

## UNFUNDED MANDATES

### MABE POSITIONS

The Maryland Association of Boards of Education, representing all local boards of education in Maryland:

- ✘ **Opposes** legislation and state regulations which would impose any new unfunded or underfunded mandate on local school systems.
- ✓ **Supports** providing, or restoring, funding to support currently mandated programs and services.
- ✓ **Supports** repealing mandated programs and services which are outdated or not adequately funded.

### BACKGROUND

Each year the General Assembly considers legislation to mandate that local school systems adopt new programs, procedures, or reporting requirements. Such proposals are generally referred to as “unfunded mandates” to reflect the fact that any new costs arising from the legislation would be borne with existing resources.

While MABE believes that education policy should be primarily in the purview of local boards in conjunction with the State Board, we recognize the General Assembly has an appropriate and essential role in enacting legislation on education funding and policy. Therefore, MABE consistently advocates that to the extent possible such legislation be discretionary, or authorizing, rather than mandatory. Similarly, MABE requests the State Board to consider the local board governance role and fiscal impacts on local school systems when exercising its authority to adopt education policies and regulations.

Maryland’s 24 local boards of education are entirely fiscally dependent on local, state, and federal funding. Unlike almost all of the other local boards across the country, Maryland’s boards are not authorized to collect taxes, instead relying on formula and grant allocations. While MABE does not advocate for such taxing authority, legislation or regulations imposing new costs for local school systems do pose a distinct challenge to Maryland’s local boards.

Maryland’s Constitution places a high priority on public education by requiring the General Assembly to “establish a thorough and efficient system of free public schools” and to “provide by taxation or otherwise for their maintenance.” State funding is provided through formulas and grants in the annual State operating budget; and local funding is provided in accordance with the “maintenance of effort” requirement that the local government provide at least as much per pupil funding as in the previous year. In general, neither state funding nor local funding are increased to reflect the increased costs to local school systems of complying with new mandates.

Examples of unfunded mandates include: lead testing and remediation of school drinking water (2017 and 2019); restricting the suspension of elementary students through second grade and requiring in-school restorative practices (2017); revising prevailing wage rate laws to increase labor costs on school facilities projects (2014, 2021 and 2022); requiring CPR & defibrillator instruction (2015); requiring all staff to be trained on seizure action plans (2022); digital learning tool procurement standards (2022); and mandating the purchasing of electric school buses by 2025 (2022); As laudable as these initiatives are, they were enacted without provisions for funding to support implementation.

In recent years, Maryland has benefitted from an unprecedented amount of federal funding to support the public health, economic, and educational impacts of and responses to the pandemic. This has enabled the State to place in reserves educational funding dedicated for the Blueprint for Maryland’s Future law. MABE cautions that this funding stream expires in 2024, and was intended for specific programs and services and therefore not available to fund the array of new and otherwise unfunded educational mandates. MABE urges the legislature to provide state aid sufficient to sustain funding for successful programs, implement the Blueprint, and to identify and secure state funding commensurate with proposed legislation imposing new costs on local school systems.

For additional information, see MABE’s [Resolution on Adequate and Equitable Education Funding](#).