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MSEA LEGISLATIVE UPDATES



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Issue 100

SINE DIE IN ANNAPOLIS

The first of four legislative sessions of divided government between Republican Governor Larry Hogan and a Democratic controlled General Assembly ended with a thud. While most of the headlines will rightly be about the budget, a complete story of 2015 session will include significant legislative successes realized by MSEA on behalf of public schools, students, parents, and educators. The review of our aggressive agenda and how we ultimately fared on those issues follows.

This session, however, will be remembered for the budget brinksmanship that ended with Governor Hogan looking more like Bob Ehrlich, a governor more interested in partisan politics than a leader committed to governing and finding compromise.

How did we get here...especially after 176 members of the 188-member General Assembly, Democrats and Republicans alike, voted for a bipartisan budget? When the governor first introduced his budget and received significant push back for shortchanging Maryland schools and students by \$144 million, he explained he would have liked to fully fund all of the formula components, but could not do it and manage to balance the budget. He challenged the General Assembly to find the money in their budget deliberations. True to their commitment to meet public education priorities, that is exactly what Speaker Busch and President Miller did. They found alternative cuts to restore \$132 million of the \$144 million the governor cut. They did this without raising taxes and while still eliminating nearly 75% of the state's structural budget deficit. And they did it with bipartisan support. Republican and Democratic local elected officials clamored for this education funding, and 129 delegates and all 47 senators obliged. Simply put, the legislature met the challenge set by the governor to find alternatives. And yet when they did, Hogan decided to move the goal post and create new challenges for the General Assembly. He refused to take yes for an answer and started a game of chicken that has put our students and schools in the middle.

Hogan and his entire legislative team were absent for most of the legislative session. They introduced a legislative agenda during his State of the State address in January, practically took two months off, and then re-engaged with about one week left in the session with a demand to push his entire agenda. The General Assembly had been working on his agenda items all along. They accepted some, modified others, and dismissed a few. That is a standard practice in the give-and-take of a session, but the governor took the stand that he would only count a win if he got 100% of his demands. This bullying tactic forced Hogan to target members of the Republican caucus who first voted the budget in March, but now needed to show loyalties to their isolated leader. As of Sine Die, the Chief Executive strong-armed the entire Republican caucus to vote against a conference committee report that finalized legislative priorities (fully funding education, providing for state employee COLAs, and increases for Medicaid) and added Hogan priorities (including more money for nonpublic schools, charter school study, and public safety). The only thing that changed in the last few weeks was the posture of a schizophrenic governor who finally decided he was not happy with a product that he previously touted as a bipartisan victory.

The budget deal fell apart because of Larry Hogan. But, it is still Governor Hogan who decides if his hostage-taking of \$68 million in Geographic Cost of Education Index (GCEI) money was merely a negotiating position during a stressful legislative session or is in fact his governing philosophy. If a student was bullying like this in school, we would not accept it, and we won't accept it when it comes from our governor either.

Be loud. Governor Hogan needs to hear from educators, parents, and business and elected leaders about the importance of our schools and fully funding the GCEI. The General Assembly did the hard work to find and restore this critical funding. **Call the MSEA Legislative Hotline at 888/520-MSEA (6732) to contact the governor's office and ask him to invest in our schools and students and fully fund the GCEI.**

2015 LEGISLATIVE RECAP

MSEA started the session with a clear set of [legislative priorities](#) that served as the basis of our advocacy throughout the 90 day session and were top issues from Opening Day all the way to midnight on Sine Die.

Ensuring students have the time to learn and educators have the time to teach

MSEA launched a “Time to Learn” agenda to bring attention to federal education mandates, state and local tests, and students spending disproportionate amounts of time preparing for and taking standardized tests. We successfully engaged every legislator in a conversation about key issues related to the Kindergarten Readiness Assessment, PARCC testing, and testing-mania in general. And, we passed some legislation and ideas along the way:

- [HB 452](#) and [SB 497](#): Commission to Review Maryland's Use of Assessments and Testing in Public Schools
This legislation creates a 19-member commission, which includes educators as well as legislators, parents, and other stakeholders. The commission must make recommendations on: (1) how local school systems and the state can improve the process in which local, state, and federally mandated assessments are administered and used to inform instruction; (2) if the commission finds that the allotted time for administering assessments is resulting in reduced instruction time, the most efficient and effective methods to ensure that adequate time is allotted to both administering assessments and instruction; and (3) any other relevant issue identified by the commission.

We unsuccessfully pushed for a moratorium of the Kindergarten Readiness Assessment, [HB 1137/SB 699](#). While unsuccessful with the push to halt this unproven and inappropriate test, we did force the Maryland State Department of Education to include kindergarten teachers in their review and recommendation process moving forward. Additionally, we worked with the sponsors of this bill and the Commission bill and successfully added a charge to the commission noted above to determine which developmentally appropriate elements, if any, should be included in an assessment administered to kindergarten students.

Protecting vital state and local investment in our schools, students, and educators

As noted earlier in this report, issues surrounding the [Fiscal Year 2016 budget](#) dominated the session. While the [\\$68 million in GCEI funding is in limbo](#), there are major successes in the operating and capital budget. Budget highlights include:

- Full per-pupil funding in the Thornton formula, including the elimination of inflation caps in FY17-FY20.
- \$68 million for GCEI that requires the governor's cooperation to appropriate these funds.
- \$1.6 billion for pension payments, including a \$75 million supplemental payment and a provision to sweep additional funding at the end of a fiscal year that is unspent at the close out of the year. The sweeper provision could add up to \$50 million to the pension system in any given fiscal year through FY20. The General Assembly also ended the use of the “corridor” funding method and shifted to the more appropriate actuarial recommended contribution rate.
- \$300 million for public school construction in the [Capital Budget](#).
- Eliminated the state's structural budget deficit by 69%, well above the 50% target set by the Spending Affordability Committee prior to the start of the legislative session.

On Sine Die, the legislature also passed a bill long-advocated by MSEA, [SB 183](#), Geographic Cost of Education – Requirement. Considering the governor's unwillingness to recognize the importance and value of GCEI, the General Assembly passed a requirement that GCEI be fully funded in FY17 and beyond. If the governor meets the FY16 requirement to fund the index with the money fenced off by the General Assembly, this bill would be voided and the requirement would not carry over to the FY17 budget.

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A budget lowlight includes a compromise position by the budget conferees who were aiming to address some of Governor Hogan's funding priorities. This lowlight is \$4 million more, for a total of \$10 million, in state aid for nonpublic textbook and technology spending. The General Assembly did make this additional funding contingent on the governor fully funding GCEI in FY16. If he maintains his stubbornness, the nonpublic schools will not receive this money. If he fully funds GCEI, then they will. If nothing else, hopefully, it creates advocates front nonpublic schools to support positive GCEI action.

Rejecting vouchers, neo-vouchers, and use of state dollars for private schools

MSEA, along with other public education advocates, blocked the development of a new program that would have created either a tax credit ([HB 487/SB 405](#)) or a direct grant to support vouchers and other direct assistance to students attending private or religious schools. The General Assembly, for the tenth year in a row, rejected the BOAST/Maryland Education Credit program and the budget conferees successfully kept the grant provision out of the final budget agreement.

As noted above, the final budget does include some additional state dollars for private schools. MSEA never supports public dollars for private schools, but considering the proposals advanced by Governor Hogan in legislative form and in sneaky 11th hour budget actions, our push against vouchers and BOAST was a huge success.

Defending Maryland's charter school law

MSEA supports Maryland's public charter schools and our public charter school law. It strikes the right balance between local control, accountability, and innovative instruction and deserves to be protected. Governor Hogan included [HB 486](#), Public Charter School Expansion and Improvement Act of 2015, in his legislative priorities. This terrible bill never stood a chance of passage as introduced. The Senate Education, Health, and Environmental Affairs Committee heavily amended the governor's bill and the General Assembly passed [SB 595](#) just before the midnight deadline. The amended bill made sensible and incremental improvements to a 13-year old law, while protecting students, employees, and communities against the dangerous funding and anti-union provisions in the governor's proposal. It does include a study to review and define commensurate funding that will be the subject of legislation in future sessions.

Legislative Victories – Bills MSEA Helped Pass

- Human Trafficking – Safe Harbor Workgroup**
 Pursuant to a New Business Item adopted at the October 2014 MSEA Representative Assembly, MSEA successfully lobbied for [HB 456](#) and [SB 521](#), legislation to create a workgroup to study Safe Harbor Policy for Youth Victims of Human Trafficking. This workgroup includes an educator nominated by MSEA and is charged with studying legal protections and the provision of services for youth victims of human trafficking.
- Hunger-Free School Act**
 MSEA supported [HB 965](#) and [SB 334](#), the Hunger-Free Schools Act of 2015. This legislation alters the enrollment count used to calculate compensatory aid by allowing high-poverty schools to offer school meals to all students at no charge. This bill will increase access to healthy school meals, improve learning conditions for student, and reduce food insecurity.
- Additional School Construction Funds for Districts with Increased Enrollment**
 Demands on school districts with increased enrollment are never-ending on the operating and capital budgets. MSEA supported [HB 923](#) and [SB 490](#), legislation to increase the capital budget by \$20 million to be shared by districts that have enrollment increases of 150% of the state average or a growing number of portable classroom. The construction grants are supplemental to and not intended to take the place of funding otherwise appropriated in the capital budget.

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Legislative Victories – Bills MSEA Helped Defeat

- Mandating a Post Labor Day Start**
 Efforts to mandate the school start date to after Labor Day earned plenty of press attention, but little legislative consideration. MSEA and other education partners helped defeat [HB 389](#) and [SB 455](#) and guarantee that issues, like school start dates and start times not be mandated by the General Assembly. Neither bill made it out of committee.
- Shifting the “Burden of Proof”**
 MSEA opposed [HB 344](#) and [SB 390](#) that would have shifted the “burden of proof” in an IEP due process case to the school board, unless a parent is seeking a unilateral placement in a nonpublic school. Neither bill moved out of committee this year. This issue is always tricky, because it is important to balance the impact on resources and staffing needs that such a shift would have on schools.
- Right to Work**
 A staple of the anti-union legislative agenda, Right to Work ([HB 249](#)), should be known as “right to earn less.” This union-busting bill is introduced almost every year and was defeated in committee again this year.
- Wicomico County Board of Education**
 A late attempt by the Wicomico County Council to change the make-up of the Board of Education to be a hybrid board failed to pass either the House or Senate. MSEA worked with the Wicomico County Education Association to defeat [HB 1040](#) and [SB 730](#) and force local elected officials to engage community members on a process that best meets the needs of the county and students.

Other Legislative Notes

- Some Bills MSEA Supported That Failed to Pass**
 - Paid Sick Leave, [HB 385](#) and [SB 40](#), has been on MSEA’s agenda for the last three years. We have been a part of the Working Matters Coalition in efforts to advance legislation to require many businesses to let workers earn paid sick days each year. Unfortunately, the bill failed again this year. MSEA remains committed to providing the flexibility families need to keep sick kids home from school and prevent the impact that illness would have on other students and school staff.
 - Community College Collective Bargaining, [HB 966](#), has been a labor coalition bill for the last two years to organize full-time and adjunct faculty, as well as support staff on the state’s community colleges. The bill failed to get out of the House Appropriations Committee for the second year in a row.
 - Maryland Secure Choice Retirement Savings Program, [HB 421/SB 312](#), sought to expand retirement security benefits to employees of private-sector employers with at least five employees that have been in business for the last two calendar years and do not already provide an employer-sponsored retirement plan. This legislation is modeled after similar legislation that has passed in California. This is the second year in a row that it has failed to move in the General Assembly.

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MSEA is the 71,000-member Maryland affiliate of the National Education Association, which represents 3 million education employees across the country. MSEA is the state’s largest professional association and supports 39 local affiliates throughout Maryland.

From Sean Johnson
Assistant Executive Director of Political and Legislative Affairs

POINT OF PERSONAL PRIVILEGE

While there is still more work to be done in terms of GCEI funding, we had a very successful session and some significant victories. The political dynamics and challenges of a session with a new governor, 70+ new delegates and senators, and the realities of divided government created great uncertainty. Would our issues be embraced? How would our members and coalition partners respond? Because of a lot of hard work and reliance on smart, capable, and committed people, we found bipartisan groups of bill sponsors for key legislation, engaged and participated in a record number of coalition activities, developed more issue papers and press opportunities than ever before, and kept our issues near the top of the agenda.

None of these successes would have been realized except for an incredible team of leaders, staff, and activist members. MSEA President Betty Weller, Vice President Cheryl Bost, and Legislative Committee Chair Gary Brennan led the Board of Directors and the Legislation and Citizenship Committee throughout the session. They were ready at a moment's notice to rally members, educate legislators, or talk to reporters. Their insights and leadership encouraged record levels of involvement this year. Whether it was 16,000+ signatures at www.DontShortchangeMaryland.com, townhall meetings in ten counties with members and community leaders, regular tele-townhalls encouraging communications between educators and lawmakers, impromptu Twitter actions, regular Monday lobby nights, or testifying on dozens of bills; our members were ready for action and answered the call. At last count, members sent 103,356 emails and left 1,605 phone messages targeting legislators and the governor.

At the staff level, my thanks to Executive Director David Helfman and a management team that supports and prioritizes our legislative agenda. Special thanks to the MSEA UniServ Directors and local association staff who helped connect issues to resources and resources to members. Additionally, my deep appreciation for the research and policy support that is the backbone of any successful advocacy. General Counsel Kristy Anderson brought a brilliant mind to every bill drafting challenge and key issue this session. And, the dynamic work of the MSEA communications team made sure the press and our members were well-informed on the issues of the day. Working in close proximity to this group of communications professionals on a daily basis gives a great appreciation to the work they produce and the work ethic they maintain to achieve great results. To Adam, Steven, Casey, Gabrielle, and Ashley – my sincerest thanks.

To my GR team: I am incredibly lucky and fortunate to work with you. **Amy Maloney, Bob Rankin, Delese Spriggs, Meighan Davis, and Randy Mickens** are tireless advocates, organizers, specialists and lobbyists. Their relationships, fidelity to issues, commitments to members, creativity, humor, and determination to succeed sets them apart in Annapolis, in Maryland, and across the country. It is an honor to be on your team.

Finally, to Sydney and Carter for reminding me on a daily basis why the work I do is so important, and for being the best kids in the world. And, to my rock of a wife, Rhya, for supporting, encouraging, and challenging me to do good work (and write wittier *Up the Street* stories). Your love and support is felt every day, even the days I don't really see you.

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