
<b>Grand Total</b>	<b>\$5,923,837</b>	<b>\$6,068,650</b>	<b>\$144,813</b>	<b>2.4%</b>

Source: Dept. of Legislative Services 90 Day Report

## **Bills PASSED relating to school funding include:**

[Senate Bill 172](#) – **Budget Reconciliation and Financing Act (BRFA)** This bill includes numerous provisions to enhance revenues and reduce expenditures. The BRFA reduces the mandated State retirement reinvestment contribution from \$300 million to \$100 million in FY 2014 and 2015, and then increases the contribution by \$50 million annually until it reaches \$300 million in FY 2019 and thereafter. In addition, the BRFA includes an amendment to the education funding law relating to net taxable income (NTI) and its impact on the escalator provision in the maintenance of effort law. The 90 Day Report explains the amendment as follows: “Chapter 6 of 2012 requires counties, beginning July 1, 2014, that are making below-average education effort to increase their per-student maintenance of effort (MOE) amount by up to 2.5% annually. Because the education effort calculation relates to the NTI amount, the Budget and Reconciliation Act (BRFA) of 2014, Senate Bill 172 (passed), clarifies that, for purposes of local MOE requirements, the calculation of local wealth must use the amount certified for NTI based on tax returns filed on or before September 1, for fiscal 2015 through 2017, and on or before November 1 for fiscal 2018 and each year thereafter.” MABE Position: No Position

[House Bill 814/Senate Bill 534](#) – **Education - State Grant to Counties With Small and Declining Student Enrollment** This bill requires the State to provide a grant in fiscal 2015 through 2017 to a local board of education if (1) full-time equivalent (FTE) enrollment is less than 5,000, (2) FTE enrollment in the current fiscal year is less than the prior fiscal year, and (3) “total direct education aid” in the current fiscal year is less than the prior fiscal year by more than 1%. The grant must equal 50% of the decrease in total direct education aid. MABE Position: No Position

The Joint Chairmen’s Report restricts funds intended to fund Early College Innovation Fund grants to be used only to restore 50% of the reduction to local school systems if a county board’s full-time equivalent enrollment is less than 5,000 and declining and for which total direct education aid in fiscal 2015 is less than the amount received in fiscal 2014, contingent on legislation that establishes the grants. Two counties would receive these funds based on current projections: Garrett County (\$464,103) and Kent County (\$130,982).

[Senate Bill 430](#) – **Libraries - Regional Resource Centers and County Public Libraries - Funding** This bill increases the per capita funding amount that must be provided to each regional resource center and to each county public library system participating in the State’s library program, beginning in fiscal 2016. The fiscal note estimates that general fund expenditures increase by \$3.2 million in FY 2016 due to increases in per capita aid amounts to local public library systems and to regional resource centers. MABE Position: No Position

## **Bills relating to school funding which did NOT PASS include:**

[House Bill 1145](#) – **Maintenance of Effort - Qualifying Nonrecurring Costs - Methods of Approval** This bill requires 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. MABE Position: Oppose

The Joint Chairmen’s Report requires MSDE to submit a report by December 31, 2014, on nonrecurring costs that do not count toward maintenance of effort. The Report states that “The budget committees believe that greater transparency in the costs that are considered nonrecurring, and thus may be excluded from the required maintenance of effort amount that counties must provide to their local school systems, may incentivize counties to provide more local funding to public schools.”

## School Facilities

### The FY 2015 Capital Budget

#### Capital Budget Process Overview

Annually, in October and November, the Maryland Public School Construction Program (PSCP) reviews the Capital Improvement Plan (CIP) applications and recommends to the Interagency Committee on School Construction (IAC) which projects should be funded based on certain criteria. Each December, the IAC develops a list of eligible projects and decides which should be recommended to the Board of Public Works (BPW) for approval. The IAC then recommends an initial allocation of 75% of the Governor's preliminary allocation for school construction before December 31. In January, the BPW votes on the IAC recommendations, and the projects approved by the BPW are included in the Governor's proposed capital budget. The capital budget is then submitted to the General Assembly for approval. By March 1, the IAC is required to submit recommendations to the Governor and General Assembly equal to 90% of the school construction allocation submitted by the Governor in the capital budget. In May, the BPW allocates any remaining school construction funds to school construction projects recommended by the IAC.

#### FY 2015 School Construction Budget Highlights

This year's capital budget, [Senate Bill 171](#), provides the Public School Construction Program with \$275 million in funds to construct public school buildings and public school capital improvements in FY 2015. In addition, \$6.1 million is provided for the Aging Schools Program; and \$3.5 million is provided for the Nonpublic Aging Schools Program. Separate legislation ([Senate Bill 218](#)) provides \$4.6 million for the Qualified Zone Academy Bond (QZAB) program.

Following the 2014 legislative session, on May 14 the Board of Public Works approved the FY 2015 Capital Improvement Program (CIP) of \$325.3 million. The proposed \$325.3 million program comprises:

- Approximately \$187.5 million in FY 2015 funds and \$5.7 million in FY 2014 reserved funds for air conditioning previously approved by the Board of Public Works; and
- Additional recommendations for specific projects in the approximate amount of \$131.3 million in FY 2015 and prior year funds, and \$0.8 million in FY 2014 reserved funds for air conditioning.

The Program will be funded by \$275 million from the new bond authorization ([Senate Bill 171](#), the 2014 Capital Budget Bill), \$6.5 million from the FY 2014 Air Conditioning Initiative Reserves, and \$43.8 million in reverted funds from the Statewide Contingency Account.

In addition, FY 2015 funding for the Aging Schools Program is \$6.1 million in new authorization and \$1.8 million in reverted funds, for a total of \$7.9 million.

#### Bills PASSED relating to school facilities include:

[Senate Bill 218](#) – **Creation of a State Debt - Qualified Zone Academy Bonds** This Administration bill authorizes the Board of Public Works to issue \$4,625,000 in interest-free Qualified Zone Academy Bonds (QZABs) by December 31, 2014, and grant the proceeds to the Interagency Committee on School Construction (IAC) and the Maryland State Department of Education (MSDE) for the renovation, repair, and capital improvements of qualified zone academies, including public charter schools, as defined in the federal Internal Revenue Code. Proceeds from the sale of QZABs must be spent no later than three years after the issuance of the bonds. MABE Position: Support

[House Bill 628/Senate Bill 238](#) – **Board of Public Works - Relocatable Classrooms - Indoor Air Quality Requirements** This bill requires the Board of Public Works (BPW), in consultation with the Department of General Services (DGS) and the Department of Housing and Community Development (DHCD), to adopt regulations that establish criteria to enhance the indoor air quality for relocatable classrooms built after July 1, 2014, that are purchased or leased with State or local funds. The regulations must mandate that each unit be built with materials containing low amounts of volatile organic compounds (VOCs) in accordance with industry standards. MABE Position: Support

[House Bill 727/Senate Bill 232](#) – **Procurement - Prevailing Wage – Applicability** This bill mandates that Maryland's Prevailing Wage law apply to school facility construction or renovation projects of more than \$500,000 and for which the percentage of State money used is 25% or more. This new law thereby lowers the threshold percentage of state funding triggering prevailing wage rates from 50% to 25%. MABE strongly opposed this bill and coordinated opposition, albeit unsuccessfully, with PSSAM and MACo.

[House Bill 1388/Senate Bill 988](#) – **State Department of Education - Assessment Report for Broadband Capabilities in Public Schools** This bill requires MSDE to report to the General Assembly by December 1, 2014, on existing broadband speeds and connections in all public schools in the State, including capabilities from the main building to classrooms and on each local school system's plan to (1) reach a broadband throughput of 1 gigabit per 1,000 students for each public school by fiscal 2020 through public and private efforts; and (2) offer support and training programs in the use of education technology tools for classroom teachers. The bill takes effect June 1, 2014, and terminates December 31, 2014. MABE Position: Support

[Senate Bill 171](#) – **The FY 2015 Capital Budget - Nonpublic Aging Schools Program** The House reduced funding for the Nonpublic Aging Schools Program in the Public School Construction Program to the level of grants provided in FY 2014 (\$3.5 million to \$3 million). The conference committee rejected the House position, restoring funding to the level in the capital budget as introduced, struck existing language, and added new language describing the method of funding distribution and excluding preschools from receiving funds. Specifically, the final conference committee action provides that maximum grants may be \$100,000, and that (a) an eligible school may apply and qualify for a grant if (1) at least 20% of the school's students are eligible for the free or reduced price meal program; (2) tuition charged to students is less than the statewide average per pupil expenditure for public schools as calculated by MSDE; and (3) the school has a facility with an average age of 50 years or more. If a school meets: (1) all three of the criteria specified above, the school may receive up to \$100,000; (2) two of the three criteria specified above, the school may receive up to \$75,000; (3) one of the three criteria specified above, the school may receive up to \$25,000; and (4) none of the criteria specified above and the school has a school facility with an average age of 16 years or more, the school may receive up to \$5,000. MABE Position: Oppose

**Bills relating to school facilities which did NOT PASS include:**

[Senate Bill 927](#) – **Supplemental Public School Construction Matching Fund Program** This bill would have established the Supplemental Public School Construction Matching Fund Program to provide supplemental State funding for public school capital improvements in counties with at least 100,000 public school students and that consistently maintain a AAA bond rating with at least two of the three major rating agencies. The program was intended to provide Baltimore, Montgomery, and Prince George's counties with up to \$20.0 million annually to help finance public school construction and capital improvement projects. MABE Position: No Position

[House Bill 1323](#) – **Public School Construction - Creative Financing Study** This bill, originally introduced as an identical cross-file to Senate Bill 927 described above, was amended to require the Interagency Committee on School Construction (IAC) to conduct a study and make recommendations on (1) developing creative means, financing or otherwise, to increase funding for public school

construction; (2) creating more reliable revenue streams for public school construction; and (3) examining the use of lease payments for other alternative financing methods used by local school systems. The bill passed the House but was amended and ultimately not enacted in the Senate. MABE Position: No Position

[House Bill 349](#) – **Education - Maintenance of Effort - Lease Payment Exclusion** As introduced, this bill 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. The House passed with amendments to require the Department of Legislative Services (DLS) to conduct a study that examines the use by local school systems of lease payments or other alternative financing methods for school construction. MABE Position: Oppose

The following table shows the amount of school construction funding that has been recommended by the IAC, including the allocation of the first 75% of funds that were approved by the BPW in February 2014. The IAC’s recommendations for the 90% allocation of general obligation (GO) bonds are also shown. However, this table does not reflect the May 14, 2014 approval by the Board of Public Works of the \$325.3 million FY 2015 CIP, which includes unspent FY 2014 funds in addition to the Capital Budget’s \$275 million bonds authorization.

**Fiscal 2015 Public School Construction Funding**  
(\$ in Thousands)

<u>LEA</u>	<u>IAC/BPW Approved 75%</u>	<u>90% Additional IAC Recommendation</u>	<u>90% Recommendation</u>
Allegany	\$1,600	\$2,500	\$4,100
Anne Arundel	18,800	7,408	26,208
Baltimore City	17,085	10,476	27,561
Baltimore County	19,830	7,836	27,666
Calvert	613	-	613
Caroline	-	-	-
Carroll	3,915	-	3,915
Cecil	2,884	1,610	4,494
Charles	6,140	830	6,970
Dorchester	568	100	668
Frederick	11,311	2,537	13,848
Garrett	-	-	-
Harford	10,106	2,880	12,986
Howard	14,000	4,026	18,026
Kent	600	217	817
Montgomery	22,000	6,540	28,540
Prince George’s	19,828	7,833	27,661
Queen Anne’s	3,707	804	4,511
St. Mary’s	7,106	532	7,638
Somerset	2,113	639	2,752
Talbot	-	-	-
Washington	5,918	633	6,551
Wicomico	8,381	1,071	9,452
Worcester	-	-	-
MD School for the Blind	10,995	1,528	12,523
Unallocated			27,500
<b>Total</b>	<b>\$187,500</b>	<b>\$60,000</b>	<b>\$275,000</b>

Source: Dept. of Legislative Services 90 Day Report

## Education Reform

### Bills PASSED relating to education reform include:

[House Bill 1167/Senate Bill 676](#) – **Teachers and Principals - Performance Evaluation Criteria - Use of Student Growth Data** This bill prohibits any performance evaluation criteria for teachers and principals (i.e., the educator evaluation system) from using student growth data based on State assessments to be used to make personnel decisions before the 2016-2017 school year. MABE Position: Support

[House Bill 1001](#) – **Education - Federal Elementary and Secondary Education Act - Waiver Requests** This bill requires the Maryland State Department of Education (MSDE) to submit a proposed waiver request from specific provisions of the federal Elementary and Secondary Education Act (ESEA) to the Legislative Policy Committee (LPC) prior to submitting the request to the U.S. Department of Education (USDE). MSDE must allow the Legislative Policy Committee at least 30 days after the committee receives the proposed waiver request to review and comment on the proposed waiver request. MSDE must provide any additional information regarding the proposed waiver request if requested by the Legislative Policy Committee. MABE Position: Oppose

[House Bill 1164](#) – **Maryland College and Career-Ready Standards and Partnership for Assessment of Readiness for College and Careers (PARCC) Implementation Review Workgroup** This bill establishes the Maryland College and Career-Ready Standards (MCCRS) and Partnership for Assessment of Readiness for College and Careers (PARCC) Implementation Review Workgroup. The Maryland State Department of Education (MSDE) must provide staff for the workgroup. The workgroup must hold its first meeting by June 1, 2014. A preliminary report must be submitted by August 15, 2014, and a final report must be submitted by December 31, 2014. MABE Position: No Position

The workgroup is charged with completing a preliminary report and final report, with the following reporting requirements. By August 15, 2014, the workgroup must:

- identify and analyze the best practices of local school systems in the State and in other jurisdictions that are successfully implementing the MCCRS and PARCC assessments;
- assess how MCCRS and the PARCC assessments will affect students with disabilities, English language learners, and students who qualify for free and reduced-price meals;
- determine what, if any, new curriculum resources will be needed in order to fully implement MCCRS;
- identify how MSDE plans to assist local school systems in preparing parents and students for the PARCC assessments; and
- assess the needs of teachers and principals in the area of professional development related to the implementation of MCCRS including (1) what, if any, State and federal funding is available to supplement the funding that local governments provide toward the professional development of teachers and principals and (2) what, if any, professional development and ongoing support from local school systems is available to expand the use of technology as an instructional tool in the classroom.

By December 31, 2014, the workgroup must submit a final report to the Governor, the State Board of Education, and the General Assembly on its findings and recommendations on the following:

- assess the technological readiness and needs of the public schools for the implementation of the PARCC assessments, including what resources will be needed to teach students the necessary computer skills to take the PARCC assessments;

- begin recommending a professional development plan for MSDE to implement during the 2014-2015 school year to assist local school systems in implementing MCCRS;
- recommend a plan to meet the technological infrastructure needs of public schools related to the implementation of PARCC assessments;
- assess how the PARCC assessments testing window will affect the normal school calendar and school schedule;
- assess how local school systems are including teachers in the discussion to improve the implementation of MCCRS;
- analyze the guidance local school systems have received from MSDE regarding measuring student growth in light of the new teacher evaluation system and student learning objects;
- assess how the new teacher evaluation system is impacting local school systems' ability to implement the MCCRS; and
- develop a plan to transfer from the Maryland High School Assessments in English and Algebra/Data Analysis to the comparable PARCC assessments as a graduation requirement.

### **Budget Committee Accountability Actions on Common Core Implementation**

The Joint Chairmen's Report is issued immediately following session by the chairs of the Senate Budget and Taxation Committee and House Appropriations Committee and uses the "power of the purse" to restrict forthcoming state funding contingent on receiving departmental reports. This year, the General Assembly has employed the [Joint Chairmen's Report](#) to express strong concerns with MSDE's implementation of Common Core related education reforms, including the PARCC assessments.

The [Joint Chairmen's Report](#) restricts \$10 million until MSDE submits a report that provides specific, verifiable information on the estimated total cost to administer the Partnership for Assessment of Readiness for College and Careers (PARCC) tests in fiscal 2015 to all students in grades 3 through 8 and in high school, including the costs to score the tests and report the results. The report shall also include an estimate of the total PARCC costs in each fiscal year through fiscal 2018. This report shall be submitted by July 1, 2014, and the budget committees have 45 days to review and comment. The Report also restricts \$1 million in funds from MSDE's Headquarters budget until the department provides a report, by November 1, 2014, on the PARCC field tests and technology readiness of LEAs as well as one-to-one access to digital educational resources including the option to create "bring your own device" programs.

In addition, the Joint Chairmen's Report directs the State Superintendent, as a member of the Maryland State Board of Education, to facilitate regular meetings between the Maryland State Board of Education and other local school boards on the issue of common core implementation. The committees direct that the Maryland State Department of Education (MSDE) provide a report on the topics discussed at these meetings and that the report should include the issues raised about the implementation of the standards and actions taken by the State Board and local school boards to ease the burden of implementing the new standards on both students and teachers.

**[House Bill 265](#) – Task Force to Study How to Improve Student Achievement in Middle School** This bill establishes the Task Force to Study How to Improve Student Achievement in Middle School; and to report with findings and recommendations by December 1, 2014. The task force must:

- study and analyze the findings and recommendations set forth in the Southern Regional Education Board's (SREB's) A New Mission for the Middle Grades report;
- consider whether the findings and recommendations set forth in the SREB report would be feasible and appropriate to implement in the State;
- if the task force concludes that the findings and recommendations set forth in the SREB report would be feasible and appropriate to implement in the State, develop a Collaborative Action Plan to create a statewide framework for redesigning the middle school experience for students in grades 6 and 8;

- make recommendations on legislation and policy initiatives to address the educational needs of middle school students; and
- make recommendations on any other relevant issues or considerations identified by the task force.

The fiscal and policy note provides that “SREB published a comprehensive report in 2011 titled, [A New Mission for the Middle Grades](#). As stated in the preamble, the SREB report focuses on the mission to build a strong foundation to prepare students for success in high school, so that more students will graduate from high school and proceed to college or technical training. The SREB report suggests that students should begin to make a connection between their learning experiences in middle school and their pathway through high school to college, technical training, or a career.” MABE Position: No Position

#### **Bills relating to education reform which did NOT PASS include:**

[House Bill 76](#) – **Education - Implementation of the Common Core State Standards - Prohibition** This bill would have prohibited the State Board of Education and local boards of education from establishing policies, curriculum guides, and courses reflecting the Common Core State Standards (CCSS). MABE Position: Oppose

[House Bill 423](#) – **Education - Implementation of Next Generation Science Standards - Prohibition** This bill would have prohibited the State Board of Education and local boards of education from establishing educational policies, curriculum guides, and courses of study that include or are based on the Next Generation Science Standards (NGSS). The Maryland State Board of Education formally adopted NGSS on June 25, 2013. MABE Position: Oppose

[House Bill 764](#) – **Education - Academic Standards and Curriculum - Common Core State Standards Implementation Prohibited** This bill would have prohibited the State Board of Education from taking any further actions on or after July 1, 2014, to implement Maryland’s College and Career-Ready Standards (MCCRS) and the Maryland Common Core Curriculum Framework based on the Common Core State Standards (CCSS). In addition, the bill would have required Maryland to withdraw from the Partnership for Assessment of Readiness for College and Careers (PARCC). MABE Position: Oppose

[Senate Bill 821](#) – **Digital Equity for All Maryland Students Act of 2014** This bill requires that all public school students have equal and ubiquitous access to digital technology in the classroom by the 2016-2017 school year. It establishes the Technology Infrastructure Improvement Program, administered by the Interagency Committee on School Construction (IAC), to distribute grants to local school boards in fiscal 2015 through 2017 to achieve the bill’s goal. MABE supported the bill with amendments consistent with allowing more time for MSDE to conduct a comprehensive needs assessment; and for the Governor and General Assembly to develop and implement a robust State funding initiative to ensure much greater, and more equitable, student access to educational technology for instructional and assessment purposes.

## **Special Education**

#### **Bills PASSED relating to special education include:**

[House Bill 413](#) – **Special Education - Individualized Education Program Parental Notice Requirements and Service Models List** This bill requires 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 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. 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. The bill's fiscal and policy note explains: Habilitative services are defined as therapeutic services that are provided to children with genetic conditions or conditions present from birth to enhance the child's ability to function. While rehabilitative services are geared toward reacquiring a skill that has been lost or impaired, habilitative services are provided to help acquire a skill in the first place, such as walking or talking." MABE Position: No Position.

[Senate Bill 857/House Bill 922](#) – **Physical Education and Athletic Programs for Students with Disabilities – Funding** As introduced, this bill would have established a Task Force to Study a Funding Formula for Corollary Athletic Programs. As amended in the Senate, and enacted, the bill amends the current law requiring local boards of education to "ensure that adapted, allied, or unified physical education and athletic programs are available" to add that these programs must be "adequately funded by the county board." MABE Position: Support as introduced and as amended.

#### **Bills which did NOT PASS relating to special education include:**

[House Bill 1198/Senate Bill 779](#) – **Education - Due Process Hearings for Children with Disabilities - Burden of Proof** As introduced, the bill would have placed the burden of proof on the public agency 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 stated that it is not intended to change federal law regarding recordkeeping requirements or what constitutes a free appropriate public education. As amended and passed in the House, the bill would have established a goal of the General Assembly that a parent or public agency request mediation before filing a due process complaint; required that within two days after filing a due process complaint, or receiving notice that a parent has filed a due process complaint, a public agency must provide to the parent a document that (1) informs the parent of the right to request all documents relating to the subject matter of the complaint; and expanded the scope of Commission on Special Education Access and Equity to study the Burden of Proof issue.

MABE strongly opposed this legislation as introduced, but was less concerned with the provisions of the bill as amended in the House than the lateness of it passing and risks of last minute action on such a contentious issue. HB1198 was never voted out of the Senate Rules Committee to be referred to the Senate Education Committee. The Senate never acted on SB 779.

## **Prekindergarten & Early Education**

#### **Bills PASSED relating to early education include:**

[House Bill 297/Senate Bill 332](#) – **Prekindergarten Expansion Act of 2014** The bill establishes a new competitive grant program known as the Prekindergarten Expansion Grant Program to broaden the availability of prekindergarten and school readiness services throughout the State for children and their families, in coordination with the existing publicly funded prekindergarten program and the Judith P. Hoyer Early Childhood Education Enhancement Program. Prekindergarten Expansion Grants may be used to expand prekindergarten services, including (1) half-day prekindergarten for additional eligible

children; (2) full-day prekindergarten for eligible children or additional eligible children; and (3) Judy Centers for the families of eligible children or additional eligible children who are located in Title I school attendance areas. Grant eligibility is based on a household income of no more than 300% of the poverty level, as compared to the 185% threshold for the half-day public school program mandated by the Bridge to Excellence Act. MABE Position: Support

[House Bill 428](#) – **Children - Maryland Infants and Toddlers Program - Eligibility** This bill expands eligibility for the Maryland Infants and Toddlers Program (MITP) by allowing a child to participate in the program until the beginning of the school year following a child’s fourth birthday. The fiscal and policy note states: “The expansion of eligibility for MITP codifies current practice that allows additional children to receive early intervention services through MITP. State expenditures will not be affected due to the availability of federal funds pursuant to the Individuals with Disabilities Education Act (IDEA) and the shifting of expenditures for eligible children from other programs. However, codifying this program expansion may increase State general fund expenditures if the discretionary funding formula for the MITP is fully funded or if federal funds for the program are decreased.” MABE Position: No Position

[House Bill 461](#) – **State Early Childhood Advisory Council** This departmental bill codifies the State Early Childhood Advisory Council. The purposes of the council are to (1) coordinate efforts among early childhood care and education programs; (2) conduct needs assessments concerning early childhood education and development programs; and (3) to develop a statewide strategic report regarding early childhood education and care. MABE Position: No Position

[Senate Bill 716/House Bill 1276](#) – **Child Care Centers - Healthy Eating and Physical Activity Act** This bill requires rules and regulations for licensing and operating child care centers to promote proper nutrition and developmentally appropriate practices by (1) establishing training and policies promoting breast-feeding; (2) requiring compliance with the Child and Adult Food Care Program standards for beverages served to children, including prohibiting beverages other than infant formula that contain added sweetener or caffeine; and (3) setting limits on screen time. MABE Position: No Position

#### **Bills which did NOT PASS relating to early education include:**

[Senate Bill 822](#) – **Early-In Early-Out Education Act of 2014** This bill would have required the state to provide additional per pupil funding for students who graduated from high school before grade 12 in the previous school year; and mandated that these funds may only be used by each local school system to expand prekindergarten programs for low-income four-year-old children. MABE Position: Oppose

## **Employee Relations & Personnel**

#### **Bills PASSED relating to public school employees include:**

[House Bill 1181/Senate Bill 1066](#) – **Fairness in Negotiations Act - Sunset Repeal** This bill repeals 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 was scheduled to terminate, or “sunset”, on June 30, 2015.

MABE strongly opposed this bill as introduced, testifying with representatives from the Maryland Negotiation Service (MNS) and local school systems in favor of allowing the PSLRB to sunset, or in the alternative, to extend the sunset provision to facilitate the General Assembly’s performance review of the PSLRB and its compliance with the Open Meetings Act and Administrative Procedures Act. The House passed the bill with amendments, but only to add a 2018 status reporting requirement. The Senate agreed to terminate the sunset provision, but also added amendments requested by MABE to require a 2014 report on the compliance issues noted above. The House concurred, and the bill as passed requires that on or before December 1, 2014, the Public School Labor Relations Board, in

accordance with § 2–1246 of the State Government Article, shall report to the Senate Finance Committee and the House Ways and Means Committee on the Board’s compliance with administrative procedures provisions and open meetings provisions in Title 10 of the State Government Article.

[House Bill 630/Senate Bill 576](#) – **Teachers' Retirement and Pension Systems - Reemployment of Retirees – Penalty for Failure to Submit Certification** This bill alters the penalty that local school systems and the Maryland School for the Deaf (MSD) must pay to the State Retirement and Pension System (SRPS) if they fail to report within 30 days that they have hired a teacher or principal who is exempt from a benefit offset. The penalty is set at \$50 per individual for each month a local superintendent fails to submit the certification to SRPS, with a cap of \$1,000 for each individual whose certification is not submitted in the time required. MABE Position: No Position

[House Bill 1483/Senate Bill 1082](#) – **State Reformed Contributory Employees' and Teachers' Pension Systems - Prior Eligibility Service** This bill allows members of either the Employees' Pension System (EPS) or Teachers' Pension System (TPS) who are subject to the Reformed Contributory Pension Benefit (RCPB) and have prior service credit in a part of EPS or TPS that has a different member contribution and benefit accrual to combine their prior and current eligibility service credit, under specified circumstances. MABE Position: No Position

### **Employment Law Bills of Note**

[House Bill 295/Senate Bill 331](#) – **Maryland Minimum Wage Act of 2014** This Administration bill requires employers in the State, as of January 1, 2015, to pay the greater of the federal minimum wage or a State minimum wage of \$8.20 per hour to employees subject to federal or State minimum wage requirements. The bill provides for subsequent annual increases in the State's minimum wage through January 1, 2017, and allows an exception for employers of amusement or recreational establishments under specified conditions. MABE Position: No Position

[Senate Bill 212](#) – **Fairness for All Marylanders Act of 2014** This bill prohibits discrimination based on gender identity in public accommodations, labor and employment, and housing. The bill expands the current law prohibiting discrimination in public accommodations, labor and employment, and housing on the basis of race, sex, age, creed, color, religion, national origin, marital status, disability, and sexual orientation. MABE Position: No Position

### **Bills regarding school employees which did NOT PASS include:**

[House Bill 571](#) – **School Counselors - Role Expansion in Public High Schools** As introduced, this bill would have established a State goal of achieving a ratio of at least one school counselor to every 250 students in every public high 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. The bill was also contingent upon the receipt by MSDE of an Elementary and Secondary School Counseling Programs grant from the U.S. Department of Education Employee Relations.

As amended and passed in the House, the bill removed the federal funding contingency and removed the mandates regarding the 80% professional responsibilities role and for transition plans. However, the bill retained the overall state goal and the mandate for local plans to achieve that goal; and therefore the amended bill retained the \$15 million local fiscal estimate in the DLS fiscal note. MABE Position:

Oppose; noting that even as amended the bill remained a costly unfunded mandate and unprecedented mandate to set per pupil ratios for staff.

The [Joint Chairmen's Report](#) includes a provision stating that the budget committees are “concerned about students in the State’s public middle schools and high schools having access to school counselors for purposes of college and career counseling. Therefore, the committees request the Maryland State Department of Education (MSDE) to study the amount of time that counselors actually spend counseling students on college and career issues. MSDE shall report on the findings of the study and include recommendations to increase the quantity and quality of college and career counseling in the State’s public middle and high schools, including the estimated cost to implement the recommendations.” The report is due by December 1, 2014.

## Student Health & Fitness

### **Bills PASSED relating to student health & fitness include:**

[House Bill 812](#) – **Education - Middle Schools - Automated External Defibrillators** This bill requires all middle schools to meet the requirements of the current high school automated external defibrillator (AED) programs developed by each local board of education. Therefore, each middle school is required to have an AED on-site and an individual trained in the operation and use of an AED present at all middle school-sponsored athletic events. MABE Position: No Position.

[Senate Bill 503/House Bill 1366](#) – **Public Schools - Cardiopulmonary Resuscitation and Automated External Defibrillator Instruction - Graduation Requirement (Breanna's Law)** As amended and enacted, the bill requires public high school students to complete, as part of the health or physical education curriculum, instruction in cardiopulmonary resuscitation (CPR) that includes hands-only CPR and the use of an automated external defibrillator (AED) beginning with students entering grade 9 in the 2016 school year. Each local board has to provide instruction, as part of the health or physical education curriculum, in CPR that includes hands-only CPR and the use of an AED in every public school that enrolls student in any of the grades 9 through 12 beginning in the 2015-2016 school year.

The 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. MABE strongly opposed the bill as introduced due to the mandated graduation requirement and based on the rationale that instruction in CPR and AED techniques are already in the state student health curriculum. In this light, once amended to refer only to the manner of instruction, the bill proceeded to pass in the House without opposition.

[House Bill 427](#) – **Education - Maryland Sudden Cardiac Arrest Awareness Act** This bill requires the Maryland State Department of Education (MSDE) to develop and implement a program to provide sudden cardiac arrest awareness to coaches, school personnel, student athletes, and parents in collaboration with the Department of Health and Mental Hygiene (DHMH), each local board of education, and other experts and stakeholders. MABE Position: No Position

[House Bill 1332](#) – **Task Force to Study Sports Injuries in High School Female Athletes** This bill establishes a Task Force to Study Sports Injuries in High School Female Athletes. The Maryland State Department of Education (MSDE) must provide staff support for the task force. The task force must review recent medical research on the nature and risks of sports injuries incurred by high school female athletes, including concussions, and shoulder, orthopedic ankle, and anterior cruciate ligament (ACL) injuries; study effective methods of reducing these injuries; compare the rate of these injuries to those incurred by male high school athletes and review statutes and regulations from other states on programs designed to prevent a higher rate for females; establish protocols and standards for clearing a female athlete to return to play following an injury, including treatment plans. MABE Position: No Position

## **Bills which did NOT PASS relating to student health & fitness include:**

[Senate Bill 679](#) – **Task Force on Community-Partnered School Mental Health** This bill would have created a task force charged with (1) studying the prevalence of existing community-partnered school mental health programs in the State; (2) collecting and evaluating data on the efficacy of community-partnered school mental health programs in the State and other states; and (3) identifying fiscally sustainable models of providing community-partnered school mental health services. MABE Position: Support with Amendments

[Senate Bill 717](#) – **Task Force to Study School-Based Health Centers** This bill did not pass, but was referred to summer study by the committee. If enacted, the task force would have studied (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. MABE Position: Support with Amendments

[House Bill 1428](#) – **Student Health and Fitness Act** This bill would have required all public elementary school students to be provided daily programs of physical activity totaling 150 minutes per week, including a minimum of 90 minutes per week of physical education. The bill would have taken effect October 1, 2014, but a local school system could apply for an extension until July 1, 2017. MABE Position: Oppose

## **School Safety**

### **Bills PASSED relating to school safety include:**

[Senate Bill 460](#) – **Criminal Law - Person in a Position of Authority - Sexual Offenses With a Minor** This bill expands the definition of a “person in a position of authority” under the fourth degree sexual offense statute by repealing a requirement that the person be a “full-time permanent employee” of a school. The bill also specifically includes coaches and individuals under contract with a school. Since the passage of a law in 2006, which MABE played a key role in supporting, it is a fourth degree sex offence for a person in a position of authority to 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.

A “person in a position of authority” is a person who (1) is at least 21 years old and who works at a public or private preschool, elementary school, or secondary school, and (2) because of the person’s position or occupation, exercises supervision over a minor who attends the school. MABE strongly supported House Bill 362, which as introduced closely resembled the version of SB 460 ultimately enacted. MABE also supported, with amendments, HB 781 and SB 460, which as introduced would have made more comprehensive changes to the law by expanding to employees and volunteers at all youth sports programs.

[House Bill 222](#) – **Education - Reportable Offenses - First Degree Burglary and Animal Cruelty** This bill adds first degree burglary and animal cruelty to the list of crimes that, when committed by a student, law enforcement agencies must report to specified school officials. MABE Position: Support

## Juvenile Law & Services

### Bills PASSED relating to juvenile law include:

[House Bill 1/Senate Bill 64](#) – **Children in Need of Assistance - Educational Stability** This bill requires the juvenile court to inquire as to the “educational stability” of a child at shelter care, adjudicatory, and disposition hearings and any change of placement proceedings. The bill also specifies factors the court may consider in determining the “educational stability” of a child. “Educational stability” is defined as the continuous process of identifying and implementing the appropriate educational placement, training, resources, services, and experiences that will address the fundamental needs necessary to ensure the successful educational outcome of a child and contribute to the child’s overall well-being. MABE Position: No Position

[House Bill 151](#) – **Juvenile Services - Child in Need of Supervision Pilot Program - Reporting Requirement** This bill requires the Department of Juvenile Services (DJS), beginning in 2014, to include in its annual report to the General Assembly regarding the Child in Need of Supervision (CINA) Pilot Program, an evaluation of the ability of DJS to expand the program to additional counties in the State. 2005 legislation required the Secretary of Juvenile Services to establish a DJS CINS Pilot Program in Baltimore City and Baltimore County. Chapter 382 of 2011 expanded the pilot program to Cecil, Montgomery, and Prince George’s counties. MABE Position: No Position

[House Bill 904](#) – **Children, Youth, and Family Services - Local Management Boards and State Spending - Information Collection and Report** This bill requires local management boards (LMBs) and State agencies to report specified information regarding programs for children, youth, and families to the Department of Legislative Services (DLS) by October 1, 2014. By January 1, 2015, DLS must collect that information and report it to the General Assembly in the form of a data resource guide organized by county and municipal corporation. MABE Position: No Position

[House Bill 1307](#) – **Children in Out-of-Home Placement - Annual Notice of Benefits** The bill requires the Social Services Administration within the Department of Human Resources (DHR) to provide a child in an out-of-home placement who is at least age 13 information regarding benefits available to the child on leaving out-of-home care. The information must be provided at least one time each year, and may be provided at a permanency planning hearing or review hearing, or by certified mail. The information must include information regarding tuition assistance, health care benefits, and job training and internship opportunities. MABE Position: No Position

[Senate Bill 120](#) – **Education - Children With Disabilities - Parent Surrogates** This departmental bill clarifies that the Department of Labor, Licensing, and Regulation (DLLR) and the Department of Public Safety and Correctional Services (DPSCS) are among the public agencies that must, under certain conditions, request that the local school superintendent appoint a parent surrogate to represent a child during the educational decision making process if it is suspected that the child may be disabled. An agency that must make such a request is also required to make efforts to identify or locate the child’s parents over the course of 15 business days. These efforts must at least include letters sent by certified mail and a search of telephone directories. MABE Position: No Position

[Senate Bill 144](#) – **Family Law - Foster Care - Kinship Parent Age Requirements** This bill alters, from 21 to 18, the age that a person must be to serve as a kinship parent for a child in need of out-of-home placement. The bill also repeals a provision authorizing a local department of social services to waive the age requirement under specified circumstances. MABE Position: No Position

[Senate Bill 794/House Bill 794](#) – **Maryland Unaccompanied Homeless Youth and Young Adult Count Demonstration Project** This bill establishes a demonstration project that is overseen by a coordinating entity selected and monitored by the Department of Housing and Community Development (DHCD). The purpose of the project is to conduct data collection and analysis to determine the number and characteristics of unaccompanied homeless youth and young adults in jurisdictions served by specified Continuums of Care. MABE Position: No Position

## Transportation

**Bills PASSED relating to school transportation include:**

[Senate Bill 58/House Bill 440](#) – **Education - School Vehicles - Authorized Riders** This bill prohibits school vehicle driver from allowing certain individuals who are not students or school employees to board or aide on the school vehicle. An individual may board and ride on a school bus if the individual is serving as a school vehicle attendant and the individual is (1) an employee of the local school system or transportation company that operates the school vehicle; (2) otherwise authorized by the local school system; or (3) a nurse, aide, or other individual assigned or authorized to work with a student according to the student’s individualized education program, 504 plan under the Federal Rehabilitation Act of 1973, or other student-specific written plan. The bill also requires the school vehicle attendant to possess photo identification that identifies the local school system or transportation company that employs the individual as a school vehicle attendant, or another authorizing document issued by the local school system that authorizes the individual to act as a school vehicle attendant for a child on the school vehicle. Finally, an individual may board and ride on the school vehicle with written permission from the local school system. MABE Position: No Position

[Senate Bill 350](#) – **Speed Monitoring Systems Reform Act of 2014** This bill defines “school zone” as up to a half-mile radius of a school for any of grades kindergarten through grade 12 where school-related activity occurs, including travel by students to or from school on foot or by bicycle, or the dropping off or picking up of students by school buses or other vehicles. In addition, the bill alters requirements and restrictions pertaining to the issuance of citations and warnings from speed monitoring systems, the calibration and self-testing of systems, and the use and placement of systems in school zones. The bill also requires local jurisdictions that operate speed monitoring systems to ensure citations are sworn to by duly authorized law enforcement officers, designate an employee or official to review citations and address questions or concerns, and designate a program administrator to oversee contracts with speed monitoring system contractors. The bill prohibits payments on a per-ticket basis to specified contractors and requires contracts to provide for the payment of liquidated damages by contractors if more than 5% of violations issued are erroneous as defined in the bill. MABE Position: No Position

## Student Employment

**Bills PASSED relating to student employment include:**

[House Bill 811/Senate Bill 876](#) – **Education - Summer Career Academy Pilot Program** This bill establishes a three-year Summer Career Academy Pilot Program. The State Superintendent may select up to four eligible local school systems to participate in the program each year. Each eligible school system may only be selected to participate in the program for one year. For the summer of 2015, each local superintendent from an eligible local school system may select up to 60 students to participate in the program, and up to 100 students may be selected to participate for the summers of 2016 and 2017. A student participating in the program must be assigned a summer career counselor and a summer employment opportunity with an eligible employer. A participating student receives a stipend up to \$4,500 that is proportional to the time worked, and on successful completion of the program, may choose to receive a \$500 grant or a \$2,000 scholarship for higher education in the State.

The bill takes effect July 1, 2014, and terminates June 30, 2018. The fiscal note estimates that: “Assuming full participation and funding, general fund expenditures increase by up to \$1.3 million in FY 2015. Future year expenditures reflect additional students, annualization, and inflation until the pilot program ends after FY 2018.” MABE Position: No Position

**House Bill 1207 – Department of Labor, Licensing, and Regulation - Youth Apprenticeship Advisory Committee** This bill establishes a Youth Apprenticeship Advisory Committee in the Division of Labor and Industry. The bill specifies the committee members, some of whom must be appointed by the Governor. The committee must evaluate the effectiveness of existing high school youth apprenticeship programs in the State, other states, and other countries based on a systematic review of data. The committee must review and identify ways to implement high school youth apprenticeship programs in the State and means through which employers and organizations can obtain grants, tax credits, and other subsidies to support establishment and operation of high school youth apprenticeship programs. The committee must set targets for the number of apprenticeship opportunities for youth that the State should reach over the next three years. The committee must report by December 1 of each year to the General Assembly regarding any recommended legislation to promote high school youth apprenticeship programs in the State. 2012 legislation established the Task Force to Study Economic Development and Apprenticeships. One of its recommendations is to establish a Youth Apprenticeship Advisory Committee because youth apprenticeship programs are multifaceted and involve high school and college curriculum challenges. The [task force’s final report](#) was published February 5, 2014.

## School Calendar & Hours

**Bills PASSED relating to school calendar & hours include:**

**House Bill 883/ Senate Bill 14 – Department of Health and Mental Hygiene - Study of Safe and Healthy School Hours for Maryland Public Schools** This bill requires the Office of Public Health Services (OPHS) in the Department of Health and Mental Hygiene (DHMH) to conduct a study of safe and healthy school hours for Maryland public schools. In conducting the study, OPHS must review the science on the sleep needs of children and adolescents, including the effects of sleep deprivation on academic performance and benefits of sufficient sleep; review and study how other school systems have implemented alternative school day starting times and how various activities in those school systems were impacted and scheduled around the changes; and make recommendations regarding whether public schools should implement a starting time of no earlier than 8:00 a.m. OPHS must consult with specified entities and individuals and report its findings and recommendations to the Governor and the General Assembly by December 31, 2014. MABE Position: No Position

## Ethics

**Bills PASSED relating to ethics include:**

**Senate Bill 91 – State Ethics Commission - Local Governments and School Boards - Compliance Enforcement** The bill is intended to clarify the existing practice that the State Ethics Commission may adopt, by regulation, model provisions for school boards that relate to conflicts of interest, financial disclosure, and the regulation of lobbying. In addition, the bill defines the Ethics Commission’s enforcement powers in cases where the board of education has not complied, and has not made good faith efforts toward compliance, with the adoption of ethics regulations.

Specifically, the bill as introduced would have empowered the State Ethics Commission to (1) issue an order directing the school board to comply, including a list of specific areas of noncompliance; (2) issue an order stating that officials and employees of the school board are subject to the local ethics laws in the county in which the school board is located; and (3) petition a circuit court to compel compliance.

The bill, as amended and enacted, removes the first provision regarding orders to comply, and instead provides that the Ethics Commission may issue a public notice listing areas of noncompliance. MABE Position: No Position.

## Public Information & Data Collection

### Bills PASSED relating to public information include:

[House Bill 53](#) – **Public Records - Provision of Copies, Printouts, and Photographs - Required** This bill provides that a person or governmental unit that is not provided with a copy, printout, or photograph of a public record may file a complaint in circuit court. The bill does not expand the parameters of what constitutes a public record or the requirements, and exceptions, to provide such records upon request. MABE Position: Oppose

[House Bill 658](#) – **Joint Committee on Transparency and Open Government - Study on Appeals Under the Maryland Public Information Act** This bill requires the Joint Committee on Transparency and Open Government to conduct a study on how to improve the administrative process for resolving appeals under the Maryland Public Information Act (MPIA). The study is required to take into consideration (1) appeals from denials and fees charged under MPIA; (2) the administrative processes used by other states to resolve appeals; (3) the costs to State government, local government, and the public with resolving appeals; and (4) input from specified entities. By January 1, 2015, the committee must report its findings and any recommended legislation to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee. MABE Position: No Position

### Bills relating to public information and data which did NOT PASS include:

[House Bill 607](#) – **Education - Student Data Privacy Act of 2014** As introduced, the bill would have defined cloud computing and required local school systems and cloud computing service providers to agree to include in contracts that student data not be used for advertising or other commercial purposes. Late in session the bill passed the House with amendments to require MSDE to draft a mandatory sample contract for software services hosting student data. The Senate Education Committee held a hearing on the last day of session and discussed amendments, but did not vote on the bill. MABE Position: No Position, as introduced; MABE joined local school systems and MSDE in raising concerns with the amended bill's requirement for a statewide uniform contract.

## Local Board Governance

### Bills PASSED relating to local board governance include:

[House Bill 1453](#) – **Baltimore County - Board of Education - Selection of Members** This bill restructures the Baltimore County Board of Education from a 12-member appointed board, including 1 student member, to a 12-member board consisting of 4 at-large members appointed by the Governor; 7 nonpartisan members each elected from one of seven council districts (school board districts), and a student member. The bill alters the date of expiration for the terms of certain members. Restructuring of the board begins December 7, 2015, and is fully realized by December 3, 2018. Every four years at the general election one member will be elected from each of seven council districts. Additional members are appointed within 30 days of the general election or of a vacancy on the board. In appointing members to the board, the Governor must ensure, to the extent practicable, that the total makeup of the board reflects gender, ethnic, and racial diversity. This bill also establishes the Baltimore County School Board Nominating Commission and provides for the selection of its 19 members.

## Local Bills

### Bills PASSED relating to single school systems include:

[House Bill 34/Senate Bill 901](#) – **Kent County and Queen Anne's County - School Buses - Length of Operation** This bill allows conventional school buses in Kent and Queen Anne's counties to operate for 15 years, subject to specified requirements.

[House Bill 87/Senate Bill 747](#) – **Anne Arundel County - Superintendent of Schools - Compensation** This bill prohibits the Anne Arundel County Board of Education from compensating the county superintendent of schools for sick leave benefits earned while employed by any other board of education or public school system. The bill authorizes the county superintendent to use the sick leave earned while employed by any other board of education or public school system in the same manner as sick leave accrued while employed by the county.

[House Bill 209/Senate Bill 203](#) – **Charles County - Board of Education - Salaries and Expenses** This bill increases the salaries for the members of the Charles County Board of Education beginning with their next term of office on January 1, 2015. The salary of the board's chair increases from \$5,000 to \$7,000, the salary of the other six nonstudent members, including the vice chair, increases from \$4,000 to \$6,000. The amount each nonstudent member, other than the chair, receives annually for travel and expenses increases from \$600 to \$800 beginning January 1, 2015. A student member who completes a full (one-year) term on the board is entitled to a \$1,000 higher education scholarship.

[House Bill 242/Senate Bill 282](#) – **Juvenile Law - Truancy Reduction Pilot Program - Kent County** This bill authorizes the establishment of a Truancy Reduction Pilot Program (TRPP) in the juvenile court in Kent County.

[House Bill 343/Senate Bill 383](#) – **Allegany County and Garrett County - Boards of Education - Removal of Ex Officio Member** This bill repeals the requirement that the Chairman of the Allegany County Commissioners, or the chairman's designee, serve as a nonvoting ex officio member of the Allegany County Board of Education. The bill also repeals provisions for reimbursement for travel and other expenses incurred by the Chairman of the Allegany County Commissioners, or the chairman's designee, as a result of county board of education meetings.

[House Bill 350/Senate Bill 477](#) – **Education - Talbot County Board of Education - Lease of Public School Facility** This bill authorizes the Talbot County Board of Education to enter into a lease with an organization that operates a community-based educational and recreational program to use a public school facility if (1) the lease term is no longer than 99 years, (2) the county board does not anticipate a need for the facility during the lease term, and (3) the county board determines that the public school system will benefit from the operation of the program at the facility.

[House Bill 838](#) – **Task Force to Study Vocational and Technical Education Programs in Harford County** This bill establishes the Task Force to Study Vocational and Technical Education Programs in Harford County.

[House Bill 1017](#) – **Prince George's County - Board of Education - Elected Member Vacancy - Approval of Appointment PG 422-14** This bill requires the Prince George's County Executive to transmit to the clerk of the Prince George's County Council the name of an appointee to fill the vacancy of a seat that was held by an elected member of the Prince George's County Board of Education. Such an appointment is considered approved unless the county council disapproves by a two-thirds vote within 45 days after the submittal of the name of the appointee.

[House Bill 1033/Senate Bill 1034](#) – **Queen Anne’s County Board of Education - Filling a Vacancy in Membership** This bill alters the procedure for filling a vacancy on the Queen Anne’s County Board of Education. If the vacancy occurs before the filing deadline for candidates for the primary election that is held in the second year of the term, the qualified individual appointed by the Governor to fill the vacancy serves until a successor is elected at the next general election and qualifies. If the vacancy occurs after the above specified filing deadline, the qualified individual appointed by the Governor to fill the vacancy serves for the remainder of the term of the vacating member and until a successor is elected at the next general election and qualifies.

[House Bill 1035](#) – **Prince George's County Juvenile Court and School Safety Workgroup - Membership and Duties PG 305-14** This bill alters membership and duties of the Prince George’s County Juvenile Court and School Safety Workgroup by requiring it to develop recommendations on other relevant issues determined by the workgroup to warrant further review, study, or change. The workgroup must report its findings, action plan, and recommendations to the Prince George’s County Delegation by December 15, 2014.

[House Bill 1093](#) – **Howard County Board of Education - Members - Salary Increase Ho. Co. 2-14** This bill increases the annual salaries of elected members of the Howard County Board of Education by \$3,000 beginning with their next term of office. The salary of the board’s chair increases from \$14,000 to \$17,000 and the salary of the other six elected members, including the vice chair, increases from \$12,000 to \$15,000. A student member who completes a full (one-year) term on the board is entitled to a \$5,000 higher education scholarship which must be paid directly to the educational institution the student attends and is not considered compensation for purpose of calculating taxable income.

[House Bill 1351](#) – **Baltimore City - Special Police Officers and School Police Officers** This bill repeals two statutory provisions of the Public Local Laws of Baltimore City: (1) a specified provision relating to the appointment of special police officers in Baltimore City; and (2) an obsolete provision relating to Baltimore City school police officers.