

Board of Education Legislative Exhibit
February 6, 2019

SECTION 1: BOE VOTE REQUESTED

HB0240/SB0232

Hate Crimes - Threats and Penalties

*Sponsored by: Delegate Rosenberg
Senator Zirkin*

Prohibiting a person from threatening to commit hate crimes; providing a person who violates the Act is guilty of a misdemeanor and is subject to imprisonment of up to 5 years or a fine of up to \$10,000 or both; and authorizing a court to require a person to attend educational classes and perform community service related to the person or group that was the subject of the person's violation as a condition of supervised release.

<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0240F.pdf>
<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0240F.pdf>

SUPPORT

Racist and bigoted behavior and actions are not tolerated at AACPS. As such, we continue to work with our staff and the community to be part of the solution to acts of hate in the county and in our schools. There is a lot of work, however, for everyone to do when it comes to eradicating bigotry and hate. We all have roles to play, and as is the case when it comes to the education of our children, in this effort all must mean all. As such, we believe that these bills are an important step in the right direction to help strengthen Maryland's hate crime law.

SECTION 2: BOE VOTE NOT RECOMMENDED AT THIS TIME

HB0087

State Board of Education - Membership - Teachers and Parent

Sponsored by: Delegate Ebersole

Altering the membership of the State Board of Education to add two regular members who are certified teachers and a parent of a student enrolled in a public school in the State; authorizing teacher members to be appointed to the State Board although the individuals are subject to the authority of the State Board; and requiring a list submitted to the Governor by the State Department of Education to consist of the two teacher members who received the highest number of votes after an election by teachers in the State.

<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0087F.pdf>

NO POSITION

HB0152/SB0167

Pathways in Technology Early College High (P-TECH) Expansion Act of 2019

Sponsored by: Speaker

Repealing the limit on the number of Pathways in Technology Early College High (P-TECH) Planning Grants that may be awarded to a local school system in each year; removing the prohibition against new P-TECH Planning Grants being awarded to establish a new P-TECH school until after the 2016-2017 cohort of P-TECH students completes the 6-year pathway sequence; and repealing the intent language regarding a prohibition against additional P-TECH schools.

<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0152F.pdf>
<http://mgaleg.maryland.gov/2019RS/bills/sb/sb0167F.pdf>

NO POSITION

HB0216

Speed Monitoring Systems - School Zone in Multiple Counties - Limitation

Sponsored by: Delegate Sydnor

Limiting the operation of a speed monitoring system in a school zone that extends beyond a single county to the county in which the school is located.

<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0216F.pdf>

NO POSITION

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HB0245

Education - Student Data Privacy Council

Sponsored by: Delegate Kaiser

Establishing the Student Data Privacy Council to study the development and implementation of the Student Data Privacy Act of 2015 and review similar laws and best practices in other states and appropriate technologies; requiring the Council to report its recommendations to the Governor and the General Assembly on or before December 31, 2020, regarding potential statutory and regulatory changes to the Student Data Privacy Act; and terminating the Act after May 21, 2021.

<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0245F.pdf>

NO POSITION

HB0255

Public Schools - Agricultural Education Programs

Sponsored by: Delegate Shoemaker

Encouraging each county board of education to implement an agricultural education program that prepares students for successful careers and informed choices and for opportunities in agriculture-related employment and higher education by providing instruction and developing skills through integrated classroom and laboratory instruction, supervised agricultural experiences, and leadership experiences and involvement in student organizations.

<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0255F.pdf>

NO POSITION

SB0127

Education - Public School Attendance - Homeless Children

Sponsored by: Senator Simonaire

Repealing a provision of law requiring a county superintendent of schools to allow a child awaiting foster care placement not subject to educational stability provisions of the federal McKinney-Vento Homeless Assistance Act to attend school in the county even if the child is not currently domiciled in that county; and updating provisions of law to include references to the educational stability provisions of the Every Student Succeeds Act.

<http://mgaleg.maryland.gov/2019RS/bills/sb/sb0127F.pdf>

NO POSITION

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SB0221

Workgroup on Establishing an Independent School Board for the Juvenile Services Education System

Sponsored by: Senator Kelley

Establishing a Workgroup on Establishing an Independent School Board for the Juvenile Services Education System to determine whether to create an independent school board for the Juvenile Services Education System and identify ways to reform and improve juvenile education services; requiring the Workgroup to convene on or before September 1, 2019; and requiring the Workgroup to submit a report to the Governor and the General Assembly by December 20, 2020.

<http://mgaleg.maryland.gov/2019RS/bills/sb/sb0221F.pdf>

NO POSITION

**SECTION 3: BOE VOTE NOT REQUIRED – ESTABLISHED POSITION
IN 2019 LEGISLATIVE PROGRAM**

HB0109/SB0285

Environment - Expanded Polystyrene Food Service Products - Prohibition

Sponsored by: Delegate Lierman

Prohibiting a person from selling in the State an expanded polystyrene food service product on or after January 1, 2020; prohibiting food service businesses and schools from selling or providing food in expanded polystyrene food service products on or after January 1, 2020; requiring a county health department to impose penalties of up to \$250 for violations; and requiring a county health department to notify the Department of the Environment of violations.

<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0109F.pdf>

<http://mgaleg.maryland.gov/2019RS/bills/sb/sb0285F.pdf>

OPPOSE

AACPS has researched the feasibility of purchasing alternative organic based food trays and determined that absorbing the additional cost associating with these trays is untenable. HB109 is an unfunded mandate that would cost AACPS \$772,987 to \$966,234 a year. Existing black polystyrene food trays cost AACPS approximately \$0.03 each. Comparable costs for organic based food trays would run between \$0.08 and \$0.10 each. This represents an almost tripling of costs. Such an increase could result in the need to increase the price of meals at AACPS. However, we would be precluded from passing along any of these costs to any of the students who qualify for free or reduced-price meals because the State and federal government pay a fixed price per child regardless of additional expenses that may be incurred by a school system. As such, the full cost of the net

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increase would fully and disproportionately be borne by those remaining students that do not qualify for free or reduced meal services.

HB0110

Elementary School Students - Daily Physical Activity (Student Health and Fitness Act)

Sponsored by: Delegate Walker

Requiring a public school student in elementary school to be provided a daily program of physical activity totaling 150 minutes each week to include physical education and developmentally appropriate, moderate-to-vigorous activity, including recess; requiring that the program of physical activity for a category of student be consistent with the student's Individualized Education Program; and requiring public elementary schools to designate a physical activity leadership team to plan and coordinate activities.

<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0110F.pdf>

OPPOSE

AACPS supports student physical education and we believe that students benefit from additional physical education and activity. AACPS understands the importance of physical activity and its positive correlation to academic performance as well its enhancement of the child's physical, social, emotional and cognitive development. However, HB110 would mandate a specific physical education program in local school systems. While the bill is well-intentioned in its attempt to enhance student involvement in more physical activity and related physical education, the objectives of the proposed legislation can continue to be most effectively addressed at the local school system level.

HB110 would have a significant fiscal impact on AACPS. Currently, AACPS provides 60 minutes per week of physical education curriculum to elementary school children, in addition to recess and other physical activities. To increase physical education instruction by 30 minutes a week, would result in an additional 45.6 physical education FTE at a cost of approximately \$3.5 million in FY2020 and increasing to \$3.8 million by FY2024. This legislation would also require AACPS to reduce instructional time in other content areas, or increase the length of the school day to accommodate the new requirement. An increase in the length of the school day would also have a significant fiscal impact.

It is critical for a local board of education to retain the authority to address curricular issues for its schools and, as such, AACPS opposes local public school curriculum content being mandated by the State Legislature. The authority to establish curriculum is the domain of the State Board and the local boards, the same entities charged with responsibility to research, investigate, and evaluate both the curriculum and assessments.

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HB0132/SB0180

Education - Robotics Grant Program - Alterations

Sponsored by: Delegate Reznik

Expanding the eligibility requirements for the Robotics Grant Program to include nonprofit organizations and community clubs that are proposing new or have existing robotics programs; repealing the requirement for existing nonprofit robotics clubs to be associated with a public school to be eligible for the Program; and requiring the Governor to increase the annual appropriation for the Program to at least \$500,000.

<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0132F.pdf>
<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0132F.pdf>

OPPOSE

This bill would alter the eligibility requirements for existing nonprofit robotics clubs to receive a grant under the State's Robotics Grant Program regardless of whether the nonprofit robotics club is associated with a public school.

The Board of Education of Anne Arundel County is committed to maximize the potential of new and emerging technologies to improve student outcomes and better prepare all students for the workforce needs of the 21st Century. However, the Board opposes the diversion of public education funds to nonpublic schools. Unlike public schools, private schools have no direct accountability to taxpayers for their use of tax revenues.

The diversion of public funds to nonpublic schools is likely to have serious economic, constitutional, legal, and public policy consequences. If public funds are used for the support of nonpublic schools, fewer resources would be available for public elementary and secondary schools. The diversion of public funds to nonpublic schools also impede the ability of localities to ensure an appropriate, safe, and equitable education for all students. Further, students in schools with limited parental/guardian and community support would be disadvantaged.

HB0140

Special Education - Administrative Proceedings and Judicial Actions - Attorney's and Expert Witness Fees and Related Costs

Sponsored by: Delegate Luedtke

Authorizing an administrative law judge to award attorney's fees and related costs to the parent of a child with a disability who is the prevailing party in a special education proceeding.

<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0140F.pdf>

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OPPOSE

The proposed legislation would have an extensive impact on the school system if this bill were to pass. As such, this legislation would result in an unfunded mandate. Currently, if the parent is the prevailing party in a due process or court hearing, the parent is awarded only attorney fees. This bill proposes to award parents expert witness fees and “other costs” in direct contradiction to *Arlington Central School Dist. Bd. of Ed. v. Murphy*, 548 US 291, where the Supreme Court determined that “‘costs’ is a term of art that generally does not include expert fees.” 402 F. 3d, at 336 and “was not meant to be an open-ended provision that makes participating States liable for all expenses incurred by prevailing parents in connection with an IDEA case...” Reimbursement of this expense, according to the Supreme Court, runs counter to statutory intent to reduce litigation fees.

HB0156/SB0172

Public Charter School Facility Fund

Sponsored by: Speaker

Establishing the Public Charter School Facility Fund as a special, nonlapsing fund; specifying that the Fund shall be used to provide funding to public charter schools in the State to acquire, plan, develop, finance, construct, improve, repair, and maintain public charter school facilities; requiring the State Department of Education to administer the Fund; requiring the Governor to appropriate a certain amount to the Fund each year; and requiring the Department to establish procedures for schools to request funds.

<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0156F.pdf>

<http://mgaleg.maryland.gov/2019RS/bills/sb/sb0172F.pdf>

OPPOSE

The proposed legislation could result in fewer public funds available to AACPS for school construction and capital improvements because charter school projects would now be in competition with other AACPS projects. The addition of charter school facilities in no way lessens the needs of local school systems to address the needs of these facilities and yet has the potential to diminish access to the existing and limited available funding stream. Additional projects could compete against more pressing district projects and adding public charter school projects could limit more pressing district facility needs.

Additionally, charter schools already get a pro rata share of operating funds from a school system to support operations and maintenance functions and, thus, these bills could potentially create a windfall for a charter school by funding a charter school twice for the same activities.

AACPS has approximately 2,557 students enrolled in public charter schools. These bills would result in funding of up to \$1,600 per student. As such, approximately \$4,091,200 of available State education funding could be redirected to charter schools while still obligating AACPS to continue to fund charter schools with pro rata operations and maintenance operating funding from our General Fund.

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HB0160/SB0122

Property Tax Credits - Real Property Used for Robotics Programs

Sponsored by: Delegate Ebersole

Authorizing the governing body of a county or municipal corporation to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on real property used for the purposes of a public school robotics program or nonprofit robotics program in the State; authorizing the governing body of a county or municipal corporation to provide, by law, for matters relating to the tax credit; and applying the Act to taxable years beginning after June 30, 2019.

<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0160F.pdf>

<http://mgaleg.maryland.gov/2019RS/bills/sb/sb0122F.pdf>

OPPOSE

The Board of Education of Anne Arundel County opposes efforts to reduce funding, shift funding responsibilities from the State to county governments, or condition funding on undue impositions on local board policy and budget discretion. We, therefore, oppose legislation such as the proposed legislation that could materially lower the amount of fiscal resources available to support public education. In a fiscally conservative and tax revenue capped jurisdiction like Anne Arundel County, these bills would generate further constraints on an already tight budget. It is important to note that Anne Arundel County government typically provides approximately 60% of the school district's total operating budget revenues. As such, the proposed tax credit would not only serve to lower tax receipts that support our operating budget, but also hinder the capital debt affordability ratios that support our school system's capital budget.

HB0206/SB0188

Public and Nonpublic Schools - Classwork and Assessment Involving Live and Dead Animals - Student Choice Policy

Sponsored by: Delegate Young, K.

Authorizing a student in a public school or nonpublic school to choose not to participate in or observe, in whole or in part, classwork or an assessment that includes actions conducted on a live, dead, or severed part of an animal; authorizing a student to choose not to participate in or observe the classwork or assessment on the day that it is assigned; and requiring a student to complete the required classwork or assessment by an alternative educational method that meets certain requirements.

<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0206F.pdf>

<http://mgaleg.maryland.gov/2019RS/bills/sb/sb0188F.pdf>

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OPPOSE

These bills are an unnecessary intrusion on local school systems' curriculum, policy and administrative decisions. Local school systems can effectively accommodate students who refuse to participate in or observe the dissection of dead animals. For example, AACPS already has accommodations in place for students and these accommodations have been in place for at least 16 years. AACPS employs alternative methods for students to accomplish relatively the same outcome when dead creatures were the focus of the lab activity. Those alternatives include the use of models, simulations, video/webinar interactions, and reading assignments. Further, a 2016 survey by the Maryland State Department of Education, found that all but one county board of education have policies or procedures in place that allow students to refuse to participate in assignments that involve live or dead animals. As such, the proposed legislation is unnecessary and issues with the one jurisdiction that does not currently have a policy and procedures to allow students to refuse to participate in such classes can be addressed at the local level.

HB0238

Education - Removal of County Superintendents - Procedures

Sponsored by: Delegate Atterbeary

Authorizing a county board of education to file a complaint with the State Superintendent of Schools requesting the removal of a county superintendent of schools; specifying the manner in which a county board may file a complaint; requiring the State Superintendent to make a decision to remove or retain a county superintendent within 90 days of receiving a complaint; and adjusting the period within which a county superintendent may request a hearing after being removed from 10 days to 30 days.

<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0238F.pdf>

OPPOSE

The Board of Education of Anne Arundel County opposes efforts by the General Assembly to alter the current process for the removal of a local superintendent of schools. We believe that HB238 is contrary to the current and longstanding practices of the State, and eliminates due process and checks and balances. The State Board of Education addressed this issue in *Metts v. Prince George's County Board of Education*, MSBE Opinion No. 02-05 (2002) where the Board stated, "[T]he legislature intended to design a hierarchical system in State elementary and secondary education that establishes the State Board of Education and the State Superintendent as the final authority on educational policy and the administration of the public school systems of the State. While the local boards and local superintendents are charged with carrying out that policy, the manner in which they execute their responsibilities is subject to State oversight and review." Additionally, even when a superintendent's contract arguably allowed for the county board alone to terminate the agreement and remove the superintendent from office, the State Board of Education has found such a provision contrary to public policy and, therefore, voidable.

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HB0330

Education - County Boards of Education - County Superintendent Contracts

Sponsored by: Delegate Miller

Requiring that a contract of a county superintendent of schools or a chief executive officer, executed on or after June 1, 2019, to include a provision that if the contract is terminated, the maximum cash settlement may not exceed the monthly salary multiplied by 12 if the amount of time remaining in the contract is more than 12 months, or the monthly salary multiplied by the number of months remaining in the contract if there are less than 12 months remaining in the contract; prohibiting a cash settlement from including any compensation other than cash, except that it may include health benefits; and prohibiting a county superintendent or chief executive officer who is removed for immorality, misconduct in office, insubordination, incompetency or willful neglect of duty from being compensated as described above from being compensated any other than cash, except that it may include health benefits.

<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0330F.pdf>

OPPOSE

The Board of Education of Anne Arundel County supports the authority of a local board of education to negotiate a contract with its superintendent. By retaining decision-making authority at the local level, local boards of education can best balance educational practices, available resources to implement those practices, public input, and accountability. As such, we oppose efforts, such as HB330, to change the appointment authority for local superintendents of schools or any interference with our authority to negotiate a contract with our superintendent.

HB0357/SB0222

Appointment of County Superintendent of Schools - Disapproval by State Superintendent of Schools

Sponsored by: Delegate Ebersole

Establishing that the State Superintendent of Schools may disapprove an appointment of a county superintendent of schools only if the appointee does not meet the qualifications specified for the position.

<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0357F.pdf>

<http://mgaleg.maryland.gov/2019RS/bills/sb/sb0222F.pdf>

SUPPORT

The Board of Education of Anne Arundel County supports the authority of a local board of education to select a superintendent who meets the unique needs of its respective school system. By retaining decision-making authority at the local level, local boards of education can best determine the best candidate to serve as superintendent to lead their schools. As such, we support the

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proposed legislation that affirms the authority of local board of education to appoint local superintendents of schools.

SB0128

County Boards of Education - Length of School Year - Adjustments

Sponsored by: *Senator Pinsky*

Repealing a provision of law that authorized a county board of education to extend the length of the school year for up to 5 school days beyond June 15 without approval from the State Board of Education; and requiring each county board to set the start date and end date of the school year for the public schools in the county each year.

<http://mgaleg.maryland.gov/2019RS/bills/sb/sb0128F.pdf>

SUPPORT

In 2016, Governor Hogan issued an Executive Order requiring all public schools to begin the school year no earlier than the Tuesday immediately following Labor Day and end no later than June 15. The parameters set forth in the Executive Order have required most, if not all, school systems in the State to rewrite their school calendars in order to squeeze the mandated 180 days of class between Labor Day and June 15. In the 2017-2018 school year, AACPS cut 10 days from our calendar as compared to the 2016-2017 school year. Spring Break was shortened from six days to three days, the number of inclement weather days were reduced from five to three, and parent-teacher conference opportunities were cut from three to two. The 2018-2019 school calendar resulted in additional reductions due to the fact that there was a General Election Day, Yom Kippur fell on a weekday, and June 15 was a Saturday. SB128 would return the authority to determine the school calendar to each local county board of education. This bill, which allows school systems to set school year calendars without restrictions on start and end dates, provides the greatly needed flexibility for each county board to best meet the needs of its respective students and prevents the unmanageable calendar crunch school systems are currently experiencing.

SB0280/HB0166

Labor and Employment - Payment of Wages - Minimum Wage and Enforcement (Fight for Fifteen)

*Sponsored by: Senator McCray
Delegate Fennell*

Specifying the State minimum wage rate that is in effect for certain time periods; increasing, except under certain circumstances, the State minimum wage rate based on the annual growth in the Consumer Price Index for All Urban Consumers for the Washington-Arlington-Alexandria, DC-VA-MD-WV metropolitan area; specifying the tip credit amount that is in effect for certain time periods; and prohibiting an employer, beginning July 1, 2027, from including the tip credit amount as part of the wage of employees.

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<http://mgaleg.maryland.gov/2019RS/bills/sb/sb0280F.pdf>
<http://mgaleg.maryland.gov/2019RS/bills/hb/hb0166F.pdf>

OPPOSE

These bills are an unfunded mandate which would have a significant fiscal impact on AACPS. Current Maryland minimum wage is \$10.10 and the proposed legislation would dramatically increase the State's current minimum wage by an additional \$5.00 an hour. Such an increase would result in a significant increase of local government expenditures to pay additional wages to minimum wage government employees. AACPS currently has 561 permanent employees that make less than \$15.00 an hour. Increasing the minimum wage for these employees to \$15.00 an hour would cost the school system approximately \$1.25 million in salaries and benefits. This figure would more than likely be significantly higher because we would expect other employee units to negotiate an increase in their entire salary scales to maintain the current differential in hourly rates between steps and grades. Additionally, from February 2018 to January 2019, AACPS employed 3,237 temporary and substitute employees who earned less than \$15 an hour. Increasing the minimum wage for these employees to \$15.00 an hour would cost the school system approximately \$4.21 million in salaries and benefits. The passage of the proposed legislation would result in an increased cost for AACPS of approximately \$5.46 million in additional salaries and benefits. Again, this number is low due to the potential increases in the salary scales of other employee units to continue salary differential that exists in the current salary tables.