

Maryland Association of Boards of Education

Legislative Committee Donna L. Brightman, Chair

Agenda March 17, 2014 10:00 A.M. – Noon

1.	Call to Order/Roll Call	Welcome & Introductions	Donna Brightman	5 min.
2.	Reports on Local Legislative Initiatives & Delegations from Member Boards	(Information & Discussion)	Donna Brightman/All	15 min.
3.	Priority Bill Highlights <ul style="list-style-type: none">- Prekindergarten- Special Education- Federal Education Reform- Employee Relations- Student Health & Fitness- Prevailing Wage- School/Student Safety- Personnel- Maintenance of Effort- Ethics	(Information & Discussion)	John Woolums/ GreenStreet Coalition	50 min.
4.	Budget Update <ul style="list-style-type: none">- Budget & Taxation Committee actions, including rejection of the NTI freeze	(Information & Discussion)	John Woolums/ GreenStreet Coalition	15 min.
5.	Guest Speaker (invited): Senator Richard S. Madaleno, Jr. Chair of the Education, Business and Administration Subcommittee of the Budget and Taxation Committee	(Information & Discussion)	Donna Brightman/ Francie Glendening	30 min.
6.	Adjournment	Closing Remarks	Donna Brightman	5 min.

Attachments/Handouts:
Item 3 – Bill Highlights Report
Item 4 – Budget Update

Maryland Association of Boards of Education**Legislative Committee Meeting****March 17, 2014****Bill Highlights****Prekindergarten****[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.

Status: The bill is passing with minor amendments. MABE Position: Support

Federal Education Reform**[Senate Bill 676/House Bill 1167](#) – 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.

Status: Hearings held and subcommittee discussions ongoing. MABE Position: Support

Special Education**[House Bill 1198/Senate Bill 779](#) – Education - Due Process Hearings for Children With Disabilities - Burden of Proof**

This bill places 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 states that it is not intended to change federal law regarding recordkeeping requirements or what constitutes a free appropriate public education.

Status: Hearings held, but no action in subcommittee or full committee. MABE Position: Oppose.

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.

Status: Passed the House with amendments. 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. 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, the bill would amend 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."

Status: Passing the Senate. MABE Position: Support; MABE supported the bill as introduced and continues to support the amended bill as described below.

Employee Relations

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 is scheduled to terminate June 30, 2015.

Status: Subcommittee discussion in the House, but no action.

Student Health & Fitness

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.

Status: Passing in the House. MABE Position: No Position.

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.

Status: passing the Senate as amended and 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 aligned with the state curriculum, but nonetheless require additional instructional resources and staffing to comply with the new statutory mandate.

Prevailing Wage

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

This bill requires 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.

Senate Bill 204 – Prevailing Wage Rates Reform Act of 2014

This bill expands the applicability of the State's prevailing wage laws to all public works projects including schools, alters the methods by which State prevailing wage rates are determined, and changes penalty provisions related to the nonpayment of prevailing wages on public works projects.

Senate Bill 1068 – Procurement - Prevailing Wage - School Construction

Increasing to 75% or more the percentage of State money that must be used in an elementary or a secondary school construction project before the Prevailing Wage Law applies.

Status: Bills heard but not acted on. MABE Positions: Oppose House Bill 727/Senate Bill 232 and Senate Bill 204. Support Senate Bill 1068.

Student & School Safety/Crimes

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

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.

Status: passing the House as amended and described above. MABE Position; Support with amendments; MABE continues to support as amended. MABE also supported House Bill 362, which has been reported unfavorably in committee.

Maintenance of Effort

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.

Status: Hearing held but no action in subcommittee. MABE Position: Oppose

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

This bill excludes 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 are 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

Personnel

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

Status: The bill is passing 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 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 is contingent upon the receipt by the Maryland State Department of Education (MSDE) of an Elementary and Secondary School Counseling Programs grant from the U.S. Department of Education Employee Relations

Ethics

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, removes the first provision regarding orders to comply, and instead provides that the Ethic Commission may issue a public notice listing areas of noncompliance.

Status: The bill has passed in the Senate; House hearing on March 20. MABE Position: No Position.

FY 2015 Education Budget Update

On March 7, 2014 the Senate Budget and Taxation Committee reported favorably with amendments on the FY 2015 State Budget Bill (Senate Bill 170) and the Budget Reconciliation and Financing Act (Senate Bill 172). The major education funding items in the FY 2015 Budget passed by the Committee generally reflect the budget as introduced, with only minor amendments as described below.

The amounts of education funding included in the Governor's proposed FY 2015 State Budget include the overall investment of \$6.116 billion for both direct education aid (\$5.316 billion) and teacher retirement costs (\$800 million). Direct aid refers to the primarily per pupil allocations for the major funding categories, including the Foundation, Compensatory, Limited English Proficient, Special Education, and other programs. In addition, the Budget included \$132.7 million for the Geographic Cost of Education Index (GCEI), and \$26.9 million for the Net Taxable income wealth adjustment phase-in. The Governor's State Budget also included several smaller initiatives, including: \$4.3 million for Maryland Prekindergarten Expansion Program; \$3.5 million for the Digital Learning Innovation Fund; \$2 million for the Early College Innovation Fund. Overall, the Governor's proposed FY 2015 Direct Aid to Education budget included an increase of \$125 million.

Again, these funding provisions remain almost entirely intact following the Budget and Taxation Committee's action on Friday, March 7. Budget and Taxation Committee Actions, include:

- *Net Taxable Income – The Committee rejected the Department of Legislative Services (DLS) recommendation.
- Maryland Prekindergarten Expansion – Funding in the amount of \$4.3 million is made contingent upon enactment of the legislation that creates the program, SB 332 or HB 297 – Prekindergarten Expansion Act of 2014.
- Students with Disabilities – Legislative intent that the FY 2015 rate increase for nonpublic special education placement providers take effect on July 1, 2014.
- Innovative Programs – \$3.5 million in the Digital Learning Innovation Fund is restricted to the propose of providing local education agencies with funding to upgrade their information technology infrastructure as overseen by the MSDE.
- Innovative Programs – \$1,712,303 in the Early College Innovation Fund is to be used only to provide grants to restore 50% of a reduction in total direct education aid to local school systems for which total direct education aid in fiscal 2015 is less than the amount received in fiscal 2014 by more than 1% contingent on enactment of SB 534 or HB 814 establishing the grants. The three counties that would receive these funds based on current projections are Carroll, Garrett and Kent Counties.
- Child Care Subsidy Program – Reduces funding for the Child Care Subsidy Program by \$1 million. However MSDE notified the Committee that this action could result in similar reductions in federal funds.

*Net Taxable Income Funding

The Department of Legislative Services (DLS) presented a report entitled, *Budget Reconciliation and Financing Act of 2014 (SB 172/HB 162) Budget Summary, Provisions, and Recommendations*. The report featured a section entitled, Detail on Alternative and Additional Recommendations, which included the item: Freeze Net Taxable Income Fiscal 2015 Calculation at 20% (see attached). This option was ultimately not adopted by the Budget and Taxation Committee.