

## SINE DIE IN ANNAPOLIS

As the clock struck midnight and the General Assembly wrapped up its 438<sup>th</sup> legislative session, educators can reflect on a very successful 90 days. Of the 3,127 pieces of legislation introduced this year, MSEA was tracking 477 of them as overlapping with our expansive legislative agenda. Ultimately, we testified for or against nearly 200 pieces of legislation. And more often than not, we won!

We fought and won to Fix the Fund! We fought and won to make policy and funding down payments on the future work of the Kirwan Commission. We fought and won to improve the voice of educators—on the State Board of Education and in their local bargaining units. We fought in coalitions to win an expansion of voting rights and to protect earned sick leave. This Sine Die report highlights the good news and successes won with the support of great champions in the legislature and because of the incredible advocacy by members and coalition partners alike.

This [2018 Priorities Tracker document](#) provides information on the final status of priority bills we were working and watching throughout the last 90 days.

## BIG WINS

### Fix the Fund

MSEA's top priority in 2018 was to pass Fix the Fund Act, sending a constitutional amendment to general election voters in the fall to guarantee that any revenue raised into the Education Trust Fund through casino gaming must be directly sent to schools above and beyond funding through the state's General Fund. After more than 1,000 educators, students, parents, and public education advocates rallied and marched in Annapolis in mid-March, the Senate passed the legislation 47-0 and the House concurred 130-2. That means voters have a chance to approve a phased-in \$500 million increase in funding for Maryland pre-K-12 education—a huge first step to eliminating the \$2.9 billion funding shortage currently facing our schools.

We now move to the next phase of our [Maryland Promise campaign](#):

1. Pass Fix the Fund Act ✓
2. Secure bold Kirwan Commission recommendations for a new state funding formula
3. Pass Fix the Fund at the ballot and elect pro-public education candidates—from governor to school board—in the 2018 General Election
4. Pass the Kirwan Commission recommendations in the 2019 General Assembly session, funded in part by Fix the Fund's \$500 million increase in state education aid, including a new Maryland Promise school funding formula

For more information on what happens now, [watch our video here](#). And to sign up to stay involved in the campaign, [you can sign up here](#).

### Building a Stronger Bridge to the Kirwan Commission

When the legislative session started, most of the 188 legislators knew who Dr. Brit Kirwan was but couldn't tell you the work of the Commission on Innovation and Excellence in Education, aka the Kirwan Commission. Now, the work of the Commission is better understood and the General Assembly took some significant steps to prepare the state from both a policy and fiscal standpoint to support the ultimate recommendations of the Commission.

[HB 1415](#) moved some less costly consensus recommendations from the Kirwan Commission's work, including pre-K expansion, teacher recruitment programs, access to more after-school and summer programs, creating a career and technology education workgroup, and an early literacy pilot program. In total, the bill allocates an additional \$7 million to

schools in FY2019 and grows to \$37 million by FY2022. But this is just a drop in the bucket compared to the funding increases our schools should see when a new funding formula is adopted next year.

That's why the legislature also [reserved \\$200 million of funding that they could have spent this year to save up for the first year of implementation of the Kirwan Commission recommendations](#). That funding is expected to be on top of the \$125 million of first-year Fix the Fund resources that will go to our schools in FY2020.

### School Funding Increases

Protecting full funding for public schools—as required by state law—is certainly a big win with Gov. Hogan's record of proposing cuts to public education. And Hogan's FY19 budget proposal was similar to previous years when he sought cuts in education programs for teacher induction programs, afterschool programs, and stipends for national board certification. Luckily, the General Assembly restored most of those cuts and with the creation of the Kirwan Fund, set aside even more money for next year.

Using his power to propose changes in mandatory spending through the Budget Reconciliation and Financing Act (known as the BFRA), his plan would have cut \$17.1 million in FY2019 and \$88.9 million over the next five years if adopted.

- Quality teacher recruitment and retention grants: \$5 million cut in FY2019, \$20 million cut in FY2020–2023
- National Board Certification Teacher stipends: \$2.1 million cut in FY2019, \$16.8 million cut in FY2020–2023
- After-school and summer programs: \$5 million cut in FY2019, \$15 million cut in FY2020–2021
- College readiness scholarships for low-income students: \$5 million cut in FY2019, \$20 million cut in FY2020–2023

But the legislature blocked the vast majority of these cuts, fully restoring funding for National Board Certification Teacher stipends and after-school and summer programs, putting back \$4.7 of the \$5 million cut from scholarships for low-income students, and restoring \$3 of \$5 million for teacher recruitment and retention grants.

In addition to defending the formula and restoring program cuts, the General Assembly passed the [21st Century School Facilities Act](#), notwithstanding the unsuccessful veto by Gov. Hogan, that will set a new funding floor of \$400 million per year in state capital funding for school construction projects. The previous floor was set over ten years ago at \$250 million per year. This substantial increase will help to address the billions of dollars in backlogged projects. The legislation also included the creation of an additional capital funding program to add \$10 million in grant funds for local school districts to make school safety improvements.

In response to freezing classrooms, moldy buildings, and facilities without air conditioning, the General Assembly also passed [SB 611](#), mandating that the governor allocate an additional \$30 million in FY2020 and FY2021 for a new Healthy School Facilities Fund to meet urgent building maintenance needs.

### Improving Educator Voice

The Maryland State Board of Education makes policy and regulatory decisions that directly impact the teaching profession and the learning standards for students. In his three-plus years in office, Gov. Hogan has remade the State Board into a group of private school and charter school ideologues who want more and more standardized testing from pre-K through high school. A direct path to empowering the teaching profession is by adding dedicated seats to the State Board of Education specifically for teachers—and that's exactly what the General Assembly did. [SB 739](#) passed on the last day of session with bipartisan support and will add a total of three new seats to the 12-member State Board.

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One seat will be for a primary school teacher. One more seat will be for a secondary school teacher. The governor will appoint those two seats from a list of teachers generated jointly by MSEA and the Baltimore Teachers Union (BTU). The third dedicated seat is for a parent of a public school student. Maryland PTA will provide a list of nominees to the governor who will pick one for this additional dedicated voice.

Educator voice was also enhanced with the passage of [HB 811](#), guaranteeing the union access to new employees. As public sector unions are under attack nationally, it is important to take steps against the right-to-work agenda that would weaken the voice of educators at the bargaining table. This legislation was passed with super-majority support. Gov. Hogan refused to sign the bill, but it became law without his signature and will take effect on July 1.

[Senate Bill 639](#) also provides teachers with a stronger voice in creating a more level playing field if a teacher faces suspension or termination from the job. Right now, the county board of education can select a hearing officer of their choosing in the event a hearing is requested. This bill allows teachers to have the same rights that education support professionals have largely already bargained, giving them the option of selecting an arbitrator with the board of education. This will allow a faster and fairer due process that ensures teachers have protection when falsely accused of misconduct. Continuing his political vendetta against teachers, Gov. Hogan vetoed the bill. But the legislature swiftly overrode his unsuccessful action.

### Expansion of Voting Rights

MSEA joined in coalition with Common Cause Maryland and other voting rights partners to make registering and voting in Maryland easier, including allowing for Election Day registration and automatic voter registration. A change to allow new voters to register and vote on Election Day requires a change to the Maryland Constitution. So while [HB 532](#) has passed both the House and Senate, it creates a Constitutional Amendment that will be on the November ballot for Maryland voters to decide. Maryland already allows registering and voting on the same day during early voting, but if this amendment passes, Maryland will join more than a dozen other states that allow for same day Election Day registration and voting.

[Senate Bill 1048](#) is the Secure and Accessible Registration Act, which became law without the governor's signature last week. This legislation allows Maryland residents to register to vote when they deal with certain state agencies, including the Motor Vehicle Administration, the Maryland Health Benefit Exchange, local social service agencies, and the Maryland Transit Administration's mobility office. The bill changes the current "opt-in" process of registering to vote to an "opt-out" system and is designed to help make it easier for more Marylanders to register and be able to vote in future elections. Neither this bill nor HB 532 will impact who can register and vote in the 2018 election, but can be a great assistance to improve access to voting in 2020 and beyond.

### Defending Earned Sick Leave

A top priority for the start of session was to secure the legislative victory earned in 2017 to provide earned sick leave benefits for Maryland's working families. Gov. Hogan vetoed the sick leave bill last year, and it was a top order of business in the first week of session when both the House and Senate voted to override the veto and allow for qualifying workers to start accruing sick leave benefits just 30 days later. This was a priority issue for the Working Families Coalition for the last five years, and we were proud to be a part of the effort every step of the way.

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## A WINNING DEFENSE

Sometimes the best offense is a good defense, and every year we have to win by working to defeat bad bills. That was true during the 2018 session when we worked to amend or oppose several bills, including:

### Defend Maryland's Approved ESSA Plan and 2017 Efforts to Pass the Protect Our Schools Act

In January, the U.S. Department of Education approved Maryland's Every Student Succeeds Act (ESSA) plan. That plan was developed after nearly two years of receiving stakeholder input and after the General Assembly weighed in with the passage of the Protect Our Schools Act last year. Thanks to the General Assembly, Maryland is implementing a far smarter, more balanced school accountability system than we had under No Child Left Behind (NCLB).

Disappointingly, Gov. Hogan introduced [SB 301/ HB 351, which sought](#) to upend Maryland's plan, reopen the state's school accountability system, and double-down on the elements of NCLB that rate schools almost exclusively on standardized test scores. The legislation did nothing to move away from the test and punish failures of NCLB. That's why it was an easy call for the General Assembly to reject the governor's ill-conceived proposal.

### Keep Additional Guns Out of Schools

While the start of session did not foresee a slew of school safety bills, after the events of gun violence in Parkland, Florida and Great Mills High School in St. Mary's County, that is what we got. Some of the ideas were very good and thoughtful and incorporated in an omnibus school safety bill. Other ideas were dangerous and misguided. MSEA helped to defeat specific proposals to [arm school employees \(HB 760\)](#) and to [mandate armed resource officers in every school \(SB 1264\)](#).

### Stop "Right to Work" Legislation

Like clockwork, every legislative session, legislators hostile to workers and their unions introduce legislation to compromise collective bargaining. They misleadingly call it "right to work." This year, it was introduced as [HB 264](#). Several states have shifted to "right to work" status in the last eight years, and wages in those states have dropped precipitously as corporate earnings increased. The proposal is a race to the bottom that Maryland has rightly rejected year after year. And, luckily, Maryland rejected it again this year.

## NEW BUSINESS ITEMS DURING THE LEGISLATIVE SESSION

During the Fall 2017 MSEA Representative Assembly, there were several legislative directives adopted in the form of new business items on issues that have not previously been addressed in this update, including:

### NBI 17-04: Create a Coalition to Address the Impact of Student Trauma in the Learning Environment

While we failed to pass [HB 1601](#) that was introduced to create a pilot program to expand trauma-informed instruction, we did make great progress in building a coalition and advancing the discussion on this topic. The House unanimously passed a version of the bill that required guidelines on trauma-informed instruction to be created. But, the bill was so watered-down that the Senate did not see value in passing it. All parties agree that the ultimate goal is to factor trauma-informed instruction in an updated state funding formula, and that will be our focus in the interim.

### NBI 17-06: Develop Guidelines for Appropriate Law Enforcement Interactions in Public Schools

While not initially a legislative matter, MSEA was an active participant in the bipartisan and bicameral effort to develop an omnibus school safety bill, [SB 1265, the Maryland Safe to Learn Act of 2018](#). This legislation passed and includes the creation of a new School Safety Advisory Board that will have a representative jointly appointed by MSEA and BTU to develop guidelines on a myriad of issues, including the role of law enforcement in public schools. We supported specific

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amendments to ensure training on diversity awareness with specific attention to racial and ethnic disparities. We also supported an amendment to require an annual report from every school district about arrests and use of force involving resource officers and students in school.

#### **NBI 17-14: Override the Veto of “Ban the Box”**

MSEA joined the coalition led by the Jobs Opportunity Task Force to override the veto of Ban the Box legislation from 2017. Also during the first week of session, the House and Senate voted to override Gov. Hogan’s opposition to the law that prohibits institutions of higher education from using information about the criminal history of applicants on admission applications. The ban on such practices took effect as of February this year.

#### **NBI 17-18: Paid Child Rearing and Family Sick Leave**

We fell short in realizing this NBI from a legislative standpoint for all Marylanders, but we were encouraged to see progress with the passage of [SB 859](#) and the allowance of new parental leave provisions for state employees.

#### **NBI 17-25: Support Task Force Recommendations on Dyslexia Education**

The House and Senate both passed versions of [HB 910](#) that adopted some of the provisions of the Governor’s Task Force on the Implementation of a Dyslexia Education Program. As the session rushed to midnight, a conference committee met and made progress on this issue without the prescriptive screenings from the original bill. That report was adopted in the House of Delegates, but failed to be voted in the Senate. That means the bill died this session. Efforts will continue on this issue in the interim and we will work with the Decoding Dyslexia coalition to develop a game plan for the path forward that works for students, families, and educators.

### **UNFINISHED BUSINESS – AN EYE TOWARDS THE 2019 SESSION**

#### **Eliminating the BOOST Private School Voucher Program**

One disappointing aspect of the General Assembly session is the continuation of Maryland’s private school voucher program. Gov. Hogan’s proposal to increase funding for the privatization scheme did get cut by \$2 million, but that still left \$7 million for the taxpayer funded program that subsidizes expensive private school tuition at the expense of students in public schools.

The legislature was also unable to pass legislation that would prohibit private schools that receive public funding from discriminating against students or employees on a basis of race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability ([HB 1565/SB 1060](#)). The fact that private operators objected to this bill is just more evidence that it’s inappropriate for public money to flow to these unaccountable schools. Phasing out and outright ending the failed and discriminatory voucher program will be a priority for 2019.

#### **Living Wage for Education Support Professionals**

MSEA worked with two former educators in the General Assembly to introduce legislation requiring all school staff to earn a living wage for their work in public schools. [HB 1061](#) would have raised wages for more than 24,000 education support professionals across the state by establishing wage floors at \$31,500 and \$36,000 a year depending on cost-of-living. From there, ESP local associations could still bargain above those minimums. However, because of how far behind these wages have fallen, the cost of implementing fair pay for all school staff is more than \$200 million a year, and the legislature decided to wait until the Kirwan Commission recommends its comprehensive school funding plan before taking action. MSEA will continue to urge the Kirwan Commission to include ESP living wages in its recommendations with the newfound momentum built this session during bill hearings and the Fix the Fund march.

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### Fight for \$15 Minimum Wage

Despite widespread public support for raising the state's minimum wage to \$15 an hour, [the legislature could not agree on a plan](#) to pass the Fight for \$15 legislation this year. With some hourly-paid educators making below \$15, MSEA testified in support of [SB 543](#) and will continue to support the larger coalition as it pushes for income equality and a more even playing field in our state economy.

### Dream Act Expansion

[The Dream Act expansion efforts of 2018](#) (HB 1536/SB 546) passed the House and moved out of the Senate Education, Health, and Environmental Affairs Committee late on Sine Die. It didn't have enough time to clear hurdles in the final moments of session, which is unfortunate because this was a sensible expansion of efforts to provide new access to higher education opportunities for Dreamers—the very students under attack by President Trump. Had the bill passed, undocumented immigrant students would have been able to attend public four-year universities without having to attend community college first. With the uncertainty of DACA at the federal level, this was a missed opportunity this session but will likely be an important issue and debate for next year as well.

### Prince George's School Board Governance

The Prince George's County House Delegation passed [HB 186](#), but the bill never gained traction in the Senate delegation and out of the Senate committee. The House-passed bill didn't go far enough to address the structural problems with the county's hybrid school board. The goal was to pass a bill that changed the school board governance structure to one that empowers the members of the local board, community leaders, and education stakeholders. PGCEA argued that the local board must be empowered to govern the school system and all of its employees, including the superintendent of schools. The 2018 election will bring a new county executive and possibly new elected and appointed members to the local board that will change the dynamics of this debate in the future.

## ACTIVISM GETS RESULTS

### Educator Engagement Drives Successful Agenda

From lobby nights nearly every week of session, to emails and phone calls to legislators, and to the march on Annapolis to Fix the Fund, educators' voices were heard in the halls of Annapolis. Education support professionals offered some of the most compelling testimony of the session in our fight to create a living wage requirement. President Weller represented members well when testifying on our priorities and as an effective coalition partner when testifying alongside Casa de Maryland with the Dream Act, Maryland PTA with the bill to add teachers and a parent to the State Board of Education, and in support of a shared agenda with Marylanders to Prevent Gun Violence to oppose efforts to arm school employees. Thank you to everyone who contacted their legislators and helped advance our aggressive agenda this session. Your advocacy is the most important part of our lobbying efforts and we could not have won the important victories of this session without you.

And while the efforts in 2018 are commendable, as noted above, the work on Campaign 2018 and into the next legislative session will be even more important. The stakes couldn't be higher. We have a once-in-a-generation opportunity to improve our state aid for education funding formula that would allow us to make progress to increase pay, improve staffing ratios, and tackle poverty in our schools. [Please sign up to join us and help us win!](#)

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**POINT OF PERSONAL PRIVILEGE – from Sean Johnson, Asst. Exec. Director for Legislative and Political Affairs**

For the last eight years, I have had the absolute pleasure of leading the greatest agenda and team in Annapolis. Our agenda allows us to fight for the hardest working Marylanders who are shaping minds and improving communities and puts us on the right side of history of social justice issues in the state and in the country. I wake up every single day knowing that my passion and effort better match what MSEA members do on a daily basis in their worksites.

In reflecting on this session, it is also really important to me to recognize and publicly thank and appreciate my family. My wife, Rhya, practically becomes a single mother for these 90 days, and that is while leading her own business, being an amazing veterinarian, and this year running as a candidate for Central Committee in Charles County. She is amazing and responsible for our incredible kids. Sydney and Carter are both in high school now. They take an interest in the issues being debated in Annapolis and in D.C. They force me to think about issues and learn about them from a student's perspective. They make me a better advocate. And my wife and kids together motivate me with their activism to do meaningful work. To them, I say thank you and I love you... and I can't wait to eat dinner with you again soon!

An election year session is oftentimes quiet. This year was an exception, in part because 74,000 educators across the state made sure we were pushing to accomplish major initiatives. We won a lot of important victories this year, but we also had some disappointing setbacks. All-in-all, this session will better prepare the entire MSEA team to be ready for the challenges and opportunities with Campaign 2018, the final report of the Kirwan Commission, and the once-in-a-generation fight to adopt a new, fairer, and more equitable funding formula. If we fail to answer the call; fail to elect a pro-public education governor and General Assembly; then it will be harder to accomplish the legislative efforts in 2019. This is our moment. I'm ready for what the next 12 months holds, and I hope you are too!

What we accomplished during the 438<sup>th</sup> legislative session is realized because of our team of leaders, staff, and activists. MSEA President **Betty Weller**, Vice President **Cheryl Bost**, and Legislative Committee Chair **Gary Brennan** led the Board of Directors, the Legislation and Citizenship Committee, and our GO Team leaders throughout the session. They rallied members, educated legislators, talked to reporters, and did the work of leading the fight of our proactive agenda.

At the staff level, my thanks to the headquarters and field team members who supported our March to Fix the Fund and did a great job for our members and our legislative agenda. While everyone played their role, my special thanks to MSEA General Counsel **Kristy Anderson** who gave great advice on all of our priority issues. She testified, advocated, and supported every aspect of the agenda. And, our work was enhanced with the efforts of the BEST communications team in Annapolis. Led by **Adam Mendelson**, we developed great talking points and other resources to move our agenda online and in the field. This would not have been possible without **Casey Newton**, **Gabrielle Givens**, and **Rhea Frye**. Add to that, my appreciation to **Steven Hershkowitz** who worked as press secretary, coordinator of our Kirwan Commission engagement, and supported the writing of policy-focused Newsfeed stories and of the weekly *Up the Street* newsletter.

The GR team faced a vacancy, but still did more than ever. **Tina Dove** used her second year to do amazing coalition work, provide thoughtful testimony, and lead on over 125 bills. We were supported by **Eric Gally** and Gally Public Affairs to help with our budget, tax, and school construction efforts. The person who makes all things possible with the team, from organizing our bill tracking to delivering our testimony is **Delese Spriggs**. And the member engagement work that supported our agenda and allowed us to begin work on Campaign 2018 while pushing our legislative agenda are the best organizers in the business—**Meighan Davis** and **Dan Chambers**. The expertise, relationships, commitment to our members, determination, stubbornness, creativity, humor, and fun sets this team apart in a challenging business and environment. It is an honor to do this work alongside you all. You make me a better advocate and make us a great team.

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