

2018 LEGISLATIVE SESSION: **THAT'S A WRAP!**



The 2018 Maryland General Assembly session was a busy one! Alongside coalition partners, students, and community members, we made phone calls and sent emails to our legislators, stormed social media, and spent many hours in Annapolis tracking and testifying on many bills ranging from funding for school facilities to reforming school discipline practices, [and many issues in between](#).

RESULTS AT A GLANCE // [DEEP DIVE](#)

["Kirwan" Commission](#)

- ✓ HB1415 - Commission on Innovation and Excellence in Education

[Casino "Lockbox" Funding for Education](#)

- ✓ SB1122 - Casino "Lockbox" (Constitutional Amendment)
- ✗ HB557 - Casino "Lockbox" (statute)

[Funding for School Buildings](#)

- ✓ HB1783 - 21st Century School Facilities Act ("Knott" bill)
- ✓ SB611 - Healthy School Facility Fund
- ✓ Capital Budget

[State Education Budget for FY19 \(School Year '18-'19\)](#)

- ✓ SB185 - Operating Budget - Budget Bill (Fiscal Year 2019)
- ✓ HB693 - Tax Increment Financing Development Districts

[Additional Funding Bills](#)

- ✗ HB1476 - Supplemental Pre-K Grants
- ✗ HB1595 - Per Pupil Adequacy Target Grant

School Climate and Discipline Reform

- ✓ HB1254 - School Discipline Data Collection Bill
- ✗ HB1601 - Trauma-Informed Schools Initiative, Program, and Fund
- ✗ HB1488 - School Discipline Training Practices
- ✓ SB1265 - Safe to Learn Act

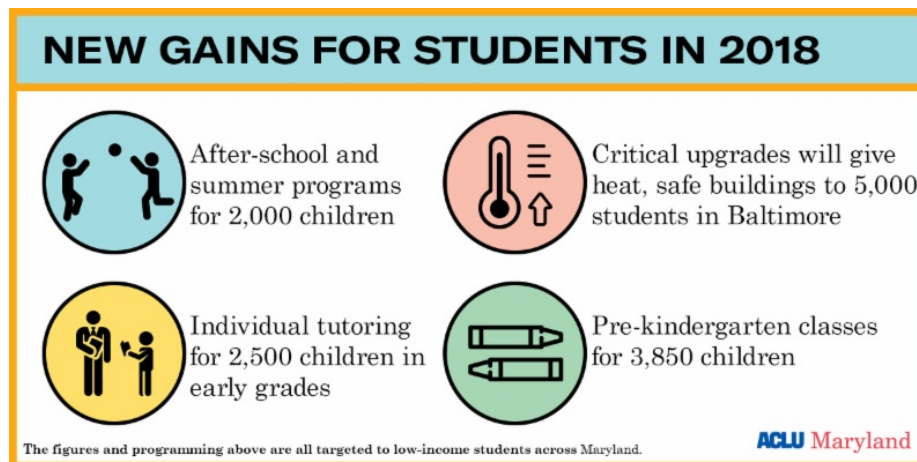
LEGISLATIVE WRAP-UP DEEP DIVE

Education advocates across Maryland began the legislative session already disappointed because the "Kirwan" Commission timeline shift pushed back updates to the education formula-and associated funding increases-until 2019. Though the delay is frustrating, we will use this extra time to make sure the formula changes are well-thought-out and prioritize adequacy and equity issues, especially racial equity, which is inherent to combatting problems associated with concentrated poverty and attributes of our most pervasive educational challenges. Without a full formula overhaul up for a vote, attention shifted to the smaller Kirwan proposals and the casino "lockbox" bill (details below).

The hard-fought [#FixTheGap](#) campaign last year that brought a three-year fix to Baltimore City schools ensured that the state budget for City Schools would be stable this year (no new financial crisis!). However, the emergency came instead via freezing temperatures that disrupted schools in Baltimore for days. The ACLU pivoted our advocacy toward short, medium, and long-term school construction solutions for the city and state.

Let us be clear: when there is [\\$2.9 billion](#) in unmet needs for Maryland schools, the amount of money secured in this legislative session was not enough. We all have a lot more work to do.

We look forward to partnering with you to ensure that education is the #1 election issue in 2018 and to build support for legislation in 2019 that will finally deliver the education Maryland's students need and deserve.



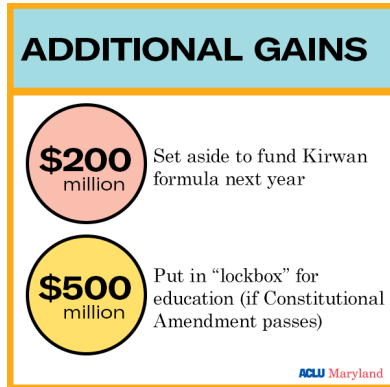
"KIRWAN" COMMISSION

HB1415 - Commission on Innovation and Excellence in Education - PASSED

The legislature passed [HB1415](#) which establishes programmatic additions that stem from the "Kirwan" Commission on Innovation and Excellence in Education's preliminary recommendations. Overall, the bill provides around \$11.4 million to implement recommendations for this year (growing to \$34 million in 2022). This includes \$250K for statewide teacher outreach and recruitment programs, \$2.5 million in literacy grants for Title I schools, funding to maintain pre-kindergarten programs, \$4.5 million for after-school and summer programming for students in high poverty schools through the Learning in Extended Academic Program (LEAP), and \$2 million to implement a career and technology education framework and pathway. The bill also establishes the Commission on Innovation and Excellence Education Fund, which will receive \$200 million of income tax revenue to be used to implement the final recommendations of the Commission.

Thanks to coordination with the Independent Council of Advocates for Race Equity, the bill also contains provisions targeting greater racial equity. In particular, the bill creates a teacher recruitment steering committee to include Historically Black Colleges and Universities and allows newer organizations to be eligible for funding distributions in LEAP programming through fiscal sponsorships. We will start gearing up soon with education advocates across Maryland for the big push in 2019 to pass Kirwan and update the education funding formula.

CASINO "LOCKBOX" FUNDING FOR EDUCATION



SB1122 - Casino "Lockbox" Constitutional Amendment - PASSED

The legislature passed [SB1122](#), known as the "Casino Lockbox" Constitutional Amendment bill, taking an important step to permanently close the Education Trust Fund loophole and ensure that casino revenues **increase** public education spending rather than only keep formulas level. The ACLU, with many other partners, supported this fix but also called for a much shorter two-year introduction of new funds. The four-year phase-in remains but the bill was amended to make new dollars accessible

in FY2020 as opposed to FY2021.

To ensure that the additional \$500 million goes to education on top of other education dollars, voters in November will need to vote to support the Constitutional Amendment requiring the Governor to ensure that revenue raised from casinos serve county boards of education exclusively.

HB557 - Casino "Lockbox" Statute - FAILED

A similar proposal, [HB557](#), which would have created a statute (as opposed to SB1122's Constitutional Amendment) to protect casino funds did not make it out of its committee of origin.

FUNDING FOR SCHOOL BUILDINGS

Additional Funding and Policy Changes for School Construction

School construction was a big topic during this legislative session given that the state's 21st Century School Facilities Commission ("Knott" Commission) completed their report after 2 years of research and deliberations. The legislature also spent some time hearing about the old and deficient heating systems in Baltimore City schools that led to multiple missed days of school in January. Overall, the state passed laws that seek to improve the state's school construction program and provide more funding to meet the growing infrastructure needs statewide. However, there is a shortfall of billions needed for school construction, including \$1 billion in HVAC deferred maintenance needed in Baltimore City alone; another example the funds secured in this year's legislative session are not enough.

HB1783 - 21st Century School Facilities Act ("Knott" bill) - PASSED

This [bill](#), based on the work of the state's 21st Century School Facilities Commission ("Knott" Commission), makes significant changes to the state's school construction program. The ACLU worked with the Maryland Education Coalition to ensure that these priorities were passed in the bill:

1. A statewide assessment of all public school facilities, which will collect data on the condition of every school building in the state;
2. A recommendation to increase the state's capital funding for school construction to \$400 million (current annual funding is approximately \$300 million annually);
3. The discontinuation of the "partial" funding of systemic projects (i.e., replacement of heating systems, roofs, etc), which puts low-wealth districts

at a disadvantage. Instead, these projects will be given full funding in one fiscal year so that the projects can move forward quickly and not be delayed due to the partial funding system; and

4. The non-supplanting of contingency funds - funds allocated to districts in previous fiscal years will not count towards new fiscal year authorizations.

In addition to other changes that focus on streamlining the state's process for reviewing and approving school construction projects for funding, the bill also restructured the Interagency Committee on School Construction (IAC) which will be renamed the Interagency Commission on School Construction. The IAC will include the five [current appointees](#) plus four additional members making it a nine-member board. The Governor will have two additional appointees, and the House Speaker and Senate President will each have one more appointee. The bill also gives the IAC full authority to approve state funding for school construction projects, and removes the Board of Public Works from the process. Governor Hogan opposed the change but both the Senate and the House overrode his veto. There was never a dull moment during the legislative session!

SB611 - The Healthy School Facilities Act - PASSED

The ACLU and Baltimore Education Coalition supported the passage of this [bill](#), which **will provide \$30 million in fiscal year 2020 and 2021 for health and safety issues in public school facilities statewide**. The state's IAC is responsible for administering the funds for critical heating, A/C, mold remediation, and plumbing issues, and no school district can get more than \$15 million in any given year.

We would like to give a special thank you to the students in Baltimore who made several trips to Annapolis to urge legislators to #PassSB611. They spoke to Senators and staffers about the conditions in their schools. Maryland students deserve safe and healthy schools that are properly heated and cooled, free of mold, and more. We applaud the students for raising their voices in the state capitol!



Students from Baltimore's New Era Academy High School testifying alongside Frank Patinella and Nicole Olcese of ACLU in Annapolis about school conditions

Additional Funding for School Construction in the State Capital Budget

- The legislature approved \$314 million in the state's Capital Improvement Program (CIP), adding \$5 million more to the Governor's proposed budget. This is the largest school construction funding program for all Maryland school districts.
- Baltimore City budget leaders pushed successfully to add \$15 million to the Governor's capital budget to address heating issues in Baltimore City school buildings for FY19 (School Year 2018-19).
- \$6.1 million approved for the Aging Schools Program, which provides a small amount of funding for the oldest school buildings in the state. This amount is in line with previous year allocations.
- \$68.2 million for school systems with significant enrollment growth and

relocatable classrooms. This amount is \$5.7 million more than last year's appropriation and benefits Anne Arundel, Montgomery, Howard, Prince George's and Baltimore Counties.

- \$10 million was added to the budget for security and safety improvements in public school buildings statewide.
- \$7 million for Non-public Aging Schools (private and parochial schools). Established without a hearing in 2013, the legislature added an additional \$3.5 million to the Governor's budget for safety and security projects. The ACLU continues to oppose public taxpayer dollars for private and religious schools.

Progress on Completing the 21st Century Schools Program

The first four new school buildings in City Schools' \$1 billion 21st Century Schools Program have opened! Nearly 2,000 students are now attending schools that are healthy, safe, and equipped to support a modern academic program. Given the current funding, an estimated 26-28 schools will be completed by 2021. **This is great progress, but it is less than the 40-45 schools originally envisioned for Phase I of this program.**

This session, ACLU promoted the importance of finding a means to complete Phase I so the building of new schools does not cease in 2021. Legislators added language to the budget to empower the Maryland Stadium Authority - the finance and program manager for this program - to submit a timeline and scope of work for continuing the program. The legislature also authorized the MSA to use existing program dollars to conduct feasibility studies for the renovation and/or replacement of **five additional city school buildings** in anticipation of future funding secured to complete Phase I. The ACLU is advocating for City Schools to select the next five schools in partnership with the community to ensure that this investment achieves equity, while targeting schools and communities with the most urgent needs.



STATE EDUCATION BUDGET FOR FY19 (School Year '18-'19)

SB185 - Budget Bill (Fiscal Year 2019) - PASSED

The amended budget bill [SB185](#) restored many of the Governor's cuts to the budget and fully funds the mandated education formula for FY19. The legislature restored funding to after school and summer programs, in concert with HB1415 and the aforementioned LEAP. The legislature restored funding to the Next Generation Scholars Program to prepare low-income students for college. The Governor's proposed budget appropriated \$8.9 million in public funding to non-public schools in the BOOST program; the Senate and House did not agree on this funding amount and resolved the differences in conference committee. The BOOST program will receive \$7 million.

Port Covington and Future TIF Developments Will Not Decrease State Education Dollars

HB693 - Tax Increment Financing Development Districts - PASSED

Tax Increment Financing (TIF) projects, such as Harbor East and Harbor Point, in Baltimore City have led to the loss of tens of millions of dollars in state education funding for City schools over the past decade. This loss occurs because TIF developments have the effect of increasing wealth in the city - due to the assessed rise in the property values due to the development - which then factors into the state's formula for distributing education funding. Districts that

grow in wealth relative to other districts lose state education funding. [HB693](#) prevents TIF developments that were established in June 2016 and after, from affecting state education funding. Essentially, the increase in TIF property values do not get counted in the state education funding formula.

ADDITIONAL FUNDING BILLS

While it was clear from the Kirwan Commission timeline that no bills that changed the formula or provided substantial funding would pass, we supported these proposals to educate the committees on our perspective on the huge gaps in funding needed by school systems across the state.

HB1476 - Supplemental Pre-K Grants - FAILED

ACLU supported [HB1476](#) which would have provided grants to school systems that have full-day prekindergarten programs in at least 50 percent of their classrooms, benefiting Prince George's, Dorchester, Washington, and Wicomico counties. Baltimore City and three other counties with 100% full-day classrooms got grants last year. The bill, per above, did not move from committee.

HB1595 - Per Pupil Adequacy Target Grant - FAILED

We have made progress in the last couple of years in highlighting the huge education funding "adequacy gaps" caused by the cutbacks to the original Thornton formula. [HB1595](#) would have provided grants to school systems with the largest gaps, the highest being Prince George's with a \$4,529 per pupil shortfall as of FY15. Our testimony, on behalf of our state coalition the Maryland Education Coalition, is [here](#). The bill had an understandably significant fiscal note and was held in committee with the expectation of "Kirwan" legislation addressing these issues in 2019.

SCHOOL CLIMATE & DISCIPLINE REFORM

SB1265 - Safe to Learn Act - PASSED

The legislature passed [SB1265](#), the Safe to Learn Act, a sweeping piece of legislation expected to dramatically change the interaction between school systems and local law enforcement. It dedicates new staff and funding to the Maryland Center for School Safety, and creates a governing Subcabinet and Advisory Committee. These bodies, in coordination with the Maryland State Department of Education (MSDE) will analyze student arrest data and create model policies for school safety assessments, mental health screenings and wraparound services.

Most troubling, the bill requires each school district to demonstrate that a school resource officer is assigned or that there is "adequate law enforcement coverage" for the upcoming 2018-2019 school year. This is problematic because the bulk of the potentially useful coordination, including the creation of specialized training and school resource officer certification requirements, occur **after** the law allows more officers in schools. We are deeply concerned about the implications of heightened student-police contact for all students, especially Black and Brown children who disproportionately experience student arrest and police referrals, even for the same or similar incidents as their white counterparts. Once statewide models of "safety practices" are created, local school systems will have wide latitude to incorporate the guidance and will be required to report safety plans annually.

HB1254 - School Discipline Data Collection Act - PASSED

Driven by the Coalition to Reform School Discipline, of which ACLU is part, over the past decade Maryland has been taking steps to eliminate striking discipline disparities. The data shows a decrease in total out-of-school suspensions and expulsions in recent years; however, the disparities between white children and students of color, and those with disabilities, has grown. This year, the legislature passed [HB1254](#), the School Discipline Data Collection Act, to enhance data collection analysis and allow a better understanding of school system practices. The bill expands the reporting requirements and for the first time requires data collection on the use of alternative discipline measures.

HB1601 - Trauma-Informed Schools Guidelines - FAILED

If [HB1601](#), the Trauma-Informed Schools Guidelines bill, had passed as amended in the House, it would have been a timely tool for technical support and assistance as schools work to transition away from ineffective polices and implement whole-school supports approaches to the school environment. The bill would have required MSDE to share information about the range of experiences that represent trauma, how to spot the issues, and a framework for assisting adults in the school community with properly addressing those concerns. The proposal passed the House but did not make it out of the Senate Education Health and Environmental Affairs Committee.

HB1488 - Public Schools - School Discipline - Training Practices - FAILED

Finally, we [supported HB1488](#), which would have required the State Department of Education to develop and implement certain standardized training on student discipline for all public school security personnel. Although this bill did not make it out of the House Ways and Means Committee, aspects of the bill were incorporated in the Safe to Learn Act SB1265 discussed above. We will continue to fight for appropriate school police training and other mental health and screening practices remain a prime commitment of our state and local leaders as SB1265 is implemented.

ARE YOU IN?

We have a lot of work to do this year. To echo the great slogan from the People's Climate March grassroots movement, "To change everything, we need everyone." **Are you in?**


Be sure to follow us on [Facebook](#) and [Twitter](#) to get breaking news, updates, and find out how to take action.



Students from Baltimore's New Era Academy High School in Annapolis advocating for healthy and safe schools

American Civil Liberties Union of Maryland | Education Reform Project

Bebe Verdery, Director
Frank Patinella, Senior Education Advocate
Kimberly Humphrey, Legislative Counsel - Education
Justin Nalley, Policy Analyst
Nicole McCann, Communications & Engagement Strategist
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