

March 6, 2020

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Kirwan Blueprint Bill Update

[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. Now the bill is passing the House as amended and will proceed to the Senate next week for further deliberations and amendments before being presented to the Governor.

MABE developed a [comprehensive set of amendments to House Bill 1300](#). Key areas of focus for these amendments include 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 is emphasizing 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.

The House adopted several key amendments requested by MABE in the areas described above, but more work remains to be done. The following is not an exhaustive list, but highlights key amendments we are seeking relating to the Accountability Board of PreK funding and implementation provisions of the bill.

Accountability Board Amendments

- The Accountability and Implementation Board should not be mandated to withhold 25% of the annual increase in funding. Shifting this "shall" to a "may" is a top priority.
- The Accountability and Implementation Board should never be allowed to withhold more than 25% of the annual increase in funding.

Legislative Committee

2020 Calendar

- 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](#).

- The Accountability and Implementation Board should be required to release all available funds at the recommendation of either the CTE Committee, Executive Review Team, or MSDE. Shifting this “may” to a “shall” is a top priority.
- The Accountability and Implementation Board should not be “usurping or abrogating” the governance authority of local boards of education. The bill’s reference to not usurping or abrogating the “day-to-day decision making” of local boards should be changed to “the governance and decision-making authority granted under this Article.”

Prekindergarten Amendments

- Local boards should be guaranteed waivers from the mandated percentages of private PreK slots (30% increasing to 50%) based on proof of universal access or lack of private provider capacity. Shifting this “may” to a “shall” is a top priority.
- Local boards should be able to provide the level of full-day prekindergarten to income eligible 3 and 4 year olds that the school system chooses to, up to and including 100% of eligible students. Ensuring that we don’t have to turn families away from high quality programs is a top priority.
- School systems will be required to administer a new oversight and accounting system to disburse state and local funds to private PreK providers. The bill mandates that 100% of the per pupil funding would automatically follow all students to private PreK providers. Allowing the school system to retain a small percentage of funding for administrative costs is an important amendment.

Implementation Coordination Amendment

- The House amended the bill to include a new provision that is troubling because it confuses and complicates the roles of local governments and local boards of education. Removing the following amendment is a top priority.

“FOR EACH OF FISCAL YEARS 2021 THROUGH 2025, THE GOVERNING BODY OF A COUNTY AND THE LOCAL SCHOOL SYSTEM JOINTLY SHALL APPOINT A SINGLE IMPLEMENTATION COORDINATOR RESPONSIBLE FOR THE IMPLEMENTATION OF THE BLUEPRINT FOR MARYLAND’S FUTURE BY ALL GOVERNMENT UNITS OPERATING IN THE COUNTY.”

The House is passing HB 1300 and referring to a 198-page [reprinted version of the bill](#) reflecting all 64 pages of amendments adopted in the House Appropriations and Ways and Means Committees. A third reading version of the bill will be transmitted to the Senate after House passage. MABE will continue to pursue all of the amendments described above in the Senate and through the conference committee process prior to the General Assembly’s finished product being presented to the Governor.

Let your Senators know that while MABE strongly supports the Kirwan Blueprint legislative initiative, amendments are clearly needed to address issues not taken up by the House of Delegates. Feel free to focus not only on members of the Senate’s [Education, Health and Environmental Affairs Committee](#), and [Budget and Taxation Committee](#), but also [all members](#).

Lastly, the bill has been amended 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.

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 awaiting action in the Senate Budget and Taxation Committee. MABE is requesting the following amendments in the Senate:

- 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.
- Amendment to make the IAC, not the Legislative Policy Committee, the body hearing school system appeals from Maryland Stadium Authority (MSA) denials of requests for local project design and/or construction management responsibilities.
- Amendment to eliminate the reference to establishing a statewide maintenance system. This is neither cost effective nor operationally feasible even under a unified state contract.
- Amendment to provide a defined methodology for allocating the 11.5% of the total bond proceeds for all other school systems than Baltimore City, and Anne Arundel, Baltimore, Frederick, Howard, Montgomery, and Prince George's Counties. MABE is requesting the allocation method used for the Aging School Program.

Here is a link to the [Budget & Taxation Committee members](#), including the Capital Budget Subcommittee. Let Senators know what MABE's concerns and requested amendments are and let them know we strongly support this bill with these amendments.

Lead Remediation Bill Passing

[Senate Bill 992](#) has passed the Senate and is the approach agreed upon by the Senate and House sponsors of the multiple bills introduced this session. The bill would lower from 20 parts per billion (ppb) to 5 ppb the threshold above which school systems must address elevated lead content of drinking water sources in schools. However, the bill does not adopt or impose a new testing schedule or frequency of testing than under current law and regulations.

On or before August 1, 2021, one of the following remedial actions must be taken:

1. Permanently shutting or closing off access to the drinking water outlet;
2. Manual or automatic flushing of the drinking water outlet;
3. Installing and maintaining a filter at the drinking water outlet; or
4. Repairing or replacing the drinking water outlet, plumbing, or service line contributing to the elevated level of lead.

Medical Cannabis in Schools Bill Update

[House Bill 617](#) is entitled “Public and Nonpublic Schools - Medical Cannabis - Policy for Administration During School Hours and Events (Connor and Raina's Law).” This bill is being 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.

First, beginning June 1, 2020, a caregiver would be permitted by law to administer medical cannabis to a student who is a qualifying patient of the caregiver on school property, during school-sponsored activities, and while on a school bus.

Then, by on or before December 31, 2020, the Cannabis Commission, Maryland Department of Health, and MSDE must jointly develop guidelines for public schools for allowing the administration of medical cannabis to students who are qualifying patients. The guidelines are to cover issues including the school personnel who are authorized to administer medical cannabis, clear communication of dosing and delivery instructions, possession and storage, medical safety considerations, and protocols to ensure students are able to receive medication in school buildings. Other topics include a clear prohibition on any smoking or vaping delivery mechanism.

The bill, as amended, also includes a new provision that makes clear that a school nurse may not be required to administer medical cannabis to a student.

Lastly, the bill contemplates the need for additional legislation in 2021 to amend the Health Operations Article or other State laws to address the roles of school nurses or school personnel.

MABE appreciates the participation and collaboration of the Cannabis Commission, Board of Nursing, Connor Sheffield and his parents, and many others in helping craft an amended House bill that addresses the medical needs of students and addresses many of the concerns raised by MABE and school nurses. That said, much work lies ahead in developing guidelines that will balance the legislative intent that students have access to medical cannabis in school with the assistance of not only caregivers but also school personnel.

Bill Highlights

As MABE tracks more than 400 bills this session, it's worth noting certain themes and the prospects of other bills passing this session (unrelated to the Blueprint or Built to Learn). Policy and funding areas which are the subject of multiple bills include medical cannabis in schools; school facilities mandated to be geothermal, solar, or net zero; special education, and employee relations.

[Bill Highlights by Subject Area](#)

Bill Report

The [March 6 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 or 410-841-5414.

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