

April 2, 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 Operating Budget Fully Funds Education & Launches Kirwan

[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 committees agreed to restore funding for several education programs proposed to be cut in the Governor's Budget Reconciliation and Financing Act (BRFA). Following final actions in Conference Committee, both the FY 2019 State Budget and BRFA have now passed.

Conference Committee Education Funding Highlights:

“Maintains 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 \$161.3 million, or 2.9%. 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 \$11.4 million in fiscal 2019 to implement the initial recommendations of the commission.”

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 is required to redirect \$200 million in income tax revenue to this new fund.

Conference Committee Highlights Safety Funding:

“Supports Student Safety: The operating budget includes \$26 million in new funding to protect Maryland students including \$10 million to be allocated by the Interagency Committee for School Construction for school facility improvements, \$10 million for one-time operating grants to local school systems to improve safety and security, \$2.5 million

for safety assessments, \$2.5 million to enhance the capabilities of the Maryland Center for School Safety, and \$1 million for schools and day care centers at risk of hate crimes.”

FY 2019 State Capital Budget Tops \$400 Million

The State Capital Budget Bill, [Senate Bill 186](#), has now passed following approval of the conference committee report. Public school facility funding for FY 2019 totals just over \$408 million.

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

- \$313 million for the Public School Construction Program.
- \$68.2 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 and Security Funding Overview

The operating budget includes a medley of school safety funds, including \$2.5 million in safety assessment grants to be administered by the Maryland Center for School Safety (and another \$2.5 million for 13 new positions at the Center); \$10 million in MSDE administered school safety grants; and an additional \$10 million in grants to be administered by the IAC for safety related operating and capital projects. This totals \$22.5 million in new school safety funding for local school systems; and is in addition to the \$10 million in school safety improvement grants provided in the capital budget.

Knott Commission Bill Passes with Veto Proof Majority

[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. This bill 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.

Amendment to Replace the BPW with New IAC

As passed by veto-proof majorities in the House and Senate, the Knott Commission bill would have all final decisions on 100% of state funding for school construction projects made by an expanded and restructured Interagency Commission on School Construction, rather than the Board of Public Works. 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 Governor has vowed to veto the bill, which would lead to an end of session effort to override by what is likely a comfortable majority in the House, and very slim vote count in the Senate. In the event the veto stands, the provisions as outlined in the bill's detailed [fiscal note](#) would not become law.

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)*

As session rapidly approaches its scheduled end, the House Ways and Means Committee has held work sessions on the Governor’s bill, HB 1816, indicating its desire to thoroughly vet stakeholder input in anticipation of a Senate Bill passing. At the same time, the Senate Budget and Taxation Committee is considering amendments to SB 1265. Common themes focus on the gap analysis needed to improve the law, develop model policies, and improve interagency communication among school systems, state and local law enforcement, community mental health services, and families.

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

MABE unsuccessfully opposed [Senate Bill 639](#), which will 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 passed in the Senate, as it did last year, and was scheduled for a bill hearing in the House Ways and Means Committee on March 29. However, on a very expedited tack, the bill passed in subcommittee, full committee, and the House on March 30. The urgency was clearly to finalize passage of the bill in time to respond to a veto if the Governor chooses to do so.

Background on the rationale for MABE’s opposition:

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 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

Also passed on March 30, [House Bill 811](#) and [Senate Bill 819](#), 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.

Amendments improve the bill only slightly, by removing union access to personal email addresses and dates of birth (but not personal cell phone numbers), and removing 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 (3/30/18)

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