

February 4, 2019

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School Calendar Flexibility Bills - Hearing on Jan. 30th

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 Bills 128 and 131. These bills represent one of MABE's top legislative priorities for the 2019 session regarding local board governance authority.

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."

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 the local decision to start the school year 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.

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 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."

MABE strongly supports this bill to alleviate a significant barrier to local decision making on school calendars, by authorizing a local board of education to extend the school year for up to five days

**Legislative Committee
2019 Calendar**

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](#).

without approval from the State Board of Education. Importantly, the bill clarifies that no additional conditions may be placed on a local board’s decision to adopt a calendar that does so.

<p>Senate Bill 128 TITLE: County Boards of Education – School Year – Start and End Dates POSITION: SUPPORT MABE Testimony DATE: January 30, 2019 COMMITTEE: Education, Health, and Environmental Affairs</p>	<p>Senate Bill 131 TITLE: County Boards of Education – Length of School Year – Adjustments POSITION: SUPPORT MABE Testimony DATE: January 30, 2019 COMMITTEE: Education, Health, and Environmental Affairs</p>
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Board members are encouraged to contact all Senators, and specifically members of the Senate Education Committee, in support of the passage of Senate Bill 128 and 131. Talking Points and Contacts are 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 contacts for all Senators](#)

Board members are encouraged to let MABE know that you have contacted your Senators, and to share any feedback.

More information on the history of the Governor’s 2016 Executive Order mandating a Post-Labor Day start date is available on the [MABE website](#).

Legislative Committee Updates

On Monday, February 4, 2019 MABE's Legislative Committee met to adopt positions on several pieces of legislation, including bills pertaining to the local superintendent appointment and removal process, the Governor's school construction funding initiative, a trauma-informed school pilot program, and procedures to aid in preventing child sexual abuse and addressing school employee misconduct.

The Committee agreed to oppose the following bill, following lengthy deliberations, based on serious concerns about maintaining local board and school system authority over school design and construction, and the Administration's proposal to use Kirwan "Lock Box" funding from casino revenues to launch a new school construction program administered by the Maryland Stadium Authority.

SB 159 – Building Opportunity Act of 2019

(Sponsor: Administration) (MABE Position: Oppose)

- 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, non-lapsing 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.

The Committee considered the following bills and agreed to support the bill to align the State Superintendent and local board criteria for vetting local superintendents for appointment ([SB 222/HB 357](#)). The Committee opposed two bills which would unnecessarily revamp and complicate the process available to a local board seeking to have the State Superintendent remove a local superintendent for just cause ([HB 238](#)); and a bill which would intrude into the contractual relationship between local boards and their superintendents ([HB 330](#)).

- **[SB 222/HB 357](#) Appointment of County Superintendent of Schools - Disapproval by State Superintendent of Schools** (Sponsor: Sen. Nathan-Pulliam/Del. Ebersole)
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. (MABE Position: Support)
- **[HB 238](#) – Education - Removal of County Superintendents – Procedures**
(Sponsor: Del. Atterbeary)
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 Position: Oppose)
- **[HB 330](#) - Education – County Boards of Education – County Superintendent Contracts**
(Sponsor: Del. Miller)
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. (MABE Position: Oppose)

The Committee agreed to support each of the following bills, both of which were considered in 2018. MABE appreciates the local discretion and state funding proposed to support the pilot program envisioned in HB 256. Regarding HB 486, this bill was introduced late in 2018, heavily amended in

the House, and not voted on in the Senate Education Committee. MABE looks forward to collaborating with other education and children's advocates to secure passage in 2019.

- **[HB 256](#) - State Department of Education – Guidelines on Trauma–Informed Approach** (Sponsor: Del. Wilkins)
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. Note: The Senate version of the bill, SB 223, does not mandate future funding for the program. (MABE Position: Support)
- **[HB 486](#) - Education - Personnel Matters - Child Sexual Abuse and Sexual Misconduct Prevention** (Sponsor: Del. C.T. Wilson)
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 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. (MABE Position: Support)

MABE on Capitol Hill

The 2019 Advocacy Institute was held from January 27-29, 2019 at the Washington Hilton Hotel. Representatives from MABE’s Federal Relations Network Committee, chaired by Karin Bailey (St. Mary’s County), including Brenda Wolff (Montgomery County) and Karen Yoho (Frederick County), attended the conference and visited with key staff in the offices of Maryland’s members of congress on Tuesday, January 29th.

Conference highlights included keynotes by Department of Education Secretary Betsy DeVos; Jon Meacham, bestselling author and Pulitzer Prize winner; and Dr. Norman Ornstein, Resident Scholar, American Enterprise Institute, among others. The Congressional Luncheon featured U.S. Senator Lamar Alexander, former Governor of Tennessee, and Chair of the Senate Health, Education, Labor and Pensions Committee.

The Advocacy Institute focused on the priority issue of calling for the [Reauthorization of the Individuals with Disabilities Education Act \(IDEA\)](#). Hundreds of school board members from across

the nation met their respective members and Hill staff to share NSBA's [IDEA Position Statement for Members of Congress](#).

MABE greatly appreciated the opportunity to meet with legislative staff in the offices of Senators Cardin and Van Hollen, and Representatives Cummings, Harris, Raskin, Ruppersberger, Sarbanes, and Trone. MABE looks forward to following up as IDEA reauthorization gets underway.

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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