

**Board of Education Legislative Exhibit**  
February 5, 2020

**SECTION 1: BOE VOTE REQUESTED**

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**NO BILLS**

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## SECTION 2: BOE VOTE NOT RECOMMENDED AT THIS TIME

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### **HB0403**

#### **Immigration Enforcement - Public Schools, Hospitals, and Courthouses - Policies**

*Sponsored by: Delegate Wilkins*

Requiring the Attorney General, in consultation with certain stakeholders, to develop guidelines to assist public schools, hospitals, and courthouses to draft policies that limit civil immigration enforcement activities on their premises in order to ensure these facilities remain safe and accessible to all; and authorizing public schools, hospitals, and courthouses to establish and publish policies that limit immigration enforcement on their premises to the fullest extent possible; etc.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0403F.pdf>

**NO POSITION**

### **HB0450**

#### **Public High Schools - Career Exploration and Development Activities - Coffee**

*Sponsored by: Delegate Grammer*

Prohibiting an Executive Branch agency from banning or regulating the sale of coffee in conjunction with a career exploration and development activity in any public high school in the State; and repealing the exception that prohibited banning or regulating the sale of coffee in a Baltimore County public high school that sold coffee on or before June 30, 2018, in conjunction with a career exploration and development activity.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0450F.pdf>

**NO POSITION**

### **HB0453**

#### **Education - Public Schools and Youth Sports Programs - Tackle Football**

*Sponsored by: Delegate Walker*

Limiting a certain tackle football season to the months of August through December; prohibiting a county board of education or school from offering, approving, or sponsoring tackle football games during the months of January through July; prohibiting a youth sports program from providing tackle football games to youth athletes during the months of January through July; etc.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0453F.pdf>

**NO POSITION**

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## **HB0497**

### **Education - School Physical Examinations - Physician Assistant**

*Sponsored by: Delegate Lewis, R.*

Altering the types of health care providers required to complete a physical examination of a student entering the Maryland Public School System for the first time to include a physician assistant.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0497F.pdf>

**NO POSITION**

## **SB0258**

### **Public Schools - Electric Retractable Room Partitions - Operation Requirements**

*Sponsored by: Senator Bailey*

Prohibiting school employees from operating an electric retractable room partition in a public school except under certain circumstances; requiring any annual safety review, evaluation, or exercise for school employees in a certain school building to include certain information and demonstrations; and requiring the State Department of Education to develop and disseminate model safety guidelines on the safe operation of electric retractable room partitions.

<http://mgaleg.maryland.gov/2020RS/bills/sb/sb0258F.pdf>

**NO POSITION**

## **HB0503/SB0391**

### **Primary and Secondary Schools - Dependent Children of Service Members - Enrollment and Documentation Requirements**

*Sponsored by: Delegate Valentino-Smith  
Senator Peters*

Requiring a county superintendent of schools to allow a dependent child of a service member relocating to the State on military orders to enroll in a school in the county in accordance with certain provisions of law; requiring a county superintendent to allow a dependent child of a certain service member to apply for enrollment in a certain public school in the same manner and at the same time as individuals domiciled in the county; requiring the service member to provide certain documentation to the school by a certain time; etc.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0503F.pdf>

<http://mgaleg.maryland.gov/2020RS/bills/sb/sb0391F.pdf>

**NO POSITION**

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### SECTION 3: BOE VOTE NOT REQUIRED – ESTABLISHED POSITION IN 2020 LEGISLATIVE PROGRAM

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#### **HB0184**

#### **Special Education - Judicial Actions - Attorney's Fees and Related Costs**

*Sponsored by: Delegate Luedtke*

Authorizing a court to award attorney's fees and related costs to the parent of a child with a disability who is the prevailing party in a certain special education proceeding; prohibiting a court from awarding attorney's fees and related costs to certain parents in a certain proceeding under certain circumstances; and authorizing an award of attorney's fees and related costs to a parent of a child with a disability who is a prevailing party under certain circumstances.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0184F.pdf>

#### **OPPOSE**

The proposed legislation would have a significant fiscal impact on the school system if this bill were to pass and would, as written, result in unfunded mandate. In recent litigation, a plaintiff used five expert witnesses – four of whom were in court for a half day each and one of whom was in court for one full day. Had AACPS not prevailed in the case, this bill would require AACPS to absorb the costs of five expert witnesses. Currently, if the parent is the prevailing party in a due process or court hearing, the parent is awarded only attorney fees. HB184 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.

#### **HB0202**

#### **Restorative Schools Fund and Grants - Establishment**

*Sponsored by: Delegate Cain*

Establishing the Restorative Schools Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the State Department of Education to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing that a distribution from the Fund is supplemental to and is not intended to take the place of existing funding; etc.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0202F.pdf>

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## SUPPORT

This bill establishes the Restorative Schools Fund and a grant program to provide funds to local school systems and individual schools for training on, and implementation and evaluation of, restorative approaches that build and sustain positive learning communities. Funding for the program is as provided in the annual State budget. Grants to local school systems must be used to develop and support restorative approaches, as specified. Expenditures from the fund are supplemental to funding that otherwise would be appropriated to schools and school systems for these purposes. The Maryland State Department of Education must establish procedures for the grant program if funding is provided in the State budget.

AACPS supports incentive funding for local school systems to help ensure safe and orderly school environments through effective programs, professional development, and support services for staff, including restorative practices and Positive Behavioral Interventions and Supports, which help to effectively and appropriately administer discipline and other proactive initiatives at the local school level. Restorative practices empower schools to build communities where all students, staff, and families feel connected and valued within the school building. If a situation occurs where harm is done, schools can also use restorative practices to address behavior in a way that holds students accountable for repairing the harm while still providing them with an honorable path back into the school community. AACPS currently has a 5-year plan to implement restorative practices across the entire school system. The availability of funding established in this bill would greatly augment our staff and resources in this area.

## HB0208

### Public Schools - Provision of Menstrual Hygiene Products

*Sponsored by: Delegate Reznik*

Requiring each county board of education to ensure that each public school provide, at no charge to students, menstrual hygiene products via dispensers in the restrooms at the school; requiring a public school to install menstrual hygiene product dispensers in at least two restrooms on or before October 1, 2020, and in all restrooms on or before August 1, 2024; and defining 'menstrual hygiene products' as size-appropriate tampons or sanitary napkins for use in connection with the menstrual cycle.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0208F.pdf>

## SUPPORT WITH AMENDMENTS

AACPS supports the intent of this bill to ensure that students have access to menstrual hygiene products. We do have concerns that the requirements set forth in the bill would create an unfunded mandate and result in a significant fiscal impact on school systems. Accordingly, we request an amendment to provide State funding for the implementation of this bill. The State funding should cover the cost of the feminine hygiene products themselves as well as the cost of procuring, installing, and maintaining the requisite dispensing devices at each school.

AACPS also requests an amendment to clarify that a school system is not required to provide tampons. There are well-documented health concerns associated with tampons and many parents do not want their children using these particular feminine hygiene products. The requirement to provide tampons,

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therefore, raises potential liability issues. Finally, there is a concern that teachers may be expected to assist a student with the use of tampons, in particular, which raises additional liability concerns.

### **HB0284**

#### **Education - Maryland High School Diploma - Civics Test Requirement**

*Sponsored by: Delegate Szeliga*

Requiring an individual to take a certain civics test, and achieve a passing score by correctly answering at least 60% of the questions, in order to, on or after January 1, 2022, graduate from a public high school, meet certain alternative requirements for obtaining a Maryland high school diploma, or qualify for a Maryland high school diploma by examination; requiring the State Board of Education to determine the means of providing each high school student an opportunity to take the required civics test; etc.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0284F.pdf>

### **OPPOSE**

AACPS supports local decision-making authority in developing curriculum and AACPS opposes efforts by the General Assembly to legislate curriculum, courses of instruction, assessments, or graduation requirements, firmly believing that this role belongs to local boards of education in conjunction with the State Board of Education. In creating the State Board and local boards of education, the General Assembly has delegated to them the responsibility for guiding and delivering a high-quality statewide system of public education through State standards and accountability measures, and locally governed and administered curriculum, teaching, and learning. The program of studies in each school system is developed as a whole and aligned with the State and local standards and assessments. Accordingly, the authority to establish curriculum and assessments is the domain of the State Board of Education and the local boards of education. We are the same entities charged with the responsibility to research, investigate, and evaluate both curriculum and assessments. Legislation such as HB284, which seeks to interject piecemeal segments into the curriculum or to extract portions of the testing, only serve to weaken the effectiveness of the entire educational program.

### **HB0287/SB0222**

#### **Anne Arundel County Board of Education - Annual Meeting - Date**

*Sponsored by: Delegate Carey  
Senator Beidle*

Altering the date on which the Anne Arundel County Board of Education is required to hold its annual meeting from on or as near as possible to the second Tuesday in July to on or as near as possible to the first Wednesday in December.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0287F.pdf>

<http://mgaleg.maryland.gov/2020RS/bills/sb/sb0222F.pdf>

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## SUPPORT

HB287 is technical and was requested by the Board to ensure alignment of the Board's annual meeting date with the election of new Board members. This change will authorize the Board to elect Board officers in December and will conform the Board of Education of Anne Arundel County to other boards of education in the State that have members taking office in December of an election year.

### HB0327

#### Public Schools - School Resource Officers - Prohibited Conduct

*Sponsored by: Delegate Washington*

Prohibiting a school administrator or official or a school safety coordinator from directing a school resource officer to enforce certain discipline-related policies, rules, regulations, or procedures; prohibiting a school resource officer from unilaterally enforcing certain discipline-related policies, rules, regulations, or procedures; and requiring a specialized curriculum for use in training of school resource officers to include training in conduct that is prohibited.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0327F.pdf>

## SUPPORT

Currently, School Resource Officers (SROs) do not make determinations regarding student discipline. AACPS has policies and procedures in place regarding such interactions with SROs and law enforcement. If there has been a criminal law violated, adjudication is referred to law enforcement to address the criminal aspect of the behavior and a school administrator makes a disciplinary determination pursuant to AACPS policies, procedures, and the Code of Student Conduct. In accordance with a student's due process rights and current policies and procedures, it is the school administrator who makes the final school determination regarding student discipline. Once such a determination is made, AACPS policy affords a student appeal rights.

We appreciate the amendments to further clarify the prohibited conduct in a manner that cannot be interpreted in an overly broad manner. Regular conversation and rapport among students, administrators, staff, SROs and other law enforcement are essential to ensure a more holistic, contextual view of student behavior. These interactions help to facilitate ongoing relationships that create safer school climates among student, administrators, staff, SROs and law enforcement. The amended language is clearer and does not hinder these relationships or negatively impact a school administrator's ability to request assistance during criminal investigations, for example.

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### HB0328

#### State Department of Education - School Discipline - Data Collection

*Sponsored by: Delegate Washington*

Requiring the State Department of Education to disaggregate certain discipline-related data in an electronic spreadsheet format for the Maryland Report Card website; requiring certain discipline-related data to be available as a data download; requiring the Department to provide certain discipline-related data to the public in an accessible electronic spreadsheet format; requiring the Department to lower a risk ratio used to identify a school's disproportional disciplinary practices from 3.0 to 2.0; etc.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0328F.pdf>

#### OPPOSE

The data identified in this legislation is already reported and available on the federal Office for Civil Rights website. In addition, MSDE will soon have this information available on its website. The provision in the legislation that would require student discipline data to be included in the Maryland ESSA Consolidated State Plan is concerning because it is inconsistent with the categories that actually receive Maryland School Report Card scores in accordance with the State Plan. Including this unscored discipline data alongside other data that is actually scored on the Maryland School Report Card would result in confusion for stakeholders. Current Maryland law already requires MSDE to share disproportionality data for all schools and districts. As such, the State does not need another law to report the same information. There is also concern with the provision in the bill that would lower the disproportionality ratio for discipline from 3.0 to 2.0. This is inconsistent with State Board of Education requirements.

### HB0331

#### Public Schools – Medical Cannabis – Guidelines for Administration to Students (Connor's Courage)

*Sponsored by: Delegate Lisanti*

Requiring, on or before December 1, 2020, the State Department of Education and the Natalie M. LaPrade Medical Cannabis Commission jointly to develop guidelines for public schools regarding the administration of medical cannabis to certain students during school hours and school-sponsored after-school activities; providing for the contents of the guidelines; requiring, on or before December 1, 2020, the Department and the Commission jointly to provide certain technical assistance to schools; etc.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0331F.pdf>

#### OPPOSE

AACPS has concerns with the mandate in the bill requiring school systems to have a policy on the administration of medical cannabis because cannabis is still illegal under federal law and considered a Schedule I drug with no exceptions made for medical cannabis. By requiring the adoption of a written policy regarding the administration of medical cannabis, HB331 puts local school systems at risk of federal scrutiny and at risk of a potential loss of federal funding. Implementation of this bill would also be a violation of current State law which prohibits the manufacturing, distribution, dispensing, and possession

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of controlled dangerous substances (defined as “a drug or substance listed in Schedule I through Schedule V”) on a school bus or school property.

### **HB0338/SB0276**

#### **Building Opportunity Act of 2020**

*Sponsored by: Speaker on behalf of the Governor  
President on behalf of the Governor*

Authorizing the Maryland Stadium Authority, on approval by the Board of Public Works, to issue bonds to finance the construction of or improvements to certain public school facilities; establishing the Building Opportunity Financing Fund and the Building Opportunity Facilities Fund; exempting certain public school construction projects that use alternative financing methods from certain requirements; expanding certain provisions relating to financing and funding public school construction projects to apply statewide; etc.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0338F.pdf>

<http://mgaleg.maryland.gov/2020RS/bills/sb/sb0276F.pdf>

#### **SUPPORT WITH AMENDMENTS**

Anne Arundel County Public Schools (AACPS) supports adequate funding for the Public School Construction Program. This bill would provide supplemental Capital Improvement Program (CIP) funding to help address the \$2.1 billion infrastructure backlog at AACPS. However, this legislation could potentially allow for the funding of charter school projects. As such, we recommend that the proposed legislation be amended to remove any provision that would allow for a portion of revenue bonds to support construction or renovation activities at charter schools. Secondly, in order to ensure that the new Building Opportunity Fund is implemented as efficiently and effectively as possible, it should be done so implemented within the existing IAC framework.

The fiscal impact of this legislation is difficult to quantify directly given the lack of specificity regarding implementation. It would likely result in additional funding to support our CIP program. Given that AACPS represents approximately 9% of the State’s student enrollment and approximately 10% of the State’s public school real estate footprint, it is estimated that AACPS could be eligible for approximately the same percentage of CIP funding if this legislation were to pass.

Finally, AACPS recommends an amendment would be in order to ensure that the existing \$280 million in annual GO Bond funding for the Public School Construction Program and the Aging Schools Program would be maintained at the minimum in order and help ensure that HB338 is supplemental to (not a supplanting of) existing school construction funding.

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### HB0347/SB0275

#### Education - Community and Local Accountability for Struggling Schools (CLASS) Act of 2020 - Innovation Schools

*Sponsored by: Speaker on behalf of the Governor  
President on behalf of the Governor*

Requiring a county board of education to designate as an innovation school each school that receives one star under the star rating system for at least the previous two consecutive school years; requiring a county board to establish an Innovation Plan Committee for each innovation school; providing for the contents of an innovation plan; providing the process for review, adoption, modification, or rejection of a proposed innovation plan, including electronic posting, a public comment period, and a requirement for a public hearing; etc.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0347F.pdf>  
<http://mgaleg.maryland.gov/2020RS/bills/sb/sb0275F.pdf>

### OPPOSE

HB347 requires a county board of education to designate schools receiving one star for two consecutive years under the star rating system as an innovation school. The county board would be required to establish an Innovation Plan Committee for each innovation school with specific contents for an innovation plan. Also required under the bill is a process for review, adoption, modification or rejection of a proposed innovation plan. The bill includes electronic posting of the plan, a public comment period, a public hearing, specifying the funding and operation of the innovation school, inclusion of required language in collective bargaining agreements.

AACPS already requires all schools, regardless of their star rating, to develop a school improvement plan. The school improvement plan requires action steps, professional development, resources, and measurement of effectiveness with timelines. The school improvement plan consists of various stakeholders of the school community and reporting mechanisms. In addition, school systems must implement a comprehensive support and improvement plan to improve student outcomes at schools identified by the Maryland State Department of Education (MSDE). This additional review and accountability process is conducted in collaboration with MSDE.

In addition, ESSA has extensive and robust processes that hold schools accountable if they do not show improvement or meet targets. The AACPS ESSA Consolidated Strategic Plan also has accountability requirements clearly outline the school system's response to low performing students. Schools are required to conduct a needs assessment, determine root cause analysis, and develop plans including evidence-based practices.

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### HB0348/SB0267

#### AP Opportunities Act of 2020

*Sponsored by: Speaker on behalf of the Governor*

*President on behalf of the Governor*

Requiring the State Board of Education to provide Advanced Placement examination fee assistance, beginning in the 2020-2021 school year, for students whose annual household income is at or below 185% of the federal poverty level, who is in foster care or Head Start, who is homeless, who is living in a household receiving certain federal assistance, or who is able to show that the fee would be a financial hardship; authorizing the State Board to adopt certain regulations; etc.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0348F.pdf>

<http://mgaleg.maryland.gov/2020RS/bills/sb/sb0267F.pdf>

#### SUPPORT WITH AMENDMENTS

AACPS greatly appreciates this bill's proposal to establish a State funding source for the reimbursement of local school system costs of providing financial assistance to students taking critically important assessments. The availability of these funds will help AACPS' single most important strategic goal – to accelerate the academic learning and engagement of all students while eliminating all achievement, experience, and opportunity gaps. This funding will be particularly beneficial in increasing underrepresented student groups and minority student participation in challenging academic programs. We support State and local sharing or State assumption of the significant examination fees for students, particularly for those who are financially disadvantaged as such fees present a disincentive to enrollment and participation in advanced studies programs. Currently, AACPS covers the cost for students in the 11th Grade to take the SAT because we firmly believe that such increased access to these opportunities will help to elevate all students, decrease the achievement gap, and open more opportunities for postsecondary and career education for more of our students. The proposed legislation will allow AACPS to provide even more opportunities for all our students.

AACPS requests that the bill be amended to define the term “assistance” to clarify that eligible students will have all their Advanced Placement exam fees paid for under this bill.

In addition, AACPS requests that the bill amended to remove the term “Head Start” in line 21 on page 1. This legislation would not apply because a student in Head Start would not be eligible to take an Advanced Placement test.

### HB0372

#### Public Information Act - Required Denials for Specific Information - Sociological Information

*Sponsored by: Delegate Carr*

Prohibiting a definition of “sociological information” adopted in rules or regulations by an official custodian for certain purposes from including an individual's personal address.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0372F.pdf>

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### SUPPORT

While HB372 would require agencies to incorporate a definition of “sociological information” into their policies in order to be able to exempt information from disclosure in response to a Public Information Act request, this legislation would help to prevent stereotyping of public employees and others based on race, ethnicity, and other demographics.

#### **HB0380/SB0193**

#### **Public Information Act - Denial of Part of a Public Record - Investigations by Inspectors General**

*Sponsored by: Delegate Lewis, R.  
Senator Kagan*

Authorizing a custodian to deny inspection of records of investigations conducted by or investigatory files compiled by an inspector general whose office is created by State law or the laws of a political subdivision of the State.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0380F.pdf>

<http://mgaleg.maryland.gov/2020RS/bills/sb/sb0193F.pdf>

### SUPPORT

HB380 recognizes that individuals who are subject to an investigation are not, by definition, necessarily guilty of any wrongdoing, be it criminal or otherwise. Disclosing investigatory records that could create public opinion that casts employees or others in a negative light either unnecessary or preliminarily (or both) is something that should be avoided. Accordingly, this legislation would help protect the privacy of such individuals.

#### **HB0401**

#### **Public Information Act - Remote Access, Fee Complaints, Fee Waivers, and Inspection of Judicial Records (Open Government, Better Government Act)**

*Sponsored by: Delegate Barron*

Establishing the intent of the General Assembly that each official custodian adopt an internet use policy and other technological advances to expand remote access to public records and increase the transparency of government; requiring the Public Information Act Compliance Board to receive, review, and resolve certain complaints alleging that a custodian unreasonably failed to waive a fee under certain circumstances; altering the minimum fee charged under which the Board has authority to review a complaint; etc.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0401F.pdf>

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### OPPOSE

AACPS is concerned with overly broad language regarding the adoption of a policy in the bill that could be interpreted or misinterpreted in several ways. In one respect, the language appears to simply say an agency must adopt a policy regarding what public records it displays electronically. On the other hand, the language could be interpreted to require agencies to conform to a State developed policy on this matter.

More concerning, however, is the new definition of “representative of the news media” that appears in the bill. In today’s electronic age, defining “representative of the news media” as someone who “gathers information of potential interest to a segment of the public” and “distributes that work to an audience” essentially fails to limit the field at all. Thus, anyone with a social media page who writes about a subject using “gathered” information can qualify under the stated definition. Such qualification then allows for an expanded fee waiver for a Public Information Act request. The potential expense associated with such a waiver could be costly and could result in considerable staff time. Such a waiver would allow for a request to essentially grind an agency to a halt while staff research and compile documents with no reimbursement save for the cost of copies. In cases where agencies provide records electronically, which is the vast majority of AACPS cases, there would be no reimbursement to the agency at all. This waiver option would result in an unfunded mandate that would place an undue burden on AACPS staff.

Finally, one of the main arguments made by members of the news media when seeking access is that reporters should have the same access as members of the general public. AACPS would not disagree, but the definition in this legislation differentiates the two groups and provides unequal access.

### HB0435/SB0338

#### Allegany County - Video Lottery Terminals - Distribution of Proceeds

*Sponsored by: Allegany County Delegation  
Senator Edwards*

Repealing the alteration of the distribution of proceeds from video lottery terminals at a facility in Allegany County after 10 years of operations at the facility; and altering the distribution of proceeds from video lottery terminals at a facility in Allegany County.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0435F.pdf>

<http://mgaleg.maryland.gov/2020RS/bills/sb/sb0338F.pdf>

### OPPOSE

AACPS opposes efforts to reduce funding to the Education Trust Fund. The VLT facility in Allegany County currently retains 60% of the VLT revenue and this is set to decrease to 53% in 2024. However, HB435 would maintain the VLT distribution to the VLT facility in Allegany County at 60% in perpetuity. Accordingly, less funding will be allocated to the Education Trust Fund, resulting in less money for public school education in Maryland. This is problematic and sets a dangerous precedent. Strong State and local funding for Pre-K–12 public education is essential in ensuring that all AACPS students have access to the appropriate programs and instructional support they need to meet rigorous standards and expectations and ensure that AACPS is elevating all students and eliminating all gaps.

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## **HB0457/SB0371**

### **Environment - Drinking Water Outlets in School Buildings - Testing for Elevated Level of Lead**

*Sponsored by: Delegate Rosenberg*

*Senator Carter*

Altering the definition of 'elevated level of lead' for purposes of certain provisions of law relating to testing for the presence of lead in certain drinking water outlets in certain school buildings to be a lead concentration in drinking water that exceeds 5 parts per billion rather than a certain standard recommended by the U.S. Environmental Protection Agency; and requiring certain regulations adopted by the Department of the Environment to require that certain testing be conducted at least once every 18 months.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0457F.pdf>

<http://mgaleg.maryland.gov/2020RS/bills/sb/sb0371F.pdf>

#### **OPPOSE**

The State already has a well-established and robust drinking water outlet testing regiment that comports with federal law and a reasonable 36 month per outlet testing frequency cycle. The current federal standard is 20 parts per billion. Significantly decreasing the threshold level down by 75% below federal standards and reducing the testing cycles currently within State law in half would unnecessarily create a tremendous workload issue for AACPS staff and a significant unfunded cost burden upon AACPS. This unfunded mandate would necessitate the diversion of funds and resources out of the schoolhouse to fulfill these new requirements without evidence that it is solving a documented need. In addition, we would likely be required to contract with another vendor to fulfill the requirements in this bill.

## **HB0500**

### **State Lottery - Unclaimed Prizes - Distribution to Local Boards of Education**

*Sponsored by: Delegate Walker*

Requiring the Director of the State Lottery and Gaming Control Agency, at the end of each fiscal year, to remit money in the unclaimed prize fund to the Comptroller for distribution to each county board of education in the State on a pro rata basis determined by the total lottery sales made in each county; and providing that a distribution from the fund is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for county boards of education.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0500F.pdf>

#### **SUPPORT**

AACPS supports consideration of all available revenue options to support Maryland's public schools. This legislation would provide another funding source for public education. Specifically, HB500 could yield more than \$2 million in additional education funding for AACPS in FY 2022. As expectations and standards rise, increased per-pupil spending is necessary to continue the educational success of Anne Arundel County and the State of Maryland. Adequate funding for Pre-K-12 public education is essential in ensuring that all AACPS students have access to the appropriate programs and instructional support

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they need to meet rigorous standards and expectations and ensure that AACPS is elevating all students and eliminating all gaps.

### **HB0508**

#### **Education - Public High Schools - Financial Literacy Curriculum and Graduation Requirement**

*Sponsored by: Delegate Walker*

Requiring the State Board of Education to develop curriculum content for a half-semester-long course in financial literacy; requiring each county board of education to implement the financial literacy curriculum content in every public high school in the county; and requiring students to complete a course in financial literacy in order to graduate from a public high school.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0508F.pdf>

### **OPPOSE**

While this bill is well-intentioned, AACPS opposes efforts by the General Assembly to legislate public school curriculum. The authority to establish curriculum and assessments is the domain of the State Board of Education and the local boards of education, the same entities charged with the responsibility to research, investigate, and evaluate both curriculum and assessments. This allows local boards of education to collaborate with the State and stakeholders to ensure that all students, schools, and school systems are held accountable.

Maryland has already taken proactive steps to ensure that all of our students are financially literate by implementing Personal Financial Literacy Education Standards in grades 3-12 in every public school. The State has established a Financial Literacy Education Council to support local school system implementation activities, and has partnered with financial institutions and other organizations to provide ongoing professional development for teachers. In addition, public and private partnerships help fund financial literacy initiatives in local schools.

AACPS strongly supports financial literacy and we have also taken steps to ensure that all students have a strong foundation in financial education to make informed decisions and accomplish their educational goals. In 2007, we approved a one-semester Financial Literacy course for high school students as an elective. Since then, AACPS has developed additional elective courses in financial literacy. Additionally, AACPS has integrated financial literacy standards into multiple content areas, including math, social studies, family and consumer science, and language arts. As such, the current efforts by the State and local boards of education is the preferred approach rather than a State legislative mandate that such a course be a graduation requirement, which may not ensure that students are financially literate.

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### HB0516

#### Public 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 and at least 90 minutes each week of physical education; requiring that the program of physical activity for a certain category of student be consistent with the student's Individualized Education Program; etc.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0516F.pdf>

#### OPPOSE

Anne Arundel County Public Schools (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 a child's physical, social, emotional and cognitive development. Elementary school students at AACPS receive 60 minutes of physical education curriculum each week, a minimum of 20 minutes of recess each day and other in-class physical activities. While we appreciate the sponsors efforts to remove mandates that were in the bill in previous year, we still have concerns with the statewide goals and believe that the objectives of the proposed legislation can continue to be most effectively addressed at the local school system level.

Meeting the goals established by the legislation would have a significant fiscal impact on AACPS. Currently, AACPS provides 60 minutes per week of physical education curriculum to elementary school children. Increasing 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 FY2021 and increasing to \$3.8 million by FY2024. In addition, AACPS would be required to reduce instructional time in other content areas or increase the length of the school day to accommodate the goal set forth in the bill of 150 minutes of physical activity per week. Reducing instructional time in other content areas would adversely impact the educational programming of our students and an increase in the length of the school day would have a significant fiscal impact on AACPS.

AACPS also has concerns with language in the bill which prohibits a student in middle school from being removed from recess as part of the routine discipline of the student. AACPS middle schools do not provide recess and we do not believe that this language is appropriate or necessary. More generally, while AACPS already has guidelines in place which prohibit recess being withheld as a consequence, we believe that such decisions should be made at the local level to best address the unique needs of each school system. 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 General Assembly.

# Board of Education Legislative Exhibit

February 5, 2020

## HB0535

### Anne Arundel County Public Schools - Preventive Measure Unit Pilot Program

*Sponsored by: Delegate Saab*

Establishing the Preventive Measure Unit Pilot Program in Anne Arundel County; requiring the Anne Arundel County Board of Education, in collaboration with the County Police Department and the County Mental Health Agency, to establish a preventive measure unit position in three middle schools to monitor students with behavioral, social, or legal difficulties during certain school years; requiring the Governor to make an appropriation sufficient to hire three individuals to implement the Program in selected schools; etc.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0535F.pdf>

#### OPPOSE

AACPS has several concerns with the proposed legislation. First, the intent of the legislation is unclear. This bill would establish a “Preventive Measure Unit Pilot Program” but it does not specify what the Program would seek to prevent. The legislation would also require AACPS to work with the County Police Department and the County Mental Health Agency. AACPS already has a collaborative relationship with both county agencies.

Another concern with the legislation is the requirement that the school district hire a staff person for each of the three participating middle schools. The type of position to be hired is not identified in the bill. Due to the lack of specification in the bill and what it aims to prevent, it is difficult to determine what staff would need to be hired. For example, would AACPS need to hire addiction specialists, psychologists, or counselors? This is unclear.

The funding for the three positions is another concern. While the legislation would require the Governor to appropriate funding for the Program, it does not specify the amount funding. In addition, because we do not know what the Program is seeking to prevent, it is difficult to quantify what that funding would have to be in order to hire the appropriate staff. There is also concern that the positions have the potential of being permanent which would result in the costs being absorbed by AACPS once the original funding was no longer available.

Finally, in 2018, the Maryland General Assembly passed the Maryland Safe to Learn Act. That law addresses several school safety issues, including safety evaluations and behavior threat assessments, staff training, and school policy on behavior threat assessments. AACPS supported that legislation and played an integral role in the development of the law. In fact, Superintendent George Arlotto and AACPS staff were part of the group that recently developed the State model policy for behavior threat assessment, which school systems must adopt. The 2018 law in conjunction with current AACPS programs could result in a lot of potential overlap depending on the ultimate purpose of this Program.

While well-intentioned, this legislation would result in an unfunded mandate that encroaches on local board authority and local school system decision-making.

# Board of Education Legislative Exhibit

February 5, 2020

## **HB0548**

### **Career and Technology Education - Training in Soft Business Skills**

*Sponsored by: Delegate Stein*

Requiring career and technology programs in public schools to integrate into the academic curriculum training and exposure in soft business skills; and including in 'soft business skills' employee and employer relationships, business etiquette, social and emotional awareness in the workplace, group work skills, appropriate professional communication skills, public presentation and customer service, project planning, and use of common business tools.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0548F.pdf>

### **OPPOSE**

AACPS maintains and operates two robust CTE programs in dedicated space at the Centers for Applied Technology North and South. The AACPS Career and Technology Education Office provides leadership, support, and resources for all courses and programs in the areas of Applied Technology, Business Education, Computer Science, Family and Consumer Sciences, and Technology Education. CTE programs offer students an opportunity to get a head start on their career as well as post-secondary education. In accordance with CTE program guidelines established by the Maryland State Department of Education (MSDE), AACPS CTE programs address employability skills which are defined as skills that are essential for job success but are not necessarily linked to specific occupational knowledge. They include interpersonal, communication, thinking, technology, and learning skills. MSDE has developed unit plans to specifically address employability skills.

## **HB0575**

### **Education - Sexual Abuse and Assault Awareness and Prevention Program - Human and Sex Trafficking**

*Sponsored by: Delegate Johnson*

Requiring the State Board of Education and certain nonpublic schools to develop and implement a program of age-appropriate education on the awareness and prevention of sexual abuse and assault; and including, for students in grades 6 through 8, material promoting the awareness and prevention of human and sex trafficking.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0575F.pdf>

# Board of Education Legislative Exhibit

February 5, 2020

## OPPOSE

AACPS opposes efforts by the General Assembly to legislate curriculum, courses of instruction, assessments, or graduation requirements, firmly believing that this role belongs to local boards of education in conjunction with the State Board of Education. In creating the State Board and local boards of education, the General Assembly has delegated to them the responsibility for guiding and delivering a high-quality statewide system of public education through State standards and accountability measures, and locally governed and administered curriculum, teaching, and learning. The program of studies in each school system is developed as a whole and aligned with the State and local standards and assessments. Accordingly, the authority to establish curriculum and assessments is the domain of the State Board of Education and the local boards of education. We are the same entities charged with the responsibility to research, investigate, and evaluate both curriculum and assessments. Legislation such as HB575, which seeks to interject piecemeal segments into the curriculum or to extract portions of the testing, only serve to weaken the effectiveness of the entire educational program.

## HB0582/SB0232

### Procurement - Prevailing Wage - Applicability

*Sponsored by: Delegate Valderrama  
Senator Benson*

Repealing a certain limitation on the applicability of the Prevailing Wage Law to the construction of a public work and applying the Prevailing Wage Law to construction of a certain public work funded in whole or in part with State funds.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0582F.pdf>  
<http://mgaleg.maryland.gov/2020RS/bills/sb/sb0232F.pdf>

## SUPPORT

It is commonly believed that the prevailing wage provisions can add in excess of 10% to the total cost of various construction trade activities on CIP projects. Due to the relatively low amount of State FUNDS distributed to AACPS, we do often exceed the 25% mark. In tight economic times, AACPS should follow a strategy of fiscal prudence and avoid paying premiums on goods and services. Given the \$2.1 billion backlog in AACPS capital projects, stretching our limited financial resources to complete the most projects for the least cost would appear to support sound public and fiscal policy. Lastly, there is not consistent evidence to suggest that projects undertaken via the higher prevailing wage rates are completed on a timelier basis in a better-quality manner. This legislation could result in a savings in excess of \$10 million per year for AACPS.

## Board of Education Legislative Exhibit

February 5, 2020

### **SB0196**

#### **Anne Arundel County - Board of Education - Voting**

*Sponsored by: Senator Simonaire*

Requiring the affirmative vote of at least six, rather than five, members of the Anne Arundel County Board of Education for the approval of any action by the county board.

<http://mgaleg.maryland.gov/2020RS/bills/sb/sb0196F.pdf>

### **OPPOSE**

This legislation would require a 75% approval of any action of the Board as opposed to the simple majority currently required. SB196 infringes on local board authority and the Board's ability to conduct business and provide oversight over the school system. This bill would also single out Anne Arundel County as having the most restrictive voting requirements of any other board of education in the State. In fact, the standard would be even higher than it is for the County Council or the General Assembly to pass a law in the State.

### **SB0241**

#### **Maryland Healthy Working Families Act - Applicability**

*Sponsored by: Senator Bailey*

Providing that the Maryland Healthy Working Families Act does not apply to employees of a county board of education who are called to work on an as-needed basis, can reject or accept the shift offered by the county board of education, and are not guaranteed to be called on to work by the county board of education.

<http://mgaleg.maryland.gov/2020RS/bills/sb/sb0241F.pdf>

### **SUPPORT**

The Maryland Healthy Working Families Act has required school systems to provide paid sick leave to substitute teachers. We have essentially been required to hire substitutes for substitutes and this has made covering classes during teacher absences even more difficult. The law is an unfunded mandate that has cost AACPS nearly approximately \$400,000 a year in accrued paid sick leave for substitute teachers alone. We project nearly 13,500 accrued paid sick leave hours for substitute teachers by the end of this school year. The proposed legislation would align county boards of education with other industries in the law that are exempt from providing paid sick leave to employees who receive an invitation to work and have the ability to accept or reject the assignment based upon their needs and interests. There is already a shortage of substitute teachers available in Anne Arundel County and the current law further limits our ability to find substitute teachers to ensure class coverage. Accordingly, the legislation addresses AACPS opposition and concerns regarding the implementation of the Maryland Healthy Working Families Act.

## Board of Education Legislative Exhibit

February 5, 2020

### **SB0260**

#### **Labor and Employment - Leave With Pay - Bereavement Leave (Family Bereavement Act)**

*Sponsored by: Senator Washington*

Authorizing employees of certain employers to use certain leave with pay for bereavement leave in the event of the death of an immediate family member or a pet of the employee.

<http://mgaleg.maryland.gov/2020RS/bills/sb/sb0260F.pdf>

#### **OPPOSE**

SB260 infringes upon local board authority. This is a local issue and should not be legislated. AACPS currently provides bereavement leave for our employees. Such leave is outlined in applicable negotiated agreements and terms of employment. Adding bereavement leave for an employee's pet is troublesome because we already provide generous leave benefits to employees and this bill would provide another avenue for employees to be off from work. In addition, we have concerns that allowing another avenue for leave will further exacerbate our ability to hire substitute teachers as we experience a substitute teacher shortage. This bill could adversely impact AACPS students by allowing for more absences for educators and other school system employees. Likewise, it could increase the amount of substitute teachers AACPS would need to hire and pay to cover these new absences, thus, resulting in an unfunded mandate.

### **SB0322**

#### **Public Schools - Health Education - Gambling Dangers and Addiction**

*Sponsored by: Senator Simonaire*

Requiring the State Department of Education, on or before July 1, 2020, to develop a certain program of education on the dangers of gambling and gambling addiction to be provided in public schools; requiring the program to be coordinated with other State agencies responsible for gambling addiction education; requiring a county board of education to require each public middle and high school in the county to include certain instruction in grades 6 through 12, beginning in the 2021-2022 school year and annually thereafter; etc.

<http://mgaleg.maryland.gov/2020RS/bills/sb/sb0322F.pdf>

#### **OPPOSE**

AACPS supports local decision-making authority in developing curriculum and AACPS opposes efforts by the General Assembly to legislate curriculum, courses of instruction, assessments, or graduation requirements, firmly believing that this role belongs to local boards of education in conjunction with the State Board of Education. In creating the State Board and local boards of education, the General Assembly has delegated to them the responsibility for guiding and delivering a high-quality statewide system of public education through State standards and accountability measures, and locally governed and administered curriculum, teaching, and learning. The program of studies in each school system is developed as a whole and aligned with the State and local standards and assessments. Accordingly, the authority to establish curriculum and assessments is the domain of the State Board of Education and the local boards of education. We are the same entities charged with the responsibility to research, investigate,

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and evaluate both curriculum and assessments. Legislation such as SB322, which seeks to interject piecemeal segments into the curriculum or to extract portions of the testing, only serve to weaken the effectiveness of the entire educational program.