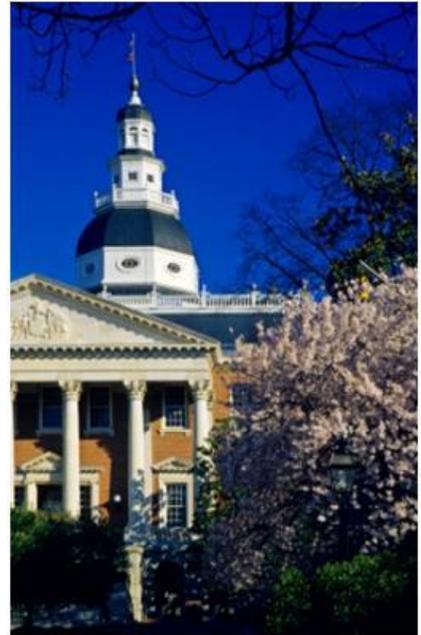


2015 Legislative Session Summary



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Maryland Association of Boards of Education

2015 Legislative Session Summary

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, www.mabe.org, provides access to information and resources organized under the [Annapolis Advocacy Center](#), [State Board Advocacy Center](#), and [Federal Advocacy Center](#).

The 2015 Legislative Session

This 2015 legislative session saw the introduction of 948 Senate bills and 1300 House bills, with more than 325 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 70 bills. MABE's legislative priorities, as described below, focused on preserving local board governance authority, securing adequate operating and capital funding for FY 2016 and the 2015-2016 school year, 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 legislation on student data privacy, blind and visually impaired student assessments, school nutrition and program funding, public information act enforcement, and background checks for school contractors. Bills passed to significantly reform the 2003 Public Charter Schools Act; and to create new commissions on student assessments, school-based clinics, and dyslexia. 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 from maintenance of effort; and established a tax credit financed private school tuition voucher program. The FY 2016 education budget passed by the House and Senate restores almost all of the funding proposed to be cut in the Governor's budget; but nearly \$70 million remains to be released by the Governor for use in the coming school year.

MABE's Legislative Summary highlights all education legislation enacted in the 2015 session, including the State operating and capital budget bills, and notes selected bills which did not pass. For more information, the Department of Legislative Services [90 Day Report](#) provides a comprehensive session summary.

MABE's 2015 Legislative Priorities

MABE's top priorities for the 2015 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 FY 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 to enhance school system authority and flexibility, including: the Hunger Free Schools Act (SB 334) and Student Data Privacy Act (HB 298); and MABE joined a coalition of education advocates to secure amendments to the Charter School Improvement Act (SB 595) which preserves local board authorizing authority. MABE successfully opposed bills to limit board authority or impose significant new costs; including the shift of the burden of proof to school systems in special education cases, charter school funding proposals, and the mandate to start school after Labor Day.

- **Support for full State funding for Maryland's outstanding public schools** – MABE urges the Governor and General Assembly to support increased funding of public education in the FY 2016 State Budget. Local boards of education are committed to preparing all students to be globally competitive in college and careers. Increased state investments in public education are essential in these times of rapid change, rising expectations, and increased costs.



MABE advocated successfully for the General Assembly to fully fund the Thornton Bridge to Excellence Act, including the mandated inflation factor and the Geographic Cost of Education Index (GCEI); the scheduled increase in state aid to implement the net taxable income adjustment was delayed by one year. These actions restored almost all of the \$144 million in cuts proposed by the Governor. MABE is urging the Governor to release the remaining 50% (\$68.1 million) for GCEI.

- **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 in school construction and renovation projects. The FY 2016 school construction budget should provide at least \$350 million to ensure that all Maryland schools are better learning environments to prepare our students to be college and career ready.



The FY 2016 capital budget includes \$270 million for public school construction (HB 71). In addition, the capital budget includes \$6.1 million for the aging schools program; and a separate bill (SB 110) provides \$4.6 million for Qualified Zone Academy Bonds.

- **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 2015 session did not see a significant effort to erode the protection of local funding secured by passage of the Maintenance of Effort reforms in 2012. The General Assembly did not approve bills to repeal the local funding escalator and modify the treatment of lease payments, or amend the review and approval process for nonrecurring cost exclusions from Maintenance of Effort.

2015 Session Highlights

Passed	Failed
<ul style="list-style-type: none"> • *Fully funded operating budget (subject to release of \$68.1 million for GCEI) • Fully funded capital budget • Public charter school reform • Public Information Act reform • Commission on Student Assessments • Task Force on Dyslexia Education • School meals funding reform • Cloud computing protection of student data • Blind/visually impaired student IEP reforms • School contractor background checks • *Conditional Mandate of GCEI (subject to Governor not restoring funding for FY 2016) 	<ul style="list-style-type: none"> • Shift in IEP burden of proof • Post-Labor Day school year start date • Financial literacy graduation requirement • Expanded physical education • Nonrecurring cost MOE exclusion reform • Repeal of the kindergarten assessment • Tuition tax credit voucher program • Diabetes management by school volunteers • Personal electronic account privacy protection for preK-12 students • *Full funding of GCEI (subject to Governor's approval)

The FY 2016 State Budget for Education

The FY 2016 State Budget ([House Bill 70](#)) provides \$40.5 billion in appropriations for FY 2016; an increase of \$590.2 million (1.5%) above FY 2015. The State Budget includes \$5.27 billion in state aid to fund education programs in the 2015-2016 school year. The budget also provides \$729 million for the teachers' retirement system. State aid for education is generally referred to as Bridge to Excellence Act funding, and includes funding for the Foundation Program based on a per pupil funding amount set in statute. This per pupil amount and other formulas determine funding for the major categorical programs including: compensatory education, special education, limited English proficiency, student transportation, guaranteed tax base, net taxable income, supplemental grants, small and declining enrollment grants, and the geographic cost of education index.

The Foundation program is the basic state education funding mechanism for public schools, which ensures a minimum per pupil funding level and requires county governments to provide a local match. The formula is calculated based on a per pupil foundation amount and student enrollment. Under the Governor's proposed budget, the per pupil foundation amount was to be held at its FY 2015 level of \$6,860 for FY 2016; and for FY 2017 through 2020 the limit on annual inflation for the target per pupil foundation amount was to be reduced from 5% to a cap of 1%. Instead, the budget passed by the General Assembly does not alter inflation in the per pupil foundation amount for FY 2016, and will not reduce the limit on annual inflationary increases. This results in a per pupil amount for FY 2016 of \$6,954, a 1.4% increase over FY 2015. Foundation funding for FY 2016 is based on the enrollment count of 842,229 students on September 30, 2014.

MABE Advocacy for Full Funding

MABE testified and lobbied during the 2015 legislative session in support of the State Budget Bill and Budget Reconciliation and Financing Act (BRFA) with amendments to restore full funding for the Bridge to Excellence Act. The BRFA ([House Bill 72](#)), as introduced, would have eliminated the increases in FY 2016 education funding for local school systems based on inflation, and delayed the full implementation of the Net Taxable Income (NTI) education funding adjustment. These proposals would have reduced the level of mandated state aid to education by more than \$76 million. In addition, the Governor's proposed State Budget ([House Bill 70](#)) would have eliminated half of the \$136.2 million in Geographic

Cost of Education Index (GCEI) funding programmed for FY 2016. Throughout session, MABE requested the General Assembly's and Governor's combined efforts to restore this total of more than \$144 million in state aid to education for FY 2016 and the 2015-2016 school year. Following session, MABE continues to partner with other education advocates to request the Governor's action to provide full funding in the coming school year based on the General Assembly's enacted State Budget.

FY 2016 Budget - Actions on School Funding

The [Conference Committee Summary Report](#) includes the following summary of the General Assembly's final action on education funding:

"Maintains the State's Commitment to the Public Schools – Under the legislative budget proposal, State support for public schools will be almost \$6.2 billion. Distributions to local school systems will increase an estimated \$138 million, or 2.6%. This increase reflects full funding of the foundation program that the Governor proposed to level fund and, with the cooperation of the Governor, the restoration of funding for the Geographic Cost of Education Index made possible by other budgetary savings."

The [Conference Committee Summary Report](#) describes the Governor's and General Assembly's approach on education spending, as follows:

"The Administration's budget proposed a cap on education foundation spending, reducing State employee salaries by 2%, reducing the Geographic Cost of Education Index by 50%, caps on the growth of private and community college formula spending, and a general cap on other State mandated spending, including the Developmental Disabilities Administration. The Conference Committee did not agree with these policies and did not limit future mandated funding as proposed by the Governor."

The State Budget passed by the General Assembly includes key education provisions which:

- Strike the Governor's proposal to freeze the target per pupil foundation amount for FY 2016 and strikes the provision that would have altered the mandated growth rates for FY 2017 through 2020. The effect of this restoration includes the following projected increases in education aid: \$105 million in FY 2017; \$164 million in FY 2018; \$234 million in FY 2019; and \$305 million in FY 2020;
- Extend the phase-in of the Net Taxable Income grants by one year to FY 2019; and
- Require local school boards to report to the State if that system has a structural deficit that requires a transfer of reserve funds.

Net Taxable Income (NTI) Adjustment Grants The BRFA of 2015 ([House Bill 72](#)) delays the scheduled phase-in of Net Taxable Income (NTI) Adjustment Grants for public schools by one year, such that the phase-in percentage is altered from 60% to 40% in FY 2016, 80% to 60% in fiscal 2017, and 100% to 80% in FY 2018. Grant funding is fully phased in by FY 2019. Funding under the legislation totals \$23.8 million.

Geographic Cost of Education Index (GCEI) The Governor's proposed FY 2016 State budget included 50% funding for the Geographic Cost of Education Index (GCEI) formula. The FY 2016 budget adopted by the General Assembly provides for 100% funding of GCEI (\$136.2 million); however, restoration of half the GCEI funding is at the discretion of the Governor. Separate GCEI legislation ([Senate Bill 183](#)) passed on the final day session in order to make funding for the program mandatory rather than discretionary, contingent upon full funding not being provided in the FY 2016 operating budget; but the bill is null and void if full funding of GCEI is provided this year.

Geographic Cost of Education Index (GCEI) Formula Funding FY 2016
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County	Governor's Proposal	
	50% Funded	100% Funded
Allegany	\$0	\$0
Anne Arundel	4,836,646	9,673,292
Baltimore City	11,610,141	23,220,282
Baltimore	2,945,833	5,891,665
Calvert	1,138,627	2,277,254
Caroline	0	0
Carroll	1,241,508	2,483,016
Cecil	0	0
Charles	1,767,220	3,534,440
Dorchester	0	0
Frederick	3,309,089	6,618,177
Garrett	0	0
Harford	0	0
Howard	2,736,808	5,473,615
Kent	68,497	136,994
Montgomery	17,744,167	35,488,334
Prince George's	20,297,767	40,595,533
Queen Anne's	286,002	572,003
St. Mary's	117,933	235,866
Somerset	0	0
Talbot	0	0
Washington	0	0
Wicomico	0	0
Worcester	0	0
Total	\$68,100,236	\$136,200,471

Source: Dept. of Legislative Services

The Budget Reconciliation and Financing Act (BRFA) ([House Bill 72](#)) This Administration bill executes actions related to achieving the balanced budget proposed in the Budget Bill (House Bill 70). The BRFA reduces the statutorily required amount of education aid by a total of \$25.3 million in FY 2016 as a result of delaying the phase-in of Net Taxable Income adjustment grants and limiting eligibility for Quality Teacher Incentives. In addition, the BRFA:

- Limits eligibility in FY 2016 for the Quality Teacher Incentive program (reducing the FY 2016 budget by \$13.4 million); and repeals stipends for teachers who only hold an Advanced Professional Certificate beginning in FY 2017 (resulting in estimated savings of \$21.5 million by 2010).
- Prohibits an FY 2016 increase in rates paid to providers of nonpublic special education placements over the rates in effect on July 1, 2014.
- In FY 2016, prohibits an increase in rates paid to residential child care providers that have their rates set by the Interagency Rates Committee over the rates in effect on July 1, 2014.

- Requires local school systems to report to the State and county governing body if the system has a general fund deficit of any amount at the end of the FY year or a structural deficit that requires a transfer of reserve funds to the general fund.
- Repeals, for FY 2016 only, the requirement that BCPS contribute funds to the Baltimore City Public School Construction Financing Fund and prohibits the Comptroller from withholding an amount from any installment due to BCPS from the general fund.
- Reduces FY 2015 unexpended appropriations by \$3.7 million (including \$2.8 million for the Autism Waiver and \$0.9 million for Out-of-County Placements) for the Maryland State Department of Education and requires the funds to revert to the general fund.

Nonpublic School Funding On April 2, 2015, Governor Hogan introduced Supplemental Budget No. 2, which proposed numerous amendments to the State Budget Bill in order to provide \$44.7 million in additional funding for programs including hospital capital funding, a state police barracks re-opening, personal property tax exemptions for small businesses, and prison funding.

The key provision for MABE and public education advocates was, however, the proposal to provide \$5 million for a grant program to partially reimburse businesses for contributions to an organization providing financial assistance to students attending nonpublic schools. This provision represented the Governor's resolve to secure passage of the program contained in his Maryland Education Credit legislation ([House Bill 487](#)), which had not been acted upon in the House Ways and means Committee following the bill hearing; nor had the Senate Budget and Taxation Committee moved a nearly identical bill ([Senate Bill 405](#)).

Following the release of the Supplemental Budget No. 2, vigorous lobbying by Jewish and Catholic organizations in support, and by public education advocates in opposition. Ultimately, the House and Senate conferees signed a conference report, which the General Assembly passed, that did not include the nonpublic school funding initiative proposed by Governor Hogan. Instead, the Conference Committee agreed to provide the budgeted \$5.7 million for the Nonpublic School Textbook Program. An additional \$4 million was provided, but made contingent on the Geographic Cost of Education Index being fully funded.

In addition, the Conference Committee adopted a new provision requiring that a non-public school participating in the Aid to Non-Public Schools Program must certify compliance with Title 20, Subtitle 6 of the State Government Article. Subtitle 6 contains Maryland's civil rights provisions prohibiting employment discrimination based on race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, or disability. Also, a non-public school participating in the program may not discriminate in student admissions on the basis of race, color, national origin, or sexual orientation.

Operating Budget Process Overview

The Maryland State Constitution places a high priority on public education by requiring the General Assembly to "establish a thorough and efficient system of free public schools" and to "provide by taxation or otherwise for their maintenance."

Under the Maryland Constitution, the Governor must submit a budget to the General Assembly on the third Wednesday in January (or by the tenth day of session in the first year of a term). The budget consists of a detailed statement of revenues and intended spending and a bill making the appropriations proposed. The budget must be balanced when submitted; requiring that proposed appropriations must be supported by estimated revenues. After submission of the budget bill, the Governor may change proposed appropriations by submitting one or more supplemental budgets.

In acting on the budget bill, the legislature may not amend the budget to increase the amounts allowed to units of the Executive Branch nor may it transfer funds from one unit to another. The legislature's main power is to reduce or delete appropriations proposed in the budget bill. The legislature may also add language to the budget bill making appropriations contingent or conditional or restricting how funds may be applied. Appropriations for debt service, statutorily mandated support for public schools, and salaries of constitutional officers may not be reduced.

State Aid to Education by Program for Fiscal Year (FY) 2016

<u>Program</u>	<u>2015</u>	<u>2016</u>	<u>S Change</u>	<u>% Change</u>
Foundation Program	\$2,882,444	\$2,947,083	\$64,638	2.2%
Net Taxable Income Grant	26,860	23,821	-3,039	-11.3%
Geographic Cost of Education Index*	132,685	136,200	3,516	2.6%
Supplemental Grant	46,620	46,620	0	0.0%
Small and Declining Enrollment Grant	593	52	-541	-91.2%
Compensatory Education Program	1,251,676	1,305,133	53,457	4.3%
Special Education Program	271,703	275,997	4,294	1.6%
Limited English Proficiency	197,659	217,180	19,521	9.9%
Guaranteed Tax Base	59,390	53,762	-5,628	-9.5%
Student Transportation	258,380	266,247	7,867	3.0%
Bridge to Excellence Subtotal	\$5,128,010	\$5,272,095	\$144,085	2.8%
Nonpublic Special Education	110,918	122,618	11,700	10.5%
Prekindergarten Expansion	4,300	4,300	0	0.0%
Other Programs	94,124	75,912	-18,212	-19.3%
Direct Aid Subtotal	\$5,337,352	\$5,474,925	\$137,573	2.6%
Teachers' Retirement	738,575	729,277	-9,298	-1.3%
Grand Total	\$6,075,927	\$6,204,202	\$128,275	2.1%

*The Governor's fiscal 2016 budget funded the Geographic Cost of Education Index (GCEI) at 50%. The fiscal 2016 amount in this exhibit reflects 100% funding of the GCEI as provided in the budget adopted by the General Assembly; however, the restoration of half the GCEI is at the discretion of the Governor.

Note: Other programs includes general and special funds supporting SEED School; formulas for specific populations; infants and toddlers; innovative programs; food service; science, technology, engineering, and mathematics; Judy Hoyer; and teacher development. Excludes State Retirement Agency administrative fee for teacher's retirement.

Source: Dept. of Legislative Services

School Facilities

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 2016 School Construction Budget Highlights

This year's capital budget ([House Bill 71](#)) 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 ([House Bill 110](#)) provides \$4.6 million for the Qualified Zone Academy Bond (QZAB) program.

Nonpublic Aging Schools Program The FY 2016 Capital Budget includes \$3.5 million for the Nonpublic Aging Schools Program in the Public School Construction Program. This funding, which continues at the same levels provided in FY 2014 and 2015, was not in the capital budgets passed by either the House or Senate but was added in Conference Committee. Only nonpublic schools currently meeting the eligibility requirements for Aid to Non-Public Schools for textbooks and computer hardware and software may receive these Aging Schools grants, which will be distributed on a per-school basis up to \$100,000, contingent on certain criteria being met.

Bills PASSED relating to school facilities include:

[HB 110](#) - 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, 2015, 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; defined as schools located in federal Enterprise or Empowerment Zones or in schools in which 35% of the student population qualifies for free or reduced-price meals. Proceeds from the sale of QZABs must be spent no later than three years after the issuance of the bonds.

[HB 923/SB 490](#) - Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms This bill establishes the Capital Grant Program for Local School Systems with Significant Enrollment Growth or Relocatable Classrooms, and it requires the Governor to include \$20.0 million annually in the capital budget to fund the program. The bill takes effect June 1, 2015.

Public Charter Schools

The Public Charter School Improvement Act

[SB 595](#) - Public Charter School Improvement Act This bill passed on the final day of the legislative session by votes of 44-1 in the Senate and 131-7 in the House and now awaits the Governor's signature. Final passage followed intensive deliberations and consideration of a comprehensive re-writing of the bill through amendments adopted by the Senate Education Committee, and a few amendments adopted near the end of session in the House Ways and Means Committee.

As introduced, MABE strongly opposed the Charter School Improvement and Expansion Act. MABE lobbied as a member of a broad coalition of public education advocates in support of preserving local board authority to approve charter schools, maintaining requirements that charter schools have highly

qualified teachers and principals, and preserving a workable definition and methodology for determining commensurate funding amounts for public charter schools. MABE opposed the Charter School Expansion Act because it would weaken or eliminate these standards and accountability measures. Fortunately, this was no longer the case following substantial amendments adopted in the Senate; and following the addition of minor amendments in the House.

Highlights of the Charter School Legislation

Chartering Authority

- The bill repeals the State Board's role as a primary or secondary public chartering authority. The sole public chartering authority is a county board of education. The bill clarifies that if a county board denies an application to establish a public charter school, and the State board reverses the decision, the State board must remand the matter to the county board; may direct the county board to grant a charter; and may, if necessary, mediate in order to implement the charter.

Student Lotteries and Placement in Public Charter Schools

- A public charter school may give greater weight to a student in a lottery in accordance with an application submitted to the public chartering authority if the student is (1) eligible for free and reduced-price meals; (2) a student with disabilities; (3) a student with limited English proficiency; (4) homeless, as defined under federal law; or (5) a sibling of a currently enrolled student in the public charter school for which the sibling is applying.
- Subject to the approval of the public chartering authority, a public charter school may designate a geographic attendance area, within which the median income is equal to or less than the median income of the county and from which student placement in the school is guaranteed to up to 35% of its available space.
- A county board of education may waive the lottery requirements for a public school that has been converted to a public charter school and wants to provide guaranteed placement to students who live within the geographic attendance area established by the county board.

Operating Flexibility for Certain Charter Schools in Existence for Five Years

- Expanded operating flexibility is afforded to a public charter school that has been in existence for at least five years and demonstrates to the county board a history of sound fiscal management and student achievement that exceeds the average in the local jurisdiction on statewide assessments and other measures developed by the State board. The State board must develop standards and criteria by which a public charter school must be assessed by the county board.
- A public charter school may appeal a decision of the county board that the school is not eligible to participate in the program to the State board. If an eligible public charter school and the county board reach mutual agreement regarding an alternative means by which the public charter school will meet the intent of the policies of the local school system, an eligible public charter school is exempt from:
 - textbook, instructional programs, curriculum, professional development, and scheduling requirements;
 - a requirement to establish a school community council;
 - except for a Title I school, a requirement to establish a school improvement plan;
 - except for a school with a school activity fund, a requirement to provide school activity fund disclosure statements; and
 - except for prekindergarten classes, class size or staffing ratios.

Staffing Flexibility for Certain Charter Schools in Existence for Five Years

- A principal may not be assigned to an eligible public charter school without the written consent of that school. Also, a staff member who wants to work in an eligible school must be assigned or transferred to that school if the staff member expresses this in writing and the public charter school expresses in writing that it wants the staff member to work there, if there is an existing vacancy. However, nothing in this program may take precedence over an agreement of a local bargaining unit in a local school system.

Certification

- The requirement that a member of the professional staff of a public charter school must hold the appropriate Maryland certification is repealed. Instead, the professional staff must be subject to the same certification provisions for professional staff as other public schools.

Collective Bargaining Agreements

- The bill includes a county board of education (along with a public charter school and the employee organization under current law) in the process to negotiate amendments to existing collective bargaining agreements to address the needs of a particular public charter school, and clarifies that such amendments may relate to work days, work hours, school year, procedures for transfer that are consistent with the instructional mission of the school, and extra duty assignments.

County Public Charter School Policies and MSDE Duties

- The bill clarifies that each county public charter school policy must be provided to the State board. The policy must be made available on request and be posted on the website of the county board of education. A designated MSDE staff person must provide technical assistance to public charter school operators, gather information from public charter schools in the State regarding innovative approaches to education and best practices, and share this information with other public schools in the State. MSDE must submit an annual report to the General Assembly regarding any updates or amendments made to local public charter school policies and implementation of the Public Charter School Program.

Public School Funding and Expenditures Study

- MSDE, in consultation with DLS, must contract for a study of the amount of funding provided to public charter schools and other public schools by local school systems. The purpose of the study is to calculate the average operating expenditures by each local school system for students enrolled in a public school that is not a public charter school or stand-alone special education school, to be aggregated at the State level to serve as the baseline for determining commensurate funding for all public schools. The report on the study is to be reported to the General Assembly and Governor by October 31, 2016.

Curriculum & Assessments

HB 452/SB 497 - Commission to Review Maryland's Use of Assessments and Testing in Public Schools This bill establishes the Commission to Review Maryland's Use of Assessments and Testing in Public Schools. The Maryland State Department of Education (MSDE) must provide staff for the commission. By September 1, 2016, the commission must report its findings and recommendations to the State Board of Education and each local board of education.

By November 1, 2016, the State Board of Education and each local board must review and consider the commission's findings and recommendations, and make comments and recommendations related to whether they accept or reject the commission's findings and recommendations to the Governor; the Senate Education, Health, and Environmental Affairs Committee; and the House Ways and Means Committee. In addition, MSDE must survey local school systems on specified assessment information

and, by August 31, 2015, report its findings and recommendations to the State board, local boards, the Governor, and other specified entities.

By October 31, 2015, each local board and specified entities must (1) review and consider MSDE's findings and recommendations; (2) make comments and recommendations related to whether they accept or reject MSDE's findings and recommendations; and (3) make the comments and recommendations available to the public on request. By December 31, 2015, the State Board of Education must (1) review and consider MSDE's findings and recommendations; (2) make comments and recommendations related to whether it accepts or rejects MSDE's findings and recommendations; and (3) submit a compilation of the comments and recommendations made by specified entities to the specified committees. The bill takes effect June 1, 2015, and terminates May 31, 2018.

Special Education

HB 278/SB 15 - Task Force to Study the Implementation of a Dyslexia Education Program - This bill establishes a Task Force to Study the Implementation of a Dyslexia Education Program. The Maryland State Department of Education (MSDE) must provide staff support for the task force. The task force must determine current practices for identifying and treating dyslexia in students in Maryland public schools and in other states; determine the appropriate structure for establishing a dyslexia education program and make specified related recommendations; and develop a pilot program to initiate the implementation of the task force's recommendations in an appropriately limited geographical area. The task force must report its findings and recommendations to the Governor; the Senate Education, Health, and Environmental Affairs Committee; and the House Ways and Means Committee by December 30, 2015. The bill takes effect June 1, 2015, and terminates June 30, 2016.

HB 535/SB 538 - Blind or Visually Impaired Children - Individualized Education Programs - Orientation and Mobility Instruction This bill requires orientation and mobility (O&M) instruction to be included in the individualized education program (IEP) of a child who is blind or visually impaired, unless the IEP team for that child determines that O&M instruction is not appropriate for the child. If the IEP team objects to the inclusion of O&M instruction in the child's IEP because the team finds it inappropriate, it must order an O&M assessment to be conducted. Within 30 days of receiving an O&M assessment, the IEP team that ordered the assessment must meet to consider the assessment results and determine if O&M instruction is appropriate for the child. If the IEP team determines that O&M instruction is not appropriate, it may not include O&M instruction in the child's IEP. A child may not be denied O&M instruction solely because the child has some remaining vision. The bill takes effect July 1, 2015.

SB 853 - Ethan Saylor Alliance for Self-Advocates as Educators This bill establishes the Ethan Saylor Alliance for Self-Advocates as Educators within the Department of Disabilities (MDOD). The purpose of the alliance is to advance the "community inclusion" of individuals with intellectual disabilities and developmental disabilities by preparing and supporting self-advocates to play a central role in educating others, particularly law enforcement, about appropriate and effective interactions with individuals with intellectual disabilities and developmental disabilities. The bill also creates a steering committee to develop parameters for the alliance, including expected outcomes and methods of evaluation. The bill takes effect July 1, 2015.

Student Health

Bills PASSED relating to student health include:

HB 965/SB 334 - The Hunger-Free Schools Act of 2015 This bill alters the enrollment count used to calculate compensatory aid in fiscal 2017 and 2018 for local boards of education that participate, in whole or in part, in the U.S. Department of Agriculture (USDA) Community Eligibility Provision (CEP).

By December 1, 2015, the Maryland State Department of Education (MSDE), the Department of Budget and Management (DBM), and the Department of Legislative Services (DLS) must report to the Senate Budget and Taxation Committee and the House Appropriations and Ways and Means Committees on specified information related to potential proxies used to represent economically disadvantaged students for the purpose of compensatory education aid formula funding and the impact of CEP on this formula funding program. By December 1, 2018, MSDE, in collaboration with any local school system that opts into CEP, must report to the committees listed above on the impact of the bill on the amount of State aid provided to local school systems. The bill takes effect June 1, 2015.

HB 375/SB 403 - Education - Maryland Council on Advancement of School-Based Health Centers

This bill replaces the Maryland School-Based Health Center Policy Advisory Council at the Maryland State Department of Education (MSDE) with the Maryland Council on Advancement of School-Based Health Centers. MSDE may seek the assistance of organizations with expertise in school-based health care or other matters within the duties of the council to provide additional staffing resources to MSDE and the council. By December 31 of each year, the council must report findings and recommendations to the Department of Health and Mental Hygiene (DHMH), MSDE, and the General Assembly on improving the health and educational outcomes of students who receive services from SBHC. In the report due by December 31, 2016, the council must include recommendations on specified issues.

SB 174 - Behavioral Health Administration - Behavioral Health Advisory Council This bill repeals and replaces the Maryland Advisory Council on Mental Hygiene and the State Drug and Alcohol Abuse Council with the Behavioral Health Advisory Council in the Office of the Governor. The new advisory council is tasked with promoting and advocating for the enhancement of behavioral health services across the State for individuals who have behavioral health disorders and their family members.

School Safety

Bills PASSED relating to school safety include:

HB 642/SB 508 - Children - Child Care Facilities, Public Schools, and Nonpublic Schools - Contractors and Subcontractors This bill establishes that nonpublic school contracts and local school system contracts must prohibit contractors or subcontractors from knowingly assigning an employee to work on school premises with direct, unsupervised, and uncontrolled access to children if the employee has been convicted of specified crimes. The bill also requires contractors and subcontractors in specified facilities who have direct, unsupervised, and uncontrolled access to children to submit to a criminal history records check.

In addition, the bill expands the underlying crimes for which prohibitions against the hiring, retaining, or assignment of individuals who have been convicted of specified crimes apply to include fourth-degree sexual offenses and offenses committed in another state that would constitute a third- or fourth-degree sexual offense if committed in this State. The bill takes effect July 1, 2015.

HB 1032 - Public Safety - Transport of Weapons on School Property - Retired Law Enforcement Officers This bill adds retired law enforcement officers in good standing to an exemption applicable to a prohibition against carrying or possessing a deadly weapon on public school property. The bill also specifies that an officer or retired officer covered under the exemption must be authorized to carry a concealed handgun in the State.

College & Career Readiness

Bills PASSED relating to college & Career readiness include:

HB 779/SB 816 - Maryland Higher Education Outreach and College Access Pilot Program This bill establishes the Maryland Higher Education Outreach and College Access Pilot Program targeting low-income Maryland high school graduates. It is a two-year pilot grant program for eligible nonprofits that meet specified requirements to be administered by the Maryland Higher Education Commission (MHEC). By December 1, 2017, and December 1, 2018, MHEC must report to the General Assembly on specified information about the program. The bill terminates September 30, 2019.

HB 942 - Apprenticeship Pilot Program - Apprenticeship Maryland This bill establishes an apprenticeship pilot program, Apprenticeship Maryland, to prepare students to enter the workforce by providing on-site employment training and related classroom instruction needed to obtain a license or certification for a skilled occupation. The program begins in the summer of 2016 and lasts for two years. The bill takes effect July 1, 2015, and terminates June 30, 2018.

SB 225/HB 297 - Higher Education - Unaccompanied Homeless Youth Tuition Exemption - Modification This bill requires an individual's status as an "unaccompanied homeless youth" to be determined by one of several specified individuals to qualify for a tuition and mandatory fee exemption to attend a public institution of higher education in Maryland. The bill also requires documentation that the child or youth has had a consistent presence in the State for at least one year before enrollment in a public institution of higher education. In addition, the bill requires annual verification by a financial aid administrator that an individual who may be an unaccompanied homeless youth qualifies as an independent student under the federal College Cost Reduction and Access Act. The bill takes effect July 1, 2015.

Public Information & Data Collection

Bills PASSED relating to public information include:

HB 83/SB 444 - Public Records - Inspection This bill establishes that under the Public Information Act (PIA), an official custodian is required to designate types of public records of the governmental unit that are to be made available to any applicant immediately on request, and to maintain a current list of the types of public records that have been so designated. The bill also repeals the requirement that an applicant may not receive a copy of a judgment until the time for appeal expires or the appeal is dismissed or adjudicated.

HB 298 - Education - Student Data Privacy Act of 2015 This bill requires an operator of specified websites, online services, online applications, and mobile applications designed primarily for a preK-12 school purpose to (1) protect covered information from unauthorized access, destruction, use, modification, or disclosure; (2) implement and maintain reasonable security procedures and practices to protect covered information; and (3) delete covered information upon request of the school or local school system. In addition, an operator may not (1) engage in targeted advertising based on the data collected through the website, online service, or application; (2) use information to make a profile about a student; (3) sell a student's information, except as provided; or (4) disclose covered information, except as detailed in the bill. Operators may use de-identified information under certain circumstances. The bill does not apply to general audience websites, online services, online applications, or mobile applications, even if a login is created. The bill takes effect July 1, 2015.

[HB 674/SB 852](#) - Public Information Act - List of Contact Information for Governmental Unit Representatives This bill requires each governmental unit that maintains public records to identify a representative who a member of the public may contact to request a public record and to maintain and publish specified contact information in a user-friendly format on the governmental unit's website. The governmental unit must also submit the contact information to the Office of the Attorney General (OAG). OAG must post the contact information in a user-friendly format on the OAG website and include the contact information in any Public Information Act Manual published by OAG.

[HB 755/SB 695](#) - General Provisions - Public Information Act - Enforcement, Fees, and Exemptions This bill establishes the State Public Information Act Compliance Board and the Office of Public Access Ombudsman. The bill specifies the board's membership and the duties of the board and ombudsman, including enforcement of the Maryland Public Information Act (MPIA). The board must report to the Governor and General Assembly by October 1 of each year. The Office of the Attorney General (OAG) must staff and provide office space for the board and the ombudsman. OAG must also, after consultation with specified entities, report to the Governor and General Assembly on findings and recommendations for improving the implementation of MPIA, as specified. The bill also alters provisions of MPIA related to public record inspections.

School Personnel

Bills PASSED relating to public school employees include:

[HB 947/SB 251](#) – Professional Standards and Teacher Education Board - School Counselors - Certification Renewal Requirement (Lauryn's Law) This bill requires the Professional Standards and Teacher Education Board (PSTEB) to require, by July 1, 2016, a school counselor applying for renewal of a certificate to have obtained, by a method determined by PSTEB, skills required to understand and respond to the social, emotional, and personal development of students, including knowledge and skills relating to (1) the recognition of indicators of mental illness and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse and (2) the identification of professional resources to help students in crisis. PSTEB must adopt regulations to implement the bill. The bill takes effect July 1, 2015.

[HB 1069/SB 677](#) - Education - Professional Development for Teachers and Providers of Early Childhood Education - Master Plan This bill requires the Maryland State Department of Education (MSDE), in collaboration with the Maryland Higher Education Commission (MHEC) and representatives from institutions of higher education in the State that offer early childhood education programs, to develop a master plan to address the critical shortage of qualified professional teachers and child care providers in the early childhood education workforce. MSDE and MHEC must also jointly make recommendations on methods of attracting individuals to the field of early childhood education and retaining current teachers and providers. By December 31, 2015, MSDE and MHEC must submit the master plan and the recommendations to the Governor; the Senate Education, Health, and Environmental Affairs Committee; and the House Committee on Ways and Means. The bill takes effect July 1, 2015, and terminates June 30, 2016.

[SB 635](#) - State Board of Education and the Professional Standards and Teacher Education Board - Alternative Teacher Certification Program This bill requires the State Board of Education, the Professional Standards and Teacher Education Board (PSTEB), and at least two local school systems to consider and, if appropriate, develop an alternative teacher certification program for areas of the State experiencing a critical teacher shortage. The local school systems must be selected by the State Superintendent of Schools; one must be from a rural area and one from an urban area. By December 1, 2015, the State Board of Education must report the results of the consideration and, if appropriate, the development of a program to the General Assembly. The bill takes effect June 1, 2015.

School Personnel - Retirement

Bills PASSED relating to retired public school employees include:

HB 217 - State Retirement and Pension System - Credit for Unused Sick Leave - Clarification

This bill clarifies that members of the State Retirement and Pension System (SRPS) who retire may receive creditable service for unused sick leave only if the unused leave was available as sick leave while they were employed. The bill takes effect July 1, 2015.

SB 364 - Alternate Contributory Pension Selection - Return to Employment

This bill allows a member of the Teachers' Pension System (TPS) or Employees' Pension System (EPS) who (1) became vested in the Alternate Contributory Pension System (ACPS) on or before June 30, 2011; (2) is separated from employment for more than four years without withdrawing member contributions or retiring; and (3) returns to service by June 30, 2016, to resume participation in ACPS if the member is reemployed with an employer that participates in ACPS. The bill takes effect July 1, 2015, and applies retroactively to any individual who returned to service in EPS or TPS on or after July 1, 2011, and who meets the bill's criteria.

SB 432 - Employees' and Teachers' Pension Systems - Combination of Service - Clarification

This bill clarifies the conditions under which a member of the Teachers' Pension System (TPS) and Employees' Pension System (EPS) can combine prior eligibility service credit in a part of EPS or TPS (that is subject to a different benefit accrual rate than the member's current plan) with current service credit. The bill takes effect July 1, 2015.

SB 639 - Teachers' Retirement and Pension Systems - Reemployment of Retirees - Exemptions

This bill allows each local school superintendent and the superintendent of the Maryland School for the Deaf (MSD) to hire up to five retirees of the Teachers' Retirement System (TRS) and up to five retirees of the Teachers' Pension System (TPS) to work in any position at any public school and be exempt from any retirement benefit reduction. This broad exemption replaces current provisions that allow local superintendents to rehire additional TRS/TPS retired teachers to work in specified schools or subject areas. It also includes related reporting requirements for local school systems, MSD, and the Maryland State Department of Education (MSDE). The bill takes effect July 1, 2015.

Elections

Bills PASSED relating to elections (and school calendars) include:

HB 396/SB 204 - Election Law - Primary Election Dates in the Presidential Election Year

This bill modifies the date of the statewide primary and Baltimore City municipal primary elections that occur in a presidential election year so that the primary elections are held on the fourth Tuesday in April rather than the first Tuesday in April. The bill also makes changes to specified deadlines in the elections process, modifies a campaign finance reporting requirement, and deletes an obsolete provision.

Ethics

Bills PASSED relating to elections (and school calendars) include:

SB 343 - Public Ethics - Advisory Bodies - Advisory Opinions and Informal Advice

This departmental bill authorizes the State Ethics Commission, as an advisory body, to issue informal advice instead of an advisory opinion, if requested to do so. Any information related to informal advice must be confidential and is not subject to publication requirements. The bill takes effect July 1, 2015.

Local Bills

Bills PASSED relating to individual school systems include:

HB 191/SB 71 - Washington County - Appointment of Superintendent of Schools – Exemption

This bill exempts the Washington County Board of Education from specified requirements for appointment and reappointment of a Washington County Superintendent of Schools.

HB197/SB 295 - Prince George's County - Education - Youth Wellness Leadership Pilot Program

This bill establishes the Youth Wellness Leadership Pilot Program in the State Department of Education; requiring the Department, after consultation with the Department of Health and Mental Hygiene, to implement the Program for 125 students in public high schools in Prince George's County; authorizing the State Department of Education to collaborate with specified local community organizations; specifying the purpose of the Program; and requiring the State Department of Education to report annually.

HB 135 - Charles County - School Construction Excise Tax Rates This bill authorizes the County Commissioners of Charles County to alter the school construction excise tax base rates on specified types of dwellings in specified fiscal years in a specified manner; and providing that the school construction excise tax rates may not increase in specified fiscal years by more than the percentage change in the average statewide school building cost as calculated by the Interagency Committee on School Construction.

HB 510 - Montgomery County - Education - School Bus - Doors That Lock MC 27-15 This bill authorizes the Montgomery County Board of Education to use a school bus with doors that lock to transport students in the county, if the locking system prevents the bus from being operated when any bus exit is locked.

HB 707 - Prince George's County - Board of Education - Issuance of Credit Cards - Prohibition PG 411-15 This bill prohibits the Prince George's County Board of Education from issuing a credit card to a member of the county board. The bill takes effect July 1, 2016.

HB 848 - Anne Arundel County Public Schools Funding Accountability and Transparency Act This bill requires the Anne Arundel County Board of Education to develop and operate a free, public, searchable website by January 1, 2017, that includes data on specified board payments of \$25,000 or more. The bill takes effect July 1, 2015.

HB 895 - Baltimore County - Education - Junior Reserve Officer Training Corps Instructors This bill includes Junior Reserve Officer Training Corps (JROTC) instructors in Baltimore County as a public school employee. The bill takes effect July 1, 2015.

SB 622 - Education - English Language Learner Liaison Pilot Program This bill establishes an English Language Learner Liaison Pilot Program in the Maryland State Department of Education (MSDE) for Prince George's County. The purpose of the pilot program is to address the specific needs of English language learner (ELL) students and their families. MSDE must report annually to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee on the effectiveness of the program. The bill takes effect July 1, 2015, and terminates June 30, 2017.

Highlighted Bills which FAILED TO PASS in 2015

- Special Education - Burden of Proof Shift (SB 390/HB 344) (MABE Position: Oppose)
- Special Education - Translations of IEPs (SB 314/HB 44) (MABE Position: Oppose)
- Special Education – Facilitators for IEP Meetings (HB 1060) (MABE Position: Oppose)
- Maryland Education Credit (SB 405/HB 487) (MABE Position: Oppose)
- Maintenance of Effort - Alteration and Study (SB 627/HB1079) (MABE Position: Oppose)
- Maintenance of Effort - Financial Advisory Board (HB 502) (MABE Position: Oppose)
- Post-Labor Day School Year Start Date (SB 455/HB 389) (MABE Position: Oppose)
- Orange Ribbon for Healthy School Hours (HB 1081) (MABE Position: Oppose)
- Student Diabetes Management Program (SB 496/HB 672) (MABE Position: Oppose)
- Sexual Abuse and Assault Education Program (SB 489/HB 383) (MABE Position: Oppose)
- Sexual Abuse and Assault Notification Requirements (HB 1033) (MABE Position: Support)

MABE Advocacy Resources

Annapolis Advocacy: MABE strives to be the primary voice for public education in Annapolis. The unity of 24 local school boards lends strength to our increasing importance in the legislative process, ensuring that the Governor, General Assembly, and State Board of Education turn to MABE to help determine what is best for school children. MABE's Legislative Committee holds monthly meetings to guide the Association's lobbying activities in Annapolis, and invites policy and legislative leaders to exchange ideas. The Director of Governmental Relations, in coordination with MABE leadership, conducts direct lobbying activities including written and oral testimony before the General Assembly. MABE adopts and publishes an annual Legislative Positions publication and a Session Summary. MABE coordinates the Green Street Coalition, which is comprised of legislative liaisons from school systems and the superintendents association, and MABE staff pens the weekly GreenSheet update on legislative activity. For more information go to [MABE's Annapolis Advocacy Center](#).

State Board of Education Advocacy: In addition, MABE staff and members of the Board of Directors attend each meeting of the State Board of Education, and staff pens The Monitor, which provides a comprehensive summary of each meeting. MABE frequently informs the State Board of the Association's positions on priority issues through testimony, correspondence, and meetings. For more information go to [MABE's State Board Advocacy Center](#).

Federal Government Advocacy: MABE encourages all boards of education to engage in advocacy at the federal level to ensure that our federal officials are well informed on the priorities and perspectives of local school systems and the fiscal and policy issues arising under the myriad federal programs impacting public education. MABE's Federal Relations Network (FRN) Committee is comprised of board members appointed to represent the association in communicating NSBA and MABE positions to Maryland's federal delegation, including our two U.S. Senators and eight members of the U.S. House of Representatives. For more information go to [MABE's Federal Advocacy Center](#).