

Board of Education Legislative Exhibit
February 2, 2022

SECTION 1: BOE VOTE REQUESTED

NO BILLS

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SECTION 2: BOE VOTE NOT RECOMMENDED AT THIS TIME

[SB0363](#)

Public High Schools - Health Education - Gambling Dangers and Addiction

Senator Simonaire

This bill requires the State Department of Education, on or before July 1, 2023, to develop a program of education on the dangers of gambling and gambling addiction to be provided in public high schools. The program must be coordinated with other State agencies responsible for gambling addiction education. The bill authorizes a county board of education, beginning in the 2023-2024 school year, to require each public high school in the county to include instruction on the dangers of gambling one time for students in grades 9 through 12.

NO POSITION

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

[HB0163/SB0373](#)

Public Information Act - Required Denials - Sociological Information and Distribution Lists

Delegate Carr and Senator Kagan

The legislation specifies that a definition of “sociological information” adopted under rules or regulations by an official custodian may not include above-specified notices or recipient lists. Finally, the bill requires a custodian to deny inspection of the part of a distribution list that identifies an individual’s physical address, email address, or telephone number rather than the full distribution list, as required under current law.

SUPPORT

Section 4-341(b) of this bill is significant in its relation to the work of AACPS, which maintains a number of distribution lists for dissemination of information related to both the work of the school system and the happenings of the system and the Board of Education. This aforementioned section designates certain pieces of information (physical address, email address, telephone number) as not disclosable in Public Information Act requests. This is consistent with the school system’s responsibility regarding student data privacy and data governance in general.

From the general news release distribution list maintained by the AACPS Communications Office to the list of family email addresses in a variety of departments and offices through which a variety of information is shared, AACPS has collected hundreds of thousands of pieces of contact information from those who have a vested interest in the operations of the school system. Those individuals have provided this information so that they can receive pertinent news and updates from Anne Arundel County Public Schools, not so their information can be provided to third parties for purposes that may be unforeseen and unregulated.

Especially concerning is the chilling effect not passing this legislation would have, as families whose information is shared with parties to whom they have no affiliation or desire for correspondence from could cease providing contact information to our school system.

While § 4-313 of the Act already allows for denial of some of this information as it relates to students, this legislation’s expansion of said denials to those who interact with the school system, particularly families of students, serves the public well.

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HB0200

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

Delegate Amprey

This bill requires the Maryland State Department of Education (MSDE) to update the Maryland State Curriculum for Personal Financial Literacy Education and the corresponding financial literacy standards to include content on (1) applying for and managing student loans and (2) filing and managing taxes. Beginning with the 2023-2024 school year, each public middle and high school must implement half-semester-long financial literacy courses using content developed by the State Board of Education. To graduate from a public middle or high school, a student must complete the respective middle or high school course.

OPPOSE

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

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

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

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[HB0201/SB0284](#)

Election Law - Voter Registration Drive - High Schools

Delegate Kelly and Senator Washington

This legislation requires each local board of elections to conduct a voter registration drive open to students and employees at least once each school year in each public high school in the county in a manner specified in an agreement between the local board and county board of education. The legislation also requires each public official responsible for the use of a public high school to make available to the local board of elections, without charge, the space that is needed in the building for the proper conduct of a voter registration drive.

OPPOSE

While schools serve as the place of learning and development of civic identity, the infrastructure is not present for them to become sites for voter registration. Such a requirement would also strain already overburdened staff leading to potential issues of accuracy and equity. Schools and school systems should have the autonomy to pursue such endeavors as they best meet their needs, but AACPS opposes legislation that increases staff workloads.

Additionally, requiring school system employees to conduct voter registration could potentially have negative impact upon undocumented students. In *Plyler v. Doe*, 457 U.S. 202 (1982), the Supreme Court determined that undocumented students are a protected class under the Equal Protection Clause of the 14th Amendment. In accordance with the Supreme Court's holding in *Plyler v. Doe*, AACPS does not collect or inquire about the citizenship status of students. We have concerns that requiring a voter registration drive in each public high school could open up our undocumented students to undue scrutiny. As such, we believe that it is most appropriate for a local or State Board of Elections and other community organizations to continue hosting voter registration drives at high schools in order to best provide for the voter registration of students. It is also important to note that students also have the ability to register to vote or to update voting information during a driver's license or photo identification card transaction at the Motor Vehicle Administration.

Finally, the requirements set forth in this bill could result in an unfunded mandate. AACPS opposes unfunded mandates. AACPS would potentially need to fund an additional position at the high school level to compensate for the additional time and effort needed to fulfill the requirements of the legislation. There would also be costs related to training all staff who would be involved in implementing the voter registration drive at each school.

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[HB0214](#)

Juveniles - Reportable Offenses

Delegate Parrott

This bill requires the Department of Juvenile Services (DJS), for students committed to its custody, to notify the local superintendent and the school principal of a school in which the student has enrolled or to which the student has been transferred of the student's arrest for a reportable offense or an offense that is related to the student's membership in a criminal gang and the disposition of the reportable offense. DJS must also provide information regarding any educational programming and related services provided to the student.

SUPPORT

Safety in public schools remains increasingly important to local boards of education as school-related security incidents and threats in Maryland and throughout the nation have increased over the years. As a result, it is essential for educational leaders to be included in the continued development of a comprehensive security plan.

Communication among stakeholders is essential in helping to maintain school safety. As such, AACPS supports legislation that eliminates impediments to communication among school system, law enforcement and juvenile justice officials. HB214 will assist in this endeavor by further enhancing the current reportable offense statute and help eliminate communication barriers that currently exists between schools and DJS.

Additionally, the provision in the bill requiring DJS to provide information regarding any educational programming and related services provided to the student will help a school system to provide the supports necessary for a student to be successful in the student's new environment.

[HB0226](#)

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

Delegate Guyton

This bill requires each county board of education, beginning in the 2022-2023 school year, to install at least one video recording device in each self-contained special education classroom. It requires video recording devices to record self-contained special education classrooms and exclusion areas during school hours and during any time that the classroom or exclusion area is in use. The bill does prohibit the use of a video recording device in bathrooms or in areas that students use to change clothing.

OPPOSE

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

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the sponsor narrowed the scope of the legislation to focus on self-contained classrooms versus all classrooms with special education students, our above referenced concerns remain.

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

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

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

[SB0237](#)

Education - Curriculum - Unit of Instruction on September 11, 2001, Terrorist Attacks

Senator Salling

This bill requires public schools and nonpublic schools that participate in State-funded education programs to include in the curriculum, beginning in the 2023-2024 school year, a unit of instruction on the September 11, 2001, terrorist attacks that is consistent with certain guidelines developed by the State Board of Education. It also encourages nonpublic schools that do not participate in State-funded education programs to include in the curriculum a unit of instruction on the September 11, 2001, terrorist attacks.

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

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Education. As it specifically relates to the September 11th terrorist attacks, AACPS provides supplemental resources curated for elementary and secondary school students to assist our schools in paying tribute on this day. In addition, lessons are more explicitly taught in Grade 9 U.S. History and Grade 11 World History and referenced in Grade 10 U.S. Government. AACPS continues to review and rewrite our curriculum utilizing an educational equity lens to help ensure a more inclusive curriculum.

In creating the State Board and local boards of education, the General Assembly has delegated to them the responsibility for guiding and delivering a high-quality statewide system of public education through State standards and accountability measures, and locally governed and administered curriculum, teaching, and learning. The program of studies in each school system is developed as a whole and aligned with the State and local standards and assessments. Accordingly, the authority to establish curriculum and assessments is the domain of the State Board of Education and the local boards of education. We are the same entities charged with the responsibility to research, investigate, and evaluate both curriculum and assessments. Legislation such as SB237, which seeks to interject piecemeal segments into the curriculum or to extract portions of the testing, only serve to weaken the effectiveness of the entire educational program.

[SB0238](#)

Public Schools - Crossing Guards - Hiring and Budget Allocation

Senator Salling

This bill requires each county board of education to require the local school system to hire school crossing guards for each public school in the county and to provide sufficient funding in the county board budget. It requires the county police department, if the county board is not able to provide sufficient funding, to hire the additional number of school crossing guards necessary to provide school crossing guards for each public school in the county and to provide sufficient funding in the county police department budget.

OPPOSE

This legislation would “**REQUIRE THE LOCAL SCHOOL SYSTEM TO HIRE SCHOOL CROSSING GUARDS FOR EACH PUBLIC SCHOOL IN THE COUNTY...**” In accordance with the Anne Arundel County Code, the responsibility to employ and provide crossing guards is that of the Anne Arundel County Police Department, which employs approximately 125-150 crossing guards at any given time. This bill would create staff workload issues, which AACPS opposes. Attrition resulting from resignation, normal retirement, injury, and other factors requires continuous recruitment, training, and management. Additionally, recruiting and retention is particularly difficult given historical low pay rates for a 10-month, seasonal position that does not guarantee substantial hours of work.

If enacted, this bill would be an unfunded mandate and create workload issues for AACPS staff which would cost the district approximately \$1.4 million each year. AACPS opposes legislation that creates unfunded mandates and increase staff workloads. This legislation would impose the burden on AACPS of hiring sufficient staff to manage, train, and supervise crossing guards deployed in locations throughout the County. In supervising crossing guard performance, police department personnel have the current advantage of mobility as a normal part of their structure. AACPS would

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not have such an advantage, necessitating the procurement of staff and vehicles be procured and assigned to daily crossing guard supervision and performance management.

SB0304

Education - Public Schools - Asian American History Curriculum Requirement

Senator Lam

This bill requires the State Board of Education to develop curriculum for a unit of instruction on Asian American history in public schools in the State. It requires each county board of education to implement the Asian American history curriculum content standards, beginning in the 2023-2024 school year. The legislation also requires each county board of education to ensure that a unit of instruction on Asian American history is taught at least once during elementary school, middle school, and once in a history course required to graduate from high school.

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. The contributions of Asian Americans are featured in elementary, middle, and high school at AACPS. Whether it is the contribution of Asian Americans to civil rights highlighted in grades 4 and 5 or the integration of Asian American history in U.S. History courses, AACPS has worked to provide a more inclusive American history curriculum to students. 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.

It is important to note that AACPS supports with amendments HB47 Public Schools – Expanded American History – Development of Content Standards and Implementation. AACPS appreciates that the legislation 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. This bill requires that the content standards for expanded American history to include instruction on the history and contributions several groups of Americans, including Asian Americans and Pacific Islanders. AACPS believes that this bill is more inclusive and best addresses the issues surrounding an inclusive American history curriculum.

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[SB0318](#)

More Opportunities for Career-Focused Students Act of 2022

Senator Rosapepe

This bill requires that county boards of education that use college and career readiness software that helps school systems and schools align student strengths and interests to postsecondary goals and careers to consider the pursuit of certain certificates, certifications, or apprenticeships as the equivalent of pursuing postsecondary education. It requires the above referenced county boards of education to provide a method for students and parents to not authorize the release of a student's personal information and platform results to apprenticeship sponsors and employers. The legislation also requires a county board of education to pay for a student to take an apprenticeship or industrial certification exam.

OPPOSE

While AACPS appreciates the spirit of this legislation to both bolster the emphasis of career technology education (CTE) through intentional paradigm shifts and to require funding for industry recognized certification tests and apprenticeship entrance exams, it is unnecessary. What this bill seeks to do will be accomplished by the Blueprint for Maryland's. Accordingly, the legislation is unnecessary.

Though AACPS supports the goals of the legislation, the school system opposes unfunded mandates. This legislation would also create an unfunded mandate by expediting provisions in the Blueprint related to funding of student certification.

[SB0325](#)

Student Data Privacy - Protections, Digital Tools, and Student Data Privacy Council

Senator Lee

This bill alters various definitions in law to provide increased protections for student data. It requires each county board of education to provide a list of digital tools to the State Department of Education on or before July 1 each year. The bill also requires the Department to publish information on digital tools provided by each county board on or before September 1 each year and requires the Student Data Privacy Council to report on this information. Further, the bill changes the definitions of "covered information," "operator," and "persistent unique identifier" with regards to the Student Data Privacy Act of 2015.

OPPOSE

AACPS does not believe that this legislation is necessary as student privacy is currently covered under the Family Educational Rights and Privacy Act (FERPA) and local school systems must comply with all the provisions outlined in the federal law. As such, there is no real purpose to the additions proposed in this bill which would simply create additional work and result in workload issues for a local school system. It is unclear how an online dashboard listing all digital tools that students and schools use helps with the implementation of FERPA or how this helps to further protect student privacy local school systems are already required to protect. The term "digital tools" is also not defined. Another concern is that the legislation requires local school systems to report

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digital tools that are “not authorized” by the county board of education. First, it is important to note that whether or not to authorize specific digital tools is actually a decision that would be made by a local superintendent as part of the superintendent’s authority and responsibility in running the daily operations of a school system. Second, it is unclear how a local school system would report on digital tools that are “not authorized” if the school system is not aware of every potential digital tool available. The number of potential digital tools available to a local school system is extensive and there is just no reasonable expectation for a school system to be cognizant of every single potential digital tool and determine which digital tools are not authorized.

It is also important to note that digital tools are constantly evolving, and school systems use numerous digital tools in teaching and learning. In fact, AACPS has a comprehensive approval process regarding materials of instruction, which includes digital tools. This process includes specific criteria in our vendor agreements that address student data privacy. Again, this process exists now as a result of FERPA.

It is also important to note that this bill goes above and beyond recent recommendations by the Student Data Privacy Council. Additionally, the General Assembly passed legislation in recent years addressing the protection and disclosure of student data as well as legislation requiring MSDE develop best practices concerning data governance. As a result of these recent laws, school systems have developed policies and procedures to implement such best practices.

[SB0364](#)

Anne Arundel County - Board of Education - Parent's Right to Challenge Curriculum Act

Senator Simonaire

This bill authorizes a parent/guardian in Anne Arundel County to sponsor, sign, and circulate a petition to challenge the use of certain curriculum in a course taught in a public school in Anne Arundel County. The bill also establishes requirements for the contents of a petition, public hearings, a vote on the subject of a certain petition, and public notice of certain processes and hearings.

OPPOSE

AACPS 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.

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This proposed legislation would usurp the authority of the Superintendent and the Board to establish curriculum and to select materials of instruction as currently authorized by State law. This bill would interfere with local authority to develop and approve curriculum in accordance with State Board of Education content standards. Section 4-111 of the Education Article provides that “Subject to the applicable provisions of this article and the bylaws, basic policies, and guidelines established by the State Board, each county board, on the written recommendation of the county superintendent, shall (1) Establish curriculum guides and courses of study for the schools under its jurisdiction...” Under the banner of this State authority, the statute requires the local superintendent to “prepare and recommend for adoption by the county board: (1) Curriculum guides; (2) Courses of study; (3) Resource material; and (4) other teaching aids in accordance with Section 4-205 of the Education Article.

It is also important to note that 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.

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.