



# Maryland Association of Boards of Education

*Serving & Supporting Boards of Education Since 1957*

## 2016 Legislative Session Summary



**Maryland Association of Boards of Education**

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

### The 2016 Legislative Session

The 2016 legislative session saw the introduction of 1173 Senate bills and 1644 House bills, with more than 380 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 120 bills. MABE's legislative priorities, as described below, focused on preserving local board governance authority, securing adequate operating and capital funding for FY 2017 and the 2016-2017 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 significant legislation in the education policy areas of student health, student free speech, student assessments, after school programs, and operating and capital funding. Bills debated, but ultimately rejected, would have significantly impacted school board authority regarding employee relations in the areas of discipline and collective bargaining; procurement; and school calendar.

The FY 2017 education budget passed by the House and Senate includes full funding for state mandated operating funding formulas; and provides robust funding for the statewide capital budget for school facility construction and renovation projects as well as substantial targeted funding for systems experiencing student growth.

MABE's Legislative Summary highlights all education legislation enacted in the 2016 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](#) is source of comprehensive session summary information.

Bill signings, which take place in the State House, are scheduled on: April 12, 2016 – 10:30 AM; April 26, 2016 – 10:30 AM; May 10, 2016 – 10:30 AM; and May 19, 2016 – 10:30 AM. Bills to be signed are posted on the [Governor's website](#) in advance of the signing ceremonies.

## MABE's 2016 Legislative Priorities

### MABE's top priorities for the 2016 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 successfully opposed bills to limit board authority or impose significant new costs; including limitations on collective bargaining authority (HB 145, HB 633, and HB 1228/SB 832); restrictions on school facility related procurement (SB 515); parental consent for IEP decisions (HB 778/SB 950); and restrictions on student assessment administration (HB 141/SB 407).

- **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 2017 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. In addition, MABE advocated successfully for legislation to form the Commission on Innovation and Excellence in Education (HB 999/SB 905).

- **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, MABE greatly appreciates the State's consistent investment in school construction and renovation projects. The FY 2017 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 2017 capital budget includes \$280 million for public school construction (SB 191). In addition, separate bills provide an additional \$20 million for Local School Systems with Significant Enrollment Growth or Relocatable Classrooms (HB 722/SB 271); and provide \$4.6 million for Qualified Zone Academy Bonds (SB 379). However, \$6.1 million for the aging schools program included in the budget (SB 190) may be funded at the Governor's discretion.

- **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 (MOE) 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 2016 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. Therefore, FY 2017 will see the implementation of the mandated increases in local funding above MOE based on the relation of local education effort and wealth.

## 2016 Session Highlights

Passed	Failed
<ul style="list-style-type: none"> <li>• Education Funding Commission</li> <li>• Diabetes Management Guidelines</li> <li>• School Bus Fuel Tax Exemption</li> <li>• Targeted Construction Funding Increases</li> <li>• Declining Enrollment Grant Funding</li> <li>• Private School Vouchers</li> <li>• Student Assessment Reporting</li> <li>• Sexual Abuse/Assault Prevention Program</li> <li>• Cyber Bullying Policy Update</li> <li>• Truancy Task Force</li> <li>• Preschool Grant Funding</li> <li>• Graduation Seal of Bi-literacy</li> <li>• School Newspaper Free Speech</li> <li>• Wicomico Elected/Hybrid Board Referendum</li> <li>• Additional Retirement Funding*</li> <li>• Aging Schools Program Funding*</li> </ul>	<ul style="list-style-type: none"> <li>• Prekindergarten Funding</li> <li>• Construction Procurement Restrictions</li> <li>• Cap on Student Assessments</li> <li>• Handgun Permits for School Employees</li> <li>• School Bus Seatbelts Mandate</li> <li>• Body Camera Public Access Restrictions</li> <li>• Post-Labor Day School Year Start</li> <li>• Teacher/Principal Discipline Arbitration</li> <li>• Teacher/Principal Evaluation Bargaining</li> <li>• Bargaining Re-Negotiation Arbitration</li> </ul> <p style="font-size: small; margin-top: 10px;">* Included, but not mandated, in the Budget Bill (SB 190).</p>

### The FY 2017 State Budget for Public Education

The FY 2017 State Budget (Senate Bill 190) provides \$42 billion in appropriations for FY 2017; a \$2 billion increase over FY 2016. The General Fund for FY 2017 totals over \$17 billion; a \$1 billion increase over FY 2016. Of this \$17 billion, state aid to public schools totals \$6.4 billion, of which more than \$765 million is provided to fund teacher retirement payments. Therefore, the total direct aid provided for the operation of the 24 local school systems totals more than \$5.5 billion. The FY 2017 increase in direct aid to local school systems is approximately \$122 million; with an additional increase of \$38 million in state share of teachers retirement costs. The inflation factor which applies to state aid for education is a mere 0.015 percent, and therefore the \$122 million increase in funding is attributable to the additional \$68 million in mandated funding for the Geographic Cost of Education Index (GCEI) and increases in student enrollment.

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.

#### 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 Budget Highlights for FY 2017

The FY 2017 State Budget, as summarized by the Conference Committee on the State Budget Bill (SB 190):

- Achieves Structural Balance with Budget Growth under Spending Affordability Guidelines** – Improving revenues and modest expenditure growth result in structural balance in fiscal 2016 and 2017. Ongoing general fund revenues exceed ongoing expenditures by \$139.0 million in fiscal 2017. Growth in total State spending, excluding reserve fund appropriations, is 4.6%. This budget growth is lower than the 4.85% growth guideline recommended by the Spending Affordability Committee and less than the average forecasted growth in Maryland's personal income across calendar 2016 and 2017.
- Increases Cash Balances** – Budget actions result in a fiscal 2017 general fund balance of over \$400.0 million. The Rainy Day Fund balance exceeds \$1.0 billion. The combined balances are over 8.0% of general fund revenues. Current budget forecasts indicate that these cash balances are sufficient to balance the general fund budget through fiscal 2020 while maintaining a 5.0% Rainy Day Fund balance.
- Maintains the State's Commitment to the Public Schools** – Under the committee's budget proposal, State support for the public schools will be over \$6.3 billion. Distributions to local school systems will increase an estimated \$147.0 million, or 2.7%. This increase reflects full funding of the mandated education formulas including the Geographic Cost of Education Index. The budget also includes \$19.4 million for five school systems that have lost enrollment and aid in recent years. An additional \$19.0 million in budgetary savings is restricted for grants to help school systems fund the increase in their share of teachers' retirement costs.

## Education Funding - \$25 million Remains at the Governor's Discretion

The FY 2017 State Budget, as enacted in SB 190, restricts a large package of \$80 million in restricted funds; \$25 million of which pertains to education funding. The budget requires that the Governor transfer all, or none, of the restricted funds to their designated purposes, but the Governor may not elect to transfer only some of the restricted funds. The \$25 million in education funding includes \$19 million for teacher retirement costs, and \$6 million for the public Aging Schools Program.

## BOOST Nonpublic School Vouchers

The State Budget Bill (SB 190) was amended in conference committee to establish the \$5 million Broadening Options and Opportunities for Students Today (BOOST) Program to provide scholarships for students who are eligible for the free or reduced-price lunch program to attend eligible nonpublic schools. To be eligible to participate in the BOOST program, a nonpublic school must participate in the Aid to Non-Public Schools Program for textbooks and computer hardware and software administered by MSDE;

County	Teacher Retirement Special Grants <sup>1</sup>
Allegany	\$32,640
Anne Arundel	1,965,794
Baltimore City	876,027
Baltimore	2,202,654
Calvert	102,489
Caroline	142,999
Carroll	173,948
Cecil	250,811
Charles	625,177
Dorchester	118,197
Frederick	1,137,362
Garrett	0
Harford	4,558
Howard	2,296,283
Kent	0
Montgomery	6,181,760
Prince George's	1,317,125
Queen Anne's	130,269
St. Mary's	313,970
Somerset	59,572
Talbot	100,977
Washington	471,617
Wicomico	393,517
Worcester	101,488
<b>Total</b>	<b>\$18,999,234</b>

and comply with Title VI of the Civil Rights Act of 1964 as amended, Title 20, Subtitle 6 of the State Government Article, and not discriminate in student admissions on the basis of race, color, national origin, or sexual orientation.

MSDE will administer the grant program and establish procedures for the application and award process for scholarships for students who are eligible. The amount of a scholarship award, or voucher, may not exceed the lesser of the tuition of the nonpublic school or the statewide average per pupil expenditure by local education agencies, as calculated by MSDE. MSDE will compile and certify a list of applicants that ranks eligible students by family income expressed as a percent of the most recent federal poverty levels. This ranked list of applicants will be reviewed by the BOOST Advisory Board, which will review and certify the ranked list of applicants and determine the scholarship award amounts.

In addition, MSDE is required to submit a report to the budget committees by December 15, 2016, that includes the number of students that received scholarships, the amount of the scholarships, and the nonpublic schools that the students are attending. The report must also include the number of certified and noncertified teachers in core subject areas for each nonpublic school participating in the BOOST Program.

### FY 2017 State Aid to Public Education

<u>Program</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>Difference</u>
Foundation Aid	\$2,947,082,596	\$2,961,988,396	\$14,905,800
Supplemental Program	46,620,083	46,620,083	0
Geographic Cost of Education Index	68,100,237	136,898,081	68,797,844
Net Taxable Income Education Grant	23,821,408	39,701,573	15,880,165
Foundation – Special Grants	86,321	19,429,858	19,343,537
Compensatory Education	1,305,132,944	1,309,111,285	3,978,341
Student Transportation – Regular	241,419,924	245,728,167	4,308,243
Student Transportation – Special Education	24,827,000	25,130,000	303,000
Special Education – Formula	275,997,329	279,607,502	3,610,173
Special Education – Nonpublic Placements	130,514,011	126,617,898	-3,896,113
Special Education – Infants and Toddlers	10,389,104	10,389,104	0
Limited English Proficiency Grants	217,180,270	227,201,204	10,020,934
Guaranteed Tax Base	53,762,142	54,511,367	749,225
Aging Schools*	6,109,000	6,109,000	0
Teacher Quality Incentives	10,104,000	3,104,000	-7,000,000
Adult Education	8,433,623	8,011,987	-421,636
Food Service	11,679,901	11,236,663	-443,238
Out-of-county Foster Placements	2,200,002	2,399,999	199,997
Head Start	1,800,000	1,800,000	0
Prekindergarten Expansion Program	4,300,000	4,300,000	0
SEED School	10,285,467	10,300,895	15,428
Judy Hoyer Centers	10,575,000	10,575,000	0
Teachers Retirement Special Grants*	0	18,999,234	18,999,234
Other Education Aid	10,688,000	8,492,000	-2,196,000
<b>Total Primary and Secondary Education</b>	<b>\$5,421,108,362</b>	<b>\$5,568,263,296</b>	<b>\$147,154,934</b>

Source: DLS 90 Day Report

## Maintenance of Effort in FY 2017

No legislation was introduced or enacted in the 2016 session regarding the State Maintenance of Effort (MOE) law, which requires the 23 counties and Baltimore City to maintain the prior year's per pupil amount of local funding, with exceptions for declining enrollment, and waiver options. In addition, the MOE reform legislation enacted in 2012 established a new requirement for local increases in MOE. A local government with an education effort below the five-year statewide average education effort must increase its MOE payment to the local school board in years when its local wealth base is increasing. The required increase is the lesser of the increase in a county's per pupil wealth, the average statewide increase in per pupil local wealth, or 2.5%. This provision ensures an increase in the amount a county provides to the local school board in relation to an increase in county wealth.

## Joint Chairmen's Report

Each year the Committee Chairs of the Senate Budget and Taxation and House Appropriations Committees issue a voluminous report containing specific reporting requirements and contingencies on funding provided in the state operating and capital budgets. Education related items included in the [Joint Chairmen's Report](#) for the 2016 Session:

- Require MSDE to submit a report by November 1, 2016, on school counselor certification to provide college and career counseling.
- Require MSDE to submit a report by December 1, 2016, on recommendations for improving teacher preparation and retention.
- Require MSDE to report by November 1, 2016 on funding for special education funding for prekindergarten.
- Restricts expenditure of funds until IAC submits fiscal 2015 and 2016 annual maintenance reports by October 1, 2016.
- Require MSDE to submit a report by November 1, 2016, regarding conduct of police in Baltimore City public schools.
- Restrict funds until Baltimore City and the Baltimore City Public Schools (BCPS) submit a joint report on the potential for cost efficiencies in shared costs and other financial arrangements; Baltimore City certifies the initial appropriation to BCPS and appropriates an additional \$5 million for BCPS.

## Bills PASSED relating to school funding include:

**HB 287 - State Education Aid - Real Property Valuation - Tax Increment Financing** This bill authorizes grants, for fiscal 2018 and 2019, to counties that establish a tax increment financing (TIF) development district after May 1, 2016, and qualify for State disparity grant funding. For fiscal 2018 and 2019, using net taxable income (NTI) based on tax returns filed on or before November 1, State aid (excluding NTI grants) must be calculated once using the assessed valuation of real property as defined by current law and again using that

## Projections of Required Increases in Per Pupil MOE Amounts

Fiscal 2017

	Estimated Percent Change in Per Pupil Wealth	Estimated Required Increase in Per Pupil MOE
Allegany	1.7%	1.7%
Anne Arundel	2.3%	0.0%
Baltimore City	7.7%	2.3%
Baltimore	2.1%	0.0%
Calvert	2.0%	0.0%
Caroline	0.2%	0.2%
Carroll	3.7%	0.0%
Cecil	1.0%	0.0%
Charles	2.0%	0.0%
Dorchester	1.5%	1.5%
Frederick	4.9%	0.0%
Garrett	2.6%	2.3%
Harford	2.4%	0.0%
Howard	2.9%	0.0%
Kent	3.8%	2.3%
Montgomery	3.2%	0.0%
Prince George's	2.6%	0.0%
Queen Anne's	1.9%	0.0%
St. Mary's	1.8%	0.0%
Somerset	2.6%	2.3%
Talbot	-0.1%	0.0%
Washington	1.8%	0.0%
Wicomico	0.2%	0.2%
Worcester	1.0%	1.0%

same valuation as reduced by the calculated tax increment due to the TIF district (as described below) for each eligible county. If the amount of State aid calculated as reduced by the tax increment is greater than the amount of State aid calculated without excluding the tax increment, the difference is provided as a grant to the county board of education. The bill also states legislative intent that the adequacy of the education funding study consider the impact of economic development incentives in low-wealth counties on State education aid and make recommendations on specified topics. The bill takes effect June 1, 2016, applies to the calculation of State education aid payments beginning with fiscal 2018, and terminates June 30, 2019. (Delegate McIntosh)

**HB 352 - Office of Legislative Audits - Local School System Audits** This bill establishes a potential exemption to the general requirement that the Office of Legislative Audits (OLA), at least once every six years, conduct an audit of each local school system to evaluate the effectiveness and efficiency of the financial management practices at the local school system. Beginning in fiscal 2017, a local school system is exempt from the audit requirement if the county governing body, the county board of education, and the county delegation to the Maryland General Assembly each submits a letter to the Joint Audit Committee requesting an exemption by November 1, 2016, or by November 1 of the last year of the six-year audit cycle for local school systems. However, the Joint Audit Committee may direct OLA to conduct an audit of a local school system at any time. This bill takes effect October 1, 2016. (Delegate Ghrist)

**HB 668/SB 584 - Preschool Development Grants - Expansion Grants - Required State Funding** This bill requires the Governor, in each fiscal year in which the Maryland State Department of Education (MSDE) receives an expansion grant through the federal Preschool Development Grant Program, to include an appropriation of State funds equal to the amount that the State committed to fund as the state match in its application to the U.S. Department of Education. The appropriation is in addition to the amount required under current law for the State Prekindergarten Expansion Grant Program. The bill takes effect July 1, 2016. (Delegate Rosenberg/Senator King)

**HB 999/SB 905 - Commission on Innovation and Excellence in Education** This bill establishes the Commission on Innovation and Excellence in Education. The commission must review the findings of the study on adequacy of funding for education, due on December 1, 2016, and related studies, and provide recommendations on preparing students in the State to meet specified objectives. The Department of Legislative Services (DLS), in consultation with the Maryland State Department of Education (MSDE), must provide staff for the commission. The commission must provide a preliminary report and a final report of its finding and recommendations to the Governor and specified committees by December 31, 2016, and December 31, 2017, respectively. The bill takes effect June 1, 2016, and terminates May 31, 2018. (Delegate Kaiser/Senator King)

 This bill was one of MABE's top legislative priorities for the 2016 session. MABE greatly appreciates the lead sponsorship of Delegate Anne Kaiser and Senator Nancy King and the broad support in the General Assembly for the pursuit of continuous improvements in the state's approach to adequately and equitably funding Maryland's outstanding public schools.

The bill to create the Commission on Innovation and Excellence in Education (HB 999/SB 905) was amended at the request of the State Board of Education to reduce the scope of items that must be reported in the annual update of a school system's comprehensive master plan. MSDE must convene a stakeholder group to review current master plan requirements and the new requirements of the federal Every Student Succeeds Act (ESSA). MSDE must report by October 1, 2017 to the State Board of Education, the General Assembly, and the commission created by the bill, regarding what information should be included in future comprehensive master plans and whether they should be completed in a digital form that can be periodically updated.

**HB 1139 - Education - Community School Strategy - Required Notice and Support** This bill requires the Maryland State Department of Education (MSDE), every two years beginning July 15, 2016, to notify each local school system and each community school in the State that federal Title I funds may be used for

expenses associated with community school coordinators and for the coordination of school and community resources associated with the implementation of a community school strategy in a public school in the State. MSDE must also encourage local school systems and community schools to apply for federal funding under Title IV of the Every Student Succeeds Act (ESSA) for expenses associated with after-school programming, community school coordinators, and the coordination of school and community resources associated with the implementation of a community school strategy. In addition, MSDE must provide technical assistance to local school systems and community schools in applying for this federal funding. The bill takes effect July 1, 2016, and terminates June 30, 2019. (Delegate M. Washington)

**HB 1395 - Local Government - Disparity Grants - Amounts** This bill alters the calculation of the disparity grant program for counties with a local income tax rate of 3.2% by increasing the minimum grant amount (funding floor) to 67.5% of the formula calculation in fiscal 2018 and to 75% beginning in fiscal 2019. Under current law, these counties must receive at least 60% of the specified formula calculation. The bill takes effect July 1, 2016. (Delegate Anderton)

**HB 1402/SB 1125 - Education - Public School Opportunities Enhancement Act** This bill establishes a Public School Opportunities Enhancement Program and Grant in the Maryland State Department of Education (MSDE). MSDE must develop and administer the grant program to assist local school systems, public community schools, and nonprofit organizations in the State in expanding or creating extended day and summer enhancement programs and to assist nonprofit organizations in the State and community schools in expanding or supporting existing educational programming during the school day. For fiscal 2018 through 2021, the Governor must include \$7.5 million annually in the State budget for the program. Grants must be allocated to grantees based on the number of schools in each county for which at least 50% of their students qualify for a free lunch under NSLP. In the current 2015-2016 school year, more than 50% of public school students qualify for free lunch under NSLP in Baltimore City and Allegany, Caroline, Dorchester, Kent, Prince George's, Somerset, and Wicomico counties. If the grantee is a local school system, the local school system must provide at least an equal match to State grant funding. The bill takes effect July 1, 2016. (Delegate McIntosh/Senator Ferguson)

**SB 520 - County Boards of Education - Motor Fuel Tax Exemption and Refund** This bill exempts from the motor fuel tax, motor fuel that is purchased for use in a school bus owned by a county board of education or used to transport students by a school bus operator under contract with a county board of education. Counties and Baltimore City will realize a total net savings of \$5.2 million in FY 2017; with local board savings increasing to \$6.7 million by FY 2021. The bill takes effect July 1, 2016. (Washington County Senators)

 MABE greatly appreciates the leadership and initiative of the Washington County Board of Education in adopting this legislative priority and successfully advocating for this legislation. As amended to be a statewide bill, all local boards will benefit from these cost savings.

## FY 2017 Capital Budget

### 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 2017 School Construction Funding Highlights

This year's capital budget (Senate Bill 191) provides the Public School Construction Program with \$280 million in funds to construct public school buildings and public school capital improvements in FY 2017. Separate legislation (Senate Bill 379) provides \$4.6 million for the Qualified Zone Academy Bond (QZAB) program. The operating budget (Senate Bill 190) includes \$6.1 million for the Aging Schools Program; however this funding may only be released at the Governor's discretion. In addition, \$3.5 million is provided for the Nonpublic Aging Schools Program.

## Changes for FY 2018 Capital Budget Process

The FY 2017 Capital Budget (SB 191) was amended to include language which specifies that Public School Construction Program funds may only be used for expenses eligible under the program on January 1, 2016 (which excludes the purchase of window air conditioning units; and clarifies that the local school system appeals held by the Interagency Committee on School Construction on the preliminary recommendations for fiscal 2018 public school construction allocations in December of 2016 are not subject to further appeal. This provision eliminates for FY 2018 the appeals proceeding before the Board of Public Works.

## Bills PASSED relating to school facilities include:

**HB 722/SB 271 - Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms - Funding** This bill increases from \$20 million to \$40 million, beginning in FY 2017, the amount the Governor is required to include in the annual Capital Improvement Program (CIP) for the Capital Grant Program for Local School Systems with Significant Enrollment Growth or Relocatable Classrooms. The bill also extends from October 1 to January 15 the deadline for annual reports to be submitted by specified entities on the progress of replacements, renovations, and maintenance of Baltimore City public school facilities. The bill takes effect June 1, 2016. (Delegate Hixson/Senator King)

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	FY 2016 <u>Actual Funding</u>	FY 2017 <u>Estimated Funding</u>	FY 2018 <u>Estimated Funding</u>
Anne Arundel	\$3,019,046	\$6,038,092	\$6,079,467
Baltimore	4,137,291	8,274,582	8,342,379
Dorchester	178,719	357,438	0
Howard	2,049,986	4,099,972	4,169,924
Montgomery	5,863,740	11,727,480	11,835,045
Prince George's	4,751,218	9,502,436	9,573,185
<b>Total</b>	<b>\$20,000,000</b>	<b>\$40,000,000</b>	<b>\$40,000,000</b>

Source: Public School Construction Program; Department of Legislative Services

**SB 379 - Creation of a State Debt - Qualified Zone Academy Bonds** This Administration bill authorizes the Board of Public Works to issue \$4,680,000 in interest-free Qualified Zone Academy Bonds (QZABs) by December 31, 2016, and grant the proceeds to the Interagency Committee on School Construction (IAC) and MSDE for the renovation, repair, and capital improvements of qualified zone academies, including public charter schools, as defined in the federal Internal Revenue Code. Proceeds from the sale of QZABs must be spent no later than three years after the issuance of the bonds. The bill takes effect June 1, 2016. (Administration)

**HB 689/SB 1009 - Procurement - Prevailing Wage - Liquidated Damages** This bill requires a contractor who knew, or reasonably should have known, of the obligation to pay the prevailing wage on a public work project and deliberately failed or refused to pay the prevailing wage to pay liquidated damages of \$250 (per

laborer or employee) to the public body for each day that a laborer or employee is paid less than the required prevailing wage. (Delegate Frick/Senator Benson)

## Curriculum & Assessments

### Bills PASSED relating to curriculum and student assessments include:

**HB 72 - Education - Sexual Abuse and Assault Awareness and Prevention Program - Development and Implementation** This bill requires the State Board of Education and specified nonpublic schools in the State to develop and implement a program of age-appropriate education on the awareness and prevention of sexual abuse and assault. The program must be taught by teachers who are trained to provide instruction on the awareness and prevention of sexual abuse and assault and incorporated into the health curriculum of local boards of education and nonpublic schools. The State Board of Education must adopt regulations to carry out the bill. The bill takes effect July 1, 2016. (Delegate Luedtke)

**HB 115/SB 582 - Education - Robotics Grant Program – Establishment** This bill establishes a Robotics Grant Program to provide grants to public schools in the State to support and expand existing robotics programs. A school is eligible to receive a grant through the program if the school is associated with an existing nonprofit robotics club or has an existing robotics program or club. The Governor must appropriate at least \$250,000 in the annual State budget for the program. The Maryland State Department of Education must implement and administer the program and may adopt regulations to implement provisions of the bill. The bill takes effect July 1, 2016. (Delegate Reznik/Senator King)

**HB 412/SB 533 - Education - Assessments - Administration and Provision of Information** This bill requires a local board of education to provide the following information for each assessment administered in a local school system: (1) the title of the assessment; (2) the purpose of the assessment; (3) whether the assessment is mandated by a local, State, or federal entity; (4) the grade level or subject area, as appropriate, to which the test is administered; (5) the testing window of the assessment; and (6) whether accommodations are available for students with special needs and what the accommodations are. By October 15 of each year, this information must be updated, posted on the website of the local board, and included in the annual update of the local board's master plan. The bill also extends the time by which the Maryland State Department of Education (MSDE) has to develop a State-specific assessments in specified core content areas (i.e., social studies) by two years, from the 2016-2017 school year to the 2018-2019 school year. The bill takes effect July 1, 2016. (Delegate Kaiser/Senator Pinsky)

**HB 657/SB 794 - Education - Prekindergarten and Kindergarten Assessments - Administration** This bill requires a statewide kindergarten assessment that is administered to measure school readiness to be limited to a representative sample of kindergarten students, as determined by the Maryland State Department of Education (MSDE), from within each local school system. A principal and a teacher who are in mutual agreement, or a county board, may administer a statewide kindergarten assessment with the purpose of measuring school readiness if the assessment is completed on or before October 1. (Delegate Shoemaker/Senator Jennings)

**SB 770 - Education - Public High Schools - Agriculture Science** This bill encourages each county board of education, beginning in the 2018-2019 school year, to implement an agriculture science curriculum in at least one public high school or career and technology education center in the county. If offered, the curriculum must be selected from existing curricula developed by the Maryland State Department of Education (MSDE) or developed by a county board and approved by MSDE. (Senators Bates and Norman)

**SB 781 - Education - Maryland Seal of Biliteracy Act - Establishment** This bill establishes a Maryland Seal of Biliteracy Program to recognize public high school graduates, beginning with the graduating class of 2017, who have attained proficiency in speaking, reading, and writing one or more languages in addition to English. The purpose of the program is to promote linguistic proficiency and cultural literacy in one or more

languages in addition to English and to provide recognition of the attainment of those skills by affixing a Seal of Biliteracy to the student's diploma or transcript at graduation. Participation in the program by a local school system is voluntary; however, if a local school system chooses to participate, an individual school may not opt out. The State Board of Education must adopt regulations to implement the program. The bill takes effect July 1, 2016. (Senator Rosapepe)

## Student Journalism

### Bills PASSED relating to student journalism education include:

**SB 764 - Education - Student Journalists - Freedom of Speech and Freedom of the Press** This bill allows a student journalist in a public elementary or secondary school or a public institution of higher education to exercise freedom of speech and freedom of the press in school-sponsored media, subject to restrictions in the bill. "Student journalist" is a student in a public elementary or secondary school or a public institution of higher education who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media. The bill establishes that a student journalist is responsible for determining the news, opinion, feature, and advertising content of school-sponsored media, also subject to specified restrictions. Each county board of education and public institution of higher education must develop a written policy regarding the bill's requirements, which may include limits on language that may be defined as vulgar, lewd, or obscene, or language that has the intent to harass, threaten, or intimidate. In addition, a student media advisor may not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for acting to protect a student journalist. (Senator Raskin)

## Special Education

### Bills PASSED relating to special education include:

**HB 86/SB 421 - Special Education - Translations of Individualized Education Programs or Individualized Family Service Plans - Native Language** This bill authorizes the parents of a child with a completed individualized education program (IEP) or individualized family service plan (IFSP) to request that the IEP or IFSP be translated into the parents' native language, if that language is spoken by more than 1% of students in the local school system. School personnel must provide the parents with the translated document within 30 days after the date of the request. The bill takes effect July 1, 2016. (Delegate Luedtke/Senator Ramirez)

**HB 551 - Education - Children With Disabilities - Individualized Education Program Mediation** This bill requires the individualized education program (IEP) team to provide a parent who disagrees with a child's IEP or special education services with, in plain language: (1) an oral and written explanation of the parent's right to mediation; (2) contact information for receiving information on the mediation process; and (3) information regarding pro bono representation. The parent may request this information at any IEP team meeting. The Maryland State Department of Education (MSDE) must make staff available to assist a parent in understanding the mediation process. The bill takes effect July 1, 2016. (Delegate Kaiser)

**HB 895/SB 823 - Task Force to Study the Implementation of a Dyslexia Education Program - Membership, Duties, and Extension** This bill extends the reporting deadline for the Task Force to Study the Implementation of a Dyslexia Education Program from December 30, 2015, to December 30, 2016, and extends the termination date of Chapter 411 of 2015, which established the task force, from June 30, 2016, to June 30, 2017. The bill also adds to the membership of the task force and adds to the task force's mandate by requiring that it (1) make recommendations regarding how the terms "dyslexia" and "targeted students" should be defined and (2) determine the components and costs of successful dyslexia education programs established in other states. The bill takes effect June 1, 2016. (Delegate Kaiser/Senator Conway)

## Student Health

### Bills PASSED relating to student health include:

**HB 596 - State Department of Education - Hearing Aid Loan Bank Program - Age of Eligibility** This bill alters the age of eligibility, from under the age of 3 years to under the age of 18 years, for a child receiving services through the Hearing Aid Loan Bank Program in the Maryland State Department of Education (MSDE). The bill takes effect July 1, 2016. (Delegate Flanagan)

**HB 713/SB 494 - State Department of Education - Community-Partnered School Behavioral Health Services Programs - Reporting System and Report (School Behavioral Health Accountability Act)** This bill requires MSDE, in consultation with DHMH, local boards of education, and other interested stakeholders, as determined by MSDE, to develop and implement a standardized reporting system to determine the effectiveness of community-partnered school behavioral health service programs. The standardized reporting system must use measures that collect data on the outcomes of students who receive behavioral health services, including a student's academic, behavioral, social, and emotional functioning and progress. By December 1, 2017, and every two years thereafter, MSDE must submit a report that provides an analysis of the effectiveness of community-partnered school behavioral health services programs. The bill takes effect July 1, 2016. (Delegate Luedtke/Senator Nathan-Pulliam)

**HB 771 - Public Schools - Administration of Diabetes Care Services – Guidelines** This bill requires the Maryland State Department of Education (MSDE) and the Department of Health and Mental Hygiene (DHMH), to establish guidelines for public schools regarding the administration of health care services to students with diabetes and provide specified technical assistance to schools to implement the guidelines. MSDE and DHMH, in consultation with the other specified and interested stakeholders, must establish a plan for all public school health services programs in the State to provide diabetes care services so that students with diabetes can (1) remain safe in school; (2) be supported for optimal academic achievement; and (3) fully participate in all aspects of school programming, including after-school activities and other school-sponsored events. By December 1, 2016, MSDE and DHMH must report to specified committees on the implementation of the plan. The bill takes effect July 1, 2016. (Delegate D. Barnes)

 MABE opposed this legislation as introduced, which would have required school system to recruit and train non-medical staff to administer oral and injectable diabetes medication. MABE supports the compromise legislation which preserves the oversight responsibilities of school nurses under updated state guidelines.

The guidelines developed by DHMH and MSDE must include, as specified in the bill:

- Procedures for treating and administering medication to control diabetic symptoms;
- Procedures for monitoring blood glucose and ketone levels;
- A description of parental or caregiver responsibilities in relation to the care of their child with diabetes, which must include specified elements;
- A description of school responsibilities in relation to the care of a student with diabetes, which must include specified elements;
- A description of student responsibilities in relation to the student's diabetes care that are age and clinically appropriate;
- Procedures for students who have been determined by the school nurse to be capable of and responsible for self-management of their diabetes in accordance with health care provider orders; and
- Any other issue that is relevant to the administration of health care services to students with diabetes.

MSDE and DHMH must provide technical assistance to schools to:

- Implement the guidelines established under the bill;
- Instruct school personnel at the local level regarding the guidelines established under the bill; and
- Develop a process to monitor the implementation of the guidelines established under the bill.

An individual who has received instruction to provide diabetes care services to students in accordance with the guidelines adopted under the bill is not civilly liable for any act or omission in the course of providing diabetes care services to a student if:

- The individual is acting in good faith while providing diabetes care services to a student who is in need of diabetes care services or to a student who the individual believes in good faith to be in need of diabetes care services;
- The diabetes care services are provided in a reasonably prudent manner; and
- The diabetes care services are provided to the student without fee or other compensation.

## Insurance

### Bills PASSED relating to liability insurance include:

**SB 575 - County Boards of Education - Limit on Liability** This bill increases the liability limit on a county board of education and the minimum amount of liability coverage a county board of education must maintain from \$100,000 to \$400,000 per occurrence. The bill also makes a corresponding change to the State Board of Education's existing statutory requirement to establish standards for these comprehensive liability insurance policies. The bill applies prospectively to causes of action on or after the bill's October 1, 2016 effective date. (Senator Ramirez)

## School Safety

### Bills PASSED relating to school safety include:

**HB 245/SB 310 - Child Abuse and Neglect - Failure to Report Child Abuse and Neglect - Failure to Report** This bill requires that if an agency is participating in a child abuse or neglect investigation and has substantial grounds to believe that a worker has knowingly failed to make a required report of suspected abuse or neglect, it must file a complaint with the worker's licensing board, law enforcement agency, county board of education, or other agency, institution, or licensed facility, as appropriate, at which the worker is employed. This bill takes effect October 1, 2016. (Delegate Dumais/Senator Raskin)

**HB 365 - Public Schools - Bullying, Harassment, and Intimidation Policies - Update** This bill requires the State Board of Education, after consultation with local school systems, to update its model bullying, harassment, or intimidation policy by September 1, 2016, and every five years thereafter. Each local board of education must then update its policy based on the State board's update of the model policy and submit it to the State Superintendent of Schools by January 1, 2017, and every five years thereafter. The definition of "electronic communication" in reference to the model bullying, harassment, or intimidation policy specifically includes a social media communication. The bill takes effect July 1, 2016. (Delegate Jackson)

**SB 83 - Public Safety - School Safety Enforcement Fund** This departmental bill renames the School Bus Safety Enforcement Fund to be the School Safety Enforcement Fund. The bill expands the allowable uses of the fund to include enhancements to school safety in addition to the current purpose of addressing the problem of drivers illegally failing to stop for school vehicles; it likewise expands eligibility to receive grants from the fund to local boards of education. However, the bill prohibits a law enforcement agency or local board of education from using a grant from the fund for installing or maintaining a speed monitoring system in or around a school zone. Finally, the bill requires the Executive Director of the Governor's Office of Crime Control and Prevention (GOCCP) to consider the geographic distribution of grant recipients before making a grant from the fund and repeals the existing limit on the initial grant amount that may be awarded such that the Executive Director may award more than \$35,000 in a fiscal year for use in a single county. (Administration)

## Early Education

### Bills PASSED relating to early education include:

**HB 668/SB 584 - Preschool Development Grants - Expansion Grants - Required State Funding** This bill requires the Governor, in each fiscal year in which the Maryland State Department of Education (MSDE) receives an expansion grant through the federal Preschool Development Grant Program, to include an appropriation of State funds equal to the amount that the State committed to fund as the state match in its application to the U.S. Department of Education. The appropriation is in addition to the amount required under current law for the State Prekindergarten Expansion Grant Program. The bill takes effect July 1, 2016. (Delegate Rosenberg/Senator King)

**HB1095/SB 369 - Education - Prekindergarten Programs - Notification of Eligibility by Local Departments of Social Services** This bill requires local departments of social services and local health departments to provide a parent or guardian who applies for economic services with an oral and written notice that their child may be eligible for publicly funded prekindergarten programs if the parent or guardian has a child who will be four years old on September 1 of the next academic year. The notice must include contact information for the enrollment office of the local school system and the Division of Early Childhood Development in the Maryland State Department of Education (MSDE). Annually by December 1, each local department of social services and local health department must report to the General Assembly on the number of parents who were given notification and subsequently enrolled their child in a publicly funded prekindergarten program. The bill takes effect July 1, 2016. (Delegate Platt/Senator Ferguson)

**SB 282 - Early Childhood Development - Transfer of Provisions** This departmental bill transfers numerous provisions of law relating to early childhood development from the Family Law Article to the Education Article. Provisions transferred within the bill include those relating to family child care homes and large family child care homes, child care centers, and the child care quality incentive grant program. Substantive changes within the bill are limited to those discussed below. The bill formally establishes the Division of Early Childhood Development within the Maryland State Department of Education (MSDE). The bill takes effect June 1, 2016. (Administration)

## College & Career Readiness

### Bills PASSED relating to college & career readiness include:

**HB 1014/SB 676 - College Affordability Act of 2016** This bill establishes a matching State contribution for eligible college savings accounts; creates a refundable tax credit of up to \$5,000 for undergraduate student loan debt; alters authorized uses of, and clarifies eligibility criteria for, specified student financial aid; and establishes conditions under which students with unpaid balances may continue to attend public institutions of higher education. The bill takes effect July 1, 2016; tax credits apply beginning in tax year 2017. Most provisions related to student financial aid apply beginning in the 2018-2019 academic year. (Delegate Jones/Senator Kasemeyer)

**HB 1403/SB 1170 - Next Generation Scholars of Maryland** This bill reestablishes the College Readiness Outreach Program as the Next Generation Scholars of Maryland Program to (1) allow eligible students in grades 7 and 8 (and specified students in grade 9) to prequalify for a Guaranteed Access (GA) Grant; (2) require students to agree in writing to meet specified qualifications; and (3) require that specified services be provided to students participating in the program. For each year from fiscal 2018 through 2023, the Governor must include \$5.0 million in general funds for the program to be administered in school systems in which at least 50% of the students are eligible to receive a free lunch under the National School Lunch Program (NSLP) in the 2015-2016 school year. The bill also establishes a Next Generation Scholars of Maryland Program Fund. The bill takes effect July 1, 2016. (Delegate McIntosh/Senator Conway)

**HB 1406/SB 1173 - Task Force to Study the Adult High School Concept** This bill establishes a Task Force, staffed by the Department of Labor, Licensing, and Regulation (DLLR) and MSDE. The task force must study and identify best practices relating to eligibility requirements, financial stability, capacity standards, accreditation, reporting requirements, data collection, matriculation requirements, curriculum content and requirements, funding requirements and options, and any other issues relevant to the development of the adult high school concept. The task force must submit its findings and recommendations in an interim report to the General Assembly by December 15, 2016; and a final report on its findings by June 30, 2017. The bill takes effect July 1, 2016, and terminates on June 30, 2017. (Delegate Clippinger/Senator Pugh)

**HB 1488/SB 909 - Service, Stipends, and Scholarships - Maryland Corps Program – Established** This bill establishes the Maryland Corps Program to provide at least 100 young people with meaningful service opportunities. It also establishes the Maryland Corps Program Fund to, among other things, provide participants with stipends of up to \$15,000 and scholarships of \$6,000 toward a vocational certificate, associate's degree, or bachelor's degree at specified Maryland postsecondary institutions. The bill takes effect June 1, 2016. (Delegate Hettleman/Senator Ferguson)

**HB 1503 - Adult Education - GED Testing Fees - Exemption for Homeless Youth** This bill exempts a homeless youth from paying general equivalency development (GED) testing fees if the individual (1) has had a consistent presence in the State for at least one year before applying to take the GED test, as evidenced by school, employment, or other records; (2) is a homeless child or youth, as defined by the McKinney-Vento Homeless Assistance Act; and (3) was determined to be a homeless youth by one of several specified individuals. The Department of Labor, Licensing, and Regulation (DLLR) must adopt regulations to implement the bill. (Senator Simonaire)

**SB 92 - Planned Apprenticeship Standards and On-the-Job Training Activities - Revisions** This departmental bill transfers the Maryland Apprenticeship and Training Council (MATC) and the Youth Apprenticeship Advisory Committee from the Division of Labor and Industry (DLI) within the Department of Labor, Licensing, and Regulation (DLLR) to the Division of Workforce Development and Adult Learning (DWDAL) within DLLR. The bill also makes several changes relating to the duties of MATC and the membership of the Youth Apprenticeship Advisory Committee. (Administration)

**SB 95 - Division of Workforce Development and Adult Learning - Adult Education and Literacy Services - Revisions** This departmental bill defines adult education and the purpose of adult education and literacy services. The bill repeals the now-defunct Workforce Creation and Adult Education Transition Council and obsolete authority for county boards of education to establish and maintain day and evening schools for adults. The bill also clarifies provisions relating to adult education and literacy services and replaces references to the Maryland Adult External High School Program established for Maryland citizens with references to the National External Diploma Program. The bill takes effect July 1, 2016. (Administration)

**SB 376 - Pathways in Technology Early College High (P-TECH) Schools Act of 2016** This Administration bill establishes State-funded Pathways in Technology Early College High (P-TECH) Schools, which provide a course of study leading to a high school degree and an associate's degree or approved certificate in six years. Beginning in fiscal 2017, for P-TECH schools that execute a memorandum of understanding (MOU) meeting specified conditions by July 1, 2016, the State must provide \$260 per P-TECH student as grants to local boards of education. By December 1, 2016, MSDE, in collaboration with specified stakeholders, must determine the optimal structure and funding strategy for P-TECH schools in Maryland. MSDE and the Maryland Higher Education Commission (MHEC) must jointly report on whether certain students should be included in the public school enrollment count, a framework for funding dual enrollment costs, and recommendations for legislation in 2017. The bill takes effect June 1, 2016. (Administration)

**SB 595 - Education - Middle School Students - Awarding of Credit** This bill requires a local board of education to award credit to a middle school student for any course for which a high school student would be awarded credit if the middle school student meets the same requirements as the high school student. The bill takes effect July 1, 2016. (Senator Rosapepe)

**SB 639 - Task Force to Study a Promise Scholarship Program in Maryland** *This bill did not pass*, but was referred to interim study by the Senate Education, Health and Environmental Affairs Committee. The bill would have created a Task Force to Study a Promise Scholarship Program in Maryland to study the feasibility of creating a scholarship to pay for tuition and mandatory fees not covered by federal or State financial aid programs for graduates of public high schools in the State who enroll in community colleges in the State. (Senator Guzzone)

**SB 910 - Maryland Education Development Collaborative - Established** This bill establishes the Maryland Education Development Collaborative (EDCO) as an instrumentality of the State. EDCO is managed by a governing board and must employ an executive director. Purposes of EDCO include advising and making recommendations to the State Board of Education, the General Assembly, and local school systems regarding statutory and regulatory policies necessary to promote twenty-first century learning that enhances socioeconomic and demographic diversity and reduces the achievement gap across the State's public schools. EDCO is to foster partnerships among public schools with private business, universities, government, and nonprofit entities to develop and support the implementation of twenty-first century public school programs, modern public school designs, twenty-first century curricula, positive school culture, and restorative discipline. The bill takes effect July 1, 2016, and terminates June 30, 2019. (Senator Ferguson)

## School Personnel

### Bills PASSED relating to public school employees include:

**SB 493 - Teacher Induction, Retention, and Advancement Act of 2016** This bill establishes a Teacher Induction, Retention, and Advancement Program for first-year teachers who participate in the program to be afforded at least 20% more time than other teachers to be spent on mentoring, peer observation, assistance with planning, or other preparation activities. Any costs incurred must be borne 80% by the State and 20% by the local board of education. The bill mandates an appropriation of \$5 million annually for the program. The bill also increases the maximum State matching stipend for teachers who hold National Board Certification (NBC) from \$2,000 to \$4,000. The bill takes effect July 1, 2016. The Teacher Induction, Retention, and Advancement Program terminates June 30, 2022. The NBC teacher stipend does not terminate.

In addition, the bill was amended in the final days of session to "require certain teachers who teach in certain public middle and high schools in Anne Arundel County to receive a certain stipend from the State under certain circumstances for certain academic years." The bill defines "county grant for teaching in an economically disadvantaged school" as an annual grant distributed to a teacher who teaches in an economically disadvantaged school established: outside of the collective bargaining process; or as part of a collective bargaining agreement with the local employee representative. For fiscal years 2017 through 2019, the Governor must include in the state operating budget funding for the stipends provided in this subsection. A classroom teacher shall receive a stipend from the state in an amount equal to the county grant for teaching in an economically disadvantaged school, up to a maximum of \$1,500 if the teacher: teaches in a public middle or high school in which at least 30% of the students qualify for free and reduced price meals. (Senator Pinsky)

## School Personnel - Retirement

### Bills PASSED relating to retired public school employees include:

**HB 379/SB 343 - Employees' and Teachers' Pension Systems - Alternate Contributory Pension Selection and Reformed Contributory Pension Benefit** This bill adds references to the Reformed Contributory Pension Benefit (RCPB) to various provisions of State pension law from which it was inadvertently omitted. The provisions relate to (1) earning eligibility service credit; (2) determining prior eligibility service following a break in service; and (3) transferring eligibility service credit between the Employees' Pension System (EPS) and the Teachers' Pension System (TPS). The bill takes effect July 1, 2016. (Delegate B. Barnes/Senator Peters)

**HB 537/SB 373 - Teachers' Retirement and Pension Systems - Reemployment of Retirees - Clarification** This bill clarifies that a local school superintendent or the Maryland School for the Deaf (MSD) may hire no more than a combined total of five retirees of the Teachers' Retirement System (TRS) and Teachers' Pension System (TPS) to work in any position at any school without the teachers being subject to a reduced retirement allowance. The bill takes effect July 1, 2016. (Delegate B. Barnes/Senator Peters)

**HB 1397 - Participating Governmental Units - Amortization Schedule** This bill phases in, over seven years, a 20-year closed amortization policy for unfunded accrued pension liabilities of participating governmental units (PGUs) in the State Retirement and Pension System (SRPS). Beginning June 30, 2016, all unfunded liabilities are amortized over 100 years, with each successive year using a shorter amortization period until June 30, 2022, when all remaining unfunded liabilities are amortized over 20 years. After that, unfunded liabilities are amortized over the time remaining until June 30, 2041. The bill takes effect July 1, 2016. The bill affects only local governments that are PGUs. PGU pension contributions increase by between \$5.0 million and \$13.9 million annually from FY 2018 through 2021. Beginning in FY 2022, however, PGU pension contributions decrease by at least \$38.7 million annually. Those fiscal effects are spread over approximately 120 PGUs, including local school systems. (Delegate B. Barnes/Senator Peters)

## Transportation

**Bills PASSED relating to student transportation include:**

**SB 520 - County Boards of Education - Motor Fuel Tax Exemption and Refund** This bill exempts from the motor fuel tax, motor fuel that is purchased for use in a school bus owned by a county board of education or used to transport students by a school bus operator under contract with a county board of education. Counties and Baltimore City will realize a total net savings of \$5.2 million in FY 2017. The bill takes effect July 1, 2016. (Washington County Senators)

## Public Information & Open Meetings

**Bills PASSED relating to public information and open meetings include:**

**HB 217 - Open Meetings Act - Requirements for Agendas** This bill requires a public body to make an agenda available to the public prior to meeting in an open session, subject to specified conditions. The agenda must contain known items of business or topics to be discussed at the meeting and must indicate whether the public body expects to close any portion of the meeting. The agenda does not have to contain any information pertaining to the closed portion of a meeting. The bill establishes provisions regarding when and how an agenda must be made publicly available. An agenda may be altered after it has been made available to the public.

If the agenda has been determined at the time the public body gives notice of the meeting, the agenda must be made available at the same time as the notice. If an agenda has not yet been determined at that time, the public body must make the agenda available as soon as practicable after the agenda has been determined but no later than 24 hours before the meeting. If a public body is unable to comply with those deadlines because the meeting is scheduled in response to an emergency or any other unanticipated situation, the public body must make available, on request, an agenda within a reasonable time after the meeting occurs. This bill takes effect October 1, 2016. (Delegate Krebs)

**HB 984/SB 17 - Open Meetings Act - Retention of Minutes and Recordings - Revision** This bill increases the number of years, from one to five, that a public body is required to retain a copy of its minutes or recordings of open sessions. However, a public body may keep a copy of its minutes (not solely written minutes, as is required of under current law) of each session and any recording (not solely a tape recording,

as is required under current law) to satisfy this requirement. To the extent practicable, a public body must post the minutes or recordings online. The bill makes several conforming changes to incorporate the added flexibility relating to the formats in which minutes and recordings may be made. (Delegate Saab/Senator Reilly)

## Ethics

### Bills PASSED relating to ethics include:

**SB 395 - Ethics - Local Government - Conflict of Interest and Financial Disclosure** This bill clarifies that specified public ethics requirements adopted or modified by a county, municipality, or local school board must be made in accordance with regulations adopted by the State Ethics Commission and consistent with the intent of the Public Ethics Law. (Senator Conway)

## Student Attendance

### Bills PASSED relating to student attendance include:

**HB 429 - Task Force to Combat Habitual Student Truancy** This bill establishes the Task Force to Combat Habitual Student Truancy. The task force member representing Morgan State University must chair the task force, which is to be staffed by Morgan State University. By July 1, 2017, the task force must report its findings and recommendations to the Governor and the General Assembly. The bill takes effect July 1, 2016, and terminates June 30, 2018. The task force includes one representative of MABE, appointed by the Executive Director of the Association. (Delegate Patterson)

The task force is required to:

- Study and assess how the structure and effectiveness of the State's existing truancy courts can be improved;
- Study the State's chronic absentee rates and assess whether chronic student absenteeism influences truancy rates;
- Identify best practices regarding how records relating to student absences are gathered and maintained and the proper time a pupil personnel worker should be notified of a student's chronic absenteeism or habitual truancy;
- Determine methods of encouraging State agencies to work collaboratively to reduce habitual student truancy;
- Determine whether specified actions would be helpful in combatting habitual student truancy, including requiring each local school system to provide evening high school programs; and
- Make recommendations on how best to combat habitual student truancy in the State.

## School Calendar & Schedule

### Bills PASSED relating to school calendar and schedule include:

**HB 39 - Education - Orange Ribbon for Healthy School Hours - Establishment**

This bill establishes an Orange Ribbon for Healthy School Hours certification in the Maryland State Department of Education (MSDE) beginning in the 2017-2018 school year. Orange Ribbon certification is intended to recognize a local school system that creates, implements, and enforces school start times that are consistent with those recommended by MSDE, the Department of Health and Mental Hygiene (DHMH), and the American Academy of Pediatrics (AAP). To receive Orange Ribbon certification, a local school system may not have (1) an elementary school requiring a student to be in class before 8:00 a.m. and board a school bus before 7:00 a.m. and (2) a middle or high school requiring a student to be in class before 8:30 a.m. and

board a school bus before 7:30 a.m. Other certification criteria are specified. The bill also establishes criteria for limited (“honorable mention” and “commended”) certification, which MSDE may grant. The bill takes effect July 1, 2016. (Delegate A. Miller)

## School Nutrition & Food Services

### Bills PASSED relating to school nutrition and food services include:

**HB 983 - Public Schools - Food Recovery Programs - Authorization** This bill authorizes a county board of education to develop and implement a “food recovery program” that reduces food waste by donating leftover or excess food in schools under its jurisdiction to a local food bank or other nonprofit organization. If a county board exercises this authority, it may apply for recognition of its food recovery program under any relevant certification program. The bill takes effect July 1, 2016. (Delegate D. Barnes)

## Juvenile Services

### Bills PASSED relating to juvenile services include:

**HB 1463/SB 317 - Coordinating Council for Juvenile Services Educational Programs – Membership** This bill alters the terms and membership of the Coordinating Council for Juvenile Services. The bill establishes that the county superintendent is to be appointed by the Public School Superintendents’ Association of Maryland. The bill also adds the following members to the council: (1) the Executive Director of the Maryland Association of Community Colleges or the Executive Director’s designee; (2) one member appointed by the Maryland Association of Boards of Education; and (3) one resident each of seven specified counties, who are to be appointed by the Governor in consultation with the county executive or mayor of the county. (Delegate Patterson/Senator Kelley)

## Miscellaneous

**HB 446 - State Government - Maryland Youth Advisory Council - Revisions** This bill alters the membership of the Maryland Youth Advisory Council. The bill also expands the council’s duties and alters the process for appointing members to the council. The bill reduces, from 57 to 24, the membership of the council and repeals the requirement for the council to have a member from the House of Delegates and the Senate. The bill alters the factors that must be considered when appointing or nominating members to include the consideration of youths who are involved in established public and private youth councils and youth empowerment organizations in the State, including (1) service HB 446/ Page 2 learning and leadership programs; (2) teen court programs; (3) foster care; (4) student councils; (5) juvenile service programs; and (6) transitional programs. Existing requirements to consider geographic and demographic diversity of the State, diversity in education, youth with disabilities, and transitional youths continue, as specified. The bill takes effect July 1, 2016. (Delegate West)

## Local Bills

### Bills PASSED relating to individual school systems include:

**HB 55 - Baltimore County - Education - WhyTry Program** This bill requires the Baltimore County Board of Education to develop and implement a two-year “WhyTry” pilot program in Baltimore County. The county board must select 2 middle schools that reflect the geographic, racial, ethnic, cultural, and gender diversity of the middle school population in each of the school system’s five geographic areas (a total of 10 middle schools) to participate in the program. The program must include at least two teachers in each of the selected

middle schools who have received two levels of program training. Funding for the program must be provided from the Education Trust Fund (ETF). The bill takes effect July 1, 2016, and terminates June 30, 2018. (Delegate Cluster)

**HB 87 - Montgomery County Board of Education - Student Member - Voting MC 11-16** This bill repeals certain voting rights exceptions for the student member of the Montgomery County Board of Education so that the student member is required to vote on matters relating to capital and operating budgets; school closings, reopenings, and boundaries; and collective bargaining. The bill also authorizes the student member to attend executive sessions that relate to collective bargaining. The bill takes effect July 1, 2016. (Montgomery County Delegation)

**HB 163/SB 129 - Baltimore City Board of School Commissioners - Submission of a Comprehensive Master Plan - Repeal of Duplicative Requirement** This bill repeals an obsolete and duplicative requirement that the Baltimore City Public School System (BCPSS) submit annual updates of a specified five-year comprehensive master plan. The bill takes effect July 1, 2016. (Delegate Anderson/Senator Conway)

**HB 172 - Anne Arundel County Board of Education and School Board Nominating Commission** This bill alters the membership of the School Board Nominating Commission of Anne Arundel County, limits commission members to eight years of service, requires commission members to be residents of Anne Arundel County, and prohibits all but specified commission members from being current employees of the school system. The commission selects its chair from among its members; the chair's term of service as chair is reduced to two years. The terms of the current commission members appointed by the Governor terminate June 1, 2016. The bill takes effect June 1, 2016. (Anne Arundel County Delegation)

**HB 226/SB 16 - Talbot County - Board of Education - Student Members** This bill increases, from one to two, the number of nonvoting student members on the Talbot County Board of Education. The two student members must be eleventh or twelfth grade public school students and are appointed to one-year terms according to procedures adopted by the county board. One student member must be appointed from St. Michaels High School and the other from Easton High School. The bill takes effect July 1, 2016. (Delegate Mautz/Senator Eckardt)

**HB 349 - Baltimore County - Education - Career Exploration and Development Activities - Coffee (Java Act)** This bill prohibits an Executive Branch agency from banning or regulating the sale of caffeinated beverages in conjunction with a career exploration and development activity in a public high school in Baltimore County. The bill takes effect July 1, 2016, and terminates June 30, 2019. (Delegate Grammer)

**HB 558 - Baltimore City - Partially Elected School Board** This bill restructures the Baltimore City Board of School Commissioners from an appointed board to a hybrid board with two members elected from the city at large, nine members jointly appointed by the Governor and the mayor, and one student member. The two elected board members will be elected at the general election in November 2020 and every four years thereafter. The bill also extends the term of nonstudent members from three to four years. The State Board of Education may remove an elected voting member for (1) immorality; (2) misconduct in office; (3) incompetency; or (4) willful neglect of duty. The bill takes effect July 1, 2016.

**HB 1087 - Task Force to Study a Promise Scholarship Program in Prince George's County PG 438-16** This bill establishes the Task Force to Study a Promise Scholarship Program in Prince George's County to study the feasibility of creating a Prince George's County Promise Scholarship Program to provide scholarships to pay for tuition and mandatory fees not covered by federal or State financial aid for graduates of Prince George's County public high schools who enroll at Prince George's Community College (PGCC). By January 1, 2017, the task force must report its finding and recommendations to the Prince George's County Executive and the General Assembly. The bill takes effect June 1, 2016, and terminates May 31, 2017. (Prince George's County Delegation)

**HB 1105 - Howard County Public School System - Access to Public Information Ho. Co. 9-16** This bill requires a custodian of a public record for the Howard County Public School System (HCPSS) that charges an applicant a fee for access to public information, to provide a written notice advising the applicant of his/her option to file a complaint with the State Public Information Act Compliance Board to contest the fee. The bill also requires the Public Access Ombudsman to investigate, evaluate, and issue a report by January 1, 2017, concerning HCPSS relating access to public records, as specified. The bill takes effect July 1, 2016. (Howard County Delegation)

**HB 1147 - Carroll County - Board of Education Members - Term Limitation and Referendum** This bill limits voting members of the Carroll County Board of Education to two consecutive terms, subject to a Carroll County referendum at the 2018 general election. The bill takes effect July 1, 2016.

**HB 1352/SB 145 - Wicomico County Board of Education - Election and Appointment of Members** This bill, subject to Wicomico County referendum, requires restructuring of the Wicomico County Board of Education from a seven-member appointed board to either (1) a seven-member hybrid board consisting of five elected members (one from each of the five councilmanic districts on a nonpartisan basis) and two members appointed at large by the Wicomico County Council or (2) a seven-member nonpartisan elected board consisting of five members each elected from one of the five councilmanic districts and two members elected at large. The bill specifies that the terms of board members who are in office on December 2, 2018, will expire on December 2, 2018. The bill takes effect July 1, 2016, for the purpose of conducting the referendum at the 2016 general election. (Senator Mathias)

**SB 1126 - Frederick County - Linking Youth to New Experiences (LYNX) High School** This bill establishes a Linking Youth to New Experiences (LYNX) High School at Frederick High School in Frederick County. By September 30, 2016, the Frederick County superintendent must develop, in consultation and collaboration with specified individuals and collective bargaining representatives, and submit to the Frederick County Board of Education for approval a plan that describes in detail the program description, proposed curriculum, evaluation procedures, performance standards, and standards for graduation for students to be enrolled in the LYNX High School. By December 1, 2016, the Frederick County Board of Education must approve the plan and submit it to the State Board of Education for review. The LYNX High School may apply for and accept donations, grants, or other financial assistance from a government or any nonprofit or other private organization. The bill takes effect July 1, 2016. (Senators Pugh and Young)

### **Highlighted Bills which FAILED TO PASS in 2016**

- Prekindergarten Students - Funding (HB 1433/SB 461) (MABE Position: Support)
- Seatbelts on School Buses (HB 1473/SB 183) (MABE Position: Oppose)
- Special Education - Parental Consent in the Individualized Education Program Process (HB 778/SB 950) (MABE Position: Oppose)
- Assessments - Limits on Testing (HB 141/SB 407) (MABE Position: Oppose)
- Labor Relations - Public School Labor Relations Board - Renegotiation Procedures and Administration (HB 145) (MABE Position: Oppose)
- Labor Relations - Teacher and Principal Evaluations - Revisions (HB 633) (MABE Position: Oppose)
- Labor Relations - Grounds for Discipline for Certificated Employees (HB 1228/SB 832) (MABE Position: Oppose)
- Financial Literacy Curriculum & Graduation Requirement (HB 476) (MABE Position: Oppose)
- Procurements for Construction or Repair of School Projects (HB 330/SB 515) (MABE Position: Oppose)
- Individualized Counseling and Referral Services (HB 1437) (MABE Position: Oppose)
- Daily Physical Activity for Elementary School Students (HB 474) (MABE Position: Oppose)
- Prevailing Wage - Waivers (HB 23) (MABE Position: Support)
- Prevailing Wage - Expansion (HB 721/SB 711) (MABE Position: Oppose)
- Post-Labor Day School Year Start Date (HB 1349/SB 767) (MABE Position: Oppose)

## 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](#).