



Legislative Committee Meeting

Monday, February 4, 2019

10:00 a.m. – Noon

MABE Conference Room

Julie Hummer, Chair

Agenda

1.	Welcome and Introductions	Information		
2.	Reports from Board Members	Information	Julie Hummer/ All	20 min.
3.	Leadership Meeting Updates	Information & Discussion	Julie Hummer/ All	5 Min.
4.	Bill Decisions	Discussion & Action	Julie Hummer/ John Woolums/ All	60 min.
5.	Legislative Updates	Information & Discussion	John Woolums/ All	20 min.
6.	School Calendar Bills – Call to Action	Information	John Woolums	10 min.
7.	Legislative Committee Calendar <ul style="list-style-type: none"> • MABE's Legislative Day Luncheon <i>Thursday, Feb. 21, 2019</i> <i>Legislative Committee Meeting,</i> <i>10:00 - 11:00 a.m.</i> <i>Luncheon with Legislators,</i> <i>11:00 a.m. - 1:00 p.m.</i> • Monday, Feb. 25, 2019 (Next Regular Meeting) 	Information		5 min.
8.	Adjournment	Closing Remarks		

See reverse for links to meeting materials and additional resources.

Materials & Resources for the Feb. 4, 2019 Meeting

Item 4. Bills Decisions

SB 222 – Appointment of County Superintendent of Schools - Disapproval by State Superintendent of Schools

This bill would 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, as follows: An individual may not be appointed as county superintendent unless the individual: (i) Is eligible to be issued a certificate for the office by the State Superintendent; (ii) Has graduated from an accredited college or university; and (iii) Has completed 2 years of graduate work at an accredited college or university, including public school administration, supervision, and methods of teaching.

HB 238 – Education - Removal of County Superintendents – Procedures

This bill would authorize a local board of education to file a complaint with the State Superintendent of Schools requesting the removal of a county superintendent of schools; allow 90 days for the State Superintendent’s decision; allow local boards to appeal the State Superintendent’s decision to the State Board of Education; and allow the local superintendent to appeal by choosing between a hearing before the State Superintendent or arbitrator.

HB 330 - Education – County Boards of Education – County Superintendent Contracts

This bill would require a contract executed on or after June 1, 2020, between a local school board and the local superintendent of schools (or Chief Executive Officer of Baltimore City Public Schools) to provide that if the contract is terminated, the maximum cash settlement that the superintendent may receive may not exceed an amount equal to (1) the superintendent’s monthly salary multiplied by the number of months remaining on the contract if the remaining term of the contract is less than 12 months or (2) 12 months’ worth of the superintendent’s salary if the remaining term of the contract is more than 12 months. The maximum cash settlement may include cash or health benefits; health benefits may be received for the duration of the cash settlement or until the superintendent finds other employment. These compensation provisions do not apply if the superintendent’s employment contract is terminated for immorality, misconduct in office, insubordination, incompetency, or willful neglect of duty.

HB 256 - State Department of Education – Guidelines on Trauma–Informed Approach

This bill would require the Maryland State Department of Education (MSDE), in consultation with the Maryland Department of Health (MDH) and Department of Human Services (DHS), to develop and distribute guidelines on a trauma-informed approach that will assist public schools with the identification of a student, teacher, or staff member who has experienced trauma; the appropriate response to trauma; and becoming a trauma-informed school. MSDE must publish the guidelines on its website. The bill would create the trauma–informed schools expansion program fund and require the Governor to include \$300,000 for the program in the FY 2021 state budget.

SB 159 – Building Opportunity Act of 2019

- This bill would authorize the Maryland Stadium Authority to issue bonds to finance the construction of or improvements to public school facilities.
- These bonds are defined as the limited obligation of the Authority payable solely from certain pledged money and are not a debt, liability, moral obligation, or pledge of the faith and credit or taxing power of the State, the Authority, or any other governmental unit; requiring the Authority to obtain approval from the Board of Public Works before each issuance of bonds to finance improvements to public school facilities. The construction of an educational facility would require an MOU between the school system, county government, and interagency commission on school construction.
- The bill would establish the Building Opportunity Financing Fund and the Building Opportunity Facilities Fund as continuing, nonlapsing funds for the purposes of paying debt service and school facility architecture, design and construction costs. The bill would provide that the sole source of payment for any costs or expenses related to financing public school facilities shall be the money on deposit in the building opportunity facilities fund and the building opportunity financing fund and bond proceeds held under a trust agreement.
- The bill would require that before a public school facility project is approved for funding from the building opportunity facilities fund, the Authority shall enter into a memorandum of understanding with the interagency commission on school construction, and the county board of education or the county, or both, for the management and oversight of a public school facility project.
- Under the MOU, only the Authority would be authorized to design and improve, or contract for the design and improvement of, a public school facility. Certain school systems may be eligible for waivers to manage their own school construction projects.
- The money in the building opportunity financing fund shall be used to supplement, but not supplant, money appropriated to the public school construction program established in title 5, subtitle 3 of the education article.
- The Authority may transfer money on deposit in the building opportunity facilities fund to the local share of school construction costs revolving loan fund established under § 5–315 of the education article to provide loans to local governments in accordance with the requirements specified in that section.
- The bill includes the requirement that money in the Education Trust Fund shall be used to make a deposit into the building opportunity financing fund established under § 10–658 of the economic development article in an amount equal to \$125,000,000 in each fiscal year that bonds are outstanding and unpaid.

HB 355 – Public Ethics Law - School Boards - Disclosures and Requirements (School System Ethics and Transparency Act of 2019)

This bill would require major revisions to local board of education ethics policies and procurement and other financial reporting requirements. This bill would:

- Require all school boards to adopt conflict of interest regulations applicable to all officials and employees of the school system. Under current Law they must adopt conflict of interest regulations for school board members but “may” adopt them for officials and employees. Also under current Law, if they fail to adopt them for officials and employees, those individuals become subject to the provisions of the county law.

- Require school boards to submit copies of the financial disclosure statements to the State Ethics Commission.
- Require school boards to maintain the financial disclosure statements they receive for at least ten years.
- Requires superintendents to file a secondary employment disclosure statement with the school board each year, which the school board must maintain for at least ten years.
- Require all conflict of interest, financial disclosure, and lobbying regulations adopted by school boards to be equivalent to or exceed the provisions in the Law as applied by the State Ethics Commission at the State level.
- Prohibit a superintendent or any other official or employee, or member of a school board, who is involved with procurement for a school system from accepting compensation, an honorarium, a gift, or an in-kind service from a business entity that is seeking or is a contractor with the school system, that represents such an entity, or that facilitates the interaction of school system employees with such an entity; and prohibits a superintendent or any other official or employee from holding any other employment relationship with or perform pro bono work for a business that would impair or appear to impair the individual's impartiality or independent judgment.

HB 486 - Education - Personnel Matters - Child Sexual Abuse and Sexual Misconduct Prevention

This bill would establish a process for the hiring of public school and specified nonpublic school employees who have direct contact with minors, including requirements for specific documentation regarding whether an individual has ever been disciplined for allegations of “child sexual abuse” or “sexual misconduct”. The bill would require that before hiring an applicant for a position involving direct contact with minors, the local board of education, nonpublic school, or contracting agency shall:

- (1) review an applicant’s employment history by contacting the employers listed by the applicant and requesting the following information: (i) the dates of employment of the applicant; and (ii) answers to the questions regarding child sexual abuse or sexual misconduct required under the bill. The bill would also prohibit a collective bargaining agreement from including provisions limiting the school system’s discretion to administer personnel matters in the best interests of students.

HB 133 - Public Schools - Provision of Feminine Hygiene Products

This bill would require local boards of education to ensure that each public school serving students in any grade from grades 6 through 12 provides, at no charge to students, feminine hygiene products in the restrooms at the school.

HB 423 – Election law – Voter Registration – High Schools

This bill would require the State Board of Elections to designate public and private high schools as voter registration entities where qualified employees and enrolled students may apply to register to vote. (b) each high school designated under subsection (a) of this section shall: (1) designate faculty or staff members to distribute and accept voter registration applications approved by the state board; (2) distribute a voter registration application at least twice each school year to each employee and student who is or will be 16 years old or older during that year.

Item 5. Legislative Updates

HB 140 – Special Education - Administrative Proceedings and Judicial Actions - Attorney's and Expert Witness Fees and Related Costs

This bill would authorize an administrative law judge to award reasonable attorney's fees and related costs, and expert witness fees, to a prevailing party who is the parent of a child with a disability. In addition, the bill provides that in any judicial action taken under this section, a court may award reasonable attorney's fees and related costs and expert witness fees. (MABE Position: Oppose)

SB 92 – Accountability in Education Act

This bill would establish the Educational Monitoring Unit and authorize the Unit to investigate complaints of unethical, unprofessional, or illegal conduct of individuals or entities associated with the provision of public educational facilities, products, or services to the Maryland State Department of Education (MSDE), a local board of education, or a public school in the State. The unit may make inquiries and obtain information, hold hearings, and have access to records of MSDE and local boards of education and local school systems. The Unit may serve a subpoena in the same manner as does a circuit court. (MABE Position: Oppose)

HB 245 – Education - Student Data Privacy Council

This bill establishes the Student Data Privacy Council. The Maryland State Department of Education (MSDE) must staff the council. The council must:

- Study the development and implementation of the Student Data Privacy Act of 2015 to evaluate the impact of the Act on (1) the protection of covered information from unauthorized access, destruction, use, modification, or disclosure and (2) the implementation and maintenance of reasonable security procedures and practices to protect covered information under the Act;
- Review and analyze similar laws and best practices in other states; and
- Make recommendations regarding statutory and regulatory changes to the Student Data Privacy Act based on the findings of the council. (MABE Position: Support)

HB 87 – State Board of Education – Membership – Teachers and Parent

This bill increases the membership of the State Board of Education from 12 to 15 members, by adding 2 certified teachers and 1 parent of a student enrolled in a public school, and establishes processes to appoint these members. (MABE Position: Oppose)

SB 165 – Safe Schools Maryland Act of 2019

This Bill would establish the Safe Schools Maryland Program to establish procedures for anonymous reporting of behaviors of concern and other dangerous, violent, or unlawful activities, or threat of activities, involving one or more students. (MABE Position: Support)

HB 439 – Public Schools - School Resource Officers - Prohibited Conduct

This bill would prohibit a school administrator or official or a school safety coordinator from directing a school resource officer or a school security employee to participate in the routine school discipline of a student. (MABE Position: Oppose)

Item 6. School Calendar Flexibility Bills

Call to Action – Call Your Senators TODAY to Urge a Yes Vote on SB 128 and SB 131

MABE greatly appreciates that Senators Paul Pinsky (Chair of the Senate Education, Health & Environmental Affairs Committee) and Nancy King (Chair of the Senate Budget & Taxation Committee) have introduced [Senate Bill 128](#) which 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.”

Another important school calendar flexibility bill, sponsored by Senator Nancy King, is [Senate Bill 131](#). This bill is narrower in focus, but would correct the confusion over a similar bill passed and signed by Governor Hogan in 2018. Senate Bill 131 clearly states that: “A COUNTY BOARD MAY EXTEND THE LENGTH OF THE SCHOOL YEAR FOR ANY REASON FOR UP TO 5 SCHOOL DAYS BEYOND JUNE 15 WITHOUT APPROVAL FROM THE STATE BOARD OR ANY OTHER ENTITY.”

These bills represent one of MABE’s top legislative priorities for the 2019 session regarding local board governance authority.

All board members are urged to contact each of their local Senators, using the Talking Points and contact information provided below.

Talking Points in Support of Senate Bill 128 and Senate Bill 131:

- ***I urge the Senator to support Senate Bill 128 to allow each school system to set the start date and end date of the annual school calendar.***
- ***I also urge support for Senate Bill 131 which would clearly allow for school calendar flexibility beyond the June 15 end-date.***
- ***Local boards are responsible for adopting school calendars that represent the priorities and needs of my local school system, including the interests of students, parents, teachers, and the entire community.***
- ***For example, next year, in 2020, Labor Day is on September 7. This would delay the start of the school year until September 8. Adopting September 8, 2020 as the first day of school should be the decision of each local board, and local communities, not the State.***
- ***Each local board of education is accountable to its own community on so many major policy issues, such as approving operating and capital budgets and redistricting plans.***
- ***I firmly believe that local boards should be trusted to adopt their own annual school calendars. This is why I am urging your support for Senate Bill 128 and Senate Bill 131.***

[Link to Roster and Contacts for All Senators](#)

Senator	District Number	County	Contact
<u>Augustine, Malcolm</u>	47	Prince George's	
<u>Bailey, Jack</u>	29	Calvert and St. Mary's	
<u>Beidle, Pamela</u>	32	Anne Arundel	
<u>Benson, Joanne C.</u>	24	Prince George's	
<u>Carozza, Mary Beth</u>	38	Somerset, Worcester, and Wicomico	
<u>Carter, Jill P.</u>	41	Baltimore City	
<u>Cassilly, Robert</u>	34	Harford	
<u>Eckardt, Adelaide C.</u>	37	Caroline, Dorchester, Talbot, and Wicomico	
<u>Edwards, George C.</u>	1	Garrett, Allegany, and Washington	
<u>Elfreth, Sarah K.</u>	30	Anne Arundel	
<u>Ellis, Arthur</u>	28	Charles	
<u>Feldman, Brian J.</u>	15	Montgomery	
<u>Ferguson, Bill</u>	46	Baltimore City	
<u>Gallion, Jason C.</u>	35	Harford and Cecil	
<u>Griffith, Melony</u>	25	Prince George's	
<u>Guzzone, Guy</u>	13	Howard	
<u>Hayes, Antonio</u>	40	Baltimore City	
<u>Hershey, Stephen S., Jr.</u>	36	Kent, Queen Anne's, Cecil, and Caroline	
<u>Hester, Katie Fry</u>	9	Carroll and Howard	
<u>Hough, Michael J.</u>	4	Frederick and Carroll	
<u>Jennings, J. B.</u>	7	Baltimore and Harford	
<u>Kagan, Cheryl C.</u>	17	Montgomery	
<u>Kelley, Delores G.</u>	10	Baltimore	
<u>King, Nancy J.</u>	39	Montgomery	
<u>Klausmeier, Katherine</u>	8	Baltimore	

Kramer, Benjamin F.	19	Montgomery	
Lam, Clarence K.	12	Baltimore and Howard	
Lee, Susan C.	16	Montgomery	
McCray, Cory V.	45	Baltimore City	
Miller, Thomas V. Mike, Jr.	27	Prince George's, Charles and Calvert	
Nathan-Pulliam, Shirley	44	Baltimore City and Baltimore	
Patterson, Obie	26	Prince George's	
Peters, Douglas J. J.	23	Prince George's	
Pinsky, Paul G.	22	Prince George's	
Ready, Justin	5	Carroll	
Reilly, Edward R.	33	Anne Arundel	
Rosapepe, Jim	21	Prince George's and Anne Arundel	
Salling, Johnny Ray	6	Baltimore	
Serafini, Andrew A.	2	Washington	
Simonaire, Bryan W.	31	Anne Arundel	
Smith, William C., Jr.	20	Montgomery	
Waldstreicher, Jeff	18	Montgomery	
Washington, Mary	43	Baltimore City	
West, Chris	42	Baltimore	
Young, Ronald N.	3	Frederick	
Zirkin, Bobby A.	11	Baltimore	
Zucker, Craig J.	14	Montgomery	

Item 7. Legislative Committee Calendar

Feb. 4, 2019
MABE's Legislative Day in Annapolis is February 21, 2019 <ul style="list-style-type: none">• <i>Location: First Floor of the Miller Senate Building, Conference Center Rooms West I and II, Annapolis (arrive early to help ensure parking)</i>• <i>Legislative Committee Meeting, 10:00 - 11:00 a.m.</i>• <i>Luncheon with Legislators, 11:00 a.m. - 1:00 p.m.</i>
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.