



## Legislative Committee Meeting

Monday, March 26, 2018

10:00 a.m. – Noon

MABE Conference Room

Stacy KorbelaK, Legislative Committee Chair

Bob Lord, Legislative Committee Vice-Chair

### Agenda

1.	Welcome and Introductions	Information	Stacy KorbelaK	
2.	Reports from Board Members	Information	Stacy KorbelaK/ All	20 min.
3.	Bill Decisions <ul style="list-style-type: none"> <li>• Bill Summaries Attached</li> </ul>	Discussion & Decisions	Stacy KorbelaK/ John Woolums/ All	50 min.
4.	Bill Updates <ul style="list-style-type: none"> <li>• Bill Status Reports</li> <li>• Bill Report by Subject</li> </ul>	Information & Discussion	John Woolums/ All	50 min.
5.	Legislative Committee Calendar <ul style="list-style-type: none"> <li>• March 26, 2018 - Bill Updates &amp; Positions</li> <li>• April 23, 2018 - Session Summary</li> </ul>	Information	Stacy KorbelaK	
6.	Adjournment	Closing Remarks	Stacy KorbelaK	

\* Meeting Materials on Reverse

## Materials for the March 26, 2018 Meeting

### Item 3. Bill Decisions

**SB 1262 (Fiscal Note)** - Public Safety - Background Information for Firearm License Investigations - School Crisis Welfare Officers (School Safety Act 2018: Prevention) - Hearing in Judicial Proceedings 3/23 at 1:00 p.m.

- 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 (Fiscal Note)** - Public Safety – School Mental Health Services and Mental Disorder Weapon Restraining Order (School Safety Act of 2018: Anticipation) - Hearing in Judicial Proceedings 3/23 at 1:00 p.m.

#### 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 \(Fiscal Note\)](#) - Primary and Secondary Schools – Law Enforcement Presence (School Safety Act 2018: Deterrence)** - Hearing in Judicial Proceedings 3/23 at 1:00 p.m.

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 \(Fiscal Note\)](#) - Education – School Safety Protection Standards and Grant Program – Established (School Safety Act of 2018: Protection)** - Hearing in Budget & Taxation Committee 3/22 at 1:00 p.m.

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.

#### Item 4. Bill Updates

##### Knott Commission Bill

[House Bill 1783](#) 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 aligned with the recommendations adopted by the [Knott 21<sup>st</sup> Century School Facilities Commission](#) and its [Final Report](#).

House Bill 1783 is being 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 or 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 (roofs, HVAC, etc.).

A 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 Committee also adopted an amendment to create a \$10 million annual school facility safety fund.

## **Kirwan Commission Bill**

[House Bill 1415](#) and [Senate Bill 1092](#) were introduced to enact several policy initiatives aligned with the work of the [Kirwan Commission on Innovation and Excellence in Education](#). The House has passed HB 1415 with several amendments, none of which are problematic or alter MABE's position in support of the bill. A detailed summary is provided in the bill's [fiscal and policy note](#).

The bill establishes new programs and makes funding recommendations for the following:

- New Teacher Recruitment Program
- K-8 Literacy Grant Program
- Mandated Level Funding for Prekindergarten Grant Programs
- Concentration of Poverty Grants
- Teaching Fellows for Maryland Scholarship Program
- Career and Technical Education Grant Program
- Special Education Study Extension
- Kirwan Commission Extension

Additional information: On February 15, the Kirwan Commission released its [Preliminary Report](#) which includes several major policy recommendations of the Commission.

## **“Lock Box” Bill Calls for Constitutional Amendment Referendum on Gaming Revenue for Schools**

[House Bill 1697](#) and [Senate Bill 1122](#) have been introduced to 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.

The Senate passed SB 1122, with amendments, on March 19<sup>th</sup> and it has been assigned to the House Appropriations and Ways and Means Committees. As amended, SB 1122 would phase 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.

### **Grounds for Employee Discipline Binding Arbitration Bill**

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.

This bill has passed in the Senate and will be heard in the House Ways and Means Committee on March 29<sup>th</sup>. MABE is now urging all boards and board members to call and email [members of the House Ways and Means Committee](#) and all [members of the House](#) to voice opposition to Senate Bill 639. This legislation has passed in 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](#).

### **Reading Screening Bill**

MABE opposes [House Bill 910](#) and [Senate Bill 548](#) that would require, beginning with the 2019-2020 school year, each local school board to ensure that all Prekindergarten, Kindergarten, and First Grade students, and as indicated students in grades 2-12, are screened to identify if the student is at risk for reading difficulties. If the screening results indicate that the student is at risk for reading difficulties, the local board must determine whether the student needs reading instruction intervention; provide the intervention, as appropriate; and provide a notification letter to the student's parent as specified. MSDE must develop and update specified resources and protocols for local boards and provide training opportunities annually. Local boards must report annually to MSDE beginning with the 2020-2021 school year. The bill takes effect July 1, 2018.

- House Bill 910 ([bill text](#)) has passed the House, and while the Senate bill has not moved, it is sponsored by the Committee Chair, Senator Conway. See [MABE testimony](#).

## Employee Social Media Policy Bill

MABE supports [Senate Bill 904](#) with amendments. This bill requires MSDE to develop a model policy for school boards regarding the use of social media by school personnel. This bill further mandates school boards to develop their own social media policy for teachers, administrators, staff, students, parents, guardians, and volunteers based on this MSDE model. MABE supports this bill with amendments to grant school boards full discretion in developing their employee social media policies; to eliminate the training mandate; and to include local school systems in MSDE's development of best practices or model policy. This bill takes effect July 1, 2018.

Senate Bill 904 passed through the Senate without amendments and will be heard in the House Ways and Means Committee on March 29<sup>th</sup>.

## Child Abuse Prevention Bills

MABE supports, with amendments, [House Bill 1072](#), a bill that would require school boards and nonpublic schools to train their employees on the prevention, identification, and report of child sexual abuse. This bill takes effect July 1, 2018.

- This bill further defines child sexual abuse and sexual misconduct. The training is required annually and includes the recognition and the appropriate response to sexual misconduct and its signs.
- Further training is required in perpetrating behaviors, reporting obligations and procedures, and screening of prospective employees.
- Training may be done in-person or by e-learning.
- Requires the joint development of guidelines on the modification of facilities and spaces by the Interagency Committee on School Construction and the State Council on Child Abuse and Neglect. These modifications would further prevent opportunities for child sexual abuse.
- By the 2019-18 school year, school boards are required to produce their own policies according to the facility guidelines.

House Bill 1072 ([bill text](#)) has passed the House favorable with amendments, and will be heard in the Senate Education, Health, and Environmental Affairs Committee on March 28<sup>th</sup>. This bill is sponsored by Delegate Wilson.

MABE supports, with amendments, [House Bill 1571](#), a bill that would require school boards and contracting agencies of school boards to obtain information from employee applicants that have direct contact with minors. This bill takes effect July 1, 2018. This bill further outlines the information that must be obtained from the applicant including:

- Current and former employer information
- Former discipline resulting from alleged child sexual abuse or sexual misconduct
- Licenses and/or certifications terminated because of alleged child sexual abuse or sexual misconduct

House Bill 1571 ([bill text](#)) has passed the House favorable with amendments, and will be heard in the Senate Education, Health, and Environmental Affairs Committee on March 28<sup>th</sup>. This bill is sponsored by Delegate Wilson.

**Bill Resources:** [Complete Bill Report](#), [Bills by Subjects](#), and [Hearing Schedule](#) (3/23/18)