

January 14, 2022

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MABE's Legislative Priorities

MABE’s top priorities for the 2022 Legislative Session 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. Specifically, MABE advocates that state and local initiatives not reduce local board governance or budgetary authority or create unfunded mandates.
- **Support for full State funding for Maryland’s outstanding public schools.** MABE supports annual state and local education budgets commensurate with the full costs of implementing new and enhanced statutory and regulatory requirements and expectations. Specifically, MABE advocates for sustained increases in state and local funding in FY 2023 and beyond, to support the Blueprint for Maryland’s Future law to fulfill Maryland’s constitutional duty to adopt a school funding system that ensures equity and excellence in every school.
- **Support for increased State funding for school construction and renovation projects.** MABE supports annual state and local budgets commensurate with the capital and operating costs of designing, building, renovating, operating, and maintaining high-quality learning environments for each student in our 1,400 public schools. Specifically, MABE advocates for increases in state and local funding in FY 2023 capital and operating budgets to support the locally prioritized school facility needs of all 24 school systems.
- **Support for sustained and increased local government investments in education.** Funding from Maryland’s 23 counties and Baltimore City plays a critical role in the success of public education programs, services, and facilities. Specifically, MABE advocates for state laws mandating investments of local property and income tax revenues in public education, including a strong “maintenance of effort” guarantee that local funding must be sustained and increased from year to year.

The Pandemic, Equity, and Excellence

As the 2022 session gets underway, MABE recognizes that all Marylanders, but more specifically our students and families, continue to cope with and recover from the historic and devastating impacts of

Legislative Committee

2022 Meeting Calendar

- January 10, 2022
* (January 12, 2022 - Session convened)
- February 7, 2022
- February 28, 2022
 - MABE Virtual Legislative Briefing TBA
- March 14, 2022
- March 28, 2022
* (April 11, 2022 - Session adjourns)
- April 25, 2022

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](#).

the ongoing public health, economic, and educational crisis resulting from the COVID-19 pandemic. Maryland's school systems continue to face extraordinary burdens in teaching and learning, mental health, staffing, facilities, transportation, procurement, and many other areas.

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's 2022 legislative priorities and positions reflect the ongoing impacts of the pandemic and the commitment to vigorous advocacy for funding and policy decisions that enable each local board of education to succeed in providing educational equity and excellence for each of our nearly 1 million students.

Link to [MABE's Legislative Priorities & Positions for the 2022 Legislative Session](#).

Legislative Committee Updates

The 2022 legislative session of the Maryland General Assembly convened on Wednesday, January 12, 2022 and is scheduled to adjourn on Monday, April 12, 2022.

MABE's [Legislative Committee](#) is meeting virtually throughout the 2022 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).

On January 10, 2022, MABE's Legislative Committee convened for their first meeting of the new year to discuss some of the hundreds of bills proposed for the upcoming 2022 session. John Woolums, Director of Governmental Relations at MABE, highlighted various pre-filled bills spanning an array of educational policy topics, including student health, transportation, school safety, special education, school meals, facilities, and cyber security. Woolums explained that MABE's positions are consistently grounded in MABE's [Continuing Resolutions](#) and [2022 Legislative Priorities and Positions](#). These priorities and positions were finalized in December and were modeled from the input of all 24 local boards of education. Woolums indicated that MABE's positions on bills place the highest priority on ensuring the continued role of local board governance in leading each school system's commitment to preparing every student for college and career readiness, in high-quality, healthy, and safe school facilities, and ensuring that students' success is supported by increased local, state, and federal funding.

The Legislative Committee also discussed the projected impact of the Blueprint for Maryland's Future implementation on the highly anticipated Operating and Capital Budget Bills, set to be released by Governor Larry Hogan on Wednesday, January 19. The funding secured under the Governor's operating budget will include funding for the Blueprint and all other mandated education programs. The scope of the Blueprint includes expanded prekindergarten through high school reforms, targeted funding for personnel and programs in highest-needs community schools, and the alignment of these school improvements under a new long-range state plan to be developed by the Accountability and Implementation Board (AIB).

Woolums continued by summarizing the Emergency Mask Mandate Regulations, which were approved on December 7, 2021 by the State Board of Education and received a hearing by the State's Administrative, Executive, and Legislative Review (AELR) Committee on January 5, 2022.

- [Face Coverings in School Facilities \(COMAR 13A.01.07\)](#)

The AELR Committee voted largely on party lines to replace the current emergency regulations (which were set to expire on February 25, 2022) with the new regulations. These regulations provide off-ramps that allow local jurisdictions to remove mask mandates in schools based on health metrics such as community COVID transmission rates and percentage of vaccinated persons. The mandates and flexibilities outlined in the new emergency regulation will be in effect or 180 days from January 5, 2022, unless the State Board withdraws the measure.

MABE's legislative platform for 2022 continues to reflect the devastating health, economic, and educational impacts of the COVID-19 pandemic and the commitment to education funding and policy actions that advance equity and excellence for each of Maryland's public school students. Each Legislative Committee meeting during 2022 will provide updates on matters regarding the ongoing pandemic.

2022 Session Opens with Leadership Forum

The 2022 Session kicked off on the morning of Wednesday, January 12, 2022 with the highly anticipated "Eye on Annapolis" summit hosted by *The Daily Record*. Bryan Sears, Government Reporter for *The Daily Record*, moderated a discussion with keynote speaker Governor Larry Hogan, who gave insight into the 2022 Session. Governor Hogan discussed his thoughts entering a 90-day Session with an unprecedented state budget surplus, an election year looming in the fall, and the ever-evolving COVID-19 pandemic entering its third year. Nonetheless, Hogan remained confident in Maryland's response to the Omicron variant and stated that he was "hopeful by early February, we will be in a better place" now that COVID-positivity rates have leveled off since peaking in December.

The Governor touched on topics such as his disinterest in running for U.S. Senate, his plans for massive retirement tax cuts to reward hard-working Marylanders, EZ-Pass electronic tolling failures, and his administration's use of Wickr, a private messaging service that markets itself to government agencies for its enhanced privacy features, such as self-destructing messages. Hogan also discussed his disappointment in the Maryland redistricting maps created by the Maryland legislature. Hogan claimed that Maryland has "some of the worst gerrymandering in America," and stated that the Citizens Redistricting Commission, whose members were appointed by Hogan himself, created a more equitable and fairer map for Marylanders. Hogan stated that he plans to bring legal challenges and overturn the legislature's map.

Sears also spoke to Speaker of the House Adrienne Jones and Senate President Bill Ferguson about their outlook on the 2022 Session. Speaker Jones stated that the General Assembly is doing their best to "operate in a safe manner" amidst the Omicron variant, and that they would "adapt to changes as they arise." Jones and Ferguson discussed their working relationship with each other, with Ferguson stating that their "offices have an incredibly strong relationship" given that they "have the same values and want to expand opportunities for Marylanders."

In response to the Governor's tax cut proposal President Ferguson cautioned that although the State has a surplus this year, the legislature "cannot make decisions this year that put [Maryland's budget] on a cliff four years from now," and that while he's open to a tax cut, the legislature should be "thoughtful and purposeful" with the surplus funds. Speaker Jones stated that any surplus should be used to "help the citizens who need it the most," as well as funding schools and local communities through upgrades rather than long-term spending priorities.

The Speaker and President then covered Session hot topics such as recreational cannabis legalization, equity accountability in the distribution of sports betting licenses, and their views on the redistricting process. Surprisingly, education policy and issues were only prompted by an audience question, which inquired into the legislature’s strategy to address loss of learning, classroom safety, and bus driver shortages amidst the pandemic. Jones cited the importance of giving aid to schools and teachers, and how the legislature is working to address issues in all of Maryland’s school districts, specifically Baltimore County. Ferguson stated that other than healthcare systems, “young children are bearing the heaviest burden of the unvaccinated,” and that keeping children well has been “the single biggest long-term challenge of COVID.” Ferguson acknowledged that “young people are suffering,” and that Maryland must ensure that schools have the resources they need in order to get kids back in school.

Supreme Court Rejects OSHA Vaccine Mandate

On Nov. 4, 2021, the U.S. Department of Labor Occupational Safety and Health Administration (OSHA) announced an Emergency Temporary Standard (ETS) requiring covered employers to develop, implement and enforce a mandatory COVID-19 vaccination policy. This federal OSHA vaccine mandate would apply to Maryland school systems through Maryland’s state OSHA (MOSHA) requirements.

Lawsuits opposing the proposed ETS from multiple states were consolidated for review in the Sixth Circuit Court of Appeals, which decided that a stay of the ETS was not justified. This decision was appealed to the Supreme Court, which held a hearing on Jan. 7, 2022.

The Supreme Court, on January 13, 2022, agreed to stay OSHA’s COVID–19 Vaccination and Testing Emergency Temporary Standard (ETS).

“Applicants are likely to succeed on the merits of their claim that the Secretary lacked authority to impose the mandate. Administrative agencies are creatures of statute. They accordingly possess only the authority that Congress has provided. The Secretary has ordered 84 million Americans to either obtain a COVID–19 vaccine or undergo weekly medical testing at their own expense. This is no “everyday exercise of federal power.” It is instead a significant encroachment into the lives—and health—of a vast number of employees.”

“That is not to say OSHA lacks authority to regulate occupation-specific risks related to COVID–19. Where the virus poses a special danger because of the particular features of an employee’s job or workplace, targeted regulations are plainly permissible.”

[Text of the Supreme Court Decision.](#)

Bill Report

A [Bill Report](#) and [Hearing Schedule](#) (updated January 14, 2022) 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 or 410-841-5414.

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