

January 30, 2018

**In this issue:**

- Earned Sick Leave Mandate Delay Bill
- Governor's Accountability Bill Introduced
- Governor's ESSA Bill Introduced
- Comptroller's Report on Fed Tax Law's Impact
- Bill Hearing Schedule

---

**Bill to Delay Enforcement of Earned Sick Leave Bill**

On January 24, 2018, MABE testified in support of Senate Bill 304, an emergency bill to extend the effective date of the Healthy Working Families Act for 60 days, with amendments to further extend the effective date of the new law until July 1, 2018. In addition, MABE took the opportunity to reiterate our request for an amendment to exclude boards of education from the law as it would relate to our substitute teachers and other on-call employees.

Senate Bill 304 would prohibit the Commissioner of Labor and Industry from enforcing specified provisions of the Maryland Healthy Working Families Act (House Bill 1), which include issuing orders, assessing civil penalties, and bringing actions against employers, until 60 days after February 11, 2018 (the effective date of HB 1 following the veto override).

As MABE pointed out, the requested amendment would avoid the scenario that a school system calling on a substitute teacher or bus driver to work on any given day could be informed that the part-time employee is instead taking compensated sick leave. The school system would then have to incur that expense, continue to seek a substitute who is available, and calculate earned sick leave for that "substitute for a substitute" under the law.

Following the hearing, the Senate Finance Committee has not acted on this bill.

[Read more ...](#)

**Governor's Accountability in Education Act Introduced**

The Governor's Accountability in Education Act ([HB 355/SB 302](#)) would establish the Education Monitoring Unit, as an independent unit of state government, and the office of Investigator General, to:

**Legislative Committee  
2018 Calendar**

- Feb. 12, 2018 – Bill Status & Positions
- Feb. 20, 2018 – MABE Legislative Day Luncheon
- Feb. 26, 2018 – Bill Status & Positions
- Mar. 12, 2018 – Bill Status & Positions
- Mar. 26, 2018 – Bill Status & Positions
- Apr. 23, 2018 – Session Summary

MABE's Legislative Committee meetings are held in the MABE office on Monday mornings, 10:00 to 12:00, unless otherwise indicated. Meeting agendas and materials are posted on the [MABE website](#).

**MABE Advocacy Resources**

- [The Education Advocate & Calls to Action](#)
- [Bill Testimony, Hearing Schedules, and more on the 2018 Legislative Session](#)
- [Background & Positions on Priority Issues and MABE's Committees on Funding and ESSA](#)
- [Legislative Committee](#)

- (1) investigate and determine whether the civil rights of teachers, students, and parents are being upheld in compliance with federal, state, and local laws and regulations;
- (2) analyze and report on matters including child abuse, neglect, safety, grading, graduation requirements, assessments, educational facilities, procurement, equitable use of resources among public schools, and budgets;
- (3) report all instances of fraud, abuse, and waste relating to public funds and property;
- (4) report employee violations of applicable laws, regulations, policies, or ethical standards of conduct;
- (5) establish its goals and priorities based on a periodic assessment of existing and emerging risks relating to public elementary and secondary education in the state; and
- (6) employ staff and engage attorneys, advisors, and consultants in accordance with the state budget.

The Commission would operate an anonymous electronic tip program, conduct hearings, and at the conclusion of its investigations make findings and recommendations for prosecution or administrative actions.

On January 8, 2018, Governor Hogan held a press conference and issued a [press release](#) on this bill and other topics. MABE issued a [statement](#) immediately following the Governor's announcement to respond to his call for this legislation.

MABE supports strong accountability for school systems regarding student achievement and success on state tests and standards; and accountability for managing taxpayer dollars in the best interests of the students.

- Local boards are fundamentally locally accountable to their communities, through public meetings, public and transparent policy and budget debates and decisions, and local elections.
- Accountability for student performance and success is the responsibility of each local board. However, this accountability is monitored, overseen, and enforced by the Maryland State Department of Education, through the actions of the State Superintendent and State Board of Education.
- School boards are held accountable for sound financial management through multiple annual audits and routine, comprehensive legislative audits. School systems not complying with state requirements can have state funding withheld by the State Superintendent.

For these reasons, MABE opposes creating a new state agency and the office of "investigator general" as proposed by the Governor's proposed Accountability in Education Act. A hearing on SB 302 has been scheduled on Feb. 7.

[Read more ...](#)

### **Governor's Protect Our Students Act Introduced**

The Governor's Protect Our Students Act ([HB 351/SB 301](#)) would rewrite significant parts of the 2017 Protect Our Schools Act, and require corresponding changes in the now federally approved State ESSA Plan to implement the Every Student Succeeds Act (ESSA). MABE believes the Protect Our Schools Act of 2017 set reasonable guidelines for how Maryland measures student growth and school improvement under ESSA; and how the State Board can and should respond with resources to support improvements.

The Protect Our Schools Act also required that student performance results, called academic indicators, account for 65% of the overall statewide accountability system. This is what ESSA intends when it requires that academic indicators are given "much greater weight" than any other measures of school performance. The Governor's bill would arbitrarily raise the percentage of the accountability system based on student

performance from 65% to 80%. This would result in too much weight being given to test scores, and not enough to other factors contributing to the success of a school and its students.

Factors in addition to academic achievement as measured by test scores include: academic growth, progress toward English language proficiency, and the completion of a well-rounded curriculum. A major thrust of ESSA was to move away from the failed model of the No Child Left Behind Act which focused on reading and math scores at the expense of a well-rounded curriculum. NCLB also failed to give credit for student growth. These are federal changes that were supported by a broad national coalition including the National School Boards Association – changes which Maryland should uphold in our ESSA accountability plan.

MSDE and the State Board of Education have spent the past year carefully crafting the [State's ESSA Plan](#) to align with the Protect Our Schools Act. Our State ESSA Plan was approved by the U.S. Department of Education on January 17, 2018. Maryland's State accountability system for student and school performance should be allowed to move forward in accordance with the federally approved plan without undue interference from legislation in 2018 to change the rules.

### **Federal Tax Law's Impact on Marylanders**

On January 22, the Department of Legislative Services (DLS) presented a Fiscal Briefing which included a very preliminary analysis of "[Federal Tax Changes with Potentially Significant Maryland Revenue Impacts.](#)"

On January 25, Maryland Comptroller Peter Franchot issued "[The 60 Day Report on the Effects of Federal Tax Law Revisions on the State of Maryland.](#)"

The report estimates the impact of H.R.1, otherwise known as the Tax Cuts and Jobs Act of 2017 (TCJA). The report focuses on the changes made by many provisions of the TCJA to the personal income tax, using tax year 2014 to simulate the federal effects on Marylanders.

The Comptroller's report highlights that under the TCJA Maryland's general fund would increase by \$392.5 million in FY 2019. According the Comptroller's report:

"However, because Maryland State and local tax law works in concert with the federal tax code, there will be major impacts to the way the federal income tax is calculated and the manner in which it flows through to the State and local tax."

"The major impact to Maryland income tax revenue comes from the new \$10,000 limitation on State and local tax for federal itemized deductions. This will shift many taxpayers into the substantially increased federal standard deduction. State law is coupled such that a taxpayer taking the federal standard deduction must take the State's much smaller standard deduction. The spread between the two for a married filer is now \$20,000 whereas it used to be \$8,700. Others that continue to itemize and have more than \$10,000 in real estate taxes or any of the other repealed deductions will also see a State tax increase."

In light of these and other issues raised by the new federal tax law, several bills will be introduced this session to adjust Maryland's state tax system to avoid significant state tax increases for Marylanders.

**Hearing Schedule Highlights** (Link to full [bill hearing schedule](#))

<b>Bill Number</b>	<b>Title</b>	<b>Hearing</b>	<b>MABE Position</b>
<a href="#">SB 92</a>	Maryland School Overcrowding Reduction Act of 2018	Hearing 1/31 at 2:30 p.m. B&T	Oppose
<a href="#">SB 217</a>	Public Schools - Student Sunscreen Use - Policy	Hearing 1/31 at 2:00 p.m. EHEA	Oppose
<a href="#">SB 236</a>	Financial Literacy and Entrepreneurship Curriculum	Hearing 1/31 at 2:00 p.m. EHEA	Oppose
<a href="#">HB 103</a>	Education - Boards of Education - Removal of Superintendents	Hearing 2/01 at 2:00 p.m. W&M	Oppose
<a href="#">HB 154</a>	State Board - Membership - Teachers and Parent	Hearing 2/01 at 2:00 p.m. W&M	Oppose
<a href="#">SB 301</a>	Protect Our Students Act of 2018	Hearing 2/07 at 1:00 p.m. EHEA	Oppose
<a href="#">SB 302</a>	Accountability in Education Act of 2018	Hearing 2/07 at 1:00 p.m. EHEA	Oppose
<a href="#">HB 197</a>	Education - State Reimbursement for County Board Payments for Exams (AP/IB/Industry Cert.) for Eligible Students	Hearing 2/08 at 1:00 p.m. W&M	Support

<b>Budget Hearings</b>	<b>House Hearing</b>	<b>Senate Hearing</b>
MSDE Aid to Education	2/28/2018 - 1:00 p.m.	3/1/2018 - 1:00 p.m.
Education – Public School Construction	3/19/2018 - 4:00 p.m.	3/12/2018 - 3:00 p.m.

---

Disclaimer The Maryland Association of Boards of Education (MABE) provides the materials and information contained in this newsletter and on this website for its members and non-member internet users for informational purposes only. Using or accessing this newsletter or website does not create an attorney client relationship between MABE and the accessing user or browser. This newsletter and our website are not a substitute for legal advice. Please consult with your legal counsel for specific advice and information.