

SECTION 1: BOE VOTE REQUESTED

NO BILLS

SECTION 2: BOE VOTE NOT RECOMMENDED AT THIS TIME

NO BILLS

Board of Education Legislative Exhibit

March 17, 2021

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

HB1372/SB965 Blueprint for Maryland's Future – Revisions

These emergency bills alter certain policy and funding provisions relating to the Blueprint for Maryland's Future, mainly certain implementation dates. The legislation also outlines the acceptable uses of funds for summer enrichment for students in grades 4 through 12, tutoring, and other learning loss programs and sets specific dates to report on such spending for both Blueprint funding and funding from the federal Elementary and Secondary School Emergency Relief Fund. The significant technical amendments include:

- The target per pupil foundation funding amount increases in fiscal year 2025 through fiscal year 2033 to address increased technology costs associated with e-learning.
- Fiscal year 2020 enrollments are now excluded from Maintenance of Effort and State aid calculations for fiscal year 2022 or in future years “3-year rolling average” calculations due to the one-time decline in enrollment local school systems have experienced.
- The funding percentages for comparative wage index, compensatory education, special education, and English Language Learners are reduced in the out years due to the increase in the foundation amount.
- The funding for the concentration of poverty personnel grant is adjusted to current levels.
- The definition of “small group tutoring” is amended to no more than four students at a time and requires any student getting supplemental instructional services to receive a pre- and post-standardized assessment.
- Judy Center grants are increased from \$275,000 to \$330,000.
- The requirement for local boards of education to report to the Accountability and Implementation Board regarding the implementation of “funding following the student” is pushed out 1 year.
- The dates for the Every Student Succeeds Act reporting requirements that are used for the Accountability and Implementation Board reporting requirements are adjusted by 1 year.
- Various changes are made to the Accountability and Implementation Board.
- The requirement for local boards of education to report on the 4-year-old prekindergarten program is pushed out 1 year.
- School districts are required to track the progress of ninth-grade students beginning in the 2021-2022 school year and through graduation.
- Local boards of education are required to report on the progress of ninth-grade students by September 1, 2022, and every year thereafter.
- Various career and technology education requirements are pushed out 1 year.
- The kindergarten readiness assessment is pushed out 1 year.
- The appropriation for gifted and talented programming is pushed out 1 year.

*Sponsored by: The Speaker
The President*

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb1372F.pdf>

Board of Education Legislative Exhibit

March 17, 2021

<https://mgaleg.maryland.gov/2021RS/bills/sb/sb0965F.pdf>

SUPPORT

Strong State and county funding support of Pre-K–12 public education will ensure that all students have the programs, services, and instructional support needed to meet rigorous standards established for student performance. AACPS supports the charge of the Commission on Innovation and Excellence in Education to review and address Maryland education funding issues, particularly the enormous statewide education funding gap, which lags by nearly \$3 billion in State funding and nearly \$1 billion in local government investments.

AACPS is pleased that Maryland has chosen to move forward by adopting meaningful changes to the current school funding formulas, which now date back to 2002. Accordingly, we have supported comprehensive changes to enhance our school funding formulas by increasing the base amount of funding for all students, sustaining and increasing the additional weighted per pupil funding for our English Language Learners and students living in poverty, and significantly increasing the weighted funding amount for students receiving special education services. AACPS has also supported adoption of per pupil funding allocations for current and expanded Pre-K programs. As such, we greatly appreciate the work of the Kirwan Commission to tackle these difficult but important education issues.

AACPS supports the revisions and technical amendments in this legislation. Among the many impacts of COVID-19 this past year has been the decline in student enrollment at AACPS and school systems across the State. Student enrollment has declined as AACPS families have selected alternative academic options that best fit their schedules and needs during this pandemic. AACPS experienced a decrease in enrollment of nearly 1,500 K-12 students which translates to a potential federal, State, and local revenue loss of more than \$22 million in per pupil funding. Such a loss in per pupil funding would have a negative impact on AACPS and our students as we would be forced to make cuts to much needed programs and positions. In addition, such funding reductions could disproportionately impact students who qualify for special education, our English Language Learners, or our youngest early education students. Accordingly, we greatly appreciate that the legislation addresses the issue of declining enrollment to help ensure that school systems across the State do not lose millions of dollars in State funding.

HB1376 Primary and Secondary Education - Virtual Education – Requirements

This bill requires a teacher preparation program that includes training in the pedagogy of virtual education to include certain best practice principles. It requires the Maryland State Department of Education (MSDE) to provide local school systems with guidance related to the periodic professional development and support for teachers to achieve virtual education best practice principles. It also establishes the Flip the Classroom Pilot Program to be implemented and administered by MSDE. The bill authorizes a public school to choose to participate in the Pilot Program. This bill also requires MSDE to establish a statewide universal learning management system on or before July 1, 2022. It authorizes a county board of education to create a permanent virtual school or to transition a school to virtual learning on a temporary basis in the event of a sustained event that prevents normal attendance at a school over several days. The bill also requires

Board of Education Legislative Exhibit

March 17, 2021

a county board of education to establish plans, methods, and processes for temporary and permanent virtual schools.

Sponsored by: Delegate Washington

<https://mgaleg.maryland.gov/2021RS/bills/hb/hb1376F.pdf>

LETTER OF INFORMATION

AACPS appreciates the bill's intent to expand virtual learning opportunities for Maryland students. We believe that there is value in a statewide universal learning management system and in the additional clarity around the use of virtual learning – whether temporary or permanent – in a crisis. AACPS also appreciates the standards, resources, and professional development that are provided in the legislation.

It is important note that local school systems are already fully authorized to provide appropriate virtual learning opportunities under existing State law. In fact, AACPS is currently looking to build 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. Additionally, 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 2020 to the present. It is also important to recognize that school systems already do many of the things identified in the bill during the current virtual environment. For example, AACPS has equity and attendance plans, has a process to provide a free and appropriate education to students with disabilities, provides students with access to the same curriculum and standards, provides regular assessments, conducts regular check-ins with students, provides for virtual tutoring, has a plan to focus on students with the greatest need and the most learning loss, and uses multiple methods of communications amongst many other things.

With regards to the Flip the Classroom Pilot Program established under the bill, AACPS believes that a local school system should be the entity determining whether a school or schools participate in the program. Accordingly, the bill should be amended to provide this option to a local school system in lieu of a school independently making this choice as provided in Section 7-128(d)(2) of the bill. Similarly, AACPS recommends that the language in Section 7-1406(a)(1) authorizing a school administrator of a temporary virtual school to establish learning centers be amended to authorize a local school system to establish additional learning centers. Alternatively, this language can be stricken in its entirety as school systems are already authorized to establish learning centers.

AACPS does have concerns that this legislation will have a fiscal impact and, therefore, creates an unfunded mandate. For example, AACPS would be required to hire a dedicated employee to coordinate the use of the universal management system. AACPS is also concerned that a shift to universal management system would be costly. Local school systems around the State currently have a learning management system in place in their respective districts. In fact, AACPS recently procured a learning management system at a cost of \$1 million. As such, it is imperative that a statewide universal learning management system selected by MSDE is compatible with the existing learning management systems utilized by the 24 local education agencies.

Board of Education Legislative Exhibit

March 17, 2021

AACPS also has questions regarding the provision in the bill that would require a temporary administrative office in the State for a temporary virtual school. Presumably this school would already be in the county and the administrator and staff would be accommodated as any other administrator and staff is currently accommodated by a local school system.

SB966 Virtual Schools – Statewide Education Platform – Procurement and Establishment

This bill authorizes the Maryland State Department of Education (MSDE) to make a procurement for a statewide virtual education platform on an expedited basis with the approval of the State Board of Education. It authorizes virtual schools to operate in the State on a year-round basis. The bill requires MSDE, in accordance with the expedited procurement process, to issue a request for proposals for a statewide platform to provide virtual education on or before May 1, 2021. It requires MSDE to award a contract for the virtual education platform on or before June 1, 2021. The bill also requires MSDE to establish a grant program to assist a local school system in transitioning to using the virtual education platform. Grants are authorized to provide funding to local school systems for professional development, preparing and adapting MSDE-approved classes, and administrative staff time to support the transition. Each local school system must complete a virtual learning self-assessment. The bill establishes the priority for enrollment in virtual schools and provides for a lottery to select students for a virtual school if demand exceeds availability. It requires each county board of education to adopt a policy to allow a student to attend a virtual school in that county beginning in the 2021-2022 school year.

Sponsored by: Senator Hester

<http://mgaleg.maryland.gov/2021RS/bills/sb/sb0966F.pdf>

LETTER OF INFORMATION

AACPS appreciates the bill's intent to expand virtual learning opportunities for Maryland students. We believe that there is value in a statewide platform and the additional clarity around the use of virtual learning in a crisis.

It is important to note that local school systems are already fully authorized to provide appropriate virtual learning opportunities under existing law. In fact, AACPS is currently looking to build 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. Additionally, 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 2020 to the present.

AACPS recommends that the bill be amended to add the Maryland Association of Boards of Education to the entities with which MSDE will consult in the review and evaluation of requests for proposals for the statewide platform established under the bill.

AACPS does have concerns that this legislation will have a fiscal impact and, therefore, create an unfunded mandate. For example, AACPS would be required to hire a project manager to provide oversight of enrollment, instructional quality, standard/credit acquisition, and compliance with all

Board of Education Legislative Exhibit

March 17, 2021

State, school system, and vendor requirements. Additionally, a counselor or registrar would be needed to support course decisions as well as college and career readiness platforms aligned to State and school system policies and regulations. AACPS is also concerned that a shift to universal management system would be costly. Local school systems around the State currently have a learning management system in place in their respective districts. In fact, AACPS recently procured a learning management system at a cost of \$1 million. As such, it is imperative that a statewide universal learning management system selected by MSDE is compatible with the existing learning management systems utilized by the 24 local education agencies.