

# MABE

MARYLAND ASSOCIATION OF BOARDS OF EDUCATION



## 2018—2019 CONTINUING RESOLUTIONS

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## **Adequate and Equitable State and Local Funding of Public Education**

(Adopted 1990; amended 1993, 1994, 1997, 2000, 2002, 2004, 2007, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018)

WHEREAS, the Maryland Association of Boards of Education (MABE) provides a strong collective voice for local boards of education, and has consistently advocated vigorously for adequate and equitable funding for Maryland public schools; and

WHEREAS, there are substantial differences in the ability of local boards of education to fund programs; and historically this resulted in substantial inequity in the provision of educational opportunity to the children of Maryland; and

WHEREAS, the Maryland State Constitution requires that the General Assembly “shall by law establish throughout the state a thorough and efficient system of free public schools; and shall provide by taxation or otherwise for their maintenance”; and

WHEREAS, the Commission on Education Finance, Equity, and Excellence convened by the General Assembly in 1999:

- Determined, based on the conclusions of thorough expert analysis conducted by Augenblick and Myers, that current per pupil funding was significantly inadequate;
- Recommended consolidating categorical programs, increasing the base amount of per pupil funding, and enhancing supplements to this amount in order to address the increased costs arising from educating students with special needs; and
- Recommended providing local school systems maximum flexibility in allocating resources; and

WHEREAS, the Bridge to Excellence in Public Schools Act of 2002, based substantially on the recommendations of the Commission:

- Eliminated twenty-seven categorical programs and phased in significant state funding increases through fiscal 2008 to enhance the adequacy, equity, and flexibility of state public school funding;
- Enhanced local school system accountability for student performance by requiring that all local school systems must develop a five-year comprehensive master plan for student achievement;
- Mandated that all local school systems provide by 2007 universal kindergarten and targeted prekindergarten programs for all economically disadvantaged four-year-olds; and
- Required increased state education aid and local school system performance accountability without modifying the maintenance of effort law; and

WHEREAS, the Bridge to Excellence Act reformed the State’s school finance system to include: an increased per pupil foundation amount; increased per pupil funding for students with special needs based on economic disadvantage, special education, or limited English proficiency; guaranteed tax base grants for school systems with low wealth and high education effort; and Geographic Cost of Education Index (GCEI) funding for school systems with high personnel and non-wage costs; and

WHEREAS, in FY 2008 the state achieved full funding of the Bridge to Excellence Act's mandated per pupil funding levels and targeted funding programs, after years of significant, incremental increases in state aid and local government funding that met or exceeded their minimum maintenance of effort funding amounts; and

WHEREAS, in 2009, MGT of America issued a report confirming that the increased funding provided by the Bridge to Excellence Act had resulted in significantly increased student performance for all students, including minority and economically disadvantaged students; and

WHEREAS, in a Special Session convened in the fall of 2007 the state significantly increased its sales tax and income tax rates, in large part to sustain full funding of the Bridge to Excellence Act; and

WHEREAS, Maryland's public school students deserve the affirmative commitment of all county governments to provide annual increases in public education funding which meet or exceed the minimum maintenance of effort funding level; and

WHEREAS, adequate local funding is essential to the current and continued success of Maryland's public schools, as it represents half of the total revenues provided to Maryland's 24 fiscally dependent school systems; and

WHEREAS, Maryland's county governments have significant revenue generating capacity through countywide local income taxes and countywide property taxes, taxing authority not available to county governments in much of the United States; and

WHEREAS, providing local boards of education with taxing authority is not warranted in light of the ample scope of local taxing authority and the state's authority to control the investment of those local revenues; and

WHEREAS, because GCEI funding was a discretionary component of the Bridge to Excellence Act funding reforms, funding was not included in state budgets for many years; full funding for GCEI was provided from FY 2010 through FY 2015; and following the Governor's 50% reduction in GCEI funding for FY 2016, the General Assembly enacted legislation to make GCEI mandatory beginning in FY 2017; and

WHEREAS, the federal government, Maryland's General Assembly, Governor, and State Board and Department of Education, continue to adopt and promote new mandates in areas such as curriculum, assessments, student discipline, school safety and security, collective bargaining, professional development, and procurement, that impose significantly increased costs on local school systems; and

WHEREAS, the Budget Reconciliation and Financing Act of 2011 required MSDE to contract for a new study of the adequacy of education funding, to commence in 2014 and conclude in 2016, in order to: identify a base funding level for all students; identify per pupil weights for students with special needs to be applied to the base funding level; and analyze the effect of concentrations of poverty on adequacy targets; and

WHEREAS, in June of 2014 the Board of Public Works approved a \$1.05 million state contract with Augenblick, Palaich and Associates (APA) to conduct a comprehensive follow-up study of the adequacy of education funding in the state, including studies of school size, measures of economic disadvantage and concentration of poverty, the impacts of enrollment growth and

decline on school funding, and three funding adequacy studies based on the successful schools, professional judgment, and evidenced-based methodologies; and

WHEREAS, in response to the leading advocacy of MABE, in 2016 the General Assembly enacted legislation to create the Commission on Innovation and Excellence in Education to review the current education financing formulas and accountability measures and make legislative recommendations for updating and enhancing the funding formulas established by the Bridge to Excellence in Public Schools Act of 2002 to provide adequate and equitable state and local funding to ensure that all school systems, schools, and students have the resources needed to succeed based on the requirements of the Maryland College and Career Ready Standards adopted by the State Board of Education; and

WHEREAS, in 2015 MABE formed an Ad Hoc Committee on School Funding to provide a forum for discussing and informing MABE's participation on the MSDE stakeholder group, panels convened during the consultant's adequacy studies, and the Kirwan Commission on Innovation and Excellence in Education, and MABE's advocacy in Annapolis for legislation to ultimately enact the school funding reforms and increases in state aid based on this work; and

WHEREAS, the final Study of Adequacy of Funding for Education in the State of Maryland issued in November 2016 recommends changes to the methods used to determine local wealth; regional cost adjustments; student enrollment; transportation aid; and per pupil weights for limited English proficient, special education, compensatory education, and prekindergarten programs; and

WHEREAS, the Adequacy Study cost analysis recommends providing the following key resources:

- Small class sizes;
- Staffing to support art, music, physical education, world languages, technology, career and technology education, and advanced courses;
- Significant time for teacher planning, collaboration, and imbedded professional development;
- Additional instructional staff, including instructional coaches, and librarian/media specialists;
- High level of student support, such as counselors, nurses, behavior specialists, and social workers, for all students;
- Administrative staff to allow for instructional leadership, data-based decision making, and evaluation;
- Technology rich learning environments, resourced at a level that would allow for one-to-one student devices; and
- Resources for instructional supplies and materials, assessment, textbooks, and student activities; and

WHEREAS, the total costs of the Adequacy Study recommendations include a \$1.9 billion increase in state funding for major state education programs over FY 2015 amounts, an increase of 39 percent; and a \$1 billion increase in local government funding, an increase of 19 percent; and

WHEREAS, legislation enacted in 2017 created the Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-Year-Olds to make recommendations regarding an implementation plan, based on APA Consulting's January 2016 report "A Comprehensive Analysis of Prekindergarten in Maryland", to make quality, full-day prekindergarten universally available through public and nonpublic school programs to children who are four years old; and

WHEREAS, in 2017 and 2018 the Kirwan Commission engaged the National Center for Education and the Economy (NCEE) as a consultant to provide a framework for making Maryland's public schools globally competitive based on comparisons with education systems in nations and states such as Shanghai (China), Finland, Singapore, Ontario (Canada) and Massachusetts; and

WHEREAS, the Kirwan Commission is charged with recommending legislation to reform Maryland's public school finance system, and agreed to do so based on APA Consulting's cost analysis of implementing NCEE's framework, "9 Building Blocks for World-Class Education Systems"; and

WHEREAS, the Kirwan Commission organized its work through four workgroups and five major policy areas, including: early childhood education, high quality teachers and leaders, college and career readiness pathways, more resources for at-risk students, and governance and accountability; and

WHEREAS, in 2018 legislation was enacted to require the Comptroller to dedicate \$200 million in income tax revenue to a special fund to support the implementation of the recommendations of the Commission on Innovation and Excellence in Education; and

WHEREAS, in 2018 legislation was enacted to propose a constitutional amendment that, if approved by the voters at the 2018 general election, would require the Governor to provide supplemental State funding for public education through the use of commercial gaming revenues that are dedicated to public education in the State budget beginning in FY 2020. Supplemental funding must total \$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;

NOW, THEREFORE, BE IT RESOLVED, that MABE will work collaboratively and vigorously with all stakeholders to ensure broad public support for full funding of public elementary and secondary education by state and local governments; and

BE IT FURTHER RESOLVED, that MABE supports the approval by the voters at the 2018 general election of a constitutional amendment to require the Governor to provide supplemental State funding for public education through the use of commercial gaming revenues that are dedicated to public education; and

BE IT FURTHER RESOLVED, that MABE urges the Governor and General Assembly to fully fund state aid to public education, maintain the per pupil foundation amount and provide increases through a robust annual inflation factor, fully fund the Geographic Cost of Education Index (GCEI), and provide supplemental hold harmless grants; and

BE IT FURTHER RESOLVED, that MABE will participate fully in the work of the Commission on Innovation and Excellence in Education and collaborate with other education organizations to advocate vigorously for significant increases in state funding through reforms to state funding formulas; and

BE IT FURTHER RESOLVED, that MABE will support local flexibility in adopting policies and procedures intended to optimize student learning while at the same time reducing costs, and MABE will oppose the implementation of new state or federal policies or programs that impose any new unfunded mandates on local school systems; and

BE IT FURTHER RESOLVED, that MABE will consider supporting legislation, regulations, and MSDE policies and procedures, that permanently or temporarily repeal mandated programs, services, and other requirements imposing costs on local school systems that are not directly related to school systems' abilities to provide high quality classroom instruction; and

BE IT FURTHER RESOLVED, that MABE will vigorously oppose any effort to reduce state funding and/or shift funding responsibilities from the state to county governments; actions which would reduce levels of education programs and services for students, and erode the state's progress toward an adequate and equitable education for all students in Maryland's public schools; and

BE IT FURTHER RESOLVED, that MABE opposes proposals to reduce or eliminate the governance and decision-making authority of local boards and administrators as a condition for receiving increased state funding; and

BE IT FURTHER RESOLVED, that MABE urges the Governor, General Assembly, Maryland's State Board and Department of Education, and Maryland School Safety Subcabinet, to work collaboratively in support of legislative and funding recommendations, including those of the Commission on Innovation and Excellence in Education, to update and significantly increase consistent with updating and enhancing the state and local funding provided by Maryland's nationally recognized standards-based school finance system.

## **Adequate School Facility Funding**

(Adopted 1999; amended 2001, 2002, 2005, 2008, 2011, 2013, 2016, 2017, 2018)

WHEREAS, the Maryland Constitution requires that the state provide a “thorough and efficient” system of public education, and providing a “thorough and efficient” system of public education requires adequate public school facilities; and

WHEREAS, all 24 school districts are in urgent need of adequate capital funding and annually request state and local funding to construct, renovate, and maintain school facilities; and

WHEREAS, adequately maintaining school facilities requires significant investments from both state and local governments; and

WHEREAS, needs and uses of public schools are dynamic, and local boards of education must be able to adequately address and finance the range of facility needs in capital projects; and

WHEREAS, local school systems develop capital improvement plans (CIPs) and construct and maintain school facilities in accordance with adopted procurement and construction laws and regulations; and

WHEREAS, the General Assembly has authorized the Board of Public Works, comprised of the Governor, State Comptroller, and State Treasurer, to adopt rules, regulations, and procedures for the administration of the school construction and capital improvement program. The Board of Public Works regulations provide for the administration of the state school construction program by the Interagency Committee on School Construction (IAC); and

WHEREAS, current IAC regulations exclude state funding of specific costs related to facilities, such as land acquisition and architectural and engineering fees; and

WHEREAS, the Bridge to Excellence in Public Schools Act of 2002 mandated that all local school systems provide universal full-day kindergarten and targeted pre-kindergarten programs for all economically disadvantaged four-year-olds; and

WHEREAS, the Task Force to Study Public School Facilities created by the Bridge to Excellence in Public Schools Act of 2002 conducted a statewide facilities needs assessment and recommended revisions to the state school construction program which were included in the School Facilities Act of 2004; and

WHEREAS, the School Facilities Act of 2004 revised state and local cost share formulas, reduced the state rated capacity for grades 1 to 5 from 25 to 23 students per classroom, enhanced opportunities to use alternative financing methods to fund projects, and adopted the goal of providing \$250 million per year in state capital funding for school facilities; and

WHEREAS, school construction costs continue to escalate, resulting in project costs that can dramatically exceed projected cost estimates and the anticipated state and local appropriations for pending projects; and

WHEREAS, the General Assembly has enacted significant mandates affecting school construction procedures and project costs, including: expanding the scope of prevailing wage rates; raising minority business enterprise contracting participation standards; and strict environmental design standards; and

WHEREAS, state policy regarding prevailing wage and school construction shifted in 2000 when the General Assembly enacted legislation to lower the percentage of State funding triggering prevailing wage requirements from 75 percent to 50 percent. Following 2000, the 50 percent threshold resulted in dramatically increased project costs for many school systems and unnecessarily diluted the benefit of the state and local investment in public school construction during these years. In 2014 the General Assembly again lowered the threshold of state funding mandating prevailing wage from 50 percent to 25 percent, resulting in school facility project cost increases of more than 10 percent; and

WHEREAS, in 2007 the General Assembly enacted the High Performance Buildings Act, which requires that all new school buildings be constructed to meet or exceed the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) criteria for a silver rating or satisfy a comparable numeric rating approved by the Board of Public Works; and

WHEREAS, since the late 1970s Maryland's Minority Business Enterprise (MBE) program has promoted the awarding of state contracts, including school construction projects, to certified MBEs; and the level of monitoring and enforcement of MBE program compliance by the Governor's Office of Minority Affairs (GOMA) has grown significantly since the 2000s; and

WHEREAS, in 2013 the General Assembly enacted a school construction and renovation funding initiative to provide more than \$1 billion in state and local funding for the Baltimore City Public School System over a ten-year period; and

WHEREAS, the state capital budget has provided additional funding for the Capital Grant Program for Local School Systems with Significant Enrollment Growth or Relocatable Classrooms established in 2015; and for heating, ventilation, and air conditioning improvements, and for school safety improvements; and

WHEREAS, in 2016 the Speaker of the House and President of the Senate established the 21st Century School Facilities Commission to: review existing educational specifications; identify best practices and efficiencies from the construction industry; identify a long-term plan for jurisdictions with growing or declining enrollment; identify innovative financing mechanisms including public-private partnerships and alternatives to general obligation debt; and evaluate the appropriate role for state agencies including the Maryland Department of Planning, Department of General Services, Board of Public Works, and Interagency Committee for Public School Construction; and

WHEREAS, in 2015 MABE formed an Ad Hoc Committee on School Funding and in 2016 expanded the charge of this committee to include capital funding issues and to provide a forum for discussing and informing MABE's participation on the Knott Commission on 21st Century School Facilities; and

WHEREAS, the interim report of the Commission on 21st Century School Facilities issued in January 2017 identified major themes including: providing local flexibility while ensuring quality and accountability, streamlining the state's review process, providing incentives for local school systems to be innovative, exploring an alternative sustainability standard to LEED certification, and providing a state clearinghouse for best practices and to provide technical assistance to local school systems; and

WHEREAS, in 2018 the 21st Century School Facilities Act was enacted to make more than 30 reforms to school facilities project procurement, design review and approval, and funding approval process, including:

- altering the name, composition, and role of the Interagency Committee on School Construction;
- requiring the expanded and restructured Interagency Commission on School Construction, rather than the Board of Public Works, to make final decisions on 100% of state funding for school construction projects;
- requiring educational facility sufficiency standards, a facility condition index, and periodic facility assessments;
- streamlining the State approval process for school construction projects;
- adopting the best value method of procurement, rather than lowest price; and
- adopting the new baseline amount of at least \$400 million for public school construction annually;

NOW, THEREFORE, BE IT RESOLVED, that MABE urges a continued commitment by the Governor and General Assembly in future years to provide the state's share of the funding needed to address the school facility needs identified by local school systems; and

BE IT FURTHER RESOLVED, that MABE supports legislation to exempt school construction from prevailing wage requirements or, in the alternative, to raise the state funding threshold for the application of prevailing wage rates to school construction projects significantly above 25 percent in order to reduce construction costs; and

BE IT FURTHER RESOLVED, that MABE supports maintaining the option for local school systems to use alternative methods of project delivery, and to procure school construction by methods other than competitive bidding, in order to optimize cost savings and efficiencies in procurement; and

BE IT FURTHER RESOLVED, that MABE opposes any state mandated school sizes for elementary, middle or high schools; and

BE IT FURTHER RESOLVED, that MABE supports maintaining a state school construction program that annually funds major construction and renovation projects, and systemic projects, to the benefit all school systems; and

BE IT FURTHER RESOLVED, that MABE shall make every reasonable lobbying effort supporting sufficient state funding for school construction and renovation projects and building maintenance to ensure quality sustainable school facilities for all Maryland students; and

BE IT FURTHER RESOLVED, that MABE urges the Governor and the General Assembly to take steps to ensure that state funding for public school facilities is allocated equitably.

## **Before and After School Programs**

(Adopted 1990, 1993; amended 1996, 1999, 2002, 2005, 2008, 2011; readopted 2014; amended 2016)

WHEREAS, the Maryland Association of Boards of Education (MABE) believes that the parents and children in Maryland would best be served through a coordinated effort by all those charged with the care of school age children in the state; and

WHEREAS, local boards of education facilities are utilized for many community activities serving as focal points in the lives of school age children in Maryland; and

WHEREAS, the need for before and after school child care is a community and business need as well as a school system need; and

WHEREAS, local boards of education have the capability to identify age appropriate education resources for before and after school programs; and

WHEREAS, local boards of education resources are utilized to provide quality instruction for students; and

WHEREAS, before and after school programs should support the formal education of participating children; and

WHEREAS, in December 2015 Congress reauthorized the Elementary and Secondary Education Act (ESEA) as the Every Student Succeeds Act (ESSA); and ESSA authorizes federal funding for the 21st Century Community Learning Centers (21st CCLC) initiative to support afterschool and summer learning programs; and

WHEREAS, in 2016 the General Assembly enacted legislation to establish the Public School Opportunities Enhancement Grant Program within MSDE to assist local school systems, public community schools, and nonprofit organizations in expanding or creating extended day and summer enhancement programs for economically disadvantaged students;

NOW, THEREFORE, BE IT RESOLVED, that MABE recommends that boards of education work collaboratively with state and local agencies and private providers to promote high quality, affordable before and after school programs; and

BE IT FURTHER RESOLVED, that any state or federal mandated program related to before and after school programs be fully funded.

## **Closing of School Buildings**

(Amended 1981, 1984, 1987, 1990, 1993, 1996, 1999; readopted 2002, 2005, 2008, 2011, 2014, 2017)

WHEREAS, Section 4-115 of the Education Article authorizes and empowers the county boards of education with the approval of the State Superintendent of Schools to determine when grounds, school sites, or buildings are no longer needed for school purposes; and

WHEREAS, from time to time legislation has been introduced which, if enacted, would have required the board of education to obtain the approval of the local government when school buildings are determined to be no longer needed and are to be transferred to the local government; and

WHEREAS, the present law governing the acquisition and sale of school grounds, sites, and buildings is satisfactory;

NOW, THEREFORE, BE IT RESOLVED, that the Maryland Association of Boards of Education (MABE) opposes any legislation that would change the current law which places the authority to determine when a school building is no longer needed for school purposes with the local superintendent of schools, the local board of education, and the State Superintendent of Schools; and

BE IT FURTHER RESOLVED, that MABE opposes any effort by the state to require local subdivisions to reimburse the state for any existing debt service before a school is permitted to be conveyed to the local government.

## **Curriculum and Assessments**

(Adopted 2013; amended 2014, 2016, 2017, 2018)

WHEREAS, in creating the State Board and local boards of education the General Assembly has delegated the responsibility for the development of curriculum and student assessments; and

WHEREAS, the State Board establishes state standards and graduation requirements; and local boards implement locally-developed curriculum to ensure that standards are met and students are prepared to meet graduation requirements; and

WHEREAS, the General Assembly has considered and at times enacted legislation usurping State Board and local board authority by mandating public school curriculum and student assessments; and

WHEREAS, the State Board adopted the Visionary Panel for Better Schools report in 2002, including the development of a voluntary statewide curriculum, with which local curriculum must be aligned; and in 2009 the State Board amended its regulations to clarify that the requirement to align local curriculum with the state curriculum was no longer voluntary; and

WHEREAS, notwithstanding established local board authority over curriculum and assessments, the federal No Child Left Behind Act (NCLB) of 2001 mandated an array of new student assessments and curriculum reforms, requiring the investment of significant state and local government resources; and

WHEREAS, Maryland complied with NCLB by adopting the Maryland School Assessments (MSAs) in reading, mathematics, and science in grades 3 through 8, and grade 10; and adopting the High School Assessments (HSAs) in English 10, Algebra 1, and Biology which serve as the NCLB mandated accountability tests at the high school level; and

WHEREAS, the State Board adopted regulations in 2004 to tie graduation and receipt of the Maryland High School Diploma beginning in 2009 to passage of four High School Assessments (HSAs) in Algebra/Data Analysis, English 10, Government, and Biology; and

WHEREAS, in 2008 the State Board approved the Bridge Plan for Academic Validation which allows students not passing one or more HSAs to complete projects for credit toward the minimum score required to receive a diploma; and

WHEREAS, in 2011 the Government HSA was abolished as a cost saving measure; and was restored by legislation enacted in 2012 which also mandated a middle school assessment in social studies; and

WHEREAS, MSDE has adopted Maryland College and Career Ready Standards, curricular framework, and uniform state assessments developed in conjunction with the Partnership for Assessment of Readiness for College and Careers (PARCC); and

WHEREAS, legislation was enacted in 2013 mandating that all high school juniors be given assessments to demonstrate college and career readiness; and mandating new transitional courses for students not passing these assessments; and

WHEREAS, in 2014 legislation was enacted to require MSDE to develop a plan to transfer from the Maryland High School Assessments in English and Algebra/Data Analysis to the comparable PARCC assessments as a graduation requirement; and

WHEREAS, in 2015 the legislature formed the Commission to Review Maryland's Use of Assessments and Testing in Public Schools to assess the state's use of and approach to mandated assessments and testing; and

WHEREAS, the Commission did not adopt a recommendation to establish a statutory cap on the amount of instructional time allotted for student assessments; and

WHEREAS, in December 2015 Congress reauthorized the Elementary and Secondary Education Act (ESEA) as the Every Student Succeeds Act (ESSA); and ESSA maintains grade level assessment requirements but eliminates many of the mandated accountability requirements and sanctions tied to assessment results; and

WHEREAS, in 2016 legislation was enacted to require local boards to publish, by October 15 of each year, information for each assessment administered, including: the title and purpose of the assessment; whether the assessment is mandated by a local, State, or federal entity; the grade level or subject area; the testing window; and the accommodations available for students with special needs; and

WHEREAS, in 2016 the State Board adopted regulations establishing an incremental increase in passing scores required for graduation on the PARCC Algebra 1 and PARCC English 10 Maryland High School Assessments beginning in the 2016-2017 school year and phased-in through the 2019-2020 school year; and

WHEREAS, the Maryland High School Assessment in Biology was last administered as a high school graduation requirement in the 2015-2016 school year; and in 2016-2017 the transition began to administer the Maryland Integrated Science Assessment (MISA), which is aligned with the Next Generation Science Standards, and intended to be phased-in as a score-based graduation requirement; and

WHEREAS, in 2016 legislation was enacted to limit the state administration of the Kindergarten Readiness Assessment (KRA) to a representative sample of students; and require that the assessment is completed by October 1 of each year; 2017 legislation extended the deadline to October 10; and

WHEREAS, in 2017 legislation was enacted to restrict the administration of school systems to administer the Early Learning Assessment (ELA) under the condition that: "Before administering the early learning assessment, a county board shall consult with prekindergarten teachers, including teachers nominated by the exclusive bargaining representative, in determining how to implement the assessment;" and

WHEREAS, in 2017 legislation was enacted to establish the following procedures regarding student assessments:

- Require, in odd numbered years, local boards of education and exclusive employee representatives to meet and confer regarding school assessments and, by December 1, 2017, and every two years thereafter, mutually agree to a limited amount of time that may be devoted to federal, state, and locally mandated assessments for each grade;
- Provide that if the parties fail to mutually agree, the time that may be devoted to all assessments must be limited to 2.2 percent of the minimum required annual instructional hours for every grade except for eighth grade, which must be limited to 2.3 percent;

- Allow local boards of education and exclusive employee representatives to mutually agree to amounts of time devoted to assessments that exceed the 2.2 and 2.3 percent thresholds; and
- Require, in even numbered years, school systems to convene District Committees on Assessments comprised of teachers selected by the exclusive bargaining unit and parents and guardians, to advise and make recommendations on the time required to administer each assessment, purpose, timeliness of results; and

WHEREAS, state officials determined that the 2018-2019 school year is the last year for the administration of the PARCC assessments, and to develop different state assessments aligned with the current college and career readiness standards; and

WHEREAS, Maryland's state plan for compliance with the federal Every Student Succeeds Act (ESSA) features a school, school system and statewide accountability system based on student performance levels on the PARCC assessments;

NOW, THEREFORE, BE IT RESOLVED, that MABE supports local decision-making authority in developing curriculum and assessments, in conjunction with the State Board of Education, as these entities are charged with the responsibility to research, investigate, and evaluate curriculum and assessments, and are ultimately accountable for student performance; and

BE IT FURTHER RESOLVED, that MABE supports the state's adoption, administration, and funding of federally required statewide reading/language arts, mathematics, and science assessments; and supports the continued administration of the statewide high school assessment in government; and

BE IT FURTHER RESOLVED, that MABE urges the State Board to pause in implementing high stakes graduation requirements based on minimum cut scores on any statewide assessments until the new statewide assessments in reading/language arts and mathematics are field tested and subsequently administered for multiple years; and

BE IT FURTHER RESOLVED, that MABE opposes efforts by the General Assembly or federal government to usurp local board authority over public school curriculum or student assessments.

## **Digital Learning**

(Adopted 1994; readopted 1997; amended 2000, 2003, 2006, 2009, 2012, 2014, 2017)

WHEREAS, the ability to use digital devices and resources is essential to student success; and

WHEREAS, the state and local boards of education recognize advances in digital learning, including electronic devices, telecommunications, mobile technologies, and supporting resources, as effective adjuncts for student learning through access to information and enriched educational experiences; and

WHEREAS, the effective use of high quality virtual and blended teaching and learning provides viable options to traditional classroom instruction; and

WHEREAS, access to standards-aligned digital resources and virtual learning opportunities are being advanced through collaboration among local school systems and the Maryland State Department of Education (MSDE); and

WHEREAS, the Maryland Virtual Student Learning Opportunities (MVSLO) Program offers online high school credit-bearing courses; and includes courses and resources aligned to Maryland College and Career-Ready standards (MCCRS) and other adopted content standards; and

WHEREAS, Maryland adopted its first state education technology plan in 1995, and continues to update the plan, to ensure that students and educators realize the optimum benefits from the integration of digital devices and resources in the classroom; and

WHEREAS, the 2017 state plan contains the following primary interrelated Guiding Principles:

- Innovative leadership that promotes excellence and supports transformation throughout the organization by articulating and implementing a shared vision for teaching, leading, and learning in digital environments;
- Personalized student learning that is equitable, rigorous and innovative, guided by instruction based on Universal Design for Learning principles, and that empowers students to become responsible digital citizens;
- Relevant, ongoing, and personalized professional learning where staff engage in a cycle of inquiry, reflection, and sharing to improve teaching;
- The importance of data collection and analysis to determine areas of focus, inform progress, and measure success in order to support educator and student learning;
- The necessity that an agile and robust infrastructure supports innovative instructional environments, while maximizing learning opportunities and protecting student/educator privacy; and

WHEREAS, nearly all of Maryland's classrooms have the capability to take advantage of the Internet with the state and local school systems continuing to make progress toward the goal of having 100 percent of classrooms connected; and

WHEREAS, the recommended student to computer ratio for Maryland's more than 870,000 students is based on the current and future instructional and assessment needs as determined by the local school system; and

WHEREAS, the recommendations based on the Maryland College and Career-Ready State Standards and other adopted content standards include expectations for how digital devices and resources may be used to support student learning, instruction, and assessments; and

WHEREAS, Maryland is administering statewide, uniform student assessments such as the Partnership for Assessment of Readiness for College and Careers (PARCC) assessments and Maryland Integrated Science Assessments (MISA); and

WHEREAS, the state assessments are primarily computer-based and include constructed response items, performance-based tasks, and computer-enhanced and computer-scored items; and

WHEREAS, local school systems are investing millions of dollars in new digital hardware and applications that provide equity of access to all students and supports educational opportunities in accordance with locally-adopted priorities, and complies with standards for administering state assessments; and

WHEREAS, in accordance with 2014 legislation, MSDE has assessed and reported on broadband capabilities in public schools; and created a workgroup to assess the technological readiness and needs of public schools for the implementation of the PARCC and other state assessments, including what resources will be needed to teach students the necessary computer skills to take the assessments; and

WHEREAS, challenges remain in addressing the "digital divide" to provide and promote access inside and outside the school setting for all students to educational resources through information technology; and

WHEREAS, school systems are expanding data-driven decision-making to improve administrative systems, inform teaching, promote personalized learning, and meet all state and federal data analysis and reporting requirements;

NOW, THEREFORE, BE IT RESOLVED, that the Maryland Association of Boards of Education (MABE) supports state and local efforts to pursue the effective use of blended and virtual learning initiatives; and

BE IT FURTHER RESOLVED, that MABE urges the Governor, General Assembly, and State Board to develop, implement and fund an initiative to ensure equitable investments in Maryland's 24 local school systems in the educational technology necessary to fully implement assessments and eliminate the digital divide in all Maryland schools; and

BE IT FURTHER RESOLVED, that MABE will advocate for sufficient state and federal funding to ensure that MSDE and local school systems can meet the state and federally mandated data analysis and reporting requirements; and

BE IT FURTHER RESOLVED, that MABE will continue to support programs to:

- Prepare students for college and career readiness through access to online learning, personalized learning, digital devices, and high-quality digital content;
- Create a fully technology-proficient PreK-12 educator workforce; and
- Provide equitable access to current and emerging digital resources for all students and educators and expanded opportunities for parents and guardians, families and the community.

## **Eliminating Achievement Gaps for All Students**

(Adopted 1998; amended 2001, 2004, 2007, 2010, 2012, 2015, 2016, 2017, 2018)

WHEREAS, boards of education in the State of Maryland are uncompromisingly committed to the academic success of all students; and

WHEREAS, significant numbers of students, and groups of students, demonstrate wide achievement gaps on state assessments relative to the performance of other groups of students; and

WHEREAS, in 2001 the State Board of Education adopted the goal of eliminating the achievement disparity between minority and majority students within five years; and

WHEREAS, the Bridge to Excellence in Public Schools Act of 2002 mandated five-year comprehensive master plans which must include specific strategies that will be used to accelerate the achievement of all students, including students failing to meet state and local academic content and achievement standards, and including strategies that focus on eliminating achievement gaps among legally defined groups of the student population; and

WHEREAS, the federal No Child Left Behind Act of 2001 (NCLB) imposed strict performance accountability measures for schools, school systems, and the state based on the achievement of Adequate Yearly Progress (AYP) toward the goal of 100 percent of all students demonstrating proficiency in reading and mathematics by the 2013-2014 school year; and

WHEREAS, NCLB resulted in significant changes to Maryland's student assessment program, including the administration of Maryland School Assessments (MSAs) in reading and mathematics in grades 3 through 8, and grade 10; and three NCLB-mandated High School Assessments (HSAs) in English, Algebra/Data Analysis, Biology; and

WHEREAS, Maryland has adopted College and Career Readiness Standards and state assessments developed in conjunction with the Partnership for Assessment of Readiness for College and Careers (PARCC); and

WHEREAS, NCLB has been replaced by the Every Student Succeeds Act (ESSA) which continues to require grade level state assessments in math and reading/language arts in grades three through eight, and once in grades nine through 12; and science assessments at least once in grades three through five, grades six through nine, and grades 10 through 12; and

WHEREAS, the MSAs have been replaced by PARCC assessments, and federal and state mandated high school assessments include PARCC Algebra 1, PARCC English 10, Government, and the Maryland Integrated Science Assessment (MISA); and

WHEREAS, ESSA requires disaggregated data collection and public reporting by local school systems and states of student assessment results for all students and groups of students based on race, ethnicity, gender, disability status, English proficiency, homeless status, foster care status, migrant status, and status as economically disadvantaged; and

WHEREAS, disaggregated student assessment results on state assessments for African American, Hispanic, limited English proficient (LEP), economically disadvantaged (based on Free and Reduced Price Meal eligibility), and special education students reveal significant

achievement gaps in reading and mathematics and high percentages of these students not achieving the adopted passing scores; and

WHEREAS, in 2017, African American students comprised 34 percent of the public school student population; Hispanic students constitute a growing percentage of the public school student population (from less than 3 percent in the early 1990s to more than 17 percent, in 2017); the percentage of students eligible for Free and Reduced Price Meals has increased to more than 45 percent; LEP students constitute more than 10 percent of the public elementary school student population; and students receiving special education services have consistently constituted more than 10 percent of the public school student population; and

WHEREAS, Maryland enacted the Bridge to Excellence in Public Schools Act of 2002 to enhance state funding for public education by adopting higher per pupil funding amounts for all students, and significantly higher per pupil amounts for limited English proficient, economically disadvantaged, and special education students; and

WHEREAS, the Every Student Succeeds Act (ESSA), enacted in 2015 as the reauthorization of the Elementary and Secondary Education Act (ESEA), reduces the scope of federally mandated reporting requirements, standards, and sanctions relating to student achievement; and

WHEREAS, ESSA eliminates AYP and proficiency requirements in favor of a state determined accountability system which must include the following components: improved student performance on state assessments, graduation rates, and English learner proficiency; and

WHEREAS, ESSA requires each state to set statewide, long-term goals and interim progress targets for improving outcomes for all students and student groups, including economically disadvantaged students, students from major ethnic and racial groups as defined by ESSA, children with disabilities, and English learners; and

WHEREAS, ESSA requires the identification of: (1) schools for comprehensive support and improvement and (2) schools in which any subgroup of students, on its own, would place the school among the lowest-performing five percent of all schools receiving Title I, Part A funds and that must implement targeted support and improvement plans; and

WHEREAS, Maryland's Consolidated State Plan to implement ESSA includes the goal to provide all children significant opportunity to receive a fair, equitable, and high-quality education and to close achievement gaps between children meeting the challenging State academic standards and those children who are not meeting such standards;

NOW, THEREFORE, BE IT RESOLVED, that a top priority for local boards of education continues to be eliminating opportunity and achievement gaps among ALL legally defined groups of students, with continuing emphasis on the gap between white students and students of African American and Hispanic heritage while also focusing on excellence for all students; and

BE IT FURTHER RESOLVED, that the Maryland Association of Boards of Education (MABE) commends all groups and individuals who have demonstrated leadership in addressing the underachievement of all students and groups of students; and

BE IT FURTHER RESOLVED, that MABE pledges to work with the State Board of Education, superintendents, and local boards of education to identify causes of and to implement solutions to the achievement gaps indicated by state and local assessment results.

## **Employee Relations and Negotiations**

(Adopted 2001; amended 2002, 2005, 2008, 2010, 2013; readopted 2016; amended 2017, 2018)

WHEREAS, the Maryland Association of Boards of Education (MABE) supports the legitimate interests of employees to be party to decisions involving their working conditions; and

WHEREAS, the existing structure and process for collective bargaining for Maryland's public education personnel have been tested over a period of more than 40 years since its adoption through legislation; and

WHEREAS, the State Board and the Maryland courts have defined and refined the collective bargaining process to ensure that educational policy decisions are not subject to labor negotiations; and

WHEREAS, the State Board and the courts have recognized that, in setting policy, local boards must balance the legitimate and sometimes competing interests of parents and guardians, students, educational personnel, and the community, and seek advice from all key stakeholders in order to reach credible decisions; and

WHEREAS, the program of educational improvement in Maryland is dependent on clearly defined policies and affirmative action by the state and local boards of education that put children and high standards for learning first and foremost; and

WHEREAS, boards of education are entrusted with the responsibility to represent the community's interests in public education and to foster community engagement in policy and planning decisions; and

WHEREAS, in 2002 legislation amended amending the public education collective bargaining law to:

- Maintain the requirement that "salaries, wages, hours, and working conditions" must be negotiated;
- Create a new category of "all other subjects" which may be negotiated, by certificated and noncertificated staff, if both the employee organization and local board mutually agree;
- Shift the negotiation of discipline and discharge of noncertificated employees from an illegal to permissive subject;
- Allow noncertificated employees in the nine counties on the Eastern Shore to establish bargaining units; and
- Prohibit certain subjects from being negotiated, including the maximum number of students in a class, school calendar, and all matters precluded by applicable statutory law; and

WHEREAS, in 2010 legislation amended the public education collective bargaining law to:

- Establish a new Public School Labor Relations Board (PSLRB) for the purposes of assuming all responsibilities previously assigned to the State Board of Education with regard to labor relations, including the resolution of disputes and the determination of mandatory, permissive, and illegal subjects of bargaining;

- Repeal the authority of the State Superintendent of Schools to declare labor impasses and replace the impasse process with mediation and binding arbitration; and
- Repeal the authority of local boards of education to make final determinations of matters that have been the subject of negotiation; and

WHEREAS, in 2013 legislation required each local board of education to negotiate a representation fee to be charged to nonmembers of the employee organizations representing both certificated and noncertificated employees; and

WHEREAS, legislation enacted in 2017 provides whistleblower protection for school employees to prohibit a public school employer from taking, or refusing to take, any personnel action as reprisal against a public school employee because the employee discloses or threatens to disclose unlawful behavior; provides information or testifies for an investigation of unlawful behavior; or objects to or refuses to participate in unlawful behavior; and

WHEREAS, legislation enacted in 2018, by overriding the Governor's veto, alters the procedures for suspending or dismissing a teacher, principal, supervisor, assistant superintendent, or other professional assistant by authorizing such an individual to request a hearing before an arbitrator at the expense of the local school system for a binding arbitration decision instead of appealing to the local board of education; and

WHEREAS, in 2018 the General Assembly enacted legislation to require local boards of education to provide employee unions access to new employee processing, including employee names, position classifications, and personal cell phone numbers, and to negotiate the process for providing such access;

NOW, THEREFORE, BE IT RESOLVED, that MABE will collaborate with the Public School Superintendents Association of Maryland (PSSAM) and the Maryland Negotiation Service (MNS) to promote decisions by the PSLRB that employ a balancing test that defines matters as illegal for bargaining if the employee interests are outweighed by the interests of students; and

BE IT FURTHER RESOLVED, that MABE will work affirmatively in support only of changes to the present collective bargaining structure that preserve or enhance the authority of the state and local boards to establish educational policy in a collaborative and broadly based context that promotes the confidence and support of the public in its schools.

## **The Federal Elementary and Secondary Education Act (ESEA)**

(Adopted 2006; amended 2009, 2010, 2012, 2015, 2016, 2017, 2018)

WHEREAS, on January 8, 2002, the No Child Left Behind (NCLB) Act of 2001 was signed into law as the most recent reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA), and applies to all public schools and school systems; and

WHEREAS, the Maryland Association of Boards of Education (MABE) supported the goals of NCLB of raising student achievement; all students attaining proficiency; closing the achievement gaps; and ensuring that each child has highly qualified teachers; and

WHEREAS, NCLB mandated that each state define what constitutes adequate yearly progress (AYP) in increasing student achievement in reading and mathematics toward the goal of all students reaching proficient levels on uniform state assessments by 2014, and imposed significant punitive sanctions for failure to do so; and

WHEREAS, NCLB's accountability, testing, and reporting requirements imposed significant costs on state and local education agencies and federal funding has not been sufficient to meet the costs of implementing the law; and

WHEREAS, ESEA was scheduled for reauthorization in 2007 and in the absence of that action the U.S. Department of Education created a competitive Race to the Top grant program and ESEA flexibility waivers to provide conditional relief from NCLB accountability measures and funding restrictions; and

WHEREAS, Maryland was awarded a \$250 million competitive Race to the Top grant in 2011 based on the State's adoption of the Common Core Standards and assurances that education policies and reforms would be adopted in four areas: (1) Adopting rigorous college and career ready standards and high quality assessments; (2) Establishing data systems and using data to inform for improvement; (3) Increasing teacher effectiveness and equitable distribution of effective teachers; and (4) Turning around the lowest performing schools; and

WHEREAS, Maryland's initial ESEA flexibility waiver application was approved in 2012 to provide flexibility in the areas of state-level reservation of funds for school improvement, allocation of funds within districts, the definition of annual measurable objectives (AMOs), adequate yearly progress (AYP) determinations, school-wide poverty thresholds, and school and school system improvement criteria; and

WHEREAS, in December 2015 Congress reauthorized the Elementary and Secondary Education Act (ESEA) as the Every Student Succeeds Act (ESSA); and ESSA eliminates many of the reporting requirements, mandates and sanctions contained in NCLB and transfers the policy-making and enforcement authority formerly exercised by the U.S. Department of Education to the States; and

WHEREAS, ESSA includes provisions to restrict and prohibit the exercise of federal authority to mandate, direct, control, coerce, or exercise any direction or supervision over state and local policies and implementation of standards or assessments; and

WHEREAS, ESSA requires a statewide accountability system that is based on the challenging state academic standards for reading/language arts and math to improve student academic achievement and school success; and that new state accountability systems be developed in

conjunction with local boards of education which must develop local ESSA plans through broad stakeholder input; and

WHEREAS, in 2016 MABE formed an Ad Hoc Committee on ESSA to provide a forum for discussing and informing MABE's participation on the MSDE stakeholder group and MABE's advocacy in Annapolis and at the federal level; and

WHEREAS, in 2017 legislation was enacted to require that the State's ESSA consolidated state plan complies with parameters for academic and school quality indicators; comprehensive support and improvement plans; and targeted support and improvement plans; and prohibits the State Board from imposing specified interventions; and

WHEREAS, in January 2018 Maryland's ESSA plan was approved by the U.S. Department of Education;

NOW, THEREFORE, BE IT RESOLVED, that MABE pledges to work collaboratively to develop and implement Maryland's state accountability system, including the development of local ESSA plans, in a manner that provides flexibility to local boards to adopt policies and invest available resources to support the academic achievement of all students, and provides resources for targeted support and improvement programs for consistently underperforming schools; and

BE IT FURTHER RESOLVED, that MABE will oppose state and federal guidance, policies, regulations or laws proposed to establish reporting requirements, performance standards, assessments, sanctions or other conditions which do not adequately respect the governance role of local boards of education.

## **Line Item Control**

(Adopted 1995; readopted 1998, 2001, 2004, 2007, 2010, 2013; amended 2016)

WHEREAS, the responsibility for establishing, selecting, and developing educational programs in the public schools belongs to local boards of education; and

WHEREAS, local boards are knowledgeable in methods of achieving educational excellence and are accountable for both student performance and fiscal management; and

WHEREAS, line item control of local education budgets by county government officials would grant them the ability to control the smallest detail of education programming; and

WHEREAS, line item control by county government officials would shift the governance of the public schools from the local boards of education to county government officials; and

WHEREAS, in funding the public schools, fiscal control over categorical authorization of local education funding already resides with the county government officials;

NOW, THEREFORE, BE IT RESOLVED, that the Maryland Association of Boards of Education opposes granting to county government officials line item control or any increased authority over of local education budgets.

## **Local Board of Education Governance Authority**

(Adopted 2012; amended 2013, 2016)

WHEREAS, local school boards are among the nation's preeminent expressions of grassroots democracy; and

WHEREAS, a basic premise of our nation's system of public education is that public schools should be governed locally; and

WHEREAS, the Maryland Association of Boards of Education (MABE) believes the principle of local governance by boards of education is fundamental to a sound system of public education; and

WHEREAS, MABE believes that a sound system of public education is fundamental to sustaining the well-educated citizenry essential to a flourishing democracy; and

WHEREAS, the local governance authority of boards of education in Maryland and throughout the nation are continuously challenged by state, federal and private sector initiatives; and

WHEREAS, Maryland statute provides that "educational matters that affect the counties shall be under the control of a county board of education" and that local boards "determine, with the advice of the county superintendent, the educational policies of the county school system" (§§4-101 and 4-108, Education Article); and

WHEREAS, local boards of education exercise governance authority in compliance with state and federal laws and in conjunction with the State Board of Education, which adopts statewide regulations in accordance with state and federal statutory authority; and

WHEREAS, in 2016 the Governor exercised unprecedented authority over local boards of education by issuing an executive order intruding upon the authority of the State Board of Education and all local boards in Maryland; and

WHEREAS, local boards of education work in conjunction with the State Board of Education, which has exclusive visitatorial power over educational policy and public school administration, a power that the Court of Appeals has described as "comprehensive" and "exclusive." *Chesapeake Charter, Inc. v. Anne Arundel County Board of Education*, 358 Md. 129,137 (2000); and

WHEREAS, MABE commends the General Assembly for enacting the Bridge to Excellence Act and other significant education related legislation and funding initiatives, while at the same time consistently delegating the governance and administration of public education to the State Board and local boards of education; and

WHEREAS, MABE believes that by retaining decision-making authority at the local level, local boards of education can best balance educational practices, available resources to implement those practices, public input, and academic and financial accountability; and

WHEREAS, local boards play a vital role in governing the local school system, advocating for public education, and engaging local communities and promoting participation by parents and other community members in the education process so that everyone feels a responsibility for, and ownership of, Maryland's public schools and our students' futures; and

WHEREAS, MABE believes that legislation which limits local board decision-making authority may weaken the board's bond with the local community and adversely impact the community's participation in the governance and operation of their local school system; especially in light of the critical role of local tax revenues in funding schools and school facilities; and

WHEREAS, the General Assembly enacted legislation in 2013 which authorizes the unprecedented intrusion of the local government into the appointment and operation of the Prince George's County local board of education and office of the superintendent; and

WHEREAS, the General Assembly enacted legislation in 2016 which requires the Baltimore City Board of School Commissioners to include one delegate and one senator from the Baltimore City delegation as nonvoting members of the local board's chief executive officer (CEO) selection committee;

NOW, THEREFORE, BE IT RESOLVED, that MABE will advocate for the maintenance and expansion of the governance authority of local boards to set education policy and administration; and

BE IT FURTHER RESOLVED, that MABE supports local board control of, and accountability for, appropriations within the budget categories outlined in statute; and

BE IT FURTHER RESOLVED, that MABE will advocate for State Board of Education acknowledgment of the governance role of local boards, and the need to preserve local discretion and flexibility, when adopting statewide regulations and policies; and

BE IT FURTHER RESOLVED, that MABE will vigorously defend against any action to intrude upon the authority of local boards and encourages local boards to work in conjunction with the State Board of Education, which has exclusive visitatorial power over educational policy and public school administration; and

BE IT FURTHER RESOLVED, that MABE advocates for and supports legislation to clarify that local board governance authority is not subject to executive orders by the Governor; and

BE IT FURTHER RESOLVED, that MABE supports adequate and equitable state funding for state mandated programs and priorities, provided that local board governance authority is not usurped; and

BE IT FURTHER RESOLVED, that MABE opposes any executive or legislative initiatives that have the effect of reducing or circumscribing local board authority, including the authority to appoint the local superintendent/CEO.

## **Maintenance of Effort**

(Adopted 1991; amended 1992, 1993, 1994, 1996, 1999, 2000, 2002; re-adopted 2005; amended 2008, 2009, 2010, 2011, 2012, 2015, 2018)

WHEREAS, Maryland's twenty-four local school systems are fiscally dependent on state funding, provided primarily through statutory formulas on a per pupil basis, and local government funding, provided in accordance with a statutory "maintenance of effort" provision that requires each county government, including Baltimore City, to provide on a per pupil basis at least as much funding for the local school system as was provided in the prior fiscal year; and

WHEREAS, since first enacted in 1984, the maintenance of effort law has been amended to provide a balance of flexibility and accountability to ensure ongoing local government investments in their public school systems; and

WHEREAS, in 1996 the maintenance of effort law was amended to allow the State Board to grant annual waivers of the maintenance of effort requirement to local governments and to permit local governments to exclude certain supplemental nonrecurring costs, in excess of the minimum amount required by law, from the maintenance of effort calculation for the next fiscal year; and

WHEREAS, the State Board's waiver process was not tested until 2009 when three counties sought waivers and in each instance the State Board denied the waiver requests; and

WHEREAS, in 2010 the State Board granted the two waiver requests submitted by local governments; and

WHEREAS, in 2011, the General Assembly adopted amendments to the law, and the State Board issued a declaratory ruling, which highlighted weaknesses in the maintenance of effort law; and

WHEREAS, following the State Board's declaratory ruling in May 2011, seven local governments appropriated less than the maintenance of effort amount, without requesting a waiver from the State Board, potentially creating a cascading decline in local funding referred to as "rebasings"; and

WHEREAS, MABE advocated successfully for legislation enacted in 2012 to amend the maintenance of effort law to provide a constitutionally adequate combination of state and local funding by making maintenance of effort the local funding floor, and placing the penalty for failing to meet maintenance of effort on the local government, not the school system; and

WHEREAS, the maintenance of effort reforms enacted in 2012:

- Provide a constitutionally adequate combination of state and local funding by ensuring that the maintenance of effort amount, and not the local share of the foundation program, is enforced as the annual local funding floor;
- Provide greater flexibility by improving the State Board of Education's waiver process;
- Provide greater accountability by requiring a county intending to provide less than maintenance of effort to request a waiver;

- Provide for mandatory increases in local funding based on the local government's education effort relative to local wealth and the statewide average education effort;
- Provide a fair and reasonable penalty for a county not meeting maintenance of effort that applies directly to the county government, rather than the school system; and

WHEREAS, adequate local funding is essential to the current and continued success of Maryland's public schools, as the Commission on Education Finance, Equity, and Excellence that proposed the Bridge to Excellence Act concluded in its report: "Meeting adequacy goals ... will require that counties continue to exceed maintenance of effort" and "if counties provide increases in education funding comparable to the increases provided from fiscal 1997 to 2000, most school systems would meet or exceed adequacy goals..."; and

WHEREAS, Maryland's public school students deserve the affirmative commitment of all county governments to provide annual increases in public education funding which meet or exceed the minimum maintenance of effort funding level;

NOW, THEREFORE, BE IT RESOLVED, that MABE pledges to promote the successful implementation of the significant maintenance of effort reforms enacted in 2012, and to highlight best practices in the fiscal relations between local boards of education and local governments; and

BE IT FURTHER RESOLVED, that MABE supports legislation to enact the Augenblick, Palaich and Associates (APA) Consulting recommendation to require that local governments appropriate, and include in annual maintenance of effort calculations, an additional local share of per pupil funding for students with special needs within the State funding categories of compensatory education, special education, and limited English proficiency; and

BE IT FURTHER RESOLVED, that MABE opposes any legislation that would weaken the maintenance of effort law, such as the 2015 proposal to repeal the provision mandating local funding increases above maintenance of effort based on measures of local wealth and effort; and

BE IT FURTHER RESOLVED that MABE supports reasonable growth in local funding based on inflation, supplemental per pupil funding for special needs students, and other factors.

## **New School Board Member Orientation**

(Adopted 2002; readopted 2005, 2008, 2011, 2014; amended 2017)

WHEREAS, boards of education are committed to and accountable for establishing and maintaining excellent public schools in the districts that they serve; and

WHEREAS, the complexity as well as the import of the decisions that local boards must make have increased significantly in response to public expectations for the performance of public school students; and

WHEREAS, effective board service requires deep understanding of myriad complex issues and uncommon analytical and interpersonal skills to serve the public well; and

WHEREAS, boards of education are called upon to lead by example and to promote the value of continuous learning by adults as well as children; and

WHEREAS, the Maryland Association of Boards of Education provides a continuum of professional development for board members beginning with a comprehensive new board member orientation; and

WHEREAS, most new board members do enroll for new board member orientation and other professional development program opportunities;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Association do hereby affirm the responsibility of every board member to participate in a new board member orientation program.

## **Public Charter Schools**

(Adopted 1998; amended 1999; re-adopted 2002; amended 2003, 2005, 2008, 2009, 2010; re-adopted 2013; amended 2015, 2018)

WHEREAS, the Maryland Association of Boards of Education (MABE) has consistently contributed positively to the development of state policy and legislation regarding public charter schools, while strongly advocating that local boards of education retain sole chartering authority in order to ensure that high academic and fiscal accountability standards are maintained; and

WHEREAS, the Public Charter School Act of 2003 created Maryland's first public charter school program "to establish an alternative means within the existing public school system in order to provide innovative learning opportunities and creative educational approaches to improve the education of students" (§9-101, Education Article); and

WHEREAS, the Public Charter School Improvement Act of 2015 amended the law to allow enrollment preferences based on geographic area and student needs, provide certain charter schools greater hiring flexibility upon renewal, limit the State Board's role in charter authorization, and commission a funding and expenditure study; and

WHEREAS, the 2015 Act reserves sole chartering authority to local boards of education and repeals the State Board of Education's limited chartering authority for restructured schools and in its appeal review capacity; and

WHEREAS, the law defines a public charter school as a new public school or conversion of an existing public school to which parents choose to send their children, and which is: nonsectarian; tuition-free; open to all students; not operated fully online; operated in compliance with state and federal health, safety, and civil rights laws; operated in compliance with local school system policies, unless waived; and operated in pursuit of a specific set of educational objectives; and

WHEREAS, the law requires public charter schools to comply with provisions of law and regulation governing other public schools, while providing that waivers may be granted by the State Board on appeal, except regarding audit requirements, student assessments, and health, safety, and civil rights laws and regulations; and

WHEREAS, the law defines public charter school employees as public school employees and requires that professional staff members of a public charter school hold the appropriate Maryland certification; and

WHEREAS, in accordance with the law, each local board has adopted a public charter school policy, including guidelines and procedures regarding the evaluation of public charter schools, revocation of a charter, reporting requirements, and financial, programmatic, or compliance audits of public charter schools; and

WHEREAS, in accordance with the law, the Maryland State Department of Education (MSDE), in collaboration with MABE and local school systems, established and disseminated to each local board of education model public charter school policy language which can be used to create a public charter school policy; and

WHEREAS, the State Board has issued opinions defining the applicable standard of review regarding appeals from the evaluation and denial of a charter application by a local board of

education, defining the local board's decision as prima facie correct and clarifying that the State Board may not substitute its judgment unless it finds the local board's decision to be arbitrary, unreasonable, or illegal; and

WHEREAS, the State Board has issued opinions defining "commensurate funding" to mean the average per pupil amount resulting from dividing the total annual school system budget by the annual enrollment count for the school system in the previous year, minus a two percent reduction for required central office functions; and

WHEREAS, the State Board has issued opinions providing charter school operators with the authority to choose whether they will provide special services directly to eligible students or whether those services will be provided by the school system; and

WHEREAS, in 2007 Maryland's highest court, the Court of Appeals, upheld the State Board's funding formula, finding that the State Board has broad authority to interpret the statutory intent of the Charter School Act of 2003, including the definition of commensurate funding; and

WHEREAS, Maryland's legal framework for public charter schools, including statute and State Board opinions, affirms the local board's role as primary charter authorizer and the presumed reasonableness of local school system approval and denial of charter applications; and

WHEREAS, Maryland's charter school program, as governed and administered by local school systems in accordance with state law, is among the most successful charter school programs in the nation, resulting in dozens of successful charter schools which have generally not experienced the serious academic, administrative, and financial dilemmas that have routinely arisen in other states with charter school laws often misleadingly described as "stronger" than Maryland's; and

WHEREAS, in 2018 MSDE received a federal grant for more than \$17 million for the purposes of assisting new and existing charter schools in: compensating teachers and principals and providing professional development; acquiring supplies, equipment and technology; repairing school facilities; providing one-time startup costs for student transportation; carrying out community engagement; and funding other non-sustained costs;

NOW, THEREFORE, BE IT RESOLVED, that MABE urges the State Board of Education and MSDE to collaborate with MABE and local school systems in developing public charter school regulations, policies and procedures to successfully implement Maryland's charter school law; and

BE IT FURTHER RESOLVED, that MABE supports the administration of the MSDE Charter Schools Grant Program in a manner that is consistent with each local board's charter authorizing authority and Maryland's public charter school law; and

BE IT FURTHER RESOLVED, that MABE opposes any amendments to Maryland's public charter school law which would diminish the local board's role as sole chartering authority or otherwise weaken the law's academic or fiscal accountability requirements.

## **Quality Early Childhood Programs**

(Adopted 2005; amended 2008; readopted 2011; amended 2014, 2016, 2017, 2018)

WHEREAS, the Maryland Association of Boards of Education (MABE) serves as the voice of the public in public education and has demonstrated its commitment to the continued achievement of all students served by local boards of education; and

WHEREAS, decades of research has confirmed that quality educational components to early child care arrangements have a positive impact on children's development, well-being, and academic potential; and

WHEREAS, state school readiness research shows that children with formal child care experiences prior to entering kindergarten show higher levels of school readiness than children without formal child care; and

WHEREAS, recognizing that many families throughout Maryland cannot afford formal child care arrangements, for many years the Maryland State Department of Education (MSDE) has administered the Purchase of Care Program, now the Child Care Subsidy (CCS) Program, to provide financial assistance with child care costs to low-income families through each local department of social services; and

WHEREAS, support of early childhood initiatives that enhance preschool teaching skills, credentials, and professional development opportunities of child care providers and other early childhood professionals can ensure that participating children will have a meaningful opportunity to come to school ready to learn; and

WHEREAS, state investments in high quality early childhood education strengthen the opportunity for coordination between early childhood programs and public schools; and

WHEREAS, beginning in 2001, MSDE, local school systems, and early education providers implemented the Maryland Model for School Readiness (MMSR), which incorporates research-based instruction, age-appropriate assessment of children's learning, and effective communication among teachers, parents and guardians, and early childhood providers to enhance school readiness through common goals and program assessments; and

WHEREAS, Maryland has employed the Work Sampling System (WSS) as the early childhood assessment system used in kindergarten for the purpose of assessing entering kindergartners' skills in seven areas: social and personal development, language and literacy, mathematical thinking, scientific thinking, social studies, the arts, and physical development; and

WHEREAS, MSDE launched a new school readiness assessment system in 2014-2015, which includes new Kindergarten Ready Assessments (KRAs); and

WHEREAS, the Bridge to Excellence in Public Schools Act of 2002 mandated that by the 2007-2008 school year all local school systems provide universal full-day kindergarten and targeted half-day prekindergarten programs for all economically disadvantaged four-year olds based on 185% of the federal poverty guidelines; and

WHEREAS, legislation enacted in 2005 transferred the Child Care Administration (CCA) from the Department of Human Resources (DHR) to MSDE; required the State Superintendent of Schools to establish an early childhood development division within MSDE; and required MSDE to develop a plan for the accreditation of all existing early learning programs and child

care programs providing full-day kindergarten classes or publicly funded prekindergarten programs for low-income four-year old children; and

WHEREAS, in 2007 the Task Force on Universal Preschool Education recommended the creation of a voluntary, free, universal preschool program, Preschool for All, with the goal of providing early education to all four-year-olds in Maryland by 2014; and

WHEREAS, the 2009 Preschool for All Business Plan called for expanding access to prekindergarten to families earning less than 300% of the federal poverty guidelines, and proposed funding the expansion through a new categorical fund program similar to the previous Extended Elementary Education Program (EEEP); and

WHEREAS, Maryland received a \$50 million federal Race to the Top Early Learning Challenge Grant to support improvements in school readiness for economically disadvantaged, English language learners, students with disabilities, and all students, to increase the school readiness rate from 81% to 92%; and

WHEREAS, in 2014 the General Assembly enacted the \$4.3 million Prekindergarten Expansion Grant Program to expand access to prekindergarten services to additional eligible four-year-old children from families whose income is no more than 300% of the federal poverty guidelines (FPG). The competitive grant program is available to qualified public and private prekindergarten providers; and

WHEREAS, including prekindergarten students as enrolled students would require critically needed increases in state and local funding, including funding for school facilities based on total enrollment; and

WHEREAS, the funding adequacy study contracted by the state between 2014 and 2016 includes the study of prekindergarten services and proposes alternative funding structures, including income-based fees, and recommends providing funding for 80% of Maryland's four-year-olds to attend either a public prekindergarten program or a high quality private program based on state and national ratings; and

WHEREAS, legislation enacted in 2016 created the Commission on Innovation and Excellence in Education which is charged with reviewing the Study on Adequacy of Funding for Education in the State of Maryland, and making recommendations regarding the preferred approach to expanding publicly funded prekindergarten education; and

WHEREAS, legislation enacted in 2017 created the Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-Year-Olds to make recommendations regarding an implementation plan, based on APA Consulting's January 2016 report "A Comprehensive Analysis of Prekindergarten in Maryland", to make quality, full-day prekindergarten universally available through public and nonpublic school programs to children who are four years old; and

WHEREAS, in 2017 the legislature provided more than \$17 million in supplemental grants for local school systems which offer a full-day program for all four-year-olds who are enrolled in public prekindergarten; and

WHEREAS, in 2018 legislation was enacted to require the Governor to annually appropriate to the Prekindergarten Expansion Fund an amount that is at least equal to all state and federal revenues received by the fund in the previous fiscal year;

NOW, THEREFORE, BE IT RESOLVED, that MABE urges the Governor and General Assembly, the Congress of the United States, and the executive branches of both state and federal governments, to increase funding for quality early childhood programs, to include but not be limited to the Judith P. Hoyer Early Child Care and Family Education Centers; and

BE IT FURTHER RESOLVED, that MABE urges the General Assembly and Governor to ensure adequate and equitable capital and operating funding, including full funding for any mandated early childhood programs; and

BE IT FURTHER RESOLVED, that MABE supports a per pupil funding allocation for students attending prekindergarten, including a 0.5 FTE for half-day students and 1.0 FTE for full-day students, without any off-setting reduction in compensatory education funding, so that all school systems receive additional state aid for their high quality prekindergarten programs; and

BE IT FURTHER RESOLVED, that MABE supports statewide initiatives that provide funding for and access to affordable, high quality early childhood programs, including child care services, that are aligned with state and local school system learning standards and goals; and

BE IT FURTHER RESOLVED, that MABE supports local discretion to develop and implement early education programs in school facilities or in conjunction with private providers, and opposes state mandated agreements between school systems and private providers; and

BE IT FURTHER RESOLVED, that MABE urges the Governor and General Assembly to adequately fund the Child Care Subsidy Program and other state programs providing access to affordable, high quality child care and early education programs; and

BE IT FURTHER RESOLVED, that MABE encourages local school systems to partner with their local child care community, local organizations, and local departments of health and human services, to provide culturally appropriate training to early child care and education providers on the school systems' learning standards and goals.

## **Safety and Security in Public Schools**

(Adopted 1999; amended 2002, 2005, 2008, 2011, 2014, 2017, 2018)

WHEREAS, safety in public schools is important to local boards of education for the protection of students and staff, as well as a necessary element for a good learning environment; and

WHEREAS, threats to maintaining public school safety may be caused by a variety of factors both within and outside the school environment; and

WHEREAS, school safety issues arise in the daily operation of school facilities and services involving buses, science labs, kitchens, and boiler rooms; and

WHEREAS, school safety issues arise in the daily administration of school discipline policies and procedures, including the suspension and expulsion of students for disruptive behavior; and

WHEREAS school safety and security issues arise as school systems develop plans to respond to natural, accidental and technological incidents, including weather events, industrial accidents, network security and data breaches, acts of terrorism, hate crimes and other criminal acts; and

WHEREAS, public school safety and security issues and strategies vary from school system to school system; and

WHEREAS, safety in public schools requires adopting and implementing policies and procedures to educate staff, students, and families about ways to reduce risks in the school setting and to respond to safety incidents when they arise; and

WHEREAS, safety in public schools is the joint responsibility of local boards of education, school administrators and staff, students, parents and guardians, law enforcement and other public safety agencies, human services agencies, and the community in general; and

WHEREAS, public school systems are mandated by state law to admit all individuals between the ages of 5 and 21 free of charge; and

WHEREAS, providing a free public education for all in safe and secure learning environments requires that students maintain regular school attendance and are responsible for complying with rules of conduct and the law; behaviors which are essential to their learning, graduation, and success in college and career; and

WHEREAS, maintaining safe schools sometimes requires the suspension or expulsion of students, and suspension and expulsion are essential disciplinary tools that should be complemented with a continuum of school and community-based counseling and alternative education services; and

WHEREAS, students involved in gangs and gang-related activities in Maryland's public schools present serious school safety issues and the Safe Schools Act of 2010, supported by MABE, was enacted as a comprehensive approach to enhancing state and local gang-related policies and programs in conjunction with local law enforcement; and

WHEREAS, the tragic events of September 11, 2001 resulted in federal, state, and local efforts to ensure that school systems develop coordinated emergency readiness, response, and recovery plans and procedures; and

WHEREAS, in 2004 the State Board of Education adopted regulations requiring local school systems to adopt emergency plans and conduct drills to prepare for violent or traumatic events on school grounds, including technological or natural disasters; and

WHEREAS, following the tragic school shooting in Newtown, Connecticut in 2012, the General Assembly called for a review of all emergency plans and the State Board adopted new regulations to specify the six types of emergency drills that all schools must conduct each year; and

WHEREAS, in 2013 the state capital budget included \$25 million to support projects such as facility risk assessments, security cameras, photo identification systems for visitor sign-in, lockset changes for interior and exterior doors, hardening glass areas, and relocating school office areas to a school's primary entrance area, among others; and

WHEREAS, in 2013 the General Assembly enacted and funded the creation of the Maryland Center for School Safety, which is to serve as a clearinghouse for information and best practices, to provide and facilitate professional staff development, conduct training, and facilitate coordination and collaboration between local school systems; and

WHEREAS, in 2017 legislation was enacted to reduce the number of mandatory fire drills on schools based on whether the building is equipped with sprinklers and in accordance with the State Fire Prevention Code; and

WHEREAS, a mass school shooting occurred on Feb. 14, 2018 at Marjory Stoneman Douglas High School in Parkland, Florida; and a tragic school shooting occurred on March 20, 2018 at Great Mills High School in St. Mary's County, Maryland; and

WHEREAS, the Maryland Safe to Learn Act was enacted to comprehensively reform school security by:

- Establishing a School Safety Subcabinet and an Advisory Board;
- Increasing funding for programs, staff, and regional locations for the Maryland Center on School Safety (MCSS);
- Requiring local assessment teams for the identification of, and intervention with, students or other individuals who may pose a threat to school safety;
- Requiring school systems to designate a certified school safety coordinator;
- Requiring school systems to conduct annual safety evaluations of each school;
- Requiring all school resource officers (SROs) and school safety and security personnel to complete a specialized curriculum;
- Requiring school systems to report on schools with assigned SROs and, if not, how adequate local law enforcement will be provided;
- Authorizing regulations to incorporate active shooter preparedness training in the annual schedule of school safety drills;
- Requiring local school systems to designate a mental health services coordinator; and
- Exempting local school system and law enforcement safety evaluations, plans and policies from the Public Information Act; and

WHEREAS, emergency management involves: 1. mitigation and prevention strategies to reduce risks to life and property; 2. preparedness and planning strategies, including drills, for routine and worst-case scenarios; 3. response strategies including internal and intergovernmental communication and coordination; and 4. recovery strategies to restore a positive learning environment after a crisis; and

WHEREAS, the adoption and implementation of risk management school safety programs, and security enhancements, both programmatic and capital, are sound educational and economic policy, recognizing the critical need to ensure continuity of operations in each of Maryland's public schools systems;

NOW, THEREFORE, BE IT RESOLVED, that MABE will strive to provide programs and services that enhance school safety and security through identifying and educating school boards and administrators about sound risk management and school safety and security policies and/or procedures; and

BE IT FURTHER RESOLVED, that MABE urges federal, state, and local elected officials and other interested parties to work collaboratively with local boards of education to develop and implement local public school safety programs; and

BE IT FURTHER RESOLVED, that MABE will advocate for increased state funding to support the work of local school systems, and partner with local government organizations and others to advocate for state and local agency funding, to ensure that the Safe to Learn Act is implemented with fidelity to provide the mandated positions, programs and services necessary to keep all Maryland students safe in school; and

BE IT FURTHER RESOLVED, that MABE urges federal, state, and local governments to ensure adequate and equitable funding for local public school safety and security programs, capital improvements, alternative education programs, and the wide array of mental health and public safety services provided by other public and private entities, which are essential to maintaining safe and secure schools and access to a quality education for all of Maryland's students.

## **School Board Member Professional Development**

(Adopted 1991; re-adopted 1994, 1997; amended 2000, 2002, 2004; re-adopted 2007, 2010; amended 2013, 2016)

WHEREAS, ensuring the highest quality of educational services by the public school systems requires a continuing comprehensive program of professional development for teachers and administrators; and

WHEREAS, effective governance of public school systems also requires a continuing comprehensive program of professional development for school board members, and

WHEREAS, professional development for school board members should focus on leadership development and the key work and actions of school boards designed to promote student achievement and community engagement; and

WHEREAS, the key work of schools boards focuses on leadership for higher levels of student achievement, and the key actions of school boards include developing and supporting a vision, standards, assessment, accountability, alignment, climate, collaborative relationships, and continuous improvement; and

WHEREAS, the Maryland Association of Boards of Education (MABE) and the National School Boards Association (NSBA) provide ongoing professional development programs for school board members focused on the key work and actions of school boards; and

WHEREAS, the professional development programs and services provided by MABE include:

- Boardsmanship Academy seminars;
- Leadership and Advanced Leadership programs;
- The Master Board Program;
- New Board Orientation;
- Board retreats;
- Legal Services Association (LSA) seminars;
- The Annual Conference; and
- Other ad hoc meetings; and

WHEREAS, the professional development programs and services provided by the NSBA include:

- The Annual Conference;
- The Annual Leadership Conference;
- The Northeast Regional Meeting;
- The Annual Presidents' Retreat; and

- The Annual Advocacy Institute;

NOW, THEREFORE, BE IT RESOLVED, that MABE strongly encourages local boards of education to participate in ongoing professional development through MABE and other providers designed to help school board members provide the leadership needed to ensure quality public education; and

BE IT FURTHER RESOLVED, that individual board members be strongly encouraged to develop a continuing professional development plan based on a personal needs analysis; and

BE IT FURTHER RESOLVED, that each local board of education is strongly encouraged to develop a local policy affirming the importance of ongoing professional development that is integral to individual roles and responsibilities for board members as well as for staff.

## **School Choice & Public Funding for Nonpublic Schools**

(Adopted 1992; amended 1995, 1998, 2001, 2002, 2005; readopted 2008, 2011; amended 2014, 2016, 2018)

WHEREAS, public school choice is available in accordance with state law and local board of education policy, and includes a wide array of schools and school programs such as Science, Technology, Engineering and Mathematics (STEM), Performing and Visual Arts, International Baccalaureate (IB), Business and Finance, Information Technology, Construction, Automotive, Culinary Arts, Health Care, and Biomedical Science, among others; and

WHEREAS, public charter schools play a significant role in providing public school choice opportunities for parents and students; and

WHEREAS, public school choices are provided under state law and through local board policies that reflect a commitment to serving all students, in compliance with federal and state requirements for academic and fiscal accountability; and

WHEREAS, nonpublic school choice is available to all parents and students in accordance with Maryland laws and regulations which provide for varying degrees of state regulation and autonomy for nonpublic, parochial, and church-exempt schools; and

WHEREAS, nonpublic schools, with the exception of nonpublic special education schools, are not subject to the same legal requirements as public schools in areas such as teacher education and certification; academic standards, student assessments and other performance accountability measures; civil rights and anti-discrimination laws; and special education; and

WHEREAS, publicly funded nonpublic school choice programs typically include vouchers, which are direct payments of taxpayer money by the government for nonpublic school tuition; and tuition tax credit programs, which offset expenditures for nonpublic school tuition by reducing a person's or business entity's tax liability; and

WHEREAS, for many years the General Assembly considered, but did not enact, legislation to create a nonpublic tuition tax credit system, often entitled the "Building Opportunities for All Students and Teachers", or B.O.A.S.T., to provide a tax credit for 60 to 75 percent of the contributions made by a business to an eligible nonprofit organization that either: (1) provides scholarships to eligible nonpublic school students, e.g., vouchers, or scholarships to teachers at nonpublic schools; or (2) provides grants to public schools to support innovative educational programs; and

WHEREAS, in 2016 the General Assembly enacted the state budget bill with a conference committee amendment establishing the \$5 million Broadening Options and Opportunities for Students Today (BOOST) Program to provide scholarships for students who are eligible for free or reduced-price meals to attend eligible nonpublic schools. To be eligible to participate in the BOOST program, a nonpublic school must administer student assessments in accordance with state and federal law; participate in the Aid to Non-Public Schools Program for textbooks and computers administered by MSDE; and comply with Title VI of the Civil Rights Act of 1964 as amended; Title 20, Subtitle 6 of the State Government Article; and not discriminate in student admissions on the basis of race, color, national origin, or sexual orientation; and

WHEREAS, the annual state budget bill has, for many years, appropriated several million dollars to support the purchase of textbooks, computer hardware and software, and other electronically-delivered learning materials for loan by MSDE to nonpublic schools; and

WHEREAS, the Non-Public School Textbook/Technology Program provides nonreligious textbooks and computer hardware and software to students attending nonpublic schools whose tuition does not exceed the state average per pupil cost; and

WHEREAS, MABE and other public education advocates opposed the creation of the Nonpublic School Textbook/Technology Program, and consistently oppose the expansion of this program; and

WHEREAS, in 2013 the General Assembly approved \$3.5 million for a new Nonpublic Aging Schools Program to allow eligible nonpublic schools to receive grants for school facility projects that are eligible under the Aging Schools Program, including school security improvements. This \$3.5 million program has continued to be funded in subsequent capital budgets, with an additional \$3.5 million provided in FY 2019 for school security projects; and

WHEREAS, MABE and other public education advocates opposed the creation, and oppose continued funding, of the Nonpublic Aging Schools Program;

NOW, THEREFORE, BE IT RESOLVED, that MABE supports local discretion to develop and implement policies that facilitate public school choice, including public charter schools, and opposes efforts to establish or expand publicly funded or state administered nonpublic school choice programs in the state; and

BE IT FURTHER RESOLVED, that MABE opposes maintaining or enhancing the BOOST program or establishing any other nonpublic school voucher program in the state budget or through separate legislation; and

BE IT FURTHER RESOLVED, that MABE supports requiring private and parochial schools receiving state funding to comply with state and federal anti-discrimination standards applicable to both students and staff; and

BE IT FURTHER RESOLVED, that MABE supports sustained public investments in public elementary and secondary education, and opposes continued or increased public expenditures for nonpublic school programs.

## **School System Employees' Retirement Benefits and Costs**

(Adopted 1981; amended 1984, 1985, 1988, 1991, 1992, 1993, 1994, 1997, 2000, 2002, 2004, 2007, 2010, 2011, 2014, 2017)

WHEREAS, the Maryland Association of Boards of Education (MABE) believes that the men and women who work for the public school systems are the key to educating our young people; and

WHEREAS, MABE believes that providing adequate retirement benefits is essential to recruiting and retaining highly qualified educators and making Maryland more competitive relative to our neighboring states; and

WHEREAS, MABE has supported legislation to increase the level of teachers' and school employees' pension benefits when the pension system was failing to provide an adequate level of income and benefits to ensure economic independence for retirees; and

WHEREAS, MABE strongly supported the General Assembly's action in 2006 to phase in significant increases to the teachers' and school employees' retirement systems; and

WHEREAS, MABE recognizes that funding adequate teacher and employee retirement benefits is a significant and growing financial obligation of the state and local budgets; and

WHEREAS, MABE strongly opposed the Maryland state legislature's decision in 1991 to shift 100% of the state's funding responsibility for Social Security costs to county governments and local school systems, and unsuccessfully sought the restoration of this funding in subsequent legislative sessions; and

WHEREAS, local governments and boards of education already make a significant contribution to the costs of providing for the retirement benefits of school system employees by paying 100% of Social Security costs for school employees; a total cost of approximately \$500 million per year which complements the State's nearly \$1 billion in annual teachers' and school employees' retirement costs; and

WHEREAS, the Governmental Accounting Standards Board (GASB) issued Statement No. 45, "Accounting and Financial Reporting by Employers for Post Employment Benefits Other Than Pensions (OPEB)", which imposes new and costly accounting, reporting, and funding requirements for health insurance and other post-employment benefits provided to eligible school system retirees; and

WHEREAS, in response to GASB 45, MABE created a Pooled OPEB Investment Trust in 2008 to provide participating school districts a structure to pool assets to reduce investment costs and to share administrative expenses relating to local board investments in employees' post-retirement health and welfare benefits; and

WHEREAS, in 2011, the General Assembly enacted comprehensive pension reforms impacting the employee contribution, benefit level, average final compensation, vesting period, early retirement allowance, and cost of living adjustment; and

WHEREAS, the pension reforms enacted in 2011 were intended to significantly reduce costs, improve the solvency of the state retirement system, and generate revenues contributing to the reduction of the State's structural deficit; and

WHEREAS, MABE supported the Governor's and General Assembly's effort to craft a more sustainable teachers' and employees' retirement system, including requiring employees to contribute more to retain current benefit levels; but MABE opposed reducing the benefit level for new employees and the roll-back of pension enhancements made in 2006 for all future employees because of the adverse impact such a reduction will have on school systems' ability to recruit and retain highly qualified teachers and principals; and

WHEREAS, MABE consistently opposed any shift in funding responsibility for teacher retirement costs from the state to county governments and local school systems; and

WHEREAS, legislation enacted in 2012 shifted teacher retirement costs from the state to local governments by phasing in over four years school board payments of 100% of the annual "normal" costs attributable to a school system's employer contributions on behalf of current employees; set out the payment required from each school board for FY 2013 through FY 2016, at increments of 50-65-85-100%; and mandated that local governments provide additional local school board maintenance of effort (MOE) payments during each year of the phase-in; and

WHEREAS, beginning in FY 2015, the amount each county is required to provide their local board of education in addition to the MOE amount, may not be sufficient to satisfy the amount the local board is obligated to pay the State Retirement Agency; and

WHEREAS, in 2017 the legislature and Governor provided relief to local boards of education from their FY 2017 obligation to pay the State Retirement Agency nearly \$20 million, the amount attributable to unfunded increases in the local share of retirement costs for current employees;

NOW, THEREFORE, BE IT RESOLVED, that MABE urges the Governor and General Assembly to continue to fully fund the state share of pension and retirement costs and pursue legislative and budgetary action to sustain the level of benefits provided through the state teacher pension and retirement systems; and

BE IT FURTHER RESOLVED, that MABE urges local governments to adequately fund retiree health care benefit programs in accordance with the requirements of GASB 45 and in a manner that does not supplant investments in educational programs and services; and

BE IT FURTHER RESOLVED, that MABE urges the legislature and Governor to continue to provide relief to local boards of education from their obligation to pay the State Retirement Agency the amount attributable to unfunded increases in the local share of retirement costs for current employees; and

BE IT FURTHER RESOLVED, that MABE urges the Governor and General Assembly to pursue legislative and budgetary action to ensure that local board obligations to pay the State

Retirement Agency are fully funded in a manner that does not supplant investments in educational programs and services.

## Special Education

(Adopted 2002; amended 2005; readopted 2008, 2011; amended 2014, 2017)

WHEREAS, local boards of education place a very high priority on ensuring that students receive high quality special education programs and instruction; and

WHEREAS, in 1975 Congress enacted the Education for All Handicapped Children Act (P.L. 94-142) to: improve access to education for children with disabilities by guaranteeing a Free Appropriate Public Education (FAPE) in the least restrictive environment; assure that the rights of children with disabilities and their parents or legal guardians are protected; assist States and school systems to provide for the education of all children with disabilities; and to assess and assure the effectiveness of efforts to educate all children with disabilities; and

WHEREAS, Congress has routinely reauthorized the federal special education law, entitled the Individuals with Disabilities Education Act (IDEA), and Maryland has amended state laws and regulations to ensure compliance with the expanded scope of federal law; and

WHEREAS, Maryland not only complies with federal special education requirements, but has adopted laws and regulations which exceed federal requirements; and

WHEREAS, the General Assembly has enacted laws to require school personnel to provide parents or legal guardians with an accessible copy of all documents the Individualized Education Program (IEP) team plans to discuss at the meeting at least five business days before the scheduled meeting; and also requires school personnel to provide parents or legal guardians an accessible copy of the completed IEP not later than five days after the IEP meeting; and

WHEREAS, the General Assembly has enacted laws to require each local school system to provide to parents or legal guardians of a child with a disability verbal and written information about access to habilitative services; and to develop and publish on its website a list of all special education service delivery models in the local school system; and

WHEREAS, in Maryland, the party initiating the action in a special education due process hearing, whether the parent and legal guardian or the school system, bears the burden of proof; consistent with a 2005 Supreme Court case which arose from a complaint against the Montgomery County school system (*Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49 (2005)); and

WHEREAS, legislation has been introduced, but not enacted, to shift the burden of proof to the local school system in special education disputes; and

WHEREAS, in 2013 the General Assembly created the Commission on Special Education Access and Equity which, in 2014, adopted recommendations to: enhance procedural safeguards through informing parents and legal guardians; provide professional development for educators and administrators; train administrative law judges in special education; create a workgroup to identify and resolve disparities; set statutory or regulatory caps on the workload and caseload of special educators and school psychologists; adopt new state policies and

technical assistance and monitor for standards-based results driven accountability; and increase state funding for special education; and

WHEREAS, the Commission on Special Education did not adopt a recommendation to shift the burden of proof; and

WHEREAS, the General Assembly enacted legislation in 2017 to require the individualized education program (IEP) team to obtain written consent from a parent or legal guardian if the team proposes to (1) enroll the child in an alternative education program that does not issue or provide credits toward a high school diploma; (2) identify the child for the alternate assessment aligned with the State's alternate curriculum; and/or (3) include restraint or seclusion in the IEP to address the child's behavior; and

WHEREAS, legislation was enacted in 2017 to require both internal and external studies of special education programs and services and the Individualized Education Program (IEP) process; and MSDE must report its internal study's findings by December 31, 2018, and the outside consultant must report its external study's findings by July 1, 2019; and

WHEREAS, in 2017 legislation was enacted to require MSDE to convene a task force to examine policies and practices related to behavioral interventions in schools, including the use of restraint, seclusion, and trauma-informed interventions; and to develop revised regulations on the use of seclusion; and

WHEREAS, in 2017 legislation was enacted to require annual reporting on the specialized early intervention services provided to students in kindergarten through grade 3 who are not currently identified as needing special education or related services and who need additional academic and behavioral supports; and

WHEREAS, the Individuals with Disabilities Education Improvement Act of 2004 reauthorized the Individuals with Disabilities Education Act (IDEA) through 2011, making significant changes to the federal law and incorporating many of the recommendations offered by the National School Boards Association; and

WHEREAS, the 2004 reauthorization of IDEA includes pilot programs for multi-year IEPs, and paperwork reduction efforts to "reduce excessive paperwork and noninstructional time burdens that do not assist in improving educational and functional results for children with disabilities"; and

WHEREAS, the law now permits a school district to use up to 15 percent of its IDEA funds for early intervention services; and allows states to reserve up to 10 percent of their allocation of federal funds to create a risk pool to help school districts provide services to high-need children with disabilities; and

WHEREAS, IDEA includes improved due process provisions including the requirement that parents or legal guardians and a school district must meet before a due process hearing can be scheduled, the ability for school districts to recover legal fees in frivolous cases, and shorter time limitations for filing due process complaints; and

WHEREAS, when IDEA became law in 1975, the federal government promised to fund 40 percent of the additional cost of educating children with disabilities; and yet the federal government has failed to adequately fund the mandated programs and services arising under IDEA, never providing more than 15 percent of the additional cost; and

WHEREAS, sufficient federal funding for IDEA would significantly enhance the ability of local school systems to provide an excellent education for all students;

NOW, THEREFORE, BE IT RESOLVED, that MABE urges Maryland's Governor, General Assembly, State Board of Education, and State Superintendent of Schools to strenuously advocate for significant increases in federal special education funding and meaningful special education reforms at the federal and state levels; and

BE IT FURTHER RESOLVED, that MABE urges the Governor and General Assembly to continue to reject legislative proposals to require an IEP team to obtain written consent from a parent or legal guardian regarding a change in student services provided or the student's placement; and

BE IT FURTHER RESOLVED, that MABE urges the Governor and General Assembly to continue to reject legislative proposals to shift the burden of proof to local school systems in special education cases.

## Student Discipline

(Adopted 2013; amended 2014, 2017)

WHEREAS, every local board of education has established policies and regulations concerning student discipline, based on a framework established by the General Assembly and the State Board of Education; and

WHEREAS, current laws and regulations give much needed flexibility to local boards to create rules at the local level which best suit their settings, the nature of the particular disciplinary offense, and the particular circumstances of the individual student; and

WHEREAS, MABE appreciates the legislature's recognition, in statute, that principals and superintendents have broad discretion to make student discipline decisions "as warranted" (Section 7-305 of the Education Article); and

WHEREAS, State regulations have long mirrored this deference to local decision making, as well as placing a clear emphasis on school safety; and

WHEREAS, the foundational principle stated in the student discipline regulations is that "Each local board of education shall adopt a set of regulations designed to maintain an environment of order and discipline necessary for effective learning"; and

WHEREAS, in 2004, in response to concerns about high rates of suspensions and expulsions, the General Assembly passed a bill to require elementary schools with a suspension rate in excess of 18% to implement a Positive Behavioral Interventions and Support (PBIS) program; legislation passed in 2006 to reduce the threshold percentage to 16%, 14%, 12% and 10% by the 2009-2010 school year; and in 2007 a bill passed to mandate the PBIS program in schools with high truancy rates; and

WHEREAS, in 2007, legislation passed requiring MSDE to review the policies and procedures of each local board of education relating to student discipline, student suspension, and student expulsion; and the MSDE submitted a report to the General Assembly which recommended improved communication between schools, parents and guardians, and students regarding local codes of discipline, sharing best practices to reduce suspensions, increased conflict resolution and positive communication skill-building, and expanding PBIS training and implementation; and

WHEREAS, following its decision in the *Atanya C. v. Dorchester County Board of Education* case in 2009, the State Board conducted a series of briefings, issued reports, revised the student records manual, and proposed regulations regarding definitions and standards relating to student discipline; and

WHEREAS, in 2013, MSDE convened workgroups to recommend best practices for student discipline, and to develop revised guidelines for a state code of student discipline with standards of conduct and consequences for violations of the standards; and

WHEREAS, the regulations proposed by the State Board in July 2013 included changes

requested by MABE to remove the reference to a “rehabilitative” philosophy, and extended the deadline to adopt new local policies and procedures to the 2014-2015 school year; and

WHEREAS, on January 28, 2014, the State Board of Education voted to adopt the final student discipline regulations, as published in the Maryland Register on December 13, 2013, to reform state regulations and mandate new local school system policies and regulations. Major changes to the current and longstanding regulations include:

- New minimum standards for all local student discipline policies and regulations;
- Mandate to review and revise local student discipline policies and regulations by the beginning of the 2014-2015 school year;
- New definitions of "expulsion", "extended suspension", "long-term suspension", and "short term suspension";
- New standards and conditions for excluding students from school through extended suspensions or expulsions;
- New mandates to provide excluded students with educational and behavioral support services;
- New 45-day timeline and deadline for hearing appeals, even if using a hearing officer;
- New requirement for school systems to share all documents and witness lists with parents/guardians as appellants but no corresponding requirement for the appellants to do so;
- New requirement to provide "minimum education services" to students suspended or expelled out of school, including daily classwork and assignments from each teacher that must be reviewed, corrected and returned on a weekly basis;
- New requirement to assign a staff liaison between teachers and out of school suspended and expelled students;
- New data reporting requirements for school arrests and referrals to law enforcement or the juvenile justice system;
- New mandates for MSDE to develop a method to analyze whether there is a disproportionate impact on minority students, or a discrepant impact on special education students; and
- New requirement that, based on MSDE's finding of a disproportionate or discrepant impact, the local school system must implement a plan to reduce the impact within one year and eliminate it within 3 years; and

WHEREAS, since 1997 MSDE and the State Board have adopted Maryland Guidelines for a State Code of Discipline which provide expectations for students, staff, parents and guardians, and community organizations; and guidance for local school systems on standards of student conduct and consequences for violations of the standards; and

WHEREAS, on July 22, 2014, the State Board approved revised Maryland Guidelines for a State Code of Discipline; and

WHEREAS, on January 8, 2014, the U.S. Department of Education and Department of Justice issued a joint Dear Colleague Letter, and additional guidance and resources, to assist public elementary and secondary schools in meeting their obligations under federal civil rights laws to administer student discipline without discriminating on the basis of race, color, or national origin; and

WHEREAS, legislation enacted in 2017 prohibits a child enrolled in a public prekindergarten program through second grade from being suspended or expelled from school, subject to certain exceptions; and

WHEREAS, the 2017 legislation allows a student to be expelled if required by federal law or to be suspended for up to five school days if the school administration, in consultation with a school psychologist or mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports; and

WHEREAS, legislation enacted in 2017 creates the Commission on the School-to-Prison Pipeline and Restorative Practices to make recommendations on establishing a Collaborative Action Plan to create a statewide framework for redesigning public school discipline practices; and legislative and policy initiatives to enact the plan;

NOW, THEREFORE, BE IT RESOLVED, that MABE pledges to continue to collaborate with the legislature and MSDE in the development of policy initiatives intended to improve the student discipline process to promote successful classroom strategies and student attendance; and

BE IT FURTHER RESOLVED, that MABE supports reducing the rate of out-of-school suspensions for non-violent behaviors, requiring that educational services be provided to students receiving suspensions or expulsions, and reducing and ultimately eliminating disproportionate and disparate impacts of student discipline policies on minority students; and

BE IT FURTHER RESOLVED, that MABE supports local flexibility to create and enforce consistent and fair disciplinary standards; and

BE IT FURTHER RESOLVED, that MABE supports the adoption of revised Maryland Guidelines for a State Code of Discipline that is consistent with revised student discipline regulations and that preserves local board and school administrator discretion; and

BE IT FURTHER RESOLVED, that MABE pledges to participate fully in the work of the Commission on the School-to-Prison Pipeline and Restorative Practices toward the goal of making recommendations based on Maryland and national best practices and which maintain local flexibility to create and enforce fair disciplinary standards, and which address the costs of implementing any newly mandated restorative practices; and

BE IT FURTHER RESOLVED, that MABE opposes legislation and regulations that propose mandated penalties for specific infractions, or include other proposals which would reduce the ability of the local board and school administrators to respond appropriately and effectively to student discipline situations on a case-by-case basis.

## **Student Health and Fitness**

(Adopted 2013; amended 2016, 2017, 2018)

WHEREAS, local boards of education are committed to providing school facilities, school meals, and programs of instruction designed to promote the physical and mental health and fitness of students and to prepare them to maintain a healthy lifestyle as adults; and

WHEREAS, federal and state standards for student health and fitness, especially regarding nutrition, continue to be reformed and enhanced to address the alarming national epidemics of juvenile diabetes and obesity; and

WHEREAS, local boards of education are committed to providing quality physical education programs in Maryland's public schools within the current State and federal statutory and regulatory framework; and

WHEREAS, regulations require that physical education programs provide an "individualized, developmentally appropriate, and personally challenging instructional program that advances the student's knowledge, confidence, skills, and motivation to engage successfully in a lifelong healthy and active lifestyle" (COMAR 13A.04.13.01); and

WHEREAS, State Board regulations require yearly physical education instruction for all students in grades kindergarten through 8, and elective classes for students in grades 9 through 12; and

WHEREAS, COMAR also requires each school system to develop physical education curriculum guides for the elementary and secondary schools under its jurisdiction; and

WHEREAS, federal requirements are playing an increasing role in State and local education policy, including physical education and school nutrition; and

WHEREAS, the 2004 Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act required all local school districts to put "wellness" programs in place by the beginning of the 2006-07 school year; required school districts to appoint wellness councils responsible for developing plans to address the types of food sold in schools, physical education, and nutrition. School districts are also required to appoint monitoring officers to ensure compliance; and

WHEREAS, the 2010 Child Nutrition and WIC Reauthorization Act, entitled the "The Healthy, Hunger-Free Kids Act", mandated major reforms in school meal programs to improve the nutritional value of the meals served to Maryland students each day; and

WHEREAS, child hunger impacts many students as an obstacle to learning and therefore school systems are increasingly involved in summer and weekend meal programs and partnerships to help ensure daily access to healthy food for all students; and

WHEREAS, Maryland has enacted legislation to allow eligible school systems to use the Community Eligibility Provision (CEP) program to provide free school meals to all students in a school system or school based on rates of free and reduced price meal (FRPM) eligibility, while also reducing administrative paperwork and personnel hours; and

WHEREAS, in 2017 legislation was enacted to extend the CEP program and to enhance high school student access to free school meals; and

WHEREAS, in 2018 legislation was enacted to make the State responsible for the student share of the costs of (1) reduced-price breakfasts provided under the federal School Breakfast Program by FY 2022 and (2) reduced-price lunches provided under the National School Lunch Program (NSLP) by FY 2023; and legislation passed to extend for one-year program eligibility for schools dropping below the 40% FRPM enrollment threshold; and

WHEREAS, in 2017 legislation was enacted to require a needs assessment of student school-based behavioral health services; and to develop best practices for local boards of education to provide to students (1) behavioral needs assessments and (2) individualized or group behavioral health counseling services with a health care provider through a school-based health center or community-partnered school-based behavioral health services; and

WHEREAS, in 2017 legislation was enacted to require annual training of all certificated school personnel who have direct contact with students on a regular basis to complete training by December 1 each year in the skills required to (1) understand and respond to youth suicide risk and (2) identify professional resources to help students in crisis; and

WHEREAS, in 2017 legislation was enacted to require school systems to respond to the opioid and heroin abuse crisis by (1) expanding the existing drug addiction and prevention education curriculum to include a unit on opioids and heroin; (2) requiring local boards to establish a policy requiring each public school to store naloxone and authorize school personnel to administer it; and (3) requiring local boards or local health departments to hire a county or regional community action official or existing personnel to coordinate public outreach including school-based community forums; and

WHEREAS, Governor Hogan's Executive Order establishing a compressed school year beginning after Labor Day and ending by June 15 has created a greater need for school systems to provide meals for students during the extended summer break; and

WHEREAS, in 2018 the Safe to Learn Act included requirements for local school systems to designate the position of Mental Health Services Coordinator and the following responsibilities:

- To coordinate existing mental health services and referral procedures for mental health services within the local school system;
- To work in collaboration with the local health department, the local department of social services, and other local entities that provide mental health services, to ensure that a student who is referred for mental health services obtains the necessary services;
- To maximize external funding for mental health and wraparound services; and
- To develop plans for delivering behavioral health and wraparound services to students who exhibit behaviors of concern; and

WHEREAS, many legislative proposals intended to enhance student health and fitness would impose significant costs on local school systems;

NOW, THEREFORE, BE IT RESOLVED, that MABE supports local board discretion to adopt policies and to allocate resources to support improvements in student mental and physical health, fitness, and nutrition; and

BE IT FURTHER RESOLVED, that MABE supports state and federal laws to preserve and enhance the ability of local school systems to choose to participate in the Community Eligibility Provision (CEP) program as an option to provide free school meals to all students; and

BE IT FURTHER RESOLVED, that MABE will work collaboratively with stakeholders in urging the Governor and General Assembly to increase funding for school nutrition programs to support summer meal programs for students; and

BE IT FURTHER RESOLVED, that MABE opposes state or local government unilateral determination of the methods of delivering student health services, including the employment status of school health providers; and

BE IT FURTHER RESOLVED, that MABE opposes the unfunded mandating of additional physical, mental, and behavioral health services; and

BE IT FURTHER RESOLVED, that MABE opposes the unfunded mandating of increased physical education instruction which would impose significant costs for additional school facilities and instructional staff; and

BE IT FURTHER RESOLVED, that MABE opposes the unfunded mandating of additional requirements for school-based nutritional programs; and

BE IT FURTHER RESOLVED, that MABE will urge the Governor and the Legislature to fully fund the increased costs of the mental health services requirements in the Safe to Learn Act of 2018.

## **Transportation Funding**

(Adopted 1981, 1984, 1987; amended 1990, 1992; readopted 1995, 1997; amended 2000, 2002, 2005; readopted 2008, 2011; amended 2014, 2016, 2017)

WHEREAS, adequate state funding for public school transportation has been a long-time goal of the Maryland Association of Boards of Education (MABE); and

WHEREAS, the Bridge to Excellence in Public Schools Act of 2002 increased state funding for student transportation to address chronic underfunding through the 1980s and 1990s; and

WHEREAS, between FY 1981 and 1998 total expenditures for student transportation increased by 180 percent, yet during this same period state expenditures for student transportation increased by only 35 percent; and

WHEREAS, the percentage of total student transportation costs funded by the state peaked at about 90 percent in 1984 and declined gradually in each subsequent year to a funding level of 36 percent in 1998; and

WHEREAS, for nearly twenty years, state funding for disabled student transportation was limited to \$500 times the number of disabled students requiring special transportation services who were transported by the local board in excess of the number transported during the 1980-1981 school year; and

WHEREAS, the Bridge to Excellence in Public Schools Act of 2002 increased the base transportation grant for 15 counties that experienced aggregate enrollment increases between 1980 and 1995, a time when the transportation formula did not include annual adjustments for enrollment increases, and increases by FY 2008 per pupil funding for students receiving special transportation services from \$500 to \$1000; and

WHEREAS, additional requirements for student transportation have been created through mandated programs; and

WHEREAS, the federal McKinney-Vento Homeless Assistance Act requires that homeless students must be provided with transportation to and from their school of origin at parent or guardian request; transportation services may include crossing district boundaries or providing special education busing; and if the student transportation needs cross district boundaries, the two districts must determine how to divide the responsibility and cost; and

WHEREAS, the state mandates that school systems provide targeted prekindergarten for low-income four-year olds and the legislature is studying proposals to establish universal prekindergarten and yet prekindergarten students are not included in the per pupil calculation of student transportation funding; and

WHEREAS, rapid increases in gasoline prices can present significant unanticipated expenditures from transportation budgets and potentially reduce available funding for other educational programs and services; and

WHEREAS, in 2016 the General Assembly enacted legislation to exempt from the motor fuel

tax, motor fuel that is purchased for use in a school bus owned by a county board of education or used to transport students by a school bus operator under contract with a county board of education; and

WHEREAS, the final Study of Adequacy of Funding for Education in the State of Maryland issued in November 2016 recommends reviewing and updating the State's transportation formula following a separate study; but also recommends using the greater of the prior year's FTE enrollment or the average of the three prior years' FTE enrollment to result in higher enrollments and transportation aid amounts in declining enrollment districts; and

WHEREAS, in 2016 and 2017 legislation was introduced, but not enacted, which would have imposed an unfunded mandate that all school buses be equipped with seatbelts, either as a requirement to retrofit current buses or as a design standard for new buses; and

WHEREAS, federal law requires small school buses, weighing 10,000 pounds or less, to be equipped with seat belts; and in this way, federal requirements regarding seat belts are reasonably related to the size and relative safety of school buses; and

WHEREAS, transportation services to and from public schools play a critical role in addressing the educational opportunity gap;

NOW, THEREFORE, BE IT RESOLVED, that MABE will cooperate with other interested groups to advocate for adequate public school transportation funding, including transportation funding to support programs outside the regular school day; and

BE IT FURTHER RESOLVED, that MABE will urge the Governor and the Legislature to fully fund the state share of student transportation funding and to pursue transportation funding for prekindergarten students; and

BE IT FURTHER RESOLVED, that MABE will oppose new unfunded mandates impacting student transportation, including mandatory seatbelts on school buses, or a reduction of the state share of per pupil student transportation costs.