

Board of Education Legislative Exhibit
February 16, 2021

SECTION 1: BOE VOTE REQUESTED

NO BILLS

Board of Education Legislative Exhibit

February 16, 2021

SECTION 2: BOE VOTE NOT RECOMMENDED AT THIS TIME

HB0820 County Boards of Education - Computer Science Courses - Reporting Requirements

This bill requires each local board of education, beginning in the 2022-2023 school year, to submit an annual report on computer science courses to the General Assembly and the State Board of Education. The report must include the number of computer science courses offered in each public school in the county, along with other specified information and disaggregated data. Each local board must post the prior fiscal year data conspicuously on its website.

Sponsored by: Delegate Rose

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0820F.pdf>

NO POSITION

HB0914 Education - Home and Hospital Teaching Program for Students – Report

Requiring MSDE to study certain matters relating to the Home and Hospital Teaching Program for Students and make recommendations regarding any statutory or regulatory changes to the Program; requiring, by December 31, 2021, MSDE to submit its findings and recommendations to the Governor, the State Board of Education, and the General Assembly; and terminating the Act after June 30, 2022.

Sponsored by: Delegate Bhandari

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0914F.pdf>

NO POSITION

Board of Education Legislative Exhibit

February 16, 2021

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

**HB0496 Primary and Secondary Education - Mental Health Services - Expansion
(Counselors Not Cops Act)**

This bill repeals mandated State funding for school resource officers (SRO) and adequate law enforcement coverage after fiscal 2022, and instead requires the Governor, beginning in fiscal 2023, to include \$10 million in the State budget to enhance school-based mental and behavioral health services for students. It also expands the membership of the School Safety Subcabinet Advisory Board, requires the Senate President and Speaker of the House to appoint the chair of the advisory board, alters the definition of school security employee, and requires specified reports by recipients of the grant funding mandated by the bill. The State Board of Education must develop regulations to implement the bill.

Sponsored by: Delegate Wilkins

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0496F.pdf>

SUPPORT WITH AMENDMENTS

AACPS recognizes the importance of promoting the positive mental health of all students through the development of impactful relationships and by teaching resilience. Student mental health is of particular importance during this time when AACPS students are faced with a global health pandemic and social unrest. School counselors, school psychologists, school social workers, pupil personnel workers, and school nurses collaborate with staff, parents/guardians, and the community to overcome barriers to learning. In 2019, AACPS, in collaboration with the Anne Arundel County Government, created The Anne Arundel Mental Health Task Force to examine, through a countywide lens, ways to address the increased mental health needs of children and adolescents in Anne Arundel County. The Task Force recently issued a report with recommendations which cover several key areas, including discrimination, bias, and cultural barriers; lack of access to resources and mental health providers; mental health stigma; poverty; social media; and trauma. AACPS is committed to continued collaboration with the County and stakeholders to continue to help address the mental health needs of our County's youth.

This legislation would provide much needed funding help ensure more mental health professional in schools and AACPS supports this. However, we have concerns that this legislation seeks to repeal funding for the SRO and adequate law enforcement coverage funding mandated under the Maryland Safe to Learn Act of 2018. We recommend that the bill explicitly be amended to provide funding for both the SRO and adequate law enforcement coverage and the mental and behavioral health services that would be funded under the bill. 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

Board of Education Legislative Exhibit

February 16, 2021

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 has concerns about the comprehensive reporting requirements set forth in the bill. The Blueprint for Maryland's Future, which is on the verge of being enacted, is comprehensive education reform legislation which proposes to mandate an unprecedented expansion planning, reporting, and accountability requirements on local school systems. These proposed requirements extend to staffing, instruction, curriculum, and many other facets of school system governance and administration. Accordingly, we respectfully request that the General Assembly not adopt any additional reporting requirements.

Finally, we do have concerns that the significant expansion of the School Safety Subcabinet Advisory Board may have the unintended consequence of inconsistency and inefficiency as it relates to the ultimate decisions of the School Safety Subcabinets.

HB0566 County Boards of Education - Virtual Schools - Requirement

This bill requires a local board of education, beginning in the 2021-2022 school year, in coordination with the MSDE to establish virtual schools to provide students with an alternative to traditional classroom instruction. The virtual schools must provide instruction for students in every grade level.

Sponsored by: Delegate Long

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0566F.pdf>

OPPOSE

AACPS appreciates the bill's intent to expand virtual learning opportunities for Maryland students. However, we oppose doing so by imposing a statewide mandate that each local board establish a virtual school. This bill would require each school system to establish a virtual school platform for students in every grade and to do so in the 2021-2022 school year.

Local school systems are already fully authorized to provide appropriate virtual learning opportunities under existing law. In fact, AACPS is currently looking to enter into a Virtual School option for current home instruction students as a Program of Choice in the upcoming school year for targeted middle and high school students who have been successfully enrolled in Home Instruction. In addition, the COVID-19 pandemic resulted in statewide school facility closures which compelled the immediate transition to distance learning through access to online platforms and other instructional materials from mid-March of 2020 through the current school year. This is also happening without a need for a statewide mandate as such a mandate would result in an unfunded mandate and infringe upon local governance. While virtual options and online learning offerings are planned and will maximize engagement, this does not require a virtual school.

Board of Education Legislative Exhibit

February 16, 2021

HB0665 Education - Public Charter Schools - Virtual Learning Programs

This bill expands the definition of a public charter school to include a virtual learning program that requires students to meet attendance requirements and any other requirements imposed by the local school system applicable to a location outside a school building that are necessary for the delivery of a virtual learning program as specified. Accordingly, the bill exempts virtual learning programs from certain provisions of public charter school law regarding physical presence in the school. A virtual learning program of instruction provides a significant portion of its curriculum and instruction to its students by teachers in an interactive learning environment through the Internet or other electronic means.

Sponsored by: Delegate Boteler

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0665F.pdf>

OPPOSE

This proposed legislation would authorize a virtual charter school to exist and operate outside of the district in which it serves students. AACPS believes that charter schools should be established in response to an unmet need or unmet resources a school system cannot provide. Charter school operators should collaborate with the school system, in a strategic manner, to ensure alignment with school district initiatives for additional school choice for students and parents/guardians.

Additionally, AACPS currently offers all high school students virtual learning enhancement opportunities through MSDE's Maryland Virtual Learning Opportunity and via other MSDE-approved vendor courses. Students can earn high school credits studying virtually from inside our high schools. Moreover, if a student wishes to earn a high school diploma virtually, this can be accomplished through Home Instruction where the student may choose from two MSDE-approved virtual schools that have been approved to teach and issue high school diplomas in the State of Maryland.

HB0700 Disruption of School Activities - Repeal of Prohibition

This bill repeals a provision of law prohibiting a person from willfully disturbing or otherwise willfully preventing the orderly conduct of activities, administration, or classes of any institution of elementary, secondary, or higher education.

Sponsored by: Delegate Ruth

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0700F.pdf>

OPPOSE

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. Accordingly, AACPS supports legislation and program initiatives that contribute to the safety and well-being of students in school and in the community. However, this legislation is overly broad and does not contribute to the safety and well-being of students or the community – quite the opposite, this legislation raises serious school safety concerns. Unfortunately, schools face

Board of Education Legislative Exhibit

February 16, 2021

potential security threats from trespassers, unruly individuals, and other potential situations that can cause disruption to the normal and orderly operations of a school.

It is important to note that the section of law this bill proposes to repeal in no way specifically references students. Therefore, by removing this clear prohibition, any person entering a school and willfully disturbing the ongoing education being conducted would no longer be subject to a charge and penalty under the law.

HB0715 Public Schools - Self-Contained Special Education Classrooms - Use of Video Recording Devices

This bill requires each county board of education, beginning in the 2021-2022 school year, to install at least one video recording device in each self-contained special education classroom. It requires video recording devices to record self-contained special education classrooms and exclusion areas during school hours and during any time that the classroom or exclusion area is in use. The bill does prohibit the use of a video recording device in bathrooms or in areas that students use to change clothing.

Sponsored by: Delegate Guyton

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0715F.pdf>

OPPOSE

AACPS opposes this legislation due to concerns about the universal scope of the mandate to include video cameras in self-contained special education classrooms, the privacy of the students recorded in the continuous classroom surveillance, the potential for the stigmatization of special education students, unfunded costs for installation and monitoring the cameras, and the administrative costs of retaining, redacting, and responding to requests to view the video. While we appreciate that this year the sponsor narrowed the scope of the legislation to focus on self-contained classrooms versus all classrooms with special education students, our above referenced concerns remain.

Local boards of education place a very high priority on ensuring that students receive high quality special education programs and instruction to meet the unique needs of every student with a disability. States are mandated to provide a wide array of special education services in compliance with the federal Individuals with Disabilities Education Act (IDEA) and federal and State regulations. IDEA requires that eligible disabled students receive special education and related services if they are between the ages of 3 and 21, meet the definition of one or more of the categories of disabilities specified in IDEA, and are in need of special education and related services as a result of the disability. The special education services mandated and governed by IDEA must meet the legal standard of providing a free appropriate public education and do so in the least restrictive environment.

The federal Family Educational Rights and Privacy Act (FERPA) generally prohibits the disclosure by schools that receive federal education funding of personally identifiable information from a student's education records, unless the educational institution has obtained signed and dated written consent from a parent or eligible student or one of FERPA's exceptions applies. A 2018 National

Board of Education Legislative Exhibit

February 16, 2021

School Boards Association briefing report suggests that a video recording may constitute a student record.

AACPS still estimates costs with purchasing video equipment alone at no less than \$1.5 million. In addition, there may be additional costs beyond the initial installation when there are room changes that necessitate equipment moves from year to year.

HB0717 Education – Technology Resources – Funding (Ending the Digital Divide Act)

This bill alters the target per pupil foundation amount in fiscal year 2022. It requires each county board of education to use not less than 7% of the target per pupil foundation amount to provide technology resources to students. The bill authorizes a local school system, at the end of each fiscal year, to hold unused funds in a special fund to be used in a subsequent fiscal year and requires a county board that allocates certain funding to follow certain information technology security standards.

Sponsored by: Delegate Guyton

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0717F.pdf>

SUPPORT WITH AMENDMENTS

AACPS appreciates the additional \$180 per pupil State funding allocated towards student instructional technology that is provided for in this bill. Unfortunately, the remaining elements of HB717 amount to an unfunded mandate. In addition, the prescriptive requirements of the bill usurp local decision-making authority of local boards of education and local superintendents. While the legislation does provide for additional per pupil funding to address technology, it also prescribes how the remaining per pupil State funding is utilized.

AACPS opposes unfunded mandates. In addition, AACPS opposes any efforts that reduce or circumscribe local board authority. Accordingly, AACPS recommend that the bill be amended to retain the new \$180 State per pupil revenue source but strike the remaining elements that amount to unfunded mandates and serve to usurp local control.

HB0740/SB0576 Building Opportunity Act of 2021

This Administration bill authorizes the Maryland Stadium Authority (MSA) to issue up to \$2.2 billion in revenue bonds, backed by annual payments of \$125 million from the Education Trust Fund, beginning in fiscal 2023, to be used for public school construction projects in the State. The bill establishes mechanisms and procedures for MSA and the Interagency Commission on School Construction (IAC) to manage the program.

*Sponsored by: The Speaker of behalf of the Administration
The President of behalf of the Administration*

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0740F.pdf>
<https://mgaleg.maryland.gov/2021RS/bills/sb/sb0576F.pdf>

Board of Education Legislative Exhibit

February 16, 2021

SUPPORT WITH AMENDMENTS

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 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 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 this legislation is supplemental to (not a supplanting of) existing school construction funding.

HB0753 Education – Student-Organized Peaceful Demonstrations – Student Discipline and Policy

This bill gives students the right to engage in peaceful protests on school grounds, at school events, or on school buses without fear of penalty so long as students who protest do so in accordance with the school based policy on time, place, and manner. It also prohibits a school administrator from disciplining a student by a penalty greater than the consequence of an unlawfully absent student if the student lead peaceful demonstration does not comply with school board policy.

Sponsored by: Delegate Ebersole

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0753F.pdf>

OPPOSE

AACPS supports the rights of students to peaceably protest. AACPS also supports local control. It is important to note that students are currently able to peaceably protest. What cannot be predicted is when a student-led protest, that is meant to be peaceful, may become unmanageable and result in harm or another kind of disruption to school activities or students. For example, there are potentially serious safety risks with students protesting on a moving school bus. It is also important to note that under current State law, a person may not willfully disturb or otherwise willfully prevent the orderly conduct of the activities, administration, or classes of any institution of elementary, secondary, or higher education. As such, if there is sufficient cause to believe that a student-led protest caused harm or disruption, AACPS believes that the penalties should not be limited to the discipline that would be imposed for an unlawful absence. A school administrator should be

Board of Education Legislative Exhibit

February 16, 2021

permitted to impose the appropriate discipline based on the individual circumstances of a matter in accordance with the AACPS Code of Student Conduct as opposed to simply imposing discipline commensurate with an unlawful absence.

HB0764 Education - Broadening Options and Opportunities for Students Today Program - Established and Mandated Funding

This bill establishes the Broadening Options and Opportunities for Students Today Program to provide scholarships for students who are eligible for the free and reduced price lunch program to attend a nonpublic school. It requires MSDE to administer the Program and adopt regulations to implement the Program. It also requires the Governor, beginning in fiscal year 2022, to include in the annual budget bill an appropriation of \$15,000,000 for the Program.

Sponsored by: Delegate Kittleman

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0764F.pdf>

OPPOSE

AACPS opposes the diversion of public education funds to nonpublic schools. AACPS specifically opposes the use of tuition tax credits, tax deductions, or vouchers as a means of reimbursing parents/guardians for their children's nonpublic educational expenses in Pre-K-12.

We are facing unprecedented times as result of the COVID-19 pandemic. The pandemic has significantly impacted education, school systems, students, and families. The diversion of public education funds to nonpublic schools is likely to have serious economic, constitutional, legal, and public policy consequences. If public education funds were used for the support of nonpublic schools, fewer resources would be available for public elementary and secondary schools. The diversion of public education funds to nonpublic schools would also impede the ability of localities to ensure an appropriate, safe, and equitable education for all students. Further, students in schools with limited parental/guardian and community support would be disadvantaged. AACPS and school systems across the State are already facing decreased funding as a result of the pandemic and diverting additional public funds away from public schools would have negative impact on public education.

It is also important to note that, unlike public schools, private schools have no direct accountability to taxpayers for their use of tax revenues.

HB0771/SB0548 Public Schools - Centers for Disease Control and Prevention Surveys - Revisions

This bill requires MSDE to establish procedures for the administration of the Centers for Disease Control and Prevention Youth Risk Behavior Survey/Youth Tobacco Survey to public middle school and high school students in the State. It repeals the authority of MSDE to omit a certain amount of survey questions and requires MSDE to include in the survey certain tiers and questions related to adverse childhood experiences and positive childhood experiences.

Board of Education Legislative Exhibit

February 16, 2021

*Sponsored by: Delegate Queen
Senator Augustine*

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0771F.pdf>

<https://mgaleg.maryland.gov/2021RS/bills/sb/sb0548F.pdf>

OPPOSE

Currently, each local school system provides the mandated Youth Risk Behavior Survey/Youth Tobacco Survey. This survey is meant to capture information that is relevant to student behavior and is used to address issues related to substance use, sexual behavior, and mental health. However, the addition of questions related to adverse childhood experiences such as sexual abuse, witnessing domestic violence, incarcerated parents raises serious concerns as such questions could evoke emotions related to any trauma that students have experienced. Because this survey is anonymous, it would be difficult for school staff to follow-up with any student who has an adverse emotional response to any survey questions. We also have concerns that this bill would have a negative impact on educational equity because the questions asked would have the potential of emotionally impacting AACPS students in such a negative way that will adversely impact their learning.

HB0774 Public Health – Adverse Childhood Experience Screening – Requirement and Practitioner Training Program

This bill requires a physical examination to include a certain screening for adverse childhood experiences beginning with children entering the public school system in the 2022-2023 school year. It requires the Maryland Medical Assistance Program, subject to a certain limitation and as permitted by federal law, to provide reimbursement to a licensed physician, licensed physician assistant, or certified registered nurse practitioner who provides a certain screening under certain circumstances.

Sponsored by: Delegate Queen

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0774F.pdf>

OPPOSE

AACPS has concerns that this legislation would require a school system to be responsible for utilizing the Pediatric Aces and Related Life Events Screener questionnaire identified in the bill. We have concerns that a specific screener is being specified in the legislation and we have ethical and student privacy concerns with gathering such sensitive information and making this information mandatory to start school. If a screener such as this is considered, it should be done with the pediatrician and it should be voluntary for the parent. Making such a screener mandatory is invasive and is ethically questionable. Furthermore, we do not need yet another barrier to enrolling students in school.

Board of Education Legislative Exhibit

February 16, 2021

HB0817 State Department of Education - Interscholastic Athletics Eligibility Waiver - Graduate Athletes

This bill requires MSDE to waive eligibility requirements for participation in interscholastic athletics in order to allow graduate athletes who graduate from public high school in 2021 to participate in interscholastic athletics for the 2021-2022 school year only. It provides that graduate athletes may participate in an interscholastic athletic program only at the high school from which they graduated and may be enrolled at institution of higher education.

Sponsored by: Delegate Shoemaker

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0817F.pdf>

OPPOSE

AACPS has several concerns with this legislation as it would have a negative impact on the school system. First, allowing graduates to engage in high school athletics will result in a participation log jam and have the unintended negative consequence on how many underclassmen will be kept on teams to accommodate for roster spots taken by graduates. In addition, this legislation will likely reduce or eliminate the ability for Maryland schools to compete with schools from other states due to eligibility guidelines. This bill also creates a situation where school systems would have no real academic or behavioral guardrails in place for the graduates who would participate. HB817 will also create inequities in participation in high school athletics. Sports teams have roster limitations and allowing graduates to take up roster spots on any high school sports team will take away participation opportunities for existing eligible high school students. AACPS does not believe it acceptable to allow any stipulation that creates an environment that directly or indirectly encourages or pressures schools to prioritize the participation of a graduate over that of a current student.

Finally, this bill will likely result in an unfunded mandate as there may be a cost to the school system for liability insurance for graduates. Further, it is unclear whether obtaining such insurance is even technically or legally feasible.

HB0823 Public Schools - Mathematics Credit - College Preparatory Computer Science or Computer Programming Course

This bill authorizes a student enrolled at a public high school to satisfy one credit of a requirement to earn three credits in mathematics by completing a credit in Advanced Placement computer science course or an equivalently rigorous college preparatory computer science or computer programming course selected by the local board of education if the local board has certified to MSDE that the course may count toward that mathematics graduation requirement. In order for a computer science or computer programming course to qualify for math credit under the bill, a student must enroll in the course concurrently with or after completing Algebra II.

Sponsored by: Delegate Rose

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0823F.pdf>

Board of Education Legislative Exhibit

February 16, 2021

OPPOSE

AACPS opposes efforts by the General Assembly to legislate local public school curriculum. We support local decision-making authority in developing curriculum in collaboration with the State Board of Education. Accordingly, the authority to establish curriculum and assessments is the domain of the State Board of Education and the local boards of education. We firmly believe that the State Board of Education, in conjunction with local boards, should continue to be responsible for developing and implementing curriculum, assessments, and graduation requirements.

According to State regulations, to be awarded a high school diploma, a student must be enrolled in a Maryland public school system and have earned a minimum of 21 credits in specified subjects. AACPS students must earn a minimum of 26 credits to earn a diploma, including 4 credits of math and 1 credit of computer technology. While we believe that both math and computer courses are important, we do not believe that they are or should be treated the same. It is important to note that current State regulations already authorize a local school system to recognize a computer science course that is not an Advanced Placement computer science as meeting the mathematics standards required in regulations if the local school system determines the course meets the mathematics standards required by the regulation. In addition, under proposed amendments to COMAR 13A.04.01 Requirements for Computer Science, Engineering, or Technology Education Instructional Programs, computer science and engineering courses would be added to the subject of technology education as it relates to State graduation requirements. These proposed amendments are the result of the recommendations of the Maryland High School Graduation Task Force, as reviewed and accepted by the State Board of Education. Accordingly, this bill is unnecessary as the existing process, where the authority to establish curriculum and assessments is the domain of the State Board of Education and the local boards of education, is working.

HB0828 Good Teacher Protection Act

This bill establishes that a member of the administrative, educational, or support staff of any public, private, or parochial school acting in an official capacity is immune from civil liability for any personal injury or property damage resulting from an intervention in an altercation between students or other student disturbance if 1) the member intervened in a reasonably prudent manner and 2) the member's actions do not constitute grossly negligent, willful, wanton, or intentionally tortious conduct.

Sponsored by: Delegate Cox

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0828F.pdf>

SUPPORT

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. Accordingly, it is the school system's expectation that school staff will intervene in altercations involving students in an effort to ensure that the situation is diffused quickly with the hope that none of the involved parties are injured. Also, we expect staff to intervene in any incident involving a student which could potentially lead to harm to the student, other students, or staff. Sometimes students may be injured during this process or the student's personal property may be damaged.

Board of Education Legislative Exhibit

February 16, 2021

This proposed legislation would allow staff to intervene with the knowledge that they would not be personally liable for any resulting injury to a student or the student's property so long as the staff member was acting in good faith to protect the student from harm and the staff member's actions were not grossly negligent. Safety of students and staff is of paramount concern to AACPS and this legislation would serve to protect staff from civil liability for intervening in altercations involving students as long as the staff member was acting in good faith and was not grossly negligent. We believe that this legislation is fair and balanced in its approach to protect school system employees but also protect students from actions that constitute grossly negligent, willful, wanton, or intentionally tortious conduct.

HB0916 Education - Public Middle and High Schools - Financial Literacy Curriculum and Graduation Requirement

This bill requires MSDE to update the Maryland State Curriculum for Personal Financial Literacy Education and financial literacy standards to include content related to student loans and taxes. It also requires the State Board of Education to develop curriculum content for middle and high school courses in financial literacy. The bill also requires students to complete a financial literacy course in order to graduate from a public middle or high school.

Sponsored by: Delegate Amprey

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0916F.pdf>

OPPOSE

While this legislation is well-intentioned, we oppose 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

Board of Education Legislative Exhibit

February 16, 2021

legislative mandate that such a course be a graduation requirement, which may not ensure that students are financially literate.

HB0939 Education - Student Education Grant Program – Established

This bill establishes the Student Education Grant Program in MSDE to provide grants to eligible students in the State to attend an open nonpublic school approved to operate in the State. The bill provides for the renewal of a grant from the Program and requires MSDE to establish an application process for the Program. The bill also requires MSDE to distribute grants and provides for the amount of each grant under the Program.

Sponsored by: Delegate Arikan

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0939F.pdf>

OPPOSE

AACPS opposes the diversion of public education funds to nonpublic schools. AACPS specifically opposes the use of tuition tax credits, tax deductions, or vouchers as a means reimbursing parents/guardians for their children's nonpublic educational expenses in Pre-K–12.

We are facing unprecedented times as result of the COVID-19 pandemic. The pandemic has significantly impacted education, school systems, students, and families. The diversion of public education funds to nonpublic schools is likely to have serious economic, constitutional, legal, and public policy consequences. If public education funds were used for the support of nonpublic schools, fewer resources would be available for public elementary and secondary schools. The diversion of public education funds to nonpublic schools would also impede the ability of localities to ensure an appropriate, safe, and equitable education for all students. Further, students in schools with limited parental/guardian and community support would be disadvantaged. AACPS and school systems across the State are already facing decreased funding as a result of the pandemic and diverting additional public funds away from public schools would have negative impact on public education.

It is also important to note that, unlike public schools, private schools have no direct accountability to taxpayers for their use of tax revenues.

HB998 County Boards of Education - In-Person Instruction and Related Services – Requirement

This bill requires each county board of education, notwithstanding any law, regulation, or executive order to the contrary, to require school buildings to be open each school day in the 2021-2022 school year to provide in-person instruction and related services, including services such as speech-language pathology services, counseling, physical therapy, and occupational therapy, to certain students. The bill also requires each county board to provide instruction and related services to certain students in person except under certain circumstances.

Sponsored by: Delegate Griffith

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb0998F.pdf>

Board of Education Legislative Exhibit

February 16, 2021

OPPOSE

AACPS supports local control of educational policy, curriculum, budgets, and administration. Local governance by boards of education is essential to a comprehensive system of public education. Retaining local board authority allows for collaboration and cooperative planning within the local community rather than through top-down decisions from the State. In fact, Maryland law states, “educational matters that affect the counties shall be under the control of a county board of education,” and that local boards of education, “determine, with the advice of the county Superintendent, the educational policies of the county school system.”

As decisions are made on the local level, local boards of education receive and rely on public input and are best able to address local needs. The relationship between neighborhoods and local public schools encourages participation by parents/guardians and other community members in the educational process so that everyone has a responsibility for and ownership of public education. Retaining decision-making authority at the local level allows local boards of education to best balance educational practices, available resources to implement those practices, public input, and accountability.

HB1157 Education - Maryland High School Diploma - Civics Test Requirement

This bill requires a high school student to take a civics test and achieve a passing score by correctly answering at least 60% of the questions, in order to, on or after January 1, 2023, graduate from a public high school, meet alternative requirements for obtaining a Maryland high school diploma, or qualify for a Maryland high school diploma by examination. It requires MSDE to determine the means of providing each high school student an opportunity to take the required civics test.

Sponsored by: Delegate Thiam

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb1157F.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. Accordingly, AACPS incorporates civics education throughout our curriculum – from elementary school to high school. In accordance with the Maryland Social Studies Civics Standard 1.0, our curriculum ensures that students will understand the historical development and current status of the fundamental concepts and processes of authority, power, and influence, with particular emphasis on the democratic skills and attitudes necessary to become responsible citizens.

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

Board of Education Legislative Exhibit

February 16, 2021

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 HB1157, 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.

HB1254 Public School Employees - Whistleblower Protection - Civil Actions

This bill repeals the prerequisite that a public school employee who is engaging in whistleblowing, as specified, exhaust any administrative remedies before instituting a civil action. However, under the bill, a public school employee who is subject to a personnel action due to whistleblowing must notify the local superintendent of schools in writing of the employee's intention to institute a civil action. In addition, the bill establishes an administrative complaint and remediation process for public school employees engaged in whistleblowing who have been subject to personnel action.

Sponsored by: Delegate Ivey

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb1254F.pdf>

OPPOSE

AACPS takes allegations of fraud seriously and has made efforts to provide employees with the support they need to report unlawful behavior. AACPS employees currently have the option of reporting issues such as those covered in this bill to their supervisors or to a hotline. If an employee does not feel comfortable reporting such information to a supervisor or member of management, the employee has the option to directly and anonymously report such information to the AACPS Financial Fraud, Waste, or Abuse Hotline. The hotline is available 24 hours a day, 7 days a week. However, we have concerns that this legislation would fully repeal the requirement that an employee exhaust administrative remedies before seeking civil action. This repeal will result in increased litigation, and AACPS would likely be required to hire additional staff to take on increased workload. In addition, the Board would be required to hire counsel to pay additional legal fees for counsel to handle the increased litigation. Accordingly, this legislation is an unfunded mandate.

HB1296 Public School Students - Daily Physical Activity (Student Health and Fitness Act)

This bill requires a specified program of physical education for prekindergarten students. The bill also establishes a goal that each public elementary school student be provided a daily program of developmentally appropriate moderate to vigorous physical activity of at least 150 minutes per week, including recess and at least 90 minutes per week of physical education. MSDE must collect data from each public elementary school on the daily program of physical activity provided to students. MSDE must annually publish this data, and whether a public elementary school has met the goal discussed above, on its website.

Sponsored by: Delegate Walker

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb1296F.pdf>

Board of Education Legislative Exhibit

February 16, 2021

OPPOSE

Meeting the goals established in this 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 FY2022 and increasing to \$3.8 million by FY2025. 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.

HB1299 Education - Public High Schools - Financial Literacy Curriculum and Graduation Requirement

This bill requires the State Board of Education to develop curriculum content for a half-semester-long course in financial literacy. Each local board of education must implement the curriculum in every public high school under the board's jurisdiction, and a student must complete the course in order to graduate from a public high school.

Sponsored by: Delegate Walker

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb1299F.pdf>

OPPOSE

While this bill is well-intentioned, we oppose 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

Board of Education Legislative Exhibit

February 16, 2021

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.

SB0551 School Construction Incentive Act of 2021

This bill requires an eligible cost of a public school construction or capital improvement project to include costs relating to certain planning, design, and analysis. It requires the Interagency Commission on School Construction (IAC) to establish a certain incentive program for certain school construction and renewal projects. The bill also provides for the calculation of the incentive, including an increase in the State share percentage and a decrease in the local share percentage of school construction and renewal costs.

Sponsored by: Senator Rosapepe

<https://mgaleg.maryland.gov/2021RS/bills/sb/sb0551F.pdf>

SUPPORT WITH AMENDMENTS

On the surface, this legislation is a voluntary program in which local school systems can choose to participate and AACPS would not typically take a position on such a voluntary program. However, in a time fiscal constraints and inordinate competition for funding amongst a scarcity of State resources, any increased State school construction funding that one school system might receive by way of this bill's incentive program would likely result in a commensurate reduction of State school construction funding remaining for the other local school systems in the State. As such, AACPS recommends that SB551 be amended to create a special fund that is over and above the current baseline State school construction funding. The creation of such a special fund would ensure that there is no direct competition between this newly established incentive funding and the baseline State funding available to all school systems.

SB0654 Education – Comprehensive Health Education Program – Instruction on Skin Cancer

This bill requires, beginning in the 2020-2021 school year, each local board of education provide age-appropriate instruction on skin cancer as part of the comprehensive health education program.

Sponsored by: Senator Klausmeier

<https://mgaleg.maryland.gov/2021RS/bills/sb/sb0654F.pdf>

Board of Education Legislative Exhibit

February 16, 2021

OPPOSE

AACPS opposes efforts by the General Assembly to legislate local public school curriculum or assessments. 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. Maintaining this authority with the State Board and local boards allows local boards of education to collaborate with the State and stakeholders to ensure that all students, schools, and school systems are held accountable.

AACPS already offers comprehensive health education in accordance with Maryland State law and regulations. Each local school system must 1) provide a comprehensive health education program with sufficient frequency and duration to meet the requirements of the State curriculum for all students in prekindergarten through grade 8 and 2) offer a comprehensive health education program in grades 9 through 12 that enables students to meet graduation requirements and to select health education electives.

State law requires local school systems to teach a number of specified health topics, including drug addiction and prevention education; awareness and prevention of sexual abuse and assault; and cardiopulmonary resuscitation (CPR) that includes hands-only CPR and the use of an automated external defibrillator. In addition, State regulations require health instruction in the following topics: mental and emotional health; alcohol, tobacco, and other drugs; personal and consumer health; family life and human sexuality; safety and injury prevention; nutrition and fitness; and disease prevention and control.