

January 22, 2021

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The Governor's Budget & Public Education

Governor's Education Budget

On January 20th Governor Hogan unveiled his proposed State Budget for the fiscal year 2022, including the much-anticipated funding allocations for the Blueprint for Maryland's Future Fund, the Education Trust Fund, and specific programmatic funding amounts for key areas including teacher salary grants, special education, community schools, prekindergarten, tutoring, among others.

From the Governor's Budget Highlights:

"The FY 2022 budget marks the third year that the Hogan Lockbox has allocated gaming revenue to supplement the education funding formulas—putting an additional \$375 million where it was always meant to go: into schools and classrooms throughout the state. All in all, a record \$7.5 billion will be invested in Maryland's public school system this year." ([FY 2022 State Budget Highlights](#))

The Budget Highlights include a [one-pager](#) on K-12 and early education funding priorities and [county-by-county funding tables](#). Beyond the Budget Highlights publication is the Budget Books. With Volume II providing the granular details on the budget's education funding contents, the General Assembly will work to modify and pass this Session.

In the legislature, there is a Budget Bill ([House Bill 588](#)) and the Budget Reconciliation and Financing Act (BRFA) ([House Bill 589](#)). The Budget Bill includes the programmatic line items with language defining certain conditions for funding. The BRFA provides for amendments to current law and new provisions to achieve the balanced budget as submitted by the Governor, and eventually as amended and passed by the legislature. For example, the Governor's budget would transfer nearly \$175 million from the Marketplace Facilitator Revenues intended for the Blueprint Fund to fill deficiencies in the Education Trust Fund. The BRFA also proposes to expand the defined purposes of the Blueprint Fund beyond achieving the recommendations of the Kirwan Commission, to include the following:

- *Early childhood education and primary and secondary education for costs associated with the coronavirus disease 2019 (COVID-19), including one-time primary and secondary education*

Legislative Committee

2021 Calendar

- January 4, 2020
* (January 12, 2020 - Session convened)
- February 1, 2021
- MABE Virtual Legislative Briefing TBA
- February 22, 2021
- 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](#).

aid grants provided in fiscal year 2022 to (i) address enrollment declines related to the COVID-19 pandemic; and (ii) ensure that every county board receives an increase in State Education Aid over the amount of State Education Aid the county board received in the fiscal year 2021.

MABE is extremely pleased to see the substantial amount of "declining enrollment hold harmless" funding to avoid a precipitous drop in state funding based on declining enrollment in the 2020-2021 school year, declines which are expected to reverse as schools return to in-person learning. Another key provision of the BRFA stipulates that a local government's eligibility to receive Blueprint Fund allocations is contingent on the local government providing an FY 2022 appropriation to their local school system that exceeds their local appropriation for FY 2021.

Blueprint for Maryland's Future Fund - FY 2022 Allocations			
Total Fund Allocation (\$)	FY 2020	FY 2021	FY 2022
Teacher Salary Incentive Grant Program	75,000,001	75,000,001	75,000,001
Special Education Grants	65,468,588	65,468,589	65,468,589
Concentration of Poverty School Grant	48,522,435	52,752,596	43,296,942
Transitional Supplemental Instruction	23,000,000	23,000,000	23,000,000
Prekindergarten Supplemental Grants	31,677,733	64,032,481	53,674,670
Teacher Collaborative Grant Program	2,447,498	2,500,000	2,500,000
Mental Health Services Coordinator Grants	2,000,000	2,000,000	2,000,000
Blueprint Outreach Efforts	-	250,000	-
Medicaid Direct Certification Initiative	-	150,000	-
Declining Enrollment Grants	-	7,633,437	-
MSDE Director of Community Schools	126,162	126,170	126,170
MD Prekindergarten Expansion Program	14,908,774	26,644,000	26,644,000
Innovative Programs	9,234,404	9,250,000	9,250,000
MHEC Teacher Fellowship Scholarship	-	2,000,000	2,000,000
Hogan Administration Expansions			
Concentration of Poverty	-	12,441,650	28,615,795
Early Childhood	-	45,558,350	54,742,016
Supplemental Instruction/Tutoring	-	-	151,575,818
Declining Enrollment Hold Harmless	-	-	188,702,581
Special Ed Transportation Hold Harmless	-	-	24,959,000
Unallocated FY 2020 Expenditures	2,674,102	-	-

Governor's School Construction Budget

From the Governor's Budget Highlights:

"Our dedication to K-12 education continues in our FY 2022 capital plan as well, with a record \$803 million going toward school construction projects in every jurisdiction. This historic commitment to putting our students into state-of-the-art facilities no matter where they live is made possible only by our unique plan to issue revenue bonds using a portion of the funding casinos bring into the state." ([FY 2022 State Budget Highlights](#))

The Governor's FY 2022 Capital Budget for school construction is more at odds with the legislature's approach, given the Governor's well-established preference for investing a significant amount of the Blueprint Fund in school construction instead of the full implementation of the Blueprint for Maryland's Future Act. The Blueprint bill is pending as House Bill 1300 (passed in 2020, vetoed by the Governor, with the successful veto override being a top priority for the legislature and education advocates in the

2021 session). In this context, MABE continues to support the Built to Learn Act (House Bill 1 of 2020), which passed last Session and will take full effect once, and only if, the Blueprint veto is overridden.

The [School Construction Budget Highlights](#) includes the following table.

The Governor's Capital Budget Bill ([House Bill 590](#)) would fund a baseline \$250 million Capital Improvement Program (CIP), continue to fund school safety grants and several other programs, and devote another \$520 million to the Built to Learn initiative. Notably, the legislature has much broader authority to increase and adjust the capital budget than the operating budget.

The Appropriations Committee's Capital Budget Subcommittee will hold a Capital Budget fiscal briefing on Feb. 9th, and the school construction budget hearing is set for March 2nd.

Stay tuned for updates on the operating and capital budgets following the Budget Briefing by the Dept. of Legislative Services (DLS) on Monday, January 25th, which always provides a thorough review and analysis of the Governor's proposed State Budget.

FY 2022 School Construction Funding	
(Millions of \$)	
<u>GO Bonds</u>	
Public School Construction Program	250.0
Supplemental Capital Grant Program	40.0
Public School Safety Grant Program	10.0
Aging Schools Program	6.1
Non-Public Aging Schools Program	3.5
Non-Public School Security Improvements	3.5
Subtotal GO Bonds	313.1
<u>Revenue Bonds</u>	
Built to Learn Fund	520.0
Subtotal Revenue Bonds	520.0
TOTAL	833.1

Bill Highlights

MABE is monitoring nearly 300 bills directly or indirectly impacting local school systems. Of these, MABE has already submitted written testimony and testified in support of bills to alleviate the delay in hiring teachers pending completion of the employer history reviews required by HB 486 of 2019. Also, resolve the challenges of providing earned sick leave for daily substitute teachers, promote FAFSA forms by more students before graduation, and allow school-based health centers to utilize telehealth to benefit students. MABE has opposed bills to mandate solar roofs on all new or renovated schools and mandate universal staff training and curriculum on seizure disorders.

MABE's Legislative Committee meets next on February 1st to take positions on pending legislation.

School Personnel

HB 373 - Education - Child Abuse and Sexual Misconduct Prevention - Hiring Emergent Employees - Authorizing an emergent employee by a county board of education or nonpublic school for a period not to exceed 60 days pending a review of an individual's employment history. MABE supports this bill to allow teachers with completed criminal background checks but awaiting the extra employer history reports required since 2019 to work for up to 60 days while that work is being completed.

SB 165 - Maryland Healthy Working Families Act – Applicability - Providing that the Maryland Healthy Working Families Act does not apply to employees of a county board of education who are called to work on an as-needed basis, can reject or accept the shift offered by the county board of education, and are not guaranteed to be called on to work by the county board of education. MABE supports this bill to align daily substitute teachers' treatment under the law with similar daily on-call employees in other industries.

Student Health

SB 225/HB 370 - Education - Public and Nonpublic Schools - Seizure Action Plans (Brynleigh's Act) - Requiring a county board of education and authorizing a nonpublic school, beginning in the 2022–2023 school year, to require two school employees to be trained in recognizing the signs and symptoms of a seizure, administering first aid, and administering or assisting with the administration of seizure medication and performing manual vagus nerve stimulation; etc. MABE opposes the bill based on mandates' broad scope, including curriculum, universal staff training, and specialized medical training.

School Facilities

SB 330 - State-Funded Construction and Major Renovation Projects - Solar Panels - Requirement - Requiring the State-funded construction projects, including school construction and major renovations, to be designed, engineered, and constructed in a manner that allows the roof to withstand the weight of solar panels; and requiring these projects to include the installation of the maximum number of solar panels for which the project was designed. MABE opposes this bill as a one-size-fits-all unfunded mandate for school systems.

Digital Divide/Inclusion

HB 97/SB 66 - Department of Housing and Community Development - Office of Digital Inclusion - Established (Digital Connectivity Act of 2021) - Creating the Office of Digital Inclusion in the Department of Housing and Community Development to ensure that every resident of the State is supported by high-quality broadband Internet service at an affordable price, and has the tools necessary to use and take advantage of the Internet; requiring the Governor to appoint the Director of the Office; requiring the Office to develop, by July 1, 2022, a statewide plan to ensure all State residents can connect to reliable broadband Internet by December 31, 2029; etc. MABE supports this bill to create the much-needed multi-state agency and intergovernmental partnerships to ensure that all communities, families, and students in the State have access to high-speed internet.

Telehealth & School-Based Health

SB 278/HB 34 - State Department of Education and Maryland Department of Health - Maryland School-Based Health Center Standards – Telehealth - Requiring the State Department of Education and the Maryland Department of Health to authorize a specific health care practitioner at an approved school-based health center to provide health care services through telehealth. MABE supports this bill to allow school-based health centers to begin now and continue in the future to provide student health services via telehealth.

School Security

SB 245 – Public Schools - School Resource Officers - Requirements and Prohibitions - Prohibiting a school resource officer (SRO) from entering a school building except if summoned by a school administrator or official to respond to an emergency involving violence or the threat of violence, to participate in specific training, or to use certain facilities; requiring a school resource officer to conceal any firearms except under certain circumstances; requiring a school resource officer to wear civilian clothing; and prohibiting a school resource officer from participating in the routine school discipline of a student. MABE opposes this bill based on the premise that SROs, as local law enforcement officers specially trained to serve in the school setting, including training in de-escalation and restorative practices, should be barred from entering schools administrators alert them to an emergency.

HB 496 – Primary and Secondary Education - Mental Health Services - Expansion (Counselors Not Cops Act) - Altering the membership of the School Safety Subcabinet Advisory Board; eliminating the \$10 million grant program for school resource officers; requiring \$10 million in grant funding for expanding the availability of school-based mental health services; etc. MABE opposes the bill as introduced because it would eliminate the State grants that support local law enforcement agency costs for school resource officers (SROs). MABE is certainly not opposed to devoting an additional \$10 million toward supporting staffing needs for school counselors and school-based mental health services.

HB 522 - Public Schools - School Resource Officers - Prohibited Conduct - Prohibiting a school administrator or official or a school safety coordinator from directing a school resource officer (SRO) to enforce certain discipline-related policies, rules, regulations, or procedures; prohibiting a school resource officer from unilaterally enforcing certain discipline-related policies, rules, regulations, or procedures; and requiring a specialized curriculum for use in the training of school resource officers to include training in conduct that is prohibited. MABE supports this bill as aligned with the well-established training program and expectations for the conduct of SROs.

Bill Hearing and Briefing Highlights

<ul style="list-style-type: none">• House Ways and Means Committee Education Briefing (MABE, PSSAM, MSEA/BTU, and MSDE) Wednesday, Jan. 27, 11:00 a.m.
<p>Jan. 26 Bill Hearings</p> <ul style="list-style-type: none">• SB 210 - COVID-19 Claim - Civil Immunity - Hearing 1/26 at 1:00 p.m. Judicial Proceedings – Support• HB 97 - Department of Housing and Community Development - Office of Digital Inclusion - Established (Digital Connectivity Act of 2021) Hearing 1/26 at 1:30 p.m. Economic Matters – Support• HB 86 - Capital Projects - High Performance and Green Buildings - Alterations (Green Building Restoration Act) Hearing 1/27 at 1:30 p.m. Appropriations – Oppose• HB 264 - Solid Waste Management - Organics Recycling and Waste Diversion - Food Residuals Hearing 1/27 at 1:30 p.m. Environment and Transportation – Oppose
<p>Jan. 27 Bill Hearings</p> <ul style="list-style-type: none">• HB 86 - Capital Projects - High Performance and Green Buildings - Alterations (Green Building Restoration Act) Hearing 1/27 at 1:30 p.m. Appropriations – Oppose• HB 264 - Solid Waste Management - Organics Recycling and Waste Diversion - Food Residuals Hearing 1/27 at 1:30 p.m. Environment and Transportation – Oppose• SB 209 - Special Education - Prolonged School Closure - Extension of Education Services Hearing 1/27 at 11:00 a.m. Education, Health, and Environmental Affairs – Oppose

- SB 300 - Special Education Learning Continuity Plan Requirement Hearing 1/27 at 11:00 a.m. Education, Health, and Environmental Affairs – Oppose
- SB 245 - Public Schools - School Resource Officers - Requirements and Prohibitions Hearing 1/27 at 11:00 a.m. (Education, Health, and Environmental Affairs) Education, Health, and Environmental Affairs – Oppose

Bill Report & Hearing Schedule

A complete [Bill Report](#) and [Hearing Schedule](#) containing MABE's positions and the status of all the bills we are tracking are 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 or 410-841-5414.

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