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**TO:** Members of the State Board of Education

**FROM:** Karen B. Salmon, Ph.D.

**DATE:** March 28, 2017

**SUBJECT:** State Legislative Update

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**PURPOSE:**

The purpose of this item is to provide a legislative overview and status of issues related to education that are currently before the 2017 General Assembly. Please find attached a synopsis of several pieces of significant legislation that have been introduced since the opening of the 2017 legislative session.

**EXECUTIVE SUMMARY:**

Tiffany Johnson Clark will update the members of the State Board of Education on the status of significant legislation that has been introduced during the 2017 legislative session.

**ACTION:**

No action is necessary, for discussion only.

**Maryland State Board of Education**  
**Legislative Synopsis**  
**March 28, 2017**

**Bills the State Board has taken a position on:**

**HB 499 (Jones) State Department of Education – Employment Categories and Practices**

*Hearing on February 14 (W&M); no movement on this bill as of March 17*

*Crossfile: [SB 874](#) (Kelley); Hearing on March 14 (FIN)*

*Similar bill: [SB 627](#) (Benson); Hearing on March 2 (FIN)*

- This bill alters the employment categories of “professional assistants” within MSDE.
- This bill generally reclassifies special appointment positions within MSDE, except those who perform a significant policy role or provide direct support to a member of the executive service, to positions in the executive, management, professional, or skilled service under the State Personnel Management System (SPMS).
- This bill requires MSDE to assign all employees who are designated by MSDE as professional or nonprofessional assistants to the appropriate employment category under SPMS by January 1, 2018.

**HB 461 (Luedtke) Education – Accountability Program – Assessments (Less testing, More Learning Act of 2017)**

*Hearing on February 14 (W&M); Passed House Floor with Amendments (139-0); in EHE*

*Crossfile: [SB 452](#) (Manno); Passed Senate Floor with Amendments ( )*

- This bill requires the State Board of Education to adopt regulations that limit the amount of time that may be devoted to federal, State, and locally mandated assessments for each grade to 2% of the minimum required annual instructional hours.
- This bill also repeals the requirement for statewide social studies assessments in middle and high school and requires each local board of education to develop a locally-designed and implemented performance-based social studies assessment fully embedded in the local curriculum beginning in the 2017-2018 school year.
- This bill requires each local board of education to establish a District Committee on Assessments to monitor and evaluate the county’s assessment program and complete specified tasks.
- Finally, the bill requires MSDE to conduct a survey regarding time spent on assessments.

*The House version/amendments:*

- *restore the Government HSA;*
- *require the State Board, in collaboration with county boards, content specialists, and others to develop a social studies assessment for middle school and high school (Government HSA) that will be administered beginning in the 2018-2019 school year and consists of criterion-referenced, performance based tasks that can be administered within existing classroom periods;*
- *alters the definition of “assessment” so that “assessment” does not include a sampling test (such as NAEP);*
- *add a parent of a public school student to the required membership of each District Assessment Committee; and*
- *require the District Committees on Assessment to post a certain report by the county board on the District Committees on Assessments website.*

*The Senate version/amendments:*

- *restore the Government HSA;*
- *require the Government HSA, to the extent possible, to consist of criterion-referenced, performance based tasks that can be administered within existing classroom periods. This assessment must also be administered beginning in the 2018-2019 school year;*
- *eliminate the requirement for a locally-designed and implemented social studies assessment;*
- *eliminate the need for the State Board to adopt regulations limiting the amount of testing time in each grade to 2% of minimum required annual instructional hours;*
- *requires the State Board to define a rubric by which a county board of education or a District Committee on Assessments shall evaluate local assessments by July 15, 2017;*
- *requires a county board and the exclusive representative to meet and confer on August 1, 2017 and every two years thereafter on (1) a rubric for evaluating local assessments and (2) the time it takes to administer each assessment and the assessments purpose;*
- *authorize instead of require a county board to establish a District Committee on Assessments;*
- *require a county board and the exclusive representative to mutually agree on the amount of time that should be devoted to federal, State, and locally mandated assessments;*
  - *if the county board and the exclusive representative cannot agree, then the amount of time that can be devoted to federal, State, and locally mandated assessments is 2.2% of minimum required annual instruction (except in 5<sup>th</sup> grade – it's 2.3%); and*
- *provide that a student who participates in AP, IB, teacher selected exams, quizzes, and portfolio reviews are not subject to the testing limitations.*

**HB 978 (Luedtke) Education – Accountability – Consolidated State Plan and Support and Improvement Plans (Protect Our Schools Act of 2017)**

*Hearing on February 28 (W&M); Passed House Floor with Amendments (91-46); in Senate EHE Crossfile: SB 871 (Zucker); **no movement as of March 17***

- This bill requires MSDE's Consolidated State Plan to improve student outcomes to include certain measures and information.
- This bill requires an educational accountability program to include at least three school quality indicators that measure the comparative opportunities provided to students in public schools. The combined total of the academic indicators may not exceed 51% of the composite score.
- This bill provides that for each public school identified by MSDE for comprehensive support and improvement, the county board is required to develop and implement a Comprehensive Support and Improvement Plan to improve student outcomes at the school. The school and the county board shall approve the plan. MSDE shall monitor and annually review the plan.
- This bill provides that for each public school identified by MSDE for targeted support and improvement, the school is required to develop and implement a Targeted Support and Improvement Plan to improve student outcomes at the school. The plan developed shall meet the above requirements. The county board shall monitor and annually review the plan.
- This bill requires MSDE to distribute federal funds for the implementation of plans developed based on a formula and driven by the identified needs of each school identified by MSDE.
- This bill provides for what an intervention strategy may not include.

*The House version/amendments:*

- *alter the school quality indicators that may be used in an educational accountability program;*
- *require the State Board to consider stakeholder input when determining the weights of academic and school quality indicators;*

- *alter the maximum percentage for combined academic indicators from 51% to 55% of the composite score;*
- *require MSDE to establish a statewide Web-based program for data collection among county boards on academic indicators before July 1, 2018;*
- *add parents and community members to the list of people that Comprehensive Support and Improvement and Targeted Support and Improvement Plans must be developed in collaboration with; and*
- *require MSDE, along with the county board and the school, to approve a Comprehensive Support and Improvement Plan.*

**HB 590 (Ebersole) State Board of Education – Membership – Teachers and Parents**

*Hearing on February 21 (W&M); no movement as of March 17*

*Crossfile: [SB 609](#) (Madaleno); Hearing on February 22 (EHE); no movement as of March 17*

- This bill adds five members to the State Board of Education – three who are required to be certified teachers and two who are required to be parents of students enrolled in a public school in the State.
- This bill provides that the Governor shall appoint the teacher and parent members with the advice and consent of the Senate from a specified list of qualified individuals.

**Bills for State Board Discussion:**

**HB 715 (MSDE Departmental) Institutions of Higher Education - Teacher Preparation Programs - Accreditation and Approval**

*Hearing on March 7 (W&M); Passed House Floor (138-0); in EHE*

- This bill authorizes an institution of higher education that offers a teacher certification program to choose to receive either national accreditation or approval by MSDE in order to operate in the State.
- This bill alters the definition of “national accreditation” as accreditation by an agency that is recognized by MSDE and MHEC as opposed to the US Department of Education.
- This bill requires MSDE and MHEC to consider whether the national accrediting agency uses national professional standards when determining whether an agency is recognized.
- This bill requires MSDE and MHEC to agree on the standards MSDE will use to determine program approval.
- This bill provides that if an institution of higher education is in compliance on July 1, 2016, they will be deemed “in compliance” unless they receive a notification from MHEC.

*The House version/amendments make a technical change to ensure that all Maryland colleges that have teacher preparation programs are taken into account.*

**SB 319 (President) Pathways in Technology Early College High (P-TECH) School Act of 2017**

*Hearing on February 8 (EHE); Passed Senate Floor (47-0); W&M Hearing on 3-21*

*Crossfile: [HB 413](#) (Speaker); Hearing on February 21; no movement as of March 17*

- This bill establishes the Pathways in Technology Early College High (P-TECH) School Program to be administered and developed by MSDE, in consultation with the Maryland Higher Education Commission.
- This bill establishes and provides for the purpose and operation of the P-TECH Planning Grant Program.
- The bill provides for the manner in which P-TECH students should be included in the full-time equivalent enrollment calculation and requires student credit hours taken by a P-TECH student to be included in the Cade formula.

- This bill establishes P-TECH supplemental college and school grants and specifies the State and local shares of the grants.

*The Senate version/amendments:*

- *clarify that a student who is enrolled in a P-TECH school may not be considered a dually enrolled student; and*
- *make other clarifying and technical changes.*

### **SB 908 (Ferguson) Maryland Education Development Collaborative – Establishment**

*Hearing on March 8 (B&T); Passed Senate Floor (); in W&M*

- This bill creates the Maryland Education Development Collaborative to advise and make recommendations to the State Board of Education, the General Assembly regarding policies necessary to promote 21st century learning, among other things.

*The Senate version/amendments are technical and add sponsors to the bill.*

### **HB 878 (Administration) Public Charter School Act of 2017**

*Hearing on February 28 (W&M); Unfavorable Report by W&M*

*Crossfile: [SB 704](#) (Administration); Unfavorable Report by EHE (withdrawn)*

- This bill establishes the Maryland Public Charter School Authority as a public chartering authority under the existing Maryland Public Charter School Program.
- This bill alters the purpose of the Maryland Public Charter School Program.
- The bill provides that employees of a public charter school authorized by the Authority are not public school employees, are exempt from State teacher certification requirements, and may refuse to join employee organizations.
- This bill also requires the State to distribute money directly to public charter schools as opposed to the local board of education.

### **SB 618 (Serafini) Education – Achievement School District – Establishment**

*Hearing on March 8 (EHE); Unfavorable Report by EHE*

- This bill establishes an Achievement School District in MSDE and an independent Achievement School Board. An Achievement School District is defined as a statewide school district in MSDE that: (1) is separate and distinct from a local school district in the State, (2) is not confined to a specific geographic boundary, and (3) may be comprised of any public school or public school district in the State for which student achievement ranks in the lowest 5% of public schools in the State.
- This bill provides for the composition and purpose of the Achievement School Board.
- This bill provides for the operation and rights and responsibilities of the Achievement School District.
- This bill requires the Governor provide sufficient funds in the budget to support the operations of the Achievement School District.
- This bill requires the State Board of Education to adopt regulations to carry out the provisions of the bill.

### **SB 587 (King) Education – Libraries – Reorganization of Governance Structure**

*Hearing on March 1 (EHE); no movement as of March 17*

*Crossfile: [HB 1094](#) (Hixson); Hearing on March 7 (W&M); no movement as of March 17*

- This bill establishes the Maryland State Library Agency and the Maryland State Library Board while simultaneously transferring the duties and responsibilities of the Division of Library Development and Services in MSDE to the State Library Agency.
- This bill also transfers the duties and responsibilities of the State Board of Education pertaining to libraries to the State Library Board.

- This bill provides that the head of the State Library Agency is the State Librarian and provides for the appointment, term, qualifications, and salary of the State Librarian.

### **SB 335 (Rosapepe) Career Apprenticeship Opportunity Act of 2017**

*Hearing on February 16 (FIN); no movement as of March 17*

*Crossfile: [HB 665](#) (McCray); Hearing on 2/28; no movement as of March 17*

- This bill requires the State Board of Education, in consultation with the Department of Labor, Licensing, and Regulation and the Governor’s Workforce Development Board, to develop statewide goals each year from 2017 through 2025 so that by January 1, 2026, 45% of high school graduates successfully complete a career and technical education program or earn industry-recognized occupational or skill credentials before leaving high school.
- This bill also creates a tax credit against the State income tax for individuals or corporations that employ an apprentice for at least seven months during a taxable year in an apprenticeship program registered with the Maryland Apprenticeship and Training Council.

### **Bills for Information:**

#### **HB 516 (Atterbary) Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-Year-Olds**

*Hearing on February 14 (W&M); Passed House Floor (102-36); Passed Senate (41-6); Returned Passed*

*Crossfile: [SB 581](#) (Ferguson); Hearing on March 1; Passed Senate (41-6); W&M Hearing on March 21*

- This bill establishes the Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-year olds.
- This bill requires MSDE to designate a chair of the Workgroup and provide staff.
- The Workgroup must report its findings and recommendations to the Commission on Innovation and Excellence in Education on or before September 1, 2017.

*The House version/amendments:*

- *make the bill an emergency bill. Emergency bills become effective when the Governor signs the bill and must pass a 3/5 vote (regular vote is majority of elected membership 71 votes for house, 24 for senate);*
- *specify that the workgroup must make recommendations on the APA adequacy study on Prekindergarten;*
- *add one senator and one delegate to the membership of the workgroup; and*
- *remove Maryland Family Network from the membership of the workgroup and adds a member from an early childhood advocacy group, and one member of a special needs advocacy group.*

*The Senate version/amendments conform the bill to the House version.*

#### **SB 145 (Pinsky) Education – Statewide Kindergarten Assessment – Completion**

*Hearing on January 25; Passed Senate Floor (45-0); W&M hearing on March 21*

*Crossfile: [HB 654](#) (Kaiser); Hearing on February 14 (W&M); Passed House Floor (137-0); in EHE*

- This bill extends the date by which the Kindergarten Readiness Assessment (KRA) must be completed under certain circumstances from October 1 to October 10.

#### **HB 548 (Shoemaker) Education – Prekindergarten Student Assessment – Moratorium**

*Hearing on February 14 (W&M); no movement as of March 17*

*Crossfile: [SB 667](#) (Jennings); Hearing on March 8 (EHE); Passed Senate Floor (); in W&M*

- This bill places a moratorium on the administration of the Early Learning Assessment (ELA) for enrolled prekindergarten students until (1) a complete audit of the 2016-2017 pilot year of the ELA is conducted and (2) the audit results in a determination that the ELA is valid and reliable and is consistent with the purpose of informing instruction and targeting interventions and supports.
- This bill also specifies the information the audit should determine.

### **SB 153 (King) Public Schools – Length of School Year Adjustment – State of Emergency**

*Hearing on February 1 (EHE); Passed Senate Floor (46-0); W&M hearing on 3-21*

- This bill authorizes a local board of education to reduce the length of the school year by up to five school days, without applying to the State Board of Education for a waiver, if normal school attendance is prevented due to conditions that require the Governor to declare a state of emergency.
- This bill provides that education funding from State or local sources may not be reduced if there are less than 180 school days in a year because of a state of emergency.

### **HB 1240 (Kaiser) Individualized Education Programs – Burden of Proof in Due Process Hearings and Studies**

*Hearing schedule on February 28 (W&M); Passed House Floor (); in EHE*

- This bill provides that the complaining party in a due process proceeding related to the provision of special education services shall have the burden of proof.
- This bill provides for exceptions to this rule – (1) if a parent or guardian files a due process complaint concerning a dispute over the delivery of services, the public shall have the burden of proof in a due process proceeding, and (2) a parent or guardian seeking tuition reimbursement for a unilateral placement of a student shall have the burden of proof in a due process proceeding.
- This bill also authorizes an administrative law judge to shift the burden of proof to conform to the requirements of law and justice under extenuating circumstances.
- This bill requires MSDE to review, assess, and make recommendations on certain aspects relating to the operation of the special education process in Maryland and report to the General Assembly by December 31, 2018.
- This bill also requires MSDE, in consultation with DBM and DLS to contract for a study of the IEP process in the State on or before December 31, 2017. MSDE, DBM, and DLS must report the findings and recommendations to the General Assembly by December 31, 2018.

### **HB 174 (Luedtke) Education – Children with Disabilities – Individualized Education Program Process – Parental Consent**

*Hearing on February 9 (W&M); no movement as of March 17*

*Identical Bill: [SB 710](#) (Conway); Hearing on March 8 (EHE); no movement as of March 17*

- This bill requires an individualized education program (IEP) team to obtain written consent from a parent of a child with a disability if the team proposes to do certain things related to the student.
- This bill provides that if the parent does not provide written consent, the IEP team must send the parent a certain written notice within five business days of the IEP meeting.

### **HB 684 (Krebs) Education – Grant for Declining Education Aid**

*Hearing on February 21 (W&M); Passed House Floor (); in B&T*

- This bill provides that for fiscal year 2018, a county board that experiences a drop in full-time equivalent enrollment from the prior fiscal year and a drop in total direct education aid from the prior fiscal year by more than 1% are eligible for a State grant.
- This bill also provides for the fiscal 2017 total direct education aid calculation for 5 counties (Baltimore City, Calvert, Carroll, Garrett, and Kent counties).

*The House version/amendments:*

- *providing that a county board is eligible for a supplemental State grant if the county's 3 year "moving average" FTE is greater than the FTE of the prior year;*
- *provides for the calculation of the supplemental State grant;*
- *requiring the State to disburse supplemental prekindergarten grants for FY 2018 through 2020 to counties that provide full-day public prekindergarten for all eligible students;*
- *provides for the calculation of the supplemental prekindergarten grant;*
- *requiring the State to disburse the supplemental State grants and supplemental prekindergarten grants at the same time as other State education aid;*
- *providing that it is the intent of the General Assembly that the Governor provide funds in a supplemental budget appropriation or a deficiency appropriation to a county board of education for fiscal year 2018;*
- *provides that supplemental State or prekindergarten grants may not be provided to Baltimore City Public Schools until Baltimore City provides certain local contributions; and*
- *provides that the maintenance of effort amount for Baltimore City shall be based on the total per pupil appropriation for fiscal year 2018 including \$10,000,000 of the local contribution.*

### **SB866 (Klausmeier) Adult High School Program**

*Hearing on March 1 (EHE); no movement as of March 17*

*Crossfile: [HB 1381](#) (Clippinger); Hearing on March 7 (ECM/W&M); Passed House Floor (); in EHE*

- This bill establishes an Adult High School Pilot Program under the authority and supervision of MSDE and the Department of Labor, Licensing, and Regulation.
- This bill provides that the purpose of the program is to establish an alternative method for adults who did not graduate from high school to earn a high school diploma and potentially to earn postsecondary education credits and industry-recognized certification in an environment that meets the needs of the adult learner.
- This bill authorizes MSDE and DLLR to approve up to six pilots and establishes requirements for a pilot under the Program.

### **HB 365 (Montgomery County Delegation) Montgomery County – Family Life and Human Sexuality Curriculum – Affirmative Consent**

*Hearing on February 14 (W&M) ; no movement as of March 17*

- This bill requires the Montgomery County Board of Education to provide instruction on affirmative consent as part of the Family Life and Human Sexuality curriculum in grades 7 and 10 beginning in the 2017-2018 school year.

### **HB 1560 (Kelley & Morales) Education - Family Life and Human Sexuality Curriculum - Consent**

*Hearing on March 14 (W&M); no movement as of March 17*

- This bill requires a county board of education to provide age-appropriate instruction on consent as part of the Family Life and Human Sexuality curriculum in all grades in which the curriculum is taught in public schools in the county beginning in the 2017-2018 school year.

### **SB 263 (Bates) Education – Maryland High School Diploma – Civics Test Requirement**

*Hearing on February 1 (EHE) ; no movement as of March 17*

*Similar bill: [HB 834](#) (Kittleman); Hearing on February 24; Unfavorable Report by W&M*

- This bill requires a student to take and answer correctly at least 60% of the 100 questions used for the civics portion of the naturalization test administered by the U.S. Citizenship and Immigration Services in order to graduate from a public high school.
- This bill provides that to obtain a Maryland high school diploma through the National External Diploma Program or through examination (the GED) an individual must also meet this requirement.



- This bill requires the State Board of Education to determine the means of providing each high school student with an opportunity to take the civics test on or before the first day of the 2018-2019 school year.

### **SB 458 (Ready) Education – Foreign Language Requirement – Computer Programming Language Courses**

*Hearing on February 15 (EHE); no movement as of March 17*

*Crossfile: [HB 1351](#) (Rose); Hearing on March 10 (W&M); no movement as of March 17*

- This bill authorizes a local board of education to authorize a student to satisfy a State or local middle or high school foreign language requirement by completing a course in computer programming language.
- This bill also requires the State Board of Education to adopt regulations that establish the computer programming courses that fulfill the requirements of the bill.

### **HB 75 (Grammer) Education – Graduation Requirements – Fine Arts**

*Hearing on February 2 (W&M); no movement on this bill as of March 17*

- This bill allows a student to meet the fine arts public high school graduation requirement by completing one credit in computer science, multimedia, or computer programming.

### **HB 512 (Hornberger) The James Samuel Coleman Act of 2017**

*Hearing on February 21 (W&M); no movement as of March 17*

- This bill eliminates the current “local school systems” based on county lines and creates “school districts”. Each school district is comprised of two contiguous legislative districts – MSDE and the Department of Planning have until 2018 to create the school districts. Baltimore City would be its own school district.
- This bill requires the State to distribute the State share of funds to each school district and requires the school district to distribute State and local funds to each full-time equivalent student’s school.

### **SB 994 (Rosapepe) School Overcrowding Reduction Act of 2017**

*Hearing on March 8 (B&T); no movement as of March 17*

- This bill renames the Maryland Stadium Authority to be the Maryland Construction Authority.
- This bill specifies that part of the mission of the Authority is to explore and promote innovative ways to construct public school facilities.
- This bill authorizes a government unit to request the Authority to provide technical assistance developing a public school facility project or managing a public school facility project if a MOU is signed between the Authority, the county, the county board of education, and IAC.
- This bill also authorizes a county board hold title to property used for a particular public school or local school system under certain circumstances. The bill also provides for more detailed alternative financing methods, including the "design-construction-operate-maintain" finance arrangements.
- Finally, this bill provides that public school construction projects that cost more than \$30,000 per student are ineligible for State funding unless the IAC waives this rule.

### **HB 705 (Vogt) Education – PARCC Testing – Children with Disabilities (Ben’s Rule)**

*Hearing scheduled on March 10 (W&M); no movement as of March 17*

- This bill authorizes a parent or guardian with a nonverbal child with a disability to refuse to allow their child to participate in the PARCC assessment or its equivalent.
- This bill also requires a parent’s refusal to be documented in the child’s IEP.