

February 10, 2016

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### Assessment Commission Briefings

On February 8, MABE, PSSAM, Maryland PTA and the Baltimore Teachers Union (BTU) addressed the Maryland Commission on Assessments. Joy Schaefer, MABE's legislative committee chair and executive committee member, shared with the commission MABE's position in favor of maintaining local board flexibility and discretion to adopt assessment policies and practices without the burden of an arbitrary cap on the amount of time spent on testing. MABE's testimony stated MABE's opposition to the pending legislation, [House Bill 141](#), which would require the State Board of Education to "adopt regulations that limit the amount of time in the aggregate that may be devoted to federal, state, and locally mandated tests for each grade to 2% of the minimum required annual instructional hours."

The PSSAM presentation featured Frederick County Superintendent Terry Alban and Caroline County Superintendent John Ewald, who were each joined by teachers and principals. These presentations provided the commission with detailed explanations of policies and programs being implemented to optimize the use of formative assessments to benefit student learning. Again, a strong case was made for allowing local school systems to determine which assessment tools and strategies are most appropriate in a given content area, grade band, school, and to address specific student needs. The teachers speaking on behalf of BTU voiced strong concerns about the

### 2016 Legislative Committee Calendar

- (Session convened Jan. 13, 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

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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 the [MABE website](#).

use of assessments to measure student and school performance which are not available to teachers as formative instructional tools.

Elizabeth Ysla Leight, President of the Maryland PTA, shared the national and Maryland PTA positions opposing parental opt out from state assessments; and in favor of assessments which are designed to be culturally and linguistically appropriate for all students including English language learners. She stressed the need for more outreach and communication with parents who are speakers of other languages.

Later in the meeting, Commission member Julie Hummer, who is a member of the Anne Arundel County Board of Education, raised questions and concerns about the content, and lack of definitions and clarity, in the pending legislation to impose a cap on testing. Similarly, commission member Larry Bowers, acting superintendent of Montgomery County's school system, voiced his concerns with the timing of legislation being introduced to dictate assessment policy and the timeline for the commission to finish its work, which also comes from the legislature.

At the conclusion of the meeting, commission chairman Chris Berry, a Montgomery County principal, announced his decision to form subcommittees to further explore respective areas of inquiry including testing logistics, testing at elementary and secondary school levels, and assessment issues pertaining to students with special needs. The commission's next meeting is on March 7, from 1:00 to 4:00 p.m., in the Howard County Public Schools Board Office, in Board Room B.

For more information, MSDE maintains a [webpage on the Commission to Review Maryland's Use of Assessments in Public Schools](#) which includes all meeting materials and other information and resources.

## Session Updates

### Education Commission Bills

- [House Bill 999](#) and [Senate Bill 905](#) have been introduced to establish the Commission on Innovation and Excellence in Education. This is the bill to form the education funding commission to review and make recommendations based on the findings and recommendations of the ongoing adequacy study. This is a priority piece of legislation for MABE and the entire educational advocacy community. Stay tuned for calls to action and other advocacy activities in support of this MABE priority legislation! (MABE Position: Support)

### Prekindergarten Enrollment & Funding Bills

- [Senate Bill 461](#) has been introduced to establish specified funding for prekindergarten students by altering the definition of full-time equivalent enrollment to include prekindergarten students in the number of students enrolled for purposes of calculating specified State aid formulas for education. The House version of this MABE priority

legislation is attracting broad co-sponsorship and should be introduced shortly. (MABE Position: Support)

## Assessment Bills

- [House Bill 141](#) and [Senate Bill 407](#) would, as described above, require the State Board of Education to “adopt regulations that limit the amount of time in the aggregate that may be devoted to federal, state, and locally mandated tests for each grade to 2% of the minimum required annual instructional hours.” In addition, the bill would exclude from any limits “time devoted to teacher–selected classroom quizzes and exams, portfolio reviews, or performance assessments.” In these ways the bill intends not only to constrain the ability of superintendents and staff to manage system wide assessment programs, but also to establish a preference for assessments selected by teachers. (MABE Position: Oppose)
- [House Bill 397](#) and [Senate Bill 786](#) would require MSDE to develop a set of best practices that the department and local school systems must consider when deciding whether to administer an assessment or a test to students. The bill further requires MSDE and local board to ensure conformity of their respective assessment programs with these best practices. (MABE Position: Oppose)
- [House Bill 412](#) and [Senate Bill 533](#) would require local school systems to post on their websites comprehensive and detailed information on each federally, state or locally mandated assessment, and the time, purpose, manner and accommodations available pertaining to each assessment. (MABE Position: Oppose)
- [House Bill 657](#) and [Senate Bill 794](#) would a convert the current statewide kindergarten readiness assessment (KRA) to one that is limited to a random sample of kindergarten students from within each local school system. The bill further states that “a standardized test may not be administered to a prekindergarten student.” (MABE Position: Oppose)

## Teacher and Principal Evaluations – as newly mandated subjects of bargaining

- [House Bill 633](#) would substantially amend the Education Reform Act enacted in 2010 by returning to the authority to develop educator evaluation systems to local school boards. The bill removes current law regarding the state oversight and default model for evaluations and preserves the language that states: “A county board shall establish performance evaluation criteria for certificated teachers and principals in the local school system based on the general standards adopted under paragraph (2) of this subsection that are mutually agreed to by the local school system and the exclusive employee representative.” However, the bill goes much further. It would reverse the position of the current law, which prohibits such agreements on evaluation systems from being subject to collective bargaining – and the attendant mediation and binding arbitration that can ensue. Instead, this bill would require such mutual agreements between the boards and unions and require that these agreements shall be subject to collective bargaining. (MABE Position: Oppose)

## Special Education Bills – Parent “Consent” or Parent “Veto”

- [House Bill 778](#) and [Senate Bill 950](#) would require the Individualized Education Program (IEP) team to obtain written consent from a parent if the team proposes to: (i) enroll the child in an alternative education program that does not issue or provide credits toward a Maryland high school diploma; (ii) identify the child for the alternate assessment aligned with the state’s alternate curriculum; (iii) use restraint or seclusion to correct the child’s behavior; (iv) reduce or terminate the amount of instructional or related services that are provided to the child; or (v) initiate a change in the child’s educational placement. The parents’ failure to accept or reject the proposed action would allow the IEP to proceed after 20 business days. However, in instances where such proposals are made by the IEP team but rejected in writing by the parents, the bill would allow the IEP team to employ the law’s current special education dispute resolution process. (MABE Position: Oppose)

## Fiscal Policy Bills

- [House Bill 352](#) would limit the scope and frequency of the audits conducted by the General Assembly’s Office of Legislative Audits (OLA). On February 9, MABE joined Milton Nagel, Caroline County Assistant Superintendent of Administration, and Larry Porter, President of the Caroline County Board of Commissioners, in support of House Bill 352. This bill, following amendments offered at the hearing by bill sponsor Delegate Jeff Ghrist, would amend the longstanding law requiring the Office of Legislative Audits (OLA) to conduct local school system audits at least once every 6 years. The bill would provide that OLA may not audit more frequently than every 6 years and make such 6-year audits discretionary at the request of local delegations or local governments. The bill is intended to alleviate the arbitrary mandate that all school systems are subject to nearly year-long staff and resource intensive audits every 6 years. (MABE Position: Support)
- [Senate Bill 575](#) would increase the statutory limit on per claim liability for local boards of education from \$100,000 to \$400,000. The bill would increase to \$400,000 per occurrence the minimum amount of liability coverage that a county board must maintain and for which the State Board of Education must establish standards. (MABE Position: Oppose)

## Tax Credit Financed Voucher Bills

- [Senate Bill 706](#) and [House Bill 453](#) have been introduced to establish the Maryland Education Credit program. The program would allow a tax credit against the State income tax for contributions made to specified student assistance organizations; require the Department of Economic Competitiveness and Commerce to administer the tax credit; require an entity to submit an application to be a student assistance organization on or before January 1 each year; establish the Maryland Education Tax Credit Reserve Fund;

and apply the Act to taxable years beginning after December 31, 2015; etc. (MABE Position: Oppose)

## Bill Status & Hearing Dates

[Bill Tracking Report](#) (as of February 10, 2016)

## Bill Hearing & Briefing Highlights

Bill Title	Hearing Schedule	MABE Position
<a href="#">HB 352</a> - Office of Legislative Audits - Local School System Audits - Repeal	Appropriations 2/9/2016 - 1:00 p.m.	Support
<a href="#">HB 141 / SB 407</a> - Education - Education Accountability Program - Limits on Testing	Ways and Means 2/11/2016 - 1:00 p.m.	Oppose
<a href="#">HB 145</a> - Public School Labor Relations Board - Renegotiation Procedures and Administration	Ways and Means 2/11/2016 - 1:00 p.m.	Oppose
<a href="#">HB 198</a> - Primary and Secondary Education - Security - School Resource Officers	Ways and Means 2/11/2016 - 1:00 p.m.	Oppose
<a href="#">HB 251</a> - Education - Home Instruction Programs - Participation in Clubs and Activities	Ways and Means 2/11/2016 - 1:00 p.m.	Oppose
<a href="#">HB 324</a> - Education - Maryland High School Diploma - Civics Test Requirement	Ways and Means 2/11/2016 - 1:00 p.m.	Oppose
<a href="#">SB 461</a> - Education - Prekindergarten Students - Funding	Budget and Taxation 2/24/2016 - 1:00 p.m.	Support
<a href="#">SB 575</a> - County Boards of Education - Limit on Liability	Judicial Proceedings 2/25/2016 - 1:00 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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