



# **MABE's Legislative Priorities for the 2023 Session**

# MABE's Advocacy Centers



# Public Education & MABE's Role in Annapolis

- Public education funding in the state budget is constitutional mandate.
- School construction funding is a significant portion of the total capital budget.
- Education issues, from curriculum to student health to electric school buses, consistently dominate the legislative agenda. (Not to mention the Blueprint!)
- The 2022 legislative session saw the introduction of 1,487 House Bills and 1,011 Senate Bills. Of these 2,498 bills and resolutions, MABE monitored over 400 and provided testimony and advocated on nearly 90 house bills and 40 senate bills.
- The 2023 session follows an election year focusing on education issues and will be the first for a new Governor.

# The General Assembly at a Glance

- 141 Delegates, 47 Senators
- 90-day regular legislative session (90 calendar days; from 2<sup>nd</sup> Weds. in Jan. – 2<sup>nd</sup> Monday in April)
- The House Speaker and Senate President assign all committee chairs and vice-chairs
- Leadership & Committee Chairs appoint subcommittee chairs, schedule bill hearings and votes
- Committee hearings, but not voting sessions, are printed in the hearing schedule
- All bills get a hearing, but not necessarily a vote
- Everyone who signs up to testify gets to speak, typically for 2 or 3 minutes

# Key Committees

## House:

- Ways and Means (policy)
  - Education & Early Childhood
- Appropriations (budget & policy)
  - Education & Econ. Development (PreK-12 \$\$ & Higher Ed. Policy)
  - Capital Budget (School Construction)
  - Pensions

## Senate:

- Education, Energy and Environment (policy)
  - Education
- Budget & Taxation (budget & policy)
  - Education, Business and Administration
  - Capital Budget (School Construction)

# Annapolis Advocacy

- MABE leadership and staff conduct direct lobbying activities including written and oral testimony before the General Assembly.
- MABE adopts an annual Legislative Positions publication and a Session Summary.
- MABE coordinates the Green Street Coalition, which is comprised of legislative liaisons from school systems and the superintendents' association, and MABE staff pens the weekly Education Advocate newsletter on legislative activity.



# MABE's Government Relations Staff

The Director of Governmental Relations, in coordination with MABE leadership, conducts direct lobbying activities including written and oral testimony before the General Assembly, State Board/MSDE, and Congress and:

- Coordinates the Green Street Coalition of legislative liaisons from school systems and the superintendents' association;
- Produces the Monitor, and Education Advocate newsletters, and maintains the website; and
- Staffs the Legislative Committee, Resolutions Committee, and Federal Advocacy Committee.

# MABE's Continuing Resolutions

The association adopts Continuing Resolutions which frame positions and priorities on major policy issues.

- Adequate and Equitable State and Local Funding
- Adequate School Facility Funding
- Before and After School Programs
- Closing of School Buildings
- Curriculum and Assessments
- Eliminating Achievement Gaps for All Students
- Employee Relations and Negotiations
- Federal Elementary and Secondary Education Act (ESEA)
- Line-Item Control
- Local Board of Education Governance Authority
- New School Board Member Orientation
- Maintenance of Effort
- Public Charter Schools
- Quality Early Childhood Programs
- Safety in Public Schools
- School Board Member Professional Development
- School Choice & Public Funding for Nonpublic Schools
- School System Employees' Retirement Benefits and Costs
- Special Education
- Student Discipline
- Student Health and Fitness
- Digital & Distance Learning
- Student Transportation
- COVID-19 & Public Education



# MABE's Legislative Committee

- The Legislative Committee, including designated representatives from all 24 boards, holds monthly meetings (or more frequently during session) to guide the association's lobbying activities in Annapolis, and vote on bill positions.
- The Committee routinely invites policy and legislative leaders as guest speakers to exchange ideas.
- MABE holds an annual Legislative Day event in Annapolis (2023 Forum/Format TBA).



# MABE's Legislative Position Statements

- Local Board Governance
- Testing and Curriculum
- State Education Funding
- School Safety
- School Facilities Funding
- Student Discipline
- Local Funding Security
- Student Health & Fitness
- Unfunded Mandates
- Employee Relations & Collective Bargaining
- Public Charter Schools
- Federal Education Funding & Policy
- Private/Parochial School Funding
- Elected, Appointed & Hybrid Boards of Education

# MABE's 2023 Legislative Priorities

**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 2024 and beyond to support the Blueprint for Maryland's Future law to fulfill Maryland's constitutional duty to adopt and fund a school funding system that ensures equity and excellence in every school and college and career readiness for every student.

# MABE's 2023 Legislative Priorities

## **Support for increased State funding for school construction and renovation projects.**

- MABE supports annual state and local capital and operating budgets commensurate with the 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 a capital improvement program of at least \$450 million in addition to the Built to Learn program to expand Prekindergarten and Career and Technical Education school facilities called for by the Blueprint for Maryland's Future and to support other locally prioritized school facility needs.

## **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.

# New Laws Passed in 2022

- State Operating Budget: FY 2023
- Blueprint for Maryland's Future - Implementation
- Capital Budget for Public Education
- School Construction Funding & Policy
- Climate Solutions Now Act of 2022
- Pedestrian Safety Plans
- Physical Restraint and Seclusion - Limitations, Reporting, and Training
- Equivalent Access Standards - Digital Tools
- Student Data Privacy
- Cybersecurity
- Seizure Action Plans
- Excused Absences (Mental Health)
- Student Athletics Emergency Action Plans
- Student Athletes Uniform Modesty
- Grant Program to Reduce and Compost School Waste
- Maryland Farm-to-School Meal Grant Pilot Program
- Teachers' Retirement and Pension Systems - Reemployment
- Whistleblower Protections
- Education Support Professionals - Bonus and Report
- Family and Medical Leave Insurance Program
- Reportable Offenses, Student Discipline, and School Disruptions
- Juvenile Justice Reform
- Child Interrogation Protection Act
- Anti-Discrimination in All Schools

## **Reportable Offenses, Student Discipline, and School Disruptions - Presence of an Attorney and Reporting (HB 146, Ch. 742)**

- Does not alter the reportable offence law regarding notice from law enforcement of student arrests off campus and the authority of school officials to respond.
- Requires inviting attorneys to attend reportable offence related student/parent meetings and special education manifestation determination meetings.
- Requires extensive reporting on reportable offences and reporting of all classroom disruptions and any disciplinary actions taken with students in response to such disruptions.



# New Laws in 2022

## **Physical Restraint and Seclusion - Limitations, Reporting, and Training (HB 1255, Ch. 31)**

- Prohibits public and nonpublic schools with specified exceptions from using seclusion as a behavioral health intervention for a student.
- Neither a public nor nonpublic school may use physical restraint as a behavioral intervention unless (1) physical restraint is necessary to protect the student or another individual from imminent serious physical harm and (2) other, less intrusive, nonphysical interventions have failed or been demonstrated to be inappropriate for the student.

# New Laws in 2022

## **Student Athletics - Requirements and Emergency Action Plans (Elijah Gorham Act) HB 836 (Ch. 212)**

- Requires each middle school and high school to develop a venue-specific emergency action plan for the operation and use of automatic external defibrillators (AEDs) and heat acclimatization. These plans must also include coordination of care for other injuries including cervical spinal injury, concussion and closed head injury, major orthopedic injuries, and severe weather for outdoor facilities.
- Requires AEDs to be freely accessible and located within a brief walk from an athletic practice or event.
- Requires that each school is properly prepared and equipped to initiate cold water immersion for the treatment of exertional heat stroke and that a cooling modality is readily available to student athletes at all athletic practices and events to be used by trained coaching staff.

## **Climate Solutions Now Act (SB 528, Ch. 38)**

Key provisions of the Climate Solutions law impacting school systems:

- The bill prohibits, with exceptions, local school systems from contracting to purchase or contracting for the use of any school bus that is not a Zero-Emission Vehicle (ZEV) beginning in FY 2025 (July 1, 2024).
- The Maryland Department of Environment (MDE) is required to work with local boards and bus contractors to develop ZEV infrastructure for school buses, and prioritize the use of federal funding.

# New Laws in 2022

## **Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022) SB 275 (Ch. 48)**

- Establishes the Family and Medical Leave Insurance (FAMLI) Program and FAMLI Fund to provide up to 12 weeks of benefits to a covered individual taking leave from employment due to specified personal and family circumstances.
- The weekly benefit is based on the individual's average weekly wage, subject to a cap. The FAMLI Fund consists of contributions from employees and employers of at least 15 employees and pays for benefits, a public education program, and implementation and administrative costs.

## **Nonpublic Schools, Prekindergarten Programs, and County Boards of Education - Discrimination HB 850 (Ch. 739)**

- Prohibits public schools and nonpublic schools that receive State funds from refusing enrollment of a prospective student, expelling a current student, withholding privileges from, or otherwise discriminating against any individual because of an individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.
- Prohibits retaliatory actions against a student or parent or guardian of a student who files a complaint;
  - establishes a complaint, mediation, and appeal process;
  - requires an anti-discrimination policy statement in student handbooks; and
  - authorizes MSDE to withhold funding from public and private schools as penalty for violating nondiscrimination requirements.

# Laws Nearly Passed in 2022

## **Virtual Education - Requirements HB 1163 / SB 362**

- This bill would have changed the requirements for a local board of education and MSDE to establish a virtual school and set requirements for students, teachers, and services at a virtual school. A local school system would have been limited to establishing one virtual school per grade band; however, MSDE could have authorized a local school system to establish a second virtual school on a showing of just cause. A virtual school could not include classes for prekindergarten or kindergarten students.
- MSDE or a local board of education could not contract with a for-profit entity to operate or administer a virtual school. The bill would have allowed existing virtual schools, even if operated by a for-profit entity, to operate through the 2023-2024 school year as specified.

# 2023 Session Transitions

- 2023 session convenes Jan. 11 and adjourns April 10.
- New Governor - Wes Moore
  - New set of legislative priorities
  - New legislative team
- 141 Delegates w/25% new
- 47 Senators w/<20% new
- MABE will remain focused on building relationships with Leadership (new/returning); the House Ways and Means and Appropriations Committees; and the Senate Education and Budget & Taxation Committees.
- MABE Leadership Meetings being scheduled.

- Teacher & Employee initiatives:
  - Expanded scope of Blueprint definitions of teacher and NBC teacher?
  - Collective bargaining on class-size?
  - Mandated hiring/hiring plans for school nurses, psychologists, counselors, etc.?
  - Increased/mandated pay raises for non-certificated staff?



# 2023 Session

“Other states experiencing teacher shortages have adopted a variety of strategies to attract and retain qualified personnel. Some programs provide financial incentives for teacher preparation in high-need disciplines; others aim to distribute teachers more equitably.”

- In Arizona, full tuition scholarships for students who enroll in a state teacher education program and commit to working in Arizona schools;
- In Connecticut, mortgage assistance for teachers to enable them to afford houses in the communities where they work; and
- In New Mexico, federal loan repayment for teachers certified in high-need disciplines such as special and bilingual education that are willing to work at low-performing schools.

– DLS 2023 Session Issue Papers

- State Funding Initiatives
  - School construction?
  - Prekindergarten school facilities?
  - School meals funding?
    - Free breakfast, lunch or both?

“With inflation soaring, Maryland racks up a \$2 billion surplus. Again. - State economists say sales tax revenue was nearly 20 percent higher than expected. So was income for the wealthy and corporations. State workers get an automatic raise.”

- Washington Post, Sept. 2022

- Recreational Cannabis Legislation
  - Legalization, regulation, taxation, and revenue allocation.
  - Future dedicated funding for the Blueprint or school construction?

“Collateral Impacts: Colorado schools on front line”

“Colorado's adult cultural acceptance of marijuana is seeping into public school classrooms, resulting in more marijuana related suspensions, more police visits to schools for marijuana incidents, and a greater acceptance of the drug by students who live in communities with recreational dispensaries, two new state studies and a third from a university institute show.”

– The Colorado Springs Gazette, Aug. 2019

# 2023 Session

- The U.S. Supreme Court ruled in *New York State Rifle & Pistol Association Inc. v. Bruen* on June 23, 2022 that restrictions on gun possession must comport not only with the state's interest but be in keeping with the constitution's text, history and tradition of firearms restrictions.
- With regard to handguns, the court held in *Bruen* that text, history and tradition does not bar law-abiding citizens from possessing the weapons outside their home.

Thank you for this opportunity!

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