

Board of Education Legislative Exhibit
March 1, 2022

SECTION 1: BOE VOTE REQUESTED

NO BILLS

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SECTION 2: BOE VOTE NOT RECOMMENDED AT THIS TIME

[HB0832](#)

Education - Maryland Homeschool Advisory Council - Establishment

Delegate Ruth

This bill establishes the Maryland Homeschool Advisory Council in MSDE to gather information on the needs of homeschool parents and homeschool umbrella schools and advise the State Superintendent of Schools, the State Board of Education, the General Assembly, and the Governor on matters relating to homeschooling.

NO POSITION

[HB0836/SB0638](#)

Public Schools - Student Athletics - Requirements and Reports (Elijah Gorham Act)

Delegate Lierman and Senator Hettleman

This legislation requires each county superintendent of schools to submit a report on public high school sports teams in the county to MSDE on or before December 1 each year. It alters the requirements for an automated external defibrillator program in public middle and high schools. The legislation also alters the requirements for actions to be taken by county boards of education regarding heat acclimatization for student athletes.

NO POSITION

[HB0989](#)

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

Delegate Walker

This bill requires each public school to have a program of physical education for prekindergarten students. It adds a representative to the Advisory Council on Health and Physical Education. The bill also establishes as a State goal that each student in a public elementary school be provided 150 minutes of developmentally appropriate physical activity each week. It requires MSDE to collect data on the physical activity of elementary school students and publish the information on its website.

NO POSITION

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[HB1240](#)

Education - Low-Density Calculation - Mandated Funding

Delegate Jacobs

This bill requires the Governor to include in the annual budget bill an appropriation in an amount equal to the low-density calculation for counties that have a population density amount of less than 100 and a full-time equivalent student enrollment of fewer than 2,000 students.

NO POSITION

[HB1281](#)

County Boards of Education - Elected Members - Recall Procedures

Delegate Rose

Establishing processes and procedures for the recall of an elected member of a county board of education.

NO POSITION

[HB1290](#)

Education - Public School Construction - Funding and Administration

Delegate McIntosh

This bill requires the Interagency Commission on School Construction (IAC) to take certain actions relating to public school construction, including increasing the State share of certain public school construction project costs under certain circumstances and inspecting certain systems and equipment during inspections of school buildings. It prohibits the IAC from using facility assessment data and making funding decisions based on facility assessment results unless certain conditions are met.

NO POSITION

[HB1291](#)

Public Schools - Student Immunization Requirements - Authority

Delegate Arian

This bill prohibits a State or local entity from requiring any additional immunizations for a child entering school other than the immunizations required by the Maryland Department of Health.

NO POSITION

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[HB1292](#)

Public Schools and Child Care Providers - Immunizations - Discriminatory Policies Prohibited

Delegate Arikian

This bill prohibits a county board of education, public school, or childcare provider from adopting a certain immunization policy that prohibits certain children from participating in certain activities or discriminates against certain children for having a certain exemption from certain immunization requirements.

NO POSITION

[HB1327](#)

Education - Home and Hospital Teaching Program for Students - Report

Delegate Bhandari

This bill requires MSDE to study and make recommendations regarding the Home and Hospital Teaching Program for Students and instructional services and transition plans for students in the program.

NO POSITION

[SB0794](#)

State Department of Education - Procurement and Personnel Actions

Senator Guzzone

This bill authorizes the State Board of Education to appoint or hire employees of the MSDE who are not subject to or controlled by certain provisions of law that govern the State Personnel Management System. It requires the State Board of Education to establish policies and guidelines governing the hiring or appointment, compensation, advancement, and termination of certain personnel. The bill also provides that certain provisions of procurement law do not apply to certain procurements by MSDE.

NO POSITION

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[HB1358](#)

Health - Protection of Personal Medical Information

Delegate Grammer

This bill establishes that each individual within the State has a right to confidentiality and privacy concerning the individual's personal medical information. It prohibits certain persons from adopting policies relating to an individual's personal medical information or requiring the release or revelation of an individual's personal medical information. The bill also prohibits an employer from requesting or requiring the release of an individual's personal medical information under certain circumstances.

NO POSITION

[SB0852](#)

Education - County Boards of Education - Health Educator Position

Senator Carter

This bill requires each county board of education to create a health educator position to oversee the implementation of age-appropriate health education instruction and to gather detailed data regarding the operation and effectiveness of health education instruction in public schools in the county.

NO POSITION

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

[HB0757](#)

Education –Interscholastic and Intramural Teams and Sports –Designation Based on Biological Sex (Save Women’s Sports Act)

Delegate Szeliga

OPPOSE

AACPS is committed to providing AACPS students a safe and supportive environment free of discrimination and harassment based on sex, sexual orientation, gender identity, or gender expression. AACPS has policies and procedures in place to help ensure that AACPS students, including LGBTQ+ students, feel safe, included, and respected in school regardless of their sex, sexual orientation, gender identity, or gender expression.

Interscholastic sports programs in AACPS are conducted in accordance with the standards and guidelines developed by the Maryland Public Secondary Schools Athletic Association (MPSSA) and regulations adopted by the State Board of Education. Since 1991, interscholastic sports in Maryland have operated in accordance with the Master Agreement Outlining the Interscholastic Structure for Public Schools in Maryland, which establishes the responsibilities of MPSSA, MSDE, and local school systems.

This legislation is unnecessary as MPSSAA has already established guidelines, which AACPS and all local school systems follow, regarding transgender students participating in interscholastic sports. The MPSSAA Guidance for Participation of Transgender Youth in Interscholastic Athletics states that its purpose is “to designate a set of criteria in which student-athletes are able to compete on a level playing field in a safe, competitive and friendly environment, free of discrimination.” The guidance further provides that “each school system should develop and apply criteria for students to participate on interscholastic athletic teams consistent with their gender identity.” MPSSAA’s guidance includes several guiding principles and criteria for local school systems to use in determining eligibility of transgender students in interscholastic sports. They include attention to preserving the integrity of women’s sports and policies which are fair in light of the vast variation among individuals in strength, size, musculature, and ability. As such, the guidance reflects Maryland’s high priority on establishing and maintaining an interscholastic athletic system that assures that sports activities contribute to the entire educational program for all students who choose to participate.

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[HB0857/SB971](#)

Education - Concentration of Poverty School Grant Program - School Lunch

Delegate Reznik and Senator Young

This legislation requires an eligible school that receives a per pupil grant under the Concentration of Poverty Grant Program to provide free school lunch to each student at the eligible school under certain circumstances. It prohibits a county board of education from charging students for school lunch at an eligible school. The legislation also requires certain funding to be provided in the State budget to provide certain students with free school lunch.

OPPOSE

AACPS recognizes the importance of developing a healthy school environment which promotes student health, well-being, and the ability to learn. Healthy school environments meet nutrition standards and guidelines for food and beverages available on the school campus in accordance with State and federal laws and regulations which promote food comprised of fruits, vegetables, whole grains, and protein. These State and federal requirements, in conjunction with locally developed and implemented policies, appropriately ensure that public schools meet the nutritional needs of students.

While well-intentioned, AACPS has concerns with this legislation. AACPS currently receives per pupil funding for students who receive free and reduced-price meals. This bill could negatively impact that funding source. Similar to the Community Eligibility Program (CEP), this legislation would result in an unfunded mandate to the district. Each year, AACPS completes a financial analysis regarding the benefits of applying for participation in CEP, and each year the results are the same: CEP would cost the school system money to operate. The cost to participate in the program varies depending on the number of eligible schools, though it ranges from \$100,000 to more than \$250,000 a year for just 7-10 schools. The district is similarly concerned that this legislation would come at a cost and this would, ultimately, have a negative impact on students.

The legislation would also reduce the amount of funding the school system receives for Compensatory Aid and Title 1 funding. A reduction in funding for these programs could be significant and adversely affect the very students this bill seeks to assist. Accordingly, AACPS is concerned that this bill would actually have a negative impact on educational equity as it could result in reduced funding for programs which serve underserved students.

This legislation also indicates that the State Superintendent shall determine the amount of funding provided to this Program. The bill, however, fails to mention what the reimbursement rate would be for a free student lunch at the eligible schools. Would the reimbursement from the State match the federal reimbursement rate for other free students in schools not eligible for this grant? Here again there is potential for a loss of much needed funding.

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[HB0888](#)

Public School Construction - State Share of Eligible Costs - Regional School

Delegate McKay

This bill requires the State to increase the percentage of eligible costs paid for by the State by 20 percentage points for public school construction or renovation projects, facility renewal, systemic renovation, or other capital improvements for school facilities that are attended by students from two or more school systems.

OPPOSE

AACPS and other school district would not benefit from the increase in eligible costs paid for the State under this bill as we do not meet the eligibility requirements. This legislation would essentially result in more State school construction funding for certain school districts and less for others, which creates inequities among the 24 school systems. While well-intentioned, AACPS opposes proposals that would limit or eliminate State funding for systemic projects that focus on the reduction of the maintenance backlog. This bill is concerning as there is currently a scarcity of State resources available for public school construction and such a bill would only further dilute the availability of funding for all public school systems in Maryland. Passage of this bill could potentially result in AACPS receiving less State Capital Improvement Plan (CIP) funding support than the school district currently receives. Accordingly, such a reduction in State resources related to CIP funding could lead to the delay of public school construction projects across the district. Proposals that would limit or eliminate State funding for systemic projects that focus on the reduction of the maintenance backlog.

[HB0890/SB0962](#)

Education - Collective Bargaining - Certificated Employees - Class Size

Delegate Lewis, J. and Senator Benson

This bill repeals the prohibition on a public school employer negotiating the maximum number of students assigned to a class.

OPPOSE

This legislation encroaches on local board authority and local school system decision-making. Management and instructional decisions regarding the number of students assigned to a class are based on myriad factors that should not be addressed through contract language. Establishing class size requirements within a collective bargaining agreement to negotiate smaller class size will be a costly arrangement, especially with a growing student population as exists in AACPS. A mandatory negotiation requirement restricts the school administration's decision-making regarding the most effective use of resources, including allocations for staff and space, with existing limited funding. School systems are not self-funded but depend on federal, State, and county governments for funding. That arrangement could create significant issues in instances where insufficient funding prevents the Board from meeting class size requirements. Local board of education and local superintendent authority should be maintained to make decisions pertaining to appropriate allocations of resources especially in instance where the union's interest is not aligned with managements and do not fully represent the best interest of students.

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AACPS is also concerned that this legislation would have a negative impact on educational equity. Negotiating class size would create inequities across the district as it may allow some schools to maintain smaller class sizes while larger schools may have larger classes. Currently, AACPS can base decisions on the best interest of all AACPS students.

In addition, AACPS has concerns that this legislation would contribute to the ongoing teacher shortage, which would lead to an increase in substitute teachers in classrooms. Such an occurrence would adversely impact the delivery of instruction to students.

HB0938

Education - School Accountability - Parent Empowerment and Choice

Delegate Kittleman

This bill authorizes parents/guardians of students attending public schools that are not meeting State accountability goals to request county boards of education to implement certain intervention strategies such as a restart model or a school closure model, by gathering signatures on a petition of more than 50% of the parents/guardians of students impacted by the failing school. The bill requires a county board, within 60 days of receipt of a petition, to make a certain determination, in writing, regarding the petition.

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. In fact, Section 4-101 of the Education Law Articles states, “educational matters that affect the counties shall be under the control of a county board of education,” and that local boards of education, “determine, with the advice of the county Superintendent, the educational policies of the county school system.” Local boards of education receive and rely on public input and are best able to address local needs. The relationship between the community and local public schools encourages participation by parents/guardians and other community members in the educational process so that everyone has responsibility for and ownership of public education. Retaining decision-making authority at the local level allows local boards of education to best balance educational practices, available resources to implement those practices, public input, and accountability. AACPS opposes efforts to interfere in Local control of educational policy, curriculum, budgets, and administration.

Finally, the Blueprint for Maryland's Future (Blueprint), a landmark, generational piece of legislation intended to enhance and improve the State and local investment in Maryland public education provides for a myriad of accountability measures. The Accountability and Implementation Board created by the Blueprint will have the ultimate authority to ensure that school districts are implementing the many accountability provisions in the Blueprint law. The Blueprint has been in effect for less than a year, and AACPS believes that the General Assembly should allow school systems to implement the bill as intended instead of passing piecemeal legislation that will interfere with the current work school district have undertaken since passage of the law.

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HB0950

Public Schools - Civics Education Award Program

Delegate Kittleman

This bill establishes the Civics Education Award Program to award \$1,000 to 40 public school students in Grade 12 who achieve a score of 90% or higher on the civics portion of the naturalization test administered by the U.S. Citizenship and Immigration Services. It requires, by the first day of the 2022-2023 school year, the State Board of Education to determine the means of providing each high school student an opportunity to take the civics test. It also requires MSDE to provide funding for the awards program.

OPPOSE

This bill would encroach upon local authority by mandating that a county board of education administer the civics portion of the naturalization test administered by the U.S. Citizenship and Immigration Services. The authority to establish curriculum and assessments is the domain of the State Board of Education and 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. Accordingly, AACPS opposes efforts by the General Assembly to legislate assessments.

AACPS is also concerned that this legislation will add to the time devoted to mandatory assessments required of students in Grade 12. Such an expansion could conflict with requirements regarding school assessments established in current law. In 2018, the General Assembly passed the Less Teaching, More Learning Act which limits specified assessments to 2.2% of the minimum required annual instructional hours for every grade except eighth grade, which must be limited to 2.3%.

HB0977

Prevailing Wage Rate - Public School Construction - Moratorium

Delegate Kittleman

This bill places a moratorium on the application of the prevailing wage rate law to an elementary or secondary school constructed by or for a public body, the construction of which begins on or after October 1, 2022, and before the end of October 30, 2027, if the contract to perform the work was entered into on or after October 1, 2022, and before the end of October 30, 2027.

SUPPORT

AACPS endeavors to provide students with high performing school facilities conducive to learning. The Board strongly supports adequate funding and the development of adequate and equitable State and federal programs to assist localities with public school construction, renovation, and major maintenance projects.

Prevailing wage requirements can add in excess of 10% to the total cost of school construction projects. In these difficult economic times, AACPS should follow a strategy of fiscal prudence and avoid paying premiums on goods and services. Given the \$2.1 billion backlog in AACPS capital

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projects, stretching our limited financial resources to complete the most projects for the least cost would appear to support sound public and fiscal policy. AACPS could save \$10 million in additional costs per year. It is also important to note that there is no consistent evidence to suggest that projects undertaken via higher prevailing wage rates are completed on a more timely basis or in a manner that is of better quality.

Lowering the cost of each school construction project will allow AACPS to stretch the school system's existing funds towards the completion of more projects and at an accelerated pace. Accordingly, this bill could enhance educational equity by affording additional AACPS students to access to more modernized school facilities. AACPS endeavors to provide students with high performing school facilities conducive to learning.

[HB1004/SB0856](#)

Public Schools - Health Services - School Nurses

Delegate Valentino-Smith and Senator Eckardt

This legislation requires each county board of education to provide a full-time registered nurse at each public school.

OPPOSE

AACPS currently collaborates with the Anne Arundel County Department of Health to provide staffing support from registered nurses, health assistants, and nurse supervisors in all AACPS health offices. However, the Department of Health is currently experiencing a nursing shortage in the district. In fact, there are 12 such vacancies at this time. As such, the Department's Director of School Health has been compelled to utilize an outside agency to support schools until vacancies are filled.

Under this bill, either AACPS or the Anne Arundel County Department of Health would be required to hire 35 additional registered nurses at a cost of approximately \$2.5 million in salaries per school year. AACPS opposes legislative efforts and proposals that reduce or circumscribe local authority or create unfunded mandates.

It is important to note that county registered nurses are ineligible for State retirement benefits and this reality contributes to high turnover rates. Perhaps addressing this issue is something the General Assembly can consider.

[HB1045](#)

Primary and Secondary Education - Enrollment Count - Average Daily Attendance

Delegate Kittleman

This bill defines the term "average daily attendance" for purposes of calculating certain funding for primary and secondary education. It alters the definition of "full-time equivalent enrollment" to include the average daily attendance of students in kindergarten through Grade 12 on school days in September through December of the prior school year.

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OPPOSE

This bill would penalize school districts for students who are out sick or absent for a variety of reasons. Under this legislation, the calculation utilized to determine the full-time equivalent enrollment would result in school systems receiving State and local revenue for less public school students. This bill would have a negative fiscal impact on AACPS as it would reduce our total enrollment which would, in turn, impact the district's State and local funding. AACPS estimates that the district would lose approximately \$15,000 per student that would not be counted under the proposed definition "full-time equivalent enrollment." AACPS opposes any revenue reductions associated with declining student enrollment due to COVID-19.

AACPS is also concerned about the impact this bill would have on educational equity for the district's underserved student populations. AACPS supports adequate funding that will help school systems provide every student equitable access to the educational rigor, resources, and supports that are designed to maximize the student's academic success and social and emotional well-being. The district is concerned that this bill would have the opposite impact on our school system and students.

[HB1092](#)

Education - Public School Personnel - Disciplinary Hearing Procedures (Accessible Appeals for Educators Act)

Delegate Ruth

This bill alters the requirements for hearings and appeals relating to the removal or dismissal of certain public school personnel by a county board of education, including request timelines, methods of delivering and manner of writing notices, authorized representatives, and a record of a hearing.

OPPOSE

While respectful of the salutary role of unions and the bilateral nature of collective bargaining, the Board is mindful of its fiscal responsibility to the school system and the obligation to balance the needs and desires of the students and public with those of its employees. Moreover, the Board is cognizant of laws addressing negotiations in due process for employee discipline and other matters, and the role of the Public School Labor Relations Board (PSLRB), which has assumed responsibilities previously vested in the State Superintendent of Schools and State Board of Education.

AACPS has concerns with the impacts of this legislation. For example, this bill would significantly alter the timeline and employee must appeal the recommended disciplinary decision of a local superintendent of schools. Altering the timeline from 10 days to 30 days could have a significant impact on the operations of the Board. Such an increase could potentially result in additional appeals, increased costs, and increased staff workloads.

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[HB1122](#)

Public Schools - Home School Students - Extracurricular Activities (Right to Play Act of 2022)

Delegate Gbrist

This bill requires each public school to allow students in home instruction programs to participate in extracurricular activities sponsored by the school if the student participates in a home instruction program under written agreement with the county superintendent, is eligible to attend the public school, and meets and complies with the public school's requirements for participating in the extracurricular activity.

OPPOSE

AACPS opposes aid to private schools or additional supports for students receiving home instruction in any manner, whether through textbooks, transportation, technology purchases, or any other means. More specifically, AACPS opposes legislation mandating that public schools accommodate private or students receiving home instruction enrolled in academic or extracurricular programs offered in public schools. The district also opposes the use of public school funding that does not support public school education.

Children receiving home instruction are not held to the same accountability standards as students enrolled in public schools. The Maryland Public Secondary Schools Athletic Association (MPSSAA) Standards of Conduct clearly prohibit nonpublic school students, including students receiving home instruction, from participating in any public school sports programs. Allowing a student receiving home instruction to participate in public school extracurricular activities, including sports, creates inequities between those students enrolled in public school and those receiving home instruction as public school students must meet certain academic and behavioral standards to be eligible for extracurricular activities.

It is also important to note that school systems do not receive any federal, State, or local funding for students receiving home instruction. Allowing such students to participate in in extracurricular activities amounts to an unfunded mandate as AACPS would be required to cover the costs of equipment, uniform, materials, resources, coaching for these students. AACPS also opposes unfunded mandates.

[HB1124](#)

Primary and Secondary Education - Local School Systems - Budget Reporting

Delegate Adams

This bill requires each local school system, on or before November 1 and March 1 from 2022 through 2032, to report to the Accountability and Implementation Board on all expenditures in the local school system's annual budget, disaggregated by each major budget category. It requires the Board to provide a local government with a copy of the report on request.

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OPPOSE

This legislation is unnecessary and duplicative as Section 5-106 of the Education Article currently requires school districts to produce and submit a similar report to their respective local governments. This bill could result in additional staff time if the format and requested data differs from what is currently provided to local governments. AACPS opposes legislation that would increase staff workload and require staff to unnecessarily duplicate efforts.

AACPS would also like to point out that the Blueprint for Maryland's Future has been in effect for less than a year and it is premature to begin making such substantive revisions to the various comprehensive sections of the law.

[HB1145](#)

Education - Student Behavior - Parent Notice and Required Counseling (Parent Accountability Act)

Delegate Long

This bill makes it unlawful for a parent/guardian who is notified regarding their child's violent and disruptive behavior by a public school to fail to seek and participate in counseling with the child. A parent/guardian convicted of failing to seek and participate in the required counseling may be ordered by the court to perform community service. A public school must provide written notification to a parent or guardian of a child who engages in two or more incidents of violent or disruptive behavior on school premises or during school-related activities during a school year.

OPPOSE

This legislation deviates from State Board of Education regulations and guidelines regarding student discipline. State regulations, which have the force of law, now establish the terms and conditions governing student discipline policies in local school systems. AACPS believes that current State laws and regulations, in conjunction with AACPS policies, effectively govern responses to student conduct without imposing the mandatory criminal reporting of student conduct proposed in this legislation.

[HB1152](#)

Public Schools - Student Bill of Rights and Prohibitions on Suspensions and Expulsions

Delegate Washington

This bill provides that each student in a public school in the State has certain rights as a student. It also alters the types of conduct for which a student may be suspended or expelled.

SUPPORT WITH AMENDMENTS

AACPS believes the approach to student discipline should be focused on changing behaviors and not punishing students. As such, school discipline should be administered fairly, equitably, and consistently in accordance with due process protections and with an emphasis on restorative practices and positive behavioral supports and interventions. Further, this focus requires the involvement, support, and accountability of the Board, Superintendent of Schools, principals,

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teachers, staff, students, parents/guardians, and other stakeholders in the AACPS community. The district also believes in the value in creating opportunities for students to practice and succeed in making responsible and effective choices to reach their academic potential and contribute to the school community. All students deserve a safe, supportive, and orderly learning environment.

AACPS appreciates this legislation which clearly states student rights and places limitations on suspensions and expulsions. The district does request was small amendment to ensure that the bill can be effectively implemented. AACPS requests that the language beginning in line 2 on page 3 be amended to the following “**~~THAT IS ONLY THE STUDENT INTENDS ONLY TO BE DISRUPTIVE TO A SCHOOL ACTIVITY, FUNCTION, PROCESS, OR THE LEARNING ENVIRONMENT.~~**” The inclusion of language regarding a student’s intent is vague and would be difficult to interpret and implement.

HB1156

Primary and Secondary Education - Education Savings Account Program - Established

Delegate Wivell

This bill establishes an Education Savings Account program in the State to provide grants to families to defray specified costs related to nonpublic or home schooling for eligible students. The bill requires MSDE to administer the program. It also allows a subtraction modification under the Maryland income tax for deposits into an education savings account under the Education Savings Account 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 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 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 in areas 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.

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[HB1163](#)

Primary and Secondary Education - Virtual Education - Requirements

Delegate Washington

The bill requires the Professional Standards and Teacher Education Board to design a certain course of training in the pedagogy of virtual education. It requires MSDE to provide local school systems with guidance related to the periodic professional development and support for teachers to achieve virtual education best practice principles. The bill also establishes the Flip the Classroom Pilot.

LETTER OF INFORMATION

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

It is important note that local school systems are already fully authorized to provide appropriate virtual learning opportunities under existing State law. In fact, AACPS is currently looking to build a virtual school option for current home instruction students as a program of choice in the upcoming school year for targeted middle and high school students who have been successfully enrolled in home instruction. Additionally, the COVID-19 pandemic resulted in statewide school facility closures which compelled the immediate transition to distance learning through access to online platforms and other instructional materials from mid-March 2020 to the present. It is also important to recognize that school systems already do many of the things identified in the bill during the current virtual environment. For example, AACPS has equity and attendance plans, has a process to provide a free and appropriate education to students with disabilities, provides students with access to the same curriculum and standards, provides regular assessments, conducts regular check-ins with students, provides for virtual tutoring, has a plan to focus on students with the greatest need and the most learning loss, and uses multiple methods of communications amongst many other things. With regard to the Flip the Classroom Pilot Program established under the bill, AACPS believes that a local school system should be the entity determining whether a school or schools participate in the program. Accordingly, the bill should be amended to provide this option to a local school system in lieu of a school independently making this choice as provided in Section 7-128(d)(2) of the bill. Similarly, AACPS recommends that the language in Section 7-1406(a)(1) authorizing a school administrator of a temporary virtual school to establish learning centers be amended to authorize a local school system to establish additional learning centers. Alternatively, this language can be stricken in its entirety as school systems are already authorized to establish learning centers.

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

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

[HB1165/SB0588](#)

Capital Projects - High Performance and Green Buildings

Delegate Forbes and Senator Hettleman

This legislation alters the definition of “high performance building” to include certain schools and public safety buildings. It alters the definition of “major renovation” to mean a renovation of a certain size or value or resulting in a change in occupancy or replacement of certain utility installations. The legislation also alters the type of capital projects to which certain high performance building standards apply. It also repeals a requirement that the Maryland Green Building Council develop certain guidelines for new public school buildings.

OPPOSE

This bill would materially alter several Interagency Commission on School Construction (IAC) provisions by further limiting the means and methods available to demonstrate compliance with various high performance and green building provisions on public school construction projects. The bill would also lower the threshold at which various high performance building provisions kick in on any capital project for which more than 25% of the funding for the acquisition, construction, or renovation is from State funds.

Currently, there are several viable means and methods available to demonstrate that a public school construction project complies with the intent of a high performance building. In fact, several of these methods have been promulgated in State regulations by the IAC and the Maryland Green Building Council as a direct outcome of recommendations generated by the 21st Century School Facilities Commission (Knott Commission). This legislation would essentially eliminate all but the costliest means and methods to demonstrate compliance. As a result, local school systems would be forced to pay the additional design, construction, and certification costs associated with demonstrating compliance with the proprietary and costly U.S. Green Building Council’s LEED Green Building Rating System. Such avoidable increased costs amount to an unfunded mandate given that less costly but equally viable compliance mechanisms exist. AACPS opposes unfunded mandates. While difficult to quantify, AACPS anticipates that this bill could add approximately \$5 million to school construction costs.

AACPS is concerned about the impact such an unfunded mandate would have on educational equity. Given the ongoing scarcity of resources and these challenging economic times, any legislative initiative that results in unnecessary or otherwise avoidable costs or expenditures serves to detract from funding that could be more prudently directed toward improved educational attainment and educational equity.

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[HB1183](#)

Anne Arundel County Public Schools - Preventive Measure Unit Pilot Program

Delegate Saab

This bill establishes the Preventive Measure Unit Pilot Program in Anne Arundel County to establish preventive measure units in elementary and middle schools to monitor students who have behavioral, social, or legal difficulties through increased monitoring and attention and individualized networking with community programs, schools, students, and parents. It requires that the program be conducted during the 2023-2024 and 2024-2025 school years. The bill also requires a report on the effectiveness of the program to the General Assembly.

OPPOSE

While well-intentioned, this legislation would result in an unfunded mandate that encroaches on local board authority and local school system decision-making.

The legislation would require AACPS to work with the County Police Department and the County Mental Health Agency. However, AACPS already has a very collaborative relationship with both agencies and this relationship does not need to be legislated.

AACPS has several concerns with the proposed legislation. First, the intent of the legislation is unclear. This bill would establish a “Preventive Measure Unit Pilot Program” but it does not specify what the Program would seek to prevent. Another concern with the legislation is the requirement that the school district hire a staff person for each of the three participating middle schools. The type of position to be hired is not identified in the bill. Due to the lack of specification in the bill and what it aims to prevent, it is difficult to determine what staff would need to be hired. For example, would AACPS need to hire addiction specialists, psychologists, or counselors? This is unclear.

The funding, or lack thereof, for the three positions is also concerning. Because we do not know what the Program is seeking to prevent, it is difficult to quantify what that funding would have to be in order to hire the appropriate staff. There is also concern that the positions created have the potential of being permanent and this would result in the costs being absorbed by AACPS once the original funding is no longer available.

Finally, in 2018, the Maryland General Assembly passed the Maryland Safe to Learn Act. That law addresses several school safety issues, including safety evaluations and behavior threat assessments, staff training, and school policy on behavior threat assessments. AACPS supported that legislation and played an integral role in the development of the law. In fact, Superintendent George Arlotto and AACPS staff were part of the group that developed the State model policy for behavior threat assessment, which school systems have since adopted. The 2018 law, in conjunction with current AACPS programs, could result in a lot of potential overlap depending on the ultimate purpose of this Program. For example, AACPS has already implemented positive behavioral interventions and supports, and restorative practices in our schools. These programs help to improve student behaviors and achievement for all students by establishing a consistent approach to managing behavior and encouraging clear and positive behavioral expectations.

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HB1231

Public Schools - Student Health Professional Retention Program - Established

Delegate Ebersole

This bill establishes and provides for the administration of and funding for the Student Health Professional Retention Program. It defines “student health professional” as a person who is licensed to provide services to students in a public prekindergarten or public primary or secondary school. It requires MSDE, in coordination with the Maryland Department of Health and interested stakeholders, to study, make recommendations, establish a plan, evaluate, and report to the General Assembly on certain matters regarding the Program on or before January 1, 2023. The bill also provides for funding for the salary increases under the program.

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.

Local school systems would benefit from a Statewide effort to create a career ladder within the Blueprint for Maryland’s Future for student health professional jobs. This career ladder would be an asset in recruiting student health professionals, and it would allow AACPS to more actively compete with neighboring states to recruit and retain these professionals. Furthermore, it would be an incentive for individuals considering this career and could help alleviate critical shortages. While AACPS appreciates this legislation, the district recommends a couple of amendments.

AACPS respectfully requests 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.

AACPS also requests that the bill be amended to add other student health professionals, including school counselors and pupil personnel workers as they provide critical services to students.

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[HB1233](#)

Public Schools - Health and Vision Services - Required Screenings and Eye Examinations

Delegate Hill

This bill alters the requirements for vision screenings for students in public school. The bill establishes the Pediatric Vision Program and the Vision for Maryland Program to expand vision support services. It requires a county board of education to ensure that certain students receive an eye examination and eyeglasses under certain circumstances and in coordination with the aforementioned programs, if necessary. The bill also requires a county board of education or county health department to provide students with specified information when the student registers for school.

OPPOSE

This bill establishes the Vision for Maryland program in the Maryland Department of Health to provide eye examinations and eyeglasses to public school students who fail the required vision screening. Additionally, local boards of education and local health departments must provide eye examinations for specified students. The bill also creates a health specialist position in both MSDE and the Maryland Department of Health to ensure that quality and effective school health services are delivered throughout the State.

Local school systems or local health departments are already required to provide hearing and vision screenings for all students in local public schools. Student health rooms at AACPS are staffed by personnel from the Anne Arundel County Department of Health, and it is this staff that conducts vision screenings at our schools.

A 2018 law passed by the General Assembly altered the notice requirements related to student hearing and vision screenings and required that notice and specified educational materials be given to parents/guardians for all students receiving hearing and vision screenings. For students who fail the vision screening, additional information must be provided, including 1) notice that the results of the screening indicate that the student may have a vision disorder; and 2) a recommendation that the student be tested by an optometrist or an ophthalmologist.

While this legislation is well-intentioned, it is unnecessary and AACPS has concerns with the requirement that county boards of education coordinate with the Vision for Maryland and Pediatric Vision programs to ensure that students receive eye examinations and, if necessary, eyeglasses. Such a responsibility does not fall on a county board of education. The responsibility to ensure that students receive eyeglasses, when necessary, would be best executed by the Maryland Department of Health or staff with the aforementioned programs as these are the entities who would be responsible for implementing the program as established under this bill.

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[HB1256](#)

Education - Discriminatory Concepts in Instruction - Prohibition (Ending Discrimination in Public Education Act of 2022)

Delegate Chisholm

This bill prohibits a teacher, an administrator, or any other employee of a public primary or secondary school and certain nonpublic schools from including certain discriminatory concepts in a unit of instruction.

OPPOSE

AACPS values parent/guardian collaboration and feedback. Accordingly, AACPS currently has a comprehensive regulations and procedures regarding complaints which parents/guardians may utilize if they have concerns regarding curriculum and instruction at AACPS.

AACPS adheres to federal, State, and local nondiscrimination laws and regulations. As such, the district does not discriminate against any person and prohibits unlawful discrimination in its educational programs and employment practices. In accordance with State regulations, AACPS has also adopted an educational equity policy and regulation which address many of the concerns stated in this bill. The purpose of the State regulations concerning educational equity is establish, as a matter of State policy and priority, that each Maryland public school will provide every student equitable access to the educational rigor, resources, and supports designed to maximize student's academic success and social and emotional wellbeing.

It is important to note that each local school system is required to have procedures and practices in place to provide for educational equity to help ensure that there are no obstacles to accessing educational opportunities for any students and help improve achievement for all Maryland students and eliminating achievement gaps. As part of AACPS' is committed to educational equity, the school system continues to review and rewrite the district's curriculum utilizing an educational equity lens to help ensure a more inclusive educational experience for students.

This bill is unnecessary as the issue it seeks to address is already covered under numerous federal, State, and local laws and regulations.

[HB1258](#)

Primary and Secondary Education - Educational Options - Established

Delegate Kipke

This bill establishes the Broadening Options and Opportunities for Students Today Program to provide certain students with scholarships for students who are eligible for the free and reduced price lunch program to attend a nonpublic school. It establishes the Maryland Public Charter School Authority as a public chartering authority under the Maryland Public Charter School Program with certain powers and responsibilities. The bill also allows a parent/guardian a credit against the State income tax for certain home instruction expenses.

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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 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.

Finally, AACPS opposes efforts to expand the sole authorization of public charter schools beyond local boards of education. By creating the Maryland Public Charter School Authority, this legislation seeks to diminish the authority of a local board of education. AACPS believes that charter schools should only be established in response to an unmet need or resources a school system cannot provide. Accordingly, charter school providers should collaborate with the school system, in a strategic manner, to ensure alignment with school district initiatives for additional school choice for students and parents/guardians.

[HB1268](#)

Education - Reporting Arrests of Students - Alterations

Delegate Long

This bill requires a law enforcement agency making an arrest of a student for a reportable offense or an offense related to the student's membership in a criminal organization to report the arrest to the Maryland Center for School Safety (MCSS), the State Board of Education, and the State's Attorney. It also requires the State's Attorney to notify the Maryland Center for School Safety and the State Board of the disposition of an offense. A local superintendent must also notify MCSS and the State Board of Education when a student who was arrested no longer resides in the jurisdiction of the county board of education. The bill also makes conforming changes related to the confidentiality and disposition of student arrest records.

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SUPPORT WITH AMENDMENTS

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. HB1268 will assist in this endeavor by further enhancing the current reportable offense statute and help eliminate communication barriers that currently exist. Requiring law enforcement to report the reportable arrest data directly to MCSS and the State Board of Education will help ensure that data is accurate and timely.

AACPS requests that the bill be amended to eliminate the reporting requirement in current law which requires a local superintendent to submit an annual report to MSDE on reportable offenses. The district believes that the most accurate and timely information regarding reportable offenses will come from law enforcement agencies as they ultimately determine whether or not to arrest an individual. Because the bill will require a law enforcement agency to report this data to the State Board of Education, amongst other entities, there is no need for a local superintendent to also report this data.

[HB1280](#)

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

Delegate Rose

This bill authorizes a student who is enrolled at a public high school to satisfy a graduation requirement to earn credits in mathematics by completing a credit in a certain college preparatory computer science or computer programming course if enrolled in the course concurrently with or after completing Algebra II. It also requires a county board of education to make a certification that a college preparatory computer science or computer programming course may count toward the mathematics graduation requirement.

OPPOSE

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

According to State regulations, to be awarded a high school diploma, a student must be enrolled in a Maryland public school system and have earned a minimum of 21 credits in specified subjects. AACPS students must earn a minimum of 26 credits to earn a diploma, including 4 credits of math

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and 1 credit of computer technology. While AACPS believes that both math and computer courses are important, they are not and should not be treated the same.

[HB1301/SB0706](#)

Nonpublic Educational Programs - Children With Disabilities - Costs of Teacher Salaries

Delegate Korman and Senator Zucker

This bill requires the State and certain counties to pay for costs of salaries for teachers at nonpublic educational programs that is equivalent to local school salaries.

OPPOSE

AACPS believes all students are entitled to challenging instruction from highly qualified professionals that addresses their unique learning needs and differences. The district supports recommendations of educational professionals regarding participation in programs that provide the best opportunities to support and accelerate achievement for students with disabilities.

While well-intentioned, the district is concerned about the impact this legislation will have on available State and county funding for public school education. The legislation requires the State and counties to pay for the costs associated with the salary increases. This requirement will divert funding from public school education, which AACPS opposes. The potential for a decrease in public school funding is concerning because school districts are also responsible for paying the tuition of these nonpublic placements and this tuition could increase at any time.

[HB1338](#)

Face Mask Requirements - Prohibition

Delegate Arikan

This bill prohibits a State or local elected official, governmental entity, or other person from requiring an individual to wear a certain face mask as a condition of entry into certain places or receiving certain goods, services, or education, except under certain circumstances.

OPPOSE

Local governance by boards of education is essential to a comprehensive system of public education. That said, educators are not health professionals. Throughout the COVID-19 pandemic, AACPS has relied on guidance from the County and State health departments as well as the Centers for Disease Control and Prevention. That guidance has served us well as we have navigated the uncertain waters of these uncertain times.

Retaining local board authority allows for collaboration and cooperative planning within the local community rather than through top-down decisions from the State. In fact, Section 4-101 of the Education Law Articles states, “educational matters that affect the counties shall be under the control of a county board of education,” and that local boards of education, “determine, with the advice of the county Superintendent, the educational policies of the county school system.” Local boards of education receive and rely on public input and are best able to address local needs. The

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relationship between the community and local public schools encourages participation by parents/guardians and other community members in the educational process so that everyone has responsibility for and ownership of public education. Retaining decision-making authority at the local level allows local boards of education to best balance educational practices, available resources to implement those practices, public input, and accountability.

[HB1356](#)

Public Schools - Reporting of Sexual Misconduct, Stalking, and Harassment (Report Act of 2022)

Delegate Grammer

This bill requires a school administration to file an administrative incident report if sexual misconduct, stalking, or harassment is reported to the school administration. It requires the school administration to provide a copy of the administrative incident report to the victim and the parent of the victim. It also requires each county board of education to adopt a policy specifying the penalty for a violation of the Act.

OPPOSE

This bill is well-intentioned bill; however, it establishes requirements that will cause and create confusion. The bill specifically provides, “If harassment, stalking or sexual misconduct is reported to school administration, the school administration shall file an administrative incident report...” The bill does not make any mention of where the “harassment, stalking or sexual misconduct” must occur or is alleged to have occurred. This is a notable omission as conduct by a student on school property or school-sponsored activity is addressed distinctly than conduct which occurs off school property with no nexus to the school.

The bill also defines certain terms, including “sexual misconduct” as crimes, when a different section of the Education Article already defines sexual misconduct and does not mention the Criminal Law Article in its definition. These inconsistencies will undoubtedly create confusion as school systems have grown accustomed to the definition of sexual misconduct found in Section 6-113.1 of the Education Article. AACPS believes that there are adequate federal and State laws in place to address the issues this legislation attempts to address.

Additionally, the creation of incident reports can potentially become personnel records or disciplinary records. As a personnel record, and without a finding, the incident report has the potential of harming the professional reputation of an employee without placing adequate safeguards such as what the record can be used to accomplish in school-based hearings or litigation. The fact that a record is created does not make it an accurate record without an investigation or investigative report. Similarly, the report can cause the same kind of harm to a student, although there are strong legal protections around student records.

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[HB1363](#)

Civil Action - Immunity From Liability - School Staff (Good Teacher Protection Act)

Delegate Cox

This bill provides that specified school staff is not civilly liable for personal injury or property damage resulting from intervention in an altercation between students or other student disturbance subject to certain exceptions.

LETTER OF INFORMATION

Safety in public schools remains increasingly important to local boards of education as school related security incidents and threats in Maryland and throughout the nation have increased over the years. Accordingly, it is the school system's expectation that school staff will intervene in altercations involving students in an effort to ensure that the situation is diffused quickly with the hope that none of the involved parties are injured. Also, we expect staff to intervene in any incident involving a student which could potentially lead to harm to the student, other students, or staff. Sometimes students may be injured during this process or the student's personal property may be damaged.

It is important to note, however, that this bill is unnecessary as there is already such existing language in Section 6-122 of the Education Article.

[HB1365](#)

Primary and Secondary Education - Full-Time Equivalent Enrollment Count - Alterations

Delegate Rose

This bill alters the definition of "full-time equivalent enrollment" in the calculation for State education aid to include the average number of students enrolled in Kindergarten through Grade 12 on September 30, December 31, March 31, and the last day of the prior school year.

OPPOSE

Currently, the law stipulates that the prior year September 30 student enrollment count or the three year rolling average, whichever is greater would determine the "full-time equivalent enrollment." This legislation would change the calculation to the average number of student enrollment on September 30, December 31, March 31 and the last day of school.

This bill would present a number of challenges. It would delay the final State and county funding appropriations until after the prior school year is over, thus delaying implementation of the next school year's budget. If a school system loses student enrollment throughout the school year, this bill would reduce State and county revenue to a school district. AACPS opposes any revenue reductions associated with declining student enrollment due to COVID-19.

Without knowing enrollments on December 31, March 31 and the last day of school, it is difficult to determine the fiscal impact of this legislation. However, any decrease in student enrollment after September 30 would result in a loss of revenue for AACPS.

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SB0717

Public Schools - Virtual Education Days - Authorization

Senator Simonaire

This bill provides that a county board of education may authorize a county superintendent of schools, under certain circumstances, to provide virtual education days to students instead of closing the public schools in the county because of severe weather conditions. It requires a county board of education that authorizes a county superintendent to provide a virtual education day to adequately design the virtual education day model before implementation of the first virtual education day.

SUPPORT WITH AMENDMENTS

It is important to note that a local school system is already authorized to provide for virtual education days to students. Section 7-103(a)(2) of the Education Article, a “school day” is counted toward the 180 day requirement if the school is “open for pupil attendance” for a minimum of 3 hours. “Open for pupil attendance” is not defined in the Education Article, but the Code of Maryland Regulations (COMAR) does define when students can individually be counted for attendance purposes. Specifically, in accordance with COMAR 13A.08.01.01D, a student may be counted as attending school if the student is participating in school-sponsored activities during the school day and when that participation is approved by the local superintendent or principal or their respective designees. It may be more helpful to simply define “open for pupil attendance” in State law.

It is also important to note that the language in the bill which would require a county board of education to adequately design the virtual education day model before implementation of the first virtual education day is confusing as this is not something that a board would do or has the expertise to do. The development of such a model would come from the local superintendent and the superintendent’s staff as they have the knowledge and expertise to develop such a model. AACPS recommends that this section of the bill be amended to replace “county board of education” with “local superintendent.”