

BILL: Senate Bill 706
TITLE: Nonpublic Educational Programs - Children with Disabilities - Costs of Teacher Salaries
POSITION: OPPOSE
DATE: March 16, 2022
COMMITTEE: Budget and Taxation
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The Maryland Association of Boards of Education (MABE), representing all twenty-four of the state's local boards of education, opposes Senate Bill 706, which would require the State and local school systems to pay for dramatic increases in costs for salaries for teachers at nonpublic special education schools. This legislation presents an enormous unfunded mandate for local school systems for costs completely outside their control.

Local boards of education place a very high priority on ensuring that students receive high quality special education programs and instruction to meet the unique needs of every disabled student. Maryland's nonpublic special education schools, private professional educators, and school administrators play a significant role in providing special education services in accordance and compliance with the federal Individuals with Disabilities Education Act (IDEA) and corresponding federal and state regulations. While MABE recognizes the merits of providing equitable salaries for public and nonpublic educational staff, local school systems would face tremendous hardship funding the mandated raises proposed in Senate Bill 706.

More specifically, MABE objects to the bill because it would hold local school systems responsible for ensuring the salaries of nonpublic school employees are equitable to their counterparts in public schools without any corresponding authority over those nonpublic school employees. Nonpublic school education staff are outside the scope and control of the local school systems. These professionals are not included in negotiated collective bargaining agreements which govern public school employee rights and responsibilities. Again, MABE does not believe that funding the salaries of non-public school staff as proposed in this bill should be within the scope of mandated spending for local systems because of this lack of supervision and control and accountability for employee performance or staffing levels.

Local boards of education have great respect and appreciation for the dedication and commitment of public and non-public educators who ensure that the educational needs of students qualifying for special education services are being met. However, MABE objects to the specific funding mandate proposed under Senate Bill 706.

Lastly, the fiscal note interprets the bill as imposing a funding mandate on local school systems, but the bill language appears to impose the mandate on county governments, not county boards. To clarify this critically important issue, local governments generally do not provide any additional per pupil funding based on the nonpublic special education formula defined in statute. So, the fiscal note is accurate in that the law referring to state and county government funding obligations for nonpublic costs does not reflect the practice. The impact of SB 706 would therefore trigger an increased unfunded cost on school systems, without triggering any increase in funding support from local governments on an annual per pupil basis.

In this light, if the bill were to pass, MABE requests an amendment to strike the increased local funding requirement from the bill altogether. Specifically, the amendment would strike beginning with "AND" through "SECTION" on page 3 in lines 2 and 3. Because of our governance concerns, and without any provision for increases in local funding, the bill in MABE's view warrants a 100% state funding commitment.

For these reasons, MABE urges an unfavorable report on Senate Bill 706.