

MONTGOMERY COUNTY BOARD OF EDUCATION
Rockville, Maryland

February 14, 2012

MEMORANDUM

To: Members of the Board of Education

From: Laura Steinberg, Staff Assistant, Legislative and Inter-Governmental Relations

Subject: Recommended Positions on Education Legislation

This memorandum is to provide you with information regarding proposed legislation that could impact Montgomery County Public Schools (MCPS). Each bill has been analyzed to determine any impact on MCPS, as well as whether or not it is consistent with the legislative platform that was adopted by the Board on November 8, 2011. Attachment A provides recommended positions on bills that are not covered by the platform. Attachment B provides, for your information, a summary of bills that are consistent with the Board's platform and for which no action is needed.

The bills before you today are listed below, including the web site where you can find the full text of each bill. To access the text online, right click each hyperlink. Additionally, I have provided you with excerpts from the most recent *GreenStreet* Legislative Update from the Maryland Association of Boards of Education (Attachment C), which provides a detailed explanation of the Governor's proposed pension shift, as well as a comprehensive list of bills being monitored.

Bills with Recommended Positions (Attachment A)

Parental Involvement

SB329/HB567

Education - Parent-Teacher Meetings - Unpaid Leave

<http://mlis.state.md.us/2012rs/bills/sb/sb0329f.pdf>

<http://mlis.state.md.us/2012rs/bills/hb/hb0567f.pdf>

Students-Enrollment

SB178/HB617

Education - Informal Kinship Care - Documentation Supporting Affidavit - Repeal

<http://mlis.state.md.us/2012rs/bills/sb/sb0178f.pdf>

<http://mlis.state.md.us/2012rs/bills/hb/hb0617f.pdf>

Bills Consistent with Platform (Attachment B)

FUNDING

Maintenance of Effort

SB851

Education - Maintenance of Effort - Waiver of Penalty

<http://mlis.state.md.us/2012rs/bills/sb/sb0851f.pdf>

LOCAL BOARD AUTHORITY

Curriculum and Assessments

HB9

Reporting of Information Concerning Student Health, Well-Being, and Growth

<http://mlis.state.md.us/2012rs/bills/hb/hb0009f.pdf>

HB191/SB307

State Board of Education - Financial Literacy Curriculum - Graduation Requirement

<http://mlis.state.md.us/2012rs/bills/hb/hb0191f.pdf>

<http://mlis.state.md.us/2012rs/bills/sb/sb0307f.pdf>

HB196

Student Health and Fitness Act

<http://mlis.state.md.us/2012rs/bills/hb/hb0196f.pdf>

SB293

Education - Core Content Areas - Accountability Program

<http://mlis.state.md.us/2012rs/bills/sb/sb0293f.pdf>

STUDENTS

Compulsory Age of Attendance

SB362/HB373

Education - Age for Compulsory Public School Attendance - Exemptions

<http://mlis.state.md.us/2012rs/bills/sb/sb0362f.pdf>

<http://mlis.state.md.us/2012rs/bills/hb/hb0373f.pdf>

I will continue to monitor proposed legislation and bring you recommended positions on those additional bills that will impact the Montgomery County Public Schools.

Attachment

Recommended Positions on Proposed Legislation

Parental Involvement

SB0329/HB567 **Education - Parent-Teacher Meetings - Unpaid Leave**
Sponsors **Senators Ferguson, Gladden, Jones-Rodwell, Madaleno, Montgomery, Ramirez, and Rosapepe**
Delegates Luedtke, Rosenberg, Barkley, Barve, Cullison, Gutierrez, Hucker, Ivey, A. Kelly, Reznik, Stukes, and Summers

Synopsis

For the purpose of authorizing an employee to use unpaid leave to attend a parent–teacher meeting; requiring an employee to notify the employer a certain number of days before the employee will use unpaid leave to attend a parent–teacher meeting; prohibiting an employee who uses unpaid leave under this Act from using more than a certain number of hours per parent–teacher meeting and using unpaid leave more than a certain number of times per each half of an academic year; authorizing an employer to require certain evidence under certain circumstances; providing for the construction of this Act; defining certain terms; and generally relating to parent-teacher meetings.

Analysis

This bill provides parents the opportunity to engage with school staff. Parent-teacher meetings are an excellent chance for parents to get to know teachers, find out how their children are doing in school, learn about the expectations, and review ideas to use at home to support learning. Many parents often cannot attend parent-teacher meetings due to their work schedules. Face-to-face parent-teacher meetings are a critical ingredient to building relationships and a true home-school partnership that supports student learning and academic achievement. Helping parents get involved in their children’s education is good for students, good for schools, good for families, good for business, and good for the community.

Recommendation: Support

Students-Enrollment

SB0178/HB617 **Education - Informal Kinship Care - Documentation Supporting Affidavit – Repeal**
Sponsors **Senators Jacobs and Montgomery**
Delegates Hough, Afzali, Hogan, and Schulz

Synopsis

For the purpose of repealing the requirement that certain supporting documentation accompany a certain affidavit verifying to a certain county superintendant of schools that a child is living in an informal kinship care arrangement for certain school attendance purposes; repealing a requirement that certain instructions explain the necessity of and encourage the submission of certain supporting documentation; and generally relating to the repeal of requirements for documentation supporting an affidavit of informal kinship care for educational purposes.

Analysis

This bill has the potential to exponentially increase the number of students who attend schools on informal kinship care status and shifts the burden to school staff to determine the legitimacy of the request and collection of penalties should the request be fraudulent. Additional costs may be incurred with investigations of cases versus the requirement to provide appropriate documentation in advance.

Recommendation: Oppose

Proposed Legislation Consistent with 2012 Adopted Legislative Platform

FUNDING

Maintenance of Effort

SB851 Education - Maintenance of Effort - Waiver of Penalty

Sponsors Senators King, Forehand, Garagiola, Madaleno, Manno, Montgomery, and Raskin

Synopsis

FOR the purpose of waiving the penalty for not meeting the maintenance of effort requirement in a certain year; providing for the application of this Act; and generally relating to the funding of primary and secondary education.

LOCAL BOARD AUTHORITY

Curriculum and Assessments

HB9 Reporting of Information Concerning Student Health, Well-Being, and Growth

Sponsor Delegate Howard

Synopsis

For the purpose of requiring each county superintendent of schools to report certain information concerning certain matters relating to student growth, health, and well-being to the State Superintendent of Schools on or before a certain date each year; requiring the State Department of Education to report certain information to the Governor and the General Assembly concerning certain matters relating to student growth, health, and well-being on or before a certain date each year; and generally relating to the reporting of information relating to children and youth in educational programs and schools in the State.

Analysis

This bill imposes curricular mandates.

Recommendation: OPPOSE

Curriculum and Assessments

HB191/SB307 State Board of Education - Financial Literacy Curriculum - Graduation Requirement

**Sponsors Delegate Walker
Senators Klausmeier, Colburn, Jones-Rodwell, Madaleno, Muse, Raskin, and Stone**

Synopsis

For the purpose of requiring the State Board of Education to develop curriculum content for a certain course in financial literacy; requiring each county board of education to implement the financial literacy curriculum content developed by the State Board in certain high schools; requiring students to complete a certain course in order to graduate from high school; and generally relating to the development and implementation of a course in financial literacy that is required for graduation from a public high school in the State.

Analysis

This bill imposes curricular mandates.

Recommendation: OPPOSE

Proposed Legislation Consistent with 2012 Adopted Legislative Platform

LOCAL BOARD AUTHORITY (cont'd)

Curriculum and Assessments

HB0196 Student Health and Fitness Act

Sponsors Delegates Walker, Alston, Anderson, Bates, Braveboy, Burns, Cardin, Davis, Feldman, Frank, Frush, George, Haynes, Healey, Holmes, Howard, Hubbard, Ivey, Kach, Lafferty, Nathan-Pulliam, Oaks, Olszewski, Pena-Melnyk, Proctor, B. Robinson, Ross, Summers, Tarrant, V. Turner, Vaughn, Wilson, Wood, and Zucker

Synopsis

For the purpose of requiring a public school student in elementary school to be provided a certain minimum level of a program of physical activity each week; requiring that the program of physical activity for a certain category of student be consistent with a certain plan for the student; requiring public elementary schools to designate a certain group to plan and coordinate certain activities; requiring the State Board of Education to adopt certain regulations; providing for certain extensions; requiring a county school system that receives a certain extension to have a plan to ensure the county school system's compliance with this Act by a certain date; and generally relating to student health and fitness.

Analysis

This bill imposes curricular mandates.

Recommendation: OPPOSE

Curriculum and Assessments

SB0293 Education - Core Content Areas - Accountability Program

Sponsors Senators Miller, Kittleman, Benson, Brinkley, Colburn, Conway, Currie, DeGrange, Edwards, Ferguson, Forehand, Garagiola, Getty, Glassman, Jacobs, Jennings, Jones-Rodwell, Kasemeyer, Kelley, King, Klausmeier, Madaleno, Manno, Mathias, McFadden, Montgomery, Peters, Pipkin, Pugh, Ramirez, Raskin, Robey, Shank, Stone, Young, and Zirkin

Synopsis

For the purpose of requiring the State Board of Education and the State Superintendent of Schools to assist each county board of education to establish certain goals and objectives that conform with certain objectives for subject areas that include science and social studies; requiring each public school to survey current student achievement in science and social studies; requiring the State Board and the State Superintendent to design and implement certain assessment programs in certain subjects and requiring the social studies assessment program to provide certain information; requiring certain grade band assessments and end-of-course assessments to be established, implemented, and administered annually at certain levels by a certain school year; requiring county boards of education to include certain information in the boards' comprehensive master plans and updates to the plans; and generally relating to an education accountability program for certain core content areas.

Analysis

This bill imposes curricular and assessment mandates.

Recommendation: OPPOSE

Proposed Legislation Consistent with 2012 Adopted Legislative Platform

STUDENTS

Compulsory Age of Attendance

SB362/HB373

Education - Age for Compulsory Public School Attendance - Exemptions

Sponsors

Senators Pugh, Benson, Conway, Currie, Forehand, Garagiola, Jones-Rodwell, Madaleno, McFadden, and Stone

Delegates Braveboy, Alston, Anderson, Branch, Burns, Cane, Carr, Carter, Cullison, Glenn, Gutierrez, Harrison, Haynes, Holmes, Ivey, Jones, Mitchell, Nathan-Pulliam, Oaks, Pena-Melnyk, Proctor, B. Robinson, Stukes, Summers, Tarrant, V. Turner, Valentino-Smith, Vaughn, Washington, and Wilson

Synopsis

For the purpose of altering the age at which certain children are required to attend a public school regularly during the entire school year, subject to certain exceptions; altering the age of certain children for which certain persons are responsible for the child's attendance at school or receipt of certain instruction; making certain stylistic changes; providing for delayed effective dates; and generally relating to the age for compulsory public school attendance.

Analysis

This bill raises the compulsory age of attendance.

Recommendation: SUPPORT



The GreenSheet

Legislative Update

621 Ridgely Ave., Suite 300, Annapolis, MD 21401-1112

410-841-5414, 800-841-8197

www.mabe.org

January 27, 2012

MABE Opposes Teacher Retirement Cost Shift

The Governor's Budget Reconciliation and Financing Act (BRFA) includes the much-anticipated proposal to shift to the counties a significant share of the cost of the state teacher and school employee retirement system. The BRFA is cross-filed as Senate Bill 152 and House Bill 87, and is the legislation that changes the laws to accomplish the balanced budget and specific funding allocations included in the Budget Bill (Senate Bill 150 and House Bill 85).

The Governors' proposal would shift approximately \$240 million in teacher retirement costs from the State to local governments (the BRFA refers specially to "counties", as opposed to "county boards"). To be clear, MABE has always argued against a shift, but especially against a shift to local boards. Maryland's local boards are without taxing authority and would be subject to county decisions on whether to provide additional funds to pay the shifted retirement cost, or demand that the school system absorb this new cost with the detrimental impact on the overall education budget. The Governor's proposal reflects MABE's position that any shift must be to the local funding authority, and outside and in addition to the county maintenance of effort calculation and obligation.

As we know, the state currently pays just under \$1 billion for 100% of the state retirement system benefits for teachers and school employees. The Governor is proposing the same cost shift as recommended by the Pension Sustainability Commission chaired by former Speaker of the House Cas Taylor – the same shift that was passed by the Senate (but not the House) in the 2010 session. This proposal is described as achieving a 50% state/local cost sharing arrangement without shifting \$500 million of the state's \$1 billion cost, because it recognizes that school boards pay nearly \$500 million in Social Security payments. By combining Social Security and the retirement cost for a total of \$1.5 billion, with 50% being \$750 million, the difference required from local boards to achieve a 50/50 split is approximately \$250 million.

Link to county-by-county cost estimates

<http://www.mabe.org/wp-content/uploads/2012/01/BRFAPensionShiftNumbers1.pdf>

Link to DLS Fiscal Briefing (1/23/12) (Teacher Retirement Section & Full Report)

<http://www.mabe.org/wp-content/uploads/2012/01/FiscalBriefing.TRShiftSection.pdf>

In this light, the amount and method of calculating the cost shift is essentially nothing new. What is new is the manner in which the Governor proposes to "mitigate" the cost to local governments and school systems of absorbing this new cost. The major components of these measures include adjustments to state, and therefore local, income tax deductions and exemptions in order to

generate additional revenues. The increased local revenue is more than \$110 million. In addition, the loophole in the recordation tax system would be closed, collecting \$40 million. (Note: MABE had initially described this as the “controlling interest” loophole – and while the issues are similar, that loophole was already closed in 2007). And the counties’ obligation to replenish the \$370 million local income tax reserve fund over ten years in \$37 million installments would be eliminated. These “mitigations” are described as providing new local revenue for more than \$200 million of the \$240 million cost shift. Additional relief would be provided through increases in disparity grants for certain counties. Importantly, all of these changes are intended to make the FY 2013 impact as close to cost neutral as possible; a strategy that raises serious questions regarding the impact on local revenues and education budgets in FY 2014 and beyond.

To be clear, one of MABE’s top four legislative priorities in the 2012 session is to **oppose shifting a greater share of teacher retirement costs from the State to local school systems**. MABE strongly opposes any shift of the State’s obligation to pay teacher retirement costs to local governments or school systems. Local school systems already pay approximately \$500 million in Social Security costs, 100% of retirement costs for many school employees totaling more than \$60 million, and a new \$16 million fee to the State Retirement Agency. These local costs add up to more than 50% of the State’s nearly \$1 billion retirement system cost – and shifting another \$250 million or more would result in cutting teaching positions and increasing class sizes without benefitting Maryland taxpayers.

Those are the numbers. The financial impact on local governments, and their capacity and willingness to invest in local school systems in the future, will be enormous. Beyond “the math” there are several other ways to rebut the claims that it is somehow fair for counties to pay a portion of the costs of the state’s retirement system. First, it is the state’s retirement system. So while it is true that the salaries approved locally directly impact the state’s obligation to pay individual retirees their state pensions, it also is true that the General Assembly sets the employee contribution rates, and the multiplier that is used to determine the calculate all pensions. In addition, the State Retirement Agency makes the investment decisions and administers the program. In other words, it is not only local decisions that drive state retirement costs. It is a shared responsibility. Second, it is the state’s labor relations law. Boards of education negotiate contracts with employee unions through a state-dictated collective bargaining process, and must do so in good faith based on available state and local funding. Local boards negotiate salaries and health benefits in this context, but not retirement benefits, which are determined by state law. Again, it is a shared responsibility.

As the General Assembly considers the teacher pension shift, MABE will continue to raise objections based on our primary concern for the ongoing ability of local governments to sustain (and increase) their investments in public education.