

2018 Legislative Session Summary & Education Bill Highlights (May 30, 2018)

Introduction

The 2018 legislative session of the Maryland General Assembly was convened on Wednesday, January 10, 2018 and adjourned “sine die” at midnight on Monday April 9, 2018. The session saw the introduction of 1,846 [House bills](#) and 1,280 [Senate bills](#). Of these 3,126 bills and resolutions, MABE tracked more than 400 bills, and provided [testimony](#) and advocated on nearly 80 House bills and more than 60 Senate Bills.

MABE’s [Legislative Committee](#) met regularly throughout the 2018 session to deliberate and vote on bill positions and to receive updates on pending legislation. The Committee is chaired by Stacy Korbela (Anne Arundel County) and the vice chair is Robert Lord (Carroll County). In advance of the legislative session, MABE conducted its annual update of the association’s Continuing Resolutions, which provide the foundation for MABE’s legislative and policy positions. On October 5, 2017 local board members approved [Continuing Resolutions for 2017-2018](#). In November 2017, MABE’s Legislative Committee adopted the [2018 Legislative Positions](#). A comprehensive overview of the 2018 legislative session is published by the Department of Legislative Service’s in their [90 Day Report](#) with its own [Primary and Secondary Education](#) section.

MABE’s legislative priorities in 2018 included:

- Support for continued governance autonomy for local boards of education to set education policy and school budgets which provide educational benefits for all students; and opposition to unfunded mandates. Specifically, enhanced local school calendar flexibility;
- Support for full State funding for Maryland’s outstanding public schools. Specifically, increased funding for prekindergarten;
- Support for robust State funding for school construction and renovation projects. Specifically, funding and process reforms to enhance local flexibility; and
- Support for sustained local government investments in education. Specifically, preserving state law to ensure local funding increases above maintenance of effort.

Overall, the school funding provided through the FY 2019 State Budget, and school facility funding provided in the FY 2019 Capital Budget, meet or exceed MABE’s expectations. These budgets not only sustain but significantly enhance the State’s investment in public education and address areas of special concern.

The 2018 session did see the introduction of several bills which presented challenges to local board governance; but few passed. A key exception is the Disciplinary Hearing Procedures for School Personnel bill, [Senate Bill 639](#), which will allow certificated employees to seek binding arbitration to determine their disciplinary case. If the arbitrator does not determine sufficient cause for the discipline, the county board will be required to pay full costs for the arbitrator. However, if the arbitrator concludes that the county board did have sufficient cause to dismiss or suspend the employee, the employee and county board will split the arbitrator costs in half, 50/50.

Major bills opposed by MABE which were not enacted include a bill that required schools to screen specified students for reading difficulties; and a bill that authorized boards to allow employees to carry handguns on school property. The purpose of this legislative summary, however, is to focus on the bills which have passed, in order to better prepare local boards of education and local school systems for the work ahead to implement a wide array of new laws, regulations, policies and procedures.

Quick Review of Education Bills Passed in 2018

The following bills all passed and are in the process of becoming law following the conclusion of the 2018 legislative session, which adjourned at midnight on Monday April 9, 2018.

<p>State Operating Budget</p> <ul style="list-style-type: none"> • FY 2019 Budget Bill • Budget Reconciliation and Financing Act of 2018 <p>Education Funding & Policy</p> <ul style="list-style-type: none"> • Commission on Innovation and Excellence (Kirwan Commission) • Commercial Gaming Revenues Constitutional Amendment Lockbox • Tax Credit for Teacher Classroom Supplies • Head Start Program Funding <p>State Capital Budget</p> <ul style="list-style-type: none"> • State Capital Budget Bill <p>School Facility Funding & Policy</p> <ul style="list-style-type: none"> • 21st Century Schools (Knott Commission) • School Construction Permits Expedited • Innovative Construction Incentive Pilot Program • Healthy School Building Grant Program <p>School Safety & Security</p> <ul style="list-style-type: none"> • The Safe to Learn Act of 2018 • Child Sexual Abuse Prevention Training • Handbook and Website Publishing of National Child Abuse Telephone Number <p>Student Discipline</p> <ul style="list-style-type: none"> • School Discipline Data Collection • Bullying Civil Relief and School Responses <p>Student Data & Privacy</p> <ul style="list-style-type: none"> • Student Data Governance Policy Standards • Public Information Act Required Denials • Closed Meetings for Cybersecurity <p>Curriculum & Instruction</p> <ul style="list-style-type: none"> • Boundaries and Consent Curriculum • Computer Science Course Offerings • Juvenile Services Education Pilot Programs Management and Operation <p>Student Assessments & Graduation Requirements</p> <ul style="list-style-type: none"> • High School Diploma by GED Exemption • Assessment Administration by Employees • Expanded Education Excellence Award Eligibility 	<p>Career Technology Education & Apprenticeships</p> <ul style="list-style-type: none"> • Workers' Compensation for Students in Unpaid Work-Based Learning • Career Youth and Public Sector Apprenticeship <p>Employee Relations</p> <ul style="list-style-type: none"> • Supervisory Employee Definition • Prevailing Wage Rate Suits by Employees • Disciplinary Hearing Binding Arbitration Option • Union Access to New Employee Processing • Earned Sick Leave Mandate <p>Governance</p> <ul style="list-style-type: none"> • State Board of Education Teacher and Parent Membership <p>Retirement</p> <ul style="list-style-type: none"> • State Employee and Retiree Health and Welfare Benefits • Teacher's Retirement Reemployment Earnings Limitation <p>School Calendar</p> <ul style="list-style-type: none"> • County Board Length of School Year Adjustments <p>Student Health</p> <ul style="list-style-type: none"> • Student Sunscreen Use Policy • Student Vision Screenings • Student Hearing and Vision Screenings Reporting Requirements • Student Sickle Cell Disease Management Guidelines • Health and Safety Policy for Digital Devices <p>Student Nutrition</p> <ul style="list-style-type: none"> • Funding for Reduced Priced Meals • Maryland Meals for Achievement Eligibility Threshold Flexibility <p>Community College</p> <ul style="list-style-type: none"> • Promise Scholarship Funding <p>Transportation</p> <ul style="list-style-type: none"> • Pedestrian and Bicycle Access to Schools <p>Local Bills</p>
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Bills Passed in the 2018 Legislative Session

State Operating Budget

- **Fiscal Year 2019 Budget Bill** ([SB 185](#)) (Administration) and **Budget Reconciliation and Financing Act of 2018 (BRFA)** ([SB 187](#)) ([Ch. 10](#)) (Administration)

On March 14th in the Senate and March 22nd in the House the FY 2019 Budget Bill and BRFA were passed. 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 budget totals \$44.6 billion, an increase of \$981.4 million (2.3%) above FY 2018.

The State Budget includes the State education aid for FY 2019 to fund public schools for the 2018-2019 school year. State aid for primary and secondary education increases by \$169.1 million, or 2.6% in FY 2019 to \$6.6 billion. State aid provided directly to the local boards of education increases by \$170.6 million, or 3.0%, while retirement aid decreases by \$1.5 million, or 0.2%. FY 2018 to 2019 changes in major State education aid programs are shown in the table below:

State Aid for Public Education FY 2018 and FY 2019			
<u>Program</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>\$ Change</u>
Foundation Program	\$3,005,270	\$3,056,189	\$50,920
Net Taxable Income Grant	49,170	62,524	13,354
Tax Increment Financing Grant	422	535	113
Geographic Cost of Education Index	139,127	141,574	2,447
Supplemental Grant	46,620	46,620	0
Foundation Special Grant	0	12,956	12,956
Declining Enrollment Supplemental	17,244	18,664	1,420
Compensatory Education Program	1,305,545	1,308,336	2,791
Special Education Program	284,873	290,813	5,939
Nonpublic Placements	123,618	123,500	-118
Limited English Proficiency	248,684	288,041	39,358
Guaranteed Tax Base	50,304	48,170	-2,135
Student Transportation	276,341	282,585	6,244
Prekindergarten Expansion	7,972	11,644	3,672
Prekindergarten Supplemental Grant	10,946	16,039	5,093
School Safety Grants ¹	0	13,100	13,100
Aging Schools ²	6,109	6,109	0
Other Programs ¹	74,874	90,317	15,433
Direct Aid Subtotal	\$5,647,119	\$5,817,715	\$170,596
Teachers' Retirement	\$734,454	\$732,921	-\$1,533
Grand Total	\$6,381,574	\$6,550,636	\$169,062

Source: Dept. of Legislative Services 90 Day Report

Foundation Program Increases

The foundation program totals \$3.1 billion in FY 2019, an increase of \$50.9 million, or 1.7%, over FY 2018. This increase is due to full-time equivalent enrollment growth of 8,286, or 1.0%, and a 0.8% inflationary increase in the per pupil foundation amount. The increase in the per pupil foundation amount brings it from \$7,012 for FY 2018 to \$7,065 for FY 2019.

Limited English Proficiency Program Increases

Aside from the foundation program, the largest single increase is \$39.4 million for the Limited English Proficiency Program. This considerable increase is due both to increased enrollment for the program as well as the adoption of more rigorous English proficiency standards for exit from the program. Compensatory education increases by \$2.8 million (0.2%), special education increases by \$5.9 million (2.1%), and transportation funding increases by \$6.2 million (2.3%).

BRFA Reduces State Aid to Nonpublic Schools and Establishes New Kirwan Fund

The Budget Reconciliation and Financing Act of 2018, reduces the appropriation for the Aid to Nonpublic Schools Program in FY 2018 for schools found ineligible and specifies that any school deemed ineligible for the BOOST Program by the BOOST Advisory Board is also ineligible for the Aid to Nonpublic Schools Program.


The BOOST Program receives \$7 million in new funding in FY 2019, as well as approximately \$600,000 in funding from FY 2018 that is carried forward. This brings total funding for the BOOST Program in FY 2019 to \$7.6 million, approximately \$1.6 million over FY 2018 funding. Budget language includes new participation and administrative requirements: participating schools must offer standardized assessments selected from the list of assessments used for the National Blue Ribbon Schools Program; and MSDE must include in its annual BOOST Program report information on students who received BOOST Program scholarships and withdrew or were expelled from the nonpublic schools that they were attending.

Direct State Aid to Public Schools for FY 2019	
<i>Allegany</i>	\$83,623,000
<i>Anne Arundel</i>	367,789,000
<i>Baltimore City</i>	859,699,000
<i>Baltimore</i>	679,023,000
<i>Calvert</i>	82,487,000
<i>Caroline</i>	56,873,000
<i>Carroll</i>	133,158,000
<i>Cecil</i>	108,273,000
<i>Charles</i>	184,234,000
<i>Dorchester</i>	43,746,000
<i>Frederick</i>	249,692,000
<i>Garrett</i>	22,198,000
<i>Harford</i>	212,003,000
<i>Howard</i>	257,552,000
<i>Kent</i>	10,062,000
<i>Montgomery</i>	716,448,000
<i>Prince George's</i>	1,142,893,000
<i>Queen Anne's</i>	35,906,000
<i>St. Mary's</i>	107,279,000
<i>Somerset</i>	32,599,000
<i>Talbot</i>	14,859,000
<i>Washington</i>	179,902,000
<i>Wicomico</i>	148,289,000
<i>Worcester</i>	20,037,000
Unallocated	69,091,000
Total	\$5,817,715,000

Source: Dept. of Legislative Services 90 Day Report

Kirwan Commission Fund Established

The BRFA also 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.

 MABE supported the FY 2019 Budget bill to fully fund public elementary and secondary education. However, MABE requested the elimination of the \$8.85 million in funding originally proposed for BOOST. MABE believes that based on performance of the BOOST private school voucher program and the competing priority of meaningful increases in state aid for public education that BOOST should be eliminated. ([MABE Testimony](#))

Education Funding & Policy

- **Commission on Innovation and Excellence In Education (Kirwan)** ([HB 1415](#) / [SB 1092](#)) (The Speaker of the House and President of the Senate – By Request of the Commission)

This bill extends the deadline for the Commission on Innovation and Excellence in Education to complete its work by one year. It also establishes or alters several programs and mandates funding for them beginning in FY 2019, including: (1) a comprehensive teacher recruitment and outreach program; (2) the Maryland Early Literacy Initiative; (3) the Learning in Extended Academic Programs grant program; (4) the Public School Opportunities Enhancement Program; (5) the Teaching Fellows for Maryland scholarship program; and (6) the Career and Technology Education Innovation grant program.

Beginning in FY 2020, the Governor must annually appropriate to the Prekindergarten Expansion Fund an amount that is at least equal to all revenues received in prior fiscal year. Finally, the scope of a study of the individualized education program (IEP) process in Maryland is expanded and the due date for the study is extended. The bill takes effect June 1, 2018. Much more detailed information on the work ahead for the Kirwan Commission to develop final recommendations is provided in its [Preliminary Report](#).

In addition, the Kirwan Commission bill was amended to include a landmark funding provision also included in the Budget Reconciliation and Financing Act (BRFA) ([SB 187](#)), which establishes a new Commission on Innovation and Excellence in Education Fund. The purpose of this fund is 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 law now requires the Comptroller to redirect \$200 million in income tax revenue to this new Commission on Innovation and Excellence in Education Fund in FY 2020.



MABE supported the Kirwan Commission bill, recognizing the need for the Commission to remain actively engaged in developing final recommendations, through the complex task of aligning education reforms with funding proposals. MABE greatly appreciates the commitment to launch the Commission’s recommendations and significant increases in State funding for public education. ([MABE Testimony](#))

- **Commercial Gaming Revenues Constitutional Amendment Lockbox** ([SB 1122](#)) (Sen. Conway)
This bill proposes an amendment to the Maryland State Constitution to convert the Education Trust Fund (ETF) 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.

If approved by the voters at the 2018 general election, the constitutional amendment would require the Governor to provide supplemental education funding in the following amounts and years: \$125 million in FY 2020, \$250 million in FY 2021, and \$375 million in FY 2022. In all subsequent years, 100% of the gaming revenues dedicated to public education must be used for supplemental funding.

Gaming revenues dedicated to education total more than \$500 million annually, and include approximately half of the revenues collected from video lottery terminals (VLTs, or slot machines), and 15 percent of the revenues collected from table games.



MABE supported 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. MABE supported this bill, to ensure that gaming revenue in the Education Trust Fund contributes to real progress towards a world class public school system throughout Maryland. ([MABE Testimony](#))

- **Income Tax - Subtraction Modification - Classroom Supplies Purchased by Teachers** ([HB 671](#) / [SB 467](#)) (Del. Patterson / Sen. Eckardt)

This bill creates a State income tax subtraction modification for classroom supplies that are purchased by an elementary or secondary classroom teacher. The amount of the subtraction cannot exceed \$250 of the unreimbursed expenses paid for classroom supplies used by students in the classroom or by the teacher to prepare for or during classroom teaching. An eligible individual is a full-time kindergarten through grade 12 classroom teacher at an elementary or secondary school in the State. The bill takes effect July 1, 2018, and applies to tax years 2018 and beyond.

- **Education – Head Start Program – Annual Appropriation (The Ulysses Currie Act)** ([HB 547](#) / [SB 373](#)) (Del. Barron / Sen. Currie)

This bill requires the Head Start Program in the State to be referred to as the Ulysses Currie Head Start Program. The Governor must include an appropriation of at least \$3.0 million in the annual State budget for the program. The bill takes effect June 1, 2018.

State Capital Budget

- **The State Capital Budget Bill** ([SB 186](#)) ([Ch. 9](#)) (Administration)

The State Capital Budget Bill, Senate Bill 186, 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 Facility Funding & Policy

- **21st Century School Facilities Act (Knott Commission)** ([HB 1783](#) / [SB 1243](#)) (Del. Jones / Sen. DeGrange)

This bill makes comprehensive changes to public school construction funding and approval processes in the State, including (1) altering the name, composition, and role of the Interagency Committee on School Construction; (2) requiring periodic public school facilities assessments; (3) streamlining the State approval process for school construction projects; and (4) providing at least \$400 million for public school construction annually as soon as practicable. The bill also requires an additional \$10 million in mandated funding in the operating or capital budget for FY 2020 and beyond for the new School Safety Grant Program. This program is described in more detail in the School Safety & Security section of this summary.


Under the bill, all final decisions on 100% of state funding for school construction projects are to be made by an expanded and restructured Interagency Commission on School Construction, rather than the Board of Public Works. The provision of the bill to eliminate the role of the Board of Public Works in deciding

school facility funding requests was harshly criticized by the Governor and Comptroller and prompted the [Governor's decision](#) to veto the bill. However, the veto was promptly overridden in the House and Senate.

The composition of the new IAC will 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.

By July 1, 2018, in consultation with local school systems, the IAC must adopt educational facilities sufficiency standards and a facility condition index. The standards are defined as a uniform set of criteria and measures for evaluating the physical attributes and educational suitability of schools. By July 1, 2019, the IAC must complete an initial statewide facilities assessment, through a third party vendor, using the sufficiency standards and incorporating the index.

Regarding procurement, contracts for school construction projects must be awarded to the responsible bidder who provides the best value, with consideration given to the price offered by the bidder (among other factors in current law). In addition, the bill was amended to establish the School Safety Grant Program to provide IAC administered grants to local school systems for security improvements, including: secure and lockable doors for every classroom; an area of safe refuge in every classroom; and surveillance and other security technology for school monitoring purposes. The bill takes effect June 1, 2018. See the bill's [Fiscal and Policy Note](#) for more detailed information.

 MABE supported this legislation because it is closely aligned with the recommendations adopted by the Knott 21st Century School Facilities Commission and its [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 requested amendments, and MABE was very pleased that following deliberations in the House and Senate the bill was amended to address our major concerns.

- **Local Government – School Construction – Permits ([HB 221](#))** (Del. Bromwell)

This bill requires each county or municipality, to the extent practicable, to expedite the process for the application and issuance of a permit related to or required for the construction of a public or private school facility. The bill takes effect July 1, 2018.

- **Public School Construction – Innovation Incentive Pilot Program ([HB 968](#) / [SB 92](#))** (Del. Barnes / Sen. Rosapepe)

This bill establishes an incentive pilot program to encourage local school systems in Harford, Prince George's, and Washington counties to pursue innovative, cost-saving public school construction projects. Projects participating in the program with a below-average cost per student receive a higher State share of eligible project costs, as specified in the bill. The bill takes effect July 1, 2018, and terminates June 30, 2023.

- **Education – Healthy School Facility Fund – Established ([SB 611](#))** (Sen. Conway)

This emergency bill establishes the Healthy School Facility Fund within the Interagency Committee on School Construction (IAC) to provide grants to public schools to improve the health of school facilities. The Governor must appropriate \$30 million for the fund in FY 2020 and 2021, which must be in addition to funds that would otherwise be appropriated for public schools. The IAC must prioritize grants based on the severity of issues in the school, including (1) air-conditioning (AC); (2) heating; (3) indoor air quality; (4) mold remediation; (5) temperature regulation; (6) plumbing; and (7) windows. No jurisdiction may receive more than \$15 million in a given fiscal year.

School Safety and Security

• The Safe to Learn Act of 2018

In the final week of the 2018 legislation session, a more than 40-page piece of legislation was drafted, amended, and ultimately enacted as the Maryland Safe to Learn Act of 2018 ([Senate Bill 1265](#)), Chapter 30). This new law restructures the governance system for overseeing school safety policies and grants, calls for staffing guidelines regarding adequate law enforcement coverage at all schools, and calls for an expanded role of local school systems in coordinating students' mental health services.

Safety and security in public schools is extremely important to MABE and local boards of education for the protection of students and staff. Safety and security is also necessary to environments that are conducive to teaching and learning. Therefore, MABE fully supported the primary objective of this legislation to ensure that school systems and schools throughout the State are adopting and implementing high quality safety and security standards and programs.

Initially, [Senate Bill 1265](#) was one of several school safety related bills introduced. Originally, this bill simply focused on providing funding for safety-related school facility upgrades. In the last week of the 2018 session the bill was completely amended by the Senate and delivered to the House early on April 7, the Saturday morning before session ended. The House Ways and Means Committee then adopted the bill with amendments, and by Saturday afternoon the full House began to take final action on the bill. With final passage on the last day of session, and the Governor's signature on April 10, the amended Safe to Learn Act will usher in a new era of school safety and security in Maryland's public schools.

The bill is massive in scope, and while accompanied by substantial State funding in FY 2019, it will require significantly greater investments by the State, local governments, and school systems in the years ahead. For example, significant State funding is provided for school facility related projects and local law enforcement. But, no additional State funding is provided to fulfill one of the bill's provisions, ensuring that students receive necessary mental health services.

The following outline draws from the detailed analysis provided in the [bill's Fiscal and Policy Note](#).

School Safety Subcabinet and Advisory Board

- The School Safety Subcabinet consists of the State Superintendent of Schools; the Secretary of Health; the Secretary of State Police; the Attorney General; the Secretary of the Department of Disabilities; and the Executive Director of the Interagency Committee on School Construction (IAC). The State Superintendent or designee chairs the subcabinet and the Executive Director of MCSS provides staff.
- The School Safety Subcabinet Advisory Board is established and includes a broad array of more than 20 stakeholders, including MABE and PSSAM, to advise and assist the subcabinet in carrying out its duties.

Maryland Center on School Safety (MCSS)

- The bill moves MCSS from an independent unit within the State Police to an independent unit within MSDE. MCSS will continue to be based at the Maryland Coordination and Analysis Center, but must establish a satellite office at Bowie State University. The FY 2019 budget provides \$2.5 million in funding for 13 new positions in MCSS.

School Safety Assessment Teams

- By September 1, 2018, the subcabinet must develop a model policy for the establishment of one or more assessment teams in each local school system. The model policy must address (1) the identification of, and intervention with, students or other individuals who may pose a threat to school safety; (2) the composition and appropriate number of assessment teams within local school systems; and (3) training for the assessment teams.

School Safety Coordinators, School Safety Evaluations and Emergency Plans

- Each local school system must designate a school safety coordinator, who must be certified by MCSS and serve as the liaison between the local school system, local law enforcement, and MCSS.
- By June 15, 2019, and regularly thereafter, each local school system must conduct a safety evaluation of each school to (1) identify and, if necessary, develop solutions for physical safety concerns and (2) identify and evaluate any patterns of safety concerns on school property or at school-sponsored events.
- By July 1, 2020, and regularly thereafter, each local school system must update the school emergency plan for each public school.

School Resource Officers (SROs)

- An SRO is defined as (1) a law enforcement officer assigned to a school in accordance with a memorandum of understanding between a local law enforcement agency and a local school system or (2) a Baltimore City School Police Officer.
- By September 1, 2018, MCSS, in consultation with local school systems, must develop a specialized curriculum to be used in training SROs.
- All SROs must complete an approved specialized training program by September 1, 2019.
- MCSS shall collect and report data on incidents of use of force between any school resource officer and a student.
- Requiring each local school system to post information on the role and authority of SROs on the school system's website.
- Before the 2018-2019 school year, each local school system shall file a report with the MSCC identifying the high schools that have an SRO assigned to the school; and, if a high school is not assigned an SRO, how adequate local law enforcement coverage will be provided to the high school.
- Beginning with the 2019–2020 school year, and each school year thereafter, before the school year begins, each local school system shall file a report identifying: the public schools in the local school system's jurisdiction that have a school resource officer assigned to the school; and, if a public school in the local school system's jurisdiction is not assigned a school resource officer, the adequate local law enforcement coverage that will be provided to the public school.

School Safety and Security Funding

The FY 2019 operating and capital budgets include a medley of school safety funds, including:

- \$2.5 million for 13 new positions at the Center for School Safety;
- \$2.5 million in safety assessment grants to be administered by the Center;
- \$10 million in MSDE grants for school safety;
- \$10 million in IAC grants for safety related operating and capital projects; and
- \$10 million in capital budget funding for IAC grants.

The Safe to Learn Act also mandates \$10 million in FY 2020 and beyond for grants to local law enforcement agencies and school systems to fund SROs and other strategies to provide adequate law enforcement coverage.

- For FY 2020 and each year thereafter, the Governor shall appropriate in the annual state budget \$10,000,000 to the fund for the purpose of providing grants to local school systems and local law enforcement agencies to assist in meeting the requirements of the SRO/Adequate Coverage section of the bill. Grants are to be made to each local school system based on the number of schools in each school system in proportion to the total number of public schools in the state in the prior year.

School Emergency Drills

- MSDE, in consultation with the subcabinet, may adopt regulations to incorporate components of the Active Shooter Preparedness Program developed by the federal Department of Homeland Security (DHS) or guidelines developed by the Maryland Active Assailant Work Group into the annual schedule of school safety drills.
- The bill authorizes MSDE to adopt regulations for active shooter drills including age and developmentally appropriate procedures for students or school personnel in: (1) securing classrooms; (2) barricading classrooms and school entries; (3) taking refuge in the classroom; and (4) when appropriate, escape from the classroom or school.
- Note that State regulations already require each local school system to develop and implement an annual schedule for drills for each school that, in addition to fire drills, must include a severe weather drill and five types of emergency drills including lock-down, shelter-in-place, evacuation, reverse evacuation, and drop, cover and hold.

School System Mental Health Coordinators, Services and Responsibilities

- By September 1, 2018, each local school system must appoint a mental health services coordinator to coordinate existing mental health services and referral procedures within the local school system.
- Working with specified local entities, the coordinator must (1) ensure that a student who is referred for mental health services obtains the necessary services; (2) maximize external funding for mental health and wraparound services, as defined by the bill; and (3) develop plans for delivering behavioral health and wraparound services to students who exhibit specified behaviors of concern.
- The bill requires the subcabinet to review the local plans for delivering behavioral health and wraparound services and identify gaps in the availability of services and providers for school-age children in the State by December 1, 2018.
- Grants from the Safe Schools Fund may be used to develop plans for delivering mental health and wrap around services.
- The Kirwan Commission must include in its final report recommendations for additional mental health and wraparound services in local school systems and funding required for those services. The Kirwan Commission's report is to be finalized by December 31, 2018.

School Safety Planning & the Public Information Act

- School safety evaluations, emergency plans, and local law enforcement coverage policies are not subject to inspection under the Maryland Public Information Act, except by designated State agencies, emergency management agencies, and local law enforcement in the performance of their official duties.

The 21st Century School Facilities Act ([HB 1783](#)) creates the School Safety Grant program to provide IAC administered grants to local school systems for security improvements, including:

- Secure and lockable doors for every classroom;
- An area of safe refuge in every classroom; and
- Surveillance and other security technology for school monitoring purposes.

The Governor is required to include \$10 million in the annual operating or capital budget that may be used only to make grant awards.

Safe to Learn Act Implementation Timelines

<p>Assessment Teams</p> <ul style="list-style-type: none"> • Sept. 1, 2018 Model Policy for Assessment Teams Adopted by Subcabinet • Sept. 1, 2019 School Systems to adopt local policy consistent with model policy <p>School Resource Officers (SROs)</p> <ul style="list-style-type: none"> • Sept. 1, 2018 SRO curriculum to be adopted by the Subcabinet and approved by the Maryland Police Training and Standards Commission • Dec. 15, 2018 Center to collect data on SROs and develop guidelines for LEAs on appropriate number of SROs and adequate law enforcement coverage • July 1, 2019 LEAs to develop plan to implement SRO guidelines and submit plan for Center review and comment • Sept. 1, 2019 SROs and other school security personnel to be trained under the new curriculum 	<p>Active Shooter Preparedness</p> <ul style="list-style-type: none"> • 2018-2019 School Year Homeland Security Active Shooter Preparedness Program incorporated in existing emergency drills <p>Safety Evaluations</p> <ul style="list-style-type: none"> • June 15, 2019 School facility safety evaluations must be completed for all schools • Dec. 1, 2019 MSDE must update Emergency Planning Guidelines • July 1, 2020 LEAs must update local emergency plans <p>Mental Health Services</p> <ul style="list-style-type: none"> • Sept. 1, 2018 LEAs must designate a Mental Health Services Coordinator
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Other School Safety and Security Bills

- **Education - Child Sexual Abuse Prevention - Instruction and Training ([HB 1072](#))** (Del. Wilson)
This bill requires a local board of education or a nonpublic school that receives State funds to require each employee to receive instruction with specified elements annually on the prevention, identification, and reporting of child sexual abuse. In addition, each local board of education must (1) establish and implement policies that support the prevention of child sexual abuse through ongoing training of staff that include specified elements and (2) develop employee codes of conduct that address appropriate contact between staff and students.


Under the new law, each local board of education must establish and implement policies that support the prevention of child sexual abuse through ongoing training of staff regarding (1) behavior that constitutes adult perpetration; (2) reporting obligations and procedures; and (3) for staff involved in the hiring process, comprehensive screening of prospective employees.

In addition, by December 1, 2018, the Interagency Committee on School Construction (IAC) and the State Council on Child Abuse and Neglect (SCCAN) must jointly develop guidelines and best practices for the assessment and modification of physical facilities and spaces to reduce opportunities for child sexual abuse. Beginning in the 2019-2020 school year, each local board must develop policies and procedures on the use and modification of physical facilities and spaces to reduce opportunities for child sexual abuse. The bill takes effect July 1, 2018.


- **Public Schools – Reporting Child Abuse – Telephone Number** ([HB 1386](#)) (Del. Valentino-Smith)
This bill encourages each public school in the State to post the appropriate telephone number for reporting suspected child abuse or neglect conspicuously in a high-traffic, widely used area. The bill also requires each local school board to ensure that the appropriate telephone number for reporting suspected child abuse or neglect is published in each public school’s student handbook and on the website of the local board or local school system. The bill takes effect July 1, 2018.

Student Discipline

- **Education – School Discipline – Data Collection** ([HB 1254](#)) (Del. Washington)
This bill requires the Maryland State Department of Education (MSDE) to (1) disaggregate and report data on student discipline in specified manners and (2) collect and report data on alternative school discipline practices. The bill takes effect July 1, 2018.

 MABE opposed this bill as introduced because it would have mandated that each local board of education adopt the Maryland Guidelines for a State Code of Discipline (Guidelines) as their code of student discipline. MABE did not oppose the bill as amended.

- **Bullying, Cyberbullying, Harassment, and Intimidation – School Response** ([SB 725](#)) (Sen. Zirkin)
This bill authorizes a school principal to report to law enforcement agencies if, after an investigation is completed, the school principal has reason to believe that a student has engaged in conduct that constitutes an offense under the criminal statutes for first-degree assault, second-degree assault, misuse of electronic communication or interactive computer service, or revenge porn. The bill also alters the requirements for mandatory reporting of harassment or intimidation against public school students to include behavior that is sexual in nature. MSDE’s Model Policy to Address Bullying, Harassment, or Intimidation must include model procedures for providing notice of an act of bullying, harassment, or intimidation to a parent or guardian of the alleged victim within three business days and the parent of the alleged perpetrator within five business days after the date the act is reported.

 MABE supported this bill because it will enhance the reporting, investigation, and responses to cases of harassment or intimidation against public school students, including behavior that is sexual in nature. In addition, this legislation should result in heightened awareness among students and school administrators about the serious consequences of bullying. ([MABE Testimony](#))

Student Attendance

- **Juvenile Law – Truancy** ([HB 319/SB 160](#)) (Del. Sydnor/Sen. Nathan-Pulliam)
This bill expands the application of an affirmative defense for individuals charged with an alleged violation of specified offenses relating to truancy. The bill also alters the relevant age of a child for purposes of the application of a criminal charge against a person who fails to see that a child attends school or receives educational instruction, as specified, and alters related penalty provisions. The bill takes effect July 1, 2018.

Student Data & Privacy


- **Education - Student Data Governance** ([HB 568](#)) (Del. Kaiser)
This bill requires the Maryland State Department of Education (MSDE), in consultation with the Department of Information Technology (DoIT) and the county boards of education, to develop and update best practices for county boards on data governance and professional development on data governance policies and procedures. MSDE must also develop strategies to coordinate and assist local data governance staff in the counties to implement the bill’s requirements. The bill takes effect July 1, 2018.

Specifically, the bill requires MSDE to develop best practices for local boards to develop and implement: (1) a data privacy and security incident response plan; (2) a breach notification plan; and (3) procedures and requirements for allowing access to student data and personally identifiable information (PII) for a legitimate research purpose.

In addition, local boards are to publish information annually on: (1) types of student data and personally identifiable information processed by the county board, the protocols for processing student data, and the rationales for selecting processing protocols; (2) contracted services that involve sharing student data between a county board and a school service contract provider; and (3) procedures and rationales for vetting and selecting internet sites, services, and applications.

- **Public Information Act - Required Denials - Physical Addresses, E-Mail Addresses, and Telephone Numbers** ([HB 677](#) / [SB 477](#)) (Del. Peña-Melnyk / Sen. Kagan)

This emergency bill requires a custodian to deny, under the Maryland Public Information Act (PIA), any request for inspection of a distribution list and a request to be added to a distribution list, if that list identifies a physical or email address or a telephone number of an individual that is used by a governmental entity or an elected official for the sole purpose of (1) periodically sending news about the official activities of the governmental entity or elected official or (2) sending informational notices or emergency alerts.

 MABE supported this legislation in order to appropriately limit public access to the personal contact information included on lists maintained by government entities solely for public information outreach purposes. ([MABE Testimony](#))

- **Open Meetings Act - Closed Meetings – Cybersecurity** ([HB 695](#)) (Del. Frick)

This bill authorizes a public body to meet in closed session to discuss cybersecurity, under the Open Meetings Act, if the public body determines that public discussion would constitute a risk to specified security assessments, deployments, or network security information.

Curriculum & Instruction

- **Education – Family Life and Human Sexuality Curriculum – Boundaries and Consent** ([HB 251](#) / [SB 402](#)) (Del. Kelly / Sen. Zucker)

This bill requires, beginning in the 2018-2019 school year, a local board of education to provide age-appropriate instruction on the meaning of “consent” and respect for personal boundaries as part of the Family Life and Human Sexuality curriculum in every grade in which the curriculum is taught in public schools. “Consent” is defined as the unambiguous and voluntary agreement between all participants in each physical act within the course of interpersonal relationships, including respect for personal boundaries. The bill takes effect July 1, 2018.

- **Education – Computer Science – Curriculum and Professional Development (Securing the Future: Computer Science Education for All)** ([HB 281](#)) (Del. Miller)

This bill requires, beginning in the 2021-2022 school year, each public high school to offer at least one high-quality computer science course. The bill establishes the Maryland Center for Computing Education to, among other things, provide computer science-related professional development and administer a grant program. The bill also establishes a special fund to support the activities of the center. The Governor must appropriate at least \$1.0 million in FY 2020 and 2021 for the fund. The bill takes effect June 1, 2018.

- **Education – Juvenile Services Education Programs – Management and Operation**

([HB 1607](#)) (Del. Luedtke)

This bill establishes a juvenile services education county pilot program beginning in the 2018-2019 school year for one juvenile services education program to be operated by a local board of education. The State must fund a participating local board via a specified reimbursement formula. The bill also authorizes individuals providing juvenile services education for the MSDE and the local school board participating in the pilot program to be employed for nine-month or three-month periods. MSDE must convene a workgroup to analyze the results of the pilot program and report its findings by December 1, 2019. The bill takes effect July 1, 2018, and provisions related to the workgroup terminate June 30, 2020.

Student Assessments & Graduation Requirements

- **High School Diploma by Examination - Eligibility Requirements – Exemption**

([HB 193](#) / [SB 43](#)) (Del. Davis / Sen. Middleton)

This departmental bill exempts specified English language learners from the requirement to withdraw from high school prior to obtaining a diploma by examination (GED). This bill takes effect July 1, 2018.

- **Education - Assessments - Administration by Public School Employees**

([HB 617](#) / [SB 562](#)) (Del. Ebersole / Sen. Zucker)

This bill authorizes the principal of a public school to select any employee to administer an assessment unless a multistate assessment consortium in which the State participates requires certificated education professionals to administer the assessment. Before the assessment is administered, the local superintendent must review and approve the principal's selection. The bill takes effect July 1, 2018.

- **Higher Education - Educational Excellence Award Eligibility - High School Diploma by Examination**

([HB 781](#) / [SB 842](#)) (Del. Mosby / Sen. Conway)

This bill expands eligibility for the Guaranteed Access (GA) grant under the Educational Excellence Award (EEA) Program to encompass individuals who have successfully obtained a high school diploma by examination (commonly known as the GED). Specifically, an individual must also (1) have scored a passing score of at least 165 per module; (2) begin college within one year of achieving the score or provide evidence satisfactory to the Office of Student Financial Assistance (OSFA) of extenuating circumstances; (3) be, from July 1, 2018, through June 30, 2022, younger than age 26 at the time of receiving the first award and, from July 1, 2022, onward, be younger than age 22; (4) enroll in college as a full-time student; and (5) have an annual family income below a poverty index determined by the Maryland Higher Education Commission (MHEC). The bill takes effect July 1, 2018.

Career Technology Education & Apprenticeships

- **Workers' Compensation – Students in Unpaid Work-Based Learning Experiences**

([HB 814](#) / [SB 403](#)) (Del. Patterson / Sen. Middleton)

This bill expands to all local boards of education the authority to waive the requirement that a participating employer reimburse the local board for the cost of workers' compensation insurance coverage provided to students placed in unpaid work-based learning experiences.


- **Career Youth and Public Sector Apprenticeship Act ([HB 1234](#))** (Del. Clippinger)

This bill authorizes, but does not require, a local board of education to award credit to a high school student toward a high school diploma or a postsecondary credential, or both, for the work-based training and classroom instruction completed under a registered apprenticeship program. Similarly, a local board may count toward high school attendance the time an apprentice or youth apprentice spends during work-based training with an employer under a registered apprenticeship program.


In addition, the bill prohibits a higher education institution from referring to a noncredit or credit course as an apprenticeship or apprenticeship training course unless the course is an approved registered apprenticeship training program. The Division of Workforce Development and Adult Learning (DWDAL) and the Department of Budget and Management (DBM) must develop position classifications, and DWDAL must partner with State departments and their exclusive representatives to identify opportunities to create registered apprenticeship programs to help address workforce shortages.

Employee Relations

- **Education – Public School Personnel – Disciplinary Hearing Procedures** ([SB 639](#)) (Sen. Guzzone)
This bill alters the procedures for suspending or dismissing a certificated school employee (teacher, principal, etc.) by authorizing such an individual to request a hearing before an arbitrator instead of the local board of education. The bill specifies the procedures and terms for such an arbitration. Under the new law, the local board of education must pay the full cost and expenses of the arbitration, except that the local superintendent and the individual pay their own respective costs and expenses associated with any witness or evidence produced by them. However, if the arbitrator determines that the county board had sufficient cause to suspend or dismiss the individual, then the individual must pay 50% of the fees and expenses incurred. An arbitrator must be selected as specified. The decision and award by the arbitrator is final and binding.


 MABE opposed this bill because it 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. MABE greatly appreciated the [decision of Governor Hogan to veto the bill](#). However, the Governor's April 4 veto was promptly followed by the legislature's vote to override, and the bill became law.

- **Education – Collective Bargaining – Exclusive Representative's Access to New Employee Processing** ([HB 811](#) / [SB 819](#)) (Del. Luedtke / Sen. Madaleno)
This bill requires public school employers to provide an exclusive representative with access to “new employee processing,” which is when new employees are advised of specified employment-related matters. The details regarding the time, place and manner of this access must be negotiated as specified. Within 30 days of a new employee's hire and as specified in the bill, a public school employer must provide the exclusive representative with specified employee information about each new public school employee, including name, position classification, and personal cell phone number. Further, this information must be provided about each employee in the bargaining unit every 120 days. The bill takes effect July 1, 2018.

 MABE opposed this bill because it creates a new, contentious and therefore disruptive, mandatory subject of collective bargaining between teachers unions and local boards of education. MABE did not object to the unions' rights to promote membership. MABE opposed enacting a mandate on school systems to administer the process.

- **Labor and Employment – Maryland Healthy Working Families Act** ([HB 1\(Ch. 1\) \(2017-2018\)](#)) (Del. Clippinger)
During the 2017 session, the General Assembly passed House Bill 1 (Ch. 1). The Governor vetoed the bill, but the General Assembly overrode the veto during the 2018 session, and the bill became law in February 2018. Chapter 1, cited as the Maryland Healthy Working Families Act, requires an employer, including the State and local governments, to have a sick and safe leave policy under which an employee earns at least 1 hour of sick and safe leave at the same rate as the employee normally earns, for every

30 hours an employee works. An employer is not required to allow an employee to earn or carry over more than 40 hours of earned sick and safe leave in a year, use more than 64 hours of earned leave in a year, accrue more than 64 hours at any time, or use earned sick and safe leave during the first 106 calendar days worked.

 MABE opposed this bill, in 2016, 2017, and 2018, because the mandates proposed in this legislation, if applicable to school system employees, would divert scarce resources to enhance benefits for employees who are already compensated in accordance with employment policies concerning their agreement to serve as substitute teachers, coaches, or in other part-time capacities. MABE also supported legislation in 2018, which did not pass, to align the new law's requirements with the beginning of the FY 2019 fiscal year to provide additional time to adopt new policies and absorb the administrative expenses associated with recordkeeping, documentation, and notification requirements.

Retirement

- **State Employee and Retiree Health and Welfare Benefits Program – Employees of Qualifying Organizations** ([HB 1400](#)) (Del. Morhaim)

This bill authorizes local boards of education, including the Baltimore City Board of School Commissioners, to participate as satellite organizations in the State Employee and Retiree Health and Welfare Benefits Program (the State health plan).


- **Employees' and Teachers' Retirement and Pension Systems - Reemployment Earnings Limitation** ([SB 1252](#)) (Sen. Peters)

This bill specifies that a retiree of the State Retirement and Pension System (SRPS) who is reemployed by the same employer from which the individual retired is not subject to a benefit reduction if the current employer is a unit of State government and compensation does not include any State funds. It also specifies procedures for reimbursing SRPS in cases where it is later determined that compensation included State funds. Individuals who retired on or after October 1, 1994, who were subsequently reemployed by the same employer and whose compensation did not include any State funds are entitled to a return of the earnings that were offset by SRPS. The bill takes effect July 1, 2018.

School Calendar


- **County Boards of Education – Length of School Year – Adjustments** ([HB 679](#) / [SB 729](#)) (Del. Peña-Melnyk / Sen. King)

This bill authorizes a local board of education to extend the school year for up to five days beyond June 15 without approval from the State Board of Education. The bill was passed as emergency legislation and took effect upon being signed by the Governor on April 10. In addition, a local board may apply to the State Board for permission to shorten the length of the school year, or extend the length of the school year beyond the 5 day extension a local board may approve unilaterally. In these cases, the State Board's criteria for approving the request is limited to circumstances in which normal school attendance has been prevented by natural disaster, civil disaster, or severe weather conditions. (Amended Section 7-103 (b)(1 and 2) of the Education Article.)

 MABE strongly supported this legislation to provide a significant new “tool in the tool box” for local school systems to use to extend the length of their school year. A local board of education may extend the length of the school year for up to 5 school days beyond June 15 without approval from the State Board. (New Section 7-103 (b)(3) of the Education Article). No conditions pertain to or limit the local

board's discretionary authority under Section 7-103 (b)(3) to extend the length of the school year for up to 5 days beyond June 15 without approval from the State Board. ([MABE Testimony](#))


Student Health

- **Public Schools – Student Sunscreen Use – Policy** ([HB 427](#) / [SB 217](#)) (Del. Young / Sen. Young)
This bill requires each local board of education to adopt a written policy authorizing a student to possess and use sunscreen on school property or at a school-sponsored activity without written permission from a health care provider. In addition, each local board of education must encourage public schools to educate students about sunscreen, sun safety, and the policy established under the bill. The bill takes effect July 1, 2018.
 - **Visual Impairments - Requirements for Student Vision Screening and Information (Atticus Act)** ([HB 798](#) / [SB 570](#)) (Del. Kittleman / Sen. Bates)
This bill requires schools to provide parents or guardians of each student with the results of the hearing and vision screenings, regardless of whether the student passes or fails the screenings, as well as educational materials that include (1) a disclaimer that a vision screening is not a substitute for a comprehensive eye exam; (2) an overview of visual impairments and an explanation of the potential educational impact of untreated visual impairments; and (3) a list of at-risk groups that are encouraged to have a comprehensive eye exam. Additional information must be provided to the parents or guardians of a student who fails the vision screening. The bill takes effect July 1, 2018.
 - **Student Hearing and Vision Screenings – Reporting Requirements** ([HB 1136](#)) (Del. Valentino-Smith)
This bill requires the Maryland Department of Health (MDH) to (1) review hearing and vision screening reports from local boards of education and local health departments (LHDs) and (2) in counties where fewer than 50% of students who have failed the screenings are receiving recommended services, coordinate with the local board of education or LHD to implement measures to improve the number of students receiving the recommended services. The bill takes effect October 1, 2018
 - **Public Schools – Students With Sickle Cell Disease – Guidelines** ([HB 622](#) / [SB 161](#)) (Del. Patterson / Sen. Nathan-Pulliam)
This bill requires, by December 1, 2018, the Maryland State Department of Education (MSDE) and the Maryland Department of Health (MDH) to (1) establish guidelines for public schools regarding the administration of health care services to students with sickle cell disease that include specified items; (2) provide technical assistance to schools to implement the guidelines and instruct school personnel at the local level regarding the guidelines; (3) in consultation with specified entities, establish a plan for all public school health services programs in the State to provide sickle cell disease management services for students; and (4) report on the implementation of the bill. The bill takes effect July 1, 2018.
-  MABE supported this legislation with amendments, which were adopted, to ensure that school programs envisioned in the bill would be carried out in accordance with school health guidelines developed by MSDE, MDH, and local school systems. ([MABE Testimony](#))
- **Public Schools – Health and Safety Best Practices – Digital Devices** ([HB 1110](#)) (Del. Arentz)
This bill requires the Maryland State Department of Education (MSDE) to, in consultation with the Maryland Department of Health (MDH), develop health and safety best practices for the use of digital devices in school classrooms by June 1, 2019. By July 1, 2019, MSDE must provide the best practices to each local board of education and nonpublic school for consideration and adoption. The bill takes effect July 1, 2018.

Student Nutrition


- **State Department of Education – Breakfast and Lunch Programs – Funding (Maryland Cares for Kids Act) ([HB 315](#) / [SB 740](#))** (Del. Hixson / Sen. Madaleno)

This bill makes the State responsible for the student share of the costs of (1) reduced-price breakfasts provided under the federal School Breakfast Program and (2) reduced-price lunches provided under the National School Lunch Program (NSLP) by FY 2023, and phases in this responsibility beginning with FY 2020. The bill applies to public school students and students in nonprofit nonpublic schools. The bill prohibits a local board of education or a nonprofit nonpublic school from charging a student who is eligible for a reduced-price breakfast beginning in FY 2022 or lunch beginning in FY 2023, for any portion of the cost of a meal. The bill takes effect July 1, 2018.

 MABE joined advocates for ending childhood hunger and promoting the health and learning of students in support for this legislation. The funding provided by this legislation is needed to address the problem that many low-income students are not able to participate in the school meal programs because their household income is too high to qualify for free meals, yet too low to afford the reduced-price school meal co-pays. ([MABE Testimony](#))

- **Education - Maryland Meals for Achievement In-Classroom Breakfast Program - Eligibility and Annual Appropriation ([HB 1235](#) / [SB 818](#))** (Del. McIntosh / Sen. Madaleno)

This bill allows a school that for one year falls below the 40% free and reduced-price meal (FRPM) student population eligibility threshold for the Maryland Meals for Achievement (MMFA) program to be eligible for MMFA funding in that year. However, the school is no longer eligible for MMFA funding if its percentage of students falls below the 40% in a second consecutive year. The bill clarifies, for purposes of MMFA, “secondary schools” includes middle schools and high schools. Also, the Governor must appropriate \$8,300,000 annually for MMFA. The bill takes effect July 1, 2018.

 MABE supported this legislation because it would provide much needed state funding to ensure that schools with a significant concentration of poverty, but which fall below the 40% threshold of eligible students, can continue to provide in-class breakfasts for students. The bill’s one-year hold harmless provision would prevent the dramatic termination of the MMFA funding and allow time for budget decisions to address school food service and student nutritional needs. ([MABE Testimony](#))

Community Colleges

- **Community Colleges - Near Completers and Maryland Community College Promise Scholarships ([HB 16](#))** (Del. Turner)

This bill establishes several initiatives intended to reduce the costs of attending community college and increase postsecondary completion rates in the State, including (1) beginning in the 2019-2020 academic year, a Maryland Community College Promise Scholarships Program for eligible applicants; (2) programs for students nearing the completion of a degree; and (3) specified tuition caps for community colleges in academic years 2019-2020 and 2020-2021. The Governor must include an annual appropriation of at least \$10 million in the State budget for promise scholarships beginning in FY 2020 and, for near completer programs, a total of \$425,000 in FY 2020 and a total of \$550,000 in each of FY 2021 through 2024. The bill takes effect July 1, 2018; provisions related to tuition caps terminate June 30, 2021.

Transportation

- **Department of Transportation – Pedestrian and Bicycle Access to Schools**

([HB 285](#)) (Del. Luedtke)

This bill requires the Maryland Department of Transportation (MDOT) to collect and consolidate available information from State and local agencies regarding an unmet need for safe pedestrian and bicycle access to schools throughout the State. MDOT must report its findings to the Governor and the General Assembly by January 1, 2020. The bill terminates September 30, 2020.

Local Bills

- **Education - Career Exploration and Development Activities - Coffee (Java Act)**

([HB 74](#)) (Baltimore County Delegation)

This bill authorizes an Executive Branch agency to ban or regulate the sale of coffee in conjunction with a career exploration and development activity in a public high school in Baltimore County. However, any career exploration and development activity that allowed the sale of coffee on or before June 30, 2018, is exempt from the bill's authorization. The bill takes effect July 1, 2018.

- **Baltimore County Board of Education - Education Transparency Act**

([HB 76](#)) (Baltimore County Delegation)

This bill requires that all actions of the Baltimore County Board of Education be taken at a public meeting and that a record of the meeting be made public, except in specified circumstances that comply with the closed session requirements of the Maryland Open Meetings Act. Any action of the county board must be recorded by a voice vote or a roll call vote of each member who is present at the public meeting. The board must keep a formal record of each public meeting and make the record available for review by members of the public on request. Any final action must be made publicly available on the county board's website within 72 hours of the time the action was taken. Each action must include (1) a full and accurate description of the action and (2) a link or reference to the related video recording of the meeting, if available. The bill takes effect July 1, 2018.

- **Baltimore County Board of Education – Nonstudent Member Compensation and Student Member Scholarships** ([HB 87](#)) (Baltimore County Delegation)

This bill increases the compensation amount for nonstudent members of the Baltimore County Board of Education from \$100 to \$7,500 annually. The bill also increases the scholarship amount of a student member who completes a full term from \$100 to \$1,000. The bill's changes take effect beginning with the next term of office.

- **Baltimore County Anti-Bullying Task Force** ([HB 1600](#)) (Baltimore County Delegation)

This bill establishes the Baltimore County Anti-Bullying Task Force staffed by Baltimore County Public Schools. The task force must submit a preliminary report to the Governor, the members of the Baltimore County Delegation to the General Assembly, and specified local entities by July 1, 2019. The final report must be submitted by December 1, 2020. The bill takes effect July 1, 2018, and terminates Dec. 31, 2020.

- **Baltimore City - Property Tax Credit - School Public Safety Officers**

([HB 117/SB 394](#)) (Del. Glenn/Sen. Conway)

This bill adds sworn law enforcement officers employed full time by the Baltimore City Public School System to those eligible for a specified Baltimore City property tax credit for public safety officers. The bill takes effect June 1, 2018, and applies to taxable years beginning after June 30, 2018.

- **Carroll County - Board of Education - Student Representative**

([HB 621/SB 359](#)) (Carroll County Delegation)

This bill establishes a scholarship for a student representative who completes a full term on the Carroll County Board of Education. The scholarship must be applied to the student's higher education costs and be paid directly to the educational institution that the student attends. The bill also allows the student to receive reimbursement for travel and other expenses that are incurred in the performance of official duties for the board. The bill takes effect July 1, 2018.

- **Carroll County - Board of Education - Compensation**

([HB 885/SB 735](#)) (Del. Shoemaker/Carroll County Senators)

This bill increases the compensation amounts for nonstudent members of the Carroll County Board of Education by \$1,500 annually beginning with the next term of office. The president of the county board receives \$9,000, rather than \$7,500, annually while the other voting members receive \$8,000, rather than \$6,500, annually. The bill takes effect July 1, 2018.

- **Howard County - Transfer Tax Exemption and Rate Reduction - Teachers Ho. Co. 13-18**

([HB 223](#)) (Howard County Delegation)

This bill adds Howard County public school teachers to the list of qualified county employees who are eligible for a county transfer tax exemption for a first time home purchase in the county and a reduced transfer tax rate for subsequent home purchases in the county. The bill takes effect July 1, 2018.

- **Howard County Student Loan Assistance Repayment Program for Teachers Ho. Co. 14-18**

([HB 1180](#)) (Howard County Delegation)

This bill authorizes Howard County to establish a Student Loan Assistance Repayment Program for Teachers employed by the Howard County Public School System (HCPSS). The program is to attract, recruit, and retain a diverse cadre of qualified teachers in HCPSS that reflects the student population. The program must be administered by HCPSS. Funds for the program must be as provided on an annual basis in the county budget in an appropriation separate from the appropriation to the school system's operating budget. Funds for the program may be used to cover administrative expenses of the program.

- **Montgomery County Board of Education Compensation Commission MC 1-18**

([HB 150](#)) (Montgomery County Delegation)

This bill establishes the Montgomery County Board of Education Compensation Commission, staffed by the Montgomery County government. The commission consists of five residents of the county appointed by the county executive and confirmed by the county council. Members to be appointed by Jan. 1, 2019.

- **Prince George's County - School Construction Master Plan Workgroup ([SB 332](#))** (Sen. Rosapepe)

This bill establishes the Prince George's County School Construction Master Plan Workgroup to make recommendations on the county's educational facilities master plan. The Prince George's County Board must provide staff to the workgroup. The bill takes effect June 1, 2018, and terminates June 30, 2019.

- **Talbot County Board of Education – Start Date of Term for Members**

([HB 156/SB 171](#)) (Del. Mautz/Sen. Eckardt)

This bill alters the start date of elected members of the Talbot County Board of Education from January 1 after the member's election to December 1.

- **Washington County - Advisory School Design Review Committee - Repeal**

([SB 1148](#)) (Washington County Senators) This emergency bill repeals a requirement that the Washington County Board of Commissioners establish an Advisory School Design Review Committee to review all construction plans for school capital improvement projects that exceed \$2.0 million.

- **Washington County - Superintendent of Schools - Appointment and Reappointment**
([SB 1162](#)) (Washington County Senators)

This bill repeals the exemption of the Washington County Superintendent of Schools and the Washington County Board of Education from requirements related to the appointment and reappointment of the superintendent of schools. The bill takes effect July 1, 2018.

Bills Passed Which Were Vetoed and Therefore Not in Effect

- **State Board of Education – Membership – Teachers and Parent** ([SB 739](#)) (Senator Madaleno)

This bill would have increased the membership of the State Board of Education from 12 to 15 members, by adding 2 certified teachers and 1 parent of a student enrolled in a public school, and establishes processes to appoint these members. ***This bill was vetoed by Governor Hogan on May 25, 2018.***



MABE opposed this bill because it would impose unwarranted and inappropriate conditions on the membership of an expanded State Board of Education, by mandating a role for the Maryland PTA and Maryland State Education Association and Baltimore Teachers Union in selecting a total of 3 new members of the State Board.

- **Education – Collective Bargaining for Noncertificated Employees – Supervisory Employees and Management Personnel** ([HB 808](#)) (Del. Tarlau)

This bill would have altered the definition of “supervisory employee” for noncertificated employees of local school systems by removing a provision that allows the status of a supervisory employee to be determined by negotiation. ***This bill was vetoed by Governor Hogan on May 25, 2018.***



MABE opposed this bill because it would have removed the authority of a local school system to determine which employees are supervisory, even in the context of negotiations. MABE also opposed this bill as not needed because it would amend a section of law that was able to be interpreted and applied by the PSLRB to affirm a local school system decision negotiated in good faith.

- **Prevailing Wage Rates – Public Work Contracts – Suits by Employees**

([HB 1243](#) / [SB 572](#)) (Del. Morales / Sen. Benson)


This bill would have authorized an employee under a public work contract who is paid less than the appropriate prevailing wage to sue to recover the difference in wages paid without first filing a complaint with the Commissioner of Labor and Industry. A determination by the commissioner that a contractor is required to make restitution does not preclude the employee from a private cause of action. A contractor and subcontractor are jointly and severally liable for any violation of the subcontractor’s obligations associated with civil actions (brought either by the commissioner or the employee). ***This bill was vetoed by Governor Hogan on May 25, 2018.***

Bills Which Did Not Pass in 2018

- **Education - Students With Reading Difficulties - Screenings and Interventions**


([HB 910](#)) (Del. Luedtke)

This bill would have required each local school system to screen all prekindergarten, kindergarten, and first grade students to identify if a student is at risk for reading difficulties, including the identification of students with dyslexia. The bill was amended in the House, and amended further in the Senate, but the conference committee's report was not adopted by the close of session.

 MABE opposed this bill because the proposed screening instrument was very prescriptively defined, and the screenings would have been required as often as three times per school year. MABE opposed this bill because it would not have provided an appropriate balance of state accountability and local discretion to achieve state goals for student learning through locally developed reading instruction programs and strategies. ([MABE Testimony](#))


- **Protect Our Students Act of 2018** ([HB 351/SB 301](#))

This Administration bill would have required 80%, rather than 65%, of the composite score for the accountability system required under the federal Every Student Succeeds Act (ESSA) be composed of academic indicators. The bill also removes the requirement that no indicator may be weighted as less than 10% and changes the classification of a specified indicator from an academic to a school quality indicator.

 MABE opposed this bill based on the concern that this bill would have required the State to rewrite significant parts of the 2017 Protect Our Schools Act, and require corresponding changes in the now federally approved State 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. ([MABE Testimony](#))


- **Accountability in Education Act of 2018** ([HB 355/SB 302](#))

This Administration bill would have established the Education Monitoring Unit as an independent unit in the State to investigate, analyze, and report on upholding of teacher, student, and parent civil rights; on fraud, abuse, and waste regarding public funds and property; on child abuse, neglect and safety; and on a range of specified matters relating to public schools and public school facilities. The unit must also establish and publicize an anonymous electronic tip program. The bill establishes an investigator general position as well as an investigator general selection and review commission within the unit.

 MABE opposed this bill In light of the comprehensive scope of meaningful fiscal and operational accountability assurances already in place. ([MABE Testimony](#))

- **Maryland Healthy Working Families Act – Delay of Effective Date** ([SB 304](#)) (Sen. Middleton)

This emergency bill would have delayed the effective date of the Maryland Healthy Working Families Act from February 11, 2018, to July 1, 2018. Under this bill, earned sick and safe leave would have begun to accrue the later of July 1, 2018, or the date that an employee begins employment with the employer.

 MABE supported passage of this bill in order to align the new law's requirements with the beginning of the FY 2019 fiscal year. ([MABE Testimony](#))

MABE's Advocacy Centers

MABE strives to be the primary voice for public education in Annapolis. The unity of 24 local school boards lends strength to our increasing importance in the legislative process, ensuring that the Governor, General Assembly, and State Board of Education turn to MABE to help determine what is best for school children.

Annapolis Advocacy Center

MABE's [Legislative Committee](#) holds monthly meetings to guide the Association's lobbying activities in Annapolis, and invites policy and legislative leaders to exchange ideas. The Director of Governmental Relations, in coordination with MABE leadership, conducts direct lobbying activities including [testimony](#) before the General Assembly. MABE adopts and publishes an annual [Legislative Positions](#) publication and a Session Summary. MABE coordinates the Green Street Coalition, which is comprised of legislative liaisons from school systems and the superintendents association, and MABE staff pens the [Education Advocate](#) newsletter legislative activity. Link to [MABE's Annapolis Advocacy Center](#).

State Board Advocacy Center

MABE staff and members of the Board of Directors attend each meeting of the State Board of Education, and staff pens [The Monitor](#), which provides a comprehensive summary of each meeting. MABE frequently informs the State Board of the Association's positions on priority issues through testimony, correspondence, and meetings. Link to [MABE's State Board Advocacy Center](#).

Federal Advocacy Center

MABE encourages all boards of education to engage in advocacy at the federal level to ensure that our federal officials are well informed on the priorities and perspectives of local school systems. MABE's Federal Relations Network (FRN) Committee is comprised of board members appointed to represent the association in communicating NSBA and MABE positions to Maryland's federal delegation, including our two U.S. Senators and eight members of the U.S. House of Representatives. Link to [MABE's Federal Advocacy Center](#).

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