

**Board of Education Legislative Exhibit**  
February 16, 2022

**SECTION 1: BOE VOTE REQUESTED**

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**NO BILLS**

# Board of Education Legislative Exhibit

February 16, 2022

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

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### [HB0283](#)

#### **Vehicle Laws - School Bus Safety - Occupant Capacity**

*Delegate D. Jones*

This bill requires that a school bus be routed with the intent that the number of pupils on the bus does not exceed the manufacturer's rated seating capacity for the bus; and requiring that, if an emergency or temporary situation causes the number of pupils to exceed the rated seating capacity, the situation be corrected within a reasonable period of time.

**NO POSITION**

### [HB0376](#)

#### **Outdoor Preschool License Pilot Program - Establishment**

*Delegate Guyton*

This bill establishes the Outdoor Preschool License Pilot Program in MSDE to license outdoor, nature-based early learning and child care programs in order to expand access to affordable, high-quality early learning programs and to investigate the benefits of outdoor, nature-based classrooms. It also requires the Department to submit a report to the Governor and the General Assembly by December 1, 2024, with its findings and recommendations for modifying or expanding the Pilot Program.

**NO POSITION**

### [HB0489](#)

#### **Commission on History, Culture, and Civics in Education**

*Delegate Acevero*

This bill establishes the Commission on History, Culture, and Civics in Education to make recommendations to the State Board of Education and the State Department of Education to further the discovery, interpretation, and learning of the history, culture, and civics of the United States and Maryland. It also requires the Commission to report its findings and recommendations to the State Board, the Governor and the General Assembly by December 30 each year beginning in 2022.

**NO POSITION**

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### [HB0512](#)

#### **Professional Standards and Teacher Education Board - Composition - Alteration**

*Delegate Gnyton*

This bill alters the composition of the Professional Standards and Teacher Education Board by adding a member of the Maryland Association of Nonpublic Special Education Facilities.

**NO POSITION**

### [HB0541/SB0478](#)

#### **Career and Technical Education Committee - Alterations**

*Delegate Qi and Senator Hester*

This bill adds a representative of a skilled trade organization and a representative of a career college to the list of members who must be selected for the Career and Technical Education Committee. It alters the Committee's duties and authorized actions to include the perspective of career colleges and skilled trade organizations. The bill also requires the committee to develop and provide to guidance counselors and public schools in the State a list of all skilled trade organization programs and career programs in the State.

**NO POSITION**

### [HB0630](#)

#### **Public High Schools - Financial Literacy Pilot Program – Establishment**

*Delegate Brooks*

This bill requires the State Board of Education to establish a Financial Literacy Pilot Program for public school students, including public charter school students, in grades 11 and 12. It also requires the curriculum content to include lessons on budgeting, saving money, debt, investments, amortization, interest and other issues as appropriate; authorizing each public school to implement the curriculum content beginning in the 2023-2024 school year. The bill requires the State Board to report to the General Assembly on the status of the Program by January 1, 2027.

**NO POSITION**

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### [HB0793](#)

#### **County Boards of Education - Community Ombudsman – Established**

*Delegate Lisanti*

This bill requires each county board of education to designate a community ombudsman to provide assistance, as a neutral party, to parents and caregivers of students and other community members who have questions regarding school policies and procedures. It also requires the community ombudsman to take certain actions; and providing for the confidentiality of communications between the community ombudsman and the individuals seeking services.

**NO POSITION**

### [HB0797](#)

#### **County Boards of Education - Student Membership - Alterations**

*Delegate Luedtke*

This bill would require each student member of a county board of education to have certain voting rights; and add a student member to certain county boards. This bill includes provisions changing the voting status of most student board members and mandates that all boards have a student member.

**NO POSITION**

### [HB0825](#)

#### **Task Force to Evaluate Existing School Civic Literacy Programs**

*Delegate Boteler*

This bill establishes the Task Force to Evaluate Existing School Civic Literacy Programs. It requires the Task Force to determine a strategy for enhancing long-term civic education. The legislation also requires the Task Force to make its recommendations regarding a plan for implementing a civic education program in a report to the Governor and the General Assembly by December 1, 2022.

**NO POSITION**

### [HB0850/SB0666](#)

#### **Schools, Prekindergarten Programs, and County Boards of Education – Discrimination**

*Delegate Wilkins and Senator McCray*

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

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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.

**NO POSITION**

### [HB0753/SB0421](#)

#### **Primary and Secondary Schools – Bus Driver Wages – Study**

*Delegate D. Jones and Senator Rosapepe*

This bill requires the Governor's Workforce Development Board, on or before July 1, 2022, to evaluate, study, and identify certain issues relating to wages paid to certain bus drivers and report its findings to the governing body of each county and Baltimore City, each county board of education, including Baltimore City, the Governor, and the General Assembly.

**NO POSITION**

### [SB0510](#)

#### **Anne Arundel County Board of Education – Member Compensation**

*Senator Beidle*

This bill increases by \$10,000 the compensation of the president, vice president, and other members of the Anne Arundel County Board of Education.

**NO POSITION**

### [SB0640](#)

#### **Primary and Secondary Education - Maintenance of Effort Requirements – Alterations**

*Senator King*

This bill requires the governing body of a county to appropriate a certain amount of funds to the school operating budgets in FY 2023 by deducting using the FY 2022 County appropriation and subtracting any COVID-19 related funding the County used to exceed maintenance of effort.

**NO POSITION**

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## [SB0831](#)

### **Education Support Professionals - Workgroup and Bonus**

*Senator Zucker*

This bill establishes the Workgroup to Study the Wages of Education Support Professionals to determine what percentage of education support professionals in the State earn a living wage and to study increasing the wages of education support professionals to attract and retain skilled workers. It also requires the Governor to include in the annual budget bill an appropriation sufficient to provide a bonus to noncertificated public school employees in FY 2024 under certain circumstances.

**NO POSITION**

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### SECTION 3: BOE VOTE NOT REQUIRED – ESTABLISHED POSITION IN 2022 LEGISLATIVE PROGRAM

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#### [HB0314](#)

#### **County Boards of Education – Voting Members – Requirements**

*Delegate Novotny*

This bill requires each county board of education to have an odd number of members who are eligible to vote on each matter before the county board beginning January 1, 2025. If a county board lacks an odd number of members eligible to vote on a matter before the board and the matter cannot be postponed or rescheduled to a later date, the county board of education may select a non-board member to vote on the matter.

#### **OPPOSE**

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. AACPS opposes and legislation which seeks to limit the authority of a local board of education as this bill would do. Accordingly, we have concerns with the arbitrary and undemocratic nature in which this bill would require local boards of education to vote on matters under their jurisdiction. The legislation fails to identify the necessity of requiring an odd number of Board members on action items before a Board. In fact, current law for each county board of education already enumerates the necessary votes required for an action of any board of education to pass. In Anne Arundel County, current law requires the affirmative vote of at least five members to approve any action of the Board. This is required despite the Board being comprised of 8 members with full voting rights.

AACPS is also deeply concerned about the provision in the bill which would authorize a county board of education to select a non-board member to vote on action items before the board. This provision creates untold ethics and accountability issues.

Finally, this bill does not respect the local collaborative process by which county board of education governance is currently determined. AACPS supports the current process by which such decisions regarding the operations of county boards of education.

#### [HB0352/SB0888](#)

#### **Education - American Studies and Social Equity Standards Advisory Board - Academic Standards and Model Policy**

*Delegate Qi and Senator Lee*

This bill establishes the American Studies and Social Equity Standards Advisory Board. It requires that at least 80% of the Board's members reflect the geographic diversity of the State and have a background in advocacy for certain ethnic and social groups. The legislation also requires the Advisory Board to review academic standards for American studies and develop a model policy on ethnic and social equity in public schools. Finally, the bill requires each county board of education to implement a curriculum for American studies before the 2025-2026 school year.

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### OPPOSE

AACPS supports local decision-making authority in developing curriculum and 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. Over the course of the last 5 years, each of these frameworks has been rewritten by committees of teachers, administrators, and other stakeholders in a process overseen by MSDE and approved by the Maryland State Board of Education. AACPS agrees that public school curriculum must be more inclusive, and staff continues to review and rewrite curriculum utilizing an educational equity lens to help ensure more inclusivity.

This legislation is overly prescriptive and gets ahead of the requirements set for in the Blueprint for Maryland's Future. Specifically, the Blueprint for Maryland's Future requires the Maryland State Department of Education to develop curriculum standards and resources for each subject at each grade level, that build on one another in logical sequence, in core subjects that may be used by local school systems and public school teachers. Accordingly, AACPS does support with amendments HB47 Public Schools – Expanded American History – Development of Content Standards and Implementation. AACPS appreciates that the legislation is aligned with the Blueprint and places the responsibility for the development of content standards for a more inclusive and comprehensive American history where it belongs – with the Maryland State Board of Education.

### [HB0365](#)

#### **Public School Construction - Fossil Fuel-Based Energy System Costs - Prohibition (Green School Construction Act of 2022)**

*Delegate Korman*

This bill prohibits the Interagency Commission on School Construction from considering a new or replacement fossil fuel-based energy system as a construction or capital improvement cost.

### OPPOSE

The goals of this legislation are ostensibly laudable; however, they are wholly impractical, impossible to implement, and represent a clear unfunded mandate. AACPS opposes unfunded mandates. While the annual cost impact could rise or fall depending upon the number of construction projects in any given year, the annualized cost impact could approach \$40 million. While recognizing the aspirational nature of this bill, carbon-free technologies have not advanced in terms of quality, quantity, durability, sufficiency, or affordability to the levels required to support the cost-effective and reliable operational requirements of critical public infrastructure such as schools on a 12-month, 24-hour per day operational platform. In addition, fossil-based fuels remain a significant fuel source for the various regulated utilities from which AACPS purchases the majority of our energy and until these regulated utilities convert to non-fossil-based fuel sources, local school systems have limited options in the marketplace.

AACPS is also concerned that the inability to maintain continuity of operations or continuous instruction as a result of potential utility related disruptions would impact educational equity. It is also important to note that public high schools, which are designated emergency management sites,

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are required to maintain continuity of operations in accordance with State emergency management requirements. Also, as an unfunded mandate, this legislation could divert funding away from the district's existing instruction and social/emotional support structures for students.

### [HB0384](#)

#### **Public and Nonpublic Schools – Bronchodilator Availability and Use – Policy**

*Delegate Boyce*

This bill requires each local board of education to establish a policy for public schools within its jurisdiction to authorize the school nurse and other school personnel to administer a bronchodilator, if available, to a student who is determined to have asthma, is experiencing asthma-related symptoms, or is perceived to be in respiratory distress, regardless of whether the student 1) has been diagnosed with asthma or reactive airway disease; or 2) has a prescription for a bronchodilator as prescribed by an authorized licensed health care practitioner. However, a bronchodilator may not be administered to a prekindergarten student without a prescription, as specified. The policy must include other specified elements. Likewise, the bill authorizes each nonpublic school to establish a policy that meets the same requirements.

#### **SUPPORT WITH AMENDMENTS**

The current list of required trainings for teachers and school system staff is extremely long and requires a significant amount of time to complete. AACPS opposes legislation and mandates that will result in increased teacher and staff workloads. Accordingly, we recommend that the bill be amended to only include language requiring school nurses and health room staff to complete the training. School nurses and health room staff would be the best equipped to assist in a situation where a bronchodilator would be needed.

### [HB0415/SB0401](#)

#### **Operating Budget - Funding - Scholarships for Nonpublic School Students**

*The Speaker and The President on behalf of the Governor*

This bill requires the Governor, beginning in fiscal year 2024, to include in the annual budget bill General Fund appropriations of certain amounts for the Broadening Options and Opportunities for Students Today Program.

#### **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.

Maryland local school systems are committed and required to serve all of the State's school-aged children who are not enrolled in other educational institutions or programs regardless of religious preferences, ability to pay tuition, or special needs. In the public education system, students are exposed to a wide variety of courses and programs aimed at educating and preparing them for graduation, college and career readiness, and full participation in their communities. In pursuit of

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these goals, local and State accountability measures are used to ensure that the public schools are fulfilling their mission.

Generally, nonpublic schools are not subject to the same legal requirements as public schools such as special education laws and teacher certification regulations. As such, nonpublic schools have no direct accountability to taxpayers for their use of tax revenues.

Additionally, 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. Further, the diversion of public education funds to nonpublic schools would impede the ability of localities to ensure an appropriate, safe, and equitable education for all students.

### [HB0468](#)

#### **Public School Employees – Whistleblower Protections – Civil Actions**

*Delegate Ivey*

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.

#### **OPPOSE**

AACPS supports the rights of employees to take actions to report unlawful behavior. 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.

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 the increased workload that is inevitable under this bill. In addition, AACPS would be required to hire counsel to pay additional legal fees for counsel to handle the increased litigation which is also inevitable under this bill. Accordingly, this legislation would result in an unfunded mandate, which AACPS opposes.

When the Whistleblower Protection Act was introduced in 2017, AACPS supported this provision which reasonably requires employees to utilize the available administrative procedures before filing a complaint in court. This provision helps ensure a balanced approach to facilitating employee disclosures and prompt school system responses to any alleged unlawful activities. Removing this

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provision from the existing law to exhaust administrative avenues would, unfortunately, lead to a much more adversarial process and more litigation.

### [HB0472/SB0887](#)

#### **Primary and Secondary Education – Title IX – Policies and Procedures (Hear Our Voices Act of 2022)**

*Delegate J. Lewis and Senator Lee*

This bill requires the State Board of Education, by March 31, 2023, to develop policies and procedures for reporting, administering, investigating, and resolving complaints related to incidents of sexual misconduct and violations of Title IX of the Education Amendments of 1972. It also authorizes a person to bring a civil action against a local system that fails to comply with certain policies and procedures and to recover damages, reasonable costs, and attorney's fees.

#### **LETTER OF INFORMATION**

The proposed legislation is unnecessary as it seeks to duplicate much of what is already required by the federal Title IX law. The bill also includes a reporting mandate as well as a provision that permits an individual to bring a civil action against a local school system for “failure to comply with the policies and procedures developed under this section.” The U.S. Department of Education, in its review of cases filed pursuant to the Title IX law, already has the authority enter a finding against a local school system for failure to comply with regulations. Families/individuals are not prohibited from filing lawsuits pursuant to the federal law and many have done so as there is a plethora of case law forming the basis of the definitions of sexual harassment, sexual discrimination and sexual violence in education. It is unnecessary for the law to specifically state that civil actions can be brought for violations of the law, as this already widely understood and covered by the existing Title IX law.

### [HB0495/SB0519](#)

#### **Education - Student-Organized Peaceful Demonstrations - Student Discipline and Policy**

*Delegate Ebersole and Senator Washington*

This legislation bars a public school from 1) prohibiting a student from organizing or participating in a student-organized peaceful demonstration; 2) imposing limits that substantially inhibit a student's right to free speech while participating in a student-organized peaceful demonstration; and 3) disciplining a student for organizing or participating in a student-organized demonstration. A school may impose reasonable limitations on the time and place of a student-organized peaceful demonstration to minimize disruptions and protect the health, safety, and welfare of students and school personnel. Each local board of education must develop a written policy as specified regarding student-organized peaceful demonstrations.

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## 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 actually caused harm or disruption, AACPS believes that the consequences should not be limited to the discipline that would be imposed for an unlawful absence. A school administrator should be 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.

## [HB0504](#)

### **Collective Bargaining - Public School Employees - Authorization to Strike**

*Delegate Acevero*

This bill authorizes public school employees to engage in a strike.

## OPPOSE

The single most important strategic goal of AACPS is to ensure that every student meets or exceeds standards as achievement gaps are eliminated. We will aim to elevate all students while eliminating all gaps.

This bill would have serious ramifications on AACPS operations. State law requires that schools are in session 180 days or otherwise face certain financial penalties. Allowing public school employees to strike would certainly limit our ability to meet that 180-day threshold. Local school systems rely on our certificated educator workforce to deliver sound instruction to students on a daily basis. It is a disservice to these very students to have even a portion of the educator workforce unavailable as a result of a strike. It is ultimately the students who will suffer the consequences of this activity. If a strike were initiated by employee bargaining units, the district would face significant safety issues as well as financial impacts to provide coverage for the support staff during the strike.

It is important to note that the State of Maryland has in place – and has had in place for more than 40 years – a set of laws which mandate bargaining on behalf of public school employees. These laws require public school employers to engage in bargaining of the salaries, hours, and working conditions of public school employees whether the employee is a teacher, certificated, non-teaching, or non-certificated. The purpose of these existing laws and the Public Schools Labor Relations Board is to ensure that the needs of public school employees (in terms of salaries, hours and working conditions) are met without the need to strike. As a result, students continue to receive the appropriate education and supports they need while the parties engage in meaningful negotiation. AACPS and the employee organizations that have represented AACPS employees have successfully

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engaged in negotiations for more than 40 years. Even with the parties have been unable to agree, the impasse process has been available to create the necessary common ground schools and students require.

Another consideration is that a teacher strike would impact the mandatory number of days and seat hours students are required to attend each school year pursuant to Maryland law. Unless the State granted a waiver, students and teachers would be required to extend the school year which would result in additional school system and community impacts. This could result in a disruption to the continuity of instruction. Additionally, the impact this legislation would have on educational equity would likely be extremely disproportionate to English language learners, Black, Latino, low income, and special education students. Allowing public school employees to strike would have a significant impact on learning, retention, and perhaps other deliverables such as school breakfast/lunch, wraparound services, behavioral and mental health supports, and activities.

Finally, this bill would have a devastating fiscal impact on the school system. AACPS opposes unfunded mandates.

### [HB0547/SB0617](#)

#### **Local School Systems - Equivalent Access Standards - Digital Tools (Nonvisual Access Accountability Act for K-12 Education)**

*Delegate Guyton and Senator Zucker*

This bill would require each local board of education to provide a student with disabilities access to specified digital tools that 1) are fully and equally accessible to and independently usable by the student and 2) enable the student to acquire the same information, participate in the same interactions, and access the same services as a student without disabilities, with substantially equivalent ease of use. Each digital tool developed or purchased by a local board must include specifications for access for students with disabilities, including nonvisual access, in accordance with the technical standards for electronic and information technology used under specified federal law or any other widely accepted or freely available technical standard. Each local board must establish a process to evaluate digital tools being considered for development or purchase for conformity with the above requirements. The bill establishes certain procurement procedures regarding digital tools and civil penalties for vendors that fail to meet specified accessibility standards, after certain notification.

### **SUPPORT WITH AMENDMENTS**

AACPS believes that all students are entitled to challenging instruction from highly qualified professionals that addresses their unique learning needs and differences. AACPS also believes that all students should be afforded the opportunity to participate in challenging educational experiences that expand outcomes after graduation. Accordingly, AACPS clearly makes every effort to support the academic needs of each student. Students needs are addressed through various methods, including instructional materials, technology, and other necessary supports. In the case of a student receiving special education services, such accommodations are addressed in a student's Individualized Education Program (IEP), and the accommodations are uniquely tailored to the individual student. Determinations are made via comprehensive student assessments. Accordingly,

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AACPS has an established process for the review and evaluation of digital tools that align with the requirements of accessibility of technology-based instructional products set forth in COMAR 134A.05.02. AACPS has a comprehensive approval process regarding materials of instruction, which includes digital tools. The school system currently provides digital tools for students who receive special education instruction if it is determined that a student requires such an accommodation. This determination is made via the IEP process. As such, AACPS meets the requirement for students of nonvisual access to participate in their educational setting.

AACPS has concerns with the various undefined terms used throughout the legislation and requests that the Committee define terms to ensure accuracy and clarity. For example, “communication technology services” need to be defined. What standard is “equivalent ease of use” and how is that measured? The bill also requires the employee who conducts the evaluation of each tool has to be an employee who “specializes” in accessibility and the guidelines, or who is a “blindness specialist” – what does this mean?

AACPS also requests that the conflicting terms also be addressed as retaining conflicting terminology would result in difficulties in implementing the requirements set forth in the legislation. For example, how can a “digital tool” also be considered a “course” for purposes of instruction? Additionally, this bill seems to assume that a student with a disability only has a visual impairment. However, the term “student with disabilities” is a very broad term including not just fully functional students who happen to have a visual impairment, which is the assumption being made. There are some students with disabilities who cannot independently use any digital tool due to either for severe physical or mental disabilities.

AACPS strongly supports preserving the exception which is in current statute. In addition, the language regarding indemnification language, and highlighting that if the law has conflicting or overly technical terms then it’s much more difficult to address in implementing regulations.

On page 3, lines 31-34, the reference to indemnifying the State Board of Education is misplaced in this subsection, which solely deals with the local school system. This subsection should probably be its own stand-alone section of the bill.

On page 4, lines 17-26, the current language in the law is preferable to the added language in the bill. Currently, if no product is available that meets the standards, a local school system may obtain one that “provides the best equivalent access functionality.” The bill would delete that provision and instead require the local school system notify the state which shall “ensure that another product is purchased that will offer an effective educational option.” The mandates seem to require local school systems to purchase a product regardless of costs or programmatic needs. This could result in a significant unfunded mandate which AACPS opposes.

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### [HB0566](#)

#### **School Construction – Design Documents – Waste Disposal Infrastructure**

*Delegate Boyce*

This bill requires the IAC to adopt certain regulations for county boards of education to include waste disposal infrastructure in the design documents submitted to the IAC for the construction of a new school building utilizing State funding. It also defines "waste disposal infrastructure" as a place for the disposal of trash, recyclables, food scraps, and a sink for liquid waste.

#### **OPPOSE**

Every school and school district already have a means and method to support food waste disposal. Understandably, the means and methods are unique to each local school system and potentially to each school. Under the guiding principle of local control and local management, local school systems and schools do not need the IAC to create or require a mandated food waste disposal infrastructure template as part of public school construction projects. Local authority and local discretion should prevail in this area of school operations and management.

### [HB0613](#)

#### **Public Schools - Appropriations for School Safety Expenditures – Increase**

*Delegate Griffith*

This bill requires the Governor's to include an annual appropriation of \$20 million in his budget to fund school resource officers and specified school safety enhancements beginning in FY 2024 and each fiscal year thereafter. This would be an increase from the current \$10 million appropriated in the State budget.

#### **SUPPORT**

Safety in public schools is 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. As a result, it is essential for educational leaders to be included in the continued development of a comprehensive security plan. The pursuit of a safe school environment must be tempered by a balanced emphasis on the protection of individual student rights.

AACPS supports State assumption of costs associated with security improvements, including school building alarms, cameras, and other security technology, thereby freeing school system resources to address their core mission: student achievement. Enhancing the safety and security levels available at public schools would serve to lessen potential threats or distractions to the educational system and thus lessen to potential adverse impacts to educational equity and continuity of instruction.

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## [HB0618](#)

### **Maryland Parental Rights Act**

*Delegate Cox*

This bill requires that the State Board of Education and county boards of education allow a certain amount of time for certain testimony at public board meetings. It prohibits an employee of a school district from withholding information relating to a child's health or well-being from the child's parent/guardian. The bill also requires each county board to establish and adopt a policy regarding the promotion of parent involvement in the public school system.

### **OPPOSE**

AACPS already has a policy and regulation regarding parental involvement in schools. The school system recognizes that engaging parents/guardians in the educational process is essential to improved academic success for students. We further recognize that a child's education is a responsibility shared by the school and the family during the entire time a child attends school. In addition, AACPS already has procedures and practices in place to advise parents/guardians of school curriculum and to object to curriculum content.

That being said, AACPS strongly opposes efforts by the General Assembly to legislate local 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 researching, investigating, and evaluating both curriculum and assessments. Maintaining this authority with the Maryland State Board of Education 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 is committed to an ongoing and thorough review of curricula and materials of instruction to ensure that diversity, equity, and inclusion are promoted and evident. AACPS has a committee that reviews curriculum and materials of instruction. Representatives from all stakeholder groups including parents/guardians, teachers, and students are included in the review process. New courses are presented to the Board for review and approval.

AACPS currently publishes content standards on their public facing academic websites. The public can, at any time, go to the website and review the courses and the standards within those courses. In addition, library materials are outlined on the school system's website. Additionally, at the beginning of the year, students in middle and high school receive course syllabi for each of their courses. In elementary school, parents receive grade level curriculum letters that outline the concepts taught in the four marking periods. AACPS' new learning management system also allows parents/guardians to view their student's classroom materials. This learning management tool allows AACPS the opportunity to create a more robust school-home partnership to support all students.

Finally, this legislation is unnecessary as the public may contact the Superintendent and the members of the Board with any concerns regarding AACPS curriculum. Parents/Guardians, students, and members of the community also have the opportunity testify at regularly scheduled public meetings of the Board.

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## [HB0657](#)

### **Public Schools - Standardized Behavioral Health Screenings for Students - Development and Implementation**

*Delegate Guyton*

This bill requires the Maryland Consortium on Coordinated Community Supports to develop, in consultation with certain stakeholders, guidelines for developing a standardized behavioral health screening to identify students with behavioral health service needs. It also requires that the screening be given to the parent or guardian of each student when the student enrolls for school and every year thereafter; and requiring each behavioral health services coordinator to develop and implement a certain standardized behavioral health screening.

#### **OPPOSE**

AACPS also 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 other challenges. 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. The emphasis on multi-tiered systems of support, which also include Section 504 accommodations and restorative practices, further supports this effort and AACPS Strategic Plan emphasizing relationships, rigor, and readiness for all students. By removing barriers, providing resources, and teaching appropriate social-emotional skills, students gain the tools to be productive citizens.

AACPS has training, protocols, and practices in place to assist staff in recognizing warning signs related to behavioral health concerns and these students are referred to the student services team in the school buildings. This current protocol allows students to receive appropriate behavioral health support in a way that does not tax the system to the point in which the student services staff is unable to perform their job. This legislation is proposing a protocol that would be extremely burdensome to implement and would require a lot more additional staffing to put in place.

While well-intentioned, this bill would place an extraordinary burden on the already understaffed student services staff – school counselors, school psychologists, and school social workers. Screening nearly 84,000 students and being required to respond in an extremely condensed timeframe to any student that indicated a concern pursuant to the behavioral health screening on an annual basis would utterly overwhelm the system. School systems simply do not have the staff to implement this bill. AACPS opposes any legislation which increase staff workloads.

We also have significant concerns about the potential liability to schools and districts, for asking students to disclose any behavioral health conditions but not ensuring immediate follow-up and referrals for support if needed.

Finally, this legislation would have a significant fiscal impact on the school system. AACPS would likely be required to double the number of student services staff available in each school to perform the behavioral health screenings and perform the follow-up interventions as a result of the screenings. AACPS opposes unfunded mandates.

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### [HB0678](#)

#### **Education - Fine Arts - Curriculum Requirement, Study, and Report (Arts Equity in Education Act)**

*Delegate Guyton*

This bill requires, beginning in the 2022-2023 school year, county boards of education to provide in public schools a certain instructional program in fine arts. It requires the State Department of Education to study and make recommendations on or before July 31, 2023, regarding compliance with a certain regulation relating to instructional programs in fine arts. It also requires, for FY 2024 through FY 2026, the Governor to include \$25,000,000 in the annual budget to carry out the Act.

#### **OPPOSE**

AACPS has a robust program in all areas of fine arts in aligned with current State regulations and requirements. We have worked diligently to create high quality Pre-K-12 curriculum in dance, media arts, music, theater, and visual arts. These curricula provide learning opportunities for all students to engage in the arts. AACPS is committed to an ongoing and thorough review of curricula and materials of instruction to ensure that diversity, equity, and inclusion are promoted and evident. AACPS has a committee that reviews curriculum and materials of instruction. Representatives from all stakeholder groups including parents/guardians, teachers, and students are included in the review process. New courses are presented to the Board for review and approval.

However, AACPS strongly opposes efforts by the General Assembly to legislate local 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 researching, investigating, and evaluating both curriculum and assessments. Maintaining this authority with the Maryland State Board of Education 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.

While AACPS appreciates the \$25 million appropriation in the legislation, this is insufficient to cover the cost of implementing the requirements of the bill at all 24 local education agencies in the State. It, therefore, creates an unfunded mandate, which AACPS opposes.

### [HB0686](#)

#### **Public Schools – Health and Safety – Carbon Dioxide Monitoring in Classrooms (Safe School Indoor Air Act)**

*Delegate Solomon*

This bill establishes the Safe School Indoor Air Program in the Maryland Department of the Environment to improve indoor air quality in public school classrooms. It requires the Department, in consultation with the MSDE, to administer the Program. The bill also requires public schools to monitor carbon dioxide levels in each classroom in a school at least twice each school year as well as specified remediation measures. A county board of education is required to develop a certain policy and implementation plan.

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### OPPOSE

While AACPS clearly supports the establishment and maintenance of safe and conducive learning environments, HB686 would create an overly complex and extremely expensive unfunded testing and remediation mandate for local school systems. AACPS anticipates that this legislation would cost the school system more than \$2 million in inspection fees alone, as well as an untold hundreds of millions – if not billions – of dollars in potential remediation costs given our 14 million square feet of infrastructure. AACPS opposes unfunded mandates. It is also important to note that any imposed unfunded mandate of this significant magnitude would severely detract from the total available funds used to support educational equity in our school system.

Finally, many of the environmental provisions identified in the proposed legislation are already adequately regulated by other provisions in local, State, or federal laws with which AACPS already complies.

### [HB0737](#)

#### **Alternative Education Options - Right to Learn and Broadening Options and Opportunities for Students Today Programs (Right to Learn Act of 2022)**

*Delegate Ghrist*

This bill requires, on or before January 1 each year and based on certain star ratings, each county board of education to provide the parents/guardians of students who attend a failing school notice that the school is failing and a list of alternative school options; establishing the Right to Learn Program to provide students who attend a failing school and choose to pursue an alternative education option with certain scholarships. This bill also establishes the Broadening Options and Opportunities for Students Today (BOOST) Program.

### OPPOSE

The Board opposes the diversion of public education funds to nonpublic schools. The Board 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. Unlike public schools, private schools have no direct accountability to taxpayers for their use of tax revenues.

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. Further, the diversion of public education funds to nonpublic schools would 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.

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### [HB0743/SB0410](#)

#### **Teachers' Retirement and Pension Systems - Reemployment**

*Delegate Llierman and Senator Elfreth*

This legislation provides an exemption from reemployment earnings offsets for retirees of the Teachers' Retirement and Pension Systems for certain reemployment from July 1, 2022, through June 30, 2024.

#### **SUPPORT**

AACPS remains committed to elevating all students and eliminating all gaps. We recognize the educational benefits of a diverse workforce that enriches the education experience of all AACPS students. We can accomplish this by investing in the development of highly effective teachers and leaders that reflect our diversity and commitment to diversity, equity, inclusion, and a high-quality education for all AACPS students. AACPS believes that the quality of education is directly dependent on the quality of the teacher workforce, which is directly impacted by the school system's ability to recruit and retain high-quality educators

This legislation would be extremely helpful to AACPS and school districts across the State by authorizing local superintendents to rehire individuals – teachers, substitute teachers, a teacher mentor, or a principal – who are retirees of the Teachers' Retirement System at any school in the superintendent's local school system. Local school systems in Maryland are currently faced with a teacher shortage and we welcome legislation such as this to help us employ qualified educators. This bill aims to assist in those efforts. The legislation also creates potential for more qualified and experienced teachers in the classroom, which is a benefit to students overall.

### [HB0750/SB0422](#)

#### **Education – Jobs That Require Driving – Requirements (Drivers Education for Good Jobs Act of 2022)**

*Delegate D. Jones and Senator Rosapepe*

This bill requires the Career and Technical Education (CTE) Committee to establish, by December 31, 2022, a statewide CTE pathway for high school students to prepare for a career that requires driving skills and a driver's license and that leads to the student achieving the required license. The CTE Committee must also establish an annual goal for the number of students who obtain the appropriate driver's license before they graduate from high school. The bill also authorizes a local school board to allow an employee of the board, or an employee of a person that contracts with the board, to transport a public school student in a vehicle if the driver is at least 19 years and 6 months old and has at least 3 years of experience driving a vehicle.

#### **SUPPORT WITH AMENDMENTS**

AACPS supports expanded opportunities and pathways for students to excel and achieve career readiness. This legislation appears to support and further that goal. It is unclear in the bill, as drafted, whether the legislation and the CTE Committee would make such programs of study mandatory or optional for local school systems. However, AACPS opposes curriculum mandates and maintains that local control best positions a school district to service its students and school communities at

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large. As such, the legislation should be amended to explicitly state that the programs and pathways developed under the legislation would simply authorize a local school system to offer such program or pathway if desired. Failure to make this program optional would cost AACPS more than \$3.2 million. While AACPS supports the intent of the legislation, we oppose unfunded mandates.

The legislation requires the CTE Committee to establish an annual goal for the number of completers for the proposed program. AACPS opposes such prescriptive mandates in State law, and we recommend that the bill be amended to remove this requirement.

### [HB0752](#)

#### **Public Schools - School Psychologist Recruitment Program**

*Delegate Reilly*

This bill establishes the School Psychologist Recruitment Program within MSDE. It also requires the Program to provide professional development programs and aid for a certain certification fee to school psychologists and individuals seeking to become school psychologists and to reimburse school psychologists for professional conference expenses.

#### **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 other challenges. 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. The emphasis on multi-tiered systems of support, which also include Section 504 accommodations and restorative practices, further supports this effort and AACPS Strategic Plan emphasizing relationships, rigor, and readiness for all students. By removing barriers, providing resources, and teaching appropriate social-emotional skills, students gain the tools to be productive citizens.

School psychology is currently a critical shortage area and certainly local school systems would benefit from a Statewide recruitment effort.

We respectively request that the bill be amended to emphasize recruitment and support of diverse candidates. Diverse school psychologists would be a benefit to our diverse student population as they navigate a variety of issues, including discrimination, bias, and cultural barriers; lack of access to resources and mental health providers; mental health stigma; poverty; social media; and trauma.

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## HB0758

### **Education – Public Schools – Lesson Plans and Instructional Material**

*Delegate Szeliga*

This bill mandates the posting of lesson plans and instructional materials used at public schools on the public school's website. It also establishes requirements for the development, production, and inspection of certain instructional materials referenced in certain lesson plans.

#### **OPPOSE**

As required by MSDE, the Superintendent must ensure that curricular materials are aligned to State content standards. These standards drive the creation of curricula that teachers utilize in the design of daily instruction. 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 researching, investigating, and evaluating 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. This bill is overly prescriptive and interferes with local board governance and the Superintendent's authority in accordance with State law. AACPS opposes such efforts.

The requirements set forth in the legislation would also increase teacher workloads. More specifically, the implementation of the bill would require additional work for teachers outside of their teaching day with students; that additional time would either need to be carved from current assignments – including planning, professional development, meetings, and clubs – or would be added to the teacher's workday. In addition, the definition of lesson plan would require some teachers, depending on grade level, to produce multiple outlines each day. The scale of this requirement, given the level of detail, would be massive for teachers. There may be instances where a teacher needs to pause on a planned activity due to student readiness, questions, or other factors and, using their professional expertise, pivot to other materials in the moment. Under this bill, a teacher would essentially be unable to do so as such an adjustment would not align with the requirements set forth in the bill.

AACPS currently publishes content standards on their public facing academic websites. The public can, at any time, go to the website and review the courses and the standards within those courses. In addition, library materials are outlined on the school system's website. Additionally, at the beginning of the year, students in middle and high school receive course syllabi for each of their courses. In elementary school, parents receive grade level curriculum letters that outline the concepts taught in the four marking periods. AACPS' new learning management system also allows parents/guardians to view their student's classroom materials. This learning management tool allows AACPS the opportunity to create a more robust school-home partnership to support all students.

It is troublesome that the bill does not mandate posting of materials in schools with less than 400 students. This would create inequity to access for many families with children in these schools.

Given the uncertainty of the scale of the legislation, it is difficult to estimate the fiscal impact; however, a conservative estimate on the cost of implementation is approximately \$14.6 million. The cost is associated with the additional compensation the school system would be required to pay

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teachers for the additional time needed to implement the requirements in the bill. AACPS opposes unfunded mandates.

### [HB0783/SB0575](#)

#### **Public Schools - Mold Assessment and Remediation**

*Delegate Jackson and Senator Klausmeyer*

This bill requires MSDE, in consultation with the Maryland Department of Health and the Department of General Services, to adopt regulations on or before June 1, 2023, establishing uniform standards for mold assessment and remediation in public schools, including requiring each county board of education to establish a process for reporting and assessing potential mold in a public school and remediating mold identified during a mold assessment.

#### **OPPOSE**

While AACPS clearly supports the establishment and maintenance of safe and conducive learning environments, this legislation would create an overly complex and expensive unfunded mandate for local school systems. In addition, many of the environmental hazards identified in the proposed legislation are already adequately regulated by other provisions in local, State, or federal statutes with which AACPS already complies. To that extent, this legislation is an overlap of existing legal requirements and could potentially create conflicts with these existing provisions. Other environmental hazards listed in the legislation have no regulatory framework, vetted testing protocols, universally accepted pass/fail criteria, or generally accepted abatement or remediation techniques. The legislation would, thus, place local school systems in an untenable position relative to these undefined, unspecified, or unregulated environmental hazards.

While unable to price out the cost of such a program in detail given the lack of specificity within the bill, it would likely cost AACPS in excess of \$1 million in inspection fees alone as well as untold millions of dollars in potential remediation costs given our 14 million square feet of aging infrastructure.

### [HB0805](#)

#### **Primary and Secondary Education - Virtual Schools – Alterations**

*Delegate Szeliga*

This bill authorizes MSDE, a county board of education, or a public institution of higher education to establish a statewide virtual school in the State. It repeals certain provisions of law regarding the establishment and operation of virtual schools and requires the State to distribute certain funds to virtual schools.

#### **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 2022-2023 school year.

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Local school systems are already fully authorized to provide appropriate virtual learning opportunities under existing law. In fact, AACPS initiated the Virtual Academy, the only virtual school in the State this school year. Our Virtual Academy has been showcased by MSDE due to its rigorous and purposeful structures, schedules, and organization. MSDE has also highlighted our hiring practices and professional learning.

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.

### [HB0827](#)

#### **Education - Public Schools - Instruction in Print and Cursive Handwriting**

*Delegate Boteler*

This bill requires each county board of education to require each public elementary school in the county to provide instruction in print and cursive handwriting to students beginning in the 2023-2024 school year.

#### **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.

### [HB0848](#)

#### **Education - Public Charter Schools - Virtual Learning Programs**

*Delegate Szeliga*

This bill alters the definition of "public charter school" to include a virtual learning program. It requires professional staff of a virtual learning program of a public charter school to be subject to certain certification provisions established for professional staff of other public schools.

#### **OPPOSE**

While this bill is well-intentioned, it is important to note that local school systems are already fully authorized to provide appropriate virtual learning opportunities under existing law. AACPS initiated the Virtual Academy, the only virtual school in the State, this school year. Our Virtual Academy has been showcased by MSDE due to its rigorous and purposeful structures, schedules, and organization. MSDE has also highlighted our hiring practices and professional learning.

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While AACPS appreciates the bill's intent to expand virtual learning opportunities for Maryland students, we strongly oppose expanding the definition of a public charter school to include applications to create virtual, or cyber, charter schools. AACPS opposes legislation that permits internet-based virtual charter schools that promote home schools.

AACPS remains committed to elevating all students and eliminating all gaps. We recognize individuals who use student data, reflect on their practice, and engage in professional learning as highly effective educators. Such educators enhance their knowledge and skills to increase student learning in their classrooms, at their schools, and in our school district. AACPS believes that the quality of education is directly dependent on the quality of the teacher workforce, which is directly impacted by the school system's ability to recruit and retain high-quality educators. We currently do this without legislation, and as such, have concerns about some of the prescriptive language as we believe school districts should retain flexibility to best align with strategic initiatives for their programs.

AACPS believes that the current law provides a sound framework for the authorization and operation of high quality public charter schools in Maryland. We support State and local efforts to pursue the effective use of virtual learning initiatives and will continue to support programs to optimize the use of technology in improving student instruction. AACPS recognizes the value and need to continuously improve student access to high quality virtual learning programs but opposes amending the charter school law to authorize virtual, cyber charter schools. This legislation is not a necessary or appropriate means to advance virtual learning in Maryland's public schools.

### [SB0362](#)

#### **Primary and Secondary Education - Virtual Schools - Revisions**

*Senator Pinsky*

This bill alters the requirements for virtual schools established by the State Department of Education or a county board of education by requiring a teacher education program to include training in the skills and techniques for teaching effectively in a virtual learning environment; authorizing a county board to establish one virtual school but may not include classes for prekindergarten or kindergarten students. It prohibits more than 10% of the students from a single public school to enroll in a virtual school in the county. The bill also provides for services to students in a virtual schools as well as establishing parameters for returning a student to in-person learning.

#### **SUPPORT WITH AMENDMENTS**

AACPS appreciates the bill's intent to expand virtual learning opportunities for Maryland students. It is, however, important to note that local school systems are already fully authorized to provide appropriate virtual learning opportunities under existing law. AACPS initiated the Virtual Academy, the only virtual school in the State this school year. Our Virtual Academy has been showcased by MSDE due to its rigorous and purposeful structures, schedules, and organization. MSDE has also highlighted our hiring practices and professional learning.

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AACPS remains committed to elevating all students and eliminating all gaps. We recognize the educational benefits of a diverse workforce that enriches the education experience of all AACPS students. We can accomplish this by investing in the development of highly effective teachers and leaders that reflect our diversity and commitment to diversity, equity, inclusion, and a high-quality education for all AACPS students. We recognize individuals who use student data, reflect on their practice, and engage in professional learning as highly effective educators. Such educators enhance their knowledge and skills to increase student learning in their classrooms, at their schools, and in our school district. AACPS believes that the quality of education is directly dependent on the quality of the teacher workforce, which is directly impacted by the school system's ability to recruit and retain high-quality educators. We currently do this without legislation, and as such, have concerns about some of the prescriptive language as we believe school districts should retain flexibility to best align with strategic initiatives for their programs.

AACPS has concerns with several provisions in the legislation. For example, Section 7-1402(d) requires county boards of education to only contract with a nonprofit to provide services for a virtual school. AACPS seeks clarification on the intent of this language. Presumably, the intent is not to replace teachers for the delivery of education. What specially is intended by the term "services" – does this refer to the virtual platform, development of materials, or other similar deliverables? AACPS recommends that this language be removed altogether to allow districts flexibility on how to provide services to students enrolled in a virtual school.

Additionally, Section 7-1404(a) of the legislation requires a virtual school to offer enrolled students access to extracurricular activities, wrap-around services, food and nutrition services, and health care services equivalent to those services provided to who receive in-person instruction in the school system. AACPS seeks an amendment clarifying that such services would be provided by the local school system, to the extent practicable, in accordance with school system policies and procedures. It is important to note that, in accordance with COMAR and MPSSAA, a student may only represent the school in which the student is registered.

Section 7-1404(b) of the bill mandates that curriculum must be at least 60% online and include a social-emotional component specific to virtual students. MSDE is also required to must submit a report on the appropriate balance of synchronous vs. asynchronous learning by December 31, 2022. AACPS seeks an amendment requiring MSDE to collaborate without local education agencies to determine the appropriate balance of synchronous vs. asynchronous learning.

AACPS is also seeking an amendment to Section 7-1404(d) to remove the language concerning the parameters around which students would return to in-person learning. AACPS recognizes that students may be moved to in-person learning for a variety of reasons and not solely as a result of failing grades. Accordingly, this determination should remain with the local school district in accordance with school system policies and procedures.

Finally, AACPS seeks an amendment to Section 7-1406(d) of the bill, which prohibits a virtual school class from exceeding the statewide or countywide average for in-person classes. Specifically, AACPS requests an amendment to provide flexibility regarding class size to meet local personnel and budgetary needs that account for fluctuations in class size averages which is similar to our current practice of class size target ratios.

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## [SB0528](#)

### **Climate Solutions Now Act of 2022**

*Senator Pinsky*

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 and requires the State to achieve net-zero statewide GHG emissions by 2045; 2) establishes requirements for monitoring methane emissions from landfills; 3) establishes new and alters existing energy conservation requirements for buildings; 4) increases and extends specified energy efficiency and conservation program requirements; 5) establishes requirements for the purchase of zero-emission vehicles in the State fleet; and 6) establishes new entities and new special funds to support related activities.

### **LETTER OF INFORMATION**

AACPS appreciates the provision in the bill which exempts public school construction from the net-zero requirements under specified circumstances. AACPS also appreciates the creation of the Net-Zero School Grant Fund, which would help schools to meet the requirements set forth in the bill. Without such provisions, the legislation would result in a prohibitive unfunded mandate, which AACPS opposes. Failure to provide for the grant funding and waivers would require AACPS and other local school systems to expend significantly more on public school construction programs in the years 2023 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. Such requirements could easily add 15% or more to the initial construction costs of a public school. For AACPS, that could add an additional \$30-\$40 million to our Capital Improvements Program request along with the same commensurate burden on the Anne Arundel County Government.

## [SB0583](#)

### **Maryland Center for School Safety – Public Schools – Reporting of Classroom Disruptions**

*Senator Bailey*

This bill requires the Maryland Center for School Safety to establish a website for anonymous reports of public school classroom disruptions. It also requires the Center to establish an office that reviews and refers classroom disruption reports to the appropriate county superintendent of schools and the county board of education. It also requires a county superintendent and the county board jointly to respond within 45 days after receiving the report.

### **OPPOSE**

Safety in public schools is 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. As a result, it is essential for educational leaders to be included in the continued development of a comprehensive security plan. While well-intentioned, AACPS has concerns with the proposed legislation. As drafted, the bill does not provide a definition of "classroom disruption" which makes it excessively broad and subject to overly inconsistent interpretation. It is important to note that the

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Maryland Center for School Safety already provides an anonymous reporting hotline which serves the same essential purpose of this legislation as it provides the public a means of notification for matters affecting school safety.

The bill also fails to clarify what, if any, actionable information can be developed from a flawed, unreliable, self-selected data set created from individuals who choose to designate anything as a classroom disruption. For example, parents/guardians who may make reports regarding classroom disruptions will largely rely on secondhand information from students that may or may not include context or factual information. We believe that this bill is unnecessary as Maryland currently has the systems in place to allow the public to report school safety concerns.

### [SB0705](#)

#### **Education – Physical Restraint and Seclusion – Limitations, Reporting, and Training**

*Senator Zucker*

This bill prohibits a public agency or nonpublic school from using a physical restraint on a student as a behavioral health intervention, except under certain circumstances. It prohibits a public agency or nonpublic school from using seclusion as a behavioral health intervention for a student, except under certain circumstances. The bill requires a risk assessment to be completed at certain points for a student who has an IEP and experiences a seclusion.

#### **OPPOSE**

AACPS supports the basic tenets of this legislation – the need to reduce restraint and seclusion, and the benefits of implementing trauma-informed decision-making, as appropriate. AACPS does not utilize seclusion within AACPS schools. However, nonpublic schools serving AACPS students use seclusion as necessary. Accordingly, the restriction on nonpublic schools will impact these schools. We have concerns with the proposed changes to seclusion practices, which are significant, as well as some of the IEP requirements set forth in the bill. One particular area of concern is the requirement to conduct a review of a student’s seclusion during a change of placement meeting or during an annual review as these meetings may not be timely. Another concern is the requirement that a health care practitioner – defined as a physician, psychologist, or social worker – be on site when a student has been secluded. It is not clear how a physician would be in a school setting on a regular basis to observe a student during a seclusion.

AACPS has concerns with and does not support the extensive reporting requirements outlined in the legislation, the additional training requirements, or the need for State intervention into local practices. While well intentioned, this bill includes a heavy documentation and accountability process regarding restraint and seclusion reporting, practices, professional development, data, and changes to practice that are burdensome and overreaching. While AACPS supports any practices that decrease the need for restraint and seclusion as well as trauma-informed interventions, this bill proposes analysis of data that is reported annually without defining what that analysis would look like, the purpose of the analysis, or who would conduct the analysis. The bill further requires changes based on the undefined analysis regardless of whether the undefined analysis is even needed. It also requires State intervention regarding the sufficiency of current training and requires that a local

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school system remedy any gaps identified by MSDE without providing the standards that would be required to make such a determination. Accordingly, we recommend that these provisions be stricken from the bill.

It is important to note that a 2017 task force studied this issue and released a report with recommendations on the use of restraint and seclusion. The task force, which consisted of experts on this subject matter from around the State, reached two overarching conclusions. First, it determined that the regulatory framework at the time should be maintained except in those areas where specific revisions have been recommended. Second, the task force determined that while some areas required regulatory enhancement, others could be addressed through additional guidance from MSDE. State regulations on restraint and seclusion were amended as a result. The requirements set forth in the amended State regulations limit the use of restraint and seclusion and more clearly defined the term “seclusion”, among other things. Under current regulations, physical restraint may only be used if 1) there is an emergency situation and physical restraint is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate; 2) the student’s behavioral intervention plan or IEP describes specific behaviors and circumstances in which physical restraint may be used; or 3) the parents of a nondisabled student have otherwise given written consent for the use of physical restraint while a behavior intervention plan is being developed. The regulations also specify when and how seclusion may be used. It is also important to note that physical restraint and seclusion may only be used by school personnel who are trained in their appropriate use.

Finally, this legislation also creates an unfunded mandate. AACPS will likely be required to hire additional staff to fulfill the various reporting and training requirements set forth in the bill.