

January 2, 2019

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Kirwan Commission Update

The Kirwan Commission on Innovation and Excellence in Education met on December 18 and 19 to take final actions on each of its four working group reports and the fifth policy area recommendations on governance and accountability. By the conclusion of the Dec. 19 all-day meeting these reports were approved, as were other key actions including recommended funding for FY 2020 and the recommendation to commence the overall funding reforms beginning in FY 2021. Full funding by FY 2030 would provide total increases in state and local government spending on public education of more than \$3.8 billion.

As the Commission has often noted, it is presumed that this total amount, and incremental annual increases, would be shared between the state and local jurisdictions on the same wealth equalized 50/50 basis used today. For example, the increases of \$1.4 billion in FY 2021 and \$2.5 billion in FY 2022 actually refer to state and local increased cost shares of \$700 million in FY 2021, and \$1.25 billion in FY 2022. However, the “sticking points” of the state budget impacts of the Commission’s recommendations, and whether and how the respective county shares would be mandated, have never been considered by the Commission through briefings or budget analysis by staff.

On December 18, the Commission received a [letter from presiding officers](#) Senate President Mike Miller and House Speaker Mike Busch. In the letter, the presiding officers state:

- The January 2019 report will include “funding priorities for fiscal 2020 and a policy blueprint that could be outlined in legislation this session.”
- “[I]t will not be able to complete the funding formulas that will distribute the increased education aid between state and local jurisdictions.”
- “[W]e would like the Commission to continue its work in 2019 to develop funding formulas that would implement the Commission’s final recommendations.”

The letter concludes with leadership requesting that the Commission recommend a small working group to work with staff to review and develop formula recommendations to be considered by the full Commission in the fall of 2019.

**Legislative Committee
2018-2019 Calendar**

- Jan. 7, 2019
 - FYI – The Legislative Session begins on January 9, 2019
 - FYI – The NSBA Advocacy Institute in Washington, DC is Jan. 27-29
- Feb. 4, 2019
 - FYI – ***MABE’s Legislative Day in Annapolis is February 21, 2019***
- Feb. 25, 2019
- March 11, 2019
- March 25, 2019
 - FYI – The 2019 legislative session ends at midnight on April 8, 2019
- April 29, 2019

MABE’s Legislative Committee meetings are held in the MABE office on Monday mornings, 10:00 to 12:00, unless otherwise indicated. Meeting agendas and materials are posted on the [MABE website](#).

In light of the letter, the Commission's final report will provide the blueprint for legislation in 2019 which is likely to contain many of the major policy recommendations in each of the five policy areas. The legislature will also need to decide on whether or how to mandate that the Governor include the called for increases in education aid in FY 2021 (the budget that will be before the legislature in the 2020 session). This issue was highlighted when the Commission debated and decided in the final hours of its Dec. 19 meeting to urge the Governor to include \$325 million in his FY 2020 budget to begin providing increased state funding in key areas.

The Commission considered and adopted a [set of funding proposals totaling \\$200 million](#), ultimately deciding to add \$125 million for special education. Again, the legislature cannot increase the operating budget submitted by the Governor for the FY 2020 fiscal year and so the Commission's set of FY 2020 funding requests will be at the Governor's discretion. However, the \$325 million total is precisely the sum of the \$200 million already in reserve to implement Kirwan recommendations (per legislation enacted in 2018), and the \$125 million in casino revenue required to be spent on increasing public education funding in areas aligned with the Commission's work (per the "Question 1" constitutional amendment adopted by voters in November of 2018).

Generally, MABE is supportive of the core recommendations included in each of the four policy areas developed by the working groups. However, MABE remains strongly opposed to the final recommendations on [Governance and Accountability](#). On Dec. 19 MABE's representative on the Commission, former MABE president Joy Schaefer, urged opposition to many of the key policy recommendations, most importantly the proposal to create the "Independent Oversight Board with authority to develop a comprehensive plan for implementing the Commission's recommendations and then hold all the State and local institutions and agencies involved in that plan accountable for carrying out their assigned roles." MABE's specific concerns and objections regarding each policy area including governance were raised in [MABE's testimony before the Kirwan Commission](#) on Nov. 29, 2018.

Unfortunately, the overwhelming majority of commissioner's voted in favor of establishing the new oversight board. Therefore, MABE anticipates a bill to launch many of the Commission's key policy recommendations, including some form of new governance and accountability system. In addition, if new funding is to be mandated in the FY 2021 budget, including new grants or any changes to the funding formulas, the General Assembly would have to pass a bill to do so the 2019 session.

The Commission is scheduled to meet on Friday, January 18, 2019 to issue its final report, which is being finalized based on the actions taken on December 19, 2018. Go to the [Commission's webpage](#) for access to the meeting materials, video recordings, and live streaming of the proceedings.

MABE's Legislative Committee

The Legislative Committee will meet again on January 7, 2019 from 10:00 to Noon to review the final recommendations of the Kirwan Commission and to prepare for the 2019 legislative session. Each local board is encouraged to designate a member and alternate member to the Legislative Committee.

MABE's Federal Relations Network Committee

The Federal Relations Network (FRN) Committee will meet on January 7, 2019 from 12:30 to 1:30 to review the National School Board Association's "homework" for the upcoming Advocacy Institute in Washington, DC from January 27-29. The focus of this year's Day on the Hill is the reauthorization of the federal special education law, the Individuals with Disabilities Education Act (IDEA). Each local board is encouraged to designate a member of the FRN committee.

Resources

[MABE's Annapolis Advocacy Center](#)
[MABE's State Board Advocacy Center](#)
[MABE's Federal Advocacy Center](#)

[General Assembly](#)
[State Board of Education/MSDE](#)
[NSBA Advocacy](#)

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