

Board of Education Legislative Exhibit
February 3, 2021

SECTION 1: BOE VOTE REQUESTED

NO BILLS

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SECTION 2: BOE VOTE NOT RECOMMENDED AT THIS TIME

HB155 County Boards and Public and Nonpublic Prekindergarten Programs and Schools - Discrimination – Prohibition

This bill prohibits a local board of education, public prekindergarten programs and primary and secondary schools, and nonpublic prekindergarten programs and primary and secondary schools that receive State funds, from refusing enrollment of, expelling, withholding privileges from, or otherwise discriminating against any student or prospective student because of the individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability. Further, retaliatory actions against a student or parent or guardian of a student who files a complaint alleging specified discrimination is prohibited. The bill establishes a complaint, mediation, and appeal process for violations. All or part of specified funding may be withheld from a board, program, or school that violates the nondiscrimination requirements.

Sponsored by: Delegate Wilkins

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0155F.pdf>

NO POSITION

HB465 State Superintendent of Schools - Qualifications and Senate Confirmation

Requiring that the State Superintendent of Schools be appointed with the advice and consent of the Senate; and prohibiting the appointment of an individual as State Superintendent if the individual is, or during the immediately preceding year was, a member of the State Board of Education.

Sponsored by: Delegate Washington

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0465F.pdf>

NO POSITION

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SECTION 3: BOE VOTE NOT REQUIRED – ESTABLISHED POSITION IN 2021 LEGISLATIVE PROGRAM

HB0027

Education - Reporting Arrests of Students - Alterations

This emergency bill requires that the Maryland Center for School Safety (MCSS), the State Board of Education, and the State's Attorney be notified when a student is arrested for reportable offenses. A local superintendent must also notify MCSS and the State Board of Education when a student who was arrested no longer resides in the jurisdiction of the county board of education. The bill also makes conforming changes related to the confidentiality and disposition of student arrest records.

Sponsored by: Delegate Long

<http://mgaleg.maryland.gov/2021RS/bills/hb/hb0027F.pdf>

OPPOSE

AACPS does not believe that arrest data alone warrants the mandatory reporting proposed in this bill. The vast majority of students arrested are never charged, and the circumstances giving rise to the arrest are addressed appropriately in the school setting. Therefore, AACPS does not support this bill's approach to expanding the mandatory reporting of student arrests. Under current law, when a student is arrested for a "reportable offense" or an offense related to the student's membership in a criminal organization, the law enforcement agency making the arrest must notify 1) the local superintendent; 2) the school principal; and 3) if appropriate, the school security officer. The law enforcement agency may also notify the State's Attorney. AACPS has comprehensive procedures regarding reportable offenses outlined in regulations. While this bill expands the agencies to be notified when a student is arrested for a reportable offense, it does not provide information regarding the security of information transmitted to MCSS, security of information retained by MCSS, nor how the information submitted under this bill will be used by MCSS. Accordingly, we have concerns about student privacy rights.

If the legislative intent is to track enrollment for all students who commit a reportable offense, there will be a significant fiscal impact on local school systems. Additional clerical personnel will be required to conduct a daily analysis. In one school year, AACPS generally receives hundreds of reportable offenses reported from local law enforcement. As written, AACPS would be required to track every student, for every reported community offense, throughout their entire AACPS tenure.

HB0037/SB0035 Procurement - Prevailing Wage - Applicability

This bill expands the applicability of the State's prevailing wage law to include 1) public work project contracts with a value of \$250,000 or more, instead of \$500,000 or more; and 2) public work projects, except public school buildings, in which State funds are used in whole or in part to construct the project, instead of for at least 50% of construction costs.

Sponsored by: Delegate Valderrama and Senator Feldman

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<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0037F.pdf>

<https://mgaleg.maryland.gov/2021RS/bills/sb/sb0035F.pdf>

OPPOSE

This legislation is an unfunded mandate. Current prevailing wage provisions can add in excess of 10% to school construction costs. Under current law, prevailing wage takes effect when State funds constitute 25% or more of a public school construction project. This legislation would lower the contract value thresholds from \$500,000 to \$250,000 for all projects across the board and this will subject yet more public school construction projects to the additional adverse provisions and costs associated with the application of the prevailing wage law. In tight economic times, AACPS should follow a strategy of fiscal prudence and avoid paying premiums on goods and services. Given AACPS' \$2.1 billion infrastructure backlog, stretching our limited financial resources to complete the most projects for the least cost would support sound public and fiscal policy. Lastly, there is no consistent evidence to suggest that projects undertaken via the higher prevailing wage rates are completed more expeditiously or result in better quality.

HB0048/SB0515 Criminal Procedure – Registered Sex Offenders – Entry Onto School Property

This emergency bill repeals the authorization of a student who is a registered sex offender to enter onto real property 1) that is used for public or nonpublic elementary or secondary education; or 2) on which a registered family child care home, a licensed child care home or child care institution, or a home used for informal child care is located. Each county board of education must develop and adopt a policy that enables a registered sex offender who is a student to continue receiving an education by participating in the home and hospital teaching program for students or by attending a regional institute for children and adolescents. The State Board of Education must develop and adopt guidelines and a model policy to assist a county board with the development of a policy.

Sponsored by: Delegate Bhandari and Senator Klausmeier

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0048F.pdf>

<https://mgaleg.maryland.gov/2021RS/bills/sb/sb0515F.pdf>

LETTER OF INFORMATION

Safety in public schools remains increasingly important to local boards of education as school-related security incidents and threats in Maryland and throughout the nation have increased over the years. AACPS would typically oppose legislation that attempts to address student safety concerns, but limits school system authority and could create an unfunded mandate. We recognize that school systems must strike a balance between the educational rights of all students and the school system's responsibility to educate all students in a safe environment that is conducive to learning.

It is important to consider several things related to this legislation. First, Section 13A.01.08.17 of COMAR authorizes a Superintendent to prohibit a student who is arrested for a reportable offense involving rape or a sexual offense from attending the same school or riding on the same school bus as the alleged victim of the reportable offense if such action is necessary or appropriate to protect the physical or psychological well-being of the alleged victim.

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Additionally, while this legislation prohibits a student who is a registered sex offender from entering school property, it does not address a minor who is convicted of a sexually based offense and is not required to register as a sex offender.

Also, the legislation does not contemplate how a school system would provide a special education student who may be a registered sex offender free appropriate public education in the least restrictive environment as mandated by federal law.

Finally, this bill would legally mandate that school systems provide educational services away from the real property used for a public or nonpublic elementary or secondary education but does not provide the requisite funding to address the technological personnel costs associated with service delivery that will not be able to occur in a school facility. Accordingly, we propose that such funding be included in the bill to implement the mandate.

HB0086/SB0228 Capital Projects - High Performance and Green Buildings - Alterations (Green Building Restoration Act)

This bill expands the application of the State's high-performance building requirement to any capital project, including major public school renovations, for which more than 25% of the funding for the acquisition, construction, or renovation of the project is State funds, subject to existing exemptions and waiver processes; newly constructed public schools and community college capital projects that receive any State funds are still required to be built as high-performance buildings. However, the bill allows public schools and public safety buildings in sparsely populated areas to meet a lower high-performance building standard than other public buildings. The bill also reinstates a requirement that new public school buildings obtain independent certification of their "green" status.

Sponsored by: Delegate Forbes and Senator Hettleman

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0086F.pdf>

<https://mgaleg.maryland.gov/2021RS/bills/sb/sb0228F.pdf>

OPPOSE

Currently, there are a number of viable means and methods available to demonstrate that a public school construction project complies with the intent of a high performance building. Several of these methods have been incorporated into State regulations by the IAC and the Maryland Green Building Council as a direct outcome of recommendations generated by the Knott Commission. This legislation would serve to virtually eliminate all but the most costly means and methods to demonstrate compliance. Essentially, local school systems would be forced to pay the additional design, construction, and certification costs associated with demonstrating compliance with the proprietary and costly U.S. Green Building Council's LEED Green Building Rating System. Such avoidable increased costs amount to an unfunded mandate given that less costly but equally viable compliance mechanisms currently exist. This legislation also runs counter to one of the key findings of the Knott Commission that developed multiple recommendations on how to improve the effectiveness and efficiency of the public school construction program within Maryland.

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Given the ongoing scarcity of resources and these challenging economic times, any legislative initiative that results in unnecessary or otherwise avoidable costs or expenditures serves to detract from funding that could be more prudently directed toward improved educational attainment and educational equity. While it is difficult to quantify the actual fiscal impact, because the cost increases are tied to the size of the AACPS capital program, this legislation could conceivably add \$5 million to the annualized costs of our CIP campaign.

HB0264/SB0483

Solid Waste Management - Organics Recycling and Waste Diversion - Food Residuals

This bill requires certain generators of large quantities of “food residuals” to separate the food residuals from other solid waste and ensure that the food residuals are diverted from final disposal in a refuse disposal system, as specified. The implementation timeline for this requirement is staggered, based on weekly tonnages of food residuals, beginning January 1, 2023. Affected generators may apply for a waiver. The Maryland Department of the Environment must establish related guidelines and mapping systems as well as a plan to implement the bill, as specified. Finally, the bill establishes several reporting requirements and civil penalties for violations.

Sponsored by: Delegate Charkoudian and Senator Hettleman

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0264F.pdf>

<https://mgaleg.maryland.gov/2021RS/bills/sb/sb0483F.pdf>

OPPOSE

This legislation is an unfunded mandate that would result in an expenditure of approximately \$2 million per year, inclusive of additional staffing, equipment, storage, transport, and disposal costs. AACPS would be required to establish, equip, staff, manage, and pay for the various elements and components required to comply with this legislation. Specifically, new storage containers and space would be required both inside and outside of each AACPS school and office facility. Additionally, additional staffing would be needed in Food and Nutrition Services to perform the requisite tasks required to disaggregate, store, transport, and dispose of food residuals. AACPS would further be required to enter into new contractual service agreements for the proper transport and disposal costs associated with food residuals on a daily basis since long-term storage could lead to increased pest activity and nuisance animals, thus necessitating additional precautions and costs associated with enhanced integrated pest management plans.

AACPS is also concerned with the equity impacts of this proposed legislation. Costs associated with complying with this legislation would potentially lead to increases in breakfast and lunch meal prices for students as well as diversion of revenue from other critical areas such as instructional or student support activities designed to support the AACPS Strategic Plan and enhance educational equity.

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HB0401 Public Schools - Pregnant and Parenting Students - Policies and Reports

This bill requires each local school system to designate a coordinator for education of pregnant and parenting students to assist pregnant and parenting students in accessing lactation accommodations, childcare services, and other support services. The bill also requires each school to, among other requirements, provide 1) private lactation space in the school and 2) either onsite childcare or referrals to safe, affordable, and reliable childcare. Each local school board must collect specified information and submit it to the University of Maryland Institute for Innovation and Implementation, which must in turn submit an interim and final report by specified dates. The bill also expands the types of absences that must be excused for pregnant and parenting students.

Sponsored by: Delegate Guyton

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0401F.pdf>

OPPOSE

AACPS appreciates the intentions of this legislation as we are committed to meeting the needs of pregnant and parenting students and employees. In fact, the Maryland Breastfeeding Coalition has honored AACPS with a Breastfeeding-Friendly Workplace Award for its efforts to develop and implement inclusive policies and procedures that support breastfeeding through a conducive office environment and education of staff and families. AACPS is the first school system in Maryland to develop a comprehensive policy regarding lactation, according to the Coalition.

AACPS supported legislation passed by the General Assembly in 2017 which required school systems to adopt a policy for pregnant and parenting students. The current law is very prescriptive. AACPS has adopted and successfully implemented the required policy in accordance with the law. HB401 would impose significant new responsibilities and professional obligations on school personnel, create new legal liabilities arising from mandated referral procedures, place new demands on school transportation, and create an unfunded mandate. We firmly believe that such specific elements of service delivery are best suited to regulations, guidelines, and local policies and procedures.

While AACPS appreciates that this bill is well intentioned, we have concerns with several provisions in the bill. For example, we oppose the provision requiring schools to provide onsite childcare referrals as this raises liability concerns. We also have serious concerns with the requirement to address any need for transportation accommodations. This additional requirement would certainly create an unfunded mandate. It is important to note that school systems are currently facing a bus driver shortage and the potential for transportation needs are significant given the broad manner in which this provision of the bill is drafted. We also oppose the bill's unfunded mandate for a new staff position in each central office of each school system to fulfill these responsibilities. This bill would have a significant fiscal impact on AACPS.

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HB0418 County Boards of Education - Symbols of Hate – Policy

This bill requires, on or before December 31, 2021, each county board of education to adopt a policy prohibiting the use or display of a symbol of hate, including nooses, swastikas, and confederate flags, under certain circumstances. It requires the policy to prohibit the display of a symbol of hate on clothing, book bags, folders, or similar items. The bill also provides an exception to the policy to allow a symbol of hate to be used as an example in a course of study. Finally, the bill requires a county board of education to develop and distribute educational materials regarding the policy to each public school.

Sponsored by: Delegate Guyton

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0418F.pdf>

SUPPORT

AACPS typically opposes legislatively mandates policies. However, racist behavior and actions are not tolerated in AACPS. As such, we continue to work with our staff, families, students, and the community at large to be part of the solution to acts of hate in the county and in our schools. In an effort to continue the dialogue and work toward creating climates free of hate and bigotry, AACPS has conducted community meetings to discuss our efforts, allow student and community feedback, and break into small groups to discuss the issues with racism. AACPS staff updates the Board of Education monthly on bias incidents in our school system. In addition, the school system's Office of Equity and Accelerated Student Achievement has been extremely busy meeting with community stakeholders and providing professional development to AACPS staff.

AACPS' Global Community Citizenship class, which helps students explore the values and diversity of our local, national, and global communities, became a graduation requirement beginning with ninth-graders in the 2019-2020 school year. Changes in our middle school advisory lessons and the implementation of Second Step, which focuses on social/emotional coping skills at the elementary level, are among the other actions that we are taking to help our students.

In 2020, AACPS strongly supported hate crimes legislation which became law. The new law prohibits a person from placing or inscribing an item or a symbol, including an actual or depicted noose or swastika, on any real or personal property, public or private, without the express permission of the owner or specific persons, with the intent to threaten or intimate any person or group of persons. The Anti-Defamation League has designated the confederate flag as a symbol of hate. In his Cornerstone Speech, Alexander H. Stephens, Vice President of the Confederate States, stated that the Confederacy was the first country in the world founded on the principle of racial supremacy, "*Our new government is founded upon exactly the opposite ideas; its foundations are laid, its cornerstone rests, upon the great truth that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and normal condition.*"

We believe that HB418 is an important step in the right direction to help eradicate hate and symbols of hate in Maryland 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 just as is the case when it comes to the education of our children, in this effort all must mean all.

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HB0461 Public Schools - Student Attendance - Excused Absences for Mental Health Needs

This bill provides that absences from school for mental health needs are lawful absences under certain circumstances. It requires a county board of education to excuse at least 1 day of absence in each quarter of each school year for a student's mental health needs. The bill also prohibits a county board from requiring a note from a physician to excuse a student's absence for mental health needs.

Sponsored by: Delegate Washington

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0461F.pdf>

OPPOSE

The term “mental illness” is already covered under Maryland’s compulsory attendance law. In accordance with current law and regulations, a lawful absence from school includes the illness of a student – the principal or pupil personnel worker must require a physician’s certificate from the parent or guardian of a student reported continuously absent for illness. Given this, “mental illness” is already covered under Maryland law and regulations. Simply having a “mental illness” diagnosis, however, should not be a reason for a student to be absent from school as many patients diagnosed with mental illnesses function reasonably well with daily medication. Instead, it would seem more appropriate to clarify what aspects of a diagnosis allow for absenteeism due to a “mental illness” such as physician’s appointments or hospitalizations related to the absence.

HB487 – School Construction – Pedestrian Safety Plans (School Pedestrian Safety Act)

This bill requires a local school board that is seeking State funds for the construction of a new public school or, for the renovation or addition to an existing school, under specified circumstances, to submit a pedestrian safety plan to the Interagency Commission on School Construction (IAC). Pedestrian safety plans must be developed in collaboration with the State Highway Administration (SHA) and county departments of transportation, and IAC must review submitted pedestrian safety plans in consultation with SHA.

Sponsored by: Delegate Solomon

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0487F.pdf>

OPPOSE

While AACPS clearly supports the concept of safe and appropriate walking and biking routes to schools, the creation of a detailed pedestrian safety plan appears to be unwarranted. As AACPS does not have any control over sidewalks or bike paths that extend beyond the edge of our public school property lines, any identified gaps would be outside the school district’s ability to remedy. As most county departments of public works and transportation already produce transportation functional master plans and routinely undertake walk-shed/bike-shed studies, such activities would appear to be more suitably placed in those departments. This is supported by the fact that county government, not the local board of education, has jurisdiction to acquire rights of way and make infrastructure improvements within communities.

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The State will not participate in the cost of the study, so this bill is also an unfunded mandate for AACPS. The unfunded mandate would have an estimated fiscal impact of approximately \$30,000 per public school construction project site in order to have a transportation engineering consulting company undertake the requisite study, hold the public hearings, and produce the finished pedestrian safety plan report. Given that AACPS could potentially undertake five qualifying projects per year, it could amount to at least \$150,000 in unfunded expenditures per fiscal year.

HB0508/SB0210 COVID-19 Claim - Civil Immunity

This bill provides immunity from civil liability for COVID-19 claims for school systems, individuals, and certain businesses and governmental agencies unless the person's actions amount to gross negligence or intentional wrongdoing. A "COVID-19 Claim" is defined as a claim or cause of action for damages, losses, indemnification, contribution, or other relief arising out of, based on, or in any way related to exposure or potential exposure to COVID-19, or conduct intended to reduce transmission of COVID-19. The bill would also be applied retroactively to cover any COVID-19 related claim arising between March 5, 2020, and 180 days after the expiration or rescission of the Governor's proclamation of March 5, 2020, "Declaration of State of Emergency and Existence of Catastrophic Health Emergency-COVID-19."

Sponsored by: Delegate Attar and Senator West

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0508F.pdf>

<https://mgaleg.maryland.gov/2021RS/bills/sb/sb0210F.pdf>

SUPPORT

This bill is very significant to all 24 public school systems in the State, including AACPS. The fact that AACPS could be civilly sued by staff, students, family members, household members, or others for COVID-19 related claims is extremely concerning and potentially financially devastating for the school system. In addition, a tremendous amount of financial resources and staff time would be required to defend these lawsuits. In the event plaintiffs were successful in obtaining a judgment against AACPS, the fiscal impact could be catastrophic for the school system. This legislation would protect AACPS and Maryland public school systems. If this legislation became law, AACPS and all other public school systems in Maryland would be protected from being sued except in the event of gross negligence or intentional wrongdoing. We believe that this legislation is fair and balanced in its approach to protect school systems but also protect the public from gross negligence and intentional wrongdoing related to the COVID-19 pandemic.

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HB0521 Criminal Procedure – Registered Sex Offenders – Entry Onto School Property (Predator-Free Schools Act)

This bill provides that the law prohibiting a registered sex offender from entering onto real property used for public or nonpublic elementary or secondary education applies to a student who is a registered sex offender and has been convicted of a sexually violent crime. The bill requires a county board of education to develop and adopt a policy that enables a student who is a registered sex offender and has been convicted of a sexually violent crime to continue receiving an education in an alternative location. It also requires the State Board of Education to adopt certain guidelines and a model policy.

Sponsored by: Delegate Mangione

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0521F.pdf>

LETTER OF INFORMATION

Safety in public schools remains increasingly important to local boards of education as school-related security incidents and threats in Maryland and throughout the nation have increased over the years. AACPS would typically oppose legislation that attempts to address student safety concerns, but limits school system authority and could create an unfunded mandate. We recognize that school systems must strike a balance between the educational rights of all students and the school system's responsibility to educate all students in a safe environment that is conducive to learning.

It is important to consider several things related to this legislation. First, Section 13A.01.08.17 of COMAR authorizes a Superintendent to prohibit a student who is arrested for a reportable offense involving rape or a sexual offense from attending the same school or riding on the same school bus as the alleged victim of the reportable offense if such action is necessary or appropriate to protect the physical or psychological well-being of the alleged victim.

Additionally, while this legislation prohibits a student who is a registered sex offender from entering school property, it does not address a minor who is convicted of a sexually based offense and is not required to register as a sex offender.

Also, the legislation does not contemplate how a school system would provide a special education student who may be a registered sex offender free appropriate public education in the least restrictive environment as mandated by federal law.

Finally, this bill would legally mandate that school systems provide educational services away from the real property used for a public or nonpublic elementary or secondary education but does not provide the requisite funding to address the technological personnel costs associated with service delivery that will not be able to occur in a school facility. Accordingly, we propose that such funding be included in the bill to implement the mandate.

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HB0522 Public Schools - School Resource Officers - Prohibited Conduct

This bill prohibits a school administrator or official or a school safety coordinator from directing a school resource officer (SRO) to enforce discipline-related school policies, rules, regulations, or procedures. It also bars an SRO from unilaterally enforcing discipline-related school policies, rules, regulations, or procedures, and requires that training provided to them reflect that prohibition.

Sponsored by: Delegate Washington

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0522F.pdf>

SUPPORT

Currently, 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 in pursuant to our policies, procedures, and the AACPS 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 clarifying language that will help ensure that the prohibited conduct is not construed in a manner that is overly broad. 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.

HB0583/SB0414 Climate Solutions Now Act of 2021

This bill makes broad changes to the State's approach to reducing statewide greenhouse gas (GHG) emissions and addressing climate change. Among other things, the bill 1) increases the statewide GHG emissions reduction requirement, from 40% from 2006 levels by 2030 to 60% from 2006 levels by 2030, and requires the State to achieve net-zero statewide GHG emissions by 2045; 2) establishes new commissions and working groups; 3) requires the Maryland Department of Labor to adopt new energy conservation requirements for buildings and expands and alters the applicability of "high-performance building" standards; 4) establishes State tree-planting goals; 5) increases and extends energy efficiency and conservation program requirements administered by the Public Service Commission; and 6) establishes requirements for the purchase of zero-emission vehicles in the State fleet.

Sponsored by: Delegate Stein and Senator Pinsky

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0583F.pdf>

<https://mgaleg.maryland.gov/2021RS/bills/sb/sb0414F.pdf>

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OPPOSE

AACPS opposes unfunded mandates. This legislation would require AACPS and other local school systems to expend significantly more on public school construction programs in the years 2022 through 2045. Given the well documented backlog of new school construction, renovation, replacement, expansion, and maintenance projects, local school systems and local units of county governments should not be forced to pay more for each project than would otherwise be required under the applicable State and local codes. This legislation could easily add 10% or more to the initial construction costs of a public school. For AACPS, that could add an additional \$10-\$20 million to our CIP request along with the same commensurate burden on the Anne Arundel County Government.

To the extent that this legislation requires greater up-front CIP expenditures per school, our ability to get to and properly address the ever-growing backlog of school construction projects will be delayed even further, thus hindering student access to educational suitability and equity.

HB0629 County Boards of Education – Student Member – Voting

This bill prohibits student members of a county board of education from casting a deciding vote on issues before the county board.

Sponsored by: *Delegate Novotny*

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0629F.pdf>

OPPOSE

AACPS strongly opposes any effort to reduce the voting rights of the Student Member of the Board of Education. Anne Arundel County has a rich and proud history of outstanding student service to our Board of Education and, quite frankly, our county as a whole. Our student Board member is believed to be the only one in the nation on a local Board to have full voting rights. That is a distinction we wear as a badge of honor, and one which has contributed greatly to innumerable Board conversations and initiatives over the years.

AACPS student members of the board, at times, have been the necessary voices of reason and clarity in multifaceted and complex discussions and decisions. They are bright, articulate, responsible, and passionate individuals who are preparing to be brilliant caretakers and leaders of our future. AACPS is the gold standard in this area and we have set the example for others to follow, and we urge you to reject any attempts to change the student member's role.

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HB0630 Primary and Secondary Education – School District Energy Use – Policy and Study

This bill requires each school district to adopt or update a school district energy policy beginning July 1, 2022. It specifies the contents of a school district energy policy and encourages school districts to set targets to increase the school district's use of renewable energy and reduce the school district's greenhouse gas emissions. The bill also requires that a school district energy policy be posted on the school district's website and updated every 2 years.

Sponsored by: Delegate Solomon

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0630F.pdf>

OPPOSE

School districts already have comprehensive and professionalized facilities divisions that continuously monitor and deploy best practices and the most up to date codes and standards within the areas of planning, design, construction, maintenance, and school operations. Facilities divisions are sound stewards of public resources and clearly understand that their obligation is to provide for a safe and conducive learning environment while ensuring that the maximum amount of fiscal resources remains available to be allocated to the classroom. Energy procurement decisions and facilities management decisions are driven by the most cost effective and cost beneficial balance at any given moment, often even in real time. As such, any prescriptive energy policy mandate or forced choice that works counter to market forces and real time cost efficiencies is an unfunded mandate that would increase energy costs and artificially reduce the funding levels available for quality classroom instruction, employee compensation enhancements, instructional technology advancement, amongst other things.

Any unfunded mandates that would require facilities management professionals to overspend on energy acquisitions or facilities design, construction, maintenance, and school operations costs would materially detract from the overall level of funding to support both educational advancements and educational equity. While it is difficult to quantify, the fiscal impact of this legislation could be in the millions of capital dollars required annually for the construction and renovations of public schools as well as in the millions of dollars expended annually on energy commodity procurements.

HB0636 Buildings - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act)

This bill 1) redefines “elevated level of lead” to mean a lead concentration in drinking water that exceeds five parts per billion (ppb) for the purposes of required lead water testing and remedial measures in public and nonpublic schools; and 2) makes conforming changes to existing notice and remediation requirements. If a water test sample for a drinking water outlet was analyzed on or before June 1, 2020, and the analysis indicated a concentration of lead that was more than 5 ppb but less than 20 ppb, a school must take appropriate remedial measures by August 1, 2021.

Sponsored by: Delegate Solomon

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0636F.pdf>

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OPPOSE

The AAPCS Division of Facilities is responsible for the construction, maintenance, and operation of all public school facilities in a safe and efficient manner in support of the educational goals of AACPS. AACPS operates public school facilities in a manner conducive to the educational process by ensuring the health, safety, comfort, and welfare of the occupants. Local school systems devote substantial staff time and resources to provide healthy school environments, which include the water quality and addressing any issues associated with water quality.

The law was just amended in 2017 to include additional requirements to the State's already 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 would unnecessarily create a tremendous workload issue for AACPS staff. This bill would also result in a significant unfunded mandate. 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, AACPS would likely be required to contract with another vendor to fulfill the requirements in this bill.

HB0713/SB0409 County Boards of Education – Therapy Dogs – Policy for Handling and Use in Schools

This bill requires each local board of education to allow, and adopt a policy for, the use of therapy dogs in public schools. Under the bill, a “therapy dog” is a dog that is certified to provide affection and comfort to children who need emotional support in a school setting.

Sponsored by: Delegate Guyton and Senator Kramer

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0713F.pdf>

<https://mgaleg.maryland.gov/2021RS/bills/sb/sb0409F.pdf>

OPPOSE

AACPS complies with both State and federal law in providing for the use of service animals to individuals with disabilities. Therapy and emotional support dogs are not covered under the scope of these laws. Emotional support animals, comfort animals, and therapy dogs are not service animals under Title II and Title III of the Americans with Disabilities Act. Accordingly, this bill would expand the scope and complexity of student supports that a school would be required to manage without requiring a documented need for this support. While this legislation defines “therapy dog” as a dog that is “certified” to provide affection and comfort to children who need emotional support in a school setting, there currently is not a legally recognized “certification” for this purpose. As such, this legislation would leave open to interpretation what dogs could serve as therapy dogs. The bill also creates the risk of having disruptive dogs that are not trained causing a disturbance at schools and potential harm to students, teachers, and staff. Having such a dog in schools could have the unintended consequences of creating additional issues for children who are already in need of emotional support.

Board of Education Legislative Exhibit

February 3, 2021

HB0724/SB0209 Special Education - Prolonged School Closure - Extension of Education Services

This emergency bill requires a local board of education to offer and provide a specified special education student whose school is subject to a prolonged school closure the option to continue attending school or receiving education services after the student's anticipated graduation date, regardless of whether the student has completed all high school graduation requirements. The local board must notify the parent/guardian of the student of this option. The Division of Rehabilitation Services in the Maryland State Department of Education (MSDE) must ensure that a transitioning student whose school is subject to a prolonged school closure and is receiving extended learning under the bill has access to the services for 1 year from the end of the prolonged closure.

Sponsored by: Delegate Guyton and Senator Peters

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0724F.pdf>

<https://mgaleg.maryland.gov/2021RS/bills/sb/sb0209F.pdf>

OPPOSE

AACPS places a very high priority on ensuring that students receive high quality special education programs and instruction to meet the unique needs of every disabled student. AACPS strongly opposes this legislation in favor of continuing to allow local school systems to serve students eligible to receive special education services in accordance with their Individualized Education Program (IEP) and the full array of existing State and federal requirements.

AACPS recognizes that that the COVID-19 pandemic and resulting school closures have presented enormous challenges for all students, families, and educators. Through our education recovery and reopening plan and in accordance with State and federal laws and regulations, we continue to work to provide all students who are eligible for special education services with access to continuity of learning through distance and in-person instruction and the delivery of other services.

It is unreasonable to mandate that local school systems be uniformly required to provide an entire extra year of instruction to students, including students receiving special education services, who would otherwise graduate. More specifically, this bill defines the students eligible for this extension as all students who have a disability and receive special education services. This is far too broad a category of students to warrant the mandate that each of these students should have the option to attend school for another full year based on any continuous school closure of 10 days or more.

Further, MSDE has already addressed this issue by providing guidance to school systems that graduation will not preclude eligible students from receiving recovery services through the IEP process. The decision as to whether a student is even eligible for recovery or compensatory services is a multi-faceted one; based on performance and other data maintained by the school system. Based on the relevant data and information, the IEP team, of which the parent/guardian is a member, determines whether the student is eligible for recovery or compensatory services. If it is determined that the student is eligible for these services, the IEP team will identify what the services will be based on complex data analysis. Such decisions are made in accordance with State and federal guidance.

Board of Education Legislative Exhibit

February 3, 2021

SB0245 Public Schools - School Resource Officers - Requirements and Prohibitions

This bill prohibits school resource officers (SRO) from entering a school building, except under specified circumstances, and from participating in the routine discipline of a student. It also requires SROs to conceal their firearms unless responding to an emergency involving violence and to wear civilian clothing while on campus or in the school building.

Sponsored by: Senator Ellis

<https://mgaleg.maryland.gov/2021RS/bills/sb/sb0245F.pdf>

OPPOSE

AACPS opposes this bill because it places unreasonable restrictions on the ability of SROs to fulfill their professional role in providing vitally important school security services in public schools.

We are concerned about the unintended consequences that may result from the exclusion of SROs from school buildings until called by administrators to respond to emergency situations. Such an exclusion would eliminate the relationship building among SROs, students, and school staff and could pose school safety concerns. As such, this exclusion would eliminate the contributions an SRO contributes to school safety. Limiting an SRO to an emergency response role will more than likely lead to SROs who are unfamiliar with a particular school, its students, and staff.

AACPS recognizes the contributions SROs are making in schools across the State to benefit school climate, culture, and safety. We also recognize the need to pursue expanded training of SROs, principals, behavioral health staff, and teachers on the best classroom and school-based practices to maintain safe and supportive schools conducive to learning. Accordingly, AACPS has supported legislation over the last few years, including this year (HB522 Public Schools - School Resource Officers - Prohibited Conduct), to prohibit SROs from unilaterally enforcing discipline-related school policies, rules, regulations, or procedures to ensure that SROs do not make determinations regarding student discipline. HB522 is aligned with Maryland's training program for SROs and, therefore, the policies and procedures that should already be in place regarding the appropriate role of SROs as it relates to students, educators, and administrators, and student disciplinary actions.

AACPS also supported the Maryland Safe to Learn Act of 2018 which required the development of a comprehensive curriculum for all SROs and any other designated school security personnel. The multi-faceted role of SRO's is evident in the outline of the 40-hour, 5-day, mandatory curriculum for all SROs and school security staff.

SB0504 Discrimination in Employment – Use of Medical Cannabis – Prohibition

This bill prohibits an employer, except under certain circumstances, from discriminating against an individual because of the individual's receipt of a certain written certification for the use of medical cannabis or the individual's positive drug test under certain circumstances. It also establishes that certain provisions prohibiting employment discrimination do not prohibit an employer from adopting policies and procedures that prohibit an employee from performing the employee's duties while impaired by medical cannabis.

Board of Education Legislative Exhibit

February 3, 2021

Sponsored by: Senator Smith

<https://mgaleg.maryland.gov/2021RS/bills/sb/sb0504E.pdf>

OPPOSE

AACPS appreciates the provision in this bill that does not prohibit an employer from adopting policies and procedures that prohibit an employee from performing the employee's duties while impaired by medical cannabis. However, AACPS has concerns with the provisions in the bill that prohibit an employer from using a positive drug test for cannabis components or metabolites if the individual holds a written certification for the use of medical cannabis. This prohibition is concerning because a drug test is one piece of evidence upon which AACPS currently relies to help determine whether an employee is impaired after there has been reasonable suspicion to require such testing.

This legislation is particularly concerning as it relates to employees who work with or supervise children. Under this bill, an employee could argue that the employee was not impaired and AACPS would have to rely on a witness statement as the test results would not be allowed. This raises serious student safety concerns.

In addition, this legislation could result in a significant fiscal impact. Prohibiting the use of drug tests could increase employee appeals related to suspensions and terminations and, therefore, increase legal work, fees, and related costs.