

March 5, 2019

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**Kirwan Commission Bills Drop & First Bill Hearing Set**

On Monday March 4, **The Blueprint for Maryland's Future** was introduced as Senate Bill 1030 and House Bill 1413.

The bill is summarized as: "Establishing principles of The Blueprint for Maryland's Future that are intended to transform Maryland's early childhood, primary, and secondary education system to the levels of high-performing systems around the world; establishing a Concentration of Poverty School Grant Program; extending by 1 year, to 2021, the requirement for the State to provide a supplemental grant to eligible county boards; establishing the Teacher Collaborative Grant Program; requiring certain performance evaluations of local school systems; etc."

Bill hearing information:

**[Senate Bill 1030](#)** has a bill hearing scheduled for Wednesday, March 5, at 4:00 p.m. in the Joint Hearing Room. The bill is jointly assigned to the Senate Education, Health and Environmental Affairs Committee and the Budget and Taxation Committee.

**[House Bill 1413](#)** is anticipated to be heard in similar fashion by the House Ways and Means and Appropriations Committees the following Wednesday, March 13.

**Bill Highlights**

**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

**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](#).

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)

- House Bill 140 has passed the House and assigned to the Senate Education Committee awaiting a hearing date.

## **School Calendar Bills**

**[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)

- Senate Bill 128 has passed the Senate and is scheduled for a hearing the House Ways and Means Committee on March 7.

**[HB 1078](#) - Education - Public School Holidays - Presidents' Day and Easter** - This bill repeals Presidents' Day and the Monday after Easter as being required public school holidays. The bill also adds Presidents' Day to the list of days for which a part of the day must be devoted to appropriate exercises and clarifies that these exercises are only required if the public schools are open and in session on the specified days. The bill takes effect July 1, 2019. (MABE Position: Support)

- House Bill 1078 has been reported favorably by the House Ways and Means Committee.

## **School Personnel & School Safety**

### **[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: 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)

- House Bill 486 has been reported favorably by the House Ways and Means Committee following extensive negotiations, and is anticipated to have the broad support of education advocates and legislators to secure passage in the Senate.

## Environment & School Facilities

**[HB 1253/ SB 481](#) - Environment - Drinking Water Outlets in School Buildings - Elevated Level of Lead and Grant Program** - This bill redefines “elevated level of lead” to mean a lead concentration in drinking water that exceeds five parts per billion (ppb) for the purposes of required lead water testing and remedial measures in public and nonpublic schools in the State. The bill also requires the Maryland Department of the Environment (MDE), in consultation with the Maryland State Department of Education (MSDE), to establish and administer a grant program to provide grants to local school systems to assist with specified remedial costs. The bill takes effect June 1, 2019. (MABE Position: Oppose)

- This bill has not been acted on in the Senate, where it was heard on February 27, and is set for hearing in the House Environment & Transportation Committee on March 6.

## Student Discipline

**[HB 1229](#) - Restorative Schools Fund and Grants – Establishment** - This bill establishes the Restorative Schools Fund and a grant program to provide funds to local school systems and individual schools for training on, and implementation and evaluation of, restorative approaches that build and sustain positive learning communities. The Governor must appropriate at least \$3.0 million annually for the fund in the State budget. The Maryland State Department of Education (MSDE) must establish procedures for the grant program. The bill takes effect July 1, 2019. (MABE Position: Support)

- This bill was heard on February 28 and enjoyed broad support from education stakeholders.

**[HB 725/SB 766](#) - Public Schools - Student Discipline - Restorative Approaches** - This bill requires each local board of education to develop a multiyear plan for the adoption, implementation, and continued monitoring of the use of restorative approaches for student discipline. The bill defines “restorative approaches” and specifies what the multiyear plan must include. With specified exceptions, before a principal may suspend a student in grade 3 or above for more than 10 days or request and expulsion of a student, the principal must demonstrate that restorative approaches, rehabilitative, special education, or other supportive service interventions were implemented. Accordingly, the local superintendent cannot approve a request from the school principal unless the principal meets these requirements. The bill takes effect July 1, 2019. (MABE Position: Oppose)

- House Bill 725 was heard on February 28, and received broad support, with MABE opposing and MSEA supporting with amendments, both raising serious concerns about the balance between classroom discipline and safe learning environments and engaging students and responding to student behavior through restorative approaches. The Senate bill hearing is on March 6.

## Legislative Committee Update

MABE’s Legislative Committee will meet on Monday, March 11 to adopt positions on several pending bills and receive status updates on the many bills now pending, proceeding from their bill hearings to subcommittee consideration, full committee votes, and passage, or not.

## 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"><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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