

## Legislative Report #2 | May 2018

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# SREB

# Legislative Report

## Governors' legislative and budget proposals

*Delaware* (<https://budget.delaware.gov/>)

The governor's 2018-19 general fund budget of \$4.2 billion represents a 4.3 percent increase over the 2017-18 budget, while supporting the governor's goal of investing in workforce, economic development, public safety, health care and education.

The state Department of Education would receive \$1.5 billion in funding, up 3.7 percent. This includes proposed funding of \$29.5 million, a 42.9 percent increase, to fund enrollment growth at early learning centers under the STARS program, Delaware's early learning quality rating and improvement system. The governor also proposed \$6 million (up from \$1 million) for the Opportunity Grants program, launched last year, which provides additional resources for schools with high poverty rates or large numbers of English language learners.

Nearly \$1.4 billion of the funds to the state Department of Education would fund school district and charter school operations. This includes funds sufficient to provide a 2 percent pay increase to educators at a cost of \$12.6 million.

The governor's proposal included initiatives aimed at the state's largest school district, including \$1.5 million to fund school-based wellness centers and professional development for educators, \$1 million to provide math coaches at the district's middle grades schools, and an additional \$15 million in capital investments to modernize these schools.

The merit-based SEED and Inspire scholarship programs would receive increases of 13.3 percent and 21.7 percent to \$6.4 million and nearly \$2 million, respectively. The governor also said he would work with state legislators to create a student loan forgiveness program for educators. The University of Delaware would receive \$120.6 million and Delaware State University would receive \$35.2 million (both down less than 0.1 percent), while Delaware Technical and Community College would receive \$81.3 million (up 0.6 percent).

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## *Oklahoma* (<https://www.ok.gov/governor/>)

In September 2017, following the state Supreme Court striking down a smoking cessation fee approved by the Legislature in May of that year, the governor called a special session to resolve a projected \$215 million shortfall in health agencies' budgets because of the court's decision. However, in November, the governor vetoed most of the revised budget legislation and subsequently called a second special session that began in December and continued concurrently with the regular 2018 session, which began in February. The governor's constitutionally required budget proposal was based on a set of budget and revenue proposals called Step Up Oklahoma that was released in January 2018; the piece of legislation that would have enacted that plan, however, was not approved by legislators. In February the Legislature approved a \$107.8 million reduction to the statewide budget for 2017-18; this included a \$16.2 million reduction in funds to the State Department of Education and a \$4.7 million reduction to the state higher education system.

The governor's budget proposal would have provided nearly \$7.3 million in state appropriations for 2018-19, up 4.4 percent from the originally approved 2017-18 amount and 6 percent more than the revised 2017-18 budget. A majority of the statewide budget increase would have been directed to K-12 education, with smaller increases for human services, mental health and substance abuse treatment, corrections and transportation.

The governor proposed returning career and technical education and the Office of Educational Quality and Accountability to their initial 2017-18 funding levels of \$112.5 million and \$1.6 million, respectively. Funding to the state higher education system also would have returned to its initial 2017-18 funding level of \$773.6 million.

Under the proposal, K-12 education funding provided through the State Department of Education in 2018-19 would have totaled approximately \$2.8 billion, a 12.7 percent increase from the original prior year amount and up 13.5 percent from the revised amount. Most of this increase — nearly \$289.5 million — was earmarked for a salary increase of \$5,000 for all teachers, with another \$22.6 million provided for increased benefit allowances.

## Final legislative and budget actions

### *Alabama* (<http://www.legislature.state.al.us/>)

The Legislature concluded its regular session at the end of March, having approved a general fund budget, which provides funding for state activities other than education, of just over \$2 billion in 2018-19, up 8.9 percent from the approved 2017-18 budget. The Education Trust Fund budget, which provides funding for all levels of education and other programs, is up 3.4 percent to \$6.6 billion. This includes funding to support House Bill 174, which provides a 2.5 percent salary increase for teachers, school support personnel, school bus drivers, and faculty and staff at two-year colleges.

Nearly \$4.2 billion is directed to K-12 Foundation Program formula funding to schools, a 2.8 percent increase. Over \$3.7 billion of that amount (up 2.7 percent) is base program funding, while nearly \$348 million (up 2.6 percent) is provided for student transportation, \$32 million (up 2.5 percent) funds school nurses, and \$7.8 million (up 32.9 percent) is for school district technology coordinators.

The state Department of Education receives \$217.5 million, up 4.6 percent. This includes \$44.8 million for the statewide reading initiative, a 9.8 percent increase; \$10.4 million for salary stipends to National Board Certified teachers, up 10.6 percent; and \$5.7 million for the department's Career Tech Initiative, a 32.7 percent increase. In addition, the budget provides new funding for a principal mentoring program (\$438,907), computer science teacher professional development (\$300,000) and Technology In Motion professional development for teachers (\$857,192).

Funding for the community college system is up 5 percent to \$382.1 million. Community college funding includes a 6 percent increase to nearly \$5.2 million for the Alabama Technology Network (which provides assistance and resources to business and industry, including training) and a 3.5 percent increase to \$12.8 million for adult education. Funding for state universities is up 3.9 percent to \$1.1 billion. The need-based Alabama Student Assistance Program receives \$4.1 million, up 43.1 percent, while the Alabama Student Grant Program for students at independent colleges and universities receives \$5 million, up 12.3 percent.

To provide educational opportunities in the rapidly growing field of cybernetic technology and engineering, legislators approved Senate Bill 212 to establish the Alabama School of Cyber Technology and Engineering, a residential secondary school for academically motivated and gifted students. The school will award certificates and issue diplomas — in addition to regular high school diplomas — to students who complete a program of study. The legislation permits the school to begin operation in fall 2020; legislators appropriated \$1.5 million to establish the school.

Recognizing the threat of cyber-bullying, the Legislature approved House Bill 366 to expand the legal definition of bullying to include bullying behavior that occurs between students away from school property and bullying through electronic means. The bill requires every school to hold a bullying and school violence program for teachers and students at the beginning of each school year.

## **Other legislation**

HB 71 requires the Secretary of Early Childhood Education, who is appointed by the governor, to have obtained a master's degree or completed a similar amount of master's coursework, and to have extensive experience in early childhood education supervision and management.

HB 261 establishes the Alabama Math and Science Teacher Education Program to provide loan repayment of up to \$2,500 per semester to a secondary math or science teacher who obtained their teaching degree from a university in the state. The Legislature appropriated \$750,000 for the program in 2018-19.

SB 159 requires a school district to provide all professional educators' associations with the same level of access to district employees.

SB 323 permits the governor to withdraw funds from the Education Trust Fund Budget Stabilization Fund, established to prevent mid-year budget cuts to schools, for emergency funding for repairs due to natural disasters.

## ***Arkansas*** (<http://www.arkleg.state.ar.us/>)

The Arkansas Legislature, meeting in its biennial budget session, approved a \$5.6 billion state-funded budget for 2018-19, up 3.2 percent over the prior fiscal year. This includes a \$15.9 million allocation to the Rainy Day Fund in 2018-19, same as the prior year.

Statewide K-12 education funding to school districts is nearly level at \$2.2 billion, up less than 0.1 percent. However, funding to districts with declining enrollment is down 2.8 percent to just under \$14 million, and funding to cover increases in student enrollment declines 15.7 percent to \$37.7 million; funding for salary supplements to teachers with National Board for Professional Teaching Standards certification is up 14.6 percent to \$18.7 million and funding for teacher and school administrator professional development rises 22 percent to \$25.1 million. In addition, basic foundation formula funding to districts rises 2.3 percent to over \$2.1 billion.

Career education funding is level at just under \$32 million. The general education fund for statewide education programs is up 2.9 percent to \$103.7 million, including an 8.5 percent increase to \$41.8 million for the educational facilities partnership program and a 3 percent decrease, to \$15.7 million, in funding to the state Department of Education.

State universities receive \$595.1 million, a 1.2 percent increase, while two-year colleges receive \$116.9 million, up 4.5 percent. State funding to technical colleges rises slightly (0.1 percent) to \$33.6 million.

Legislators convened in a three-day special session shortly after the end of the fiscal session. While most of the agenda concerned non-education matters, legislators approved House Bill 1008 and Senate Bill 6, which modify state law to conform with federal law and allow an individual to use tuition savings account funds for tuition at a private K-12 school. Legislators also approved House Bill 1009 and Senate Bill 3 to ensure that an entire group of siblings is able to transfer between school districts under the Public School Choice Act of 2015, regardless of whether the transfer causes the receiving district to exceed the limitation on the number of transfer students enrolled.

## *Maryland* (<http://mgaleg.maryland.gov/>)

Legislators during the General Assembly's regular session considered issues such as addressing school safety concerns in the wake of events in Florida, increasing regional transit funding, holding down health insurance costs, increasing penalties for repeat violent offenders, and permitting judges to temporarily confiscate firearms from individuals deemed a danger to themselves or others. The statewide general fund budget for 2018-19 totals nearly \$17.9 billion, up 3.9 percent from the originally approved 2017-18 budget.

State general fund aid to K-12 education totals nearly \$6.1 billion, a 1.7 percent increase; of that amount, \$2.8 billion is Foundation Program formula funding, up 5.4 percent. Funding for Limited English Proficient students rises 15.8 percent to \$288 million, and for students with disabilities rises 1.9 percent to \$449.1 million. Funding to expand full-day prekindergarten in school districts totals \$27.4 million in 2018-19 (an increase from just under \$8 million the prior year). Aid to school districts with larger numbers of economically disadvantaged students declines 0.1 percent to \$1.3 billion, while school district employee benefit funding is down 7.3 percent to \$732.9 million. Funding to the state Department of Education (MSDE) falls 4.3 percent to \$104.1 million.

State colleges and universities receive \$1.5 billion, effectively unchanged from the prior year. Formula funding to community colleges is up 1.9 percent to \$261 million, while funds for community college employee benefits fall 3.3 percent to \$61.4 million. Aid to nonpublic colleges rises 10.3 percent to \$56.3 million, and funding for the need-based Educational Excellence Awards program is up 0.1 percent to \$82.9 million.

The Maryland Safe to Learn Act (Senate Bill 1265) requires all public schools to have a trained school resource officer or coverage by local law enforcement beginning with the 2019-20 school year. Each school sys-

tem is required to appoint a mental health services coordinator and a school security coordinator and is required to conduct a safety evaluation of all its public school facilities by June 15, 2019. The legislation requires the Maryland Center for School Safety to develop a specialized training curriculum for school resource officers and school security employees; beginning September 1, 2019, an individual must have completed a training based on this curriculum to serve as a school resource officer or school security employee.

House Bill 1783 is primarily concerned with modifying the 21st Century School Facilities Act that provides school construction funding grants, including moving final approval for grants from the Board of Public Works to a commission within MSDE. The legislation also establishes a \$10 million School Safety Grant Program. Also related to school safety, Senate Bill 725 permits a school principal to report a student to a law enforcement agency if, after an investigation, the principal has reason to believe the student committed a criminal offense.

House Bill 1072 requires each local board of education and any nonpublic school receiving state funding to provide its employees with annual training on preventing, identifying and reporting child sexual abuse. Each local board also must implement policies that support the prevention of child sexual abuse and address appropriate contact between staff and students.

Legislators approved House Bill 1415 to extend the deadline for the Commission on Innovation and Excellence in Education to complete its work to May 31, 2019. The bill also establishes several programs: an outreach program to encourage the top 25 percent of high school students to consider entering the teaching profession; the Maryland Early Literacy Initiative, to provide up to 50 Title I schools with grants (up to \$50,000 per grant, per year) to establish evidence-based literacy programs for students in kindergarten through grade eight; and the Learning in Extended Academic Programs Grant Program, which will distribute \$4.5 million as grants to establish before- and after-school, weekend, or summer academic programs for at-risk students.

## **Other legislation**

HB 281 requires each public high school to offer at least one high-quality computer science course beginning in 2021-22 and establishes the Maryland Center for Computing Education within the University System of Maryland to increase the number of computer science teachers.

HB 403 and SB 595 establish the Community College Facilities Renewal Grant program to provide grants for improvements, repairs, and deferred maintenance projects at community colleges.

HB 568 requires MSDE to develop and update its best practices for local school board governance over the security and privacy of student data and personally identifiable information.

HB 1234 allows a local school board to award credit toward a high school diploma, postsecondary credential, or both to a student who receives work-based training and instruction in a registered apprenticeship program.

HB 1254 requires MSDE to disaggregate reported student discipline data by race, ethnicity, gender, disability status, socioeconomic status and English language proficiency.

SB 611 establishes the Healthy School Facility Fund and requires the governor to appropriate at least \$30 million to the fund each year in 2019-20 and 2020-21.

## *Mississippi* (<http://www.legislature.ms.gov/>)

While legislators were unable to reach consensus on issues such as reworking the state education funding formula, allowing teachers to carry firearms in schools or establishing tuition-free community college, they did approve a state supported 2018-19 budget of nearly \$6.1 billion, a 1 percent increase over the originally approved 2017-18 budget. General funds total \$5.5 billion, a 0.1 percent decrease.

State supported K-12 education funding rises 0.3 percent to under \$2.5 billion, including \$2.2 billion for Mississippi Adequate Education Program formula funding to schools, up 0.1 percent. Vocational and technical education funding remains essentially level at \$81.1 million. State support for general educational activities at state universities declines 0.7 percent to \$355.2 million, though financial aid support for university students rises 5.3 percent to \$37.7 million. Funding for the community and junior college system totals \$237.5 million, up 0.1 percent.

Senate Bill 2763 modifies the Mississippi Virtual Public School Program to specify that the state Department of Education selects private companies to administer, manage or operate virtual school programs in the state through its Mississippi Online Course Application Process (previous law mandated a competitive request-for-proposal process). In addition, the bill clarifies that the parents or guardian of a student may be responsible for the cost of online courses if the student enrolls after the funds budgeted for Mississippi Virtual Public School Program have been expended.

### **Other legislation**

SB 2193 permits the Mississippi Postsecondary Education Financial Assistance Board to administer the Mississippi Nissan Scholarship program.

SB 2218 extends the permitted maximum term of a loan that the board of trustees of a junior or community college may enter into from 15 years to 25 years.

## *West Virginia* (<http://www.wvlegislature.gov/>)

Reversing multiple years of budget reductions, legislators finished the 2018 session with passage of a nearly \$4.4 billion general fund budget for 2018-19, up 3.7 percent. The budget includes funding for a 5 percent salary increase for state employees as well as funding for the average 5 percent teacher salary increase that the Legislature enacted with Senate Bill 267.

K-12 funding totals just under \$2 billion, up 2.7 percent, including state aid to schools of over \$1.8 billion, up 2.8 percent. Higher education funding totals \$398.2 million, up 4.9 percent. Community and technical colleges receive \$65.6 million, up 6.8 percent; state college and university funding rises 3.9 percent to \$259.8 million. The Higher Education Policy Commission receives nearly \$72.9 million (up 6.6 percent), including \$40.6 million (up 4.1 percent) for the need-based Higher Education Grant Program.

House Bill 3089 transfers the responsibility for adoption of school instructional materials, including textbooks and electronic resources, from the state Board of Education to each county board of education, beginning with the 2019-20 school year. Under the legislation, county boards of education that choose electronic instructional materials also are required to provide students with computer equipment necessary to utilize the resources and complete homework assignments.

To simplify testing requirements imposed on private and parochial schools, the Legislature passed House Bill 4183. Under the legislation, private schools will administer nationally normed standardized achievement tests in the same subjects and grade levels for which public schools are required to administer statewide summative assessments.

Legislators passed House Bill 4402 to require, beginning with the 2019-20 academic year, that schools provide all K-12 students with age-appropriate safety information. The state Board of Education is required to establish, by the end of 2018, training standards to develop public school employees' skills, knowledge, and capabilities for preventing child sexual abuse and recognizing and responding to suspected abuse and neglect. Public school employees will be required to complete the training once every two years.

In response to concerns over how school safety laws may affect individuals' lawful possession of firearms, legislators approved Senate Bill 244 which specifies that firearms possession is only prohibited at a non-school location hosting a school-sponsored function for the actual period in which the function is occurring.

### **Other legislation**

HB 4006 eliminates the office of the Secretary of Education and the Arts and transfers the programs of the Department of Education and the Arts to other agencies.

HB 4619 creates a new funding allowance in the school funding formula for each county to implement a comprehensive teacher and leader induction and professional growth system.

SB 319 eliminates the requirement that a home-schooled student earn a general equivalency degree to be eligible for the merit-based PROMISE Scholarship.

## **Notes from other SREB states**

The legislatures in Florida and Georgia completed their regular legislative sessions in March, Kentucky and Tennessee adjourned in April, while Oklahoma wrapped up their session in May, adjourning more than two weeks ahead of the required date.

Virginia completed its regular session in March and returned for its reconvened session in April, but as of this writing legislators remain in a special session to complete action on a 2018-20 biennial budget.

The South Carolina Legislature adjourned their session in early May without having completed appropriations legislation for the coming fiscal year. Legislators will convene in two special sessions, each lasting two days, in late May and in late June to consider budget measures and other matters.

Legislators in Louisiana agreed to end their regular session early and reconvene in a special session running from May 22 to June 4 to address the expiration of temporary revenue measures at the end of June — which would result in a projected \$650 million revenue shortfall in 2018-19.

The North Carolina General Assembly convenes its short session on May 16. The Delaware General Assembly concludes its regular session June 30.

Information on final legislative and budget actions in these states will be featured in upcoming editions of *Legislative Report*.

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