

January 28, 2020

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**Legislative Committee Update**

On Monday January 27, MABE’s Legislative Committee met to vote on positions on pending bills, including those highlighted below. In addition, the Committee discussed the status of the Built to Learn Act, the release of the Governor’s operating and capital budgets, and other priority issues.

- **[HB 15](#) - Certificate of Dental Health** – Requiring all students to submit to the school a certificate of dental health, and to require regulations to establish standards for periodic dental exams (Hearing 1/28) (MABE Position: Oppose)
- **[HB 19](#) - Education - Required Number of School Days or Hours** – Providing that the minimum school year would be either 180 days or a minimum of 1,080 school hours. (MABE Position: Support) However, the hearing scheduled for 1/28 was cancelled due to the bill being withdrawn by the sponsor.
- **[SB 34](#) - Consumer Protection - Scanning or Swiping Identification Cards and Driver's Licenses – Prohibition** - This bill would prohibit a person from (1) using a “scanning device” to scan or swipe an identification card or a driver’s license to obtain personal information; (2) retaining any information collected from scanning or swiping an identification card or a driver’s license; or (3) selling or transferring any information collected from scanning or swiping an identification card or driver’s license except as required by law. The bill also specifies the circumstances in which the scanning or swiping prohibitions do not apply. (Hearing 1/29) (MABE Position: Support w/Amendment) The amendment requested is to ensure that schools may continue to scan IDs for legitimate school security purposes.
- **[HB 147](#) - Education - High School Teachers Teaching Dual Enrollment Courses - Qualifications** - Requiring certain county boards of education to allow a high school teacher to teach a dual enrollment course offered by an institution of higher education if the teacher meets certain criteria; defining a certain term; and generally relating to the qualifications of high school

**Legislative Committee**

**2020 Calendar**

- January 6, 2020  
\* (January 8, 2020 - Session convenes)
- January 27, 2020  
\* (Feb, 1-4, 2020 NSBA Equity Symposium & Advocacy Inst. in DC)
- February 10, 2020
- February 13, 2020  
MABE’s Legislative Day Luncheon, Miller Senate Building, Conference Center West, Annapolis (Meeting: 10:00-11:00; Luncheon: 11:00-1:00)
- March 2, 2020
- March 16, 2020
- March 30, 2020  
\* (April 6, 2020 - Session adjourns "Sine Die")
- April 27, 2020

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](#).

teachers teaching dual enrollment courses offered by institutions of higher education. (Hearing 1/30) (MABE Position: Oppose)

- **[SB 258](#) - Public Schools - Electric Retractable Room Partitions - Operation Requirements** - Prohibiting school employees from operating an electric retractable room partition in a public school except under certain circumstances; requiring any annual safety review, evaluation, or exercise for school employees in a certain school building to include certain information and demonstrations; and requiring the State Department of Education to develop and disseminate model safety guidelines on the safe operation of electric retractable room partitions. (Hearing 2/4) (MABE Position: Support w/Amendment) The amendment would seek to clarify that 2 persons present, with one barring entry to the room, is an additional exception to the requirement to install sensors.
- **[HB 328](#) - School Discipline Data Collection** - Requiring MSDE to make public in an accessible and disaggregated electronic spreadsheet format all discipline–related data as a data download on the Maryland Report Card website at the state level, local school system level, and school level. Data must be disaggregated by grade level, race, ethnicity, special services, and gender, related to any disproportional disciplinary practices. Lowering the risk ratio and state comparison threshold used for identifying action for schools with high disproportionality from 3.0 to 2.0. (Hearing 2/5) (MABE Position: Support w/Amendment to delegate to the State Board of Authority the decisions on the thresholds for disproportionality in administering student discipline.)
- **[HB 331](#) - Medical Cannabis in Schools** - Requiring MSDE and the Medical Cannabis Commission, on or before December 1, 2020, to develop guidelines, for public schools regarding the administration of medical cannabis to students who are qualifying patients under State law during school hours and school–sponsored after–school activities. The guidelines must include procedures for educating school nurses on issues relating to medical cannabis. (Hearing 2/5) (MABE Position: Oppose)

## Built to Learn Act Summary & Hearing Update

### Bill Summary of the Built to Learn Act

- This bill authorizes the Maryland Stadium Authority (MSA) to issue up to \$2.2 billion in revenue bonds, backed by annual payments from the Education Trust Fund (ETF) beginning in fiscal 2022 that phase up to \$125 million annually by fiscal 2024, for public school construction projects in the State, including to support a possible public-private partnership (P3) agreement for Prince George’s County. It also increases or extends mandated State funding for supplemental public school construction programs and establishes a new special fund and mandate for the highest priority school facilities.
- Codifies the provisions of the constitutional amendment approved by the voters at the 2018 general election, known as the Education Trust Fund (ETF) lockbox. The purposes for which ETF can be used are altered to specify that it may be used only (1) to provide funding for public elementary and secondary education through the continuation of existing education funding formulas and (2) to provide supplemental funding for education and public schools.
- Requires the Governor’s annual budget to include at least the following amounts as supplemental funding for public education from ETF: \$125 million in fiscal 2020; \$250 million in fiscal 2021; \$375 million in fiscal 2022; and 100% of the funds in ETF beginning in fiscal 2023.

- Phases in the contributions from the ETF Lockbox. Total debt service for all bond issuances may not exceed \$30 million in fiscal 2022, \$60 million in fiscal 2023, and \$125 million annually thereafter; it may not exceed \$100 million annually if Prince George’s County enters into a P3 agreement.
- All projects funded under the bill must be approved by the Interagency Commission on School Construction (IAC) using the same process used for the Public School Construction Program (PSCP). Construction contracts funded by the bond proceeds are not subject to approval by Board of Public Works.
- Proceeds of MSA’s sale of revenue bonds (including bond premiums) must be allocated to local school systems as shown in the table. \* Under the bill, Prince George’s County receives \$25 million annually for up to 30 years to supplement local funds for an availability payment if it enters into a public-private partnership agreement.
- Makes MSA responsible for the construction and improvements to local school facilities financed with the proceeds from the revenue bonds. However, except for Baltimore City, MSA may grant a waiver to authorize a local school board to contract for, manage, and oversee public school facility projects under its jurisdiction. Before authorizing a local school board to manage its projects, MSA must consider the board’s track record of managing public school facility projects. Projects managed by MSA and local school systems are subject to the same requirements and procedures that govern the PSCP.
- Before projects are approved for funding under the bill, MSA and the IAC must enter into an MOU. Each county, county board, and MSA must enter into a “project MOU” with specified provisions that is subject to approval by IAC.
- One of the required provisions in the project MOU is that priority must be given to schools that (1) are the oldest buildings in a school system; (2) have high concentrations of low-income students; (3) have a large number of relocatable classrooms; or (4) have high utilization based on the school’s State rated capacity.
- Specifies that any power granted to MSA under the bill may not in any way interfere with the enumerated powers of a local school board. However, the powers of a local school board may not limit the ability of the authority to carry out its obligations under the bill.
- Amends the Capital Grant Program for Local School Systems with Significant Enrollment Growth or Relocatable Classrooms (EGRC), including lowering the threshold from 300 to 250 relocatable classrooms, and raising the mandated annual funding level from \$40 million to \$80 million beginning in fiscal 2027.
- Extends the \$30 million mandated appropriation for the Healthy School Facility Fund by one year, through fiscal 2022.
- Requires the IAC to adopt regulations that include architectural, engineering, consulting, and other planning costs as eligible costs for a project that (1) is located in a county that has fewer than 20,000 full-time equivalent students enrolled and (2) has received local planning approval from IAC. This applies to all school construction projects, not just those funded by the bill.

	<u>Percent of Total</u>	<u>Proceeds</u>
Anne Arundel	12.5%	\$250.0
Baltimore City	21.0%	420.0
Baltimore	21.0%	420.0
Frederick	5.1%	102.0
Howard	6.6%	132.0
Montgomery	21.0%	420.0
Prince George’s	*	*
All Other Counties	11.5%	230.0
Unallocated/MSA	1.3%	26.0
<b>Total</b>	<b>100.0%</b>	<b>\$2,000.0</b>

- Creates the Public School Facilities Priority Fund, effective July 1, 2022, to provide State funds through the IAC to address the facility needs of the highest priority schools identified by the statewide facilities assessment completed by IAC under current law. In fiscal 2023 through 2026, the Governor must appropriate at least \$40 million to the fund in either the annual State operating or capital budget bill. Beginning in fiscal 2027, the mandated annual appropriation increases to at least \$80 million. The bill expresses the intent that funding for the Aging Schools Program (ASP) and the School Safety Grant Program (SSGP) be consolidated into the Priority Fund beginning in fiscal 2027. Contingent on that consolidation, the bill repeals ASP and SSGP effective July 1, 2026.
- The bill also governs the Public Private Partnership (P3) agreement for school construction in Prince George’s County. MSA must deposit \$25 million annually, beginning in fiscal 2024 and not after fiscal 2053, into the Prince George’s P3 Fund. The P3 agreement must include: a minimum of 10 schools that will be improved, constructed, or renovated and operated and maintained under the P3 agreement; and a commitment by the Prince George’s County Government and the Prince George’s County School Board to provide the local share of the availability payment.

### **MABE Testimony in Support of the Built to Learn Act**

MABE provided testimony in support of this legislation with amendments, highlighting strong support for the bill as a much needed supplemental program to the annual capital budget for school construction, renovation and aging schools projects. MABE fully supports the passage of House Bill 1 in order to launch this bold initiative to generate \$2.2 billion in school construction funding, through bonds issued by the Maryland Stadium Authority (MSA).

Local boards of education appreciate that House Bill 1 would phase in contributions from the Education Trust Fund (ETF) to finance the debt service payments on the new MSA bonds. This represents a significant improvement over last year’s bill and reflects that the primary purpose of the ETF lockbox is to support the implementation of the Kirwan Commission’s recommendations to significantly expand and reform prekindergarten, educator qualifications and compensation, career and technical education, special education, and community schools.

The primary amendment being requested would ensure the ability of local school systems to access the funds generated by MSA’s the new bonding authority without the obligation to grant MSA control over school facility design and project management. While MABE acknowledges there is a waiver option available, we are concerned that it would be the exception and not the rule, and not ensure the option for local design and project oversight.

Another area of concern is the bill’s proposal to begin to apply the facility condition index standards recommended by the School Facility Assessment and Funding Workgroup to prioritize local school project requests. [Testimony submitted by the Maryland Association of Counties \(MACo\)](#) raised very similar concerns and amendments.

MABE looks forward to the passage of the Built to Learn Act in 2020 and will be reporting the bill’s progress through the legislative process in the coming weeks.

## General Assembly Briefed on the Budget

The operating budget is introduced as [Senate Bill 190/House Bill 150](#), Budget Bill (Fiscal Year 2021). The capital budget is [Senate Bill 191/House Bill 151](#); and the Budget Reconciliation and Financing Act (BRFA) is [Senate Bill 192/House Bill 152](#). Detailed budget highlights and the proposed budgets for all state agencies are available on the Department of Budget and Management (DBM) [website](#).

On January 20, the General Assembly's Senate Budget and Taxation Committee and House Appropriations Committee received a [briefing](#) by the Department of Legislative Services (DLS) on the Governor's proposed operating and capital budgets and the BRFA.

Highlights, or key observations, of the briefing include the following:

- "K-12 education formulas and Blueprint mandates are fully funded with an additional \$9.4 million of discretionary funds provided to hold harmless the four jurisdictions (Baltimore City and Dorchester, Garrett, and Queen Anne's counties) whose direct aid declines and allow every jurisdiction to receive an increase of \$100,000."
- "The Governor's spending plan leaves a general fund balance of \$414.4 million at the end of fiscal 2020 and \$108.5 million at the end of fiscal 2021. The Rainy Day Fund ends fiscal 2021 with a balance of \$1.2 billion (6.28% of general fund revenues)."
- "The Administration's balancing plan rests on a Budget Reconciliation and Financing Act (BRFA) that reduces general fund spending by \$530.6 million and generates \$157 million of revenue."

<b>Budget Outlook</b> (S in Millions)					
	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
Cash Outlook	\$108	-\$833	-\$1,135	-\$1,201	-\$1,298
Structural Outlook	-37	-701	-905	-984	-1,071

- "The magnitude of the structural deficit forecast for the coming years, even after accounting for about \$300 million of relief in the Governor's plan, is troubling as it occurs despite the expectation of steady revenue growth and stable or declining prison and entitlement caseloads. Failure to improve the budget outlook while the State has a strong economy will amplify the balancing challenge when the inevitable economic slowdown occurs."
- "The enhancements to school construction and K-12 education that the General Assembly will consider during the session represent significant State investments which, if not supported by an ongoing funding plan, will exacerbate the structural deficit."

MABE will testify in strong support of the passage of an operating budget that fully funds the ongoing implementation of the Kirwan Blueprint legislation passed in 2019, and a capital budget that advances the State's traditional statewide investment in public school construction, renovation and other targeted programs. In addition, the Governor's budget proposed to more than double the amount of Cigarette Restitution Funds allocated to the Broadening Options and Opportunities for Students (BOOST) nonpublic school voucher program, from \$3.4 million to \$10 million. MABE has consistently and successfully opposed the expansion of this program.

## MABE Advocacy for the Kirwan Blueprint

The Kirwan Commission on Innovation and Excellence in Education is a multi-year initiative to research and develop major funding and policy reforms to improve the quality of Maryland's public education system to benefit all of the more than 890,000 students, which will, in turn, benefit the State's economy and quality of life for all Marylanders.

The Maryland Association of Boards of Education (MABE) calls on all Marylanders to support the immediate passage of the Kirwan Blueprint legislation in 2020 to make all Maryland public schools world-class to prepare each of our students for success in college and careers.

The following advocacy tools provide clear and concise explanations of the key reasons to pass the Kirwan Blueprint in 2020. MABE encourages all board members and all Marylanders to use these talking points with state legislators and local officials.

- [Blueprint Talking Points](#) - A list of 10 talking points on a convenient 5X7 postcard
- [The Value of the Blueprint in One Page](#) - A one-page document that outlines easy to understand concepts on the importance of the Blueprint
- [Kirwan Business Leaders & the ROI](#) - A brief document outlining what Maryland business leaders are saying about Kirwan and the return on investment
- [An Economic Assessment of Kirwan Commission Recommendations](#) - A study written by Sage Policy Group Inc., and paid for by Strong Schools Maryland

More information on the Kirwan Commission on Innovation and Excellence in Education, including the Commission's [Interim Report](#) issued in January 2019, the [National Center on Education and the Economy \(NCEE\) Framework](#), the Blueprint legislation passed in 2019 (Senate Bill 1030), and MABE's testimony throughout the process, is available on MABE's [priority issue page](#) on the Kirwan Commission and Blueprint for Maryland's Future.

## Bill Hearing and Briefing Highlights

<ul style="list-style-type: none"><li>• January 30, 1:00, House Ways and Means Committee <b>HB 184 - Special Education - Judicial Actions - Attorney's Fees and Related Costs</b> - This bill authorizes a court to award reasonable attorney's fees and related costs, including expert witness fees and costs, to the parent of a child with a disability, if the parent prevails in a proceeding 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. (MABE Position: Oppose)</li></ul>
<ul style="list-style-type: none"><li>• February 5, 2:00, House Ways and Means Committee <b>HB 331 - Public Schools – Medical Cannabis – Guidelines for Administration to Students (Connor's Courage)</b> (MABE Position: Oppose)</li></ul>
<ul style="list-style-type: none"><li>• February 5, 2:00, House Ways and Means Committee <b>HB 277 - State Department of Education - Guidelines on Trauma-Informed Approach</b> (MABE Position: Support)</li></ul>

## Bill Report

The [January 28, 2020 Bill Report](#), including MABE's positions and the status of all the bills we are tracking, is available on the MABE website and updated weekly during Session.

## Advocacy Resources

- [MABE's Annapolis Advocacy Center](#)
  - Including resources on MABE's [Legislative Committee](#), [Priority Issues](#), [2020 Positions & Bill Testimony](#), the [Education Advocate](#) newsletter, and [Kirwan Blueprint](#) resources.
- [MABE's State Board Advocacy Center](#)
  - Including resources on pending State Board regulations, and issues of MABE's newsletter recapping the monthly State Board meetings, [The Monitor](#).
- [MABE's Federal Advocacy Center](#)
  - Including resources on MABE's Federal Relations Network Committee and pending federal funding and policy issues.

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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