

The background of the slide is a photograph of the interior of the Maryland State House. The room is grand and ornate, with high ceilings, arched windows, and classical architectural details. In the foreground, there are rows of wooden desks with black leather chairs, arranged in a semi-circle. At the far end of the room, there is a raised platform with a clock and a speaker's podium. The lighting is bright, highlighting the marble walls and the intricate details of the architecture.

# 2020 Session Summary and COVID-19 Related Funding & Policy Updates

# Presentation Overview

- MABE's Mission
- MABE's 2020 Legislative Priorities
- 2020 Legislative Highlights – What Passed & Failed
- Blueprint for Maryland's Future Act (HB 1300)
- Built to Learn Act (HB 1)
- Status of State Education Funding
- COVID-19 Pandemic Impacts
- School Closures & Continuity of Learning
- Federal Funding
- State Board Waivers
- State Education Recovery Plan
- The Future

# MABE's Mission



**MABE's mission is to provide members with a strong collective voice, and to support local school board governance through professional development, advocacy, and member services.**

# MABE's 2020 Legislative Priorities

- Support for continued governance autonomy for local boards of education to set education policy and school budgets which provide educational benefits for all students; and opposition to unfunded mandates.
- Support for full State funding for Maryland's outstanding public schools. MABE led advocacy efforts for passage of the Kirwan Commission's Blueprint for Maryland's Future legislation to update and enhance the constitutional adequacy and equity of state and local funding.
- Support for increased State funding for school construction and renovation projects. MABE called for a capital budget of at least \$400 million, passage of the Built to Learn Act, and an increase in the Aging Schools Program.
- Support for sustained and increased local government investments in education. MABE supported mandated increases in both State and local funding to support the Kirwan Blueprint legislation.

# 2020 Session & COVID-19

- Historic culmination of 4 years of work to launch the 10-year \$4 billion school finance reform legislation, the Blueprint for Maryland's Future.
- Launch of \$2 billion school construction funding initiative through the Maryland Stadium Authority, the Built to Learn Act.
- A record high 430+ bills introduced impacting public education.
- The outbreak of the COVID-19 pandemic.
- Expedited passage of Kirwan, Built to Learn, and revenue bills.
- These measures were all vetoed.
- Only a handful of other education related bills passed.
- Schools shutter and shift to feeding students and distance learning.
- Public education plans for 2020-2021 are TBD based largely on public health factors and balance of Statewide and local decisions.

# Bills Passed & Enacted in 2020

- MSDE Guidelines on Trauma Informed Approaches (HB 277)
- Policy for Administration of Medical Cannabis During School Hours and Events (HB 617)
- Foster/Homeless Student Graduation Standards (SB 564)
- Military Family Student Enrollment (HB 503)
- Student Meal Programs and Meal Charge Policies (SB 760)
- Special Education Ombudsman (SB 504)

# Trauma Informed School Guidelines

- [HB 277](#) (Ch. 148) requires MSDE, in consultation with the Maryland Department of Health (MDH) and the Department of Human Services, to develop guidelines for schools on a trauma-informed approach to education.
- A trauma-informed approach is a method for understanding and responding to an individual with symptoms of chronic interpersonal trauma or traumatic stress.

# Medical Marijuana in Schools

- [SB 604](#)/HB 617 (Chs. 624 and 625) require MSDE and the State's medical cannabis commission to jointly develop guidelines by Dec. 31, 2020 for public schools allowing the administration of medical cannabis during school hours and school-sponsored activities and while on a school bus to students who are qualifying patients.
- Guidelines must address the school personnel authorized to administer medical cannabis, the specific locations where it may be administered, safety considerations and security protocols, notice requirements, and whether the medical cannabis can be retained on school grounds.
- The guidelines must include a clear prohibition on any method of administration of medical cannabis that includes smoking or vaping.

# Foster/Homeless Graduation Standards

- [SB 564](#) (Ch. 565) requires a local board of education to waive all local high school graduation requirements, including required coursework, that are in addition to the State high school graduation requirements for a student in foster care or who is a homeless youth, if the student transfers into the local school system from a different local school system in the State while in grades 11 or 12.

# Military Family Student Enrollment

- [SB 391](#)/HB 503 (Chs. 224/225) require a local superintendent to allow a dependent child of an active-duty service member who is relocating to the State on military orders to apply for enrollment in a public school in the same manner and at the same time as individuals who reside in the county.
- Background: In 2009, Maryland established an Interstate Compact on Educational Opportunity for Military Children to facilitate the transfer of children in military families between schools in different states.

# School Meal Policies

- [SB 760](#) (Ch. 581) requires a public school to notify a parent when the student's meal account has a low balance and before the student accrues unpaid meal debt.
- Schools may provide an alternative meal if it meets federal nutritional requirements and is offered to all students regardless of meal debt.
- Prohibits the school from (1) requiring the student with unpaid debt to wear a wristband, hand stamp, sticker, or other identifying mark; or complete chores or tasks; (2) denying a meal to a student or disposing of a meal after it has been served; or (3) restricting the student from participation in any extracurricular activity.

# Special Education Ombudsman

- [SB 504](#) (Ch. 562) establishes the Special Education Ombudsman in the Office of the Attorney General to serve as a resource to provide information and support to parents, students, and educators regarding special education rights and services.
- The ombudsman must arrange for a toll-free telephone number, available in English as well as other appropriate languages, to assist an individual seeking information or advice about special education.
- Annual reports are required beginning in 2022.

# What Passed then Failed to Pass in 2020

- The Blueprint for Maryland's Future Act ([HB 1300](#)) – *Vetoed in 2020*
- Nearly a decade overdue upgrade of Maryland's education finance system. A "Call to Action" for the building of a world class education system in Maryland, including policy and funding recommendations in five major policy areas.
  1. Early Childhood Education;
  2. High-quality and Diverse Teachers and Leaders;
  3. College and Career Readiness Pathways (including Career and Technical Education);
  4. More Resources to Ensure All Students are Successful; and
  5. Governance and Accountability.

# Kirwan Blueprint – Veto & Response

- The Blueprint for Maryland's Future Act (HB 1300) – ***Vetoed on May 7, 2020***
- [MABE summary of the Blueprint legislation](#)
- [Governor's Veto Message](#)
- [MABE's Statement](#)
- A three-fifths vote of the elected membership of both chambers is necessary to override a veto.
- Note: Veto resulted in HB 1, the Built to Learn Act, not taking effect (a provision in HB 1 makes it contingent on HB 1300 taking effect)

# Kirwan Blueprint Veto & Funding Impacts

- The Blueprint for Maryland's Future Act (HB 1300) – ***Vetoed on May 7, 2020***
- The Blueprint for Maryland's Future Act (SB 1030) – ***Passed in 2019***
- *In the absence of the Kirwan Blueprint bill vetoed in 2020, SB 1030 is the statutory source of education funding mandates for FY 2021 and FY 22*

# 2019's Kirwan Blueprint Bill (SB 1030)

SB 1030 passed in 2019 as a precursor to the “full Kirwan” bill to follow in 2020.

This bill provided targeted funding in FY 2020; and mandated funding increases in FY 2021 & FY 2022 for programs including:

- Full-Day Prekindergarten Funding, Teacher Salary Grants, Concentration of Poverty Grants, Special Education Funding, Teacher Collaborative Grants, Mental Health Coordinator Funding, and Supplemental Instruction Grants.

# SB 1030's 3-Year Funding Approach

	<u>FY 20</u>	<u>FY 21</u>	<u>FY 22</u>
Prekindergarten	\$31,677,733	\$53,580,852	\$53,580,852
Teacher Salary Incentive	75,000,001	75,000,001	75,000,001
Concentration of Poverty Grants	54,620,597	58,850,758	58,850,758
Transitional Supplemental Instruction	23,000,000	23,000,000	23,000,000
Special Education	65,468,588	65,468,588	65,468,588
Mental Health Coordinators	1,999,992	1,999,992	1,999,992
Teacher collaboratives	2,500,000	2,500,000	2,500,000
Outreach/training	250,000	250,000	250,000
MSDE IT System	500,000	150,000	150,000
Declining enrollment grants		16,655,611	16,655,611
The Blueprint for Maryland's Future Fund		58,000,000	73,000,000
<b>Subtotal</b>	<b>255,016,911</b>	<b>355,455,802</b>	<b>370,455,802</b>
The Blueprint Fund contingent on revenues		TBD	130,000,000
<b>Total</b>	<b>255,016,911</b>	<b>355,455,802</b>	<b>500,455,802</b>

# What Passed then Failed to be Enacted in 2020

- The Built to Learn Act ([HB 1](#)) – 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 the public-private partnership (P3) initiative in Prince George’s County.
- Sec. 13 of HB 1 makes HB 1 “null and void” unless HB 1300 takes effect, which would require a 3/5<sup>ths</sup> majority vote to override the Governor’s veto of HB 1300.

# Revenue Bills Amended then Vetoed

- HB 732 – To create a new gross receipts tax on digital advertising sellers; and increase tobacco taxes and expand to include vaping products – ***Vetoed in 2020***
- HB 932 – To expand the sales tax to include digital goods including ebooks, video game downloads, and streaming services – ***Vetoed in 2020***
- Both HB 732 and HB 932 were intended to generate revenues to support the Blueprint bill, then amended to focus first on COVID-19.
- SB 728/HB 1301 – ***Passed in 2019*** - Requires a marketplace facilitator to collect and remit the State sales and use tax due on retail sales of marketplace sellers. Directs the Comptroller to pay into the Blueprint for Maryland's Future Fund sales tax revenues in excess of \$100 million.

# Maryland State Revenue Projections

## **“Optimistic” scenario:**

- \$925 million shortfall in fiscal 2020
- \$2.1 billion shortfall in fiscal 2021
- \$2.6 billion shortfall in fiscal 2022

## **“Dire” scenario:**

- \$1.1 billion shortfall in fiscal 2020
- \$2.6 billion shortfall in fiscal 2021
- \$3.9 billion shortfall in fiscal 2022

Source: State Bureau of Revenue  
Estimates

# Ed. Funding in the Wake of Vetoes & COVID-19

- Enormous reductions in revenue projections
- 2020 Kirwan Blueprint bill vetoed
- FY 2021 and 2022 funding mandated by SB 1030 (2019)
- Board of Public Works authority to approve Governor requested program cuts of up to 25% (with exceptions)
- Protected status of education funding
- Uncertainties: ed. recovery options/mandates & costs, role of State, local & federal funding, special session, veto overrides & adjustments

# Constitutional Imperative

- The Maryland State Constitution requires the General Assembly to:
  - “establish throughout the State a thorough and efficient system of free public schools; and shall provide by taxation or otherwise for their maintenance.”
- Mandated annual funding commitments to pay the State’s debts and fund public schools.

# Governor & Board of Public Works

- State law aligns with the Constitutional imperative to fund public education by protecting education funding from cuts which may be approved by the Board of Public Works.
- Sec. 7-213 of the State Finance and Procurement Article allows the Governor, with the approval of the Board of Public Works, to reduce, by not more than 25%, any appropriation that the Governor considers unnecessary, or is subject to budgetary reductions required under the budget bill.
- **Except** - Sec. 7-213 protects education funding by prohibiting the Governor from reducing an appropriation for “public schools” or the principal or interest on the State debt.

# COVID-19 Pandemic and Shut-Down

- Executive Orders
- Session adjourned early (DLS 71 Day Report)
- Schools closed incrementally until permanently through the end of 2019-2020
- School meals and access to instruction
- Local continuity of education plans required
- State education recovery plan (drafts) released
- Federal funding provided
- Uncertainties abound

# COVID-19 State Funding & Policy Issues

- School Closures (school meals, distance learning, grading, graduations, facilities, etc.)
- Local Continuity of Learning Plans ([link](#))
- State Board Waivers ([April 14](#) & [April 28](#))
- State Ed. Recovery Plan ([Version 2](#) (June 2020))
  - [MABE letter to MSDE on Version 1](#) (May 2020)
- MSDE COVID-19 Stakeholder Group
- Legislative COVID-19 Workgroup ([link](#))
- House Committee briefing (June 11, 2020)
  - [House leadership letter, PSSAM/MABE response](#)
  - Remarks from MABE leadership panel

# COVID-19 Continuity of Learning Plans

## **Continuity of Learning Plans must contain the following:**

- How continuity of learning will be delivered to all students. (distance learning platform(s), available technology, serving students who do not have access to a device or the internet)
- Roles and responsibilities of staff, administrators, teachers, instructional assistants, students and parents.
- Sample teacher's day and student's day for elementary, middle and high school.
- Accountability plan for how student performance will be monitored and assessed.
- How the school system plans will address equity. (Including special education, English Learners, Students with Academic Needs, Homeless Students and Gifted Students.)
- Professional development plans for staff.
- Description of the resources available for students.

# COVID-19 Federal Funding Issues

- Families First Act
- CARES Act
  - Equitable services funding for nonpublic schools
  - MABE letters to [Congress](#) and [MSDE](#)
  - State Board vote
- MABE request for Ed. Stabilization Funding
  - [MABE letter to Congress](#)
- HEROES Act
- Something, but not the HEROES Act, or nothing?

# COVID-19 Federal Funding Issues

- The Families First Coronavirus Response Act (H.R. 6201) became law on March 18, 2020. This bill largely focused on public health, nutrition, and emergency leave; including funding for testing, paid leave requirements, enhanced unemployment insurance, expanded food security initiatives, and increased Medicaid funding.
- The primary impacts on public school systems included the availability of waivers to facilitate school meal services, and employment provisions regarding Emergency Paid Sick Leave and the Family Medical Leave Act.

# COVID-19 Federal Funding Issues

## The CARES Act

- The most recent emergency funding legislation is the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (H.R.748) which became law on March 27, 2020.
- The CARES Act is an unprecedented \$2.2 trillion infusion of federal funding to provide direct financial assistance to individuals, businesses, and state and local governments including school systems.
- Funding for education totals \$30.8 billion, with \$13.5 billion being directed to local school systems.
- This is far less than the \$75 billion sought by NSBA and therefore emphasizes the need for additional investments elementary and secondary education in future legislation.

# COVID-19 Federal Funding Issues

## The CARES Act (cont.)

- The \$13.5 billion Elementary and Secondary School Emergency Relief Fund may be used for any activity authorized by IDEA, ESSA, Perkins CTE, McKinney Vento, as well as a number of emergency activities, including for online learning.
- Funds to be distributed according to each State's Title I allocation for the most recent fiscal year; at least 90% to be distributed to districts, and States may reserve .5% for administration.
- The CARES Act also includes the Governor's Emergency Education Relief Fund (\$3 billion), which may be used by Governors to assist local school systems, institutions of higher education, and early childhood education.

## The CARES Act & Nonpublic Equitable Services Funding

- CARES Act directs funding to nonpublic schools in accord with ESEA.
- USED nonregulatory guidance directs this funding to be provided on a per pupil/total enrollment basis rather than per pupil/Title I eligible basis.
- Maryland and other States agree to ignore guidance & equitably allocate funding.
- Sec. DeVos announces proposed rule to enforce the more generous funding for private schools.

# COVID-19 Federal Funding Issues

## The HEROES Act (*not enacted*)

- *The Heroes Act would create new State and Local Coronavirus Relief Funds through the Department of the Treasury to help first responders, frontline health workers, transit employees, teachers, and other workers providing vital services.*
- *Funds could be used for COVID-related expenses, to replace foregone revenues not projected on January 31, 2020, or to respond to negative economic impacts of COVID.*
- [NSBA Letter Urging Enhanced Ed. Funding](#)

# Next Steps at the State Level

- Governor's Orders & Budget Actions
- Governor/Board of Public Works Cuts
- State Superintendent Decisions
- State Board of Education/MSDE Actions
  - Ratifying Superintendent decisions
  - Waivers of State laws and regulations/New regs.
- Legislative Action
  - Regulatory oversight
  - Special Session
  - Veto Overrides

# Thank you for this opportunity!

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