

March 16, 2018

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**Legislative Committee
2018 Calendar**

- 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](#).

FY 2019 State Budget in the House

[Senate Bill 185](#), the FY 2019 State Budget Bill, and [Senate Bill 187](#), the Budget Reconciliation and Financing Act (BRFA), were passed by the Senate on March 14 and the House Appropriations Committee finalized its versions of both bills on Friday March 16. The Senate and House committee actions on the budgets agree to restore funding for several education programs proposed to be cut in the Governor's proposed Budget Reconciliation and Financing Act (BRFA).

The Senate Budget and Taxation Committee report highlights that the FY 2019 State Budget Bill would maintain the State's commitment to public schools:

“Under the committee’s budget proposal, State support for public schools will exceed \$6.5 billion. Direct aid to local school systems will increase an estimated \$159.9 million, or 2.8%. The budget plan dedicates \$200 million to support the future cost of implementing the recommendations of the Commission on Innovation and Excellence in Education (Kirwan Commission) and provides \$6.9 million in fiscal 2019 to implement the initial recommendations of the commission.”

The State Budget and BRFA do establish a new Commission on Innovation and Excellence in Education Fund to “assist in providing adequate funding for early childhood education and primary and secondary education to provide a world-class education to students so they are prepared for college and a career in the global economy of the 21st Century, based on the final recommendations of the Commission on Innovation and Excellence in Education.” The Comptroller would be required to redirect \$200 million in income tax revenue to this new fund beginning in the next fiscal year. As the Appropriations Committee discussed in its decision meeting, this funding is fully anticipated to be available under current revenue projections.

Regarding school safety, the budget includes \$10 million for the Governor's Office of Crime Control and Prevention (GOCCP) to support school safety grants. In addition, budget language requires agencies including the State Police, MSDE, GOCCP, Homeland Security, and others to submit a report to the

budget committees evaluating how best to manage and consolidate state resources available for monitoring and improving school safety.

MABE will continue to monitor the final actions by the full House and the deliberations of the conference committee to reconcile any differences between the Senate and House versions.

“Lock Box” Education Trust Fund Bill Moving

[House Bill 1697](#) and [Senate Bill 1122](#) would propose an amendment to the Maryland State Constitution to convert the Education Trust Fund as a repository of gaming revenue which may be supplanted, into a source of supplemental education funding which must be included in the Governor’s annual state budgets in excess of what is otherwise mandated by school funding formulas.

SB 1122 is passing in the Senate, with amendments to initiate phased in funding increases sooner, beginning in FY 2020 rather than FY 2021. In addition, amendments clarify that additional funding will be provided through the funding formulas established in the Bridge to Excellence in Public Schools Act.

As amended, this legislation includes the following Constitutional Amendment language:

“Requires the Governor to include in the annual State budget, as supplemental funding for prekindergarten through grade 12 in public schools, the revenues from video lottery operation licenses and any other commercial gaming dedicated to public education in an amount above the level of State funding for education in public schools provided by the Bridge to Excellence in Public Schools Act of 2002 (otherwise known as the Thornton legislation) in not less than the following amounts: \$125 million in fiscal year 2020; \$250 million in fiscal year 2021; \$375 million in fiscal year 2022; and 100% of commercial gaming revenues dedicated to public education in fiscal year 2023 and each fiscal year thereafter.”

MABE supports this legislation toward the goal of securing meaningful increases in State funding for public schools for the first time since before the great recession. The supplemental funding provided from gaming revenue would contribute to the State’s ability to launch efforts to fully fund and implement the recommendations being developed and costed out by the Kirwan Commission. [Read more ...](#)

The [Commitment to Education Act \(HB 1815/SB 1258\)](#) is the Governor’s proposal to phase in the conversion of the \$500M Education Trust Fund into supplemental funding for school system operating and capital costs. MABE offered testimony in the Budget and Taxation Committee supporting the Governor’s initiative, while at the same time noting MABE’s support for the “lock box” proposal, which the committee had passed on the previous day. At this juncture, all appear very supportive of making supplemental funding for public education available in FY 2020, for the 2019-2020 school year.

Knott Commission Bill Workgroup Formed

Hearings have been held and a workgroup formed on the 21st Century School Facilities Act, known as the Knott Commission bill. MABE has testified in favor of the bill overall and emphasized that we look forward to participating in the workgroup of delegates and senators which was announced at the hearing to craft amendments to address school system concerns. As MABE’s testimony points out, the Knott Commission bill does include the vast majority of the 36 recommendations in the [Knott](#)

[Commission's final report](#). However, it also includes components not directly tied to Commission recommendations, and these are the source of MABE's strongest concerns with the bill. MABE's [written testimony](#) highlights several of these concerns.

A workgroup of Delegates and Senators has now been formed to develop consensus amendments to the Knott Commission bill, [House Bill 1783](#). During the initial workgroup meeting earlier this week, school systems were encouraged by the consideration of amendments to address our concerns.

Later in the week the Senate Budget and Taxation Committee held its hearing on [SB 1243](#), and MABE again offered testimony highlighting our strong overall support and specific concerns, and acknowledging the formation of the House and Senate workgroup.

School Safety Bills

The Governor's [Safe Schools Act \(HB 1816/SB 1257\)](#), described in detail in the [fiscal note](#), would establish the Safe Schools Fund, which would provide grants to local boards for the implementation of approved emergency safety plans and other safety improvements. The bill was heard on March 15 in the Senate Education Committee. This bill, as described in a previous [article](#), is tied to the funding which would be provided by the Governor's Education Trust Fund legislation.

In addition to the Governor's bill, four separate school safety bills have now been introduced: Senate Bills 1262, 1263, 1264 and 1265. Brief summaries of each bill follows, with much more detail to follow as bill hearings are scheduled.

SB 1262 - Public Safety - Background Information for Firearm License Investigations - School Crisis Welfare Officers (School Safety Act 2018: Prevention)

- As the bill title indicates this legislation would create a State Police workgroup on accurate and integrated background information on applicants for firearm licenses.
- The bill would also require the Department of Human Resources to provide the sheriff of each county at least one individual to work as a school crisis welfare officer.
- The duties of the school crisis welfare officer would be to: (1) investigate cases of potential violence in the local school system, particularly individuals that have been reported on more than one occasion to or by school officials and law enforcement agencies within the jurisdiction as potential dangers to the individual or the community; (2) assist schools in crisis response programs and in taking steps to prevent violence in the schools; and (3) assist in the investigation and prosecution of violent crimes that occur in or near the schools within the jurisdiction.
- SB 1262 is sponsored by Senators Astle, Miller, and Waugh.

SB 1263 - Public Safety – School Mental Health Services and Mental Disorder Weapon Restraining Order (School Safety Act of 2018: Anticipation)

Mental Health and Behavioral Health MOUs

- The bill would require local superintendents to enter into MOUs to foster coordination of mental health intervention and behavioral health services. The MOUs are to be between the school system and the County Sheriff's Office, Department of Juvenile Services, Maryland Department

of Health, Department of Human Services, State Police, and local health departments that provide behavioral health care services.

Mental Health and Behavioral Health Services

- Beginning in the 2019–2020 school year, each local board would be mandated to establish mental health counselor services at each public school in the local school system based on a model policy developed by MSDE.
- A school mental health counselor providing services may not hold another position of employment at the school.
- A school mental health counselor providing mental health counseling services would be required to: (i) once each school year, meet with each student at the school in a private, exclusive meeting, (ii) provide ongoing mental health counseling services to students based on the individual needs of the student, (iii) provide crisis intervention and crisis management services, and (iv) provide additional mental health services deemed necessary.

Threat Assessment Teams

- This bill would require MSDE to develop a model policy for the establishment of a threat assessment team, including: (i) policies on the assessment of student behavior and intervention with a student based on behavior that poses a threat to the safety of school staff or other students, and (ii) procedures for referral of a student to: 1. the local law enforcement agency, or 2. health care providers for evaluation or treatment, if appropriate.
- Beginning in the 2019–2020 school year, each local board would be required to establish a threat assessment team at each public school in the local school system based on the model policy.

The bill would also establish detailed procedures for the issuance of mental disorder weapon restraining orders; and create the new crime of knowingly threatening to commit or threatening to cause to be committed a crime of violence that would place five or more minors at substantial risk of death or serious physical injury.

- SB 1263 is sponsored by Senators Waugh and Miller.

SB 1264 - Primary and Secondary Schools – Law Enforcement Presence (School Safety Act 2018: Deterrence)

Armed SRO's at All Schools

- This bill would require that each public school shall have an armed school resource officer present on school grounds during regular school hours on school days.
- The armed officer would be expected to perform screenings at the entrance to the school; regularly patrol school grounds; interact with students; participate in any fire drill or other school drill; and may use a dog may use a dog licensed under the Public Safety Article in performing their duties.
- SB 1264 is sponsored by Senators Jennings, Miller, and Waugh.

SB 1265 - Education – School Safety Protection Standards and Grant Program – Established (School Safety Act of 2018: Protection)

School Facility Standards and Requirements

- By July 1, 2019, MSDE, in collaboration with the Maryland Center for School Safety, must adopt school safety facility requirements for all public schools in the state.
- Beginning with the 2020–2021 school year, each public school must have: (1) secure and lockable classroom doors for each classroom in the school; (2) an area of safe refuge in each classroom in the school; and (3) surveillance and other security technology for school monitoring purposes.
- SB 1265 is sponsored by Senators Klausmeier, Miller, and Waugh.

Grounds for Employee Discipline Binding Arbitration Bill – Still Pending on the Senate Floor

MABE opposes [Senate Bill 639](#) because it would remove the authority to discipline employees from the local board of education based on the superintendent's decision - and transfer the final decision-making authority to an outside arbitrator. This legislation will severely limit the ability of local boards to respond to employee misconduct – if the employee chooses to have an arbitrator decide on the discipline or discharge action instead of the local board. MABE opposes this bill because it would place the interests of individual employees over those of the students, the school system, and community.

As this bill proceeds to be passed in the Senate, MABE continues to urge all boards and board members to call and email [members of the Senate](#) to voice opposition to Senate Bill 639. This legislation has passed the Senate before, but not in the House (where the late-filed House bill remains in the Rules Committee).

Local boards of education approve the hiring of all “certificated” employees (generally teachers and other licensed professionals). Therefore, local boards should retain the authority to terminate or suspend their employment for one of the five reasons stated in the law (immorality, misconduct, incompetency, willful neglect of duty, insubordination).

- This bill would transfer the board responsibility to an arbitrator, an independent third party who is not required to balance of the employee's interests and the school system's on behalf of all students.
- Outside arbitrators, who by definition have no connection to the school system, should not be empowered to determine who should remain employed by the school system.
- Local boards represent the interests of the entire community – students, teachers, parents, businesses, government leaders – and must be able to decide when any specific individual's actions should disqualify that person from teaching the students in that community, either temporarily or permanently.
- This bill would place these decisions in the hands of a single individual without any option to for the local board to consider and deliberate on the appropriate response to the employee actions at issue.
- For additional information, read [MABE's testimony opposing SB 639](#).

Mandated Negotiation of Union Access to New Employees

MABE also opposes [House Bill 811](#) and [Senate Bill 819](#), which would create a new mandatory subject of bargaining by requiring school systems to negotiate the time, place and manner of providing the unions with access to new employee processing when new employees are advised of employment-related matters. This subject of bargaining is newly proposed because of a pending Supreme Court case that threatens all unions' ability to collect dues, or representation fees, from non-members. In anticipation of such a blow to the automatic, system-wide scope of employee generated revenue, teachers unions are promoting legislation to secure structured access to new employees to promote union membership.

The House adopted amendments to remove the access to personal email addresses and dates of birth, and removing the provision which would allow for the negotiation of local agreements to release even more information than outlined in the bill. MABE will continue to advocate for additional amendments to improve the bill as it moves forward. [Read more...](#)

MABE Bill Tracking Report & Testimony

During the 2018 session, as bills are introduced and hearings are scheduled, MABE provides a regularly [updated hearing schedule](#), [bill tracking report](#), and [all bill testimony](#).

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