

March 22, 2017

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2017 Legislative Committee Calendar

- 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](#).

Bill Highlights & Calls to Action

Senate Action Bills

MABE urges board members to call and email the members of the [Senate Education, Health and Environmental Affairs Committee](#) on the following priority bills:

Contact members of the Senate Education Committee to:

Oppose Senate Bill 710 – Parental Consent (Veto) of IEP Team Decisions

MABE opposes [Senate Bill 710](#), the Parental Consent bill, because:

- This bill would provide parents with veto power over individualized education program (IEP) team decisions.
- IDEA does not require, recommend, or consider this type of parental role in overriding the professional judgment decisions of educators.
- When a parent vetoes the IEP team decision, and the team believes they are acting in the student's best interest, the next steps are mediation and litigation through a Due Process Hearing.
- This bill will result in increased costs for staff time and legal expenses if enacted – time and money lost for instruction.

Background: [MABE Testimony](#), [Fiscal & Policy Note](#)

Bill Summary: This bill would require the Individualized Education Program (IEP) team to obtain written consent from a parent if the team proposes to: (i) enroll the child in an alternative education program that does not issue or provide credits toward a Maryland high school diploma; (ii) identify the child for the alternate assessment aligned with the state's alternate curriculum; (iii) include restraint or

seclusion in the individualized education program to address the child’s behavior; or (iv) initiate a change in the child’s educational placement.

Oppose HB 1240 – Shifting the Burden of Proof

MABE opposes [House Bill 1240](#), the Burden of Proof bill, because

- This bill would shift the burden of proof to school systems in disputes over the delivery of services under the child’s current individualized education program (IEP)
- This bill would also shift the burden of proof to school systems in disputes over proposed changes to the child’s IEP at the annual review meeting.
- MABE strongly opposes the school system ever bearing the burden of proof in special education cases.
- The bill would delay the shift in the burden of proof until 2020. This delay would allow time for 2 studies, one by MSDE and one by an outside contractor.
- If studies are called for, then don’t decide now to shift the burden of proof in 2020. The legislature should make a more informed decision following the completion of these studies.

Background: [MABE Testimony](#), [Fiscal & Policy Note](#)

Bill Summary: Effective July 1, 2020, this bill would shift the burden of proof to school systems in disputes over the delivery of services under the child’s current IEP; and disputes over proposed changes to the child’s existing individualized education program at the annual review meeting. The bill delays the effective date of the burden of proof shift in order for studies to be completed, MSDE must review and assess the current allocation of MSDE staff, local school system staff, and other State agency staff and supporting resources that are available to assist the parents and guardians of children with disabilities to participate in IEP process. MSDE must contract with a public or private entity to conduct an independent study of the IEP process in the State. The bill intends, by limiting the circumstances in which the burden would shift, to not shift the burden of proof to school systems when a parent or guardian seeks tuition reimbursement for a unilateral placement of a student.

Senate Education Committee contacts:

- Senator Joan Carter Conway, Chair of the Education, Health and Environmental Affairs Committee: joan.carter.conway@senate.state.md.us; Phone: 410-841-3145 | 301-858-3145 | Toll-free in MD: 1-800-492-7122 ext. 3145
- Senator Paul Pinsky, Vice-Chair of the Education Committee and Chair of the Education Subcommittee: email to: paul.pinsky@senate.state.md.us; Phone: 410-841-3155 | 301-858-3155 | Toll-free in MD: 1-800-492-7122 ext. 3155
- [Full Committee Roster](#)

Senate Education Committee - Education Subcommittee	Contact
Pinsky, Paul G. (Chair)	
Kagan, Cheryl C.	
Bates, Gail H.	

Young, Ronald N.	➔
Zucker, Craig J.	➔

House Action Bill

MABE urges board members to call and email the members of the [House Ways and Means Committee](#) to oppose [Senate Bill 760](#) (which has passed the Senate); and [House Bill 497](#) (which has not been voted on in Ways and Means).

Oppose SB 760/HB 497 – Grounds for Employee Discipline

MABE opposes this [SB 760](#) and [HB 497](#) because it would remove the authority of local boards of education to discipline teachers and principals based on the superintendent's decision.

MABE opposes these binding arbitration bills because:

- Local boards of education, which approve the hiring of all certificated employees (teachers and principals), should retain the authority to terminate or suspend their employment for one of the five reasons stated in the law (immorality, misconduct, incompetency, willful neglect of duty, insubordination).
- At the employee's request, this bill 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 system's on behalf of all students.
- Local boards represent the interests of the entire community and must be able to decide when any specific individual's actions should disqualify that person from teaching the students in that community, either temporarily or permanently.

Background: [MABE Testimony](#) and [Fiscal and Policy Note](#)

House Ways and Means Committee contacts:

- Delegate Anne Kaiser, Chair of the Ways and Means Committee:
anne.kaiser@house.state.md.us; Phone: 410-841-3036 | 301-858-3036; Toll-free in MD: 1-800-492-7122 ext. 3469
- Delegate Eric Luedtke, Chair of the Ways and Means Education Subcommittee:
eric.luedtke@house.state.md.us; Phone: 410-841-3110 | 301-858-3110; Toll-free in MD: 1-800-492-7122 ext. 3110
- [Full Committee Roster](#)

Ways and Means Committee - Education Subcommittee	Contact
Luedtke, Eric G. (Chair)	➔
Afzali, Kathy	➔
Ali, Bilal	➔
Ebersole, Eric	➔

Hornberger, Kevin B.	
Patterson, Edith J.	
Rose, April	
Shoemaker, Haven	
Washington, Mary L.	

For more information, contact MABE’s Director of Governmental Relations, John R. Woolums, Esq., at jwoolums@mabe.org or 410-841-5414.

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 often 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 met on Monday, March 20 to review the status of priority bills and the state budget ([Agenda and Materials](#)).

For more information on MABE’s Legislative Committee, including meeting agendas and materials, and MABE’s testimony on pending legislation, go to MABE’s website at www.mabe.org under Advocacy and the Annapolis Advocacy Center.

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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