The 2017 Maryland Legislative Session: What Your Board Needs to Know

Stephen C. Bounds, Esq., Director of Legal & Policy Services
John R. Woolums, Esq., Director of Governmental Relations
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The 2017 legislative session of the Maryland General Assembly was convened on Wednesday, January 11, 2017 and adjourned “sine die” at midnight on Monday April 10, 2017. The session saw the introduction of 1672 House bills and 1208 Senate bills.

Of these 2880 bills and resolutions, MABE tracked more than 400 bills, and provided testimony and advocated on more than 60 House bills and more than 40 Senate Bills.

More than usual – Many of these bills require policy action by local boards.
New Laws Enacted in 2017

**Student Health**
- Heroin/Opioid Education & School Health
- Suicide Risk Response Training
- Individual or Group Behavioral Counseling Services
- Testing for Lead in School Drinking Water
- Pregnant & Parenting Student Absence Policy
- DHMH – New Diabetes Guidelines

**Student Discipline**
- PreK-Grade 2 Suspension Ban
- School to Prison Pipeline & Restorative Practices Commission
- MSDE - Reducing and Eliminating Disproportionality in School Discipline

**Employee Relations**
- Whistleblower Protection Act
- More Learning, Less Testing Act

**Special Education**
- Burden of Proof – Study
- Parental Consent – Limited to Three Decisions

**Special Education**
- Parental Consent
- IEP Study
- Seclusion/Restraint – Taskforce to Update Regulations
- Specialized Intervention Services

**Other Bills of Note**
- ESSA – Protect Our Schools Act
- More Jobs for Marylanders Act
- Open Meetings Act Training
Student Health:

- Heroin/Opioid Education & School Health (HB 1082/ SB 1060)
- Suicide Risk Response Training (HB 920)
- Individual or Group Behavioral Counseling Services (HB 786)
- Testing for Lead in School Drinking Water (HB 270)
- Pregnant & Parenting Student Absence Policy (HB 616/ SB 232)
- New Diabetes Guidelines issued May 2017 (HB 771(2016))
Heroin/Opioid Education & School Health  (HB 1082/ SB 1060) (Del. Bromwell/Sen. Miller)

• This bill (1) requires the State Board of Education to expand an existing program in the public schools to encompass drug addiction and prevention education (specifically heroin and opioids); (2) requires each local board of education to establish a policy requiring each public school to store naloxone and authorize school personnel to administer it; and (3) requires each local board of education or local health department, by local agreement, to hire a county or regional community action official or to develop an equivalent program.
Supporting Information

• Curriculum - The State Board of Education must implement a program of drug addiction and prevention education in schools that includes instruction related to heroin and opioid addiction and prevention, including information relating to the lethal effect of fentanyl.

• This instruction must be delivered in the following grade bands: (1) third grade through fifth grade; (2) sixth grade through eighth grade; and (3) ninth grade through twelfth grade.

• The instruction must be delivered as a stand-alone unit in the program.
School Responses to the Opioid Crisis

Supporting Information

• School Health Policy - Each local board of education, in accordance with school health guidelines and State laws and regulations, must authorize a school nurse, school health services personnel, and other school personnel to administer naloxone or another overdose-reversing medication to a student or other person on school property who is reasonably believed to be experiencing an opioid overdose.

• The policy must include: (1) a provision requiring all public schools to obtain and store naloxone or another overdose-reversing medication, and (2) a requirement that each public school develop a method for parental or guardian notification of the policy.
Supporting Information

- Community Action Official/Program - Each local board of education or local health department, by local agreement, must hire a sufficient number of either county or regional community action officials or develop and implement a program that provides the community relations and education functions that would be performed by community action officials.

- Such an official must (1) coordinate school-based community forums in cooperation with law enforcement, and (2) conduct specified public relations efforts, including parent contacts, electronic media, and public service announcements.
School Responses to the Opioid Crisis

Supporting Information

- Cost & Liability - Potential significant increase in expenditures for local boards and/or health departments under contract with school boards to provide naloxone and any associated training and to hire community action officials and implement program requirements.

- The bill exempts school nurses, other school health services personnel who are licensed or certified under the Health Occupations Article, and other school personnel who comply with the bill’s requirements and who respond in good faith to a student’s overdose emergency from personal liability for any act or omission in the course of responding to the emergency, except for willful or grossly negligent acts.
Questions for Board Consideration

1. Do you understand this issue?
2. How has the issue been handled in the past?
3. What are the budget ramifications?
4. Who does the Board/LEA need to work with on this legislative policy requirement?
5. Do you have a choice in the matter, legally?
6. How does this policy mandate mesh with existing policies, regulations, and practice?
7. Does your Board need to take action, and if so what, when, and how?
Suicide Risk Response Training (HB 920) (Del. Fraser-Hidalgo)

- This bill requires the State Board of Education to require, by July 1, 2018, all certificated school personnel who have direct contact with students on a regular basis to complete training by December 1 each year in the skills required to (1) understand and respond to youth suicide risk and (2) identify professional resources to help students in crisis.

- Each local board must determine the method of training, which must be provided during (1) an in-service program, or (2) a professional development requirement that may be met during time designated for professional development.
Supporting Information

- In general certificated employees include: teachers, principals and assistant principals, school counselors, library media specialists, pupil personnel workers, reading specialists, psychological personnel, and school social workers.

- Local school system expenditures may increase significantly to provide all certificated school personnel who have direct contact with students on a regular basis with the required training each year beginning no later than FY 2019.

- The law may not be construed to impose a duty of care; and legal actions against trained employees are limited to cases of gross negligence.

- The State Board must adopt regulations.
Questions for Board Consideration

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Individualized or Group Behavioral Counseling Services (HB 786) (Del. Angel)

- This bill requires the Department of Health and Mental Hygiene (DHMH), in conjunction with the Maryland State Department of Education (MSDE), to recommend best practices for local boards of education to provide to students (1) behavioral needs assessments and (2) individualized or group behavioral health counseling services with a health care provider through a school-based health center or community-partnered school-based behavioral health services.
Supporting Information

• Current Law - Under the COMAR 13A.05.05, each local board must provide a coordinated program of pupil services for all students, which must include school counseling, pupil personnel services, school psychology, and health services. The pupil services program must focus on the health, personal, interpersonal, academic, and career development of students.

• Current Practice - The determination of whether or not a student needs a mental, behavioral, or medical assessment occurs through coordination of pupil services and the student support team process.

• School psychologists are trained to determine whether students need a behavioral health assessment. School nurses are trained to identify student physical health, behavioral health, and evaluation needs.
Supporting Information

• New Law - “Behavioral health counseling services” means prevention, intervention, and treatment services for the social-emotional, psychological, behavioral, and physical health of students, including mental health and substance abuse disorders.

• DHMH advises that it would contract with the University of Maryland School of Medicine’s Center for School Mental Health to identify best practices as required under the bill.

• The new law may not be construed to require a county board to provide behavioral needs assessments or individualized or group behavioral health counseling services to students.

• Insurers may not deny coverage solely on the basis that services are provided at a public school or through a school-based health center.
Questions for Board Consideration

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Testing for Lead in School Drinking Water (HB 270) (Del. Lafferty)

- This bill requires the Maryland Department of the Environment (MDE), in consultation with MSDE, the Department of General Services, and Maryland Occupational Safety and Health, to adopt regulations to require periodic testing for lead in each “drinking water outlet” located in a public or nonpublic school.

- Regulations must require initial testing through a phase-in; and establish specific follow-up actions for positive test results. The bill also establishes reporting requirements.

- A waiver from the required testing may be granted under specified conditions. The bill takes effect June 1, 2017.
Supporting Information

- The regulations must (1) require initial testing by July 1, 2018; (2) phase in required testing beginning with school buildings constructed before 1988 and buildings that serve students in a prekindergarten program or any grade from kindergarten through grade 5; (3) establish a sampling method that is consistent with EPA technical guidance; (4) establish the required testing frequency; (5) address best practices and cost-effective testing; (6) require test samples to be analyzed by an MDE-approved entity; and (7) establish required follow-up procedures for test results that indicate an elevated level of lead in a drinking water outlet.
Supporting Information

- Reporting - If a test sample indicates an elevated level of lead, notice of the elevated level of lead be provided to parents/guardians and posted on the school’s website; and the results of the analysis be reported to MDE, MSDE, DHMH, and the appropriate local health department.

- Cost - Local expenditures increase, potentially significantly, beginning in FY 2019 to the extent that schools are responsible for paying for the required sampling and testing. Costs likely increase for schools that test positive for an elevated level of lead to conduct required follow-up actions.
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Pregnant & Parenting Student Absence Policy (HB 616/ SB 232) (Del. Atterbeary/Sen. Manno)

• This bill requires that a student’s absence due to pregnancy or parenting needs is a lawful absence. Each local board of education must develop a written attendance policy for pregnant and parenting students.

• In addition to home and hospital services, the school may allow the student to make up the work that the student missed in a time period that equals at least as many days that the student was absent.

• The student may choose to retake a semester; participate in an online course credit recovery program; or allow the student six weeks to continue at the same pace and finish at a later date. The bill takes effect July 1, 2017.
Supporting Information

- The local board’s attendance policy must excuse all student absences due to pregnancy- or parenting-related conditions, including absences for labor, delivery, recovery, and prenatal and postnatal medical appointments. Policy must:
  - provide at least 10 days of excused absences for a parenting student after the birth of the student’s child;
  - excuse parenting-related absences due to an illness or a medical appointment of the student’s child, including up to four days of absences per school year for which the school may not require a note from a physician; and
  - excuse any absence due to a legal appointment involving the pregnant or parenting student that is related to family law proceedings, including adoption, custody, and visitation.
Supporting Information

• In addition to home and hospital services, the school may allow the student to: (i) make up the work that the student missed in a time period that equals at least as many days that the student was absent; and (ii) choose one of the following alternatives to make up work that the student missed: 1. retake a semester; 2. participate in an online course credit recovery program; or 3. allow the student 6 weeks to continue at the same pace and finish at a later date.

• Each county board must publish its written attendance policy for pregnant and parenting students on the board’s web site.

• The new law takes effect on July 1, 2017.
Questions for Board Consideration

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New – DHMH Issued Final Revised School Health Guidelines in May 2017

• In 2016, legislation passed to require MSDE and the Department of Health and Mental Hygiene (DHMH), to establish guidelines for public schools regarding the administration of health care services to students with diabetes and provide specified technical assistance to schools to implement the guidelines.

• In May of 2017, DHMH issued the revised school health guidelines, “Management of Diabetes in Schools.”

• COMAR requires each local board, in conjunction with the local health department, to formulate written policies ensuring the provision of school health services to students with special health needs.
Supporting Information
The purpose of the Guidelines is to:
• Provide tools for training and planning, and a framework for policy development related to team-based, quality school diabetes management;
• Assist staff to manage and coordinate care so students remain safe in school, are supported to optimally learn, and can have an equal opportunity to participate in all aspects of school programming, including after school activities and other school sponsored events;
• Guide the development and implementation of diabetes medical management plans (DMMP)/health care provider orders, individualized health plans, Section 504 plans; and
• Define the roles and responsibilities of school staff, parents/guardians and students.
Supporting Information

• Decision-making - Diabetes care is provided according to the student’s DMMP/health care provider orders. The school nurse makes decisions regarding how to implement the Diabetes Medical Management Plan (DMMP)/health care provider orders and serves as the liaison between the health care team, school staff, administration, pupil services staff, parents/guardians, food service managers, and the student regardless of who is the designated case manager.

• The act of delegation and/or training school staff to administer insulin is not prohibited in the Maryland Nurse Practice Act (NPA), but must be done in accordance with the NPA, applicable regulations, this Guideline, best practices and principles of delegation, and local school system policy.
Supporting Information

• Unlicensed Staff – The decision to allow trained school staff to perform certain diabetes care tasks is based on the nursing assessment and judgment as to whether the care may be provided in a safe manner by trained school staff. Diabetes care provided by trained school staff should be provided according to the student’s DMMP/health care provider orders, Individualized Health Plan (IHP), and local school system policy.

• Self-Administration – “School system policy should not prohibit blood glucose monitoring in the classroom. Determination of the student’s ability to perform blood glucose monitoring in the classroom should be made based on several factors including DMMP/health care provider orders, nursing assessment, specific aspects of the school setting and the student’s developmental capability.”
Diabetes School Health Guidelines

Supporting Information

• School-sponsored activities – “The school has the responsibility to provide appropriate staff to provide, or support, the routine and emergency needs of students with diabetes during school-sponsored events and field trips based on the student’s DMMP/health care provider orders and nursing assessment.

• Based on nursing judgement, the school nurse, a substitute nurse (e.g., another nurse who is not the usual school nurse), other school health services program staff or other trained school staff, should be available during all school-sponsored activities (i.e., activities attended by the student as a participant; not activities attended as an observer).

• Parents cannot be required to participate in/attend school-sponsored events and activities or field trips as a condition of the student’s participation.”
Supporting Information

• Accommodations – “An important element of diabetes management is coordinating blood glucose monitoring, meals, snacks, physical education (or exercise and physical activity) and medication administration. Students with diabetes may require accommodations.

• Students with diabetes should be individually assessed for their eligibility for services under Section 504 and if eligible, an appropriate 504 accommodations plan should be developed by the Section 504 plan team.

• If a student with diabetes qualifies for special education services, an Individualized Education Program (IEP) may also include specific accommodations.”
Questions for Board Consideration

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6. How does this **policy** mandate mesh with existing policies, regulations, and practice?
7. Does your Board need to take action, and if so what, when, and how?
Student Discipline:

- Ban on Suspensions & Expulsions in PreK through Grade 2 (HB425/SB 651)
- Commission on School-To-Prison Pipeline & Restorative Practices (HB 1287)
- MSDE – Plan for Reducing and Eliminating Disproportionality in School Discipline
Ban on Suspensions & Expulsions in Prekindergarten through Grade 2 (HB 425/SB 651) (Del. Lierman/Sen. Smith)

- This bill prohibits a child enrolled in a public prekindergarten program through second grade from being suspended or expelled from school, subject to exceptions. The bill allows a student in the specified grades to be expelled if required by federal law.

- A student may be suspended for up to five school days if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.
Supporting Information

- School systems must provide intervention and support to address a student’s behavior to any PreK-2 student who is suspended, or who is disruptive to the school environment or commits an act that would otherwise be grounds for suspension but for the student’s grade.

- Intervention and support include: (1) positive behavior interventions and supports; (2) a behavior intervention plan; (3) a referral to a student support team; (4) a referral to an individualized education program; and (5) a referral for appropriate community-based services.

- The school system must remedy the effect of a student’s behavior through appropriate intervention methods including restorative practices, as defined in the bill.
Supporting Information

“Restorative Practices” means practices conducted in a whole-school ethos or culture that supports peace-making and solves conflict by building a community and addressing harm in a school setting and that:

(i) are conducted by trained staff;

(ii) focus on repairing the harm to the community through dialogue that emphasizes individual accountability; and

(iii) help build a sense of belonging, safety, and social responsibility in the school community.
Questions for Board Consideration

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Commission on the School-To-Prison Pipeline & Restorative Practices (HB 1287) (Del. A. Washington)

- This bill establishes the Commission on the School-to-Prison Pipeline and Restorative Practices, staffed by the Center for Dispute Resolution at the University of Maryland School of Law.

- The commission must study current disciplinary practices in Maryland public schools; investigate potential implementation options regarding incorporating restorative practices; document relationships between educational histories of Maryland students, including suspensions, expulsions, retention rates, and dropout rates; and establish a Collaborative Action Plan for a statewide framework for redesigning public school discipline practices.
Supporting Information

On or before October 1, 2017, MSDE must brief the Commission on:

• 2 years of data on the number and distribution by the local school system of school–based arrests, referrals to law enforcement;

• Behaviors, designated by codes of the Maryland Student Records Systems Manual, for which students were disciplined and the consequences used for each response, referencing Section II of the Maryland Guidelines for a State Code of Discipline document; and

• Each local school system’s Code of Conduct and discipline policies, how closely aligned those policies are to the Maryland Guidelines, and uses of restorative practices.
Supporting Information

The bill defines “restorative practices” to mean “a whole school ethos or culture comprising principles and practices that:

1. Support peacemaking and solve conflict by building a community and addressing harm in a school setting;
2. Are conducted by trained staff; and
3. Focus on repairing the harm to the community through dialogue that emphasizes individual accountability and helps build a sense of belonging, safety, and social responsibility in the school community.”
Questions for Board Consideration

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The State Board over a several year period established four basic principles for student discipline reform:

1. Prohibiting “zero tolerance” policies;
2. Reflecting a philosophy that fosters positive behavior;
3. Providing continuous education services to all suspended and expelled students; and
4. Holding school systems accountable for reducing and eliminating disproportionate impacts of student discipline policies on minority students.
MSDE Plan for Measuring Disproportionality

• On January 24, 2017 MSDE unveiled its plan to implement Principle #4: “Holding school systems accountable for reducing and eliminating disproportionate impacts of student discipline policies on minority students”

• The new MSDE plan has three parts:
  ➢ Sharing the methods that MSDE will use to measure disproportionality
  ➢ Outlining the supports and technical assistance for schools that MSDE will provide
  ➢ Noting implementation timeline
Supporting information

• The MSDE plan will use a combination of two complementary models to measure disproportionality:
  - Risk Ratio model – Degree of disproportionality within a school between as student group and all other students
  - State Comparison model – Degree of disproportionality between a student group at a school compared to “all students” at the State level
Supporting information

• The MSDE plan for support and technical assistance for schools with high disproportionality measures (exceeding a value of 3.0):

  ➢ Establish a differentiated system of supports
  ➢ Setting a Technical Assistance Meeting Schedule
Supporting information

• The MSDE plan presented a full implementation timeline:
  - Phase 1 – Initial Data Review – January 2017 (Dissemination, Prof. Dev., Engage Stakeholders)
  - Phase 2 – Root Cause Analysis – 2017-2018 School Year (Complete by school system and school level teams, MSDE Prof. Dev., Eng. S/H)
  - Phase 3 – Full Implementation – 2018-2019 School Year (Identification of schools, Submit strategic local system plans to eliminate)

• The MSDE Plan is available at: http://marylandpublicschools.org/stateboard/Documents/01242017/TabM.pdf
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Employee Relations:

• More Learning, Less Testing Act (SB 452)
• Whistleblower Protection for School Employees (HB 1145)
More Learning, Less Testing Act (SB 452) (Sen. Manno)

- By December 1, 2017, and every two years thereafter in odd numbered years, school systems and teachers unions must mutually agree to a limited amount of time that may be devoted to federal, State, and locally mandated assessments.

- Failure to mutually agree results in grade level caps of 2.2%; and 2.3% for 8th grade.

- In even numbered years, local boards must form District Committees on Assessments comprised of administrators, parents, and teachers selected by the exclusive bargaining unit to make recommendations on assessment policies regarding purpose, value, redundancy, and timing of results.
Student Testing Reforms

Supporting Information

• By August 1, 2017, and each August 1 thereafter in an odd numbered year, a county board and the exclusive employee representative for teachers for that local school system shall meet and confer regarding:
  1. a rubric for evaluating local assessments;
  2. the time required to administer each local assessment; and
  3. the purpose of each local assessment.

• By Dec. 1, a county board and the exclusive employee representative for that local school system shall mutually agree to the amount of time in the aggregate that shall be devoted to federal, state, or locally mandated assessments, on a grade-by-grade basis, for the following year.
Supporting Information

• “Assessment” is defined as a federal, State, or locally mandated test that is intended to measure a student’s academic readiness, learning progress, and skills acquisition.

• Time devoted to teacher–selected classroom quizzes, and exams, portfolio reviews, or performance assessments may not be counted toward the testing limit established in the bill.

• A student may not be subject to the calculation of the time required for assessments if the student participates in:
  1. an advanced placement or international baccalaureate program; or
  2. the scholastic aptitude test (SAT), if administered during the regular school day.
Supporting Information

- At the middle school level, the State Board of Education must develop, in collaboration with the local boards of education, local curriculum specialists in social studies, middle school social studies teachers, and academics with expertise in social studies education, a social studies assessment.

- At the high school level, when MSDE’s contract for the current high school social studies assessment expires, the State Board of Education must, in collaboration with local boards of education, local curriculum specialists in social studies, high school social studies teachers, and academics with expertise in social studies education, redesign the high school level social studies assessment.
Questions for Board Consideration

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Whistleblower Protection for School Employees (HB 1145) (Del. Tarlau)

• This bill prohibits a public school employer from taking, or refusing to take, any personnel action as reprisal against a public school employee because the employee discloses or threatens to disclose unlawful behavior; provides information or testifies for an investigation of unlawful behavior; or objects to or refuses to participate in unlawful behavior.

• Importantly, as amended the bill requires that a school employee must exhaust any administrative remedies before instituting a civil action under the bill.
Whistleblower Protection

Supporting Information

• The protection provided by the bill applies if the employee has a reasonable, good faith belief that the employer has, or still is, engaged in an action or policy that is a violation of law, rule, or regulation.

• The employee must disclose information that the employee reasonably believes evidences (1) an abuse of authority, gross mismanagement, or gross waste of money; (2) a substantial and specific danger to public health or safety; or (3) a violation of law.

• The employee must report the employer’s acts to a supervisor or administrator in writing and provide the employer with a reasonable opportunity to correct the situation.
Questions for Board Consideration

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Special Education:

- Parental Consent – Limited to Three Decisions (SB 710)
- IEP Study (No Shifting of Burden of Proof) (HB 1240)
- Seclusion/Restraint – Taskforce to Update Regulations (SB 786)
- Specialized Intervention Services – Reports (SB 1)
Parental Consent for IEP Team Decisions *(SB 710)* (Sen. Conway)

- This bill requires the individualized education program (IEP) team to obtain written consent from a parent if the team proposes to: (1) enroll the child in an alternative education program that does not issue or provide credits toward a high school diploma; (2) identify the child for the alternate assessment aligned with the State’s alternate curriculum; or (3) include restraint or seclusion in the IEP to address the child’s behavior.
- The bill takes effect July 1, 2017.
Supporting Information

• If the parent does not provide written consent, the IEP team must send the parent written notice within five business days of the IEP meeting that:

  (1) the parent has the right to either consent, or refuse to consent, to an action described above, and

  (2) if the parent does not provide written consent or refusal to consent within 15 business days of the IEP team meeting, the IEP team may implement the proposed action.

If a parent refuses to consent to the proposed action, the IEP team may use the dispute resolution process to resolve the matter.
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Studies of Special Education Program & Services
(HB 1240) (Del. Kaiser)

• By July 1, 2018, MSDE must contract with an outside entity to conduct a study of the individualized education program (IEP) process in the State. MSDE must report the findings and recommendations of the consultant to the General Assembly by July 1, 2019.

• MSDE, in consultation with school systems, must review and assess staff allocations and resources available to assist the parents and guardians of children with disabilities to participate in the IEP process, as well as current population densities of children with IEPs and of special education teachers. MSDE must report its findings by Dec. 31, 2018.
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Seclusion/Restraint – Taskforce to Update Regulations
(SB 786) (Sen. Zucker)

• This bill requires MSDE to convene a task force to examine policies and practices related to behavioral interventions in schools, including the use of restraint, seclusion, and trauma-informed interventions.

• The task force must develop proposed regulations and consider issues such as observation, locking mechanisms, duration of time, and discontinuation of use.

• The task force must report to the State Board of Education and the General Assembly by October 1, 2017 on its findings and recommended regulations related to seclusion.

• New reporting requirements on the use of seclusion and restraint to be in effect for the 2018-2019 school year.
**Supporting Information**

Beginning with the 2018–2019 school year school systems must report on:

- The number of physical restraint and seclusion incidents, disaggregated by the student’s jurisdiction, disability, race, gender, age, and type of placement; and
- Professional development provided to designated school personnel related to positive behavioral interventions, strategies, and supports and trauma–informed interventions.

School systems must observe and review seclusion rooms, review training plans, and report to MSDE on findings. MSDE must provide guidance on the use of seclusion and rooms for seclusion.
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6. How does this mandate mesh with existing policies, regulations, and practice?
7. Does your Board need to take action, and if so what, when, and how?
Specialized Intervention Services – Reports (SB 1) (Sen. Conway)

- This bill requires that, beginning with the 2018-2019 school year, each local board of education must, by December 1 of each year, submit a report on specialized intervention services to MSDE.

- The report must include information on the number of students in kindergarten through grade 3 receiving the services, the grades in which the services were provided, and the annual budget (including federal, State, and local funds) for the services.
Supporting Information

The bill defines “specialized intervention services” as services provided to kindergarten through grade 3 students who:

• Are not currently identified as needing special education or related services;

• Need additional academic and behavioral supports to succeed in a core curriculum and differentiated instruction general education environment; and

• Receive additional academic and behavioral support in specified settings for at least 90 minutes per week and for at least 10 weeks in a school year.
Supporting Information

- According to MSDE, the term “specialized intervention services” currently does not have a standard definition that is used uniformly across local school systems.
- Local school systems may need to implement new administrative procedures in order to track information related to the number and grade level of students receiving specialized intervention services.
Supporting Information

What are Coordinated Early Intervening Services (CEIS)?

- Under IDEA, CEIS are services provided to students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral supports to succeed in a general education environment.
- IDEA permits LEAs to use IDEA funds for CEIS for students in kindergarten through grade 12.
- An LEA determines which students need additional support. For example, an LEA might consider factors such as performance on reading or math assessments, disciplinary referrals, or suspension and expulsions.
Questions for Board Consideration

1. Do you understand this issue?
2. How has the issue been handled in the past?
3. What are the budget ramifications?
4. Who does the Board/LEA need to work with on this legislative requirement?
5. Do you have a choice in the matter, legally?
6. How does this mandate mesh with existing policies, regulations, and practice?
7. Does your Board need to take action, and if so what, when, and how?
Miscellaneous Items:

- ESSA – Protect Our Schools Act of 2017 (HB 978)
- Apprenticeships – More Jobs for Marylanders Act (SB 317)
- Open Meetings Act Training (HB 880/SB 450)
Consolidated State Plan and Support and Improvement Plans (Protect Our Schools Act of 2017) (HB 978) (Del. Luedtke)

• This bill governs the State’s consolidated state plan to improve student outcomes under the federal Every Student Succeeds Act (ESSA). MSDE must submit the plan to the U.S. Department of Education (ED) in September of 2017.

• The bill specifies parameters for academic and school quality indicators; comprehensive support and improvement plans; targeted support and improvement plans; and prohibits the State from imposing certain interventions.

• The combined total of the academic indicators may not exceed 65% of the composite score.
Supporting Information

- An educational accountability program must include at least three quality indicators that measure the comparative opportunities provided to students or the level of student success in public schools.
- One of the school quality indicators must be school climate surveys. The school climate surveys must include at least one question to educators regarding the receipt of critical instructional feedback.
- Other school quality indicators may include: class size; case load; opportunities to enroll in AP courses, IB programs, dual enrollment, and CTE programs; chronic absenteeism; data on discipline and restorative practices; and access to teachers who hold an Advanced Professional certificate or have obtained National Board certification.
- The school quality indicators used may not be based on student testing.
Supporting Information

• Of the academic indicators established by the State Board, one must be access to or credit for completion of well-rounded curriculum that is indicative of on-track progress at key transition points within elementary and secondary education.

• The composite score must (1) include both academic and school quality indicators; (2) incorporate a methodology that compares schools that share similar demographic characteristics, including the proportion of economically disadvantaged students; and (3) be reported in a manner that states for each score the individual indicator score that is used to calculate the composite score for each school.

• The combined total of the academic indicators may not exceed 65% of the composite score.
Supporting Information

- After a two-year period from the date of a plan’s implementation, if a local board determines that student outcomes have not improved at a public school, the local board must consult with the school to develop additional strategies and interventions including funding community supports.

- After a three-year period from the date of a plan’s implementation, if MSDE determines that student outcomes have not improved at a public school and intervention is necessary, MSDE must collaborate with the local board in determining the appropriate intervention strategy.

- A plan may include a lengthening of the school year beyond 180 days or any other limitation.
1. Do you understand this issue?
2. How has the issue been handled in the past?
3. What are the budget ramifications?
4. Who does the Board/LEA need to work with on this legislative requirement?
5. Do you have a choice in the matter, legally?
6. How does this mandate mesh with existing policies, regulations, and practice?
7. Does your Board need to take action, and if so what, when, and how?
More Jobs for Marylanders Act (SB 317) (Administration)

• This Administration bill, in part, establishes a 10-year income tax credit for specified manufacturing businesses in certain jurisdictions if the businesses increase employment and offer ongoing job skills enhancement training.

• SB 317 also requires the State Board of Education to develop statewide career and technical education (CTE) goals. Specifically, goals must be set for each year from 2018 through 2024 so that by January 1, 2025, 45% of high school students successfully complete a CTE program, earn industry-recognized occupational or skill credentials, or complete a registered youth or other apprenticeship before graduating high school.
Supporting Information

• By Dec. 1, 2017, the State Board must develop a method to consider a student’s attainment of a State-approved industry credential as equivalent to earning a score of 3 or better on an advanced placement examination for purposes of the Maryland Accountability Program if the student was enrolled in, and earned the credential aligned with, the State-approved CTE program of study at the concentrator level or higher or successfully completed an apprenticeship program approved by MATC.
Supporting Information

- In the 2015-2016 school year, almost 39% of high school students were enrolled in a CTE program of study, and 21% of all seniors completed a CTE program. Maryland graduated 57,548 students, and out of this number, 12,301 were CTE completers.

- To meet the goal of having 45% of high school graduates successfully complete a CTE program, schools must more than double the number of graduates that successfully complete a CTE program from 12,301 to 25,897 students by January 1, 2025.

- MSDE advises that schools have staffing, equipment, and facility constraints, so expenditures likely increase significantly to accommodate increased CTE program enrollment.
Questions for Board Consideration

1. Do you understand this issue?
2. How has the issue been handled in the past?
3. What are the budget ramifications?
4. Who does the Board/LEA need to work with on this legislative requirement?
5. Do you have a choice in the matter, legally?
6. How does this mandate mesh with existing policies, regulations, and practice?
7. Does your Board need to take action, and if so what, when, and how?
Open Meetings Act Training (HB 880/SB 450) (Del. Morales/Sen. Manno)

• Beginning October 1, 2017, a public body may not meet in closed session unless at least one member of the body has been designated to receive training on the requirements of the Open Meetings Law. If at least one such individual cannot be present at an open meeting of the public body, the body must complete a specified compliance checklist developed by OAG and include the checklist in the meeting minutes.

• The classes are offered online at no charge and last between 30 and 60 minutes.

• This bill adds MABE as an approved organization for training purposes.
Supporting Information

• At least one member of each public body must take a training class on the Open Meetings Act. Under current law, each public body must designate at least one individual who is an employee, officer, or member to take the training class.

• While employees or staff can continue to take the training class, after October 1, 2017, at least one member of the public body must be also designated to take the class.

• The designated member has 90 days after the designation to take the class.
Open Meetings Act Training

Supporting Information

• Public bodies that have not designated a member to take a class may not meet in closed session after October 1, 2017.

• If a public body has not designated a member to take the class by October 1, 2017, the public body loses the ability to go into closed session.

• The member only needs to be designated by October 1 and may take the class at a later date as long as it falls within the 90 days after being designated.
Supporting Information

• When meeting in closed session, a public body must either: (1) have at least one member designated to take the training class present; or (2) follow and complete the Compliance Checklist for Meetings Subject to the Open Meetings Act.

• After Oct. 1, 2017, a public body can only enter closed session if it meets one of two requirements – either at least one member who has been designated to take the training class is present or the public body follows and completes the Compliance Checklist developed by the Office of the Attorney General.

• If the checklist option is used, the checklist must be included in the public body’s meeting minutes.

• [URL](http://www.igsr.umd.edu/VLC/OMA/class_oma_intro1.php)
Introduction

Welcome to Maryland’s Open Meetings Act, an online class offered jointly by the State of Maryland Office of the Attorney General and University of Maryland’s Institute for Governmental Service and Research. Initially enacted in 1977 to foster transparency in government, the Open Meetings Act strikes a balance between the right of citizens to know public business and the need of public bodies to keep certain types of information confidential. This class reviews the purpose of the Act, as well as its application and procedural requirements. Enforcement provisions and the Open Meetings Compliance Board (OMCB) are also covered.

Upon completion of this virtual class, you will be able to:

- Describe the purpose of the Open Meetings Act.
- Determine when the Act applies.
- Understand the ground rules for holding a meeting that is subject to the Act.
- Determine when and how a public body can close a meeting to the public.
- Determine what minutes and other documents are required by the Act.
- Understand how the Act is enforced.
Questions for Board Consideration

1. Do you understand this issue?
2. How has the issue been handled in the past?
3. What are the budget ramifications?
4. Who does the Board/LEA need to work with on this legislative policy requirement?
5. Do you have a choice in the matter, legally?
6. How does this policy mandate mesh with existing policies, regulations, and practice?
7. Does your Board need to take action, and if so what, when, and how?
MABE’s 2017 Session Summary & Resources

• **MABE’s 2017 Legislative Session Summary**
  An overview of education-related budget and legislative highlights from the Session. Intended to prepare local boards of education and local school systems for the implementation of the new laws, regulations, policies and procedures.

• **90 Day Report: A Review of the 2017 Legislative Session**
  The General Assembly’s Department of Legislative Services (DLS) comprehensive summary of all policy and budget matters considered during session.
QUESTIONS?

Stephen C. Bounds, Esq.
Director of Legal & Policy Services
Direct line: 443-603-0391
sbounds@mabe.org

John R. Woolums, Esq.
Director of Governmental Relations
Direct line: 443-603-0390
jwoolums@mabe.org