



Karen B. Salmon, Ph.D.
State Superintendent of Schools

TO: Members of the Maryland State Board of Education
FROM: Karen B. Salmon, Ph.D.
DATE: March 23, 2021
SUBJECT: 2021 Legislative Session Update

PURPOSE:

The purpose of this item is to provide a status update of PreK-12 education-related bills that are currently before the 2021 Maryland General Assembly.

EXECUTIVE SUMMARY:

Members of the State Board of Education will be updated on significant legislation that has been introduced and passed thus far and during the 2021 legislative session.

ACTION:

For information only. No action required, unless determined by the Board.

ATTACHMENTS:

Bill Synopsis as of March 23, 2021

State Board Legislative Update - March 23, 2021

FOR STATE BOARD REVIEW/DISCUSSION:

House Bill 1372 - Blueprint for Maryland's Future - Revisions

Sponsor: Speaker A. Jones

Hearing: 3/15; Committee: Appropriations and Ways and Means

Crossfile: Senate Bill 965 (President Ferguson)

Status: TBD

- This bill makes a significant number of technical corrections to the Blueprint for Maryland's Future, specifically surrounding applicable due dates and alteration of programmatic deadlines.
- The bill adds educational technology to the per pupil foundation amount.
- The bill adds timeline requirements for the appointment of members to the Accountability and Implementation Board (AIB).
- The bill adds an additional item to the required leadership training that State Board members and the State Superintendent shall receive training on the Blueprint.
- The bill adds several requirements for county boards of education to use federal funding, wherever possible, to implement the Blueprint, establish a summer school program, and provide tutoring and supplemental instruction to mitigate learning loss.

House Bill 1376 - Primary and Secondary Education - Virtual Education - Requirements

Sponsor: Delegate A. Washington

Hearing: 3/17; Committee: Ways and Means

Status: TBD

- This bill adds several training requirements for teacher preparation programs to add pertaining to virtual education.
- The bill establishes a "Flip the Classroom Pilot Program", which MSDE shall implement and administer. The purpose of the program is to enable students to learn through recorded lectures and apply lessons from the recorded lessons during classroom time.
- The Pilot Program shall provide teachers with the tools to record lectures to be provided asynchronously to students, and individual schools may opt-in to participate in the program.
- By July 1, 2022, MSDE shall establish a statewide learning management system, and beginning in the 2022-2023 school year the curriculum standards established by the Blueprint shall be available through the LMS.
- The bill redefines virtual school into two separate categories: permanent virtual schools and temporary virtual schools. County boards that establish a

permanent virtual school shall establish equity plans, methods to accurately measure attendance, and process to provide services to students with disabilities enrolled virtually.

- With approval from MSDE, a county board may authorize a school to offer virtual learning for a student's senior year in high school.
- In the event of a sustained event that prevents normal attendance at school, a county board may establish a temporary virtual school.
- MSDE shall establish standards for training teachers on the development of virtual learning education plans.
- MSDE shall expand computer and internet security infrastructure for virtual education.

House Bill 465 - State Superintendent of Schools - Qualifications and Senate Confirmation

Sponsor: Delegate A. Washington

Hearing: 3/24; Committee: Education, Health, and Environmental Affairs

Status: **PASSED HOUSE (98-40); in the Senate**

- This bill requires that the Senate of Maryland advise and consent on the appointment of the State Superintendent of Schools by the State Board.
- This bill bans a current member (or a member from the previous year) from serving as the State Superintendent.

NEW BILLS FOR INFORMATION:

Senate Bill 966 - Virtual Schools - Statewide Education Platform - Procurement and Establishment

Sponsor: Senator Hester

Hearing: N/A; Committee: Education, Health, and Environmental Affairs

- MSDE shall issue an RFP for a statewide platform to provide virtual education by May 1, 2021 in accordance with an expedited procurement process, review the proposal in consultation with MSEA and PSSAM, and award a contract by June 1, 2021.

PREVIOUS BILLS FOR INFORMATION:

House Bill 11 - Public Schools - African American History - Development of Content Standards and Implementation

Sponsor: Delegate C.T. Wilson

Hearing 1/27; Committee: Ways and Means

STATUS: **NO MOVEMENT**

- This bill requires the State Board to develop content standards for African American History to be included in the State's social studies framework by December 1, 2021.
- Each county board must develop and implement an age-appropriate curriculum that encompasses these content standards, and beginning in the 2022-2023 school year each public school in the State must include African American History in the social studies curriculum.

House Bill 27 - Education - Reporting Arrests of Students - Alterations

Sponsor: Delegate Long

Hearing: 1/28; Committee: Judiciary

STATUS: **NO MOVEMENT**

- This bill requires a law enforcement agency to notify the State Board and the Maryland Center for School Safety of a student's arrest within 24 hours.
- Local superintendents must also notify the State Board and the Maryland Center for School Safety when a student who has been arrested no longer resides within the jurisdiction of that county board.

House Bill 32 - Cannabis - Legalization and Regulation (Inclusion, Restoration, and Rehabilitation Act of 2021)

Sponsor: Delegate J. Lewis

Hearing: 2/16; Committee: Judiciary and Health & Government Operations

STATUS: **NO MOVEMENT**

- This bill legalizes cannabis for personal use in certain circumstances and provides guidance for the regulation of the cannabis industry in Maryland.
- The bill establishes a Cannabis Education and Training Fund to support career and technical education (CTE) programs and work-based learning programs. It allocates funding to the CTE Innovation Grant Program to support a CTE curriculum that includes hands-on cannabis career training.

House Bill 46 - Education - Student Horizon Database and Scorecard (Students Right to Know Act of 2021)

Sponsor: Delegate Griffith

Hearing: 2/3; Committee: Appropriations

STATUS: **NO MOVEMENT**

- This bill requires MSDE, in collaboration with MHEC, the Maryland Department of Labor, and the MLDS, to annually collect information on: the most in-demand jobs in the State, several pieces of data on institutions of postsecondary education and private career schools in the State, the average total student loan debt of graduates of each institution for each undergraduate and graduate program in the State, the completion rate and average starting salary of students who enlist in the military, and the number

of college graduates in the State working in an occupation that does not require a college degree.

- This bill also requires MSDE to create and maintain a searchable Student Horizon database including: the data collected, a function that allows users to compare all institutions of postsecondary education and private career schools by 16 different measurements, and a search function to allow users to explore specific majors/programs that yields results on several outcomes.
- On or before October 1, 2022, and each October 1 thereafter, MSDE shall publish a Student Horizon Scorecard on the Department's website.

House Bill 48 - Criminal Procedure – Registered Sex Offenders – Entry Onto School Property

Sponsor: Delegate Bhandari

Hearing: TBD; Committee: Judicial Proceedings

STATUS: **PASSED HOUSE (133-0)**

- This bill restricts the ability of a student identified on the sex offender registry to enter onto school property.
- This bill requires the State Board to adopt guidelines and a model policy for the provision of educational services to students identified on the sex offender registry in the State of Maryland at locations not included on school property.
- County boards of education must develop and adopt a policy to provide educational services to these students.

House Bill 71 - Juvenile Services Education Board and Program - Establishment, Powers, Duties

Sponsor: Delegate Luedtke

Hearing: 1/28; Committee: Judiciary and Ways and Means

Crossfile: Senate Bill 497

STATUS: **FAVORABLE WITH AMENDMENTS**

- This bill repeals provisions regarding the Juvenile Services Education Program within MSDE and establishes a Juvenile Services Education Board within the Department of Juvenile Services. The State Superintendent serves as a member of the Board.
- Beginning on July 1, 2022, the Board shall oversee and approve all educational services to juveniles who are in a residential facility, and the Department of Juvenile Services shall have the authority and responsibility for implementing juvenile services educational programs in the State.
- On or before December 1, 2021, MSDE and the Department of Juvenile Services shall submit a report detailing plans for the transition of juvenile services education programs to the newly-established Juvenile Services Education Program.

House Bill 96 - Education - High School Graduation Requirements - Application

Sponsor: Delegate Solomon

Hearing: 1/20; Committee: Ways and Means

STATUS: **NO MOVEMENT**

- This bill requires, beginning in the 2022-2023 school year, each public high school student to complete and submit the Free Application for Student Aid (FAFSA) or the Maryland State Financial Aid Application (MSFAA) to the U.S. Department of Education as a requirement for graduating high school.
- The bill also allows a student or the parent/legal guardian of a minor student to submit to a county board of education a statement that the student understands the FAFSA or MSFAA application and declines to complete and submit the application.

House Bill 138 - Education - Sexual Abuse and Assault Awareness and Prevention Program - Human and Sex Trafficking

Sponsor: Delegate Johnson

Hearing: 2/3; Committee: Ways and Means

STATUS: **NO MOVEMENT**

- This bill requires that the age-appropriate education program on the awareness and prevention of sexual abuse and assault developed and implemented by the State Board of Education and each nonpublic school include, for students in grades 6 through 8, material promoting the awareness and prevention of human and sex trafficking.

House Bill 140 - Commission on History, Culture, and Civics in Education

Sponsor: Delegate Acevero

Hearing: 1/27; Committee: Ways and Means

STATUS: **NO MOVEMENT**

- This bill establishes a Commission to make recommendations to the State Board and MSDE regarding the history, culture, and civics of the United States and Maryland, including the contributions of Americans Indians, Latinos, African Americans, Asian Americans, LGBTQ individuals, and the intersectionality of significant social and cultural features within the minority communities.
- On or before December 30, 2021, and each year thereafter, The Commission shall report its findings and recommendations to the State Board. On or before July 1 of each year, the State Board shall review the Commission's recommendations and make any appropriate changes to educational standards for grades Pre-K through 12.

House Bill 155 - County Boards and Public and Nonpublic Prekindergarten Programs and Schools - Discrimination - Prohibition

Sponsor: Delegate Wilkins

Hearing: TBD; Committee: Judicial Proceedings

Crossfile: Senate Bill 98 (Senator McCray)

STATUS: **PASSED HOUSE (92-45)**

- This bill prohibits a county board, public and nonpublic prekindergarten program, public and nonpublic primary or secondary school that receives State funds from discriminating against a person due to race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.
- The bill also prohibits refusing enrollment, expelling, or withholding privileges from any student or prospective student because of the aforementioned factors.
- This bill requires the MSDE to file complaints with the State Superintendent of Schools and requires the State Superintendent to provide a written notice of the complaint to the involved parties. It also requires the State Superintendent to mediate an agreement between the involved parties before imposing penalties to include the withholding of state funds to the program or school.
- This bill also requires that the State Board, in consultation with the State Superintendent adopt regulations to establish procedures for complaint processing, mediation, and enforcement of this legislation.

House Bill 171 - State Department of Education - School Discipline - Data Collection

Sponsor: Delegate Washington

Hearing: 3/24; Committee: Education, Health, and Environmental Affairs

STATUS: **PASSED HOUSE (130-6)**

- This bill requires MSDE to report the disproportionality data for any school identified as high-suspending and include alternative schools and programs and separate public day schools in any calculation of disproportionality.
- MSDE would be required to make all discipline-related data available on the Department's website in a disaggregated electronic spreadsheet format.

House Bill 373 - Education - Child Abuse and Sexual Misconduct Prevention - Hiring Emergent Employees

Sponsor: Delegate C.T. Wilson

Hearing: 3/25; Committee: Education, Health, and Environmental Affairs

STATUS: **PASSED HOUSE (132-0)**

- This bill authorizes the hiring of employees by a county board of education or nonpublic school for a period not to exceed 60 days under certain conditions.

- This bill authorizes a county board or nonpublic school to rescind a job offer, dismiss the employee, or hire the employee within the 60-day period regarding an emergent employee under certain circumstances.

House Bill 377 - Commission on Student Behavioral Health and Mental Health Treatment

Sponsor: Delegate Bagnall

Hearing TBD; Committee: Education, Health, and Environmental Affairs

STATUS: **PASSED HOUSE (96-34)**

- This bill establishes the aforementioned Commission to study, evaluate, update, and revise guidelines for student behavioral health and mental health treatment and practices, including school-based health centers.
- A member of the State Board and the State Superintendent would serve as members.

House Bill 382 - Juvenile Law - Conduct by Children Involving Sexually Explicit or Nude Images

Sponsor: Delegate C.T. Wilson

Hearing: 1/21; Committee: Judiciary

STATUS: **NO MOVEMENT**

- This bill requires the State Board, in consultation with any relevant unit of state, county, or local government, to develop and implement a program on the risks of possessing, sending, displaying, and publishing sexually explicit or nude images.
- The program shall start in the 6th grade and be delivered through the 12th grade in each public school.

House Bill 496 - Primary and Secondary Education - Mental Health Services - Expansion (Counselors Not Cops Act)

Sponsor: Delegate Wilkins

Hearing: 2/3; Committee: Ways and Means

STATUS: **NO MOVEMENT**

- This bill alters the membership of the School Safety Subcabinet Advisory Board, and beginning in Fiscal Year 2023, alters the purpose of the Safe Schools Fund to be used only for the purpose of providing grants to local school systems for the provision of mental health services and behavioral health supports, development of trauma-informed schools, and hiring community school coordinators.
- On or before September 1 each year, beginning in 2021, the bill also requires that local school systems report on a number of data points, including but not limited to: the number of school social workers, psychologists, counselors, and

behavioral specialists, community schools, and trauma-informed schools in each school system.

- The bill requires that the State Board adopt regulations to carry out the requirements of the required report.

House Bill 597 - Child Care Centers - Teacher Qualifications

Sponsor: Delegate Kelly

Hearing: TBD; Committee: Education, Health, Environmental Affairs

Crossfile: Senate Bill 436 (Senator King)

STATUS: **PASSED HOUSE (137-1)**

- The bill requires that the State Board of Education adopt regulations to govern the licensing and operation of child care centers regarding the probationary employment qualifications for a six-month period for an individual applying to be a first-time child care teacher.
- If at the end of the six-month period the individual has not completed a required pre-service training, the child care center shall reassign or terminate the individual.

House Bill 820 - County Boards of Education - Computer Science Courses - Reporting Requirements

Sponsor: Delegate Rose

Hearing: 2/12 @ 1:30pm; Committee: Ways and Means

STATUS: **NO MOVEMENT**

- The bill requires each county board of education to report to the State Board on the total number of computer science courses offered in each public school in the county, and the number and percentage of students enrolled in each computer science course.

House Bill 823 - Public Schools - Mathematics Credit - College Preparatory Computer Science or Computer Programming Course

Sponsor: Delegate Rose

Hearing: 2/12 @ 1:30pm; Committee: Ways and Means

STATUS: **NO MOVEMENT**

- This bill would allow for a student to satisfy a credit requirement in mathematics by completing a credit in an AP Computer Science course or an equivalent college preparatory course selected by the county board.

House Bill 916 - Education - Public Middle and High Schools - Financial Literacy Curriculum and Graduation Requirement

Sponsor: Delegate Amprey

Hearing: 2/17 @ 11:30pm; Committee: Ways and Means

STATUS: **NO MOVEMENT**

- This bill requires the State Board to develop curriculum content for a half-semester middle school and high school course in financial literacy, which shall be implemented in the 2022-2023 school year and a student shall complete the course in order to graduate from middle and high school.
- The bill also requires the State Board to establish a financial literacy education week.

House Bill 1157 - Education - Maryland High School Diploma - Civics Test Requirement

Sponsor: Delegate Thiam

Hearing: 2/17 @ 1:30pm; Committee: Ways and Means

STATUS: **NO MOVEMENT**

- This bill requires a student to take and achieve a passing score on the civics portion of the naturalization test administered by the U.S. Citizenship and Immigration Services on or after January 1, 2023.
- Prior to the 2022-2023 school year, the State Board shall determine methods to provide each high school student with the opportunity to take the test.
- A student must achieve at least a 60% score on the civics test in order to satisfy the graduation requirement.

House Bill 1278 - Department of Legislative Services - Study - Capacity and Accountability of State Department of Education

Sponsor: Delegate Ebersole

Hearing: 3/3 @ 1:30pm; Committee: Ways and Means

Crossfile: Senate Bill 825 (Senator Hester)

Status: **NO MOVEMENT**

- This bill would require that DLS contract with a consultant to study and make recommendations on capacity and accountability within MSDE and the Department's ability to carry out its duties under the Education Article, as well as implement the Blueprint for Maryland's Future.
- Additionally, the consultant shall collect data and account for how MSDE and the local school systems spent funds allocated through federal stimulus packages, as well as data in regards to student learning loss due to COVID-19.
- On request of DLS, MSDE shall provide to the requesting entity no later than 30 days after the date of the request information regarding:
 - Allocation of federal stimulus funds
 - Written guidance and professional development materials provided to county boards to mitigate COVID-19 impacts
 - Analysis of the accuracy of implementation of learning loss measures and gaps in service
 - Any actions taken by MSDE to correct issues regarding learning loss.

- MSDE shall report quarterly to the General Assembly on the allocation of CARES Act funding beginning September 1, 2021, and DLS shall report to the AIB on the study outlined in the bill.

House Bill 1299 - Education - Public High Schools - Financial Literacy Curriculum and Graduation Requirement

Sponsor: Delegate Walker

Hearing: 2/17 @ 1:30pm; Committee: Ways and Means

STATUS: **NO MOVEMENT**

- The bill requires the State Board to develop a half-semester long course in financial literacy that the county boards of education must implement as a graduation requirement for students from high school.

House Bill 1322 - Primary and Secondary Education - School Personnel - Prohibition on Retaliation for Not Returning to In-Person Instruction and Work

Sponsor: Delegate A. Washington

Hearing: TBD; Committee: Education, Health, and Environmental Affairs

STATUS: **PASSED HOUSE (96-39)**

- This bill outlines that in the 2020-2021 school year, the Governor, State Board, State Superintendent, county superintendent, or county boards, may not discipline, suspend, terminate, or “otherwise retaliate” against a teacher, educational support professional, or any other professional school personnel if the individual:
 - choose not to return to the school building
 - has not received the full course of an FDA-approved vaccine
 - is at least 65 years old
 - has an underlying medical condition that the CDC identifies as a risk factor
- Further, during a state of emergency related to the COVID-19 pandemic, the State Board and county boards shall allow all of the previously mentioned educational staff to instruct or work remotely “to the extent practicable.”

Senate Bill 209 - Special Education - Prolonged School Closure - Extension of Education Services

Sponsor: Senator Peters

Hearing: 1/27; Committee: Education, Health, and Environmental Affairs

Crossfile: House Bill 724 (Delegate Guyton)

STATUS: **NO MOVEMENT**

- This bill would require county boards of education to offer and provide eligible students with disabilities ages 17 to 22, with an option to continue attending school or receive educational services after the student’s anticipated graduation or exit date, regardless of whether the student has completed all

high school graduation requirements, in the event of a prolonged school closure.

- The bill indicates that the State Board shall adopt regulations to carry out the requirements outlined in the legislation.

Senate Bill 231 - Public Schools - Cyber Safety Guide and Training Course - Development, Implementation, and Reporting

Sponsor: Senator Hester

Hearing: 1/27; Committee: Education, Health, and Environmental Affairs

Crossfile: House Bill 824 (Delegate P. Young)

STATUS: **NO MOVEMENT**

- This bill requires MSDE, jointly with the Maryland Department of Health, the Maryland Center for School Safety, and the Department of Information Technology to develop and publish a cyber safety guide and training course to be implemented in public schools beginning the 2022-2023 school year.
- The cyber safety guide shall be updated each year and posted on the website of MSDE and the Center for School Safety.
- A county board may offer students credit for the completion of the cyber safety training course.

Senate Bill 243 - Public High Schools - Health Education - Gambling Dangers and Addiction

Sponsor: Senator Simonaire

Hearing: 1/20; Committee: Education, Health, and Environmental Affairs

STATUS: **NO MOVEMENT**

- This bill requires MSDE to develop a program of education on the dangers of gambling and gambling addiction on or before July 1, 2022, to be provided in public high schools.
- Beginning in the 2022-2023 school year, a county board may require each public high school in the county to include instruction on the dangers of gambling and gambling addiction for students from 9th-12th grade.

Senate Bill 278 - State Department of Education and Maryland Department of Health - Maryland School-Based Health Center Standards - Telehealth

Sponsor: Senator Kagan

Hearing: 3/25; Committee: Health and Government Operations

Crossfile: House Bill 34 (Delegate Rosenberg)

STATUS: **PASSED SENATE (31-14)**

- This bill requires MSDE and MDH to revise school-based health center standards that remove requirements not consistent with the requirements for providing telehealth in State statute.

- This bill also restricts MSDE and MDH from requiring a school-based health center to submit an application or seek approval to provide health care services through telehealth if that provider has already approved to operate a school-based health center in the State.

Senate Bill 464 - Education - Educational Interpreter - Certification Requirements

Sponsor: Senator West

Hearing: 2/11; Committee: Education, Health, and Environmental Affairs

Crossfile: House Bill 651 (Delegate Qi) - **PASSED HOUSE**

STATUS: NO MOVEMENT

- This bill requires the State Board of Education and the Professional Standards Teacher Education Board to develop rules and regulations for the certification of educational interpreters in public schools by July 1, 2022.
- It also requires educational interpreters in public schools to obtain certification on or before July 1, 2028.
- The bill requires the State to “explore” opportunities for fiscal support for educational interpreters.

Senate Bill 644 - State Officials - Appointments - Advice and Consent of the Senate

Sponsor: Senator Kagan

Hearing: 3/3 @ 1:00pm; Committee: Education, Health, and Environmental Affairs

Status: **NO MOVEMENT**

- This bill requires that the State Board appoint the State Superintendent with the advice and consent of the Maryland State Senate, and the Superintendent continues to serve until a successor is appointed.
- It also requires that, beginning in 2023, after the inauguration of a Governor to a second consecutive term, all principal departmental secretaries (including the State Superintendent) shall be confirmed by the Maryland State Senate.

Senate Bill 664 - Education - Student Financial Aid - Outreach Plan

Sponsor: Senator Ellis

Hearing: 2/10; Committee: Education, Health, and Environmental Affairs

STATUS: **FAVORABLE WITH AMENDMENTS**

- MSDE, in coordination with MHEC, shall establish an advisory committee to provide guidance to county boards and high schools with information, resources, and best practices on universal FAFSA or MSFAA completion and planning for financial aid for postsecondary education of Maryland students.

Senate Bill 662 - Education - Commission on Multicultural Education - Establishment

Sponsor: Senator Ellis

Hearing: 3/9 @ 1:00pm; Committee: Education, Health, and Environmental Affairs

STATUS: **NO MOVEMENT**

- This bill requires that the State Board provide staff to a newly-established Commission on Multicultural Education.
- The Commission shall develop standards and a model statewide curriculum for multicultural education and the Commission shall conduct a formal review of multicultural representation in the existing social studies and history standards offered in the State.
- The Commission shall also develop model coursework that includes historical and current events that impact various ethnic groups.
- On or before July 1, 2023, the Commission shall report its interim findings to the State Board and other entities.

Senate Bill 668 - Good Job Opportunities for High School Graduates Act of 2021

Sponsor: Senator Rosapepe

Hearing: 3/9 @ 1:00pm; Committee: Education, Health, and Environmental Affairs

STATUS: **NO MOVEMENT**

- The bill repurposes the Career and Technology Education Innovation Grant from FY2022 through FY2031 to redesign high school and community college CTE programs.
- The bill also transfers the administration of the CTE Innovation Grant to the CTE Committee established in the Blueprint for Maryland's Future.

Senate Bill 785 - State Board of Education Membership and Terms - Capability and Capacity Study of Education Agencies

Sponsor(s): Senate President Ferguson and Senator Pinsky

Hearing: TBD; Committee: Ways and Means

STATUS: **PASSED SENATE (45-2)**

- This bill requires the Governor to reappoint or appoint new members by January 1 of the year in which a member's term expires.
- The bill also lays out several qualification requirements for various members of the State Board.
- SB 785 requires the newly-established Accountability and Implementation Board to contract with a consultant to study MSDE's ability to carry out its duties and ability to implement the Blueprint for Maryland's Future.
- The report and recommendations from this study are due to the Governor and General Assembly by September 1, 2022.

Senate Bill 915 - The Blueprint for Maryland's Future - Performance Standards - Clarifications

Sponsor: Senator McCray

Hearing: 3/9 @ 1:00pm; Committee: Education, Health, and Environmental Affairs

STATUS: **NO MOVEMENT**

- The bill adds language regarding “adequate” funding to meet performance standard requirements in Title 13A of COMAR. The definition of “adequate” or “performance standards” is unclear at this time.