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**Session Opening Highlights**

On January 11, the Maryland General Assembly convened the 2017 legislative session. Major issues confronting the Governor and legislature include the present and future budget deficits, and how these deficits impact everything from the current demands of mandated and discretionary spending on programs to the prospects of funding any new initiatives.

The fiscal year (FY) 2017 state budget was based on revenue projections which have not materialized, resulting in a deficit which must be reconciled by the close of this fiscal year ending June 30, 2017. Similarly, the pending FY 2018 state budget, to be released by the Governor by January 18th, must be balanced based on the projected revenue shortfalls in the coming fiscal year.

For MABE, local boards of education, and all public education advocates, a top priority will be to ensure full funding in the state budget for elementary and secondary education formulas and programs. The state budget includes \$5.6 billion for the comprehensive array of education formulas enacted by the 2002 Bridge to Excellence Act. The state budget for education includes the Foundation Aid program totaling nearly \$3 billion; and three special needs funding programs based on the enrollment of students within compensatory education, special education, and limited English proficient categories. Other key components include: nonpublic special education, student transportation, Geographic Cost of Education Index (GCEI), Guaranteed Tax Base, Net Taxable Income, supplemental grants, and a dozen other smaller but significant programs.

**2017 Legislative Committee Calendar**

- Jan. 23, 2017  
Budget & Bill Review & Decisions
- Feb. 9, 2017  
MABE's Legislative Day Luncheon
- Feb. 13, 2017  
Bill Review & Decisions
- March 6, 2017  
Bill Review & Decisions
- March 20, 2017  
Bill Review & Decisions
- April 3, 2017  
Bill Review & Decisions
- May 1, 2017  
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](http://MABE.org)

The state's budget woes affect not only the operating budget but also the capital budget and school construction funding. The FY 2017 capital budget included \$320 million for public school construction and renovation projects; and MABE is seeking \$350 million in the FY 2018 capital budget. The General Assembly's leaders recently took action to approve a capital budget ceiling of \$1.065 billion, above the Governor's proposed \$995 million, thereby making a higher total school construction budget more feasible in FY 2018. And yet advocacy for increased school construction funding, provided by general obligation (GO) bonds, will be challenged by the deficits due to the operating budget impact of rising debt service payments.

MABE will provide a detailed analysis of the Governor's proposed State Budget and Capital Budget as soon possible following their introduction in the coming days.

### **MABE Legislative Day Luncheon – Thursday, February 9**

MABE's Annual Legislative Day Luncheon provides a forum for legislative leaders to share their perspectives and positions on education funding and policy issues and for local board members to advocate for MABE's legislative priorities. The President of the Senate, Speaker of the House, and education and budget committee chairs and vice-chairs present remarks, share lunch, and engage local board members in lively discussions. All members of the House and Senate are invited and many attend looking for their local boards and their input on pending bills.

MABE greatly appreciates the room sponsorship provided again this year by Senator Addie Eckardt.

Thursday, February 9, 2017, 11:00 a.m. – 1:00 p.m.

Miller Senate Building, Annapolis, MD

Pre-Luncheon Meeting for Legislative Committee Members, 10:00 a.m. – 11:00 a.m.

Convenient parking at [Navy/Marine Corps Stadium](#)

Details of scheduled speakers to follow.

For additional information please contact Tracy Oldaker, 410.841.5414 or [toldaker@mabe.org](mailto:toldaker@mabe.org)

### **MABE's 2017 Legislative Priorities & Positions**

#### MABE's top priorities for the 2017 Legislative Session

- **Support for continued governance autonomy for local boards of education to set education policy and school budgets which provide educational benefits for all students; and opposition to unfunded mandates** - MABE supports continued autonomy for all local boards to adopt education policies that promote high standards for academic and fiscal accountability. Therefore, MABE opposes any executive, legislative or regulatory initiatives which would have the effect of reducing local board governance or budgetary authority, or which create unfunded mandates.
- **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 2018 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.

- **Support for robust State funding for school construction and renovation projects** - MABE places a high priority on providing students high quality, equitable, healthy and safe learning environments. Therefore, MABE urges the Governor and General Assembly to support increased investments in school construction and renovation projects. MABE requests an FY 2018 school construction budget of at least \$350 million to support local boards in providing optimal learning environments to prepare our students to be college and career ready.
- **Support for sustained local government investments in education** - Funding from Maryland's 23 counties and Baltimore City plays a critical role in combination with state and federal funding to support teaching and learning. Therefore, MABE strongly supports the maintenance of effort reforms enacted in 2012 to guarantee stable local investments in public education.

In addition, MABE has adopted a comprehensive set of [2017 Legislative Positions](#) on the following issues: Local Board of Education Governance, Education Funding, School Facilities Funding, Local Funding & Maintenance of Effort, Unfunded Mandates, Special Education, Charter Schools, Vouchers & Public Funding for Nonpublic Schools, Testing and Curriculum, School Safety & Security, Student Discipline, Student Health, Nutrition & Fitness, Employee Relations & Collective Bargaining, Federal Education Policy and Funding, and Elected, Appointed & Hybrid Boards of Education.

### **MABE Legislative Committee Update**

MABE's [Legislative Committee](#), including representatives appointed by all twenty-four boards, holds monthly meetings to guide the association's lobbying activities in Annapolis, and invites policy and legislative leaders as guest speakers to exchange ideas.

The Committee is chaired by Stacy Korbela (Anne Arundel County) and the vice chair is Warner Sumpter (Somerset County).

On January 9, 2017, the Committee reviewed several major funding and policy issue areas, including anticipated special education related legislation and the proposal to increase funding for the BOOST voucher program. The [Agenda and Materials](#) included selections from the 2017 Session Issue Papers (Dept. of Legislative Services - by section): [State Education Aid](#); [Adequacy Study](#); [ESSA Accountability](#); [Post-Labor Day Executive Order](#); [School Facilities Commission](#); [Alternatives - P-TECH, BOOST, Charters](#); [Burden of Proof](#); [Retirement](#); [Local Government Budget/Revenue Data](#).

The Committee's next meeting on January 23, 2017 will include bill reports and decisions on pending bills.

### **Special Education Bills Expected**

MABE is anticipating an active legislative session in the area of special education. The two most impactful and controversial legislative initiatives in recent years will return, including the proposal to shift the burden of proof to school systems in most special education due process disputes; and the proposal to allow parents to unilaterally determine the outcome of IEP team decisions regarding student placement, assessment, and other key programs and services. A third special education legislative initiative would call for the analysis and collection of data regarding federally funded Coordinated Early Intervention Services (CEIS).

MABE opposes legislation to provide unilateral parental consent conditions, or shift the burden of proof, in special education decisions and disputes including IEP meetings and due process hearings.

Since 2013, legislation has been introduced to place the burden of proof on the local school system in a due process hearing that is held to resolve disputes about the identification, evaluation, or educational placements of children with disabilities. In Maryland, the party initiating the action in a special education due process hearing, whether the parents or the school system, bears the burden of proof. This is consistent with the assignment of burden of proof in the American legal system; and with a 2005 Supreme Court case arising from a special education due process complaint against the Montgomery County school system (*Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49 (2005)).

In 2014, bills passed to require school systems to inform parents of a child with a disability of procedural safeguards, rights and responsibilities, and information about access to habilitative services; and to provide online access to lists of all special education service delivery models. A bill passed in 2016 to require the translation into the parents' native language of individualized education programs (IEPs) and individualized family service plans (IFSPs). In 2016, legislation was rejected to require unilateral parental consent for decisions adopted by the IEP team.

### **Nonpublic School Voucher Funding**

In 2016, the state budget bill was amended in conference committee to establish the \$5 million Broadening Options and Opportunities for Students Today (BOOST) Program to provide vouchers for students who are eligible for the free or reduced-price lunch program to attend eligible nonpublic schools. Governor Hogan has indicated he will propose increasing funding for the BOOST voucher program to \$10 million in the FY 2017 State Budget.

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 computers administered by MSDE; and comply with Title VI of the Civil Rights Act of 1964; the State Government Article; and not discriminate in student admissions on the basis of race, color, national origin, or sexual orientation. MABE continues to strongly oppose this

### **2017 General Assembly Dates**

- Jan. 18 - Final date for Governor to introduce operating & capital budget bills
- Jan. 24 - 14th Day - Senate & House Bill Request Guarantee Date
- Feb. 1 - Governor delivers State of the State Address (noon)
- Feb. 3 – Senate bill introduction deadline
- Feb. 10 – House bill introduction deadline
- Mar. 20 – Bill crossover date
- April 10 - Adjournment "Sine Die"
- Link to [General Assembly Dates of Interest](#)

program as an unwarranted expansion of the State's direct public funding of private and parochial education.

### **Kirwan Commission Update**

In 2016 the General Assembly passed [Senate Bill 905](#), and [House Bill 999](#) to create the [Commission on Innovation and Excellence in Education](#). This bill was one of MABE's top legislative priorities for the 2016 session. MABE is pleased that Maryland is now embarking on the next phase of education funding reform, building on the funding recommendations of national experts. MABE's representative on the Kirwan Commission is MABE President Joy Schaefer.

In September 2016 Commission Chair, William E. "Brit" Kirwan, opened the meeting by emphasizing that this was a rare opportunity to be on such a commission, and that although the charge is very broad, the task at hand is essentially to make recommendations on how to make our schools better and that we owe it to students to develop a system that is as good as the best in the world.

The new education funding adequacy study conducted by national experts recommends a \$1.9 billion increase in state aid for public education. This increase represents the commitment Maryland should make in order to fully and equitably fund a high quality public education for all of Maryland's more than 870,000 prekindergarten through 12th grade students.

Most recently, on January 9, 2017 the Kirwan Commission met to receive briefings on several topics including teacher quality and preparation, and the adequacy of education funding since 2002.

The Commission heard from Rachel Hise, Lead Principal Analyst, Department of Legislative Services (DLS). Ms. Hise presented a comprehensive report requested by Commission members on the current state of the adequacy of education funding relative to what was provided in 2002 and in 2008. She presented summaries of "adequacy" demonstrating the significant funding gaps existing in 2002, strong performance of the Bridge to Excellence Act to close those gaps by 2008, and disturbing gaps once again confronting the state based on the adequacy study's analysis of 2015.

For more information go to [MABE's Priority Issue page on the Kirwan Commission](#).

Importantly, Ms. Hise reported the actual, targeted and APA recommended state and local education funding totals for FY 2015 as \$10.1 billion (actual); \$11.1 billion (target under the Bridge to Excellence Act); and \$12.9 billion (recommended by the adequacy study). This adequacy presentation provided the Commission with an analysis that shows the reasonableness of the APA recommended funding total in terms of building on the Bridge to Excellence Act's adequacy totals based on 2002 standards – and the need to fund our state's public schools based on current standards. The [January 9 meeting materials and all presentations](#) are available on the General Assembly website.

This meeting followed the Commission's [December 8 meeting](#) at which the adequacy study report was presented by the consultants Augenblick, Palaich and Associates (APA). At that meeting the Commission discussed the recommendations to significantly increase both state and local aid to education by increasing the base per pupil amount from nearly \$7,000 to nearly \$11,000 and making major reforms to the calculation of local wealth.

The Kirwan Commission will not meet again until April, following the legislative session, but will convene smaller workgroup meetings prior to that. The Commission must issue its final report by December 31, 2017.

### **Knott Commission Update**

Senate President Thomas V. Mike Miller, Jr. and House Speaker Michael E. Busch announced in December of 2015 the formation of a commission to review the State's school construction policies and make recommendations for more efficient and effective school construction practices into the future. The 21st Century School Commission is chaired by Martin Knott, President of Knott Mechanical, a mechanical services company. MABE is represented on the Commission by MABE's Immediate Past President Warner Sumpter.

Most recently, on January 13, 2017 the "Knott" Commission met to discuss the major themes emerging from their 2016 discussions and major themes to pursue following the 2017 legislative session. Chairman Knott outlined findings regarding flexibility, cost efficiency, and the role of the Interagency on School Construction (IAC). Findings include:

- State/IAC review of LEAs should be differentiated based on LEA's previous experience in construction and maintaining schools and capacity of the LEA (i.e., ed specs, schematic design, design development, construction documents, project contract, change orders);
- Shorter/limited review of projects for LEAs that have good track record in school construction and maintenance will allow the IAC to focus more resources on LEAs that need additional technical assistance;
- Schools should be built to allow flexibility in spaces and uses in the future;
- School construction review process should be streamlined wherever possible – too cumbersome, time consuming, bureaucratic, and ultimately expensive – while maintaining accountability for State investments;
- Reduce the duplication of effort at the State and local levels (i.e., ed specs, schematic design, design development, construction documents, contracts, change orders etc.);
- Encourage LEAs to take advantage of what is already allowed under State law and regulations by providing monetary or procedural incentive/pilot programs: Alternative construction methods and materials, Alternative project delivery, Innovative design, Alternative Financing, Use of Prototypes/Repeat School Design (Limit State review to changes from previously reviewed prototype);
- State/IAC should be clearinghouse for research-based best practices in all areas of school design and construction;
- State/IAC should research and provide technical assistance for innovative design/construction materials/project delivery/energy conservation etc. and then partner with LEAs to pilot promising practices.

The Department of Legislative Services is maintaining a [21st Century School Facilities Commission webpage](#), which includes the Commission's charge, [roster](#), workplan, all meeting materials.

For more information go to [MABE's Priority Issue page on the Knott Commission](#).

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## **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 [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. Link to [MABE's Annapolis Advocacy Center](#).

### **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. Link to [MABE's State Board Advocacy Center](#).

### **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. Link to [MABE's Federal Advocacy Center](#).

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