

# **SB1062 Testimony Scan.pdf**

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Position: FAV

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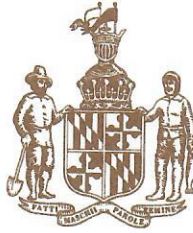
Finance Committee

Executive Nominations Committee

Rules Committee  
—

Joint Committee on Legislative Ethics

Legislative Policy Committee



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**THE SENATE OF MARYLAND**  
**ANNAPOLIS, MARYLAND 21401**

Honorable Brian J. Feldman  
Education, Energy, and the Environment Committee  
2 West Miller Senate Office Building  
RE: SB 1062 Education- Prekindergarten and Withholding of County Board Funding (Blueprint Accountability and Flexibility Act of 2024)

Dear Chairman and Members of the Committee,

Senate Bill 1062 delays the deadlines for Pre-K implementation by three years expansion, requiring the AIB Board to establish a plan to hold localities accountable for inappropriate spending found in fiscal audits, and requires the AIB to create a plan to withhold funding based on assessments.

Maryland is investing billions of dollars in K-12 education in the coming years. With this significant budget deficits looming and concerns about how to pay for this investment, we must ensure that these dollars are spent appropriately.

This bill grants the Accountability and Implementation Board additional powers that guarantee accountability when it comes to inappropriate spending. Under Senate Bill 1062, the AIB must establish a plan to withhold funding from a county board for inappropriate spending discovered in fiscal audits, an annual school-based expenditure report or an investigation by the Inspector General for Education.

This legislation also gives the AIB the ability to withhold funding should MCAP scores be unsatisfactory. This legislation does not require the AIB to hold back funding, it requires them to set up standards and establish a process to withhold funding while still giving the AIB the option to withhold funds using their discretion.

Senate Bill 1062 also provides flexibility-flexibility not only for local boards of education but also for the State of Maryland as we battle the budget constrains of fully funding the mulit-billion-dollar Blueprint. It also gives the local boards the additional time they need to address the various challenges they are experiencing when it comes to Pre-K expansion.

I also have an amendment in file that speaks to the expansion of Pre-K in Maryland. Under the Blueprint, there is a goal that by the 2026-27 school year, 50% of the required Pre-K slots will be provided by eligible private providers This amendment creates a study to be done by the Maryland Department of Education on the status of private preschools in Maryland and their ability to partner with LEA's to provide Pre-K services as envisioned under the Blueprint, and report to the General Assembly by December 31, 2024.

I ask for your favorable consideration of Senate Bill 1062.

# **SB 1062.Prekindergarten Reforms and Withholding Fu**

Uploaded by: John Woolums

Position: UNF

**BILL:** Senate Bill 1062  
**TITLE:** Education – Prekindergarten and Withholding of County Board Funding (Blueprint Accountability and Flexibility Act of 2024)  
**DATE:** March 6, 2024  
**POSITION:** OPPOSE  
**COMMITTEE:** Education, Energy, and the Environment; Budget and Taxation  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes Senate Bill 1062 as an unwarranted expansion of the State’s authority to withhold education funding from local school systems in a manner, and based on standards, contrary to the substantial accountability (and withholding) provisions already included in State law.

Maryland’s 24 local school systems take fiscal accountability very seriously, as it related so closely to the duties and responsibilities of local board to wisely and soundly invest precious public dollars towards the educational goals and operational necessities of operating 1,400 schools and meeting the needs of the nearly 900,000 students in classrooms every school day.

In Maryland, all school systems are entirely fiscally dependent on appropriations by the State and local governments and, to a much lesser extent, the federal government. State statute therefore includes an array of fiscal accountability measures for local school systems, including federal, state, and local reporting and audit requirements.

Section 2-205 of the Education Article requires the State Board to adopt bylaws, rules, and regulations that govern the administration of the public school systems in Maryland and empowers the State board to direct the local collection and reporting of financial records. Section 5-101 establishes the operating and capital budget categories and references the *Financial Reporting Manual for Maryland Public Schools*. Sections 2-303 and 5-213 authorize the State Superintendent to withhold funding if a school system violates the legal requirements identified in the laws, bylaws, and State board rules and regulations.

In addition, state law prescribes a uniform method of reporting receipts, expenditures, and balances of the operations and activities of the public schools. Pursuant to Section 5-109, the Code of Maryland Regulations further defines the Annual School Budget and Annual School Financial Report (COMAR 13A.02.01.02). Section 5-111 requires that local boards provide all reports, including financial reports, at the time and including the items requested by the State Board and State Superintendent.

In addition, local school system financial practices must conform to the State Financial Reporting Manual. Section 5-101 of the Education Article establishes the budget categories and references the *Financial Reporting Manual for Maryland Public Schools* as the source for identifying additional budgetary details which the county fiscal authorities may request of the local board of education. The *Manual*, which is also known as “the teal book”, is incorporated by reference in COMAR 13A.02.01.02C, and most recently updated in 2014, with another update underway. Maryland’s local school systems are required to adhere to the definitions and terms of the *Manual* when submitting expenditure information to MSDE. Failure to comply with the definitions and other requirements is a violation of State Board regulations and may be the basis for withholding State Aid in accordance with Sections 2-303(b) and 5-205(a) of the Education Article.

The Blueprint for Maryland's Future has added an entirely new layer of fiscal and performance accountability to the operation of Maryland's public school systems.

Beginning in FY 2023, the AIB was required to withhold 25% of the increase in the State share of major education aid over the amount provided in the current fiscal year. For FY 2023 and FY 2024 only, the AIB must release funds withheld if it finds that a local school system has met the minimum guidelines for the submission of the initial implementation plan. In FY 2024 and FY 2025 the AIB must release funds if it finds that a local school system or public school has developed an initial implementation plan and received approval for its plan and for any subsequent modifications (Md. Code Ann., Ed. Art. § 5-405; as amended by HB 1450 (2022)). Beginning in FY 2026, the AIB is required, merely, to consider releasing withheld funds if it determines that a public school or local school system has made sufficient progress on an implementation plan or taken appropriate steps to improve student performance. The AIB may also consider and act on recommendations to release funds from MSDE, the CTE Committee, or an expert review team.

The AIB may withhold more than 25% of the increase in the state share of major education aid over the amount provided in the current fiscal year from a public school or local school system, if, in the judgment of the AIB: (1) a local school system has not made satisfactory efforts to develop or revise its Blueprint implementation plan; (2) a public school or local school system has not made sufficient progress on its implementation plan; or (3) a public school or local school system has not taken appropriate steps to improve student performance.

If the AIB determines that a public school or local school system has made progress in some areas but not in others, the AIB may determine that a portion of the funds may be released while a portion may be withheld. Also, the AIB may determine it is necessary to release or withhold funds for the current fiscal year.

Clearly, from MABE's perspective concerning the scope of budgetary and legal requirements outlined above, no additional school funding accountability standards or accountability measures, including penalties, should be considered or adopted.

For these reasons, MABE urges an unfavorable report on Senate Bill 1062.

**EACtestimony.SB1062.pdf**

Uploaded by: Leslie Margolis

Position: UNF

# Education Advocacy Coalition

for Students with Disabilities

**SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE  
SENATE BUDGET AND TAXATION COMMITTEE**

**SENATE BILL 1062: Education—Prekindergarten and Withholding of County Board Funding  
(Blueprint Accountability and Flexibility Act of 2024)**

**DATE: MARCH 6, 2024**

**POSITION: OPPOSE**

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of more than 40 organizations and individuals concerned with education policy for students with disabilities in Maryland is opposed to Senate Bill 1062, which would, in part, allow the Accountability and Implementation Board (AIB) to withhold funding from a county school board for “unsatisfactory results on the Maryland Comprehensive Assessment Program (MCAP)”. The bill specifies that the AIB may withhold the greater of up to 25% of the state share of major education aid or an amount equal to the amount of “inappropriate spending” in the state share of major education aid. The likely consequences of this draconian penalty should it be imposed on any school systems would be significant for students with disabilities.

Federal and state special education laws require that students with disabilities be educated in general education to the maximum extent appropriate and that they take the same assessments taken by their nondisabled peers unless it is not possible for them to do so, even with accommodations. The Maryland State Department of Education has issued several guidance documents over the years addressing how schools should make decisions regarding assessments, curriculum access, and graduation; the state has a long history of diverting too many children with disabilities to alternate assessments aligned to an alternate curriculum that puts a high school diploma out of reach. In fact, when efforts were undertaken in the past to tie test scores to accountability, many children with disabilities were wrongly swept into the alternate assessment category because of the fear on the part of the staff at their schools that they would bring the school’s test scores down.

Denying a student with disabilities the opportunity to take the MCAP can dictate the curriculum the student receives and the place where the student receives that curriculum. EAC members fear that by imposing a heavy monetary penalty on local school boards for unsatisfactory MCAP scores (a term that is not defined), local school systems will have a renewed incentive to remove students with disabilities from general education classrooms and shift them to the alternate assessment. This would be devastating to the students, to their peers, and to the State, since the United States Department of Education monitors assessment numbers and requires states with too many students in alternate assessments to enter into corrective action plans.



For these reasons, the EAC opposes Senate Bill 1062. Please contact Leslie Seid Margolis, Co-Chairperson, at [lesliem@disabilityrightsmd.org](mailto:lesliem@disabilityrightsmd.org) or 443-692-2505 for more information or if questions.

Respectfully submitted,

Selene Almazan, Selene Almazan Law, LLC

Rene Averitt-Sanzone, The Parents' Place of Maryland

Linda Barton, MSED, Education Advocate

Beth Benevides, Autism Society of Maryland, Co-Chairperson

Ellen Callegary, Attorney

Melanie Carlos, xMinds (Partnership for Extraordinary Minds)

Stephanie Carr, S.L. Carr Education Consultants, LLC

Rich Ceruolo, Parent

Mallory Finn, Tyler Cochran and Maureen van Stone, Project HEAL at Kennedy Krieger Institute

Jennifer Engel Fisher, Weinfeld Education Group

Lisa Frank, Andrea Bennett, Jen Ritchotte, Amy Tonti, Special Kids Company

Kimberly Glassman, Law Office of Brian K. Gruber

Marjorie Guldan and Rosemary Kitzinger, Bright Futures, LLC

Riya Gupta, Strong Schools Maryland

Beth Ann Hancock, Charting the Course, LLC

Ande Kolp, The Arc Maryland

Rachel London, Maryland Developmental Disabilities Council

Leslie Seid Margolis, Disability Rights Maryland, Co-Chairperson

Lindsay Muir, M.Ed., Abilities Network

Ellen O'Neill, Atlantic Seaboard Dyslexia Education Center

Ronza Othman, National Federation of the Blind of Maryland

Maria Ott, Attorney

Kate Raab, Law Office of Nicole Joseph

Rebecca Rienzi, Pathfinders for Autism

Jaime E. Seaton, BGS Law

Karleen Spitulnik and Winifred Winston, Decoding Dyslexia Maryland

Ronnetta Stanley, M.Ed., Loud Voices Together

Wayne Steedman, Steedman Law Group, LLC

Guy Stephens, Alliance Against Seclusion and Restraint

Liz Zogby, Maryland Down Syndrome Advocacy Coalition

The Maryland Education Coalition also joins this testimony



# **SB1062 - Oppose.pdf**

Uploaded by: Riya Gupta

Position: UNF



**Testimony in OPPOSITION of  
Senate Bill 1062: Education – Prekindergarten and Withholding of County Board Funding (Blueprint  
Accountability and Flexibility Act of 2024)**

**Education, Energy, and the Environment Committee**

**Position: Oppose**

March 6, 2024

Strong Schools Maryland actively advocates for the full funding and faithful implementation of The Blueprint for Maryland’s Future that aims to establish a World-Class public school system for our state’s students. With record breaking investments in the education system, the State has shown dedication to ensuring that Maryland students excel on a global level. Senate Bill 1062 aims to alter Blueprint law and enforce financial punitive actions of school systems that are fundamentally incompatible with this vision. **As a result, Strong Schools Maryland opposes Senate Bill 1062.**

Senate Bill 1062:

- Alters the timeline for Blueprint implementation of pre-K expansion and hiring in a way that has not been recommended by the lead implementation agency, the Accountability and Implementation Board. These timeline alterations negatively and dramatically impact pre-K availability and access and the overall outcome goals of the Blueprint; and
- Creates irresponsible punitive mechanisms to withhold funds from school systems. Withholding of funds is an ineffective and backwards method to create positive student outcomes, instead higher funding leads to better test scores, better graduation rates, better student outcomes, etc.<sup>1</sup>

As the Blueprint is Maryland’s living education code, it is important to acknowledge that there may be a need to make shifts in the law as we look forward and there is a high level of accountability and transparency needed on levels of Blueprint implementation. However, the General Assembly must call out and shut down misguided attempts, such as SB 1062, that aim to diminish the effectiveness of the Blueprint and, in the end, will negatively impact Maryland students.

In passing the Blueprint, the General Assembly made the commitment to students: to channel resources into five pillars to transform public education, through equitable practices, so that Maryland’s student achievement would be competitive with not just every state in the country, but with the highest achieving countries in the world. Senate Bill 1062, however, poses a real threat by diverting funds away from our public education system, hindering our efforts to establish a World-Class school accessible to all students.

**For these reasons, we strongly urge an unfavorable report on Senate Bill 1062.**

*For more information, contact Riya Gupta at [riya@strongschoolsmaryland.org](mailto:riya@strongschoolsmaryland.org)*

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<sup>1</sup> [National Bureau of Economic Research](#)

# **SB 1062- Oppose.pdf**

Uploaded by: Shamoyia Gardiner

Position: UNF



**Testimony to the Senate Budget & Taxation and Education, Energy, & the Environment  
Committees**

**In OPPOSITION to**

**Senate Bill 1062: Education - Prekindergarten and Withholding of County Board Funding  
(Blueprint Accountability and Flexibility Act of 2024)**

**March 6, 2024**

The Coalition for the Blueprint for Maryland's Future (Blueprint coalition) is a statewide group of more than 50 organizations within and beyond the realm of education, all focused on ensuring the Blueprint is fully funded and implemented with fidelity. **The Blueprint Coalition stands in firm opposition to Senate Bill 1062: Education - Prekindergarten and Withholding of County Board Funding (Blueprint Accountability and Flexibility Act of 2024).**

SB1062 is fundamentally misaligned with the intent of the Blueprint and formulated to support local jurisdictions in resisting the changes they must make to adjust to the paradigm shift the Blueprint represents. The bill:

- Delays by three years, the implementation and funding timelines for including students and families in Tier 2 of the Blueprint's prekindergarten expansion model;
- Delays by three years, the Blueprint's requirement that private providers comprise 50% of the prekindergarten system; and
- Is primarily a cover to require the Blueprint Accountability and Implementation Board (AIB) to punitively withhold a quarter of state aid funding from school systems that don't perform well on the standardized MCAP assessment or are found to have 'inappropriately spent' any amount of funding.

SB1062 is the kind of legislation that is ignorant of the Blueprint's intent and would present severe obstacles to its stated goal of providing a World Class Education to every student in the state. For those reasons, the undersigned members of **the Blueprint Coalition urge an unfavorable report.**

Strong Schools Maryland  
Maryland Center on Economic Policy

Maryland Out of School Time Network (MOST)

Maryland Coalition for Community Schools

Maryland Alliance For Racial Equity in Education (MAREE)

League of Women Voters of Maryland

ACLU of Maryland

Arts Education in Maryland Schools (AEMS)