MABE
MARYLAND ASSOCIATION OF BOARDS OF EDUCATION

621 Ridgely Avenue, Suite 300, Annapolis, Maryland 21401
410-841-5414 · 800-841-8197 · Fax: 410-841-6580 · MABE.org

2017 Session Summary

Introduction

The 2017 legislative session of the Maryland General Assembly was convened on Wednesday, January 11, 2017 and adjourned "sine die" at midnight on Monday April 10, 2017. The session saw the introduction of 1672 House bills and 1208 Senate bills. Of these 2880 bills and resolutions, MABE tracked more than 400 bills, and provided testimony and advocated on more than 60 House bills and more than 40 Senate Bills.

MABE's Legislative Committee met regularly throughout the 2017 session to deliberate and vote on bill positions and to receive updates on pending legislation. The Committee is chaired by Stacy Korbelak (Anne Arundel County) and the vice chair is Warner Sumpter (Somerset County). In advance of the legislative session, MABE conducted its annual update of the association's Continuing Resolutions, which provide the foundation for MABE's legislative and policy positions. On October 5, 2016 local board members approved Continuing Resolutions for 2016-2017. In November 2016, MABE's Legislative Committee adopted the 2017 Legislative Positions. MABE's legislative priorities in 2017 include:

- 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;
- Support for full State funding for Maryland's outstanding public schools;
- Support for robust State funding for school construction and renovation projects; and
- Support for sustained local government investments in education.

Overall, the school funding provided through the FY 2018 State Budget, and school facility funding provided in the FY 2018 Capital Budget, meet or exceed MABE's expectations. These budgets not only sustain but significantly enhance the State's investment in public education and address areas of special concern. The State Budget not only fully funds the formula and grant funding mandated by the Bridge to Excellence Act but also relieves local boards of $20 million in teacher retirement costs; and provides enrollment-based and prekindergarten supplemental grants to Baltimore City and other eligible local boards of education. The Capital Budget includes not only the substantial $285 million allocation for school construction and renovation projects but also funds the $6.1 million aging school program eliminated last year, and increases the $40 million supplemental program for overcrowded school systems to $62.5 million.

The 2017 session did see the introduction of several bills which presented challenges to local board governance; but few passed. A key exception is the More Learning, Less Testing Act which will require annual quasi-negotiated processes, involving teachers' union representatives, to develop recommendations and mutual agreements on student assessment policies.

Major bills opposed by MABE which were not enacted include a bill to remove the authority to discipline employees from the local board of education and transfer it to an arbitrator for binding arbitration decisions; and a bill to shift the burden of proof in many special education due process cases to the local school system. The purpose of this legislative summary, however, is to focus on the bills which have passed, in order to better prepare local boards of education and local school systems for the work ahead to implement a wide array of new laws, regulations, policies and procedures.

Quick Review of Education Bills Passed in 2017

The following bills all passed and are in the process of becoming law following the conclusion of the 2017 legislative session, which adjourned at midnight on Monday April 10, 2017.

Student Assessments
- More Learning, Less Testing Act
- PreK Student Assessments
- Kindergarten Readiness Assessments

State Accountability Plan
- Protect Our Schools Act

Employee Relations
- Whistleblower Protection Act
- Suicide Risk Response Training
- Public School Labor Relations Board Rules
- Collective Bargaining Agreement Disputes

Curriculum & Instruction
- Heroin/Opioid Education & School Health
- Remote Classroom Technology Grant Program
- The Textbook Cost Savings Act of 2017
- Adult High School Pilot Program

Special Education
- Burden of Proof – Study
- Parental Consent – Limited to Three Decisions
- Seclusion/Restraint – Taskforce
- Specialized Intervention Services – Reports

Career & Technology Education
- Pathways in Technology Early College High (P-TECH) School Act
- More Jobs for Marylanders Act & CTE Goals

Student Discipline
- PreK-Grade 2 Suspension Ban
- School to Prison Pipeline & Restorative Practices Commission

Safety
- Evacuation Plans for Disabled Students
- Fire Drill Adjustments
- Two-Way Tip Programs for Bullying
- Security Upgrades for Schools at Risk for Hate Crimes

Open Meetings Act & Public Information Act
- Open Meetings Act Training by MABE
- Public Information Act Revisions

Student Data
- Maryland Longitudinal Data System Extension

Prekindergarten
- Workgroup on Universal Access

Student Health
- Student School-Based Behavioral Health Services
- Council on Advancement of School-Based Health Centers
- Student Behavioral Counseling Services
- Feminine Hygiene Products for Homeless Girls

School Meals
- Hunger-Free Schools Act
- Grab & Go Meals in High Schools

Student Attendance
- Pregnant & Parenting Student Absence Policy

Student Transportation
- Head Start School Bus Standards
- School Bus Monitoring Cameras – Repealing the Exclusion for Rental Cars; and Civil Penalty Increase

Local Boards
- Anne Arundel County Board – Elected
- Baltimore City Board – Mayoral Appointments
- Baltimore County Board – Reforms
- Howard County Board – Election Reforms

Other Bills
- Maryland Education Development Collaborative
- Tax-Free Back-to-School Shopping – Backpacks
- VLT's – Disposition of Unclaimed Winnings

Environment
- Testing for Lead in School Drinking Water

State Budget & School Funding
- State Operating Budget for Education

School Facilities & Capital Budget
- State Capital Budget

Bills Passed in the 2017 Legislative Session

Student Assessments

- **More Learning, Less Testing Act** (HB 461/SB 452) (Sen. Manno/Del. Luedtke)
  This bill requires local boards of education and exclusive employee representatives to meet and confer regarding student assessments as specified in the bill and, by December 1, 2017, and every two years thereafter in odd numbered years, mutually agree to a limited amount of time that may be devoted to federal, State, and locally mandated assessments for each grade. If the parties fail to mutually agree, the time that may be devoted to specified assessments must be limited to 2.2% of the minimum required annual instructional hours for every grade except for eighth grade, which must be limited to 2.3%. In even numbered years, school systems must convene District Committees on Assessments comprised of teachers selected by the exclusive bargaining unit and parents, to advise and make recommendations on the time required to administer each assessment, purpose, timeliness of results, etc. In addition the bill the bill requires the State Board in collaboration with local boards to develop a middle school Social Studies assessment which consists, to the greatest extent possible, of criterion-referenced, performance-based tasks. The bill takes effect June 1, 2017.

  MABE opposed this bill as introduced, and continues to have concerns about the bill's approach to requiring a quasi-negotiation process between the teachers' unions and local school systems regarding student assessments. (MABE Testimony)

- **Prekindergarten Student Assessment** (HB 548/SB 667) (Sen. Jennings/Del. Shoemaker)
  As introduced, this bill would have placed a moratorium on the administration of the Early Learning Assessment (ELA) for enrolled prekindergarten students. However, as enacted, the bill authorizes local school systems to administer the ELA under the following condition. "Before administering the early learning assessment, a county board shall consult with prekindergarten teachers, including teachers nominated by the exclusive bargaining representative, in determining how to implement the assessment." The bill takes effect July 1, 2017.

  MABE opposed this bill as introduced, but supports the amendments to allow each local board to continue to administer the early learning assessment. However, MABE remains concerned about the approach adopted which will involve union representatives in determining student assessment practices. (MABE Testimony)

- **Kindergarten Readiness Assessment** (HB 654/SB 145) (Del. Kaiser/Sen. Pinsky)
  This bill extends from October 1 to October 10 the date by which the Kindergarten Readiness Assessment (KRA) must be completed when a local board of education or a principal and teacher who are in mutual agreement decide to assess all students entering kindergarten in a school year. The bill takes effect July 1, 2017.

  MABE supported this bill, recognizing that the October 1 deadline for completing the administration of the KRAs was no longer feasible following the Governor's Executive Order mandating a post-Labor Day start for all of Maryland's public schools beginning in 2017. (MABE Testimony)

State Accountability Plan

- **Consolidated State Plan and Support and Improvement Plans (Protect Our Schools Act of 2017)** (HB 978) (Del. Luedtke)
  This bill requires that the State's consolidated state plan to improve student outcomes, which the Maryland State Department of Education (MSDE) must submit to the U.S. Department of Education (ED) under the federal Every Student Succeeds Act (ESSA), complies with the requirements detailed in the bill. The bill specifies parameters for academic and school quality indicators; comprehensive support and improvement plans; and targeted support and improvement plans; and prohibits specified interventions. The bill also requires the State Board of Education to establish a composite score that provides for meaningful differentiation of schools and specifies how the composite score must be developed and reported. The bill takes effect July 1, 2017.

  Governor Hogan's veto of this bill was overridden by the legislature on April 6 by votes of 90-50 in the House and 32-15 in the Senate, resulting in the bill becoming law before the end of session.

  School Quality Indicators: An educational accountability program must include at least three quality indicators that measure the comparative opportunities provided to students or the level of student success in public schools. One of the school quality indicators must be school climate surveys. The school climate surveys must include at least one question to educators regarding the receipt of critical instructional feedback. Other school quality indicators may include: class size; case load; opportunities to enroll in Advanced Placement courses and International Baccalaureate Programs; opportunities for dual enrollment; opportunities to enroll in career and technology education programs; chronic absenteeism; data on discipline and restorative practices; and access to teachers who hold an Advanced Professional certificate or have obtained National Board certification. The school quality indicators used may not be based on student testing.

  Academic Indicators: Of the academic indicators established by the State board, one must be access to or credit for completion of well-rounded curriculum that is indicative of on-track progress at key transition points within elementary and secondary education. The combined total of the academic indicators may not exceed 65% of the composite score. The composite score must be calculated numerically in a percentile form and may not be reported using a letter grade model. No academic or school quality indicator may be weighted as less than 10% of the total amount of the composite score. Subject to these restrictions, the final weights of the academic and school quality indicators must be determined by the State Board of Education, with stakeholder input.

  Limits on State Interventions: After a three-year period from the date of a plan's implementation, if MSDE determines that student outcomes have not improved at a public school and intervention is necessary, MSDE must collaborate with the local board of education in determining the appropriate intervention strategy, subject to existing collective bargaining agreements between the local board of education and the exclusive bargaining representative. An intervention strategy may not include (1) creating a State-run school district; (2) creating a local school system in addition to the 24 school systems established in the Education Article; (3) converting or creating a new public school without local board approval; (4) issuing scholarships to public school students to attend nonpublic schools through direct vouchers, tax credit programs, or education savings accounts; and (5) contracting with a for-profit company. A decision of MSDE regarding an intervention strategy is final.

  MABE supported this bill with amendments to address concerns with the bill's prescriptive approach to defining the role of non-academic school quality indicators in the state accountability plan being developed by the State Board of Education as required by the federal Every Student Succeeds Act (ESSA). MABE participated in the development of amendments to the "front half" of the bill which would have limited the role of academic factors to 51% of the overall plan; and the final

percentage is 65%. MABE strongly supported the "back half" of the bill which clearly prohibits the State Board or MSDE from mandating several specific types of intervention strategies for persistently low-performing schools. (MABE Testimony)

Employee Relations

- **Whistleblower Protection for School Employees** (HB 1145) (Del. Tarlau)
  This bill prohibits a public school employer from taking, or refusing to take, any personnel action as reprisal against a public school employee because the employee discloses or threatens to disclose unlawful behavior; provides information or testifies for an investigation of unlawful behavior; or objects to or refuses to participate in unlawful behavior. The protection only applies if (1) the public school employee has a good faith belief that the employer is still engaged in unlawful activity; (2) the employee discloses specified information that the employee believes evidences an abuse of authority, a danger to public health or safety, or a violation of law; and (3) the public school employee has reported the behavior in writing to a supervisor or administrator and afforded the employer a reasonable opportunity to correct the activity. Importantly, as amended the bill requires that a school employee must exhaust any administrative remedies before instituting a civil action under the bill.

  MABE opposed this bill as unwarranted in light of fact that the public school employees already enjoy a high standard of due process protections under Maryland law; and that these protections afford many assurances of transparent complaint and dispute resolution processes for employees who believe they have been retaliated against. MABE believes the bill is improved as amended to require that employees must exhaust any administrative remedies before instituting a civil action under the bill. (MABE Testimony)

- **Suicide Risk Response Training** (HB 920) (Del. Fraser-Hidalgo)
  This bill requires the State Board of Education to require, by July 1, 2018, all certificated school personnel who have direct contact with students on a regular basis to complete training by December 1 each year in the skills required to (1) understand and respond to youth suicide risk and (2) identify professional resources to help students in crisis. Each local board of education must determine the method of training, which must be provided to school personnel during (1) an in-service program or (2) a professional development requirement that may be met during time designated for professional development. The State Board of Education must adopt regulations to implement the bill. The bill takes effect July 1, 2017.

  MABE opposed this bill as introduced, but following its passage in the House supported the bill with amendments to limit the scope of the employee training mandate to certificated employees (teachers and principals). Amendments also limit liability arising from the bill's new requirements that trained employees respond to students in crisis by identifying professional resources. (MABE Testimony)

- **Public School Labor Relations Board** (HB 746) (Del. M. Washington)
  This bill requires the Attorney General to assign an assistant Attorney General to provide legal services to the Public School Labor Relations Board (PSLRB), the Higher Education Labor Relations Board (HELRB), and the State Labor Relations Board (SLRB). Specified powers of PSLRB with regards to the administration and enforcement of the collective bargaining process for certificated and noncertificated public school employees are altered by the bill, as well as the selection of the chair of PSLRB. The bill takes effect July 1, 2017.

MABE supported this bill, after opposing similar legislation in the past, with the major difference being the removal of provisions to limit venue to Anne Arundel County courts, and to erode the local board's final decision making authority regarding negotiated contracts. (MABE Testimony)

- **Limitations on Action for Violation of Collective Bargaining Agreements** (HB 852) (Del. Barkley)
  This bill specifies a period of limitations for filing an action for injunctive relief or damages for (1) a violation of a collective bargaining agreement covering an employee of the State or a political subdivision of the State or (2) a breach by an exclusive representative of the duty of fair representation owed to an employee of the State or a political subdivision of the State. Under the bill, such an action must be commenced within six months after the later of (1) the date on which the claim accrued or (2) the date on which the complainant knew or should reasonably have known of the breach. The bill applies prospectively to causes of action arising on or after the bill's October 1, 2017 effective date.

- **Labor and Employment - Maryland Healthy Working Families Act** (HB 1) (Del/ Clippinger)
  This bill requires an employer with more than 14 employees to have a sick and safe leave policy under which an employee earns at least 1 hour of paid sick and safe leave, at the same rate as the employee normally earns, for every 30 hours an employee works. An employer with 14 or fewer employees, based on the average monthly number of employees during the preceding year, must have a sick and safe leave policy that provides an employee with at least 1 hour of unpaid sick and safe leave for every 30 hours an employee works. An employer is not required to allow an employee to earn or carry over more than 56 hours of earned sick and safe leave in a year, use more than 80 hours of earned leave in a year, accrue more than 80 hours at any time, or use earned sick and safe leave during the first 90 calendar days worked or first 480 hours worked, whichever is shorter. The bill takes effect January 1, 2018.

  MABE opposed this bill based on the potential costs to local school systems and the efficient administration of the more than 1,400 public schools in Maryland. The bill passed with veto-proof majorities on April 5, 2017. Governor Hogan vowed in March to veto the bill and now has 30 days to do so before the bill becomes law.

Curriculum & Instruction

- **Heroin/Opioid Education & School Health** (HB 1082/SB 1060) (Del. Bromwell/Sen. Miller)
  This bill (1) requires the State Board of Education to expand an existing program in the public schools to encompass drug addiction and prevention education (specifically heroin and opioids); (2) requires each local board of education to establish a policy requiring each public school to store naloxone and authorize school personnel to administer it; (3) requires each local board of education or local health department (LHD) to hire a county or regional community action official or to develop an equivalent program; (4) requires the Governor to include a general fund appropriation of at least $3.0 million in the FY 2019 budget for the Maryland State Department of Education (MSDE) to award grants to local boards of education to implement the bill's policy and training requirements; (5) requires each institution of higher education in Maryland that receives State funding to establish a policy that addresses heroin and opioid addiction and prevention, including awareness training for incoming students, obtaining and storing naloxone, and training of campus police (or other designated personnel); (6) requires certain institutions of higher education to offer instruction in substance use disorders; and (7) requires MSDE to convene a workgroup and submit a report on behavioral and substance abuse disorder services in public schools. The workgroup includes MABE representatives, and must make recommendations by Dec. 1, 2017. The bill takes effect July 1, 2017.

MABE supported this bill with amendments to clarify several provisions regarding the roles of local boards and local health departments, the training of school health personnel, and the role of the newly established community action officials. MABE greatly appreciates to cooperation of Senate President Miller and Delegate Bromwell, vice chair of the Health and Government Operations Committee, in accepting MABE's requested amendments. (MABE Testimony)

- **Remote Classroom Technology Grant Program** (HB 197/SB 485) (Del. Luedtke/Sen. Sarafini)
  This bill establishes the Remote Classroom Technology Grant Program to provide grants to public schools to purchase technology to allow students with medical conditions to participate in classrooms remotely if in-person attendance is not possible. The Governor may include funding in the State budget annually for the program. The Maryland State Department of Education (MSDE) must administer the program and may adopt regulations to implement the bill. The bill takes effect July 1, 2017.

- **The Textbook Cost Savings Act of 2017** (HB 967/SB 424) (Del. Frick/Sen. Rosapepe)
  This bill requires the Governor to include $100,000 in the fiscal 2019 State budget as a grant to the William E. Kirwan Center for Academic Innovation (the center) at the University System of Maryland (USM) for the Maryland Open Source Textbook (MOST) Initiative. In addition, the center and the Maryland State Department of Education (MSDE) must jointly explore the possibility of providing all students in primary and secondary education with high-quality, low-cost learning materials and resources such as openly licensed educational resources. The center and MSDE must submit an interim report by December 31, 2017, and findings and recommendations by December 31, 2018. The bill takes effect July 1, 2017, and terminates June 30, 2022.

- **Adult High School Pilot Program** (HB 1381/SB 866) (Del. Clippinger/Sen. Klausmeier)
  This bill establishes an adult high school pilot program to provide an alternative method for adults who did not graduate from high school to earn a high school diploma and potentially earn postsecondary education credits and industry-recognized certification in an environment that meets the needs of an adult learner. The Maryland State Department of Education (MSDE) and the Department of Labor, Licensing, and Regulation (DLLR) jointly administer and supervise the program. The bill takes effect July 1, 2017.

Special Education

- **IEP Study (No Shifting of Burden of Proof)** (HB 1240) (Del. Kaiser)
  By July 1, 2018, the Maryland State Department of Education (MSDE) must contract with an outside entity to conduct a study of the individualized education program (IEP) process in the State. MSDE must report the findings and recommendations of the consultant to the General Assembly by July 1, 2019. In addition, MSDE, in consultation with each local school system, must review and assess staff allocations and resources that are available to assist the parents and guardians of children with disabilities to participate in the IEP process, as well as current population densities of children with IEPs and of special education teachers. The findings and recommendations from MSDE's review and assessment must be submitted to the General Assembly by December 31, 2018.

MABE opposed this bill as introduced, and as amended prior to passing in the House, based on concerns regarding the potential scope of the types of decisions subject to the shifted burden of proof. Specifically, the bill would have shifted the burden of proof to school systems in due proceedings regarding:

- Disputes over the delivery of services under the child's existing individualized education program; or
- Disputes over proposed changes to the child's existing individualized education program at the annual review meeting.

MABE did not oppose the final iteration of the bill as amended in the Senate to require extensive studies of the State's approach to delivering special education services. (MABE Testimony)

- **Parental Consent – Limited to Three Decisions** (HB 174/SB 710) (Del. Luedtke/Sen. Conway)
  This bill requires the individualized education program (IEP) team to obtain written consent from a parent if the team proposes to (1) enroll the child in an alternative education program that does not issue or provide credits toward a high school diploma; (2) identify the child for the alternate assessment aligned with the State's alternate curriculum; or (3) include restraint or seclusion in the IEP to address the child's behavior.

  If the parent does not provide written consent, the IEP team must send the parent written notice within five business days of the IEP meeting that (1) the parent has the right to either consent, or refuse to consent, to an action described above, and (2) if the parent does not provide written consent or refusal to consent within 15 business days of the IEP team meeting, the IEP team may implement the proposed action. If a parent refuses to consent to the proposed action, the IEP team may use the dispute resolution process to resolve the matter. The bill takes effect July 1, 2017.

  MABE opposed this bill, and urged adoption of the amendment to remove the category of parental consent regarding IEP team decisions to initiate a change in the child's educational placement. (MABE Testimony)

- **Seclusion/Restraint – Taskforce to Update Regulations** (SB 786) (Sen. Zucker)
  This bill requires the Maryland State Department of Education (MSDE) to convene a task force to examine policies and practices related to behavioral interventions in schools, including the use of restraint, seclusion, and trauma-informed interventions. The task force must report to the State Board of Education and the General Assembly by October 1, 2017 on its findings and recommended regulations related to seclusion. In general, the task force must consider the circumstances under which restraint and seclusion shall be prohibited; training requirements for school staff; minimum requirements for school system policies; and standards for monitoring compliance. Regarding seclusion, the task force must make specific recommendations on the use of seclusion such as the types of doors and locking mechanisms and observation and safety standards. Following the task force recommendations, MSDE must propose regulations to the State Board by December 1, 2017.

  The bill also requires public agencies, as defined by the bill, and nonpublic schools to report annually on the use of physical restraint and seclusion, as well as on professional development provided to school personnel related to positive behavior interventions, strategies, and supports and trauma-informed interventions. MSDE must provide guidance to public agencies and nonpublic schools and also report to the General Assembly on related matters. The bill takes effect July 1, 2017; statutory provisions related to the task force are repealed June 30, 2019.

  MABE opposed this bill as introduced, and yet also acknowledged that the statute may be in need of updating relative to the more recently updated and highly regarded set of state regulations. Therefore MABE urged that any statutory changes closely reflect the regulations that now govern these practices. MABE appreciates the support of Senate Zucker for amendments to ensure significant progress in updating the standards for utilizing

seclusion rooms or physical restraints of students through the development of new State regulations. (MABE Testimony)

- **Specialized Intervention Services – Reports** (SB 1) (Sen. Conway)
  This bill requires that, beginning with the 2018-2019 school year, each local board of education must, by December 1 of each year, submit a report on specialized intervention services to the Maryland State Department of Education (MSDE). The report must include information on the number of students in kindergarten through grade 3 receiving the services, the grades in which the services were provided, and the annual budget (including federal, State, and local funds) for the services. MSDE must establish guidelines for the report that each local board must submit. MSDE and each local board of education must annually post the information required under the bill on their respective websites.

  MABE supported this bill with amendments, in the context of recognizing the importance of the services at issue, but requesting amendments to establish an interim study of the complex statutory and regulatory issues, and the reporting requirements relating to specialized intervention services and to the federal, state and local funding being provided for such services. The House proceeded to amend the Senate bill and House bill (HB 286) to include much more onerous reporting requirements and MABE ultimately urged the adoption of the SB 1 as introduced. (MABE Testimony)

Career & Technology Education

- **Pathways in Technology Early College High (P-TECH) School Act** (SB 319) (Administration)
  This Administration bill alters many aspects of the Pathways in Technology Early College High (P-TECH) School Program and establishes funding mechanisms for the program. A P-TECH school is a public secondary school selected by the Maryland State Department of Education (MSDE) that partners with both a college partner and an industry partner. The P-TECH school provides a "pathway sequence" which is a curriculum or course of study that leads to a high school diploma and an associate's degree that may be completed within a six-year period. The funding mechanisms require State and local funds that result in no cost to the student. The bill takes effect July 1, 2017.

  MABE supported this bill as much needed to clarify the funding provision in statute to support the P-TECH program as it expands. (MABE Testimony)

- **More Jobs for Marylanders Act** (SB 317) (Administration)
  This Administration bill establishes a 10-year income tax credit for specified manufacturing businesses in certain jurisdictions if the businesses increase employment and offer ongoing job skills enhancement training. The bill also allows manufacturing businesses throughout the State to claim increased expensing amounts under the State income tax by conforming State law to the maximum aggregate costs of expensing allowed under Section 179 of the Internal Revenue Code (IRC) and to claim any bonus depreciation amounts provided under Section 168(k) of IRC.

  The bill also: (1) establishes an income tax credit for businesses that employ an eligible apprentice; (2) establishes Workforce Development Sequence Scholarships for eligible students who are enrolled in a job skills program at a community college; (3) requires specified vocational goals to be established for high school students; and (4) requires State agencies to analyze and report specified information on registered apprenticeship programs.

  Importantly, SB 317 includes provisions originally included in SB 335, introduced by Senator Rosapepe as the Career Apprenticeship Opportunity Act of 2017. As amended, SB 317 now requires the State

Board of Education, in consultation with DLLR and the Governor's Workforce Development Board, to develop statewide career and technical education (CTE) goals. Specifically, goals must be set for each year from 2018 through 2024 so that by January 1, 2025, 45% of high school students successfully complete a CTE program, earn industry-recognized occupational or skill credentials, or complete a registered youth or other apprenticeship before graduating high school. On or before December 1, 2017, the State Board must develop a method to consider a student's attainment of a state–approved industry credential or completion of an apprenticeship program as equivalent to earning a score of 3 or better on an Advanced Placement examination for purposes of the Maryland Accountability Program.

MABE took no position on this Governor's Jobs bill as introduced, or as amended late in session to include the provisions originally included in SB 335 regarding career and technology education (CTE) completion goals.

Student Discipline

- **Ban on Suspensions & Expulsions in Prekindergarten through Grade 2** (HB 425/SB 651) (Del. Lierman/Sen. Smith)
  This bill prohibits a child enrolled in a public prekindergarten program through second grade from being suspended or expelled from school, subject to exceptions. The bill allows a student in the specified grades to be expelled if required by federal law. A student may be suspended for up to five school days if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.

  The bill specifies the intervention and support that must be provided to students who are suspended from prekindergarten, kindergarten, first grade, or second grade and to any other students in those grades who are disruptive or commit an act that would otherwise be grounds for suspension. Students in Baltimore City who are affected by the bill may not be transferred to the Alternative Learning Center for specified offenses. The Maryland State Department of Education (MSDE) must adopt regulations by May 1, 2018, to implement the bill's provisions. The bill takes effect July 1, 2017.

  MABE supported this bill with amendments to limit the scope of the bill and modify the conditions under which students may be suspended. Ultimately the requested amendments were partially accepted, allowing for suspensions of up to 5 days in limited circumstances, but continuing to apply the general ban to grades prekindergarten through grade 2. (MABE Testimony)

- **Commission on the School-To-Prison Pipeline & Restorative Practices** (HB 1287) (Del. A. Washington)
  This bill establishes the Commission on the School-to-Prison Pipeline and Restorative Practices, staffed by the Center for Dispute Resolution at the University of Maryland School of Law. Members of the commission are not entitled to compensation but may be reimbursed for their expenses. The Maryland State Department of Education (MSDE) must brief the commission on specific school discipline topics. The commission must study current disciplinary practices in Maryland public schools; investigate potential implementation options regarding incorporating restorative practices; document relationships between educational histories of Maryland students, including suspensions, expulsions, retention rates, and dropout rates; and establish a Collaborative Action Plan for a statewide framework for redesigning public school discipline practices. The commission must report its findings and recommendations to the Governor and General Assembly by January 1, 2019. The bill takes effect July 1, 2017, and terminates June 30, 2019.

From 2009 to 2014, the State Board of Education engaged in a comprehensive review and reform of Maryland's student discipline regulations and guidelines. MABE supported the State Board's initiative to require local boards of education to reform their student discipline policies to: prohibit "zero tolerance" policies; reflect a philosophy that fosters positive behavior; provide continuous education services to all suspended and expelled students; and hold school systems accountable for reducing and eliminating disproportionate impacts of student discipline policies on minority students. MABE is represented on the commission by the MABE President or their designee.

Safety

- **Education - Emergency and Evacuation Plans - Individuals With Disabilities** (HB 1061) (Del. A. Washington)
  This bill requires the Maryland State Department of Education (MSDE) to update the Emergency Planning Guidelines for Local School Systems and Schools by December 1, 2017, to accommodate, safeguard, and evacuate students, staff, and visitors with disabilities on public school grounds in accordance with the federal Americans with Disabilities Act. In updating the guidelines, MSDE must consult with disability advocacy groups. By July 1, 2018, each local school system must update its emergency plan to comply with the updated guidelines and regulations. If a student with an individualized education program (IEP) requires specific accommodations for evacuation in an emergency, the student's IEP must include the necessary accommodation. If a student with a 504 plan requires specific accommodations, the student's 504 team must discuss and address the student's needs as necessary. The bill takes effect July 1, 2017.

  MABE took no position on this bill as introduced, which would have created a task force. The bill was promptly amended to simply require MSDE and local school systems to update emergency plan guidelines and plans, respectively, to sure the safe evacuation of students with disabilities.

- **Fire Drills Requirements** (HB 1066/SB 201) (Del. Ebersole/Sen. King)
  This bill instructs the State Superintendent to require each county superintendent to hold a fire drill in each public school in accordance with the State Fire Prevention Code instead of at least 10 times per school year and at least once every 60 days. With regards to educational facilities, the code requires those with automatic sprinkler systems to hold five fire drills per year, with at least two occurring in the first four months of the school year. Educational facilities that are not fully protected by automatic sprinkler systems must hold eight fire drills annually, with at least three scheduled in the first four months of the school year. In both cases, one fire drill must be conducted in the first 30 days of operation, except for educational buildings that are open on a year-round basis. All occupants in the building must participate in a fire drill.

  MABE supported this bill in order to allow school systems to balance the impact on instructional time of the combined fire drills and many other school safety drills now being conducted annually in every school in the State. (MABE Testimony)

- **Anonymous Two-Way Electronic Tip Programs** (HB 669) (Del. Arentz)
  This bill authorizes a local board of education to establish a two-way electronic tip program for the anonymous reporting of bullying, harassment, or intimidation of a student. The purpose of the program is for a student, parent, guardian, or close adult relative of a student or a school staff member to report acts of bullying, harassment, or intimidation. The Governor may include funding in the State budget to provide grants to local boards of education to establish an anonymous two-way electronic tip program.

MABE opposed this bill as introduced because it would have mandated each local school system to purchase a proprietary, anonymous two-way text messaging program for the reporting of bullying. MABE did not oppose the bill as amended, which authorizes local boards to do so. (MABE Testimony)

- **Schools and Child Care Centers - State Grants for Security Upgrades for Facilities at Risk of Hate Crimes or Attacks** (HB 1661/SB 1191) (Del. Pena-Melnyk/Sen. Manno)
  This bill authorizes the Maryland Center for School Safety to make grants to schools and child care centers determined to be at risk of hate crimes or attacks for security-related personnel and technology and facility upgrades.

Open Meetings Act & Public Information Act

- **Open Meetings Act Training** (HB 880/SB 450) (Del. Morales/Sen. Manno)
  This bill alters several procedures and reporting requirements of the Open Meetings Act related to (1) the authority of public bodies to go into closed session; (2) procedures and training options for public bodies; (3) the Open Meetings Law Compliance Board's (OMCB) reporting of violations; and (4) the distribution of educational materials to public bodies.

  Prior to the passage of this bill, only a designated member or staff person was required to complete training on the requirements of the open meetings law. This training is offered by (1) the Office of the Attorney General (OAG) and the University of Maryland's Institute for Governmental Service and Research or (2) the Maryland Association of Counties (MACo) or the Maryland Municipal League (MML) through the Academy for Excellence in Local Governance. The classes are offered online at no charge and last between 30 and 60 minutes. This bill expands the training requirements and adds MABE as an approved organization for training purposes.

  Beginning October 1, 2017, a public body may not meet in closed session unless at least one member of the body has been designated to receive training on the requirements of the Open Meetings Law. If at least one such individual cannot be present at an open meeting of the public body, the body must complete a specified compliance checklist developed by OAG and include the checklist in the meeting minutes.

  The bill also requires OMCB and other specified entities, including MML, MACo, and MABE, to conduct training and collaborate and conduct research on open meetings issues related to the distribution of educational materials and the costs and benefits of tracking individual compliance with the Open Meetings Act. The bill takes effect July 1, 2017.

  MABE supported the bill as introduced with an amendment to add the training provided to school board members by MABE to the roster of approved training programs. MABE appreciates the acceptance of this amendment by the bill sponsors, Delegate Morales and Senator Manno. (MABE Testimony)

- **Public Information Act – Inspection & Redactions** (HB 383/SB 1057) (Del. Moon /Sen. Lee)
  This bill requires a custodian of a public record who denies an application for inspection of a public record under the Maryland Public Information Act (PIA), to include in the written statement that explains the reasons for the denial an explanation of why redacting information would not address the reasons for the denial.

Student Data

- **Maryland Longitudinal Data System - Student and Workforce Data Linkage - Extension of Time Limit** (HB 680/SB 1165) (Del. Kaiser/Sen. Waugh)
  This bill increases the length of time during which student data and workforce data used by the Maryland Longitudinal Data System (MLDS) may be linked from 5 years from the date of latest attendance in any educational institution in the State to 20 years. The bill prohibits the MLDS Center from selling any information that may not be disclosed under the federal Family Educational Rights and Privacy Act (FERPA) and other relevant privacy policies and also prohibits the center from charging user fees. The bill takes effect July 1, 2017.

Prekindergarten

- **Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-Year-Olds** (HB 516/SB 581) (Del. Atterbeary/Del. Sen. Ferguson)
  This emergency bill establishes a Workgroup to Study the Implementation of Universal Access to Prekindergarten for four-year-olds. The Maryland State Department of Education (MSDE) must designate a chair of the workgroup and provide staff. By September 1, 2017, the workgroup must report its findings and recommendations to the Commission on Innovation and Excellence in Education. The bill terminates one year from the date it is enacted.

Student Health

- **Needs Assessment for Student School-Based Behavioral Health Services** (HB 1522) (Del. Hill)
  This bill requires the Department of Health and Mental Hygiene (DHMH) and the Maryland State Department of Education (MSDE) to conduct a needs assessment for student school-based behavioral health services that includes data concerning all public school jurisdictions and all primary and secondary charter schools in the State. In conducting the needs assessment, DHMH and MSDE must consult with local education agencies and other interested stakeholders. The bill takes effect July 1, 2017.

- **Maryland Council on Advancement of School-Based Health Centers** (HB 221/SB 233) (Del. Cullison/Sen. Madaleno)
  This bill transfers the Maryland Council on Advancement of School-Based Health Centers from the Maryland State Department of Education (MSDE) to the Department of Health and Mental Hygiene (DHMH). The bill requires the Maryland Community Health Resources Commission (MCHRC), rather than MSDE, to provide staff for the council and authorizes MCHRC to seek the assistance of organizations with expertise in school-based health care or other matters within the duties of the council to provide additional staffing resources to MCHRC and the council. The council must report specified findings and recommendations to MCHRC, in addition to other specified entities, by December 31 of each year.

  The purpose of the council is to improve the health and educational outcomes of students who receive services from school-based health centers (SBHCs) by advancing their integration into (1) the health care system at the State and local levels and (2) the educational system at the State and local levels. The council must develop specified policy recommendations to improve the health and educational outcomes of students who receive services from SBHCs.

MABE is represented by a local board member on the council, which was first established in 2015.

- **Individualized or Group Behavioral Counseling Services** (HB 786) (Del. Angel)
  This bill requires the Department of Health and Mental Hygiene, in conjunction with the Maryland State Department of Education (MSDE), to recommend best practices for local boards of education to provide to students (1) behavioral needs assessments and (2) individualized or group behavioral health counseling services with a health care provider through a school-based health center or community-partnered school-based behavioral health services. The bill also prohibits an insurer, nonprofit health service plan, or health maintenance organization (collectively known as carriers) from denying a covered, medically necessary behavioral health care service provided by a participating provider to a member who is a student solely on the basis that the service is provided at a public school or through a school-based health center. The bill takes effect July 1, 2017, and applies to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after that date.

  MABE opposed this bill as introduced, because it would have required guidance counselors to not only assist any student referred to them for a determination of whether the student needs individualized counseling services, but also to assist the student in obtaining professional counseling services. Also, the bill would have required each school to provide space in the building for a student and an LCPC to meet privately during school hours for individualized counseling services. However, as amended MABE did not oppose the development of best practices regarding such services; and MABE appreciates the support of the sponsor, Delegate Angel, for this approach. (MABE Testimony)

- **Public Schools and Shelters - Homeless Girls and Women - Feminine Hygiene Products** (SB 625) (Sen. Benson)
  This bill requires the Department of Human Resources (DHR) to provide to shelters and each local board of education, feminine Hygiene products to make available to female students who are determined to be homeless children or youth under the federal McKinney-Vento Homeless Assistance Act. Each county board, through school nurses, must make available a free supply of feminine hygiene products sufficient to meet the needs of the students during the normal school year. The bill also authorizes funds provided by the Department of Human Resources (DHR) to "local administering agencies" and "service providers" for transitional housing services, including the Homeless Women – Crisis Shelter Home Program, to be used to purchase a supply of feminine hygiene products sufficient to meet the needs of female residents in shelters. The bill takes effect July 1, 2017.

Environment

- **Testing for Lead in School Drinking Water** (HB 270) (Del. Lafferty)
  This bill requires the Maryland Department of the Environment (MDE), in consultation with the Maryland State Department of Education (MSDE), the Department of General Services (DGS), and Maryland Occupational Safety and Health (MOSH), to adopt regulations to require periodic testing for the presence of lead in each "drinking water outlet" located in an occupied public or nonpublic school building. Among other things, the regulations must (1) require initial testing to be conducted by July 1, 2018; (2) phase in the testing, as specified; and (3) establish specific follow-up actions for positive test results. A waiver from the required testing must be granted under specified conditions. Before adopting the required regulations, MDE must gather specified information and convene a stakeholder group. The bill also establishes reporting requirements. The bill takes effect June 1, 2017.

MABE opposed this bill as introduced. MABE agreed that eliminating any student exposure to elevated lead levels in drinking water, to the extent present in public schools, is a critically important public health and safety issue. However, this bill will impose significant new costs on local school systems. Through stakeholder discussions led by the bill sponsor, MABE was able to secure significant amendments, including clarification of the scope of remediation work required, and the availability of waivers to reflect ongoing inspection and compliance programs in local school systems. (MABE Testimony)

School Meals

- **Hunger-Free Schools Act** (HB 287/SB 361) (Del. Hixson/Sen. Madaleno)
  This bill extends through fiscal 2022 the provision in law that altered the enrollment count used to calculate State compensatory education aid in fiscal 2017 and 2018 for local boards of education that participate, in whole or in part, in the U.S. Department of Agriculture (USDA) Community Eligibility Provision (CEP). The bill takes effect July 1, 2017.

  The Healthy, Hunger Free Kids Act of 2010 amended the National School Lunch Act to provide an alternative to household applications for free and reduced-price meals. LEAs and schools must meet a minimum level of students directly certified for free meals (40% of enrollment) and serve free lunches and breakfasts to all students.

  MABE supported this bill in order to extend through FY 2022 the ability of local school systems to choose to participate in the Community Eligibility Provision (CEP) program which allows high-poverty schools to provide free breakfast and lunch to all students. (MABE Testimony)

- **Grab & Go Meals in High Schools** (HB 257/SB 359) (Del. Hixson/Sen. Madaleno)
  This bill authorizes secondary schools that participate in the Maryland Meals for Achievement In-classroom Breakfast Program (MMFA) to serve breakfast in any part of the school, including from "Grab and Go" carts, after arrival of students to the school. The bill also clarifies that schools that provide breakfasts in the classroom through MMFA, to students at all grade levels, must serve the breakfasts after arrival of students to the school. The bill takes effect July 1, 2017.

  MABE, joined by the Maryland School Nutrition Association, supported this bill in order to improve the way high schools are able to serve breakfast in order to meet the nutritional needs of more students. (MABE Testimony)

Student Attendance

- **Pregnant & Parenting Student Absence Policy** (HB 616/SB 232) (Del. Atterbeary/Sen. Manno)
  This bill requires that a student's absence due to pregnancy or parenting needs is a lawful absence. Each local board of education must develop a written attendance policy for pregnant and parenting students that at least meets specified requirements, and must publish the policy on its website. In addition to home and hospital services, the school may allow the student to make up the work that the student missed in a time period that equals at least as many days that the student was absent. The student may choose one of the following alternatives to make up the missed work: retake a semester; participate in an online course credit recovery program; or allow the student six weeks to continue at the same pace and finish at a later date. The bill takes effect July 1, 2017.

MABE supported this bill as introduced, with amendments to limit the bill's policy mandate to reasonably requiring that each school board adopt a policy governing the attendance of pregnant and parenting students. However, the bill was only ever amended in this manner by the Senate, and the House version prevailed. (MABE Testimony)

Student Transportation

- **Head Start School Bus Standards** (HB 23/SB 341) (Del. Lam/Sen. Edwards)
- This bill expands the definition of a "school vehicle" to include a vehicle that (1) was originally titled in another state and used to transport children, students, or teachers for educational purposes or in connection with a school activity in that state; (2) complies with federal regulations for transporting children enrolled in the federally funded Head Start program adopted by the U.S. Department of Health and Human Services; and (3) is used only for transporting children to and from a Head Start program.

- **Vehicle Laws - School Crossing Guards - Authority to Direct Traffic** (HB 1301/SB 78) (Del. Frush/Sen. Rosapepe)
  This bill expands the authority of school crossing guards, who meet specified criteria, to assist "vehicles" (in addition to school vehicles) that are entering and leaving school grounds by stopping or otherwise directing vehicles and pedestrians on a highway or on school grounds. The bill does not apply in Baltimore City.

- **School Bus Monitoring Cameras - Civil Penalty** (SB 154) (Sen. King)
  This bill increases the maximum civil penalty for a violation recorded by a school bus monitoring camera for failure to stop for a school vehicle operating alternately flashing red lights to $500. Today, the maximum fine is $250, however the judiciary has the set the standard fine at $125. Therefore, the outcome of this legislation is intended to be a standard fine of $250.

  MABE supported this bill in order to advance the abilities of school systems and local law enforcement agencies to protect the health and welfare of our students. (MABE Testimony)

- **School Bus Monitoring Cameras - Exclusion of Vehicle Rental Companies** (HB 263) (Del. Carr)
  This bill, by repealing an exclusion, subjects a motor vehicle rental company, as the owner of a vehicle, to enforcement of violations recorded by school bus monitoring cameras. Before mailing a citation to a rental company, a law enforcement agency must send a notice to the rental company stating that a citation will be mailed to the rental company unless certain conditions are satisfied.

  MABE supported this bill in order to repeal the exclusion of rental car companies as owners of motor vehicles for the purpose of the camera enforcement of violations of overtaking and passing a school bus loading and unloading students. (MABE Testimony) (MABE Testimony)

Local Boards

- **Anne Arundel County - Board of Education** (HB 716) (Anne Arundel County Delegation)
  This bill restructures the Anne Arundel County Board of Education from a nine-member appointed board to an eight-member elected board consisting of seven elected members (one from each of the seven councilmanic districts on a nonpartisan basis) and one student member. The bill also increases the salaries of board members (beginning with the next term of office) by varying amounts. Salaries for the

president and vice president are increased by $2,000 and $3,000 annually, respectively, and salaries for all other members are increased by $2,000 annually. In addition, the bill increases the amount of a scholarship awarded to a student member who completes a full term by $2,000. The bill generally takes effect June 1, 2017.

- **Baltimore City Board of School Commissioners - Members - Appointment and Removal** (HB 562/SB 1012) (Del. Hayes/Sen. Conway)
  This bill repeals the role of the Governor in making appointments to the Baltimore City Board of School Commissioners. The bill also repeals the Governor's role in filling board vacancies and removing board members for certain causes. As a result, board members will be appointed solely by the Mayor of Baltimore City on the effective date of the bill. In addition, the bill establishes the Baltimore City Public School Board Community Panel (which the mayor must convene) and specifies its membership. The purpose of the panel is to select nominees to be recommended to the mayor as qualified candidates for appointment to the board (including candidates for vacancies). If the mayor elects not to appoint a member or to fill a vacancy from a list submitted by the panel, the mayor must reconvene the panel to submit additional names of qualified candidates. The bill takes effect July 1, 2017.

- **Selection of Members to the Baltimore County School Board** (HB 88) (Baltimore County Delegation)
  This bill prohibits the Governor from appointing as a member of the Baltimore County Board of Education an individual who is a candidate for election to the board during an election year. The bill also prohibits a candidate for election to the board from seeking an appointment to the board by the Governor (through nomination by the Baltimore County School Board Nominating Commission) during an election year. Prior to recommending to the Governor nominees for appointment to the board, the commission must hold at least three public hearings, each in a different councilmanic district. The bill also requires the commission, rather than the Governor, to designate one of its members as chair of the commission by a majority vote.

  The bill specifies that the terms of the four members appointed at large who are in office on the effective date of the bill (or the terms of their successors) expire at the end of December 2, 2018. The Governor must appoint four members from a list of nominees submitted by the commission to succeed the departing members, each to serve a four-year term beginning on December 3, 2018, until a successor is appointed and qualifies.

- **Howard County Board of Education - Elected School Board** (HB 1299) (Howard County Delegation)
  This bill restructures the Howard County Board of Education from an eight-member board consisting of all at-large members to an eight-member board consisting of five members elected from each of the five councilmanic districts in the county and two at-large members, in addition to one student member. The bill takes effect July 1, 2017.

Other Bills

- **Maryland Education Development Collaborative** (SB 908) (Sen. Ferguson)
  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. The bill terminates September 30, 2021. EDCO is to advise and make 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 and to enhance socioeconomic and demographic diversity across the State's public schools. EDCO is to foster partnerships between public schools,

private businesses, universities, government, and nonprofit entities; and authorize funds and innovation grants to support and develop, through pilot programs and initiatives, twenty-first century public school programs, modern public school designs, and twenty-first century curricula, technologies, and practices in the State.

MABE had opposed somewhat similar legislation in the 2016 session based on concerns that the newly established EDCO would carry out numerous functions and exercise significant authority in conflict with the statutory authority of the State Board of Education and local boards of education. However, MABE took no position on this year's bill because it was substantially revised by the sponsor, Senator Ferguson, before introduction in 2017.

- **Sales and Use Tax - Tax-Free Period for Back-to-School Shopping - Sale of Backpacks and Bookbags** (HB 530/SB 622) (Del. M. Washington/Sen. Eckardt)
  This bill exempts from the State sales and use tax the first $50 of the taxable price of any backpack or bookbag purchased during the annual sales and use tax-free period for back-to-school shopping. The bill takes effect July 1, 2017.

- **Video Lottery Terminals - Disposition of Unclaimed Winnings** (HB 300) (Del. Fennell)
  This bill requires a jackpot won at a video lottery terminal (VLT) that is not claimed by the winner within 182 days after the jackpot is won to become the property of the State and be deposited as follows: 2.5% into the Small, Minority, and Women-Owned Businesses Account (SMWOBA); 9.5% for local impact grants; 10% into the Purse Dedication Account (PDA); 1.5% into the Racetrack Facility Renewal Account (RFRA); and the remainder (76.5%) into the Education Trust Fund (ETF).

State Budget & School Funding

- **State Operating Budget for Education** (HB 150) (Administration); and
  The Budget Reconciliation and Financing Act (BRFA) (HB 152) (Administration)
  On March 28, 2017 the General Assembly gave final approval to a $43.5 billion state budget when both chambers approved the Conference Committee report. The State Budget includes the State education aid for FY 2018 to fund public schools for the 2017-2018 school year. Maryland's 24 local school systems will receive approximately $5.6 billion in FY 2018, and overall direct aid to local school systems will increase by $96.4 million, or 1.7%, over the prior fiscal year. Major funding categories and programs include: Foundation, Compensatory, Limited English Proficient, Special Education, Transportation, Geographic Cost of Education Index, Guaranteed Tax Base, Net Taxable Income, Supplemental Grants, and many others. In addition, State payments to the pension system for retired teachers totals $770 million.

  The State Budget does include reductions in education aid and retirement contributions, with the majority of the reductions coming from a $35.6 million reduction in State costs for pension contributions for teachers. In addition, the Governor's budget proposed repealing mandates to fund new education programs which were to be funded for the first time in FY 2018. These education program cuts were addressed in the Budget Reconciliation and Financing Act (BRFA) (HB 152). The BRFA does lower the FY 2018 mandated funding for several education programs including the Teacher Induction, Retention, and Advancement Pilot Program; statewide and Anne Arundel County teacher stipends; and the Public School Opportunities Enhancement Program.

  The State Budget restricts funding for disparity grants for jurisdictions receiving an increase until the Maryland State Department of Education certifies that each jurisdiction has increased local spending on public schools above the Maintenance of Effort (MOE); and

specified that increased allocations to public schools under this language will not increase MOE requirements in FY 2019.

MABE supported sustaining full funding for public education in the FY 2018 State Budget. MABE advocated for doing so while at the same time requesting that the Governor and General Assembly address the teachers' retirement funding gap and the shortfall for the Baltimore City Public Schools and other school systems with declining enrollments. These issues were addressed in separate legislation described below. MABE opposed provisions of the BRFA to reduce or repeal future obligations to fund specific educational programs. (MABE Testimony)

BOOST: The State Budget provides $5.5 million for the Broadening Options and Opportunities for Students Today (BOOST) program and alters funding specifications and reporting requirements. The House approve a much lower amount of $2 million and the Senate recommended the full amount requested by the Governor of $6.85 million. MSDE is required to report on the distribution of the BOOST Program scholarships, information on the students receiving scholarships and teacher certifications for participating non-public schools.

MABE opposes private and parochial school vouchers, tuition tax credit programs, or other proposals that would threaten public school funding and public control over the use of public dollars. Also, MABE supports strong public accountability measures for any funding of private and parochial schools. Therefore, MABE initially supported eliminating funding for the BOOST program, and supported the House position of reducing funding. MABE appreciates the legislature's support for enhanced accountability for the BOOST voucher program, and the rejection of a significant funding increase.

- **Teachers' Retirement and Pension Systems - County Boards of Education Payments** (HB 1109/SB 1001)
  This bill relieves county boards of education, including the Baltimore City Board of School Commissioners, from their FY 2017 obligation to pay $19,695,182 of their share of the employer normal cost for their employees who are members of the Teachers' Retirement System (TRS) or Teachers' Pension System (TPS).

  MABE supported this legislation to relieve local boards of education from their FY 2017 obligation to pay nearly $20 million to the State Retirement Agency in unfunded costs resulting from increases in the local share of retirement costs for current employees. MABE appreciates the attention to this issue by the Governor in his proposed budget and by the General Assembly through this legislation. (MABE Testimony)

- **State Grants for Education Aid** (HB 684/SB 1024)
  This bill provides enrollment-based and prekindergarten supplemental grants to eligible local boards of education for FY 2018 through 2020; prekindergarten supplemental grant award amounts are phased in over a three-year period. A local board is eligible for an enrollment-based supplemental grant if the county's most recent prior three-year moving average full-time equivalent enrollment (FTE) is greater than the FTE in the previous school year. A local board is eligible for a prekindergarten grant if the local board offers a full-day program for all four-year-olds who are enrolled in public prekindergarten. In order for Baltimore City Public Schools to receive additional State funds under the bill, Baltimore City must increase its local contribution by specified amounts each year. The bill imposes additional requirements on the Baltimore City Board of School Commissioners and Baltimore City. The bill takes effect June 1,

2017. The Fiscal Note provides the funding amounts for school systems receiving additional State Aid for the supplemental PreK and enrollment-based grants.

MABE supported this bill because the declining enrollment grants provided by this legislation in the FY 2018 State Budget will help ensure the adequacy of education funding for these local school systems in the 2017-2018 school year. (MABE Testimony)

School Facilities & Capital Budget

- **State Capital Budget** (HB 151) (Administration)
  On March 29, 2017, the Maryland General Assembly passed the FY 2018 Capital Budget (HB 151). Of particular interest is a conference committee amendment to the capital budget that added a provision eliminating the role of the Board of Public Works (BPW) in granting final approval of the decisions made by the Interagency Committee on School Construction (IAC). By removing the BPW process from the final approval role on school construction project spending, this would eliminate the purpose of the annual "Beg-A-Thon" at which school systems have traditionally made such requests.

  The amendment reads: "Further provided that, notwithstanding § 5-302(e) of the Education Article or any other provision of law, the Interagency Committee on School Construction shall allocate 100% of the funds available for public school construction projects in fiscal 2018, including available contingency funds. The allocations made by the Interagency Committee on School Construction for fiscal 2018 shall not be subject to approval by the Board of Public Works and shall be deemed approved under § 5-301(c) of the Education Article."

  The FY 2018 Capital Budget provides $285 million for the Public School Construction Program, and the following additional funding initiatives. A total of $62.5 million is included in the budget for the Supplemental Capital Grant Program for Local School Systems. This program provides funds to local school systems with enrollment growth that over the last 5 years exceeds 150% of the statewide average or with 300 or more relocatable classrooms. In addition, this program was amended to include grants to local boards of education for federal E–rate–eligible special construction such as fiber and broadband infrastructure projects. The Aging School Construction Program for public schools is fully funded at $6.1 million. And the Qualified Zone Academy Bond (QZAB) program is funded at $4.8 million. The combined State investment in public school construction for FY 2018 totals more than the $350 million requested by MABE.

  MABE supported the Governor's capital budget as introduced, which would have provided a State investment of more than $330 million in elementary and secondary education school construction and renovation projects in FY 2018. As amended, the bill goes even further to meet the needs of local school systems and communities. MABE appreciates the shared support of the Governor and General Assembly for a robust state investment in providing high quality learning environments for all students. (MABE Testimony)

- **Qualified Zone Academy Bonds** (HB 153) (Administration)
  This Administration bill authorizes the Board of Public Works to issue $4,823,000 in interest-free Qualified Zone Academy Bonds (QZABs) by December 31, 2017, and grant the proceeds to the Interagency Committee on School Construction (IAC) and the Maryland State Department of Education (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, 2017.

MABE once again supported legislation to sustain this longstanding program to ensure that the federal QZAB program continues to provide significant, supplemental funding to further improve Maryland's public school facilities. (MABE Testimony)

Bills NOT PASSED in 2017

- **State Retirement and Pension System - Disability Retirement and Workers' Compensation Benefits - Offsets** (HB 344) (Del. Lierman)
  This bill would have repealed the requirement that the State Retirement and Pension System (SRPS) reduce an accidental or special (i.e., line-of-duty) disability payment by the amount of any related workers' compensation benefit paid and instead requires that workers' compensation benefits be reduced by the amount of any related accidental or special disability payment made by SRPS. The bill also would have repealed the authority to reduce a workers' compensation benefit by the amount of any ordinary (i.e., non-line-of-duty) disability payment that is paid by SRPS.

- **Stormwater Remediation Fees for School Systems** (HB 656) (Del. Barve)
  This bill would have subjected property owned by the State or a unit of State government, a county, a municipality, a public college or university, or a local school system, to stormwater fees. School Systems would have been subject to fees if the property is subject to a National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit issued to the county or municipality; the property is eligible for credits against the fees or charges to the same extent as other property located in the county or municipality; and the local jurisdiction and the property owner have not entered into a mutually agreed upon alternative arrangement in lieu of a stormwater remediation fee or charge.

- **Grounds for Employee Discipline** (SB 760/HB 497) (Sen. Guzzone/Del. A. Washington)
  This bill would have altered the procedures for suspending or dismissing a teacher, principal, supervisor, assistant superintendent, or other professional assistant by authorizing such an individual to request a hearing before an arbitrator instead of the local board of education. Under the bill, the local board of education would have been required to pay the full cost and expenses of the arbitration. The school system share of the cost was reduced to 75% in the Senate by amendment to SB 760. HB 497 was not acted on in the House. However, SB 760 passed the Senate 32-15, but was not acted on in the House.

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

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Maryland Association of Boards of Education
621 Ridgely Avenue, Suite 300
Annapolis, Maryland 21401
www.mabe.org