

March 12, 2019

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**Legislative Committee
2019 Calendar**

- 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.

March for Our Schools

On Monday, March 11 MABE leadership joined more than 8,000 educators, students, and others in the March for Our Schools. In attendance were MABE's President Tolbert Rowe and President Elect Martha James-Hassan. The march began at the Navy Stadium and proceeded down Rowe Boulevard to a stage in front of the State House where legislators, county executives, the Mayor of Baltimore, educators, parents, and students called for immediate action to pass the Blue Print for Maryland's Future legislation to increase school funding in the current budget and mandate increases in next year's budget.



Speakers included Dr. Alvin Thornton, pictured above with MABE President Tolbert Rowe. Dr. Thornton, chair of the landmark Thornton Commission on Education Funding and Excellence, now serves as president of the Prince George's County Board of Education. Speakers also included MSEA President Cheryl Bost, Baltimore Teachers Union President Marietta English, Appropriations Committee Chair Maggie McIntosh, U.S. Senator Chris Van Hollen. Anne Arundel County Executive Stuart Pittman, Baltimore County Executive John Olszewski, Montgomery County Executive Marc Elrich, and Baltimore Mayor Catherine Pugh.

State Budget Update

On Friday, March 8, the House Appropriations Committee made its final decisions on the State Budget for FY 2021, including major increases in State aid for public education. Their revisions to the Governor's proposed budget will be debated on the House floor before proceeding to the Senate Budget and Taxation Committee and full Senate. Ultimately, as always, the budget will be hammered out by a conference committee of House and Senate leaders near the end of the 90-day session.

The highlights of the Appropriations Committee's budget are impressive. The budget requires the Governor to invest all of the \$125 million in casino revenues in the Education Trust Fund and required to be added to current funding levels following last year's "Question One" constitutional amendment.

The budget also calls on the Governor to release all of the \$200 million in tax revenues set aside last year at the direction of the legislature to make the launching of the Kirwan funding plan a reality. The combined \$325 million is to be invested in the programs outlined in the Blue Print for Maryland's Future (Senate Bill 1030/House Bill 1413), which is described in much more detail below. Then, in FY 2021, the State would ramp up its investment in these programs to \$750 million in accordance with the broader reforms recommended by the Kirwan Commission. These reforms, following the Kirwan Commission's final decisions this fall, are to be the subject a major piece of legislation in the 2020 legislative session.

Kirwan Bill Highlights

[Senate Bill 1030](#) and [House Bill 1413](#) are entitled "The Blue Print for Maryland's Future" and contain major funding increases for prekindergarten, teacher compensation, special education, and funding for schools serving students in communities of concentrated poverty. State aid to local school systems would increase by approximately \$321 million in FY 2020 and by as much as \$747 million in FY 2021. The bill was introduced on March 4 and heard in the Senate on March 6 and House on March 13.

The major programs included in the bill are summarized below. More detailed information is provided in the bill's [Fiscal and Policy Note](#).

- **Teacher Salary Incentive Grant Program:** This program, administered by MSDE, provides grants to county boards to increase teacher salaries to improve recruitment and retention of high-quality teachers. In each of fiscal 2020 and 2021, the State must provide a grant to a local board if the local board provides a negotiated and funded average salary increase for teachers of at least 3.0% in fiscal 2020. Local boards of education may apply to MSDE for grants by July 1, 2019. A State grant may be used only to provide an additional salary increase to teachers, as defined in the bill; priority must be given to increasing starting teacher salaries and salaries for teachers with less than five years of teaching experience. In each of fiscal 2020 and 2021 the State must provide \$75.0 million for the grants, including specified allocations for each county.
- **Concentration of Poverty School Grant Program:** This program provides grants to public schools in which at least 80% of the students were eligible for free and reduced-price meals (FRPM) in the 2016-2107 school year. For both fiscal 2020 and 2021, the State must distribute a grant to each local school board equal to \$248,833 for each eligible school; that same amount

must be distributed by the local board to each eligible school. Each of these schools must employ one community schools coordinator and one health care practitioner.

- **Special Education:** In both fiscal 2020 and 2021, an additional \$137.5 million is provided for special education services with students with disabilities, with specified allocations to each local school system.
- **Transitional Supplemental Instruction (TSI) for Struggling Learners:** For each of fiscal 2020 and 2021, the State must distribute to local boards of education funds totaling \$23 million, as allocated by the bill, for provision of TSI for struggling learners, which involves additional academic support using evidence-based programs and strategies.
- **Mental Health Services Coordinator:** For both fiscal 2020 and 2021, \$83,333 is provided to each local school system to fund the mental health services coordinator that each local school system must appoint, pursuant to the Safe to Learn Act.
- **Prekindergarten Supplemental Grants:** These grants are expanded to include State funding to an LEA based on every 4-year-old in full-day prekindergarten as of September 30 of each year, regardless of whether full-day services are available to all 4-year-olds in the county's prekindergarten program. Also, the enhanced grants are extended to fiscal 2021.
- **Declining Enrollment Supplemental Grants:** The bill extends the declining enrollment supplement grant in current law by an additional year to fiscal 2021.
- **Performance Evaluations:** Contingent on the passage of Senate Bill 640/House Bill 1113 of 2019, which would create an Office of Program Evaluation and Government Accountability (OPE) in DLS, local school systems are subject to performance evaluations conducted by OPE. The performance evaluations may be performed concurrently with or separately from an audit conducted by the Office of Legislative Audits (OLA).
- **Maintenance of Effort:** The bill expresses the intent of the General Assembly that increases in local appropriations to local boards of education above any additional amount required to meet maintenance of effort (MOE) is considered part of the increased local funding required by The Blueprint funding formulas to be recommended by the Commission.
- **Extension of Commission Term and Final Report Due Date:** The bill extends the term of the Commission to December 31, 2019, and requires a final Commission report by December 1, 2019.

More on Performance Audits in the Kirwan Bill

MABE recognizes the Kirwan Commission's keen interest is linking accountability measures to major funding increases. MABE is on record as supporting strong accountability but not at the expense of local board governance. This distinction is the subject of a statement submitted by MABE to the Kirwan Commission voicing strong opposition to the need to create a new governing board or oversight body. In this context, the Blue Print for Maryland's Future would enhance the State's role in performance evaluation and oversight of implementation by expanding the role of the General Assembly and its Office of Legislative Audits.

The Kirwan bill cross references another pending piece of legislation (Senate Bill 640/House Bill 1113) which would create an Office of Program Evaluation and Government Accountability (OPE) in DLS, local school systems are subject to performance evaluations conducted by OPE. The performance evaluations may be performed concurrently with or separately from an audit conducted by the Office of Legislative Audits (OLA).

The separate accountability bill would establish the Office of Program Evaluation and Government Accountability (OPE) in the Department of Legislative Services (DLS). The office would have similar powers and responsibilities to the Office of Legislative Audits (OLA), but with respect to conducting performance evaluations instead of audits. The Joint Audit Committee would be renamed the Joint Audit and Evaluation Committee (JAEC) to reflect its expanded role in directing and reviewing evaluations conducted by the office.

Under the bill, if directed by JAEC, the executive director, the director, or when otherwise required by law, OPE must conduct a performance evaluation of a local school system. A performance evaluation of a local school system may include: evaluating whether or not the school system is complying with federal and State laws and regulations; analyzing grading standards, graduation requirements, assessments, procurement, and equitable use of resources among the schools within the system evaluated; and identifying instances of fraud, waste, and abuse.

Senate Bill 640 has passed the Senate with a hearing scheduled in the House Appropriations Committee on March 19.

Legislative Committee Update

MABE's Legislative Committee met on Monday, March 11 to review the Kirwan Commission bill, The Blue Print for Maryland's Future ([SB 1030/HB 1413](#)) and review the status of the many education bills now pending. The committee's discussion focused on the implementation of the proposed teacher salary grants which are contingent on locally funded increases of 3 percent.

Legislative Committee Chair Julie Hummer reported on presenting [MABE's testimony](#) before the Senate Budget and Taxation and Environment Committees on March 6 in support of the Kirwan bill. Also testifying in support of the bill was Shebra Evans, President of the Montgomery County Board of Education and member of MABE's board of directors.

The Committee's next meeting is on March 25.

Bill Highlights

School Calendar

[HB 437/SB 128](#) - County Boards of Education - School Year - Start and End Dates - This bill requires each local board of education to set start and end dates each year for public schools in the county. The bill effectively repeals any law prohibiting a local board from beginning or ending its school year before or after a certain date. The bill takes effect July 1, 2019. (MABE Position: Support) Status: SB 128 passed in the Senate and is passing in the House with amendments to address the potential for a statewide referendum.

Curriculum

[HB 110](#) - **Elementary School Students - Daily Physical Activity (Student Health and Fitness Act)** - This bill, as amended, established the State goal that all public elementary school students to be

provided daily programs of physical activity totaling 150 minutes per week, including a minimum of 90 minutes per week of physical education. For any of the required minutes not spent in physical education, each elementary school must designate a physical activity leadership team to plan and coordinate opportunities for moderate to vigorous activity (including recess) to make up the remaining time. The bill takes effect July 1, 2019, but a local school system may apply for an extension. A local school system that is granted an extension must have a plan to ensure compliance by July 1, 2022. (MABE Position: Oppose) Status: HB 110 has passed in the House.

Assessments

[HB 690/SB 734](#) - Education - Students with Reading Difficulties - Screenings and Interventions - This bill requires, beginning with the 2020-2021 school year, each local school board to ensure that specified students are screened to identify if the student is at risk for reading difficulties. If the screening results indicate that the student is at risk of reading difficulties, the local board must conduct an informal diagnostic assessment of the student to determine the specific areas of instructional need for supplemental reading instruction; provide supplemental reading instruction, as appropriate; and provide a notification letter to the student's parent as specified. The Maryland State Department of Education (MSDE) must develop and update specified resources, including a reading and dyslexia handbook, for local boards every two years and provide training opportunities annually. Local boards must report annually to MSDE beginning with the 2020-2021 school year. The bill takes effect July 1, 2019. (MABE Position: Oppose) Status: HB 690 passed in the House, with action pending in the Senate Education Committee.

Ethics

[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 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. Require all school boards to adopt conflict of interest regulations applicable to all officials and employees of the school system. Under current boards must adopt conflict of interest regulations for school board members but "may" adopt them for officials and employees and, if not, those individuals become subject to the provisions of the county law. This bill would require school boards to submit copies of the financial disclosure statements to the State Ethics Commission, and 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. (MABE Position: Oppose) This bill is passing in the House with amendments to address several of MABE's objections and concerns.

Special Education

[HB 140](#) - Special Education - Administrative Proceedings and Judicial Actions - Attorney's and Expert Witness Fees and Related Costs - This bill authorizes an administrative law judge or a court to award reasonable attorney's fees and related costs to the parent of a child with a disability, if the parent

prevails in a hearing that is held to resolve disputes about the identification, evaluation, or educational placements of children with disabilities or the provision of a free appropriate public education. However, such an award may not be made after the date a written offer of settlement is made to the parent, under certain conditions, unless the parent was substantially justified in rejecting the settlement offer. An administrative law judge or a court may also award reasonable expert witness fees to the parent who is the prevailing party in these hearings. (MABE Position: Oppose) Status: HB 140 passed in the House.

School Personnel

[HB 486/SB 541](#) - Education - Personnel Matters - Child Sexual Abuse and Sexual Misconduct Prevention - This bill sets forth a process, including requirements for specific documentation regarding whether an individual has ever been disciplined for allegations of “child sexual abuse” or “sexual misconduct,” for the hiring of public school and nonpublic school employees who have direct contact with minors. The bill takes effect July 1, 2019. (MABE Position: Support) Status: HB 486 passed in the House with amendments.

Juvenile Services

[HB 867/SB 13](#) - Juveniles - Reportable Offenses - This bill requires 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 to which the student has been transferred of the student’s arrest for a reportable offense or an offense that is related to the student’s membership in a criminal gang and the disposition of the reportable offense. DJS must also provide information regarding any educational programming and related services provided to the student. The bill also extends various provisions of current law regarding the permissible treatment of information obtained about a reportable offense to the information shared pursuant to the bill’s requirements. The bill takes effect July 1, 2019. (MABE Position: Support) Status: SB 13 passed in the Senate, with action pending in the house Judiciary Committee.

Bill Reports – Priority Bills and Full Report

MABE has compiled a [Priority Bill Report by Subject Area](#).

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

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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