

February 25, 2019

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MABE's 2019 Legislative Day Luncheon a Success!

Thanks to all of the legislators, State Superintendent Karen Salmon, and the local board members, superintendents and staff who attended MABE's Legislative Day Luncheon on Thursday, February 21st in the Maryland Senate Conference Center.

MABE President Tolbert Rowe kicked off the event by outlining MABE's mission and legislative priorities. MABE Legislative Committee Chair Julie Hummer introduced the guest speakers and recognized the other legislators in attendance.

MABE heard from the following education and legislative leaders:

- Dr. Karen Salmon, State Superintendent of Schools
- Delegate Maggie McIntosh, Chair, Appropriations Committee
- Delegate Anne R. Kaiser, Chair, Ways and Means Committee
- Delegate Eric G. Luedtke, Chair, Education Subct. of the Ways and Means Committee
- Delegate Jason C. Buckel, Chief Deputy Minority Whip
- Senator Paul G. Pinsky, Chair, Education, Health & Env. Affairs Committee
- Senator Nancy J. King, Chair, Budget & Taxation Committee
- Senator Bill Ferguson, Vice Chair, Budget & Taxation Committee

Dr. Salmon shared her appreciation for MABE and the work of local boards and superintendents, and she highlighted her admiration of Joy Schaefer's leadership and contributions as a fellow member of the Kirwan Commission. Senator Pinsky called on MABE and local boards to support the complete package of Kirwan Commission recommendations, and to reject a piecemeal approach. He stressed that he considers this to be a generational opportunity. In addition, he received a big thanks from MABE as the lead sponsor of the bill just passed in the Senate to restore school calendar setting flexibility to local boards.

Delegate McIntosh voiced her commitment to launching Kirwan funding initiatives in this and future years to address her greatest concern, the statewide gaps in student performance for minority students. Senator Ferguson emphasized his support for Kirwan, especially improvements in early education programs, and shared his support for pursuing innovative strategies in public education.

**Legislative Committee
2019 Calendar**

- March 11, 2019
 - FYI – The March for Our Schools is at 6:00 p.m. on March 11 in Annapolis
- 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](#).

Senator King, as a former school board member, and co-sponsor of the school calendar bill, shared Senator Pinsky's enthusiasm for restoring local control in this area. She also shared her strong support for meeting the funding needs of local school systems, which she believes are doing great things and could do better with more resources. Delegate Kaiser thanked board members for their service and she and Delegate Luedtke noted the helpful role MABE plays in informing the committee of our positions and providing background on the potential fiscal and policy impacts of legislative proposals.

Delegate Buckel highlighted his appreciation for MABE's consistent messaging on local control over curriculum and other policies and on unfunded fiscal impacts, which often results in MABE opposing bills before the Ways and Means Committee on which he sits.

In addition, several other legislators in attendance took the opportunity to share their legislative priorities and to emphasize appreciation for MABE's work in support of local board governance regarding education funding and policy matters.

Again, MABE greatly appreciates all who made the 2019 Legislative Day Luncheon such a success!

Legislative Committee Update

On Monday, February 25th MABE's Legislative Committee met to adopt positions on several pending bills on topics ranging from student discipline to school construction funding. The Legislative Committee had also met immediately before the Legislative Day event on the 21st.

House Bill 238 and Senate Bill 747 - Education - Removal of County Superintendents - Procedures

As introduced, 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. MABE adopted the position to oppose this bill on Feb. 4, 2019. The House bill was heard on Feb. 7th and the Senate Bill was heard on Feb. 13th. Subsequently, the House and Senate bill sponsors have endorsed amendments to allow either a local board of education or the State Superintendent to remove a local superintendent for one or more of the established just causes. MABE chose to not reconsider the initial position taken on the bill. (MABE Position: Oppose)

Senate Bill 481 and House Bill 1253 - Environment - Drinking Water Outlets in School Buildings - Elevated Level of Lead and Grant Program

This bill 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. (MABE Position: Oppose)

House Bill 725 and Senate Bill 766 - Public Schools - Student Discipline - Restorative Approaches

This bill 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 multi-year 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. (MABE Position: Oppose)

House Bill 1229 - Restorative Schools Fund and Grants - Establishment

This bill would establish the Restorative Schools Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the State Department of Education to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; requiring the Governor to include at least \$3,000,000 for the Fund in each annual budget submission; specifying the purpose for which the Fund may be used; specifying the purpose for which certain grants may be used; etc. Hearing on Feb. 28th. (MABE Position: Support)

House Bill 727 and Senate Bill 731 - Public School Construction - Maryland Stadium Authority - Supplemental Funds

Note: This bill is substantially similar to the Building Opportunity Act introduced by Governor Hogan (HB 153/SB 159) with the major difference being that the funding source would be State Lottery proceeds, rather than the Education Trust Fund which is generated from Casino proceeds (and the subject of the constitutional amendment referendum of 2018). Senate hearing on Feb. 27; House hearing on Feb. 28. (MABE Position: Support with Amendments) Specific amendments were discussed to ensure local school system control over school design and construction management, and to avoid establishing two review and approval processes for school construction projects.

House Bill 1022 - County Boards of Education - Spending - Reporting Requirement

This bill would require the following: By October 1, 2020, and every 3 years thereafter, each local board of education must submit a funding report to the department that includes the state, local, and federal per student spending for: (1) students qualified for compensatory education funding; (2) students qualified for limited-English proficiency funding; (3) students qualified for special education; (4) magnet students; and (5) all other students. This information must be provided for each public school in the county. Hearing on March 1. (MABE Position: Oppose)

House Bill 1286 - School Vehicles - Three-Point Seat Belts - Pilot Program

This bill would establish a pilot program with the Maryland Department of Transportation to provide competitive grants to local school boards for equipping school vehicles with three-point seat belts; provide that the goal of the program is to determine the feasibility and desirability of equipping school vehicles with three-point seat belts; require the Department of Transportation to implement and administer the pilot program; and require the Department to solicit applications from county school boards for grants to defray certain costs of the program; etc. The hearing is on March 7. (MABE Position: Oppose)

Senate Bill 617 - Free College, Career Skills, and Youth Apprenticeship Act of 2019

This bill would, in part, codify the Kirwan Commission recommendations regarding Career and Technology Education (CTE) and College and Career Readiness relating to program standards, curriculum, assessments, per pupil funding, and governance. It would establish the Career and Technology Education Committee; provide for the Committee's purpose, membership, chair, duties, powers, meeting schedule, quorum procedures, and voting procedures; requiring that the Committee, in consultation with the State Board, establish for certain years statewide goals for reaching a certain percentage of high school students who complete a youth apprenticeship or any other industry-recognized occupational credential; providing that an industry credential be completed by completing certain apprenticeships. (MABE Position: Oppose)

Bill Report – MABE Positions & Bill Status

The updated [Bill Report](#) containing MABE's positions and the status of the bills we are tracking is available on the MABE website.

Bill Hearing Highlight

Exempting Daily Substitute Teachers from the Earned Sick Leave Mandate

On February 21, the Senate Finance Committee held a hearing on [Senate Bill 686](#), which would provide that the Maryland Healthy Working Families Act does not apply to employees of a local 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.

The hearing featured a panel including the bill sponsor, Senator Jack Bailey, Milton Nagel, Caroline County Assistant Superintendent, Leslie Pellegrino, Frederick County CFO, and MABE and PSSAM. Committee Chair Senator Delores Kelley, and several other members, spoke favorably on the bill and expressed concern about the unintended consequences of applying the law's requirements to daily substitute teachers.

MABE strongly supports this bill in order to treat daily, on-call as-needed, employees in the public school setting in the same manner as daily on-call as-needed employees in the health and human services industries. This bill would make a very meaningful amendment to the section of the Healthy Working Families Act governing substitute teachers and other similarly situated school employees. A section of the Labor and Employment Article, as amended by the Healthy Working Families Act (House Bill 1, Chapter 1 of 2018) already exempts daily substitute employees, but only in "a health or human services industry."

MABE believes a logical extension of the exemption applying to employees in health and human services industries would be to similarly exclude daily employees in local school systems. This exemption would only be for those school employees who: (1) are called to work on an as-needed basis, (2) can reject or accept the shift offered, and (3) are not guaranteed to be called on to work. Again, these conditions are already in the law for health or human service industry employees.

Resources

<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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