

CALVERT COUNTY
BOARD OF EDUCATION
2018 Legislative Positions



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Calvert County Board of Education
2018 Legislative Positions

Calvert County Board of Education's top priorities for the 2018 Legislative Session include:

- **Support for continued governance autonomy to set education policy and school budgets which provide educational benefits for all students and opposition to unfunded mandates. Specifically, Calvert County Board of Education is seeking approval of enhanced local school calendar flexibility.** We support continued autonomy to adopt education policies that promote high standards for academic and fiscal accountability. Therefore, we oppose any executive, legislative or regulatory initiatives which would have the effect of reducing board governance or budgetary authority, or which create unfunded mandates.
- **Support for full State funding for Maryland's outstanding public schools. Specifically, Calvert County Board of Education is seeking increased funding for prekindergarten.** We urge the Governor and General Assembly to support increased funding of public education in the FY 2019 State Budget. We are committed to preparing all students to be globally competitive in college and careers. Increased state investments in public education are essential in these times of rapid change, rising expectations, and increased costs.
- **Support for robust State funding for school construction and renovation projects. Specifically, Calvert County Board of Education is seeking funding and process reforms to enhance local flexibility.** We urge the Governor and General Assembly to support increased investments in school construction and renovation projects.

LOCAL BOARD OF EDUCATION GOVERNANCE

The Calvert County Board of Education:

- ✓ **Supports** local board governance of education policy and administration, and believes that this principle is fundamental to an effective system of public education that promotes high standards of academic and fiscal accountability.
- ✓ **Supports** local board control of, and accountability for, appropriations of the school system budget.
- ✓ **Supports** adequate and equitable state funding for state mandated programs and policies, and that local board governance autonomy and flexibility are respected in funding decisions.
- ✗ **Opposes** executive, legislative, and agency actions and proposals which would have the effect of reducing or circumscribing local board authority or creating unfunded mandates.

BACKGROUND

The principle of local governance by boards of education is fundamental to a sound system of public education; and that a sound system of public education is fundamental to sustaining the well-educated citizenry essential to a flourishing democracy. By retaining decision-making authority at the local level, local boards of education can best balance educational practices, available resources to implement those practices, public input, and academic and financial accountability.

Maryland statute provides that “educational matters that affect the counties shall be under the control of a county board of education” and that local boards “determine, with the advice of the county superintendent, the educational policies of the county school system.” Local boards of education exercise this governance authority in compliance with state and federal laws and in conjunction with the State Board of Education, which adopts statewide regulations and policies in accordance with state and federal statutory authority.

STATE EDUCATION FUNDING

The Calvert County Board of Education:

- ✓ **Supports** increased funding for all students and targeted increases for prekindergarten, English learners, low-income students, and students receiving special education services.
- ✓ **Supports** sustaining full funding for public education in the FY 2019 State Budget, including the Geographic Cost of Education Index (GCEI), inflation factor, and hold harmless grants, to support the successful administration and operation of local school systems across the state.
- ✓ **Supports** legislative and funding recommendations consistent with updating and enhancing Maryland's nationally recognized standards-based school finance system.
- ✗ **Opposes** efforts to reduce state funding, shift funding responsibilities from the state to county governments, or condition funding on undue impositions on local board policy and budget discretion.

BACKGROUND

Local boards are charged with providing an excellent education for all students, including students who require additional services, and complying with myriad state and federal mandates. Maryland is deeply engaged in education funding reform through the Kirwan Commission on Innovation and Excellence in Education. The adequacy study completed in 2016 recommends a nearly \$2 billion increase in state aid and nearly \$1 billion increase in local aid for public education. These increases represent the commitment Maryland must make to fully and equitably fund a high quality public education for all of Maryland's more than 870,000 students.

The Kirwan Commission is developing legislative recommendations to provide the resources necessary to provide local school systems, schools, and students with reasonable opportunities to achieve Maryland's high state standards. The Commission is aligning its funding and policy recommendations with the "Nine Building Blocks for a World-Class State Education System" developed by the National Center on Education and the Economy (NCEE). MABE continues to monitor and determine positions on specific funding and policy recommendations being considered by the Kirwan Commission.

The adequacy study finds that the base amount of per pupil funding should be significantly increased, with additional increases for prekindergarten students, students receiving special education, low-income students, and English Learners. The study recommends increased funding for a wide array of instructional and student support programs and services.

SCHOOL FACILITIES FUNDING

The Calvert County Board of Education:

- ✓ **Supports** a state funding level of at least \$350 million for school construction and renovation projects for FY 2019 to provide the State's share of approved projects to build, renovate, and improve schools.
- ✓ **Supports** improvements to the state school construction program, including those recommendations of the 21st Century School Facilities Commission which are consistent with MABE's adopted resolutions and legislative positions.
- ✓ **Supports** the pursuit of innovative funding policies and strategies to maximize the capacity of State and local bonding authority in support of school facility project funding.
- ✗ **Opposes** any State mandated school sizes or prototypes, or other proposals which limit local authority over school facility design, construction, maintenance, procurement, programs or operations.

BACKGROUND

State and local governments share public school construction costs according to a formula based on a local jurisdiction's taxable wealth and other factors. The State's share of eligible project costs varies from 50% to 100%. However, because architectural, engineering, site development and other costs are ineligible for state funding, local jurisdictions actually pay a larger share of project costs than these percentages indicate.

In 2016, the Speaker of the House and President of the Senate established the Knott Commission on 21st Century School Facilities to: review existing educational specifications; identify best practices and efficiencies from the construction industry; identify a long-term plan for jurisdictions with growing or declining enrollment; identify innovative financing mechanisms including public-private partnerships and alternatives to general obligation debt; and evaluate the appropriate role for state agencies in the school construction process.

Calvert County's Board of Education appreciates that over the last 10 years the State has made the following capital investments within Calvert County Public Schools through the annual Capital Improvement Program as well as various initiatives:

New Construction Projects through the Capital Improvement Program – Over \$81 M

HVAC Projects - \$1.1 M

Roof Replacements - \$2.1 M

Energy Efficiency Projects – Over \$200,000

Security Projects – Nearly Half Million Dollars

Aging School Projects – Over \$900,000

UNFUNDED MANDATES

Calvert County Board of Education:

- ✘ **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 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.

We believe 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. We advocate that to the extent possible such legislation be discretionary, or authorizing, rather than mandatory.

Examples of unfunded mandates include: adopting the goal of 45% of high school graduates having career technology education (CTE) certification by 2025 (2017); providing parental consent in special education decisions (2017); restricting the suspension of elementary students through second grade and requiring in-school restorative practices (2017); mandating annual reviews with teacher unions of student assessment policies (2017); requiring translations of special education individualized education programs (IEPs) into native languages (2016); expanding prevailing wage rate rules to increase labor costs (2014); requiring CPR & defibrillator instruction (2015); and mandating college and career readiness high school assessments, remediation classes, and dual enrollment requirements (2014).

SPECIAL EDUCATION

The Calvert County of Boards of Education:

- ✓ **Supports** increased state and federal funding and resources to support high quality special education programs and services.
- ✓ **Supports** maintaining the State's share of the total costs for nonpublic placements of students.
- ✗ **Opposes** legislation to mandate expanded special education services beyond federal requirements.
- ✗ **Opposes** legislation to provide unilateral parental consent conditions, or shift the burden of proof, in special education decisions and disputes including IEP meetings and due process hearings.

BACKGROUND

We 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. We assure you that Calvert County Public School's professional educators are working within a very comprehensive federal and state legal and educational framework to serve special education students.

Maryland, and all other states, are mandated to provide a wide array of special education services in compliance with the federal Individuals with Disabilities Education Act (IDEA) and federal and state regulations. IDEA requires that eligible disabled students receive special education and related services if they are between the ages of 3 and 21, meet the definition of one or more of the categories of disabilities specified in IDEA, and are in need of special education and related services as a result of the disability. The special education services mandated and governed by IDEA must meet the legal standard of providing a Free Appropriate Public Education, or FAPE, and do so in the least restrictive environment.

In 2014, bills passed to require Calvert County Public Schools to inform parents of procedural safeguards, rights and responsibilities, and information on access to services. A bill passed in 2016 to require the translation into the parents' native language of individualized education programs (IEPs) and individualized family service plans (IFSPs). In 2017, legislation was enacted to initiate a multi-year study of the IEP process, staff allocations, and resources for parents. Another bill passed to require parental consent for certain decisions adopted by the IEP team. In these ways Maryland has mandated expanded special education services beyond federal requirements; presenting ongoing fiscal, legal, and service delivery challenges for local school systems.

CHARTER SCHOOLS

The Calvert County of Boards of Education:

- ✓ **Supports** local control and authority over public schools, including public charter schools.
- ✗ **Opposes** legislation which would diminish the local board's role as sole chartering and oversight authority, or otherwise weaken the charter school law's academic or fiscal accountability requirements.

BACKGROUND

The Public Charter School Act of 2003 created Maryland's public charter school program "to establish an alternative means within the existing public school system in order to provide innovative learning opportunities and creative educational approaches to improve the education of students." The law defines a public charter school as a new public school or conversion of an existing public school to which parents choose to send their children, and which is nonsectarian, tuition-free, open to all students, in compliance with State and federal health, safety, and civil rights laws, and operated in pursuit of a specific set of educational objectives. The law also requires charter schools to comply with provisions of law and regulation governing other public schools unless waivers are granted by the State Board. The PCSI Act of 2015 provides that the local school board is the sole chartering authority for granting a charter.

VOUCHERS & PUBLIC FUNDING FOR NONPUBLIC SCHOOLS

The Calvert County Board of Education:

- ✓ **Supports** strong public accountability measures for every public dollar spent, including public dollars dedicated or diverted to private and parochial schools.
- ✓ **Supports** the repeal of the BOOST program as enacted in the State Budget Bill since 2016.
- ✗ **Opposes** private and parochial school vouchers, tuition tax credit programs, or other proposals that would divert public school funding and reduce public control over the use of public dollars.
- ✗ **Opposes** providing public funding for textbooks, transportation, or technology purchases that divert public funds to financially support private and parochial schools.
- ✗ **Opposes** legislation mandating that public schools accommodate private or home schooled students in academic or extracurricular programs offered in the public schools.

BACKGROUND

Calvert County Public School's is committed to and required to serve all of the County's school-aged children who are not enrolled in other educational institutions or programs, regardless of religious preferences, ability to pay tuition, or special needs. We direct the operation of school systems in which students are exposed to a wide variety of courses and programs aimed at educating and preparing them for graduation, college and career readiness, and full participation in their nation, state, and local communities. In pursuit of these goals, local and state accountability measures are used to ensure that the public schools are fulfilling their mission.

Generally, nonpublic schools, including non-sectarian and parochial schools, are not subject to the same legal regulations as public schools, such as special education laws and teacher certification regulations. A limited but notable exception is the array of nonpublic special education schools serving public school students. However, the vast majority of nonpublic school programs are not linked to state or federal student performance accountability measures, or special education provisions of the federal Individuals with Disabilities Education Act (IDEA). In addition, many parochial schools instruct their students in particular religions, a practice that is unconstitutional in public schools and which public funds may not directly support.

Since the 1990s, state funding has been provided for the Aid to Nonpublic Schools Program, which now provides \$6 million for MSDE's purchase of textbooks and computer hardware and software to be distributed to eligible nonpublic schools. In 2013, the Governor and legislature launched the \$3.5 million Nonpublic Aging Schools Program to directly fund private school facility projects in schools eligible for the textbook program.

In 2016, the state budget bill was amended in conference committee to establish the \$5 million Broadening Options and Opportunities for Students Today (BOOST) Program to provide vouchers for students who are eligible for the free or reduced-price lunch program to attend eligible nonpublic schools. Contrary to legislative intent, data shows that 78 percent of students participating in the program were already enrolled in private schools.

TESTING AND CURRICULUM

The Calvert County Board of Education:

- ✓ **Supports** local decision-making authority in developing curriculum, assessments, and instructional programs in conjunction with the State Board of Education.
- ✓ **Supports** adequate state funding to support mandated assessment programs, including the PARCC tests, high school assessments, college and career readiness assessments, and state initiatives under the Every Student Succeeds Act.
- ✗ **Opposes** any efforts by the General Assembly to legislate curriculum or testing matters inconsistent with local decision making.

BACKGROUND

We believe that in creating the State Board and local boards of education the General Assembly has appropriately delegated the responsibility for the development of curriculum and student assessments. The State Board establishes state standards and graduation requirements; and local boards implement locally-developed curriculum to ensure that state standards are met and students are prepared to meet graduation requirements. In this way, state and local boards and educators collaborate to ensure that all students, schools, and school systems are held accountable for their work.

SCHOOL SAFETY & SECURITY

The Calvert County Board of Education:

- ✓ **Supports** State and local government funding for local public school safety programs, facility upgrades, and the wide array of behavioral health and public safety services provided by other public and private entities, which are essential to maintaining safe and secure schools and access to an excellent education for all of Maryland's students.
- ✓ **Supports** increased state and local funding for programs addressing gangs, drugs, human trafficking and the impact of systemic violence in communities, schools, and our students' lives.
- ✓ **Supports** local discretion to adopt programs and policies to maintain and improve school safety and security.
- ✗ **Opposes** legislation which attempts to address student safety concerns by prescribing specific tools or approaches, or imposes unfunded mandates on Calvert County's Board of Education.

BACKGROUND

Safety and security in our public schools is extremely important for the protection of students and staff, as well as necessary to environments conducive to teaching and learning. We believe that safety in public schools is the joint responsibility of the Board of Education, school administrators and staff, students, parents and guardians, law enforcement and other public safety agencies, human services agencies, and the community in general. Threats to school safety may be caused by factors within and outside the school. School safety issues arise in the daily operation of school facilities and services such as school buses, science labs, kitchens, and boiler rooms; in the daily administration of student discipline; and in developing and practicing emergency plans to respond to acts of violence and natural disasters.

STUDENT DISCIPLINE

The Calvert County Board of Education:

- ✓ **Supports** local flexibility to create and enforce consistent and fair disciplinary standards in order to respond to infractions of the rules committed by individual students.
- ✓ **Supports** increased state and local funding and resources to support restorative justice programs.
- ✗ **Opposes** legislation or regulations that would unduly limit the authority of school administrators and the Board of Education to ensure the safety of all students and staff and to provide a school environment conducive to teaching and learning for all students.

BACKGROUND

We place a high priority on establishing policies and procedures concerning student discipline, based on a framework established by the General Assembly and the State Board of Education. State law reflects the legislature's recognition that principals and superintendents have broad discretion to make student discipline decisions "as warranted" (Section 7-305 of the Education Article). State regulations long mirrored this deference to local decision making, as well as placing a clear emphasis on maintaining a safe learning environment for all students.

In 2017, legislation passed to prohibit a child enrolled in a public prekindergarten program through second grade from being suspended or expelled from school, subject to limited exceptions. A student may be suspended for up to five school days if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports. We support reasonable guidance and regulations to implement this law; and anticipate the need for additional state and local funding to meet the staffing, professional development, and facility demands imposed by law's new mandate for the use of restorative in-school practices.

STUDENT HEALTH NUTRITION & FITNESS

The Calvert County Board of Education:

- ✓ **Supports** local board discretion to adopt policies and allocate resources to support improvements in student behavioral and physical health and fitness.
- ✓ **Supports** funding and policy decisions to strengthen school meal programs to provide healthy food for all students and expand access for economically disadvantaged students.
- ✗ **Opposes** the unfunded mandate for increased physical education instruction, including minimum minutes per week.
- ✗ **Opposes** the unfunded mandate to expand the responsibility of public schools to provide “adequate school health services” to include behavioral health services.

BACKGROUND

We place a very high priority on providing school facilities, school meals, and programs of instruction designed to promote the physical and behavioral health and fitness of students and to prepare them to maintain a healthy lifestyle as adults. Federal and state standards for student health and fitness, especially regarding nutrition, have been enhanced to address the national epidemics of juvenile diabetes and obesity. At the same time, child hunger impacts many students as an obstacle to learning.

In 2017, the Start Talking Maryland Act expanded the existing drug education program in public schools to include a unit on heroin and opioids; required each local board to provide naloxone and authorize school personnel to administer it at every school; and require each local board or local health department to employ a community action official. In 2015, legislation was enacted to require school counselor certification in areas of social and emotional development and indicators of trauma, abuse, depression, and other behavioral health issues. A 2016 bill requires age-appropriate education on awareness and prevention of sexual abuse and assault; and a 2017 bill requires suicide risk response training for all educators.

EMPLOYEE RELATIONS & COLLECTIVE BARGAINING

The Calvert County Board of Education:

- ✓ **Supports** legislation or action by the PSLRB to adopt a balancing test to determine whether the impact of a negotiated matter on the school system as a whole outweighs the direct impact on employees.
- ✗ **Opposes** legislation to authorize a local school board and an employee organization to use an alternative procedure to renegotiate the funds allocated for a negotiated agreement.
- ✗ **Opposes** “grounds for discipline” legislation to remove the authority of local boards to hear appeals in employee discipline cases.
- ✗ **Opposes** legislation, or decisions of the PSLRB, that compromise the authority and responsibility of the State Board and Calvert County’s Board of Education to establish educational policy in collaboration with all key stakeholders including parents, students, teachers, and the community.

BACKGROUND

Since 1968, Maryland’s public school teachers and most other school employees have enjoyed the right to organize through employee organizations, or unions, and negotiate contracts for salaries and benefits. We do not oppose the role of employee organizations or collective bargaining in representing the interests of teachers and other employees. However, we do not believe that the scope of bargaining should be expanded to include education policy matters, and oppose a binding arbitration process to resolve either scope of bargaining or contract disputes.