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State Superintendent of Schools

TO: Members of the Maryland State Board of Education

FROM: Karen B. Salmon, Ph.D

DATE: April 23, 2019

SUBJECT: Maryland General Assembly Legislative Update

PURPOSE:

The purpose of this item is to provide a status update of primary and secondary education-related bills that were before the 2019 Maryland General Assembly.

EXECUTIVE SUMMARY:

Tiffany Johnson Clark will update the members of the State Board of Education on significant legislation that was introduced during the 2019 legislative session.

ACTION:

For information only. No action required.

Description of Education-Related Bills That Passed During the 2019 Legislative Session

For Discussion:

HB 390/SB 422: State Department of Education – Employment Categories and Practices

Synopsis: Alters the employment categories of specified professional assistants within MSDE. The bill 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 professional or skilled service under the State Personnel Management System (SPMS).

MSDE is required to determine which employment classifications at MSDE would ordinarily be described as being in the skilled or professional service by July 1, 2019. Additionally, all employees hired by MSDE in those classifications on or after July 1, 2019, must be hired, promoted, or transferred in accordance with the requirements for skilled or professional employees under SPMS.

HB 87/SB 529: State Board of Education – Membership – Teachers and Parents

Synopsis: Increases the membership of the State Board of Education from 12 to 14 members, by adding one certified teacher who is actively teaching and one parent of a student enrolled in a public school, and establishes processes to appoint these members.

The Governor must appoint the teacher and parent members with the advice and consent of the Senate. The teacher member who received the highest number of votes after an election by teachers in the State must be appointed by the Governor. For the parent member, the Governor must appoint the parent member from a list of three qualified individuals submitted by the Maryland Parent Teacher Association.

A teacher or parent member may attend and participate in an executive session of the State Board; however, a teacher member may not vote on any matter that relates to appeals to the State board related to the suspension or dismissal of teachers, principals, and other professional personnel.

HB 238/SB 747: Education – Removal of County Superintendents – Procedures

Synopsis: Authorizes a county board of education, in addition to the State Superintendent of Schools, to remove a county superintendent. If the State Superintendent chooses to remove a county superintendent, requires the State Superintendent to provide the county superintendent with the reason for removal, documentation supporting the case of removal, and the opportunity to request a hearing before the State Superintendent within 10 days. If a county board chooses to remove a county superintendent, requires the State Superintendent to provide the county superintendent with the reason for removal, documentation supporting the case of removal, and the opportunity to request a hearing before the county board within 10 days.

The county superintendent may appeal the decision of the State Superintendent or the county board to the State Board of Education.

HB 1019: State Board of Education – Public High School Students – Assessments and Graduation Requirements

Synopsis: Mandates that the State Board of Education may only require a passing score of a standardized assessment to evaluate a student for graduation from high school after the assessment has been field-tested and piloted for at least one year.

HB 1186/SB 465: Nonpublic Schools – Fire Drill Requirements – State Fire Prevention Code

Synopsis: Requires nonpublic schools to hold a certain number of fire drills in accordance with the State Fire Prevention Code. Nonpublic schools must keep records of these drills and send a copy of the records to the State Board of Education.

HB 725: Public Schools – Student Discipline – Restorative Approaches

Synopsis: Defines the type of restorative approaches that could be utilized as an aspect of student disciplinary measures. County boards of education must adopt regulations that provide for restorative approaches to be an aspect of student discipline, and that the primary purpose of any disciplinary measure is rehabilitative, restorative, and educational.

The State Board of Education must provide technical assistance and training to county boards on restorative approaches, at the request of the county board.

MSDE must submit an annual report on or before October 1 of each year that includes student discipline data with a description of the use of restorative approaches and a review of disciplinary practices throughout the State. MSDE must also disaggregate student discipline data reports by the type of discipline administered.

HB 844: Public Schools – School Psychologists – Reports

Synopsis: Requires each local school system to submit a report on the ratio of school psychologists to students in the school system, and strategies for schools with less than 700 students to have not less than one school psychologist in each school by October 1, 2020. For schools with more than 700 students, strategies must be explored for increasing the ratio to one psychologist per every 700 students in each school. The report must also encompass policies to decrease wait times for students to see a psychologist, and strategies to recruit and retain school psychologists. The final report shall be submitted to the State Board and General Assembly by December 1, 2020.

SB 128 (Ch. 13): Community Control of School Calendars Act

Synopsis: Requires each county board to set start and end dates each year for public schools in the county. The bill effectively repeals any law prohibiting a county board from beginning or ending its school year before or after a certain date. The Governor vetoed this bill and the General Assembly overrode the veto.

HB 440: P-TECH Expansion Act of 2019

Synopsis: Allows for the award of no more than three new P-TECH planning grants in fiscal 2020 prior to the 2022-2023 school year (fiscal 2023). This bill also allows planning grants recipients in fiscal 2020 to establish new P-TECH schools prior to the 2023-2024 school year (fiscal 2024).

Additionally, HB 100 (FY 2020 budget) appropriates \$300,000 to the P-TECH program - \$200,000 for planning grants and \$100,000 for MSDE to hire a consultant to perform a review and evaluation of P-TECH schools. The P-TECH review is due on January 1, 2020.

SB 661: Primary and Secondary Education – Community Schools – Established

Synopsis: Establishes community schools in the State and specifies the purpose and requirements of a community school. A “community school” is defined as a public school that establishes a set of strategic partnerships between the school and other community resources that promote student achievement, positive learning conditions, and the well-being of students, families, and the community. A local school system or an existing public school may form a school-community partnership for the planning and implementation of a community school. An LSS must review and approve a community school; a community school may not be implemented without LSS approval. An LSS must make public funding available to a community school. The bill also expresses legislative intent that money appropriated in accordance with The Blueprint for Maryland’s Future legislation must be used to offset the cost of implementation of the bill.

SB 1030: The Blueprint for Maryland’s Future (See attached document for more details)

Synopsis: Establishes The Blueprint for Maryland’s Future as State education policy, based on the recommendations of the Commission on Innovation and Excellence in Education. Establishes the Concentration of Poverty School Grant Program, the Teacher Collaborative Grant Program, the Teacher Salary Incentive Grant Program, and the Workgroup to Study the Maryland State Department of Education and the Maryland Higher Education Commission, among other programs and provides funding in fiscal 2020 and mandates funding in fiscal 2021 and 2022, as specified. Establishes a Maryland Office of the Inspector General for Education.

Provides that any funds restricted for purposes of the bill in the fiscal 2020 budget that are not transferred or released by the Governor must be distributed in fiscal 2021, in addition to other funds required to be distributed by the bill in fiscal 2021.

For Information:

HB 109/SB 285: Environment – Expanded Polystyrene Food Service Products – Prohibition

Synopsis: Prohibits the use of expanded polystyrene in food service businesses, including cafeterias operated by units of State and local government and schools (public, nonpublic, and institutions of high education). The prohibition goes into effect on July 1, 2020. MDE, in consultation with schools and MSDE, must also conduct a public education and outreach antilittering campaign.

HB 338/SB 218: Human Services – Food Supplements (Summer SNAP for Children Act)

Synopsis: Establishes a process for the State to provide additional funding to supplement benefits received under the Food Stamp Program for children. Under this process, participating counties must provide matching funds. The combined State and county supplement must be used to increase the benefit by at least \$30 per child in the months of June, July, and August and \$10 per child in December.

The bill also renames the Food Stamp Program as the Food Supplement Program.

Finally, if federal funding is available, the Department of Human Services, in consultation with MSDE, must annually apply for a grant from the U.S. Department of Agriculture to implement a Summer Electronic Benefit Transfer for Children demonstration project.

HB 1253: Environment – Drinking Water Outlets in School Buildings – Elevated Level of Lead and Grant Program

Synopsis: Requires the IAC, in consultation with the Maryland Department of the Environment (MDE) to establish procedures for school systems to request funds to assist with the costs of implementing remedial measures to address the presence of lead in drinking water outlets in school buildings. The application process must give priority to applications requesting funds for water fountains or bubblers, then facets or taps that are used for drinking/food preparation, ice makers, and hot drink machines.

MDE, in consultation with MSDE, must establish and administer a grant program to provide grants to local school systems to assist with the costs of implementing remedial measures to address any findings of elevated levels of lead in drinking water outlets in schools, address findings of lead concentrations in drinking water outlets in school buildings that exceed 5 parts per billion, etc.

Requires funding to be made available to award grants in accordance with the law *if* MDE or MSDE receives any federal funding for addressing the presence of lead in drinking water outlets in school buildings.

Authorizes MDE, in consultation with MSDE to adopt regulations.

SB 653: Carroll and Howard County Boards of Education – Establishing Innovative Regional Schools – Authority (Cross-County Attendance to Achieve Efficiency Act of 2019)

Synopsis: Authorizes Carroll and Howard County Boards of Education to establish innovative regional schools, which are schools that (1) offer special courses or curricula for an innovative education program and (2) admit students from one or more local school systems that are party to a binding memorandum of understanding outlining each county board’s responsibilities in governing and financing the schools. The parties to the MOU must identify one county board to govern the innovative regional school. The MOU may establish required payments of each county served by an innovative school and the source of funds shall be limited to county appropriations. This bill also provides that innovative regional schools are eligible for funding under the public school construction program. This bill also authorizes innovative regional schools to be established without the approval of the State Board of Education or the State Superintendent of Schools.

Finally, The IAC must study and develop a State and local cost-share formula for county boards of education that choose to collaborate and operate a regional school and report on their findings on or before January 1, 2020.

HB 248/SB 181: Education – Child Care Subsidies – Mandatory Funding Level

Synopsis: Alters the Governor's required appropriation, beginning in fiscal year 2021, to increase the Child Care Subsidy Program reimbursement rate to the 60th percentile of the most recent market rate survey or the equivalent.

The increase in the provider reimbursement rates to 60% was anticipated for fiscal year 2022, but could carry an additional operational impact with the removal of the phase-in for fiscal year 2021.

HB 611: Special Education – Individualized Education Programs – Independent Educational Evaluations at Public Expense

Synopsis: Authorizes a parent who disagrees with the educational evaluation regarding a child’s IFSP, IEP, or special education services to request an independent evaluation at public expense in accordance with regulations adopted by MSDE. The local school system has 30 days to approve or deny the request. If they deny the request, they must file a due process complaint within 30 days of the denial.

HB 1384/SB 677: Deaf or Hard of Hearing Individuals – Support for Parents

Synopsis: Alters the Hearing Aid Loan Bank Program within MSDE by (1) renaming the program and associated loan bank to the Hearing Aid and Language and Communication Video Loan Bank; (2) expanding eligibility to individuals aged 21 and younger who haven’t graduated high school; (3) expanding the program’s purpose and function; and (4) extending the loan period from 6 months to 1 year.

A parent of a deaf or hard of hearing child is exempt from paying tuition at a public institution of higher education for any course that teaches a language or communication mode chosen to

communicate with their child. Additionally, hospitals must provide specified information related to newborn hearing screening.

HB 132/SB 180: Robotics Grant Program – Alterations

Synopsis: Makes nonprofit organizations that provide a majority of public school youth with an out-of-school-time experience that focuses on personal and workforce development eligible to receive funding through the Robotics Grant Program, to fund either proposed or existing robotics programs, if the organization is associated with a public school.

The Governor is required to annually appropriate \$350,000 in the State budget and MSDE must make attempts to ensure that the grants are distributed in a manner that ensures geographic diversity.

SB 734: Education - Students with Reading Difficulties - Screenings and Interventions

Synopsis: Requires, beginning with the 2020-2021 school year, each county board to ensure that students are screened to identify if the student is at risk for reading difficulties. If the screening results indicate that the student is at risk of reading difficulties, the county board must provide supplemental reading instruction, as appropriate, and provide a notification letter to the student’s parent as specified. MSDE must develop and update resources for county boards every four years and provide technical support to county boards allowing them to provide training opportunities annually. County boards must report annually to MSDE beginning with the 2020-2021 school year.

HB 245: Education – Student Data Privacy Council

Synopsis: Establishes the Student Data Privacy Council to study the development and implementation of the Student Data Privacy Act of 2015, review and analyze similar laws and best practices in other states, review and analyze developments in technologies as they relate to student data privacy, and make recommendations on statutory changes and repealing the termination date of the act.

The State Superintendent (or designee) must chair the Council and MSDE provides staff for the Council. The State Superintendent (or designee) must also appoint eight additional members to the Council.

HB 704: Maryland Longitudinal Data System – Student Data and Governing Board

Synopsis: Requires the Maryland Longitudinal Data System Center to add student juvenile delinquency and primary and secondary school disciplinary records to their central repository. Additionally, the Secretary of Juvenile Services is added as a member to the Governing Board of the Maryland Longitudinal Data System Center.

HB 1206: Maryland Longitudinal Data System Center – Data Matching

Synopsis: Requires county boards to convert student home addresses and geolocation data. MSDE must collect that data from the county boards and share it with the Maryland Longitudinal Data System Center to assist in linking student and workforce data. The MLDSC and the Comptroller must jointly develop protocols for the MLDSC to share data with the Comptroller and for the Comptroller to match student information to tax data.

The Comptroller must produce de-identified aggregated data based on the matched information to identify the average wage or salary within each educational institution or program of study. The MLDSC and the Comptroller must work together to develop and handle security protocols, and develop protocols to assist county boards and MSDE to convert and collect the student data. The Governor must appropriate \$100,000 in FY2021 and FY2022 to assist with the development of these protocols.

HB 1113/SB 640: State Government – Office of Program Evaluation and Government Accountability and Maryland Program Evaluation Act

Synopsis: Establishes the Office of Program Evaluation and Government Accountability within Department of Legislative Services. The Office will conduct performance evaluations of programs and units throughout State government. The Office also can be directed to conduct investigations relating to acts and allegations of fraud, waste, or abuse of State resources.

The Joint Audit and Evaluation Committee can direct the Office to conduct more comprehensive evaluations of units of State government, local school systems, and corporations or associations that receive State funding. These audits and evaluations can be conducted in conjunction with, or separately from, audits from the Office of Legislative Audits.

Performance evaluations of local school systems can examine compliance with federal and State laws, grading and graduation requirements, assessments, procurement, and use of resources.

SB 879: Primary and Secondary Education - Black History Month - Harriet Tubman and Frederick Douglass

Synopsis: Requires public schools to devote a part of the school day to appropriate exercises that relate to Black History Month, with an emphasis on Harriet Tubman and Frederick Douglass and the contributions they made in the fight against slavery.

HB 486/SB 541: Education – Personnel Matters – Child Sexual Abuse and Sexual Misconduct Prevention

Synopsis: Before hiring an applicant for a position involving direct contact with minors, a county board, nonpublic school, or contracting agency must request a report from MSDE regarding the applicant’s eligibility for employment or certification status to determine whether the applicant holds a valid and active certification and whether the individual has been the subject of professional discipline related to child sexual abuse/sexual misconduct. MSDE must make a form for employers to send

information to a county board, nonpublic school, or contracting agency regarding applicants for a position involving direct contact with minors.

A county board, nonpublic school, or contracting agency that receives information and records about an applicant may report information to MSDE as appropriate.

MSDE must notify county boards, nonpublic schools and contracting agencies within 48 hours if there is a lapse in the operation of or MSDE suspends the use of a system or database that is used to check an applicant's eligibility for employment or certification status.

MSDE may initiate disciplinary action before a hearing officer against an applicant, employee, contracting agency, or school administrator for willful violations of the act.

MSDE may adopt regulations establishing procedure for disciplinary proceedings and the assessment of penalties relating to the act.

Bills That Did Not Pass

HB 45/SB 92 - Accountability in Education Act of 2019

HB 357/SB 222 - Appointment of County Superintendent of Schools - Disapproval by State Superintendent of Schools

HB 1078 - Education - Public School Holidays - Presidents' Day and Easter

HB 53/SB 131 - County Boards of Education – Length of School Year – Adjustments

HB 1043 - Education - Required Number of School Days or Hours

SB 1006/HB 1399 – Education – Opening Public Schools Before Labor Day – Public Local Laws and Referendum

HB 587 - Education - Public School Holidays - Veterans' Day

HB 371 - State Board of Education - Financial Literacy Curriculum - Graduation Requirement

HB 1138 – State Board of Education – Financial Literacy Course and Exam – Graduation Requirement

SB 416 - Education - Curriculum - Holocaust and Genocide Unit (Lessons of the Holocaust and Genocide Act)

HB 567/SB 954 - Education - Public and Nonpublic High Schools - Organ and Tissue Donation Awareness Instruction

HB 631 - High School Graduation Requirements - Student Service - Fire-Fighting Training and Volunteer Hours

HB 985 - Public High Schools – Science Credit Requirement – Computer Science and Computer Programming

HB 1211 - Education - Foreign Language Requirement - Computer Programming Language Courses

HB 1224 – County Boards of Education – Computer Science Courses

SB 544 - Education - No-Zero Grading Policy – Prohibition

SB 617 - Free College, Career Skills, and Youth Apprenticeship Act of 2019

HB 950 – State Department of Education – School Discipline - Data Collection

HB 1208 – Board of Restorative Practices in Schools – Establishment

HB 356 - Primary and Secondary Education - Nonpublic Schools - Required Information

SB 221/HB 1223 - Workgroup on Establishing an Independent School Board for the Juvenile Services Education System

HB 295/SB 848 - Nonpublic Elementary and Secondary Schools - Discrimination - Prohibition

HB 948 – Education – Advanced Placement Examination Fees – State Payment

SB 757 - Primary and Secondary Education - Assessments - Limitation of Administration (One Day in May Act)

HB 330 - Education - County Boards of Education - County Superintendent Contracts

SB 159/HB 153 - Building Opportunity Act of 2019

SB 165/HB 148 - Safe Schools Maryland Act of 2019

SB 172/HB 156 - Public Charter School Facility Fund

HB 536 - Education - Public Charter Schools - Virtual Learning Programs

SB 75 - Juvenile Services Education Program - Employees - Employment Contracts and Leave

HB 1074 - Education - Juvenile Services Education Programs - Management and Operation

SB 576 - Student Victim of Violent Crime - Option to Transfer or Require Offender to Transfer Schools

HB 536 - Education - Public Charter Schools - Virtual Learning Programs

SB 578 - Public Schools - Student Discipline - In-School Suspensions

SB 169/HB 158 - State Personnel Recruitment Modernization Act of 2019

