Legislative Committee Meeting  
Monday, October 16, 2017  
10:00 a.m. – Noon  
MABE Conference Room  

Stacy Korbelak, Legislative Committee Chair  
Warner Sumpter, Legislative Committee Vice Chair  

### Agenda

<p>| | | | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Welcome and Introductions</td>
<td>Information</td>
<td>Stacy Korbelak</td>
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<tr>
<td>2.</td>
<td><strong>Dr. William (Brit) Kirwan, Chair, Commission on Innovation and Excellence in Education</strong> Presentation &amp; Discussion</td>
<td>Information &amp; Discussion</td>
<td>Stacy Korbelak</td>
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<td>3.</td>
<td>Reports from Board Members</td>
<td>Information</td>
<td>Stacy Korbelak/All</td>
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| 4. | Issue Updates  
   - Universal Prekindergarten  
   - ESSA State Plan  
   - School Construction  
   - Interim Taskforces | Information & Discussion | John Woolums/All | 20 min. |
| 5. | **MABE's 2018 Legislative Positions & Priorities**  
   - Draft for Discussion | Information & Discussion | John Woolums/All | 20 min. |
| 6. | Legislative Committee Calendar  
   - November 13, 2017 – Legislative Positions & Priorities  
   - December 18, 2017 – Session Forecast | Information | Stacy Korbelak | 5 min. |
| 7. | Adjournment | Closing Remarks | Stacy Korbelak |

*Meeting Materials on Reverse*
Materials & Resources for the October 16, 2017 Meeting

Item 2. Kirwan Commission
- MABE Comments to the Kirwan Commission (Oct. 12, 2017)
- MABE Letter to the Kirwan Commission (September 13, 2017) & MABE Talking Points
- Kirwan Commission – Sept. 14 meeting materials
- Kirwan Commission Regional Public Hearing Schedule
- Work Plan & Timeline

Item 4. Issue Updates
- Universal Prekindergarten
  - Prekindergarten Analysis by the Center for American Progress
  - Gov. Hogan Letter to State Board President Smarick; Letter to ED Sec. DeVos
- School Construction
- Interim Taskforces & Regulations:
  - Task Force on Restraint and Seclusion (SB 786)
  - Lead Testing In School Drinking Water Work Group (HB 270)
  - Ethics Regulations (HB 879)
  - Commission on the School-to-Prison Pipeline & Restorative Practices (HB 1287)
  - Behavioral and Substance Abuse Programs and Services Workgroup (HB 1082)

Item 5. Legislative Positions
- Draft to be distributed at meeting

Item 6. Legislative Committee Calendar

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tr>
<td>September 18, 2017</td>
<td>Guest Speaker: Robert A. Gorrell, Executive Director, Maryland Public School Construction Program</td>
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<tr>
<td>October 5, 2017</td>
<td>Legislative Committee Breakfast at Annual Conference</td>
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<tr>
<td>October 16, 2017</td>
<td>Guest Speaker: Dr. William (Brit) Kirwan, Chair of the Commission on Innovation and Excellence in Education</td>
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<tr>
<td>November 13, 2017</td>
<td>Legislative Positions &amp; Priorities</td>
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<td>December 18, 2017</td>
<td>Commission Recommendations &amp; Legislative Forecast</td>
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<tr>
<td>January 22, 2018</td>
<td>Budget Highlights &amp; Advocacy</td>
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<tr>
<td>February 4-6, 2018</td>
<td>FYI – NSBA Advocacy Institute – Washington, DC</td>
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<td>February 12, 2018</td>
<td>Bill Status &amp; Positions</td>
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<td><strong>MABE's Legislative Day Luncheon (February 20, 2017)</strong></td>
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<td>February 26, 2018</td>
<td>Bill Status &amp; Positions</td>
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<tr>
<td>March 12, 2018</td>
<td>Bill Status &amp; Positions</td>
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<td>March 26, 2018</td>
<td>Bill Status &amp; Positions</td>
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<td>April 23, 2018</td>
<td>Session Summary</td>
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Maryland Association of Boards of Education

Comments to the Commission on Innovation and Excellence in Education

C. Tolbert Rowe

MABE President-Elect

October 12, 2017

Mr. Chairman and members of the Commission, I am Tolbert Rowe, a member of the Caroline County Board of Education and President-Elect of the Maryland Association of Boards of Education (MABE). On behalf of MABE, and representing Maryland’s 24 local boards of education, I appreciate the opportunity to address the Commission to voice strong support for updating and enhancing Maryland’s public school finance system.

MABE believes that significant funding increases are needed to support equitable access for all students to an excellent education. MABE also believes that local boards must be at the helm, fulfilling the responsibility to govern school systems in the best interests of all students.

MABE urges the Commission to fulfill its primary charge and address the adequacy study’s overarching conclusion that there is an enormous statewide funding gap. Substantially more per pupil funding is required not only to prepare all students to succeed based on higher standards in reading, math and science, but also to fund new programs such as universal prekindergarten and more robust college and career readiness programs, including dual enrollment, career technology education, and apprenticeship programs.

The funding gap did not happen overnight. According to the General Assembly’s analysis, in 2002 the statewide adequacy gap was $1.1 billion. The Bridge to Excellence Act closed this gap by 2008. But by 2015, there was a statewide adequacy gap of $1.6 billion. State funding increases flattened out by 2008 and have not been revisited – and that was nearly a decade ago.

Fortunately, we know that during the years of significant funding increases, Maryland’s students outperformed the nation and achieved top national rankings. In 2008, a national consulting firm, MGT of America, conducted an evaluation of the effect of increased state aid to local school systems. They found that local school systems “demonstrated substantial improvements in the percentages of their student populations who were proficient in reading and mathematics.” In other words, what they found was that money does, in fact, matter.

But the Bridge to Excellence Act was about more than just dollars – it was a nationally recognized success, built on four cornerstone principles of adequacy, equity, accountability, and flexibility. MABE believes that the Commission should apply the same principles to updating the State’s public school finance system.

Therefore, MABE asks the Commission to develop recommendations to fully fund an excellent statewide system of public schools, equitably allocate state funding to local school systems to
benefit the teaching and learning of all students, continue to hold local school systems accountable for results, and to affirm the governance role of local boards.

The local governance role performed by local boards is vital to engaging the local community in policy-making and in advocating for annual budgets that effectively combine state and local resources to best serve our students. As the Commission considers any reforms to school system governance at the state or local level, MABE urges recognition of the considerable success Maryland has achieved by having a strong partnership between local boards and state policy makers, whether in the General Assembly, State Department of Education or State Board of Education.

On behalf of local boards, MABE led the advocacy effort to create this Commission precisely so that an updated adequacy study and other funding and accountability issues could be debated and transformed into legislation to update and improve Maryland’s school finance system, not radically reform its governance system.

MABE believes that Maryland can and should move forward by adopting meaningful changes to our current school finance system – a system we can all be proud of – but which now dates back to 2002. Specifically, the Commission should develop comprehensive recommendations to enhance our school finance system by increasing the base amount of funding for all students, sustaining the additional “weighted” per pupil funding for our students learning English, and students living in poverty, and increasing the weighted funding amount for students receiving special education services. And it is time to enact a statewide program to expand access to high quality prekindergarten, especially for our most economically disadvantaged students and families.

A top priority for MABE is that state and local per pupil funding should be made available for all of the prekindergarten students we currently serve – and could serve if per pupil funding were provided. Local boards recognize the value of high quality early learning opportunities for all children, and especially students with special needs. The return on investment for each dollar spent is significant, benefitting individual students academically and increasing their lifelong earning potential. By not counting prekindergarten students as enrolled, and therefore not providing a per pupil amount of either state or local funding, Maryland is grossly underfunding a program widely recognized as the best investment we can make in our students’ futures.

Maryland has a proven track record as the best statewide school system in the nation for many years. MABE sees no rationale for adopting a new governance model, or creating a new board or bureaucracy, when we know that Maryland’s state and local boards of education and educational leaders are up to the task – and can and should be held accountable – for achieving excellence for all students when provided constitutionally adequate resources.

MABE is confident that through incremental implementation of funding recommendations developed by this Commission and enacted by the General Assembly, Maryland can renew its commitment to fulfilling its constitutional mandate to fully fund and support an excellent education for all students.

For additional information, contact John Woolums, MABE’s Director of Governmental Relations at (410) 841-5414 or jwoolums@mabe.org.
Potential Framework for Funding and Funding Accountability Decisions

Funding

- Use a combination of APA Adequacy Study recommendations, NCEE recommendations based on benchmark states, and staff options/simulations to update Thornton funding formulas, etc. (see below)
  - Formula funding would be phased in over time (e.g., 6 years) calibrated to the timeline set for the overall Commission policy recommendations to be implemented (e.g., 10 years)

- To the extent possible, develop estimates of the fiscal impact of implementing the Commission’s policy recommendations (primarily based on NCEE building blocks) including long-term cost savings that could be reallocated to support the Commission’s policy recommendations

- Most of the funding to support the policy recommendations would come from formula funding directed to the LEAs, with release of a portion of the formula funding conditioned on meeting specified requirements/making progress in successfully implementing Commission policy recommendations

- New formula funding for LEAs to be augmented by:
  - Infrastructure/capacity building funding at the State level for MSDE and an independent entity tasked with monitoring implementation of the Commission’s recommendations (e.g., develop statewide career ladder framework, increase teacher certification requirements, develop curriculum supports “library,” etc.)
  - Competitive grants made to consortia of one or more LEAs and one or more colleges of education to redesign teacher preparation programs and teacher induction programs consistent with the Commission’s recommendations, including implementing career ladder for educators and school leaders

Funding Accountability

- Require LEAs to submit Educational Excellence Strategic Plans, which would lay out a plan to fully implement the Commission’s policy recommendations by a certain date (e.g., 10 years) and set annual benchmarks to be achieved
  - State would provide technical assistance to LEAs to develop master plans, including a statewide training program that would help educators gain the skills and knowledge needed to understand the new system based on the Commission’s
recommendations and to make it work, starting with all local superintendents, then principals and teachers

- Require MSDE, higher education institutions, etc. to develop implementation plans to fully implement the Commission’s policy recommendations by a certain date with benchmarks

- Create an independent entity to review and approve plans before certain LEA funds would be released; annual review of satisfactory progress in order for LEAs to receive a portion of funding each year during phase-in.

- Menu of specific items to be implemented – must do vs. may do; order of implementation; level of flexibility allowed

- Independent entity c/would sunset after 8-10 years after an evaluation of its effectiveness

- MSDE would monitor implementation by school systems and individual schools, and if a system or school is falling behind with little or no signs of improvement, send in a “SWAT inspection team” of experts to review and analyze what is happening in the school and make recommendations for a plan of action to the local superintendent and board of education

- State and local formula funding must follow students down to the school level. MSDE and DLS would review funding data annually to ensure that school systems are allocating funds to the schools in this manner. (As a practical matter, this alone will change dramatically the way funds are spent.)

**Funding Decision Points**

1. Foundation/Base per pupil amount
   a. Inflation Adjusted
   b. Successful Schools
   c. PI/EB
   d. Other?

2. At-risk formulas
   a. Compensatory Education (Free and Reduced Price Meal)
      i. Lower weight? (per APA recommendation)
      ii. Concentration of poverty index (i.e. higher weight at higher concentrations and lower weight at lower concentrations of poverty)
      iii. Enrollment count – continue to use FRPM or switch to direct certification or some other method (which may affect weight)?
   b. Limited English Proficiency
      i. Lower weight? (per APA rec.)

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ii. Concentration index?
c. Special Education
   i. Increase weight? (per APA rec.)
   ii. Blended weight or by intensity level?

3. Prekindergarten Expansion
   a. Full day for low-income 4 year olds (voluntary)
      i. Include in FTE enrollment count?
      ii. Additional weights?
   b. Mixed public/private delivery system w/required level of EXCELS to participate/receive funds
   c. Sliding subsidy based on income with up to 300% of poverty level free?
   d. Expand half day for low-income 3 year olds?

4. Equity Issues
   a. Local wealth calculation
      i. Modify definition? (additive vs. multiplicative)
      ii. NTI – use November date?
      iii. TIF adjustment?
      iv. Other?
   b. At-risk funding floors for State share (40%)
      i. Reduce for wealthier counties?
      ii. Increase for less wealthy counties with high concentration of at-risk students?
   c. GCEI/CWI
      i. Eliminate?
      ii. Switch to CWI?
      iii. State continues to fund both State and local shares?
   d. MOE – require locals to fund local share of at risk formulas?
   e. Guaranteed Tax Base Program – Enhance? (i.e. power equalizer)
   f. Supplemental Grant – continue?
   g. Other?
Workgroup to Study the Implementation

of Universal Access to

Prekindergarten for 4-Year-Olds

Findings and Recommendations

Submitted to

The Commission on Innovation and Excellence in Education

September 2017
Recommendations

- Universal high-quality, full-day prekindergarten (Appendix J) should be provided to all 4-year-old children in a mixed delivery system to include schools (public and private), child care centers (includes Nursery Schools and Letter of Compliance faith-based programs), family child care homes, and Head Start programs.

- Funds should flow through MSDE and be distributed through a grant process to school systems and community-based programs. Before any funds are distributed, data on the number of incoming 4-year-old children, number of slots available, and availability of qualified staff necessary to implement the recommendations will need to be updated on a yearly basis.

- School systems and community-based programs must develop a memorandum of understanding (MOU) to establish procedures and responsibilities for student recruitment and enrollment, teacher professional development, curriculum sharing, data exchange and sharing, provision of special education services, and additional considerations as agreed upon.

- MSDE should ensure a minimum threshold of slots are in community-based programs. At full implementation, this threshold would be 50%. For jurisdictions in which community-based programs not meeting the definition of high-quality prekindergarten (Appendix J) do not apply, MSDE would have the discretion to award those grants to the public schools.

- Universal prekindergarten should be phased-in over a period of at least ten years. Due to capacity concerns, the Workgroup recommends a phased-in approach with additional slots becoming available to additional eligible families each year until all children at all income levels have access. This recommendation is dependent on facility and teacher availability, and funding provided (including a sliding-scale for family contribution, Appendix L.) The chart on the following page reflects a proposed schedule for a phased-in approach.
# Details of the Summative Rating System: State Board Decision

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<tr>
<th>Category</th>
<th>Possible assignment of category (Actual assignment system will be developed in consultation with stakeholders)</th>
<th>Possible description of school (Actual description to be developed in consultation with stakeholders)</th>
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<tr>
<td></td>
<td></td>
<td>☀ Increasing; did not meet annual measures of interim progress</td>
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<td>50th to 84th percentile of schools</td>
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<td>☯ Decreasing; did not meet annual measure of interim progress</td>
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<tr>
<td>★★★</td>
<td>16th to 49th percentile of schools</td>
<td>⇔ No change; met annual measure of interim progress</td>
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<td>⇔ No change; did not meet annual measure of interim progress</td>
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<tr>
<td>★★</td>
<td>1st to 15th percentile of schools</td>
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<td>★</td>
<td>Determination described in Section A.4.vi.a-c</td>
<td>Comprehensive Support and Improvement</td>
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A Comprehensive Analysis of Prekindergarten in Maryland

Presentation to Joint Committee on Children, Youth, and Families

Simon Workman
Associate Director, Early Childhood Policy
Center for American Progress

October 10, 2017
Recommendations for Phasing in Universal Prekindergarten

1. Prioritize expanding prekindergarten access for children living in families with household incomes at or below 300% of the federal poverty level, and to ‘high-need’ communities, as defined by the federal expansion grant.

2. Engage in systematic quality improvement efforts to increase the quality of programs currently offering prekindergarten in Maryland.
   - Target QI supports to sites serving predominantly low-income or high-need communities.

3. Increase the number of high-quality prekindergarten slots in order to achieve enough capacity to serve 80 percent of all four-year-olds in Maryland.
Two Funding Models

1: State/Local

- Costs shared between the state and local school districts.
- Total cost is reduced by the current state and federal prekindergarten funding ($235 million) before split is applied.
- Local share determined by the same equalized allocation used in Maryland’s foundation (based on district wealth).
- State contribution flows through school district. Provider would receive one payment, from school district.

2: State/Local/Family

- Costs shared between state, local district, and families who can make a contribution.
- Family contribution based on household income. Families pay a percentage of the cost of prekindergarten on sliding scale.
- Families under 300% FPL ($75,000 per year) pay no family fee.
- State/Local split is calculated as per Model 1, then local share is reduced based on total family contribution.
- Income verification, and family fee collection administered by local district. State contribution flows through school district. Provider would receive one payment, from school district.
### Local Contribution Required Under Model 1

<table>
<thead>
<tr>
<th>District</th>
<th>60 Percent Coverage (Local Contribution)</th>
<th>70 Percent Coverage (Local Contribution)</th>
<th>80 Percent Coverage (Local Contribution)</th>
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## Family & Local Contribution Required Under Model 2

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Mr. Robert A. Gorrell  
Executive Director  
Interagency Committee on Public School Construction  
200 W. Baltimore Street  
Baltimore, MD 21201

Dear Mr. Gorrell:

We write to inquire about the impetus behind the attached memo sent by you to Maryland school superintendents requesting, on behalf of the Interagency Committee on School Construction, that legislators attend the October 18, 2017 Board of Public Works meeting.

Since you are new to Maryland, you may not know that we have worked very hard to ensure that the school construction allocation process remain apolitical so every county, regardless of political leadership or party affiliation, has the opportunity to receive school construction funding based on the merits of their project.

It may be helpful for you to better understand the history of this process, since this will be your first exposure to Maryland’s apolitical school construction review. The Board of Public Works (BPW) has no role in the decision-making process for specific school construction projects. Technical review and recommendations regarding specific school construction decisions are simply not the purview of any elected state official nor should they be. Specific projects will be proposed to the Interagency Committee on School Construction (IAC), comprised of two gubernatorial appointees, two legislative appointees, and the State superintendent of schools. The IAC will then make project by project recommendations taking into account local priorities. Those recommendations are final and are no longer subject to the January appeals process which had turned into a worthless display of BPW bullying of local officials.

This is not a new or partisan issue as members of the General Assembly were not required to participate in what had become known as the “beg-a-thon” under both Governor Ehrlich and Governor O’Malley’s administrations. In 2008, Governor O’Malley officially altered the format
of the BPW process to be more professionalized, in which only a county School Superintendent or the Superintendent’s designee were invited to participate. This was long overdue as the BPW was not technically equipped to change any recommendations and the political fanfare detracted from any substantive discussion that might have occurred.

Not surprisingly, your current request of superintendents, one month into the academic year, to include legislators, has generated tremendous confusion. It is unclear what the purpose of this parade of superintendents and local officials will serve at a time when school officials need to be in their districts focused on the actual needs students. To the extent any schools systems or officials choose not to attend, we can assure you and them that the Maryland General Assembly has the ability and commitment to ensure that all school systems are treated fairly and that projects are funded based on merit and local priorities and not political whims.

Allocation of school construction funding for specific projects should not require a personal appearance to beg for funding by any legislator, regardless of political affiliation, but be based on the actual needs of students in a particular county. Similarly, it is wrong for elected officials at any level of government to threaten local officials or to confuse communities by falsely pretending they can promise school construction projects outside of the State’s merit-based process.

We hope this background is helpful to you as your public comments and recent memo seem to lack clarity on Maryland’s statutory process and the appropriate role of elected officials. Please feel free to contact our office with any additional questions.

Sincerely,

Thomas V. Mike Miller, Jr.  
President, Maryland Senate

Michael E. Busch  
Speaker, Maryland House of Delegates

Cc: Members, Maryland Senate  
Members, Maryland House of Delegates  
Members, Interagency Committee on School Construction
MEMORANDUM

To: Superintendents of Schools
   LEA Directors of Facility Planning
   County Government Officials

From: Mr. Robert Gorrell, Executive Director

Date: August 30, 2017

Re: Fiscal Year 2019 Capital Improvement Program: BPW Appearance

The Board of Public Works (BPW) invites the local superintendents and board members, their representatives, and the legislators to appear at the October 18, 2017 BPW hearing. Each school district will be given five to eight minutes to present information regarding their FY 2019 CIP request. Please remember to bring fifteen (15) copies, three-hole punched, of your written testimony.

Please find attached a schedule for LEA appearances at the BPW. Let us know as soon as possible if you have a major conflict and we will do our best to accommodate or adjust the schedule. Also, if you have not submitted the completed Standard LEA Template, please do so no later than Thursday, September 21.

If you have any questions or would like to discuss the upcoming hearing on October 18, feel free to contact me. We look forward to seeing you at the hearing.

Attachment

cc: Mr. Susanne Brogan, Deputy Treasurer for Public Policy Office of the State Treasurer
    Mr. John Gontrum, Assistant Comptroller, Office of the State Comptroller
    Mr. Mark Newgent, Deputy Policy Director, State of Maryland Executive Department
    Dr. Karen Salmon, Chair, Interagency Committee on School Construction
    Mr. Ellington Churchill, Member, Interagency Committee on School Construction
    Ms. Wendi Peters, Member, Interagency Committee on School Construction
    Ms. Barbara Hoffman, Member, Interagency Committee on School Construction
    Mr. John Behanan, Member, Interagency Committee on School Construction
    Ms. Joan Schaefer, Deputy Director, Public School Construction Program
    Ms. Kim Spivey, Manager of Fiscal Services, Public School Construction Program
    Ms. Arabia Davis, Programs Manager, Public School Construction Program