

February 22, 2016

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### MABE Priority Bill Updates & Calls to Action

#### Prekindergarten Funding Bills Introduced

#### CALL TO ACTION

MABE encourages all local boards to contact legislators, submit testimony and be represented at this week's bill hearing on SB 461. To voice SUPPORT for [SB 461](#) (which is being heard on 2/24) – Use these links to the [Budget & Taxation Committee](#); and the [B&T Committee Roster](#) to call and email senators to urge support for SB 461.

#### MABE Supports SB 461 (and HB 1433) to Provide Full, Accurate, and Transparent Funding for Prekindergarten

- Since the passage of the Bridge to Excellence Act of 2002, local school systems have been providing half-day prekindergarten for all eligible four-year olds – approximately 30,000 students per year.
- Maryland's nationally recognized school finance system is built on per pupil funding.

### 2016 Legislative Committee Calendar

- (Session convened Jan. 13, 2016)
- **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 the [MABE website](#).

- However, prekindergarten students are **NOT** included in the annual September 30 enrollment counts for State and local education aid.
- By not counting approximately 30,000 students as enrolled, the state funding laws that provide per pupil state and local funding for all students are not triggered.
- Many school systems also provide a significant amount of full-day prekindergarten to these eligible students. Under this bill, providing full-day prekindergarten would remain entirely at the discretion of the local board - but when it's provided it would be fully funded.
- Mandated prekindergarten benefits our most vulnerable economically disadvantaged children and local efforts to serve these students should receive the full benefit of the education funding formulas that apply to all other students.
- Passage of Senate Bill 461 and House Bill 1433 is needed to guarantee that full, accurate and transparent per pupil funding is provided to support high quality prekindergarten programs.

Again, MABE encourages all local boards to contact legislators, submit testimony and be represented at these bill hearings. To voice SUPPORT for [SB 461](#) (**which is being heard on 2/24**) – use these links to the [Budget & Taxation Committee](#); and the [B&T Committee Roster](#); and to voice SUPPORT for [HB 1433](#) (**which is being heard on 3/7**) – use these links to the [Ways and Means Committee](#); and the [W&M Committee Roster](#).

## Background

Legislation ([Senate Bill 461](#) and [House Bill 1433](#)) has been introduced to fully fund prekindergarten by establishing a true per pupil funding amount based on enrollment of the four-year olds we are mandated to serve. Hearings are set for February 24 and March 7. MABE encourages all local boards to contact legislators, submit testimony and be represented at these bill hearings. Senator Joan Carter Conway is the lead sponsor of Senate Bill 461. The hearing in the Senate Budget and Taxation Committee will be held on February 24, beginning at 1:00 p.m.; Delegate Alonzo Washington is the lead sponsor of House Bill 1433. The hearing in the House Ways and Means Committee will be held on March 7, beginning at 1:00 p.m.

MABE strongly supports passing legislation in 2016 to remedy the longstanding deficiency in funding provided to local school systems for prekindergarten, by including prekindergarten students in local school system enrollment counts for purposes of state and local funding formulas.

Under current law, all children who are four years old on September 1 of that school year, who are eligible for free and reduced-price meals (FRPM) (i.e., from families whose income is at or below 185% of federal poverty guidelines (FPG)), and whose parent or guardian seeks to enroll the child in a public prekindergarten program, must be admitted free of charge to publicly funded prekindergarten programs established by each of the local boards of education.

State regulations require local school systems to provide prekindergarten for a minimum of 2.5 hours per day using certified early education teachers. However, prekindergarten students

are not included in the annual September 30 enrollment counts for State education aid. By not counting approximately 30,000 students as enrolled, the state funding laws that provide per pupil state and local funding for all students are not triggered.

Many school systems also provide a significant amount of full-day prekindergarten to these eligible students. Under this bill, providing full-day prekindergarten would remain entirely at the discretion of the local board, but receive full per pupil funding when offered.

The proposed legislation is simple and straightforward. It would add an enrollment count for half-day prekindergarten students at a “full time equivalent” (FTE) rate of 50% to align the amount of mandated per pupil funding with the half-day scope of mandated prekindergarten programs. Systems providing full-day prekindergarten programs would appropriately report those students at the 100% FTE rate. In this way, Maryland’s education funding law would include prekindergarten students as enrolled and guarantee transparent per pupil funding for the high quality prekindergarten programs offered in each of our 24 local school systems.

## **Education Funding Commission Bills Introduced**

Legislation has been introduced to create the “Commission on Innovation and Excellence in Education” ([House Bill 999](#) and [Senate Bill 905](#)).

To voice SUPPORT for [SB 905 \(which is being heard on 3/1\)](#) – use these links to the [Budget & Taxation Committee](#); and the [B&T Committee Roster](#); and to voice SUPPORT for [HB 999 \(which is being heard on 3/3\)](#) – Use these links to the [Ways and Means Committee](#); and the [W&M Committee Roster](#).

### **Background**

This legislation represents one of MABE’s key legislative initiatives in 2016 and is a priority bill supported by a broad coalition of organizations in educational advocacy community. The goal is to convene legislative leaders and education, business, and local government stakeholders to craft legislation to ensure the long-term adequacy and equity of funding for students in public schools statewide. The legislation is modeled on the 1999 legislation which created the “Thornton” Commission and led to the passage of the Bridge to Excellence in Public Schools Act in 2002.

On March 3 both bills are scheduled for bill hearings in Annapolis. MABE encourages all local boards to contact legislators, submit testimony and be represented at these bill hearings.

- Senator Nancy King is the lead sponsor of Senate Bill 905. The hearing in the Senate Budget and Taxation Committee will be held on March 3, beginning at 8:30 a.m. – EARLY hearing!
- Delegate Ann Kaiser is the lead sponsor of House Bill 999. The hearing in the House Ways and Means Committee will be held on March 3, beginning at 1:00 p.m.

MABE strongly supports this legislation to create a blue ribbon commission on education funding to begin the process of translating the work of the consultant's funding adequacy studies and recommendations into legislative proposals for comprehensive funding reforms. The new "Commission on Innovation and Excellence in Education" will review the current education financing formulas and accountability measures and make recommendations for updating and enhancing the funding formulas established by the Bridge to Excellence in Public Schools Act of 2002. The Commission is to provide a preliminary report to the Governor and General Assembly by December 31, 2016; and a final report by December 31, 2017.

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

On February 18, the Ways and Means Committee held its hearing on [House Bill 633](#) which would substantially amend the Education Reform Act enacted in 2010 by returning 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 was intended to prohibit 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)

To voice opposition to [HB 633 \(which was heard on 2/18\)](#) – Use these links to the [Ways and Means Committee](#); and the [W&M Committee Roster](#).

## **Closing the Retirement Cost Funding Gap**

[Senate Bill 674](#) and [House Bill 934](#) have been introduced and warrant our strong support as bills intended to address a major funding gap under current law. Maryland's 24 school systems soon face a gap between local funding and their State Retirement Agency bills for shifted teacher retirement costs. In 2012, the General Assembly shifted 100% of the "normal" cost share of teachers' retirement costs to local boards of education. Since FY 2013, school board funding obligations have been matched substantially by mandated local government payments to local boards. In FY 2016, the shifted cost was rolled into the mandated maintenance of effort amount going forward. This means any future growth in the "normal" costs will be included in the bills received by the local boards, without any provision of a funding source. In FY 2017, the growth over FY 2016 is estimated to be \$25 million statewide.

This unfunded mandate will pose a significant challenge for most local boards in the coming years, and therefore MABE supports budget action to address the immediate FY 2017 funding gap; and supports these bills to limit local boards' costs in future fiscal years to the lesser of what we paid in FY 2016 or the 4.05% contribution rate on which those payments were based. (MABE Position: Support)

To voice SUPPORT for [SB 674 \(which is being heard on 2/25\)](#) – use these links to the [Budget & Taxation Committee](#); and the [B&T Committee Roster](#).

## **School Board Liability Cap Increase**

[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 opposes this bill because local boards are fiscally dependent on state and local funding sources; and therefore unable to fund any dramatic increase in the costs of litigation, legal settlements, and judgments without drawing limited resources away from the classroom. (MABE Position: Oppose)

To voice OPPOSITION to [SB 575 \(which is being heard on 2/25\)](#) – Use these links to the [Judicial Proceedings Committee](#); and the [JPR Committee Roster](#).

## **Tax Credit Financed Vouchers**

[Senate Bill 706/House Bill 1343](#) and [House Bill 453](#) have been introduced to establish the Maryland Education Credit program. The program would allow a 60% tax credit against the State income tax for contributions made to specified student assistance organizations to support public and nonpublic schools; 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)

To voice OPPOSITION to [HB 453 \(which is being heard on 2/25\)](#) – use these links to the [Ways and Means Committee](#); and the [W&M Committee Roster](#).

## **Special Education - 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)

To voice opposition to [SB 950 \(which is being heard on 3/9\)](#) - use these links to the [Education, Health and Environmental Affairs Committee](#) and [EHEA Roster](#); and for [HB 778 \(which is being heard on 3/10\)](#) – Use these links to the [Ways and Means Committee](#); and the [W&M Committee Roster](#).

## Legislative Day Highlights

MABE's annual Legislative Day Luncheon, held on February 12<sup>th</sup>, was a great success, thanks to the participation of House and Senate legislative leaders, and board members and superintendents from across the state, coming together to share insights and opinions on the education funding and policy issues pending in Annapolis. Watch [MABE's slideshow of highlights](#) from the day.

This year, MABE again thanks Senator Addie Eckardt for her sponsorship of the event, providing MABE the opportunity to gather and meet with legislators in the Senate's conference center.

The standing room only audience heard from MABE President Warner Sumpter, MABE Legislative Committee Chair Joy Schaefer, and legislative leaders including:

- Delegate Sheila Hixson – Chair of the Ways and Means Committee
- Delegate Anne Kaiser – Chair of the Ways and Means Education Subcommittee
- Delegate Maggie McIntosh – Chair of the Appropriations Committee
- Delegate Adrienne Jones – Speaker Pro Tem and Chair of the Appropriations Education and Capital Budget Subcommittees
- Senator Rich Madaleno – Vice Chair of the Budget and Taxation Committee
- Senator Nancy King – Chair of the Budget and Taxation Education Subcommittee
- Senator Paul Pinsky – Vice Chair, and Education Subcommittee Chair, of the Senate Education, Health and Environmental Affairs Committee

Other legislative leaders in attendance included Senator Joan Carter Conway – Chair of the Education, Health and Environmental Affairs Committee; and Delegate Tawanna Gaines – Vice Chair of the Appropriations Committee.

Joy Schaefer did an outstanding job of recognizing delegates and senators as they arrived; and many offered brief remarks of welcome, support for public education and the work of local boards, and encouragement for continued advocacy in Annapolis.

Again, MABE greatly appreciates the legislators, board members, superintendents and staff who made MABE's 2016 Legislative Day such a big success.

And when you get the chance, please thank Tracy Oldaker for coordinating yet another successful Legislative Day Luncheon in Annapolis.

## Bill Status & Hearing Dates

[Bill Tracking Report](#) and [Hearing Schedule](#) (as of February 19, 2016)

### Bill Hearing & Briefing Highlights

Bill Title	Hearing Schedule	MABE Position
<a href="#">SB 375</a> - Relief From Budget Mandates	<a href="#">Budget and Taxation</a> 2/24/2016 - 1:00 p.m.	Oppose
<a href="#">SB 379</a> - Creation of a State Debt - Qualified Zone Academy Bonds	<a href="#">Budget and Taxation</a> 2/24/2016 - 1:00 p.m.	Support
<a href="#">SB 461</a> - Education - Prekindergarten Students - Funding	<a href="#">Budget and Taxation</a> 2/24/2016 - 1:00 p.m. <a href="#">Ways and Means - HB 1433</a> 3/7/2016 - 1:00 p.m.	Support
<a href="#">SB 493</a> - Teacher Induction, Retention, and Advancement Act of 2016	<a href="#">Education, Health, and Environmental Affairs</a> 2/24/2016 - 1:00 p.m.	Oppose
<a href="#">SB 520</a> - Washington County - Board of Education - Motor Fuel Tax Refund	<a href="#">Budget and Taxation</a> 2/24/2016 - 1:00 p.m. <a href="#">Ways and Means - HB 756</a> 2/26/2016 - 1:00 p.m.	Support w/Amendments to Make Statewide
<a href="#">HB 453</a> - Maryland Education Credit	<a href="#">Ways and Means</a> 2/25/2016 - 1:00 p.m.	Oppose
<a href="#">SB 575</a> - County Boards of Education - Limit on Liability	<a href="#">Judicial Proceedings</a> 2/25/2016 - 1:00 p.m.	Oppose
<a href="#">SB 674</a> - Teachers' Retirement and Pension System - Employer Contribution for Local Employees	<a href="#">Budget and Taxation</a> 2/25/2016 - 8:30 a.m. <a href="#">Appropriations - HB 934</a> 3/1/2016 - 1:00 p.m.	Support
<a href="#">SB 905</a> - Commission on Innovation and Excellence in Education	<a href="#">Budget and Taxation</a> 3/1/2016 - 8:30 a.m. <a href="#">Ways and Means - HB 999</a> 3/3/2016 - 1:00 p.m.	Support

## **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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