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Legislative Committee Update

On Monday, January 11, MABE's Legislative Committee met to preview the major education issues anticipated to come before the General Assembly; and to review the advocacy tools and resources that we will use during the 2016 legislative session. MABE staff presented overviews of MABE's legislative process, the [Advocacy Toolkit](#), and a preview of issues anticipated in the 2016 session. Committee members engaged in lively dialogue on topics ranging from student testing to school construction funding. A hot topic of discussion was the ramifications of the absence of a BRFA (Budget Reconciliation and Financing Act) this session.

The BRFA has often included proposed provisions to drastically cut education funding in order to achieve a balanced state budget. For example, last year's BFRA included the Governor's proposal, rejected by the legislature, to freeze per pupil funding for five years; and it was a BRFA amendment adopted in 2011 that weakened maintenance of effort as the funding floor for local governments. Today, given the large surplus enjoyed by the state in fiscal 2016 and projected for fiscal 2017 and beyond, there is no imperative for a BRFA to eliminate or reduce mandated funding in order to balance the budget.

2016 Legislative Committee Calendar

- (Session convened Jan. 13, 2016)
- February 1, 2016
- **2016 Legislative Day Luncheon
Friday, February 12, 2016
11:00 a.m. - 1:00 p.m.**
(Note: The Legislative Committee will meet before the Luncheon, 10:00 - 11:00 a.m.)
- February 29, 2016
- March 14, 2016
- April 4, 2016
- (Session Adjourns April 11, 2016)
- April 25, 2016 - Session Summary

MABE's Legislative Committee meetings are held in the MABE office on Monday mornings, 10:00 to 12:00, unless otherwise indicated. Meeting agendas and materials are posted on

At the same time, without a BRFA there is no obvious vehicle for proposed amendments to the budget process. Governor Hogan has indicated that he supports changes to the law to trigger automatic reductions in mandated funding in times when projected revenues do not meet spending obligations already in the law. This proposal raises serious concerns given the large role that state education funding plays in the category of mandated state funding. For example, MABE and other education advocates strongly supported the 2015 bill (SB 183) to convert GCEI from a discretion to mandatory funding program.

Legislative leaders are already speaking out against the Governor's proposal, as the [Washington Post reported on January 12](#). Senate President Mike Miller is quoted as saying, "Mandate relief is code word for cutting public education," and he pledged to fight to protect K-12 education funding. Similarly, House Appropriations Committee Chair, Maggie McIntosh, has warned that the General Assembly could respond to the Governor's proposal by adopting new and stronger funding mandates.

MABE will be front and center advocating for protecting school funding as the number one budget priority identified in the Maryland Constitution – funding essential to the State's economy as Maryland's 24 local boards of education and school systems prepare our more than 860,000 students for a successful future in college and career.

2016 Session Underway

On Wednesday, January 13, the General Assembly convened to embark on yet another 90 day legislative session. At the helm of the House and Senate chambers remain the longstanding Speaker of the House, Michael E. Busch, and President of the Senate Thomas V. Mike Miller, Jr. In addition to voting to retain their leaders, House and Senate members were welcomed back to Annapolis by Governor Larry Hogan and heard speeches from U.S. Senators Barbara Mikulski and Ben Cardin.

For MABE, much of our lobbying efforts are concentrated in the House Appropriations and Ways and Means committees; and the Senate Budget and Taxation and Education, Health and Environmental Affairs committees. In all four of these committees, leadership remains very stable under the respective committee and subcommittee chairs. That said, each session calls on MABE and local boards and board members to be vigilant in staying current on priority issues and being actively engaged in direct lobbying in support of our positions.

The 2016 session is now underway, and that means bills have been "read across" and assigned to committees, and that means bill hearings are being scheduled. Many of the bills introduced to date are "departmental" bills requested by the Governor and/or the affected state agency and introduced by the appropriate committee chair. These bills include SB 102 to repeal the inter-agency State Coordinating Council for Children, and SB 103 to expand the membership of the Maryland Youth Advisory Council.

Another departmental bill, [SB 83](#), is proposed by the Governor's Office of Crime Control and Prevention to expand the purpose of the School Bus Safety Enforcement Fund, which was

originally created as an additional source of funding for local law enforcement agencies to enforce traffic citations for drivers who endanger students loading and unloading from school buses. This bill would expand not only the purpose of the fund to include enhancing school safety and security, but also allow local boards of education to apply and remove the cap of \$35,000 per grant.

Several of the bills already introduced, and scheduled for hearings, are reintroductions of bills which failed to pass last year. One of these bills is our first “Call to Action” of the 2016 session.

Call to Action - MABE Opposes Senate Bill 71

[Senate Bill 71](#) is a bill warranting our staunch opposition again this year. This bill would mandate that school systems train volunteers (teachers, aides, principals, and other full and part-time employees) to become “trained diabetes care providers” responsible for administering health care services, including administering oral and injectable medications, to students.

MABE urges local boards and board members to contact the bill sponsor, [Senator Ron Young](#), and other [members of the Senate Education, Health and Environmental Affairs Committee](#) to voice opposition to this legislation.

Talking Points

Read [MABE's testimony](#), and contact your senator, Senator Young, and Senators on the EHEA Committee to let them know that MABE and local boards oppose Senate Bill 71 because:

- Local boards are committed to a high standard of care for students with diabetes.
- SB 71 is a move in the wrong direction - health care provided in school for students with diabetes should be in the hands of the school nurse who is a medical professional trained to follow the prescriptions and plan provided by the student's doctor.
- SB 71 would bypass the school nurse's license and professional oversight responsibility, and instead require school systems to train non-medical staff (such as teachers, aides, and principals) to administer oral and injectable medicine to students with diabetes.
- SB 71 is not needed because existing federal and state laws already prohibit discrimination against students with diabetes.
- SB 71 is not needed because state guidance is being updated in 2016 and will include best practices and address many of the concerns raised by supporters of this bill.

Background on Senate Bill 71

This bill is a national legislative priority of the American Diabetes Association and it passed the Senate in 2015 (as [SB 672](#)), but was not acted on by the House Ways and Means Committee. During the interim, the Department of Health and Mental Hygiene (DHMH) and MSDE held meetings and a day-long symposium on the law and state and local policies and procedures regarding meeting the health and educational needs of students with diabetes. Following these meetings, work has begun to update the Maryland State School Health Services Guideline, “Management of Students with Diabetes Mellitus in Schools,” last updated in 2006.

MABE strongly believes that the ongoing work by doctors, school nurses, and DHMH and MSDE staff has confirmed the need to continuously improve the manner in which health services are provided to students with diabetes. Another area for improvement is communication within school systems and school buildings and with parents. At the same time, this work in no way demonstrates the need to diminish the professional role of school nurses or certified medical technicians working under the school nurse's license. Therefore, MABE continues to oppose legislation which would bypass the school nurse's license and oversight responsibility and instead have school systems train non-medical staff to administer oral and injectable medicine to students with diabetes.

MABE Issues Position Paper on the Future of Education Funding

MABE has distributed to all local board members, and all legislators, a position paper entitled, "[*Priorities and Perspectives on the Future of Public School Funding in Maryland*](#)" as a part of our continuing effort to track the ongoing Study of Adequacy of Funding for Education in Maryland, and to fully inform our members and the General Assembly.

This position paper provides background information, in-depth analysis, and an overview of local board perspectives on the ongoing adequacy study. An [Executive Summary](#) is also available.

The passage of the [2002 Bridge to Excellence Act](#), and the subsequent increase of more than \$1.3 billion in state aid to education, was founded on the adequacy study conducted from 1999 through 2001 by the consulting firm, Augenblick and Myers. The 2002 law called for a follow up study of the adequacy of education funding in the State to be undertaken approximately 10 years after its enactment, and amended to specifically require a study commencing in 2014. Augenblick, Palaich, and Associates was awarded the \$1.05 million state contract to conduct a comprehensive up-to-date adequacy study.

The new adequacy study has been underway with a [stakeholder workgroup](#), including MABE representatives, guiding and monitoring this important work. Because this study will have significant implications for all Maryland school systems, MABE created an ad hoc committee to track, discuss, and keep our members informed.

MABE's [*Priorities and Perspectives on the Future of Public School Funding in Maryland*](#) provides an overview and highlight of local board perspectives on the ongoing adequacy study and the future of public school funding in Maryland.

Bill Highlights ([Link to Full Report](#))

[HB 23](#) - Procurement - Prevailing Wage Law - Waiver From Provisions – Authorizing a public body to request a waiver from the provisions of the prevailing wage law for construction of an elementary or a secondary school if compliance with the law defers or cancels the construction of another school, or increases the cost of constructing a school by 10% or more; etc. (MABE Position: Support)

[HB 29](#) - Education - Participants in Youth Sports Programs - Concussions - Penalties for Coaches – Requiring the State Board of Education to establish penalties for a violation of specified provisions of law relating to concussions and head injuries; requiring a local board of education to suspend a coach who

violates specified provisions of law relating to the removal from play of a student who is suspected of sustaining a concussion or other head injury in a practice or game and the return to play of the student; etc. (MABE Position: Oppose)

HB 39 - Education - Orange Ribbon for Healthy School Hours – Establishment – Establishing the Orange Ribbon for Healthy School Hours certification within the State Department of Education beginning in the 2017-2018 school year to recognize local school systems that create, implement, and enforce school start times that are consistent with the school start times recommended by the Department, the Department of Health and Mental Hygiene, and the American Academy of Pediatrics; etc. (MABE Position: Oppose)

HB 41 - Public Schools - Boards of Education - Anonymous Two-Way Text Messaging Tip Programs – the bill requires each local board of education to establish an anonymous two-way text messaging tip program to allow the reporting of an act of bullying, harassment, or intimidation of a student; requiring each board to publicize the two-way text messaging tip program in specified locations; etc. (MABE Position: Oppose)

SB 7 - Prevailing Wage Law - Applicability - Elementary and Secondary School Construction – Altering the definitions of “public body” and “public work” for the purpose of applying the prevailing wage law to all elementary and secondary school construction; and applying the Act prospectively. (MABE Position: Oppose)

SB 65 - Primary and Secondary Education - Health and Safety - Sugar-Free Schools Act – Requiring each local board of education to develop a plan for reducing students’ total sugar intake per school meal by August 1, 2017, etc. (MABE Position: Oppose)

SB 71 - Public and Nonpublic Schools - Student Diabetes Management Program – Requiring each local board of education to require each public school within its jurisdiction to establish a Student Diabetes Management Program that includes training for employee volunteers to provide diabetes care services to students. (MABE Position: Oppose)

SB 83 - Public Safety - School Safety Enforcement Fund – Renaming the School Bus Safety Enforcement Fund to be the School Safety Enforcement Fund; expanding the purposes of the Fund to include enhancing school safety; expanding eligibility to receive grants from the Fund to county boards of education; repealing the \$35,000 cap on grants. (MABE Position: Support)

Bill Hearing & Briefing Schedule

- On January 21, at 11:00 a.m. MABE will brief the Ways and Means Committee on MABE’s legislative priorities and positions. Also briefing the committee: Public School Superintendents Association of Maryland (PSSAM) and Maryland Association of Community Colleges (MACC).
- Adequacy Briefings: The Adequacy Study consultants will conduct briefings on January 20 at 1:00 p.m. in the Appropriations Committee; January 20 at 3:00 p.m. in the Budget and Taxation Committee; and on January 21, at 2:00 p.m. in the Ways and Means Committee.
- Fiscal Briefing: On January 25 at 3:00 p.m. the Dept. of Legislative Services will brief the Appropriations and Budget and Taxation Committees in the Joint Hearing Room.
- On February 8, at 1:00 MABE will brief the Commission to Review Maryland’s Use of Assessments in Public Schools on MABE’s perspectives on the survey of mandated testing and testing issues coming before the commission. Location: Howard County Public Schools, 10910 Clarksville Pike, Ellicott City.

Bill Title	Hearing Schedule	MABE Position
SB0071 - Public and Nonpublic Schools - Student Diabetes Management Program	Education, Health, and Environmental Affairs 1/20/2016 - 3:30 p.m.	Oppose
SB0065 - Primary and Secondary Education - Health and Safety - Sugar-Free Schools Act	Education, Health, and Environmental Affairs 1/20/2016 - 3:30 p.m.	Oppose
HB0039 - Education - Orange Ribbon for Healthy School Hours - Establishment	Ways and Means 1/20/2016 - 2:00 p.m.	Oppose
SB0083 - Public Safety - School Safety Enforcement Fund	Judicial Proceedings 1/26/2016 - 1:00 p.m.	Support
HB0041 - Public Schools - Boards of Education - Anonymous Two-Way Text Messaging Tip Programs	Ways and Means 1/28/2016 - 2:00 p.m.	Oppose

MABE's Advocacy Centers

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.

[Annapolis Advocacy Center](#)

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.

[State Board Advocacy Center](#)

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.

[Federal Advocacy Center](#)

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.

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