



PUBLIC POLICY REPORT APRIL 2017

A time-tested adage of Annapolis holds that “things get done” during the third year of a four-year cycle. In the first Session following a state election, the combination of new General Assembly members, veterans re-shuffled to new committee assignments, and often an incoming Administration face steep learning curves. In year two, the pace of legislative action quickens somewhat, as key issues, procedural subtleties, and the altered dynamics of power relationships come into sharper focus. Election-year considerations ratchet up partisanship and posturing during the cycle’s fourth Session, but those same considerations often suppress the introduction of controversial new proposals. Almost by process of elimination, both the volume and variety of legislation peak during year three.

For Maryland Family Network, the 2017 Session proceeded true to form. Afforded a welcome respite from fiscal turmoil and immediate budget threats, MFN and its allies busily pursued the largest legislative agenda in recent memory. Ultimately, we achieved notable victories that may not have been attainable if a different year’s collective inexperience or high-level bickering had precluded brokering. As the 2018 campaign nears, this past Session also offers a potent reminder that effectiveness in Annapolis is predicated on year-round engagement and strategy sustained over time (see the Legislation section below).

BUDGET

Budget advocacy always constitutes a top priority for MFN, and in 2017, an unusually harmonious budget process concluded swiftly. The budget proposed by the Governor provided stable funding for many programs critical to young children—the networks of Child Care Resource Centers and Family Support Centers prominent among them. The budget also included an increase of \$3.3 million for the Child Care Subsidy Program (CCSP), a vital support for many families and providers, designed to help low-income parents enter and remain in the workforce by subsidizing the high cost of quality child care.

MFN defeated a surprise recommendation from the Department of Legislative Services to cut \$860,000 from the CCSP allocation. A quick mobilization of resistance convinced key legislators to reject the proposal. Even so, the modest State budget increase will almost certainly prove insufficient to address a lingering wait-list for families in the top two tiers of income eligibility (i.e., \$23,676 - \$29,990 for a family of three), which numbered more than 4100 children as of this writing. Prior year estimates indicate that eliminating the wait-list could cost \$5 - \$6 million.

Moreover, MFN remains gravely concerned about the chronic underfunding of CCSP, which faces additional complications in the wake of federal action that will increase State costs significantly without a corresponding addition of federal funds. The Child Care and Development Block Grant (CCDBG), as reauthorized by Congress in 2014, imposes enormous burdens for many states. Maryland’s strong foundation of child care health and safety



requirements (many advocated by MFN) has placed it ahead of the curve in several respects, but the fiscal implications remain daunting. By rough estimates, the two new CCDBG provisions likely to have the greatest budgetary impact on Maryland—extending the baseline duration of family eligibility for subsidy to 12 months, and raising provider reimbursement rates to the federally recommended level (see below)—could cost \$20 million and \$35 million, respectively. MFN expects to spend much of the coming year preparing to confront this looming challenge.

LEGISLATION

Much of MFN's success in the 2017 Session can be attributed to ongoing public policy engagement in the preceding months, and indeed years. For example, MFN enlisted the support of the two Co-chairs and organized a series of four hearings on child care by the General Assembly's Joint Committee for Children, Youth, and Families (JCCYF) during the 2016 Interim, the period that falls between the conclusion of one Session and beginning of the next. This unprecedented "deep dive" on a single (albeit complex) policy and budgetary issue by JCCYF brought federal officials, national experts, and a wide range of state-level stakeholders to Annapolis. The hearings garnered significant attention from legislators and led directly to the 2017 introduction of SB 293 / HB 395 "Child Care Subsidy Program – Alternative Methodology – Report" and SB 294 / HB 418 "Child Care Subsidy Program – Reimbursement Rate Adjustments," which were enacted after an advocacy campaign spearheaded by MFN.

The bills address the fact that Maryland's child care subsidy reimbursement rates are among the very lowest in the country, in effect relegating low-income families who participate in CCSP to the cheapest and poorest quality care in their communities. This directly contravenes the federal mandate that CCSP participants have "equal access" to quality care, which was vehemently reinforced by 2016 regulations promulgated by the U.S. Department of Health and Human Services (HHS) to implement CCDBG. To ensure equal access, HHS "strongly discourage[s]" states from setting subsidy rates any lower than an amount that gives parents the ability to afford 75 percent of the child care programs in their community. Maryland's rates currently give parents access to only 9 percent.

In the immediate term, absent additional funding, the rate increases likely to be enforced by HHS may worsen CCSP shortfalls and could precipitate policy changes to the further detriment of children, parents, and providers. MFN's legislation will ensure that the process unfolds transparently, after thorough analysis and reporting, and will give the General Assembly greater oversight of the program. Ultimately, this will help MFN and other advocates tremendously in our ongoing efforts to make CCSP better serve Maryland's low-income families, their children, and their child care providers.

MFN has championed the expansion of publicly funded pre-kindergarten for decades. Partly in recognition of that fact, MFN Executive Director Margaret Williams was appointed to the Commission on Innovation and Excellence in Education (better known as the "Kirwan Commission"), which is expressly charged with considering the establishment of universal pre-K in Maryland, among many other topics related to funding and policy in the K-12 public education system. Ms. Williams is receiving internal staff support from Clinton Macsherry, MFN's Director of Public Policy.

While the Kirwan Commission conducts its work in advance of a December 2017 reporting deadline, MFN remained a vigorous pre-K advocate during the 2017 Session, serving as a lead proponent of several related legislative initiatives. SB 581 / HB 516 "Workgroup to Study the

Implementation of Universal Access to Prekindergarten for 4-Year-Olds” has already led to establishment of a group of key stakeholders to supplement and inform the work of the Kirwan Commission. This Workgroup has convened and will meet throughout the summer. Unlike the Kirwan Commission, it will devote its full attention to the complex issues surrounding universal pre-K, build on the preliminary analysis of an independent consulting team, and deliver non-binding recommendations to the Kirwan Commission by September. (MFN is represented on the Workgroup by Mr. Macsherry.) Given the release of the Commission’s final pre-K recommendations late this year, much work on pre-K funding and policy can be expected in upcoming Sessions.

MFN also helped lead the effort to enact SB 651 / HB 425 “Public Schools – Suspensions and Expulsions,” legislation intended to address the alarming number of suspensions and expulsions administered to Maryland students in pre-K through second grade. The bill was initially proposed by the Black Legislative Caucus, which cited the disproportionate use of such exclusionary discipline for young African-American boys and students with disabilities. Based on its extensive experience with early childhood mental health consultation, social and emotional development, and appropriate behavioral interventions in early education settings, MFN was able to add a positive and pro-active perspective to the deliberations.

Backed by its knowledge of best practices endorsed by the American Academy of Pediatrics, the U.S. Departments of Education and of Health and Human Services, and others, MFN successfully argued for an amendment banning expulsions (except as required by federal law) and severely limiting suspensions to a maximum of five days—and then only in extreme cases where a mental health professional has deemed there to be a threat to the safety of the student, his or her classmates, or school staff. Although some proponents favored an outright prohibition of suspensions, MFN’s amendment helped secure the passage of the bill when it encountered opposition from legislators who considered even this “last-resort” exemption too restrictive on schools’ disciplinary authority.

Finally, MFN helped organize resistance to SB 667 / HB 548 “Education – Prekindergarten Student Assessment.” As introduced, the bill would have imposed a statewide moratorium on the administration of the Early Learning Assessment (ELA), an important early childhood development tool. ELA can help child care providers and pre-K teachers tailor instruction to meet the developmental needs of individual students. In some jurisdictions, however, it appears that local mandates have led to a misuse of the ELA instrument, to the particular frustration of public pre-K teachers. As amended, the bill no longer imposes a moratorium but requires local school systems to consult with teachers on implementation.

Although it was not an initiative developed by MFN, SB 1024 / HB 684 “Education – State Grants for Education Aid” will have a notable impact on state pre-K funding through 2020. Initially drafted to address fiscal challenges confronting school systems due to declining enrollments, the legislation was amended to include supplemental grants for the four Maryland jurisdictions that provide full-day pre-K to all children enrolled in their programs. Baltimore City will likely be the prime beneficiary, receiving up to \$22.4 million (provided it meets certain conditions) in supplemental pre-K grants when the program is fully ramped up in 2020; Garrett, Kent, and Somerset Counties will also benefit, though to lesser degrees. Legislative analysts question whether the new grants will be sufficient to incentivize other jurisdictions to expand their pre-K programs from half-day to full-day.

One of MFN's greatest strengths as an advocacy leader stems from the ways in which our direct-service programs inform the work of the Public Policy Department. The Public School Suspension and Expulsion legislation discussed above, for example, clearly benefitted from the perspective of the Early Childhood Mental Health Consultation Programs that operate within MFN's network of Child Care Resource Centers. Similarly, our long experience with the Family Support Center network and Early Head Start led to our support for SB 1013 / HB 1214 "Health Occupations – Dental Therapists – Licensure," a bill to expand dental care access to underserved populations, chief among them low-income children. Marylanders may well recall the tragic story of Deamonte Driver, a Prince George's County 12-year-old who died 10 years ago from an untreated tooth abscess. Our programs regularly see even younger children enroll with multiple dental problems. MFN Early Head Start Program Coordinator Faith Miller and her team have spent years working to connect young children with oral health care providers. Their longstanding efforts made this year's bill a natural for MFN to champion.

The legislation would expand access by establishing a mid-level health professional, known as a "dental therapist." Analogous to a nurse practitioner, a dental therapist can perform a limited scope of services under the supervision of a dentist—a practice that has met with great success internationally and in other states where comparable legislation has been approved. The bill encountered heavy resistance from the dentists' lobby and ultimately failed in the last days of Session. Even so, it passed handily in the state Senate and won some key supporters in the House of Delegates, which was a far stronger showing than many proponents anticipated. Preparing for success in the 2018 Session will make up a significant part of MFN's work between now and next January.

MFN was pleased to support SB 341 / HB 23 "Vehicle Laws – School Vehicles – Definition," an effort by our ally the Maryland Head Start Association (MHSA) to improve transportation access and safety for Head Start students. Maryland's safety standards for school buses are among the most stringent in the nation, and only buses manufactured in compliance with those standards can be registered in the state for use as school buses—giving them the authority to stop traffic while students board and disembark. Unfortunately, new buses meeting Maryland standards are also prohibitively expensive for programs such as Head Start, and the secondary market is virtually nonexistent.

MHSA sought a statutory exemption that would permit Head Start programs to operate buses not in full compliance with Maryland regulations—provided that those buses meet the rigorous federal Head Start Performance Standards pertaining to transportation. MHSA and MFN convinced legislators that those Head Start standards are as safe (arguably safer) than Maryland standards. For example, unlike Maryland school buses, Head Start buses must be equipped with seat restraints. Although the bill faced several technical hurdles and an end-of-Session time crunch, close attention and persistent lobbying paid off in success.

PRESENCE IN ANNAPOLIS

As guests of Arundel Child Care Connections, MFN's Public Policy Committee convened its bi-weekly Session meetings a few short blocks from the State House before busy days of lobbying and bill hearings. As always, the meetings served as a venue for discussing and striving for consensus on legislation and budget matters. MFN is particularly proud that participating child care providers and advocates for children with disabilities were able to reach agreement on a bill to address the resolution of disputes over possible discrimination.

MFN's annual day of advocacy brought more than 325 parents, young children, and staff from Family Support Centers and Child Care Resource Centers to Annapolis—many of them for the first time—to meet with their legislators, learn about the legislative process, and make their voices heard. The “stroller brigade” once again carried MFN's mission and message into the halls of the State House and legislative offices.

Of necessity, MFN's public policy work continues throughout the Interim between General Assembly sessions, as freshly minted legislation is implemented, task forces meet, new budget proposals are developed, contracts are negotiated, regulations are promulgated, and new ideas for legislation emerge for discussion and debate. MFN will take and make opportunities to inform policymakers about the many critical issues surrounding early care and education. And when the 2018 Session commences next January, whatever cyclical dynamics are then at play, MFN will stand prepared to protect the needs and advance the interests of Maryland's young children and their families.

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