



Legislative Committee Meeting
 Monday, February 25, 2019
 10:00 – Noon

Julie Hummer, Chair

Agenda

1.	Welcome and Introductions	Information		
2.	Reports from Board Members	Information	Julie Hummer/ All	15 min.
3.	Bill Decisions	Information & Discussion	John Woolums/ All	90 min.
4.	Legislative Updates	Information & Discussion	John Woolums/ All	10 min.
5.	Legislative Committee Calendar <ul style="list-style-type: none"> • Feb. 25, 2019 • March 11, 2019 <i>FYI – March 11 at 6:00 is the March for Our Schools</i> • March 25, 2019 FYI – The 2019 legislative session ends at midnight on April 8, 2019 • April 29, 2019 – Session Wrap-Up 	Information	Julie Hummer	5 min.
6.	Adjournment	Closing Remarks	Julie Hummer	

See reverse for links to meeting materials and additional resources.

Materials & Resources for the Feb. 25, 2019 Meeting

Item 3. Bills for Discussion & Decisions

House Bill 238 and Senate Bill 747 - Education - Removal of County Superintendents - Procedures

As introduced, this bill would authorize a local board of education to file a complaint with the State Superintendent of Schools requesting the removal of a county superintendent of schools; allow 90 days for the State Superintendent's decision; allow local boards to appeal the State Superintendent's decision to the State Board of Education; and allow the local superintendent to appeal by choosing between a hearing before the State Superintendent or arbitrator.

MABE adopted the position to oppose this bill on Feb. 4, 2019. The House bill was heard on Feb. 7th and the Senate Bill was heard on Feb. 13th.

Update: The House bill sponsor has endorsed amendments to allow either a local board of education or the State Superintendent to remove a local superintendent for one or more of the established just causes.

Senate Bill 481 and House Bill 1253 - Environment - Drinking Water Outlets in School Buildings - Elevated Level of Lead and Grant Program

This bill would redefine elevated level of lead to mean a concentration in drinking water that exceeds 5 parts per billion, rather than the current law's reference to the standard recommended by the U.S. EPA. The EPA recommended standard has, for many years, been 15 parts per billion. Importantly, the bill would also establish and administer a grant program to provide grants to local school systems to assist with the costs associated with implementing remedial measures to: (1) address any findings of elevated levels of lead in drinking water outlets in school buildings; or (2) upgrade drinking water systems in school buildings that do not have functioning drinking water outlets. The Senate and House bills will be heard, respectively, on February 27th and March 6th.

House Bill 670 - Public Safety - Special Police Officers - Employing Entity

This bill would authorize a municipal corporation, county, or other governmental body of the State to apply for the appointment of special police officers to protect the owned, leased or regularly used property of another governmental body, with the written approval of the other governmental body; and generally relate to special police officers. Hearing on Feb. 26th.

House Bill 725 and Senate Bill 766 - Public Schools - Student Discipline - Restorative Approaches

This bill would generally require a school principal to implement restorative approaches, rehabilitative, special education, or other supportive service interventions before suspending or expelling a student. However, the bill would allow a principal to suspend or expel a student before implementing such approaches if the student's presence in the school poses an imminent threat of serious harm to other students or staff; and the circumstances require the immediate removal of the student. Further, the bill would require each local board to develop a multiyear plan for the adoption, implementation, and continued monitoring of the use of restorative approaches for student discipline. The House and Senate bills will be heard, respectively, on February 28th and March 6th.

House Bill 1229 - Restorative Schools Fund and Grants – Establishment

This bill would establish the Restorative Schools Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the State Department of Education to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; requiring the Governor to include at least \$3,000,000 for the Fund in each annual budget submission; specifying the purpose for which the Fund may be used; specifying the purpose for which certain grants may be used; etc. Hearing on Feb. 28th.

House Bill 950 - State Department of Education - School Discipline - Data Collection

This bill would require the State Department of Education to disaggregate discipline-related data in an electronic spreadsheet format for the Maryland Report Card; require the Department to provide discipline-related data to the public in an accessible electronic spreadsheet format; require the Department to lower a risk ratio used to identify a school as high suspending from 3.0 to 2.0; and require the Department to report disproportionality data about high-suspending schools; etc. Hearing on Feb. 28th.

House Bill 727 and Senate Bill 731 - Public School Construction - Maryland Stadium Authority - Supplemental Funds

Note: This bill is substantially similar to the Building Opportunity Act introduced by Governor Hogan (HB 153/SB 159) with the major difference being that the funding source would be State Lottery proceeds, rather than the Education Trust Fund which is generated from Casino proceeds (and the subject of the constitutional amendment referendum of 2018). Senate hearing on Feb. 27; House hearing on Feb. 28.

- This bill would authorize the Maryland Stadium Authority to issue bonds to finance the construction of or improvements to public school facilities.
- These bonds are defined as the limited obligation of the Authority payable solely from certain pledged money and are not a debt, liability, moral obligation, or pledge of the faith and credit or taxing power of the State, the Authority, or any other governmental unit; requiring the Authority to obtain approval from the Board of Public Works before each issuance of bonds to finance improvements to public school facilities. The construction of an educational facility would require an MOU between the school system, county government, and interagency commission on school construction.
- The bill would establish the Supplemental Public School Construction Financing Fund and Supplemental Public School Construction Fund as continuing, nonlapsing funds for the purposes of paying debt service and school facility architecture, design and construction costs. The bill would provide that the sole source of payment for any costs or expenses related to financing public school facilities shall be the money on deposit in the fund and the financing fund and bond proceeds held under a trust agreement.
- The bill would require that before a public school facility project is approved for funding from the Supplemental Public School Construction Fund, the Authority shall enter into a memorandum of understanding with the Interagency Commission on School Construction, and the county board of education or the county, or both, for the management and oversight of a public school facility project.
- Under the MOU, only the Authority would be authorized to design and improve, or contract for the design and improvement of, a public school facility. Certain school systems may be eligible for waivers to manage their own school construction projects.
- The money in the financing fund shall be used to supplement, but not supplant, money appropriated to the public school construction program established in title 5, subtitle 3 of the education article.

- The Authority may transfer money on deposit in the Supplemental Public School Construction Fund to the local share of school construction costs revolving loan fund established under § 5–315 of the education article to provide loans to local governments in accordance with the requirements specified in that section.
- The bill includes the requirement that money in the State Lottery Fund shall be used to make a deposit into the Supplemental Public School Construction Financing Fund established under § 10–658 of the Economic Development Article in an amount equal to \$125,000,000 in each fiscal year that bonds are outstanding and unpaid.

House Bill 844 - Public Schools - School Psychologists - Reports

This bill would require each local school system in the State to submit a report, on or before July 1, 2020, on school psychologists in the local school system. Hearing on March 1.

The reports must include:

- (1) Current ratio of school psychologists to students in each public school in the local school system;
- (2) For schools with less than 750 students, strategies to increase the number of school psychologists in each school to no less than one school psychologist in each school on or before October 1, 2020, including any additional State or local funding needed by the local school system;
- (3) For schools with 750 students or more, strategies to increase the ratio of school psychologists in each school system to no less than one school psychologist to every 750 students on or before October 1, 2020, including any additional State or local funding needed by the local school system;
- (4) Policies to decrease the wait times for students seeking to meet with a school psychologist; and
- (5) Strategies to increase the recruitment and retention of qualified school psychologists in the local school system.

House Bill 1019 - State Board of Education - Public High School Students - Assessments and Graduation Requirements

This bill was intended to include the following provisions. Hearing on Feb. 28.

- Beginning with the 2019-2020 school year, the State Board may not require that any student achieve a passing score on one or more Maryland High School Assessment in order to receive a Maryland High School Diploma; and
- Beginning no sooner than the 2021-2022 school year, the State Board may require that any student achieve a passing score on one or more Maryland High School Assessment only if the High School Assessment has been administered to all eligible students for at least two school years.

House Bill 1022 - County Boards of Education - Spending - Reporting Requirement

This bill would require the following: By October 1, 2020, and every 3 years thereafter, each local board of education must submit a funding report to the department that includes the state, local, and federal per student spending for: (1) students qualified for compensatory education funding; (2) students qualified for limited-English proficiency funding; (3) students qualified for special education; (4) magnet students; and (5) all other students. This information must be provided for each public school in the county. Hearing on March 1.

House Bill 1273 and Senate Bill 599 - Immigration Enforcement - County Boards of Education, Public Institutions of Higher Education, and Hospitals - Policies

This bill would require each local board of education, public institution of higher education, and hospital to establish a policy on or before July 1, 2020 that limits immigration enforcement on the premises to the fullest extent possible consistent with federal and State law based on guidelines established by the Attorney General; and require the Attorney General, in consultation with stakeholders, to develop guidelines on or before December 31, 2019.

The Senate hearing is Feb. 27; the House hearing is March 5.

House Bill 1165 and Senate Bill 718 - State Government - Government Agents - Requests for and Use of Immigration Status Information

This bill would prohibit a government agent from requesting or coercing information relating to the immigration or citizenship status of a person, a person's family, or a person's acquaintances, unless required by law. An aggrieved person may seek redress by means of any appropriate legal remedy and recover court costs and reasonable attorney's fees. The Senate hearing was Feb. 21; the House hearing is March 5.

House Bill 1144 and Senate Bill 964 - County Boards of Education - Equal Access to Public Services for Individuals With Limited English Proficiency

This bill would require that, on or before July 1, 2022, each local board of education must fully implement the requirements of § 10–1103 of the State Government Article to provide equal access to public services for individuals with limited English proficiency. Those provisions require reasonable steps to provide equal access to public services include:

- (1) The provision of oral language services for individuals with limited English proficiency, which must be through face-to-face, in-house oral language services if contact between the agency and individuals with limited English proficiency is on a weekly or more frequent basis;
 - (2) The translation of vital documents ordinarily provided to the public into any language spoken by any limited English proficient population that constitutes 3% of the overall population within the geographic area served by a local office of a State program; and
 - (3) Any additional methods or means necessary to achieve equal access to public services.
- The House hearing is March 1; no Senate hearing is scheduled.

Senate Bill 586 and House Bill 1000 - School Maintenance Incentive Funding Act of 2019

This bill would require the Governor to include in the annual State budget an amount for each local board of education to support the maintenance of school buildings and equipment.

Specifically, the mandated annual appropriation would be the lesser of: an amount equivalent to a county board's maintenance of plant expenditures; or 3% of total funds expended for the operating budget. The Senate hearing is March 5; the House hearing is March 7.

House Bill 1242 and Senate Bill 915 - Public School Students - Vision Services and the Vision for Maryland Program

This bill would require each local board of education to coordinate with the Vision for Maryland Program to ensure that certain students are able to receive eye examinations and, if necessary, eyeglasses; require each county board or county health department to provide eye examinations for certain students; establishing the Vision for Maryland Program; and require the Maryland Department of Health to carry out the Program in consultation with certain entities; etc. The House hearing is on March 7; no Senate hearing is scheduled.

House Bill 1286 - School Vehicles – Three–Point Seat Belts – Pilot Program

This bill would establish a pilot program with the Maryland Department of Transportation to provide competitive grants to local school boards for equipping school vehicles with three-point seat belts; provide that the goal of the program is to determine the feasibility and desirability of equipping school vehicles with three-point seat belts; require the Department of Transportation to implement and administer the pilot program; and require the Department to solicit applications from county school boards for grants to defray certain costs of the program; etc. The hearing is on March 7.

House Bill 1137 - Task Force to Study the Home and Hospital Teaching Program for Students

This bill would establish the Task Force to Study the Home and Hospital Teaching Program for Students. The Maryland State Department of Education (MSDE) must provide staff support for the task force. MABE has a designated representative on the task force, among other educational stakeholders. The bill hearing is Feb. 22.

The task force must (1) assess whether students in the program receive adequate support and instructional time to successfully transition back to a classroom setting; (2) analyze whether local school systems have sufficient staffing to coordinate instructional services for students; (3) study whether transition plans for students returning to the classroom should be implemented and, if so, the viability of having school counselors lead and develop those plans; and (4) assess whether any transition plans should be reviewed or evaluated by a licensed medical professional prior to implementation. The task force must report its findings and recommendations to the Governor, the Maryland State Board of Education, and the General Assembly by December 31, 2019.

House Bill 1201 and Senate Bill 972 - Task Force on Educational Outcomes of Pregnant and Parenting Students in High School and GED Programs

This bill establishes the Task Force on Educational Outcomes of Pregnant and Parenting Students in High School and GED Programs staffed by the Maryland State Department of Education (MSDE). Neither MABE nor any other educational stakeholders are represented on this task force. The House bill hearing is Feb. 22; no Senate hearing scheduled.

The bill requires the task force to report its findings and recommendations to the State Board of Education and the General Assembly by June 30, 2021. The task force must:

- Track and assess educational outcomes of pregnant and parenting students in high school and GED programs through the evaluation of specified factors;
- Identify best practices on (1) how to collect data and track educational outcomes; (2) how pregnant and parenting students are able to secure basic needs; (3) how pregnant and parenting students are informed of their rights and school resources; and (4) how such students access information about supporting their children's learning;
- Determine a method of encouraging State agencies and school administrators to work collaboratively to ensure that diploma-seeking pregnant and parenting students complete their education; and
- Make recommendations on how best to prevent school pushouts and dropouts and eliminate barriers to education for pregnant and parenting students in public schools.

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

This bill would codify the Kirwan Commission recommendations regarding Career and Technology Education (CTE) and College and Career Readiness relating to program standards, curriculum, assessments, per pupil funding, and governance.

This bill would establish the Career and Technology Education Committee; provide for the Committee's purpose, membership, chair, duties, powers, meeting schedule, quorum procedures, and voting procedures; requiring that the Committee, in consultation with the State Board, establish for certain years statewide goals for reaching a certain percentage of high school students who complete a youth apprenticeship or any other industry-recognized occupational credential; providing that an industry credential be completed by completing certain apprenticeships.

(d)(1) Beginning with the 2023–2024 school year, each county board shall provide all students who complete the assessment required under subsection (c) of this section with access to a post college and career readiness (post-ccr) pathway, including:

(i) a competitive entry college preparatory curriculum, chosen by the county board, consisting of:

1. the International Baccalaureate Diploma Program;
2. the cambridge AICE diploma program; or
3. a comparable program consisting of advanced placement courses specified by the college board;

(ii) a program that allows a student, at no cost to the student or the student's parents, through dual enrollment at a student's high school and an institution of postsecondary education to earn:

1. an associate degree in art or science; or
2. at least 60 credits toward a bachelor's degree in art or science; and

(iii) a robust set of career and technology education (CTE) programs that are recommended by the CTE skills standards advisory committee and approved by the career and technology education committee under § 21–207 of this article and that allow students to complete:

1. a certificate or license program, course, or sequence of courses at a secondary or postsecondary institution that, at no cost to the student or the student's parents, leads to certification and licensure;
 2. a registered apprenticeship program approved by the division of workforce development and adult learning within the department of labor, licensing, and regulation;
- or
3. a youth apprenticeship program, under Title 9, subtitle of this article.

(2) each public high school shall provide access to at least one program described under paragraph (1) of this subsection at that public school or at another public school in the county.

(3) (i) each student who completes the assessment required under subsection (c) of this section shall choose a post-CCR pathway from those offered in paragraph (1) of this subsection.

(ii) each public high school shall provide a student with counseling services to help the student choose a post-CCR pathway that fits with the student's educational and career goals.

Senate Bill 588 and House Bill 1250 - Career Education Act of 2019

This bill would Requiring the Department of Labor, Licensing, and Regulation to develop a mobile application to target employers in industries in which industry skills align with the skills developed through membership in a certain student organization; requiring county boards of education to treat the pursuit of certain certificates, certifications, or apprenticeships as the equivalent of pursuing postsecondary education; requiring a county board to pay any fees related to career technology student organizations; etc.

- A county board may not prohibit a school created pursuant to a contract between a county board and a school operator from selecting a course in career and technology education or a course in academic technology to satisfy a requirement to earn a credit in technology education to graduate from a public high school in the state.
- If a county board pays for a student to take an Advanced Placement exam, a preliminary Scholastic Aptitude Test (PSAT), or a Scholastic Aptitude Test (SAT), the county board shall pay for a student to take an industrial certification exam or apprenticeship entrance exam.
- If a county board pays any fees, in whole or in part, related to student academic or sports organizations, the county board shall pay any fees related to career technology student organizations.
- Requiring that a county board [may] SHALL count toward high school attendance the time an apprentice or youth apprentice spends during work-based training with an employer under a registered apprenticeship program.

Senate Bill 492 - Investment in Job Skills Act of 2019

This bill would establish the Career and Technology Education Grant Program; provide for the purpose of the Program and require the Interagency Commission on School Construction to implement and administer the Program; specifying certain requirements for grants awarded under the Program; requiring the Interagency Commission to award certain grants to county boards of education and to develop application procedures and eligibility requirements under the Program; requiring the Interagency Commission to adopt certain procedures; authorizing the Governor, for certain fiscal years, to provide a certain appropriation for the Program; etc. For FY 2021 through 2027, the Governor may appropriate in the annual budget up to \$2,000,000 to the program.

Senate Bill 586 and House Bill 1000 - School Maintenance Incentive Funding Act of 2019

This bill would require the Governor to include in the annual state budget an appropriation to each county board equivalent to the lesser of:

- (1) an amount equivalent to a county board's maintenance of plant expenditures; or
- (2) 3% of total funds expended for the operating budget for the categories identified in § 5-101(b)(2) of this title.

The amount appropriated shall be in addition to any other state funds provided to the county board in that fiscal year. Each county board that receives funding under this section may use the funds only to support the maintenance of school buildings and equipment.

Item 4. Legislative Updates

Senate Bill 128 and House Bill 437 - County Boards of Education - School Year - Start and End Dates

On February 12th, by a vote of 31-13, the Maryland Senate overwhelmingly passed Senate Bill 128, which would allow each local board of education the clear decision-making authority to adopt a local school year calendar, including a calendar starting before Labor Day. On Thursday, February 14th the House Ways and Means Committee held a hearing on House Bill 437, the identical cross-file of Senate Bill 128. The bill includes the following, straightforward, provision:

“NOTWITHSTANDING ANY OTHER PROVISION OF LAW ... EACH COUNTY BOARD SHALL SET THE START DATE AND END DATE OF THE SCHOOL YEAR FOR THE PUBLIC SCHOOLS IN THE COUNTY EACH YEAR.”

Senate Bill 13 and House Bill 867 - Juveniles - Reportable Offenses

MABE is pleased that the full Senate has now voted favorable with amendments on Senate Bill 13, to require the Department of Juvenile Services (DJS), for students committed to its custody, to notify the local superintendent and the school principal of a school in which the student has enrolled or transferred, of the student’s arrest for a reportable offense. The Senate Judicial Proceedings Committee adopted amendments to address concerns raised during the bill hearing opposing the reporting of “educational programming and related services provided to a student” and to ensure that services provided for students address “the social, emotional, and academic development” needs of students. MABE Testimony MABE looks forward to testifying on February 21st in the House Judiciary Committee in support of the identical House Bill 867.

Senate Bill 686 - Maryland Healthy Working Families Act - Applicability

This bill would provide that the Maryland Healthy Working Families Act does not apply to employees of a county board of education who are called to work on an as-needed basis, can reject or accept the shift offered by the county board of education, and are not guaranteed to be called on to work by the county board of education. MABE and PSSAM unsuccessfully sought an amendment to achieve this exemption in 2018. This bill hearing is on February 21. (MABE Position: Support)

House Bill 690 and Senate Bill 734 - Education - Students with Reading Difficulties - Screenings and Interventions

This bill would establish a new, comprehensive set of standards and requirements pertaining to the screening, identification, and instruction and monitoring of students with reading difficulties. The bill has the support of more than 85 cosponsors in the House. The House and Senate bills will be heard, respectively, on February 21 and February 26. (MABE Position: Oppose)

- Beginning in the 2020–2021 school year, each local school system would be required to ensure that a student is screened to identify if the student is at risk for reading difficulties.
- Screening instruments must meet tiered assessment standards, including:
 - Prekindergarten: phonological awareness and phonemic awareness skills.
 - Kindergarten: (i) phonological awareness and phonemic awareness skills; (ii) knowledge of letter names and sound associations for uppercase and lowercase letters; and (iii) normed rapid automatized naming.

- First Grade or above: (i) phonological awareness and phonemic awareness skills; (ii) knowledge of letter names and sound associations for uppercase and lowercase letters; (iii) normed rapid automatized naming; (iv) automatic and fluent single-word recognition with nonsense and real words; and (v) oral reading fluency.
- If the screening results indicate that a student is at risk of reading difficulties, the school system must: (i) conduct an informal diagnostic assessment of the student to determine the specific areas of instructional need for supplemental reading instruction; (ii) provide supplemental reading instruction to address the student's identified areas of need; and (iii) notify the parents.
- "Supplemental reading instruction" is defined as evidence-based, sequential, systemic, explicit, and cumulative instruction or intervention to mastery of foundational reading skills including phonological or phonemic awareness and processing, phonics, and vocabulary to support development of decoding, spelling, fluency, and reading comprehension skills to meet grade level curriculum.
- School systems would be required to set a schedule, with intervals of not more than 10 weeks, for progress monitoring of students who receive supplemental reading instruction. If progress monitoring data reflect insufficient progress, the school system must adjust the supplemental reading instruction to ensure that the student is making adequate progress toward grade level reading standards.

House Bill 156 and Senate Bill 172 - Public Charter School Facility Fund

This bill would Establishing the Public Charter School Facility Fund as a special, nonlapsing fund; specifying that the Fund shall be used to provide funding to public charter schools in the State to acquire, plan, develop, finance, construct, improve, repair, and maintain public charter school facilities; requiring the State Department of Education to administer the Fund; requiring the Governor to appropriate a certain amount to the Fund each year; requiring the Department to establish certain procedures for schools to request funds; etc. The House and Senate hearings are on Feb. 26. (MABE Position: Oppose)

House Bill 1247 - No Fear in Education Act – Student Protection in School (Meadow Pollack's Law)

This bill would require each public school and certain nonpublic schools to have at least two trained individuals who have a handgun permit and carry a handgun or at least two school resource officers who carry firearms. The House hearing is on Feb. 25. (MABE Position: Oppose)