

UP

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MSEA LEGISLATIVE UPDATES



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Issue 97

THE WEEK THAT WAS IN ANNAPOLIS

- **“Time to Learn” Initiatives Cross Over Before the Deadline**

Tuesday of this week was the crossover deadline, the date that the opposite chamber must receive a bill in order for it to receive a hearing and stay on schedule. Bills that miss the crossover deadline can still be considered, but require several more steps that could trip up legislation or otherwise keep it from passage. However, the two “time to learn” initiatives proposed this session cleared their respective chambers before the deadline.

The House voted unanimously for both [HB 452](#), Commission to Review Maryland's Use of Assessments and Testing, and [HB 1137](#), which as amended is now the Required Study of Prekindergarten Through Grade 2 State Assessments. Last week, the Senate voted unanimously in support of that chamber’s version of the Testing Commission, [SB 497](#). The Commission bills and the reworked preK-grade 2 study are critical to our efforts to collect the information necessary to tell the complete story about overlapping tests, crowded testing windows, and insufficient resources and to question the usefulness, purpose, cost, and redundancy of state and local tests. [Email your legislators today](#) about the importance of having a substantive, detailed conversation about examining and reducing the amount of testing in our schools.

- **Senate Approves the FY16 State Budget Unanimously**

The Senate unanimously approved their version of the state’s FY16 budget. Similar to the House actions a week ago, the upper chamber restored \$132 million of Governor Hogan’s proposed \$144 million in education cuts for this fiscal year, and avoided the proposed 2% salary reduction from the Hogan budget for state employees.

In regards to pension funding, the Senate followed along with the plan to shift to actuarial required contribution funding plus a \$75 million supplemental, as was proposed by the House budget. But, the Senate went a step further and added a provision that could pump millions more to the supplemental payment if the state realizes budget surpluses. At the end of each fiscal year, there is a reconciliation of all state revenues and expenditures. Whatever revenues in excess of \$10 million that are left over in the general fund are then required to be transferred to the Rainy Day Fund. The creative proposal from the Senate requires, beginning in FY17, one-half of the leftover general fund dollars that qualify to be transferred into the State Retirement and Pension System as an extra state contribution to the pension cost. It is hard to predict if this provision will add any new dollars this year, but it is a further demonstration of the state’s commitment to address the unfunded liability in the state pension system.

- **Budget Differences Remain**

There are numerous differences in the House and Senate budget proposals. Many are minor, but all must be reconciled in conference committee. The budget conferees have not yet been named, but could be appointed and begin deliberations as early as next week.

MSEA will be tracking two major differences. First and foremost is support for the House position to remove all annual inflation caps to the FY17-FY20 education funding formula. Governor Hogan proposed a 1% cap. The Senate proposed a 1.5% cap. The House proposed no cap. The House position will ensure out year formula growth can keep up with inflation and prevent schools from being forced to do more and more with fewer dollars. The second area is with the supplemental aid for the pension system. The Senate “sweeper amendment” is a creative solution that MSEA supports and will encourage conferees to include in the final budget report. **Please call MSEA’s Legislative Hotline at 1-888-520-MSEA (6732) and urge positive action on education and pension funding.**

- **Charter School Legislation**

The Senate Education, Health, and Environmental Affairs Committee is set to finish a multi-week effort in reviewing, discussing, amending, and likely voting [SB 595](#) later today. Based on a draft of committee amendments and [news reports](#), the Public Charter School Improvement Act of 2015 includes several provisions offered in Governor Hogan's original charter school proposal. Fortunately, however, the committee plans to strip most of the provisions that would have reduced quality, accountability, and equity in Maryland's charter schools. The senators are expected to require charter school employees to still be employees of the local school district, still eligible to be members of existing bargaining units, and meet the same certification standards as teachers in traditional schools. The governor's proposals to allow for charters to weight a lottery in order to target special populations of students, examine commensurate funding, and provide expanded administrative flexibility for high-performing charter schools appear likely to remain in the Senate version of the bill. The committee will report the bill to the Senate floor next week. The House has not acted on the crossfile of the legislation, [HB 486](#), and instead is expected to focus their work on the bill the Senate will send them. MSEA supports Maryland's charter school law and remains committed to working with Governor Hogan, education advocates, charter school operators, and legislators to make sensible improvements to the law.

- **Crossover Casualties?**

As noted above, the bill crossover date came and went this week. The following bills are all opposed by MSEA and showed no sign of movement from committees in either chamber:

- [HB 487/SB 405](#): Maryland Education Credit (BOAST/Voucher proposal)
- [HB 344/SB 390](#): Due Process Hearings for Children With Disabilities (shifting the burden of proof)
- [HB 389/SB 455](#): Beginning of School Year (required post-Labor Day start)

- **News and Notes**

- *PARCC Opt-Out Amendment Discussed During Budget Debate*

Senator Justin Ready (R, District 5, Carroll County) offered a budget amendment that would withhold \$34 million in funding for PARCC and force the state to develop a program to allow parents to opt their children out of taking PARCC next school year. The amendment failed 15-31, largely because senators felt this was more of a policy decision than something appropriate for a budget amendment. The Maryland State Department of Education has no clear policy on the rights of parents or students to opt-out of the test. The opt-out movement has grown in support throughout the country, especially in large urban school districts like New York City, Chicago, and Seattle.

The Ready amendment came just one week after Delegate David Vogt offered a PARCC-related amendment during the House budget debate. The amendment fights have [drawn some attention](#), and have further shone a spotlight on a pending decision Governor Hogan has to possibly withdraw from the PARCC consortium. MSEA has not supported the complete withdrawal, because federal law would still require the administration of a standardized test. Pulling out of PARCC and opting for a new statewide standardized test would result in the third type of state test in three years—a potentially major dislocation and distraction without addressing the underlying issues of the loss of instructional time, cost, and inappropriate high stakes associated with testing. Instead, we have encouraged Governor Hogan and legislators focused on this issue to target Maryland's leadership role within the PARCC consortium to demand changes in the length and cost of the test.

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