

March 16, 2020

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**Corona Virus Impact on Session**

The 2020 Session of the Maryland General Assembly is now scheduled to end "sine die" on Wednesday, March 18, 2020. This was announced yesterday at a joint press conference of the House and Senate leadership. At the same time, it was announced that the legislature would be forming a joint committee on COVID-19.

The House and Senate do, however, continue to hold bill hearings, subcommittee and full committee meetings, and voting sessions on the hundreds of pending bills. MABE has continue to advocate to the extent possible and practicable by attending decision making meetings in person and electronically with members and their staff, who are teleworking.

On March 12, Senate President Bill Ferguson and House Speaker Adrienne Jones issued the following [statement on COVID-19](#). In addition, for the remaining three days of session, the following announcements outline the restrictions that apply to access to public buildings, and opportunities for online access to decision making committee meetings. All committees are now taking the unprecedented step of live streaming not only bill hearings but also voting sessions.

[Senate President Ferguson announced on March 13](#) limited access to the Senate buildings and State House.

Effective immediately, only Members, press, and essential employees of the Maryland General Assembly, Department of Legislative Services, and State government are authorized within the legislative complex and State House. The only exception is for individuals with existing appointments. Those individuals will have to be escorted to and from the building's entrance by the members or staff person with whom the individuals are meeting.

**Legislative Committee**

**2020 Calendar**

- ~~March 16, 2020 - Cancelled~~
- March 23 – TBD as Zoom meeting
- March 30, 2020 – TBD but not if "meeting" on March 23
- April 27, 2020 – Session Summary - TBD

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

[House Speaker Jones similarly announced](#) the following:

Out of an abundance of caution, and in consultation with House leadership of both parties, effective close of business Friday, March 13, 2020, the House Office building will only be accessible to legislators, essential staff, press, those with scheduled appointments -- and any announced subcommittees only. No one will be permitted to linger in the hallways of the building.

Again, between now and the conclusion of session on Wednesday, it does not appear that there will be any in person access to members of the House or Senate. Everyone is encouraged to monitor the progress of key bills such as the Blueprint for Maryland's Future and Built to Learn via the online access to live streaming and recordings.

## Kirwan Blueprint Bill Update

### Update

[The Blueprint for Maryland's Future \(House Bill 1300\)](#) is poised to pass the Senate and proceed to a conference committee of Senate and House leaders who will agree to compromise on several key provisions and present a final bill in both chambers. The bill will presumably pass before the close of session, and therefore be available for the Governor's signature, passage without this signature, or veto. If Governor Hogan were to veto the bill, the legislature would in all likelihood reconvene in a special session later this year to overturn the veto.

The Blueprint for Maryland's Future (House Bill 1300) was introduced on Friday, February 7, and on Monday February 17, Presidents Day, the General Assembly held a joint hearing of House and Senate committees responsible for deliberating on the bill. House Bill 1300 was considered through a workgroup comprised of the Education Subcommittees of the Appropriations and Ways and Means Committees. These subcommittees, and the respective full committees then voted on the bill as amended with more than 60 amendments. Several of the House amendments were in response to MABE's extensive list of more than 60 requested amendments. Importantly, the House also adopted the bill, as expected, to significantly address and reduce the burden of increased local funding shares for several jurisdictions, including Baltimore City, Prince George's County, as well as many rural counties. See the [Updated Fiscal Charts](#) for more information. However, the House did not address our concerns regarding PreK, concerns which were largely addressed by the Senate as described below. [Text of the bill as passed in the House.](#)

On March 10<sup>th</sup> and 11<sup>th</sup> the Senate's Education, Health, and Environmental Affairs (EHEA) Committee read through more than 50 amendments from the committee's chairman, Senator Paul Pinsky, and the following evening adopted those along with several offered by committee members. This voting session in EHEA went late and at the same time the Budget and Taxation (B&T) Committee was reviewing the bill, considering several fiscally oriented amendments, and awaiting the Education Committee's final action. By 11:00 p.m. the B&T Committee had approved the bill as amended. The Senate's final version differs markedly from the bill passed in the House. First, the Senate continued the process of adopting amendments requested by stakeholders such as MABE and PSSAM and MSEA. Secondly, the Senate committees adopted two significant amendments not contemplated in the House. [Text of the bill as passing in the Senate.](#)

## Senate Amendments

- Full-day Prek funding distributed through MSDE not the boards - This amendment improves the bill in terms of relieving LEAs of the responsibility to administer the private PreK program.
- Move up sliding scale payment system to FY 2023 – This amendment reflects the Senate’s desire to more quickly in establishing the parental tuition payments.
- Defer to a later year the prek teacher qualification requirements – This amendment reflects the desire to expedite the availability of PreK slots in private facilities without simultaneously requiring credentialed instructors.
- Require MSDE to develop an income verification process to determine eligibility for Tier I, II or III – This amendment improves the bill by requiring a uniform income verification process for sue by all 24 LEAs to determine eligibility and payment obligations.
- Allow LEA waiver from PreK requirements and ensure public pre-K settings are not forced to close – These amendments greatly improve the bill by allowing an LEA to secure a waiver based on lack of private facility capacity or existing public services to all eligible students; and providing flexibility to use available PreK funding to meet the parents’ share of costs.
- Parents choose which public or private PreK their child attends – This amendment is reasonable regarding private providers but potentially problematic for LEAs. The effect would be to allow parent choice of public school slots for eligible 3 and 4 year olds, but to clarify this choice would not apply going forward in kindergarten.
- In addition to the area of PreK the Senate adopted several amendments relating to High Quality and Diverse Teachers and Leaders and College and Career Readiness.

## Other Major Senate Amendments

- Accountability and Affordability Checkpoint – Determine whether: 1) the Blueprint is being implemented as intended and demonstrated progress is being made; and 2) dedicated funding to implement the Blueprint is sufficient to meet the estimated increase in cost in FY26. If either checkpoint is not met then increased State education funding beginning in FY26 is limited to 2% annual per pupil growth and local school systems will not be required to further implement the Blueprint.
- New Coordinated Community Behavioral/Mental Health Provider Partnership Program – This amendment would create a Maryland Consortium on Coordinated Community Supports in the Maryland Community Health Resources Commission to be staffed by the Commission with technical assistance from the National Center for School Mental Health at the University of Maryland, Baltimore Campus. The Consortium will provide grants for the creation of Coordinated Community Supports Partnerships to deliver services and supports to meet a student’s behavioral health needs in a holistic and coordinated manner through community based providers. Funding will begin in FY 2022 at \$25 million increasing to \$125 million by FY 2026 and each year thereafter.

Lastly, the Senate recently adopted a floor amendment reflecting the recognition of the potentially significant impact of COVID-19 on State revenues. The amendment would trigger the automatic reduction in the mandated growth in State education aid to 2% based on a precipitous drop in anticipated revenues.

“Beginning December 1, 2020, and each December 1 thereafter, if the December General Fund estimate in the December Board of Revenue Estimates report is more than 7.5% below the March General Fund estimate in the March Board of Revenue Estimates report of that year, per pupil increases in major education aid required under this Act shall be limited to the rate of inflation, as defined in § 5–201(h) of the Education Article as enacted by this Act.”

Again, MABE developed a comprehensive set of amendments to House Bill 1300. Key areas of focus for these amendments included the phasing in school-based budgeting and expense reporting requirements, the implementation of the expansion of public and private prekindergarten programs, budgeting and reporting on increased special education funding, preserving the maintenance of effort escalator and ensuring maintenance of effort reflects full enrollment, and the role of the Accountability Board, particularly regarding the release of increased funding.

In offering amendments, MABE has emphasized to legislative leaders that these requested amendments are intended to reflect our strong support for the framework envisioned by the Commission and to maintain the integrity of each of the major facets of this legislation. Unfortunately, neither the House nor the Senate ever seriously considered adopting any amendments curtailing the Accountability Board's authority to automatically withhold increased funding from local school systems based on either the local plans or assessments of plan implementation.

### Built to Learn Bill Update

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.

[House Bill 1](#) has passed the House and is in the final stage of passing the Senate. Unfortunately, the Senate Budget and Taxation Committee did not adopt amendments requested by MABE and PSSAM, including an amendment to increase from 20,000 to 30,000 the system-wide enrollment count that makes a school system eligible for additional state funding for the costs of architectural and engineering services in planning and preparing for a major school construction or renovation project. Other requested amendments which were not adopted would have addressed the appeals process for MSA control over design and project management, and the allocation of the 11.5% of funding not allocated to any of the 7 jurisdictions allotted specific amounts of funding.

The Senate's major amendment would require the IAC or MSA, as applicable, to evaluate the life cycle costs of public school buildings over a 50-year period, including:

- An evaluation, based on a 50-year period, of the cost and efficiency of using alternative energy systems, including geothermal, solar, wind, and energy storage compared to a traditional energy system;
- An energy consumption and systems replacement analysis, based on a 50-year period, of each major piece of equipment in any of the following systems serving the public school building: (i) the cooling system; (ii) the heating system; (iii) the hot water system; (iv) the lighting system; (v) the ventilation system; or (vi) any other major system that uses energy; and
- The impact of innovative building design and materials on energy consumption, including white roofs and green roofs.

## Fixing HB 486 & Emergent Employee Hiring

[House Bill 1008](#) is passing the House and then requires prompt action in the Senate. Again, this bill would authorize a local board of education or nonpublic school to hire an applicant as an emergent employee for up to 60 days pending the employer history review required by HB 486 of 2019 for job applicants who will have direct contact with minors. The bill also (1) alters statutory provisions that specify the employment history that schools are required to obtain before hiring an individual who will have direct contact with minors; (2) alters the definition of “direct contact with minors”; (3) authorizes a local board to share an employment history record with other local boards; and (4) establishes conditions under which a local board may use an employment history review completed by a current or former employer.

This bill will soon be before the Senate Education, Health, and Environmental Affairs (EHEA) Committee and MABE and PSSAM are pressing for passage of this important and much needed bill.

Please contact [members of the Senate Education Committee](#) to urge prompt passage of HB 1008.

## Medical Cannabis in Schools Bill Update

[House Bill 617](#) is now entitled “Public and Nonpublic Schools - Medical Cannabis - Policy for Administration During School Hours and Events (Connor and Raina's Law).” This bill was heavily amended in the Health and Government Operations Committee to ensure that parents/guardians and other caregivers and, ultimately, school personnel, are authorized to administer medical cannabis in schools. The bill is awaiting action in the Senate Education and Finance Committees.

## Easing Graduation for Homeless/Foster Youth

[Senate Bill 564](#) would require a local board of education to waive high school graduation requirements established by a local board that are in addition to the high school graduation requirements established by the State Board of Education for a student in foster care or who is a homeless youth, if the student transfers schools while in grades 11 or 12. MABE requested an amendment to limit the bill’s application to students who transfer between school systems, not transfers between school within a system. The Senate adopted this amendment and the bill is not awaiting action in the House Ways and Means Committee.

## Bill Report

The [March 16 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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