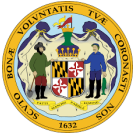


# **SB 794 - SUPPORT SBOE - State Department of Educat**

Uploaded by: Charles Dashiell

Position: FAV



# Maryland State Board of Education

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200 WEST BALTIMORE ST. / BALTIMORE, MD 21201-2595 / (410) 767-0467

March 1, 2022

Senator Guy Guzzone  
Chair, Budget and Taxation Committee  
11 Bladen St.  
Annapolis, MD 21401

RE: **Senate Bill 794** - State Department of Education – Procurement and Personnel Actions

Dear Chair Guzzone and Members of the Budget and Taxation Committee:

The Maryland State Board of Education (State Board) submits this letter in support of **Senate Bill (SB) 794 - State Department of Education – Procurement and Personnel Actions**.

When the Blueprint for Maryland's Future officially became law in February of 2021, the State Board recognized that the vision embedded within the Blueprint for the future of education in Maryland hinged on the selection of a new superintendent that had the ability to simultaneously reform the capacity and capabilities of the Department and tackle the remarkable challenges and timelines presented within the Blueprint.

Superintendent Choudhury and his team have made tremendous progress in laying the foundation for the future and developing the building blocks necessary to make the transformational changes the Blueprint charges educational leadership in Maryland with enacting.

It is critical that the Department have every tool at its disposal to make these changes with fidelity and efficacy. This begins with the ability to recruit and hire qualified personnel in a manner that is competitive in the unique job market that encompasses educational policy. Establishing a human resources management system within MSDE will allow the State Board and the Department to bring on experienced and innovative personnel while offering hiring packages that are competitive statewide and across the country.

The new Administration has worked diligently to maximize its resources and flexibility within the current personnel framework through repurposing and reexamining current and longstanding vacancies. However, the challenges of the current structure often proved too difficult for allowing the necessary flexibility to offer a competitive package to prospective employees.

The State Board has long been an oversight body for the appointment of personnel within MSDE, and the Board stands ready to continue this role as the Department would shift towards a new personnel management system model with enactment of this legislation.

It is equally critical that the Department have the procurement agility necessary to implement the Blueprint on the timelines envisioned by the legislature and with a priority on securing the highest quality external partners.

It is clear that the legislature intended Blueprint procurement efforts to be granted this flexibility, as it was provided to the Accountability Implementation Board (AIB). SB 794 would eliminate

the inconsistencies that currently impede MSDE's ability to play its vital role as a full partner to the AIB in Blueprint implementation.

This flexibility is similar to that used by the University System of Maryland, and will support multiple high priority strands of Blueprint work, including, for example, studying the College and Career Ready Standard, conducting an evaluation of Judy Centers and early childhood centers, supporting professional development tied to the career ladder, assisting in reviewing teacher preparation programs, and a significant number of other requirements that will require external partner support.

For the reasons stated above, the State Board respectfully urges your committee to give **SB 794** a favorable report.

For additional information or questions, please contact Ary Amerikaner at [ary.amerikaner@maryland.gov](mailto:ary.amerikaner@maryland.gov) or 410-767-0504.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clarence C. Crawford', is written over a light blue rectangular background.

Clarence C. Crawford  
President, Maryland State Board of Education

cc: Mohammed Choudhury, State Superintendent of Schools

**sb794testimony.pdf**

Uploaded by: Kalman Hettleman

Position: FAV

Kalman R. Hettleman  
2901 Boston Street, Unit 216  
Baltimore, Maryland 21224  
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Phone: 443-286-0854

**Re: SB 794: State Department of Education – Procurement and Personnel Actions**

Before Senate and Budget Committee, March 1, 2022

Statement of Support

Thank you for the opportunity to submit this testimony. I am an independent education analyst and advocate and former member of the Kirwan Commission and Baltimore City school board.

And I strongly urge passage of SB 794.

This bill may seem like inside baseball, pertaining to dull, dry state personnel and procurement practices. But it far more than that. In fact, it is no exaggeration to say that the future of our schoolchildren depends on MSDE having the management capacity to carry out and be held accountable for effective implementation of the Blueprint for Maryland's Future.

I am no expert on the intricate workings of state personnel and procurement laws. But I was Maryland secretary of human resources, and I know that such procedures can make or break reform efforts.

I also know – as I pointed out as a member of the Kirwan Commission – for years, MSDE staffing capacity had been shrinking while its duties had been expanding. I was instrumental in the passage of a section of the first Blueprint bill (HB 1030, 2019) that mandated a study of MSDE's management capacity. That study, for reasons that were never publicly explained, was never done.

Now, fortunately, State Superintendent Mohammad Choudhury has astutely brought the issue to the fore in SB 794. MSDE staff capacity has not only decreased over the past decade, but it has suffered under budget and procurement procedures that are more restrictive than for other agencies, with far less responsibilities than MSDE.

If a new day is come, and it can't come too soon for children all across the state, particularly students who are poor and of color, MSDE needs the tools to get the job done. Mr. Choudhury offers hope of the kind of leadership that has been long lacking. He's saying: I wholeheartedly support the Blueprint; I welcome the challenge; I offer bold equity-driven reform in partnership with local school districts and the Accountability and Implementation Board; I want to be held accountable; and give me the tools to do those things.

SB 794 is a big step in that direction. Let's hold MSDE accountable but let's not tie its hands.

sb794testimony

# **SB 794 - Support - State Department of Education -**

Uploaded by: Mohammed Choudhury

Position: FAV





SB 794 - State Department of Education - Procurement and Personnel Actions  
Senate Budget and Taxation Committee  
March 1, 2022

The bill maintains proper procurement safeguards and procedures to be certain that all parties continue to meet the intent of Maryland's procurement laws.

We respectfully request that you consider this information as you deliberate **SB 794**. Please contact Ary Amerikaner, at 410-767-0090, or [ary.amerikaner@maryland.gov](mailto:ary.amerikaner@maryland.gov), for any additional information.

# **MEC Testimony-SB794.pdf**

Uploaded by: Sue Fothergill

Position: FAV



# Maryland Education Coalition



Shanetta Martin & Sue Fothergill – Co-chairs

Web site - [www.marylandeducationcoalition.org](http://www.marylandeducationcoalition.org) Email – [md.ed.coaliton@gmail.com](mailto:md.ed.coaliton@gmail.com)

Date: March 1, 2022

BILL: [SB794](#)

POSITION: Support

TITLE: State Department of Education – Procurement and Personnel Actions

COMMITTEE: Budget and Tax committee

Senate Bill 794 would grant greater authority to the State Board of Education to appoint or hire employees of the State Department of Education along with requiring that the State Board establish policies and guidelines governing hiring or appointment, compensation, promotion, and termination of MSDE personnel.

For State Superintendent Mohammad Choudhury, the Maryland State Department of Education (MSDE) and Maryland State Board of Education (MSBE) to operate efficiently and meet the expectations of their agency including implementation of the Blueprint for Maryland’s Future, the State Superintendent requires the same level of authority and flexibility in the hiring process as other agency heads have available to them. That flexibility will not come without oversight, especially since the State Superintendent will still have to bring hiring decisions before the MSBE. That means oversight will still exist even without the extra steps that have been imposed on MSDE.

The future of our schoolkids depends on MSDE having the management capacity to carry out and be held accountable for effective implementation of the Blueprint for Maryland’s Future. MSDE staffing capacity had been shrinking while its duties had been expanding. MSDE staff capacity has not only decreased over the past decade, but it has suffered under budget and procurement procedures that are more restrictive than for other agencies, with far less responsibilities than MSDE, especially under the Blueprint.

If we are to build a World Class education system in Maryland, MSDE needs the tools to get the job done but a lot depends on MSDE having sufficient capacity and support across their department along with state government, including the provisions of SB 794. Let’s hold MSDE accountable but let’s not tie its hands.

*The Maryland Education Coalition (MEC) is the oldest, largest, most experienced, and diverse group of public education stakeholders in Maryland. We are an independent, non-partisan voice for Maryland’s K-12 students. MEC’s goal is to ensure adequate, equitable funding and systemic accountability for the estimated 900,000 public school students in Maryland regardless of academic, cultural, economic, geographic, racial, or other demographic status. MEC is committed to advocating for state education policies that deliver on the constitutional right and civil right for all students to access a high-quality, competitive education.*

For these and other reasons, we urge a favorable report for SB794.

American Civil Liberties Union of MD, Arts Education in Maryland Schools, Arts Every Day, Attendance Works, CASA, Children’s Behavioral Health Coalition, Decoding Dyslexia of MD, Disability Rights Maryland, League of Women Voters of MD, Let Them See Clearly, Right to Read Maryland, Maryland Coalition for Community Schools, Maryland Coalition for Gifted & Talented Ed, Maryland Down Syndrome Advocacy Coalition, Maryland Out of School Time Network, Maryland Alliance for Racial Equity in Education, MSC-NAACP, Maryland School Psychologists' Association, Parent Advocacy Consortium, Public Justice Center, School Social Workers of MD, Strong Schools Maryland, Kalman Hettleman, David Hornbeck, Shanetta Martin, Sharon Rubinstein, Rick Tyler, Jr.

**SB794\_AFSCME3\_UNF.pdf**

Uploaded by: Denise Gilmore

Position: UNF



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Patrick Moran - President

**Testimony**  
**SB 794 – State Department of Education – Procurement and Personnel Actions**  
**Budget and Taxation Committee**  
**March 1, 2022**  
**UNFAVORABLE**

AFSCME Council 3 represents 30,000 state and higher education employees, including the dedicated women and men who work for the Maryland State Department of Education (MSDE). We are opposed to SB 794. This legislation would create a separate personnel system for MSDE and allow them hire “at-will” special appointees in place of employees who are covered under the merit protections of the State Personnel Management System (SPMS). SB 794 would also allow for the MSDE to opt of the procurement regulations for the Blueprint for Maryland’s Future.

The SPMS was designed to put in a place a fair system for processing personnel transactions. Most employees in the executive branch are in the SPMS and it functions fine. There is no reason that MSDE needs an independent personnel system. They are a state agency under the executive branch, and their employees should have the same due process, collective bargaining, and grievance rights that other state employees have.

SB 794 largely undoes legislation enacted into law in 2019 in Ch. 645 and 646 which placed all new hires in MSDE into the skilled and professional services in the SPMS. Prior to 2019, MSDE utilized the highest number of “at-will” special appointees in state government. Employees were subject to terminations and discipline without cause, and it created an environment where employees were more loyal to a particular supervisor or manager to avoid getting fired, than to the work they were sometimes hired to do. Civil service protections are in place to prevent cronyism in public sector jobs, and they are important for protecting career civil servants who wish to do their jobs at a high standard regardless of the administration.

SB 794 would threaten the progress made at the MSDE recently to promote more career service among its employees. In a time when state government is experiencing a record level of vacant positions, the last avenue that should be pursued is removing the merit protections many frontline state positions carry. SB 794 is a bad bill. We urge the committee to provide an unfavorable report on SB 794.

Every AFSCME Maryland State and University contract guarantees a right to union representation.  
An employee has the right to a union representative if requested by the employee.  
800.492.1996

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# Written Testimony to SB 794 Oppose.pdf

Uploaded by: Felicia Hawkins

Position: UNF

**Written Testimony to the Budget & Taxation Committee  
SB 794 - State Department of Education – Procurement and Personnel Actions  
March 1, 2022**

**OPPOSE**

Chair and members of the committee. On behalf of the Maryland Professional Employees Council, AFT- Local 6197, representing over 5,000 professional employees for the state of Maryland, we ask for an unfavorable report on SB 794.

This bill would give the Maryland State Department of Education powers unlike any other state agency in Maryland. SB 794 clarifies that MSDE would not have to follow normal protocols and procedures in hiring, advancement, or termination. It also allows the agency to replace professional positions with temporary, contractual workers.

For decades Maryland has recognized the need to ensure our residents receive quality services from state agencies. As a state, we understand the importance of treating state employees as professionals and providing a defined path for employment and objective procedures for dispute resolution. This bill would undo that principle.

Particularly disappointing is the argument from the MSDE administration that these changes are necessary to implement the goals and objectives for improving Maryland Public education as outlined by the Blueprint for Maryland's Future. Nowhere in the Kirwan Commissions' recommendations did it call for the measures outlined in this bill. The opposite was true: the mantra coming from the Kirwan Commission is that as a state, we should appropriately compensate public education workers and offer them ample support opportunities to grow as educational professionals. This bill would curtail education worker rights to privatize or deprofessionalize their positions by providing them to temporary, contractual workers. We strongly call for an unfavorable report to SB 794.

Jerry Smith  
President

# **SB 794 MSDE-Procurement and Personnel Actions (Guz**

Uploaded by: Barbara Wilkins

Position: INFO





**Maryland**

DEPARTMENT OF BUDGET  
AND MANAGEMENT

LARRY HOGAN  
*Governor*

BOYD K. RUTHERFORD  
*Lieutenant Governor*

DAVID R. BRINKLEY  
*Secretary*

MARC L. NICOLE  
*Deputy Secretary*

## **SENATE BILL 794 State Department of Education - Procurement and Personnel Actions (Guzzone) Emergency Bill**

### **STATEMENT OF INFORMATION**

**DATE: March 1, 2022**

**COMMITTEE: Senate Budget & Taxation**

**SUMMARY OF BILL:** SB 794 establishes an independent personnel system within the Department of Education (MSDE) and exempts the Department from Division II of the State procurement law; and directs MSDE to work with the Department of Budget and Management (DBM) to implement a phased transition to its independent personnel system by July 1, 2024. The bill takes effect upon enactment.

**EXPLANATION:** DBM's Office of Personnel Services and Benefits is charged with administering the Statewide Personnel System for executive branch agencies, with the exception of the Department of Transportation (MDOT) and University of Maryland System (UMS). The legislation adds MSDE to the list of agencies with independent personnel systems.

MSDE currently falls under SPMS, and therefore, utilizes the Statewide Personnel System as its system of record for personnel, time tracking, and leave. If separated from the SPMS, the rules built into the Statewide Personnel System (SPS) would no longer be applicable and would require the agency to procure a new system or system(s) to manage their records. Unless there is an existing system, this is likely to result in significant fiscal impact for the State.

MSDE would be required to establish general policies and procedures governing hiring or appointment, compensation, advancement, and termination of all personnel. MSDE's transition to an independent personnel system would occur by July 2024.

While DBM would need to configure the SPS to remove the employees from SPMS, most of the work effort to transition MSDE from SPS would fall on MSDE. In addition to the personnel system, MSDE also would need a time tracking and payroll system, or they would need to manually enter the information to send to Central Payroll. MDOT and UMS have their own systems for personnel, leave and payroll.

MSDE would likely use the current system for health benefits that is administered by DBM, as is the case with MDOT and UMS. Extensive testing for the benefits files would be needed to ensure the files conform to the processes in place.

**For additional information, contact Barbara Wilkins at  
(410) 260-6371 or [barbara.wilkins1@maryland.gov](mailto:barbara.wilkins1@maryland.gov)**