

February 15, 2019

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School Calendar Flexibility Bill – Passing in the Senate

On February 12th, by a vote of 31-13, the Maryland Senate overwhelmingly passed [Senate Bill 128](#), which would allow each local board of education the clear decision-making authority to adopt a local school year calendar, including a calendar starting before Labor Day.

The bill includes the following, straightforward, provision: “NOTWITHSTANDING ANY OTHER PROVISION OF LAW ... EACH COUNTY BOARD SHALL SET THE START DATE AND END DATE OF THE SCHOOL YEAR FOR THE PUBLIC SCHOOLS IN THE COUNTY EACH YEAR.”

On Thursday, February 14th the House Ways and Means Committee held a hearing on House Bill 437, the identical cross-file of Senate Bill 128, introduced by Delegate Eric Ebersole. MABE’s Legislative Committee Chair, Julie Hummer (Anne Arundel), and Joy Schaefer (Frederick County), testified before the Committee in strong support of House Bill 437. This bill represents one of MABE’s top legislative priorities for the 2019 session regarding local board governance authority.

MABE strongly supports Senate Bill 128 and House Bill 437 to alleviate the barriers to local decision making on school calendars, by authorizing a local board of education to establish the annual school calendar including the first day of school and last day of school. In this way, this bill would greatly assist local boards in determining how to craft their entire local school calendars including holidays, professional development days, parent conferences, election days and other factors. Importantly, other factors include enabling a local board to start the school year system-wide before Labor Day to maximize the benefits to students of the learning gains they achieved in the previous school year. Such gains can erode over extended summer breaks, and negatively impact the progress students are able to make beginning on day one of the new school year.

**Legislative Committee
2019 Calendar**

- Feb. 21, 2019, 10:00-11:00 a.m.
Meeting to be held in the Senate Miller Bldg. immediately before the Legislative Day Luncheon

MABE’s Legislative Day in Annapolis is February 21, 2019 11:00 a.m. - 1:00 p.m. in the Miller Senate Building, Conference Center West I and II

- 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](#).

Kirwan Commission Report Released

On February 14th the Kirwan Commission released its [2019 Interim Report](#).

The Report is a call to action for the building of a world class education system in Maryland, and includes recommendations in five major policy areas.

1. Investing in High-quality Early Childhood Education and Care: Significant expansion of full-day pre-school, to be free for all low-income three- and four-year-olds, so that all children have the opportunity to begin kindergarten ready to learn;

2. Elevating Teachers and School Leaders: Raising the standards and status of the teaching profession, including a performance-based career ladder and salaries comparable to other fields with similar education requirements;

3. Creating a World-class Instructional System: An internationally benchmarked curriculum that enables most students to achieve “college- and career-ready” status by the end of tenth grade and then pursue pathways that include early college, Advanced Placement courses, and/or a rigorous technical education leading to industry-recognized credentials and high-paying jobs;

4. Providing More Support to Students Who Need It the Most: Broad and sustained new support for schools serving high concentrations of students living in poverty, with before-and after-school and summer academic programs and student access to needed health and social services, and increased support for English learner and special education students; and

5. Ensuring Excellence for All: An accountability-oversight board that has the authority to ensure that the Commission’s recommendations are successfully implemented and produce the desired results.

MABE did submit a 2-page statement to the Commission emphasizing the association’s strong support for the recommendations overall, but strong opposition to key recommendations in the governance and accountability section of the Report.

“MABE has participated fully in the Commission’s work and supports its focus on significantly increasing the State’s investment in a high performing, innovative statewide system of public schools. MABE supports advancing the goal of improving Maryland schools to ensure our students are equally as prepared as students educated in the world’s highest performing school systems. MABE strongly supports the Commission’s recommendations requiring equitable access to an excellent education for all students in all twenty-four school systems. However, MABE objects to specific recommendations regarding the governance, authority and accountability of local school systems, found in both the Governance and Accountability and the College and Career Ready Pathways policy areas.”

“MABE strongly opposes the adoption of the recommendation for a new governance and compliance body to oversee implementation of the Commission’s recommendations and subsequent legislation. Such an independent oversight body is neither necessary nor appropriate to coordinate, monitor, and evaluate implementation of the Commission’s recommendations as these functions are already within the purview of the Maryland State Department of Education (MSDE) and the State Board.”

MABE, and all of our partners in advocating for public education and students support action this session on the pending FY 2020 State Budget. This immediate action is needed to allow school systems to begin work in the upcoming 2019-2020 school year. Also needed this session is a clear mandate for significant funding increases in the Governor's FY 2021 State Budget.

The good news is that there are two significant funding sources to launch Kirwan in the FY 2020 budget. A \$200 million Kirwan Commission on Innovation and Excellence in Education Fund was created last year, and is fully available. In addition, \$125 million in casino revenue is now available, thanks to the overwhelming passage of Question 1 on the 2018 ballot to convert the entire Education Trust Fund (ETF) to new, increased funding to support Kirwan Commission initiatives.

However, Governor Hogan's proposed State Budget does not allocate any of the \$200 million Kirwan fund toward FY 2020 spending, and would invest only \$24 million of the \$125 million in ETF funds in Kirwan recommended areas. Instead, \$45 million would be used to launch a new school construction program administered by the Maryland Stadium Authority, a program intended to receive \$125 million per year in ETF money beginning next year.

All of this work, including more than \$200 million in the FY 2020 State budget, and passing legislation requiring a fully-fledged Kirwan launch in the FY 2021 State budget, can and should move forward even though the Commission must re-convene later this year.

The Report addresses its unfinished work, as follows:

“One piece of work remains for the Commission and that is to recommend a fair distribution of the costs of the Commission's recommendations between the State and its 24 local jurisdictions. Leaders of the General Assembly have said the Legislature cannot address both the scope of the policy changes recommended by the Commission and the distribution of costs within a single 90-day session. So they have asked the Commission to continue its work and make funding recommendations in fall 2019, which it will do.”

MABE looks forward to a 2019 session of vigorous advocacy for budget and policy actions consistent with significant and long-overdue increases in State funding to benefit all students, even more resources for students and schools with the highest needs in areas such as special education, English language learners, and concentrated poverty, and a career ladder system that will lead to the sustained recruiting and retaining of the best educators in the nation.

Bill Hearing Updates

MABE provided written and/or oral testimony on several bills in the past week, including school calendar legislation, the trauma-informed school pilot program, superintendent hiring, anti-discrimination in private schools getting voucher funding, and school system hiring procedures to prevent child sexual abuse and sexual misconduct. All MABE testimony is available on our website under [Advocacy, 2019 Legislative Session](#).

Trauma-informed School Pilot Program

MABE testified in support of [House Bill 256](#) in order to have MSDE develop guidelines and provide professional development and training on a trauma-informed approach to education in schools through a \$300,000 voluntary pilot program in three schools. [MABE Testimony](#)

Superintendent Hiring Approval

MABE testified in support of [House Bill 357](#) in order to authorize the State Superintendent to disapprove an appointment of a county superintendent only if the appointee does not meet the qualifications specified in the current law governing local board hiring criteria. This bill is intended to clarify longstanding practice and help ensure that the review and approval process of the State Superintendent reflects the deliberative decision-making process of local boards in selecting their local superintendents. [MABE Testimony](#)

Protecting Students by Strengthening Hiring Procedures for School Employees

MABE testified in support of [House Bill 486](#) which would establish and define the process of determining whether an applicant for employment with a local school system has ever been disciplined for allegations of “child sexual abuse” or “sexual misconduct.” [MABE Testimony](#)

Anti-Discrimination Protections in BOOST Voucher Schools

MABE joined a panel of education advocates supporting [Senate Bill 848](#). This bill would prohibit a nonpublic elementary or secondary school that receives State funds from discriminating in ways already clearly prohibited for public schools. Types of prohibited discrimination would include refusing enrollment of, expelling, withholding privileges from, or otherwise discriminating against any student or prospective student because of the individual’s race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability. [MABE Testimony](#)

Bill Status Updates

Reportable Offenses and Information Sharing by DJS

MABE is pleased that the Senate Judicial Proceedings Committee’s has voted favorable with amendments on [Senate Bill 13](#), to require the Department of Juvenile Services (DJS), for students committed to its custody, to notify the local superintendent and the school principal of a school in which the student has enrolled or transferred, of the student’s arrest for a reportable offense. On February 13th, the Senate Judicial Proceedings Committee adopted amendments to address concerns raised during the bill hearing opposing the reporting of “educational programming and related services provided to a student” and to ensure that services provided for students address “the social, emotional, and academic development” needs of students. [MABE Testimony](#) MABE looks forward to testifying on February 21st in the House Judiciary Committee in support of the identical [House Bill 867](#).

Upcoming Bill Hearings

Shifting Burden of Proof for Special Education Evaluation Disputes

[House Bill 611](#) would require school systems to file due process complaints against parents in all cases in which the school system denies the parent’s request that the school system pay for the student’s independent education evaluation. This bill hearing is on February 21st in the House Ways and Means Committee.

Exempting Daily Substitute Teachers from Earned Sick Leave Mandate

[Senate Bill 686](#) would provide that the Maryland Healthy Working Families Act does not apply to employees of a county board of education who are called to work on an as-needed basis, can reject or accept the shift offered by the county board of education, and are not guaranteed to be called on to work by the county board of education. MABE and PSSAM unsuccessfully sought an amendment to achieve this exemption in 2018. This bill hearing is on February 21st in the Senate Finance Committee.

Lead Testing of School Drinking Water

[Senate Bill 481](#) and [House Bill 1253](#) would redefine elevated level of lead to mean a concentration in drinking water that exceeds 5 parts per billion, rather than the current law's reference to the standard recommended by the U.S. EPA. The EPA recommended standard has, for many years, been 15 parts per billion. Importantly, the bill would also establish and administer a grant program to provide grants to local school systems to assist with the costs associated with implementing remedial measures to: (1) address any findings of elevated levels of lead in drinking water outlets in school buildings; or (2) upgrade drinking water systems in school buildings that do not have functioning drinking water outlets. The Senate and House bills will be heard, respectively, on February 27th and March 6th.

Requiring Restorative Approaches to Student Discipline

[House Bill 725](#) and [Senate Bill 766](#) would generally require a school principal to implement restorative approaches, rehabilitative, special education, or other supportive service interventions before suspending or expelling a student. However, the bill would allow a principal to suspend or expel a student before implementing such approaches if the student's presence in the school poses an imminent threat of serious harm to other students or staff; and the circumstances require the immediate removal of the student. Further, the bill would require each local board to develop a multiyear plan for the adoption, implementation, and continued monitoring of the use of restorative approaches for student discipline. The House and Senate bills will be heard, respectively, on February 28th and March 6th.

Required Screening and Supplemental Instruction for Students with Reading Difficulties

[House Bill 690](#) and [Senate Bill 734](#) would establish a new, comprehensive set of standards and requirements pertaining to the screening, identification, and instruction and monitoring of students with reading difficulties. The bill has the support of more than 85 cosponsors in the House. The House and Senate bills will be heard, respectively, on February 21st and February 26th.

- Beginning in the 2020–2021 school year, each local school system would be required to ensure that a student is screened to identify if the student is at risk for reading difficulties.
- Screening instruments must meet tiered assessment standards, including:
 - Prekindergarten: phonological awareness and phonemic awareness skills.
 - Kindergarten: (i) phonological awareness and phonemic awareness skills; (ii) knowledge of letter names and sound associations for uppercase and lowercase letters; and (iii) normed rapid automatized naming.
 - First Grade or above: (i) phonological awareness and phonemic awareness skills; (ii) knowledge of letter names and sound associations for uppercase and lowercase letters; (iii) normed rapid automatized naming; (iv) automatic and fluent single-word recognition with nonsense and real words; and (v) oral reading fluency.

- If the screening results indicate that a student is at risk of reading difficulties, the school system must: (i) conduct an informal diagnostic assessment of the student to determine the specific areas of instructional need for supplemental reading instruction; (ii) provide supplemental reading instruction to address the student’s identified areas of need; and (iii) notify the parents.
- “Supplemental reading instruction” is defined as evidence-based, sequential, systemic, explicit, and cumulative instruction or intervention to mastery of foundational reading skills including phonological or phonemic awareness and processing, phonics, and vocabulary to support development of decoding, spelling, fluency, and reading comprehension skills to meet grade level curriculum.
- School systems would be required to set a schedule, with intervals of not more than 10 weeks, for progress monitoring of students who receive supplemental reading instruction. If progress monitoring data reflect insufficient progress, the school system must adjust the supplemental reading instruction to ensure that the student is making adequate progress toward grade level reading standards.

Resources

[MABE’s full Bill Report for the 2019 Session](#)

<ul style="list-style-type: none"> • MABE’s Annapolis Advocacy Center 	<ul style="list-style-type: none"> • General Assembly
<ul style="list-style-type: none"> • MABE’s State Board Advocacy Center 	<ul style="list-style-type: none"> • State Board of Education/MSDE
<ul style="list-style-type: none"> • MABE’s Federal Advocacy Center 	<ul style="list-style-type: none"> • NSBA Advocacy

For more information, contact John R. Woolums, Esq., MABE’s Director of Governmental Relations, at jwoolums@mabe.org or 410-841-5414.

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