

February 6, 2017

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**MABE Legislative Day Luncheon
This Thursday – Feb. 9, rain or shine**

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

**2017 Legislative Committee
Calendar**

- 2017 Legislative Day Luncheon
Thursday, February 9, 2017 11:00 a.m. - 1:00 p.m.
- (Note: The Legislative Committee will meet before the Luncheon 10:00 a.m. to 11:00 a.m.)
- 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](#).

School Meals and Student Nutrition

MABE will be testifying in support of the following three anti-hunger bills in the House Ways and Means Committee on Feb. 9, and in the Senate Education, Health and Environmental Affairs Committee on Feb 8 (SB 359) and Feb. 22 (SB 360 7 SB 361).

[SB 359/HB 257](#) - **Education - Maryland Meals for Achievement In-Classroom Breakfast Program - Administration** (Maryland Meals for Achievement for Teens Act of 2017) - (Sponsors: Sen. Madaleno; Del. Hixson) - Authorizing participating secondary schools to serve breakfast in any part of the school, including from "Grab and Go" carts; and clarifying when breakfast in the classroom should be served. (MABE Position: Support)

The Maryland Meals for Achievement for Teens Act would reduce food insecurity among teenagers and increase access to school meals by bolstering the successful Maryland Meals for Achievement (MMFA) program in secondary schools. MMFA provides state support to allow high-poverty schools to serve breakfast in the classroom to all students, free of charge. This bill will allow greater participation of secondary schools in MMFA by changing the current requirement that breakfast be delivered to every classroom. Secondary schools would be able to use "Grab and Go" carts in addition to serving breakfast in the classroom. Approximately \$2.7M in additional state funding will allow 93 high-poverty high schools, reaching more than 90,000 students, to participate in MMFA.

[SB 360/HB 288](#) - **State Department of Education - Breakfast and Lunch Programs - Funding (The Maryland Cares for Kids Act)** - (Sponsors: Sen. Madaleno; Del. Hixson) - Repealing the requirement that the State Board of Education adopt and publish standards for the administration of a subsidized feeding program; requiring the State to be responsible for the student share of the costs of specified meals; prohibiting a county board from charging students eligible for a reduced price breakfast or lunch for any portion of the cost of a meal; altering the calculation for the reimbursement for specified meals to specified county boards of education; etc. (MABE Position: Support)

The Maryland Cares for Kids Act would cover reduced-price school meal co-pays so that all low-income students have access to free school meals. Students eligible to receive reduced-price school meals are in families that are often struggling to make ends meet, especially given the high cost of living in Maryland. When this bill passes, more than 45,000 reduced-price eligible students will have access to school meals at no cost to the student or family.

[SB 361/HB 287](#) - **Hunger-Free Schools Act of 2017** - (Sponsors: Sen. Madaleno; Del. Hixson) -Altering a specified definition for specified fiscal years to determine the number of students used to calculate a specified grant for schools that participate in a specified federal program; and requiring the superintendent of each local school system to report to the General Assembly on or before September 1, 2017. (MABE Position: Support with Amendment to remove the prescriptive reporting requirements; a sponsor-supported amendment)).

The Community Eligibility Provision allows high-poverty schools to provide free breakfast and lunch to all students. There are currently 227 Hunger-Free Schools in Maryland, and The Hunger-Free

Schools Act of 2017 will allow schools to continue to use federal funding without fear of losing state education funding.

Major Education Policy Bills Introduced

Charter School Act of 2017

[SB 704/HB 878](#) - **Public Charter School Act of 2017** - (The President (By Request - Administration)) - Establishing the Maryland Public Charter School Authority as a public chartering authority under the Maryland Public Charter School Program; altering the purpose of the Program; requiring the State to deduct a certain amount of money from a certain share of the foundation program; exempting certain professional staff from certain certification requirements; requiring the Authority to adopt certain policies regarding teacher induction, preparation, and development; specifying that certain employees have certain rights and privileges; authorizing certain employees to join or refuse to join certain employee organizations; etc. (MABE Position: Oppose)

The Governor has introduced Charter School legislation similar to his 2015 bill, which would establish a separate chartering authority, and exempt charter schools approved by this body from state laws regarding collective bargaining and teacher certification; and from local board requirements.

The Charter Authority would consist of 7 members appointed by the Governor, with the authority to authorize charter schools in any jurisdiction in the state.

- Regarding currently operating charter schools under local boards, existing charter schools could apply to establish a new charter contract with the new Authority rather than the local board that originally authorized the public charter school. Charter schools under the new Authority could then be exempted from any policy or requirement established by a local board of education.
- Regarding employees, members of the professional staff of a public charter school under the new Authority would be exempt from state teacher certification requirements; and employees of charter schools under the new Authority would not be defined as public school employees. However, the bill provides that charter school employees would have the same rights and privileges as public school employees; and be eligible for the state retirement, health, welfare, and other benefits programs available to public school employees.
- Regarding special education, the bill would allow a charter school to serve as the local educational agency, as defined by the federal Individuals with Disabilities Education Act, for the purpose of providing special education and related services for children with disabilities enrolled at the public charter school. Likewise, the charter school would shall directly receive federal, state, and county funds designated for the costs of educating children with disabilities.
- Regarding funding, the bill would provide each charter school with all federal, state, and county operating funds for elementary, middle, and secondary students the county board receives from all sources, divided by the county's full-time equivalent enrollment.
- Regarding facilities, the bill would provide facilities grants of \$1,000 per pupil to the Authority to distribute to charter schools in amounts determined by the Authority, for either operating or capital costs relating to the facility.

Statewide “Achievement School District”

[SB 618](#) - **Education - Achievement School District - Establishment** - (Sen. Serafini) - Establishing the Achievement School District in the State Department of Education; specifying the purpose of the Achievement School District is to transform into high quality public schools all public schools in the State determined by the Department to enroll students whose academic performance ranks in the lowest 5% in the State; specifying criteria for the absorption of specified public schools into the Achievement School District; requiring a local school system to cooperate, as specified; etc. (MABE Position: Oppose)

This bill would establish a new “Achievement School Board” as a board that oversees the Achievement School District. “Achievement School District” is defined as a statewide school district in MSDE that:

- (1) is separate and distinct from a local school district in the state;
- (2) is not confined to a specific geographic boundary; and
- (3) may be composed of any public school or public school district in the state for which student achievement ranks in the lowest 5% of public schools in the state.

The state board would appoint a nine-member Achievement School Board to oversee and administer the Achievement School District. The bill states that “the purpose of the Achievement School District is to transform into high quality public schools all public schools from throughout the state that have been determined by the department to enroll students whose aggregate academic performance ranks in the lowest 5% of the public schools in the state.

Vouchers for Private School Tuition & other Expenses

[SB 557](#) - **Education - Maryland Education Opportunity Account Program - Established** - Establishing the Maryland Education Opportunity Account Program; stating a specified goal of the State; authorizing a parent of an eligible student to enroll in the Program; declaring that a specified student remains an eligible student under specified circumstances; establishing a Maryland Education Opportunity Account Authority; establishing the membership of the Authority; authorizing specified members to designate a representative with specified rights, powers, and duties; etc. (MABE Position: Oppose)

The bill establishes the Maryland Education Opportunity Account Authority to administer the Account Program to finance expenses for eligible students. “Eligible student” is defined as child who is at least 5 years old and no older than 18 years old who is domiciled in a geographic attendance area that is served by a public school ranked in the bottom 5% of public schools based on statewide assessments.

Eligible expenses include: (1) tuition and fees at a participating nonpublic school; (2) textbooks required by a participating nonpublic school; (3) payment to a licensed or accredited tutor; (4) payment for purchasing a curriculum; (5) tuition and fees for an online learning program; (6) fees for national assessments or examinations, advanced placement examinations, and any examinations related to college or university admission; (7) contribution to an eligible student’s qualified tuition program established under § 529 of the internal revenue code; (8) education services for eligible students with disabilities provided by a licensed or

accredited practitioner or provider; (9) tuition and fees at a postsecondary institution; and (10) textbooks required by a postsecondary institution.

Special Education

[HB 174](#) - Education - Children with Disabilities - Individualized Education Program Process - Parental Consent - (Sponsor: Del. Luedtke) - Requiring an individualized education program team to obtain written consent from a parent of a child with a disability if the team proposes specified actions; requiring an individualized education program team, in specified circumstances, to send a parent written notice no later than 5 business days after the individualized education program team meeting that informs the parents of specified rights to consent or refuse to consent; and authorizing the use of specified dispute resolution options. (MABE Position: Oppose)

Specifically, this bill would require the school system's IEP team to obtain written parental consent if the team's proposal is in the following categories:

1. Enroll the child in an alternative education program that does not issue or provide credits towards a Maryland high school diploma;
2. Identify the child for the alternative education assessment aligned with the state's alternative curriculum; or
3. Include restraint or seclusion in the individualized education program to address the child's behavior.

[SB 710](#) - Education - Children with Disabilities - Individualized Education Program Process - Parental Consent - (Sponsor: Sen. Conway) - This is essentially the same bill as HB 174, with an additional category of decisions subject to parental consent. The sponsor of the House Bill supports including this fourth category as well.

4. Initiate a change in the child's educational placement.

MABE Position: Local boards of education have great respect and appreciation for the dedication and commitment of educators and parents who are collaborating throughout the school year to ensure that the educational needs of students qualifying for special education services are being met. MABE is opposed to shifting decision-making authority away from the professional judgement of educators, in conjunction with parents and guardians as required by federal law, and instead providing a parental "veto" of IEP team proposals.

[SB 1/HB 286](#) - Education - Specialized Intervention Services - Reports - (Sponsors: Sen. Conway; Del. Korman) - Requiring county boards of education to report specified information relating to the provision of specialized intervention services to the State Department of Education and the General Assembly on or before December 1 each year; requiring the State Department of Education to establish specified guidelines; requiring county boards and the Department to publish annually the same information on their Web sites; etc. (MABE Position: Support with Amendments. Although not identical in scope of grades covered, both bills would impose significant unfunded, staff intensive, reporting requirements; therefore MABE is requesting amendments to direct an interim study of the educational services and reporting issues raised by these bills).

Employee Relations

[HB 497/SB 760](#) - **Education - Grounds for Discipline** - (Sponsors: Del. A. Washington; Sen. Guzzone) - Altering specified procedures for suspending or dismissing specified public school personnel; authorizing specified public school personnel to request arbitration under specified circumstances; specifying the procedures for arbitration; assigning responsibility for specified costs to the county board; and providing that an arbitrator's award is final and binding on the parties, subject to review by a circuit court. (MABE Position: Oppose)

MABE Position: MABE opposes this bill because it would remove the authority to discipline employees from the local board of education and transfer it to an arbitrator if requested by the employee. Such a transfer would adversely impact the ability of local boards to respond to employee misconduct consistent with the best interests of the students, the school system, and community. Instead, these bills would transfer the board responsibility to an arbitrator, an independent third party who is not required to balance of the employee's interests and the school systems on behalf of all students.

State Operating Budget

[HB 150/SB 170](#) - **Budget Bill (Fiscal Year 2018)** (The Speaker (By Request - Administration)) (MABE Position: Support with amendment - to remove the \$5 million BOOST voucher program; and oppose the budget proposal to increase to \$6.85 million.)

[HB 152/SB 172](#) - **The Budget Reconciliation and Financing Act (BRFA)** (The Speaker (By Request - Administration)) (MABE Position: Support with Amendments - to restore the mandated funding status of mandated education grant programs; the budget repeals the mandated \$7.5 million funding for the Public Schools Opportunities Enhancement Program, which expands extended day and summer enhancement programs.)

State Capital Budget & School Construction

[HB 151/SB 171](#) - **Creation of a State Debt - Maryland Consolidated Capital Bond Loan of 2017 (State Capital Budget Bill for FY 2018)** (The Speaker (By Request - Administration)) (MABE Position: Support with Amendment - to remove the \$3.5 million private school aging school facilities grant program.)

[HB 153/SB 197](#) - **Creation of a State Debt - Qualified Zone Academy Bonds** (The Speaker (By Request - Administration)) - Authorizing the creation of a State Debt in the amount of \$4,823,000, the proceeds to be used as grants to the Interagency Committee on School Construction and the Maryland State Department of Education for the renovation, repair, and capital improvements of qualified zone academies; providing for disbursement of the loan proceeds and the further grant of funds to eligible school systems for specified purposes, subject to a requirement that the grantees document the provision of a required matching fund; etc. (MABE Position: Support)

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).

The Committee's next meeting on Thursday, February 9, 10:00 – 11:00 a.m., will be held in the Miller Senate Building, Conference Center West, immediately before the Legislative Day Luncheon. And on Monday, February 13 the Committee will hold its regularly scheduled meeting to discussion and take positions on pending bills.

MABE's Legislative Positions & Priorities

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'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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