

March 23, 2018

In this issue:

- State Operating Budget Update
- State Capital Budget Update
- Knott Commission Bill Status
- Education Trust Fund Bill Status
- School Safety Bills
- Employee Relations Bills
- Bill Report & Hearing Schedule

**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 Operating Budget Update

[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 on March 22. 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).

In addition, The BRFA establishes 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.

MABE will continue to monitor and report on the final actions of the conference committee.

School Safety Funding in the State Operating Budget

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.

As amended, the budget also includes the \$5 million for school safety included in the Governor's second supplemental budget. This \$5 million includes \$2.5 million to provide grants to local school systems to carry out mandated safety assessments. The other \$2.5 million is to provide additional resources to monitor school safety in the Maryland Center of School Safety. Specifically, the State Center funding would support 6 new staff positions.

FY 2019 State Capital Budget Update

The State Capital Budget Bill, [Senate Bill 186](#), has passed the House and is pending on the floor in the Senate. Public school facility funding for FY 2019 totals just over \$375 million.

The State's investment in public school facility funding in the FY 2019 capital budget includes:

- \$309 million for the Public School Construction Program.
- \$40 million for Supplemental Capital Grant Program for 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.
- \$10 million for Public School Safety Improvements through the design, construction, and capital equipping of safety improvements at public school buildings.
- \$10 million for Heating, Ventilation, and Air Conditioning Improvements in Baltimore City public school buildings.
- \$6.1 million for the Aging Schools Program.

School Safety Funding in the State Capital Budget

As listed above, the FY 2019 Capital Budget now includes \$10 million for Public School Safety Improvements through the design, construction, and capital equipping of safety improvements at public school buildings. In addition, the FY 2019 Capital Budget Bill provides not only \$3.5 million for the Nonpublic Aging Schools Program, but also an additional \$3.5 million for Nonpublic School Safety Related Projects, for a total of \$7 million.

Knott Commission Bill Update

[House Bill 1783](#), the 21st Century School Facilities Act, was introduced on March 1 and heard in the House Appropriations Committee on March 7. See the bill's [Fiscal and Policy Note](#) for more detailed information. This bill is closely aligned with the recommendations adopted by the [Knott 21st Century School Facilities Commission](#) and its [Final Report](#).

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, as introduced, it also included components not directly tied to Commission recommendations, and these were 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 was formed to develop consensus amendments to the Knott Commission bill, [House Bill 1783](#). When the Senate Budget and Taxation Committee held its hearing on [SB 1243](#), MABE again offered testimony highlighting our strong overall support and specific concerns, and acknowledged the formation of the House and Senate workgroup. During the workgroup meetings, school system concerns and requested amendments were considered and largely included in the packet of recommended amendments to the full Appropriations Committee on March 21 and 22.

On March 22, the Appropriations Committee took final action to approve HB 1783 with amendments. House Bill 1783 has been amended to address major concerns raised by MABE and others, including amendments to clarify that no action will be taken on developing a school facility index as a ranking system to override local priorities; and the removal of the section of the bill calling for a study of no longer providing state funding for systemic renovation projects.

Another major amendment would remove from the Board of Public Works any final decision making authority on school construction projects. Instead, all final decisions on 100% of state funding for school construction projects would be made by an expanded and restructured Interagency Commission on School Construction. The composition of the new IAC would be 2 members of the public appointed by the Speaker of the House; 2 members appointed by the President of the Senate; 2 members appointed by the Governor; the Secretaries of the State Departments of General Services and Planning; and the State Superintendent of Schools. The bill would no longer designate the Superintendent as chair of the IAC, but would instead have the Speaker, President, and Governor jointly select the chair.

The Committee also adopted an amendment to the Knott Commission bill to create a \$10 million annual school facility safety fund.

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 and on March 22 in the House Ways and Means 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, several separate school safety bills have now been introduced, with hearings held on March 22 and 23. MABE offered support, with amendments, for Senate Bill 1265 which aligns with the budget action to add \$10 million for school facility projects to enhance school safety. MABE did not testify on the other bills, pending the discussion and decisions by the Legislative Committee on March 26. The following links to the bills and fiscal notes, and the article in last week's [Education Advocate](#), provide more detailed information.

- [SB 1262 \(Fiscal Note\)](#) - *Public Safety - Background Information for Firearm License Investigations - School Crisis Welfare Officers (School Safety Act 2018: Prevention)*
- [SB 1263 \(Fiscal Note\)](#) - *Public Safety – School Mental Health Services and Mental Disorder Weapon Restraining Order (School Safety Act of 2018: Anticipation)*
- [SB 1264 \(Fiscal Note\)](#) - *Primary and Secondary Schools – Law Enforcement Presence (School Safety Act 2018: Deterrence)*
- [SB 1265 \(Fiscal Note\)](#) - *Education – School Safety Protection Standards and Grant Program – Established (School Safety Act of 2018: Protection)*

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

MABE continues to oppose [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.

This bill has passed in the Senate, so MABE continues to urge all boards and board members to call and email [members of the House](#) 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 unsuccessfully opposed [House Bill 811](#) and [Senate Bill 819](#), which will 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 and Senate have now adopted identical amendments, which do improve the bill slightly, to remove the access to personal email addresses and dates of birth, and to remove the provision which would allow for the negotiation of local agreements to release even more information than outlined in the bill.

MABE Bill Tracking Report & Testimony

During the 2018 session, as bills are introduced and hearings are scheduled, MABE provides the following updated resources: [Hearing Schedule](#), [Bill Report](#), [Bills by Subjects](#) (3/23/18)

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