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SINE DIE IN ANNAPOLIS

[While last year's Sine Die ended in a budget standoff between Republican Gov. Larry Hogan and the Democrat controlled General Assembly](#)—leaving \$68 million for public schools hanging in the balance—this year's session finale reflected progress on a more proactive, positive approach to work with our allies in the legislature and around the governor on behalf of educators and our students.

With [Gov. Hogan's decision to withhold tens of millions in funding](#), our class sizes increased, educator positions were slashed, and programs were cut. But due in large part to our advocacy efforts last year, the legislature mandated Geographic Cost of Education Index (GCEI) funding, leaving the governor two options: he could follow the law and fully fund Maryland's public schools for the first time in his administration or he could try to change the law to allow budget cuts (as he unsuccessfully tried to do last year). Afraid to face to political consequences of cutting education once again, he chose the latter—giving our students much needed resources to learn next year. The governor was so cautious of making his mistake a second time that he [left out K-12 education from his so-called "mandate-relief" legislation](#), which if passed, would have required automatic spending cuts for several vital public services should revenue not keep pace.

With budget cuts taken off the table, educators worked to advance a positive agenda based on the expertise of professionals who best know what students need to be successful. That agenda included measures that worked to meet three goals: improved education funding, less standardized testing, and the closing of opportunity gaps between low-income students and their more affluent peers. In some cases, we took several important steps forward. In other cases, we started the conversation about more comprehensive solutions that will require more time and political will to pass into law. But no matter how much work is left, the efforts made by educators to stay above the fray to push real solutions to real problems—with bipartisan sponsors—are exactly what people are looking for in politics today and should not go undervalued. Thank you for being a part of our movement to improve public schools for the better.

Unfortunately, not everyone came to session looking to advance evidence-based ideas. Instead, some elected officials pushed their right-wing ideology designed to dismantle our public education system one failed idea at a time. In some cases, we continued to be successful in blocking bad policy. In other cases, Gov. Hogan used his budget power and 24/7 political press operation to move unpopular proposals that make our members' jobs harder. We have every right to be frustrated by some of these actions and we must use them as a reminder that elections have consequences.

Now, just because we did not have a public fight with the governor doesn't mean he's suddenly a defender of public education. He has consistently made damaging appointments to our state board of education and several local school boards. He's still withholding that \$68 million from our schools while class sizes grow and educator positions disappear. He lacks any comprehensive plan for solving the \$3 billion backlog in school construction facing our overcrowded facilities. He flatly refused to do anything on testing this year, calling it "not a priority" on the first day of session. And despite giving a lot of lip service to transparency, he snuck a \$5 million private school voucher program into the state budget, preventing a straight up or down public vote on an issue that 78% of registered voters oppose (more about this below). But we can advance and pass an alternative vision for improving public schools without his support.

His lack of engagement on a range of pressing education issues makes it all the more critical for educators to lead on issues that matter to our schools and students. A review of that positive agenda (and how we fared on those issues) follows.

POSITIVE AGENDA

- **Less Testing, More Learning**

Following our Time to Learn efforts last year—including the formation of a statewide [Commission to Review Maryland's Use of Assessments in Public Schools](#) that will make recommendations in July—MSEA launched our "[Less Testing, More Learning](#)" campaign during back-to-school last fall to highlight the need to reduce mandated standardized testing. By empowering the voices of teachers and education support professionals in TV, radio, and digital ads, letters to the editor, press conferences, and media interviews, as well as emails, phone calls, and lobby meetings with legislators, we moved the testing issue squarely onto the General Assembly's to-do list. While a comprehensive statewide approach will take more work in the Commission and next year, we did score some important wins for our students this year—a significant accomplishment considering our bills were declared dead on the first day of session.

- *Limit Mandated Testing at 2% of Annual Instruction Time (HB 141/SB 407)*: The top priority of our testing package passed the House of Delegates unanimously but was never taken up by the Senate. Some critics argued that we should wait until the Commission finishes its work before passing a legislative solution. Unfortunately, too many of our students will continue to endure more than 50 hours of testing next year as we work with the Commission to gain support for this approach.
- *Changing the Kindergarten Readiness Assessment to a Sample Test (HB 657/SB 794)*: The bill—which would effectively eliminate the KRA for the vast majority of kindergarteners—beat the midnight clock on Sine Die and gives some much needed relief to our youngest learners and their dedicated teachers.
- *Annual Public Disclosure (HB 412/ SB 533)*: This legislation will require school districts to publicly disclose all mandated tests and how much time they take away from instruction each year. However, a similar transparency bill to directly notify parents with this information ([HB 1233](#)) stalled in the Senate after passing the House.
- *Eliminating the State's Mandate that Districts Include PARCC Scores in Teacher and Principal Evaluations (HB 633)*:
One of the reasons why over-testing is a problem in the first place is because high-stakes decisions are too often based on standardized test results. With a moratorium ending this school year on the use of PARCC scores in teacher evaluations, we sought to pass legislation eliminating the state's ability to mandate that districts adopt this flawed approach to accountability. This legislation did not move in either chamber this year, which means we will now work to prevent the

Maryland State Department of Education from usurping local autonomy.

- **Improved Funding for Public Schools**

In addition to fully funding the Thornton formula in the FY2017 budget, the General Assembly took several other steps to make critical investments in our public schools:

- *Thornton II Commission:* Educators were successful in passing legislation to create a new Thornton II Commission ([HB 999/ SB 905](#)), which will be tasked with increasing state K-12 education funding to better meet the needs of students at schools with concentrated poverty. [The percentage of Maryland public school students living in poverty has more than doubled since 1990](#)—from 22% to 45%—putting our statewide student population on the verge of becoming majority low-income. [According to The Washington Post's analysis of federal education data in 2015](#), Maryland's poorest school districts right now receive 4.9% less local and state funding than the most affluent districts.
- *School Construction:* While a \$3 billion backlog for modernizing school facilities persists, the legislature did approve more than \$340 million for new projects in the FY2017 capital budget. The General Assembly also passed legislation to increase mandatory funding for facilities in districts with expanding enrollment from \$20 million a year to \$40 million a year ([HB 722/ SB 271](#)). MSEA will have a seat at the table for a legislative commission to propose a more comprehensive solution later this year.
- *Fiscal Relief for Local School Boards to Cover Increased Pension Costs:* While legislation to permanently plug a hole in local funding for increased pensions costs ([HB 934/ SB 674](#)) did not pass, we did successfully work to include \$19 million in the FY2017 budget for a one-year fix. We will work again next session to find an ongoing solution.
- *Appropriate Pre-K Funding:* Unfortunately, a bill to include pre-K students in funding formula calculations ([HB 1433/ SB 461](#)), which would have increased public school funding by \$258 million over the next four years, did not advance.

- **Closing Opportunity Gaps**

The legislature also included funding initiatives specifically directed at evidence-based solutions for helping low-income students overcome socioeconomic barriers to learning. While the actions are limited, they do show movement in the right direction for overcoming Maryland's growing child poverty problem:

- *Public Pre-K:* The legislature took another baby step towards universal pre-K this session when they expanded public pre-K funding by \$7 million by increasing the state investment needed to qualify for federal matching funds ([HB 668/ SB 584](#)). The funding should expand this all-important program to 1,500 more children.
- *After-School Programs and Community School Strategies:* Educators also worked with legislators to pass a bill to allocate \$7.5 million a year for after-school programs and community school strategies in districts with majority low-income student populations ([HB 1402/ SB 1125](#)). [Community schools have proven to be successful in increasing parental involvement and attendance rates](#), and will continue to be a priority for MSEA as we try to bring community resources and support services into school buildings.

AN EMBARRASSMENT FOR MARYLAND

- **\$5 Million Voucher Program Included in Budget**

While House leadership has been a reliable ally against the creation tax credit vouchers, the idea of passing a new version of the same bad idea—the BOOST bill ([HB 1213](#))—moved from there this year. While it includes some improvements over the Maryland Education Credit ([SB 706](#)), [it would end in the same result of diverting public dollars to private schools](#). MSEA organized members to make calls, send letters to every senator and delegate—stalling both bills in the House. But in the budget conference committee, historic allies yielded to the Governor's office and included \$5 million for a one-year traditional voucher program. It is disappointing that a state with a supermajority of Democrats would allow such a failed right-wing idea to advance. We are hopeful that as the likes of [Speaker Paul Ryan](#) and other national conservative leaders praise Maryland's program, Democrats in the General Assembly will reconsider in FY2018 and beyond.

VICTORIES—GOOD BILLS WE HELPED PASS, BAD BILLS WE HELPED DEFEAT

- **Equal Pay for Equal Work Becomes Law**

Closing the gender pay gap—which means women make 85 cents for every dollar earned by men in Maryland—has become a national priority for progressives trying to boost family incomes, and legislators were successful in passing equal pay for equal work legislation ([HB 1003/ SB 481](#)) through both chambers. The bill strengthens state law that prohibits pay discrimination based on gender and prohibits businesses from retaliating against employees for discussing or disclosing salaries. The measure also prohibits discrimination based on gender identity. It is unclear whether Gov. Hogan will veto the legislation, sign it into law, or let it become law without his signature.

- **Study Group Created to Examine Paid Family Leave**

The legislature took its first step toward creating a paid family leave program—which would give paid leave from work to new parents or workers who need to attend to a sick family member—by passing a bill ([HB 740/ SB 485](#)) that will create a task force to design a potential system unique to Maryland.

- **Truancy Task Force**

Pursuant to a New Business Item adopted at the October Representative Assembly, MSEA successfully lobbied for [HB 429](#), a bill to create a task force to make recommendations relating to habitual student truancy.

- **Mandating a Post-Labor Day Start Blocked**

Efforts to mandate the school start date to after Labor Day earned much less press attention than last year and were defeated once again due to the advocacy efforts of MSEA and other education partners. The Senate bill, [SB 767](#), was even voted down in committee this year, [hopefully persuading the tourism industry to stop trying to interfere with school calendar decisions](#).

- **Massive Tax Breaks for Top 1% Halted**

While the legislature did opt for corporate welfare totaling \$37.5 million for one corporation: Northrop Grumman, luckily midnight struck before the giveaways could continue. Tax breaks for the top 1% of Maryland taxpayers passed the State Senate but were blocked in the House of Delegates and ultimately failed to reach a conference committee compromise. These tax breaks would have cost millions of dollars, making it harder to meet the funding needs of our schools and other important priorities.

OTHER PRIORITIES THAT DIDN'T PASS IN 2016

- **Earned Sick Leave**

In its fourth year of introduction, legislation to make Maryland the next state to guarantee paid sick leave for all adult workers ([HB 580/ SB 472](#)) made it further than it has before by clearing the House but ultimately stalling once again in the Senate. It is expected to have an easier time passing the legislature next year. This continues to be a coalition priority for MSEA as we work with our progressive partners to advance the interests of all working families.

- **Collective Bargaining Expansions**

Two bills to expand labor rights—one to expand collective bargaining rights to employees of community colleges ([HB 27/ SB 363](#)) and one to create arbitration rights for teachers in response to disciplinary action ([HB 1228/ SB 832](#))—failed to gain final passage. However, the community college collective bargaining bill made it through the House of Delegates for the first time, giving hope that it will pass as soon as next session.

- **Special Education Caseload Management**

With the help of MSEA's special education task force, we introduced legislation ([HB 1058](#)) for the first time to create a task force to study ways for school districts to help their special educators balance case management and instruction duties. It did not pass, but we are hopeful that it can advance next session now that legislators are better informed.

- **Removal and Destruction of Taney Statue**

Pursuant to a New Business Item adopted at the October 2015 Representative Assembly, MSEA worked with other partners to introduce legislation ([HB 532/ SB 713](#)) to remove the Justice Taney statue from the grounds of the State House and destroy the statue. Unfortunately, it did not pass this session.

From Sean Johnson

Assistant Executive Director of Political and Legislative Affairs

POINT OF PERSONAL PRIVILEGE

It is an honor and a pleasure to be an employee of and partner with 71,000 educators who work so hard each and every day to help students, lead communities, and make for a better Maryland. We advanced a very aggressive and positive agenda this session. While we fell short on some of the initiatives, we still made tremendous progress. On critical bills like the Thornton II commission and the KRA legislation, I know we were successful because legislators heard the loud and clear voices of educators and public education allies from across the state.

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 more phone calls, emails, school-based meetings, and activism than we have seen through the years, especially as we push a proactive agenda to lead the profession and bring about positive change in our schools.

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 **Field Managers, MSEA UniServ Directors** and **local association staff** who helped connect legislative issues with the challenges facing our members in the classroom. Additionally, my appreciation for the research and policy support that is the backbone of any successful advocacy. We have something positive to say because of the input of members and the work of our School Quality team, led by **Cathy Perry** and supported by **Geraldine Duval** and **Melanie Kozlowski**. MSEA General Counsel, **Kristy Anderson**, brought a brilliant mind to every bill drafting challenge and key issue this session. She testified, advocated, and trained members and staff on important legislation throughout the session. And, the dynamic work of the MSEA communications team made sure the press and our members were well-informed on our agenda and the issues of the day. Working in close proximity to this group of communications professionals on a daily basis gives me a great appreciation for the work they produce and the work ethic they maintain to achieve great results. To **Casey Newton, Gabrielle Givens, and Ashley Gladden** – my sincerest thanks. To the fearless leader of the Communications Team, **Adam Mendelson**, I have incredible appreciation for you and thanks for stepping up and leading member engagement efforts this session.

To my GR team: This year, more than ever, I am incredibly lucky and fortunate to work with you. The competing priorities of this legislative session with Campaign 2016 required all of you to step up and do more than expected. They answered the call each and every day and provided tireless advocacy on behalf of our agenda and our members. **Amy Maloney, Bob Rankin, Delese Spriggs, Meighan Davis, and Randy Mickens** are the best organizers, specialists and lobbyists around. Their issue expertise, relationships, fidelity to our agenda, commitments to members, creativity, humor, and determination to succeed sets them apart in this tough business. They were joined this year by **Steven Hershkowitz**, who during the day serves as our press secretary and policy research specialist, and added to those responsibilities this year by writing *Up the Street*. His insights, message discipline, and advocacy not only made for a better newsletter but also made for a stronger legislative agenda message and push throughout the last 90 days. To you all, I love your passion and consider myself incredibly lucky to be part of this team.

Finally, to Sydney and Carter for being the best kids in the world and reminding me why the work I do is so important. And, to my wife, Rhya, for providing support and encouragement during long days in Annapolis and longer days on the campaign trail as we work to help elect Hillary Clinton the next President of the United States. Your love and support is the drive that keeps me motivated to do good and meaningful work.

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