

February 9, 2019

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**School Calendar Flexibility Bill – Passing in the Senate**

On February 7<sup>th</sup> and 8<sup>th</sup> the Maryland Senate deliberated and took the first steps to pass [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.”

The initial full Senate vote on the bill (referred to as second reading) was 32-14. The floor debate, led by Senator Pinsky, has included many Senators stating their strong support for local board authority to set school calendars.

MABE thanks Senators Paul Pinsky (Chair of the Senate Education, Health & Environmental Affairs Committee) and Nancy King (Chair of the Senate Budget & Taxation Committee) for introducing [Senate Bill 128](#) and thanks all of the Senators who have voted and spoken in support of the role of local boards of education in determining what school policies are in the best interests of the teaching and learning of students.

MABE strongly supports Senate Bill 128 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. The Executive Order allows only for school-based waivers.

**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](#).

On January 30, 2019, MABE's Legislative Committee Chair, Julie Hummer (Anne Arundel), and former MABE President, Joy Schaefer (Frederick County), testified before the Senate Education Committee in strong support of Senate Bill 128. This bill represents one of MABE's top legislative priorities for the 2019 session regarding local board governance authority.

### **Kirwan Commission Report – Coming Soon**

Maryland's constitutional standard for adequate school funding is not being met. Major funding increases and statewide policy reforms are overdue according to two multi-year studies by national experts and Maryland's leaders. MABE's support for the [Kirwan Commission](#) report and legislation is focused on the urgent need to increase funding for each local school system to meet the needs of all students. Maryland's 900,000 public school students should be benefiting from much larger investments in their futures.

Therefore, one of MABE's top legislative priorities in 2019 is strong support for the launch of the Kirwan Commission report and policy recommendations relating to student teaching and learning. The Kirwan Commission work is comprehensive, calling for increased funding and accountability for programs and services in special education, community schools with wraparound services, programs for English language learners and economically disadvantages students, world-class career and technology education (CTE) programs, teacher preparation and pay, and high quality public and private early learning programs including expanded prekindergarten.

The Commission's report is due to be released any day. 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.

### **School Construction Funding & Potential Reforms**

Another top priority for MABE in 2019 is advocating for the State's increased investment in our public school facilities. These too often aging and over-crowded buildings are the same buildings in which we expect our teachers and students to perform at world-class levels throughout the school day. Therefore, MABE has adopted the legislative priority for 2019 to support robust State funding for school construction and renovation projects.

Specifically, MABE is seeking funding of at least \$400 million and implementation of the process reforms in the 21<sup>st</sup> Century School Facilities Act consistent with the law’s intent to enhance local flexibility. MABE is calling for a school construction budget of at least \$400 million to support local boards in providing safe and sustainable optimal learning environments to prepare our students to be college and career ready.

MABE greatly appreciates Governor Hogan’s FY 2020 State Capital Budget for school construction which includes general obligation (GO) bond support for a \$280 million statewide capital improvement program (CIP) and an addition \$40 million targeted for growing and overcrowded school systems. The capital budget also includes \$6.1 million for the Aging Schools Program.

In addition, the Governor’s budget includes \$43.5 million in general funds to support school facilities safety and performance initiatives. This includes the Healthy School Facilities Fund established in 2018 to ensure prompt funding for improvements to heating and cooling systems in aging schools. This program mandates \$30 million in each of FY 2020 and FY 2021. Also, \$13.5 million is dedicated to school safety, including \$10 million at public schools and \$3.5 million for nonpublic school safety enhancements.

Overall, Governor Hogan’s proposed \$366 million investment in the construction and renovation of public school facilities provides a very strong foundation on which the General Assembly can build.

However, his budget would also allocate \$65 million for the newly proposed [Building Opportunity Act](#), including \$45 million in casino revenue from the ETF, and \$20 million for a Local Share of School Construction Costs Revolving Loan Fund. MABE is not supporting this legislation ([SB 159/HB 153](#)) as introduced due to serious objections to diverting casino revenues intended to support Kirwan Commission recommendations and the proposed role of the Maryland Stadium Authority relating to construction standards and management.

According to the Department of Legislative Services (DLS): “Use of ETF dollars for this purpose could result in the State exceeding debt affordability limits and reduces the funding available for enhancements to operating funding for K-12 education.” That said, the proposal to dedicate non-tax revenue to finance a significant increase in public school construction activity has garnered considerable attention, and appears to have motivated the introduction of other related bills. These bills propose, in part, to use State Lottery proceeds rather than the casino revenue dedicated to the Education Trust Fund as the funding source. Pending bills now include the following:

- [HB 668/SB 641](#) - Public School Construction – Maryland Stadium Authority – Montgomery County and Other School Systems With Significant Enrollment Growth
- [HB 727/SB 731](#) - Public School Construction – Maryland Stadium Authority – Supplemental Funds
- [HB 1131/SB 758](#) - Baltimore County – Maryland Stadium Authority – Public School Construction

MABE anticipates a vigorous and potentially very productive debate on how best to innovate and increase the State’s investment in public school facilities. MABE looks forward to doing so without unduly jeopardizing local control over school design and priorities, and without diverting the limited resources available to launch and sustain the Kirwan Commission’s plans to improve teaching and learning.

### **Reportable Offenses and Information Sharing with DJS**

MABE continues to request the Senate Judicial Proceedings Committee’s support for [Senate Bill 13](#), which would simply 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. [MABE Testimony](#)

### Trauma-informed School Pilot Program

MABE testified in support of [Senate Bill 223](#), cross-filed with 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](#)

### Special Education – Attorney and & Expert Witness Fees

MABE, PSSAM, and a panel including a local school system special education program director and school attorney, testified in opposition to [House Bill 140](#), which would allow for the awarding of expert witness fees and attorney’s fees at the administrative level in Maryland’s special education dispute resolution process. [MABE Testimony](#)

### Education Inspector General

MABE and PSSAM testified in opposition to [Senate Bill 92](#), the Governor’s bill to create an Education Inspector General with subpoena powers regarding investigations and public hearings on virtually all matters including academic policies, school facilities, student discipline, special education, ethics, and procurement. Very similar legislation was considered and rejected in 2018 and, in the interim, the Governor established an office of education accountability within the Governor’s Office for Children and MSDE created a compliance monitoring staff position within the agency. [MABE Testimony](#)

### Resources

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

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

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