

January 15, 2021

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**MABE's Legislative Priorities in 2021**

The 2021 legislative session of the Maryland General Assembly convened on Wednesday, January 13, 2021, and is, according to plan, scheduled to adjourn “sine die” at midnight on Monday, April 12, 2021.

MABE’s [Legislative Committee](#) is meeting virtually throughout the 2021 session to deliberate and vote on bill positions and to receive updates on pending legislation. The Committee is chaired by Karen Yoho (Frederick County), and the vice-chair is Brenda Wolff (Montgomery County).

MABE’s Legislative Committee has adopted the following [Legislative Priorities & Positions for the 2021 Legislative Session](#).

**Equity & Excellence**

MABE is uncompromisingly committed to the academic success of all students. MABE’s legislative platform reflects the association’s adoption of an equity core value, equity resolution, and equity lens. For MABE, educational equity in Maryland means providing access to essential academic, social, emotional, and economic supports in order to engage each student in rigorous well-rounded instruction toward them achieving their highest potential as learners and citizens. MABE pledges to reflect the core value of equity in the decision-making processes of the association including the priorities and positions of the legislative committee.

**The COVID-19 Pandemic & Public Education**

MABE recognizes the historic and devastating impacts of the ongoing public health and economic crisis resulting from the COVID-19 coronavirus. This is also an educational crisis, forcing school closures, emergency meal distribution, transitions to digital and distance teaching and learning, and reductions in available revenues to sustain and advance Maryland’s outstanding but already inadequately and inequitably funded public education system. The following positions represent

**Legislative Committee**

**2021 Meeting Calendar**

- January 4, 2021  
\* (January 12, 2021 - Session convened)
- February 1, 2021
- February 22, 2021
  - MABE Virtual Legislative Briefing TBA
- March 15, 2021
- April 5, 2021  
\* (April 12, 2021 - Session adjourns "Sine Die")
- April 28, 2021

MABE’s [Legislative Committee](#) meetings are held virtually by Zoom on Monday mornings, 10:00 to 12:00, unless otherwise indicated. Meeting agendas and materials are posted on the [MABE website](#).

MABE's commitment to equity and excellence and to a strong educational recovery from the ongoing crisis on behalf of each of our nearly 1 million students.

**MABE's top priorities for 2021 include:**

- **Support for governance authority for local boards of education to adopt education policies and school system budgets reflecting local priorities and resources.** MABE supports broad discretion for local board decision-making authority in exercising legislative, judicial, and executive functions in accord with state and federal law and principles of equity and excellence for all students. MABE opposes state initiatives which would reduce or eliminate local board governance or budgetary authority or create new unfunded mandates.
- **Support for full State funding for Maryland's outstanding public schools.** Specifically, MABE supports enacting the Blueprint for Maryland's Future legislation to fulfill the State's constitutional duty to adopt a school funding system that ensures equity and excellence in every school. MABE supports increased state funding in the state budget for FY 2022 and opposes legislative and executive proposals to reduce education funding.
- **Support for increased State funding for school construction and renovation projects.** Specifically, MABE supports enacting the Built to Learn Act to launch a \$2 billion school construction program in the Maryland Stadium Authority; and at least \$400 million in the FY 2022 capital budget to support all 24 school systems in designing, building, operating, and maintaining high quality learning environments for all students.
- **Support for sustained and increased local government investments in education.** Funding from Maryland's 23 counties and Baltimore City plays a critical role in combination with State and federal funding. Therefore, MABE strongly supports preserving the "maintenance of effort" guarantee that local funding must be sustained and increased from year to year.

Link to MABE's [Legislative Priorities & Positions for the 2021 Legislative Session](#).

### Legislative Committee Updates

On January 4, 2021 MABE's Legislative Committee welcomed Senator Paul Pinsky, Chair of the Senate Education, Health, and Environmental Affairs Committee, and longtime champion of public education in the General Assembly, to share his perspective on the Blueprint for Maryland's Future Act passing by veto override, and the need to adopt statewide responses to the digital divide and learning loss being experienced by too many students and families. Senator Pinsky responded to several questions and pledged to continue to engage with local boards during session.

The Committee also reviewed education bill highlights from the more than 200 bills MABE is already tracking from among the nearly 800 pre-filed bills in advance of the 2021 legislation session. Key bills include:

#### **[HB 373](#) - Education - Child Abuse and Sexual Misconduct Prevention - Hiring Emergent Employees**

This bill authorizes a local board of education or nonpublic school to hire an applicant as an emergent employee for up to 60 days pending a specified review of information and records regarding an individual's employment history, as required under current law for applicants who will

have direct contact with minors. The bill also authorizes a local board or nonpublic school to share an employment history record with other local boards or nonpublic schools, and establishes conditions under which a local board or nonpublic school may use an employment history review completed by a current or former employer. MABE greatly appreciates the leadership of Delegate C.T. Wilson in sponsoring this legislation to enhance the implementation of his original bill passed in 2019. MABE strongly supported this legislation as amended and passed by the House in 2020 (HB 1008). MABE position: Support. W&M Hearing 1/20 at 1:30 p.m.

### **SB 165 - Maryland Healthy Working Families Act - Applicability**

This bill exempts from the Maryland Healthy Working Families Act a school employee who is called to work by a local board of education on an as-needed basis, can reject or accept the shift offered, and is not guaranteed to be called on to work by the local board of education. This bill would simply extend the exemption already provided to employers of on-call employees in the “health and human services” industries to include local school systems.

MABE notes and greatly appreciates the bipartisan sponsorship of this bill to insert a reasonable amendment to align school systems with other service sectors employing large numbers of daily on-call employees. MABE strongly supported this bill in 2020 (SB 241). MABE position: Support. FIN Hearing 1/21 at 1:00.

### **HB 405 - Special Education - Judicial Actions - Attorney's Fees and Related Costs**

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. Sponsor: Del. Lopez. MABE opposed this bill in 2020 (HB 184/SB 783). MABE position: Oppose. W&M Hearing 1/20 at 1:30 p.m.

## **2021 Session Opening Day**

On the morning of opening day of the 2021 legislative session, Governor Hogan addressed an online forum hosted by *The Daily Record* and moderated by journalist Brian Sears. The Governor highlighted his \$1 billion Relief Act to provide business and individuals with economic supports during the ongoing pandemic. He pointedly objected to the plan of the House of Delegates to convene in person on opening day but then not return to in person voting until February.

The Governor provided what he described as a “budget teaser” on education funding, sharing that this State Budget bill, to be introduced on January 20<sup>th</sup>, would provide more education funding than the formulas require. This could signal a State Budget that fully funds each of the 24 local school systems based on the enrollment projections before the COVID-related school closures. Without such an adjustment, MABE is gravely concerned about the resulting enrollment based cuts in state and local funding that would make education recovery for students nearly impossible. Fortunately, legislative leaders have pledged to work to resolve this issue and prevent any temporary or permanent drop in funding, recognizing it would come at precisely the time when additional resources are needed to serve all students but especially students receiving special education services, English learners, and schools in communities with concentrated poverty.

Following the Governor, House Speaker Adrienne Jones and Senate President Bill Ferguson also addressed the forum, focusing on the demands on the legislature to provide a healthy and safe workplace for legislators during the pandemic. They also spoke at length to the recent attack on the U.S. Capitol and the need to ensure that security measures are in place in Annapolis.

Both Speaker Jones and President Ferguson are leading proponents of the Blueprint for Maryland's Future Act (House Bill 1300 of 2020) and overriding the Governor's veto to launch this landmark legislation in 2021. In addition, both strongly support the Built to Learn Act and the resulting \$2.2 billion revenue stream to build and renovate schools through bonds issued by the Maryland Stadium Authority. This bill, House Bill 1, passed overwhelmingly in 2020 but can only take effect once the Blueprint veto is overridden. For more information, go to [MABE's priority issue page on the Built to Learn Act](#).

## Federal Update

### COVID Response and Relief Act

On December 21, 2020, after months of delay and stalled negotiations, Congress finally completed work on a spending package just before the holidays to fund the federal government, along with related programs including those for K-12 education, for the remainder of the current 2021 fiscal year ending on September 30, 2021.

The spending bill not only provides the annual appropriation (with a modest increase) to support the programs funded under the Every Student Succeeds Act, but also includes the \$900 billion Coronavirus Response and Relief Act. The Response and Relief Act features more than \$54 billion in direct aid to local school systems to sustain the funding supports provided by the CARES Act passed in early 2020 in immediate response to the pandemic. These funds include the Governors Emergency Education Relief (GEER) fund, and the Elementary and Secondary School Emergency Relief (ESSER) fund.

The array of eligible uses for funding under the CARES Act was also expanded in the Response and Relief Act to include the following three categories:

- (NEW) Addressing learning loss among students by: a. Administering and using high quality assessments to assess students' academic progress and assist educators in meeting students' academic needs (including by differentiating instruction) b. Implementing evidence-based activities to meet the needs of students c. Providing information/assistance to parents and families on how to support students during distance education d. Tracking student attendance and improving student engagement during distance education.
- (NEW) School facility repairs/improvements that help reduce risk of virus transmission and exposure to other environmental health hazards.
- (NEW) Inspection, testing, maintenance, repair, and replacement projects to improve the indoor air quality of school facilities.

[Summary of the Education Provisions of the Coronavirus Response and Relief Supplemental Appropriations Act \(NSBA\)](#), including the following appendixes: Comparison of ESSER Fund Uses in the Response and Relief Act and the CARES Act; Comparison of GEER, ESSER, and HEER Funds in the Response and Relief Act and CARES Act.

## Passing the Kirwan Blueprint in 2021

The Kirwan Commission on Innovation and Excellence in Education was 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 Maryland's nearly 1 million public school students. The mission is to make all Maryland public schools world-class to prepare each of our students for success in college and careers, which will in turn benefit the State's economy and quality of life for all Marylanders.

MABE is calling on all Marylanders to support the passage of the Kirwan Blueprint for Maryland's Future Act in 2021, which requires the vote by a two-thirds majority of the General Assembly to override the Governor's veto of the bill passed in 2020 (HB 1300). Because it's passing a year late, a companion bill will be needed to adjust certain dates, but should not delay the launch of the funding and policy reforms our students and communities are counting on.

The economic and educational crises caused by the COVID-19 pandemic provide an even stronger impetus to act now to launch the 10-year plan to make Maryland's statewide system of public schools truly world class, by adopting reforms grounded in enhancing equity, sufficient State and local funding to accomplish our goals, and accountability for creating improved learning opportunities and outcomes for each student.

Much more information on the Blueprint and the Kirwan Commission on Innovation and Excellence in Education, including the Commission's [Report](#), the [National Center on Education and the Economy \(NCEE\) Framework](#), the preliminary Blueprint legislation passed in 2019 (Senate Bill 1030), a comprehensive outline of the Blueprint bill (House Bill 1300, passed/vetoed in 2020), is available on MABE's [priority issue page](#) on the Blueprint for Maryland's Future.

## The Costs of COVID

*"The full financial impact of COVID-19 is now unfolding for school districts, and it is a story of much more than PPE, hand sanitizer, and laptops. Looking ahead at the bigger picture, we see that the magnitude of cost pressures to come will far outweigh even the costs that districts have incurred to date."*

This is the introduction to an excellent report just published by [ERS](#) entitled "[The Cost of COVID: Understanding the full financial impact of COVID-19 on districts and schools.](#)"(Jan. 13, 2021).

## Bill Report

A [Bill Report](#) and [Hearing Schedule](#) (updated January 15, 2021) containing 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](#)
- [MABE's State Board Advocacy Center](#)
- [MABE's Federal Advocacy Center](#)

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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