

## 2020 Legislative Session Summary

(Updated August 2020)

### Introduction

The 2020 legislative session of the Maryland General Assembly was convened on Wednesday, January 8, 2020, and adjourned on Wednesday, March 18, 2020. The early conclusion of the 2020 session was a direct reaction to the rapidly evolving public health advice and Governor's Executive Orders for Marylanders to engage in social distancing due to the onset of the COVID-19 pandemic. In the last days of the 2020 session, all legislative buildings were closed to the public and non-essential staff, leaving legislators to work and push through to the new pandemic-induced "sine die" date of March 18, 2020. In these last days, members of both the House and Senate, along with legislative staff, put in extended hours and worked through the nights and weekends. This work culminated in the passage of more than 600 bills, including monumental education funding and policy legislation.

The Legislative Committee of the Maryland Association of Boards of Education (MABE) met regularly throughout the 2020 session to deliberate and vote on bill positions and to receive updates on pending legislation. The Committee is chaired by Julie Hummer (Anne Arundel County) and Vice-Chaired by Mavis Ellis (Howard County). The session saw the introduction of 1,909 House bills and 1,663 Senate bills. Of these 3,572 bills and resolutions, MABE tracked a total of nearly 450 bills, provided testimony, and advocated on 53 House bills and over 30 Senate Bills.

In advance of the legislative session, MABE conducted its annual update of the association's Continuing Resolutions, which provide the foundation for MABE's legislative and policy positions. On October 3, 2019 local board members approved Continuing Resolutions for 2019 - 2020. On November 18, 2020, MABE's Legislative Committee adopted the 2020 Legislative Positions and Priorities.

### The 2020 Session and the COVID-19 Pandemic

The bills described in this summary include two major pieces of legislation which were passed in the General Assembly, but which were vetoed, the Blueprint for Maryland's Future Act (HB 1300), or not allowed to take effect, the Built to Learn Act (HB 1) which is contingent on the enactment of the Blueprint legislation. The failure of final passage and enactment notwithstanding, this summary includes detailed descriptions of the major provisions of both bills. MABE strongly supports the overriding of the veto of the Blueprint legislation (HB 1300) which would also trigger the final enactment of the Built to Learn Act (HB 1) and the launching of a new bond financing program to support much needed school construction and renovation projects.

This summary also highlights the COVID-19 related federal funding initiatives which are assisting States, local governments, businesses, and individuals in meeting immediate costs of responding to the pandemic. However, MABE continues to advocate for federal funding legislation that provides enough aide to ensure that States and local governments not only can, but must, sustain operating funding by offsetting State and local revenue losses in FY 2021 and 2022. Therefore, this report includes highlights of state and federal funding measures taken in response to the COVID-19 pandemic which are specific to public education.

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**MABE's top priorities for the 2020 legislative session included:**

**Support for continued governance autonomy for local boards of education to set education policy and school budgets which provide educational benefits for all students; and opposition to unfunded mandates.**

➤ MABE supports continued autonomy for all local boards to adopt education policies that promote high standards for academic and fiscal accountability. Therefore, MABE opposes any executive, legislative or regulatory initiatives which would have the effect of reducing local board governance or budgetary authority, or which create unfunded mandates.

**Support for full State funding for Maryland's outstanding public schools. Specifically, MABE is seeking passage of the Kirwan Commission legislation to update and enhance the constitutional adequacy and equity of state and local funding.**

➤ Local boards of education are committed to preparing all students to be globally competitive in college and careers, and the State's commitment to 10 years of increased funding and reforms is essential to making this a reality.

**Support for increased State funding for school construction and renovation projects. Specifically, MABE is seeking a capital budget of at least \$400 million, passage of the Built to Learn Act, and an increase in the Aging Schools Program.**

➤ Local boards are committed to investing increased state and local funding to provide safe, sustainable, state of the art learning environments for all students from prekindergarten through 12th grade.

**Support for sustained and increased local government investments in education. Specifically, MABE is seeking passage of the Kirwan Commission legislation including mandated increases in both State and local funding.**

➤ Funding from Maryland's 23 counties and Baltimore City plays a critical role in combination with State and federal funding to support teaching and learning. Therefore, MABE strongly supports the Kirwan Commission's recommendation to require local funding contributions to support all students and targeted funding for our highest need students, including prekindergarten, special education, economically disadvantaged, and English learners.

## 2020 Session Education Highlights

The 2020 legislative session saw the passage of the Kirwan Commission’s Blueprint for Maryland’s Future ([HB 1300](#)), legislation intended to provide major increases in State education funding which was to be phased in over the next 13 years. With the passage of this legislation, Maryland’s public education system was to see increased mandated appropriations beginning in FY 2022 which were intended to transform Maryland’s early childhood, primary, and secondary education system to the levels of high-performing systems around the world.

School construction funding was also the subject of major legislation in the 2020 session, with the passage of House Bill 1, the Built to Learn Act. This bill would authorize the Maryland Stadium Authority to issue up to \$2.2 billion in revenue bonds, backed by annual payments from the Education Trust Fund beginning in FY 2022; payments which are phased in up to the total annual commitment of \$125 million. Furthermore, this bill would allow the Prince George’s County Government and Board of Education to enter into a public private partnership, enhancing the delivery of new and renovated public schools in the county.

Legislation was passed requiring each local board of education to establish the payment of meals and unpaid meal debt while the State Department of Education maintains a database of county meal charge policies ([SB 760](#)). This bill is intended to prohibit stigmatizing actions toward student with unpaid meal debt and manage the payments for school meals.

In addition, several other major pieces of legislation were enacted, including bills to: require the Department of Education, in consultation with the Department of Health and the Department of Human Services, to develop guidelines for schools on a trauma-informed approach ([HB 277](#)); and authorize a parent or legal guardian of a medical cannabis patient under the age of 18 years to designate an adult to be a caregiver, in addition to the parent or legal guardian ([HB 617](#));

This summary provides more detailed information on these and other bills passed in 2020, education funding highlights in the operating and capital budgets, COVID-19 related legislation, summary of the Blueprint for Maryland Future Act, and a list of bills not passed. This summary will be updated regularly to indicate current bill status as accurately as possible.

### Quick Review of Education Bills Passed in 2020

<p><b>State Operating &amp; Capital Budget</b></p> <ul style="list-style-type: none"> <li>• FY 2021 Budget Bill (SB 190)</li> <li>• Budget Reconciliation and Financing Act of 2020 (SB 192)</li> <li>• Capital Budget Bill of 2020 (SB 191)</li> </ul> <p><b>Student Health</b></p> <ul style="list-style-type: none"> <li>• MSDE Guidelines on Trauma Informed Approach (HB 277)</li> <li>• Administration of Medical Cannabis During School Hours and Events (HB 617)</li> </ul>	<p><b>School Meal Programs</b></p> <ul style="list-style-type: none"> <li>• Student Meal Programs and Meal Charge Policies (SB 760)</li> </ul> <p><b>Graduation Requirements</b></p> <ul style="list-style-type: none"> <li>• Homeless/Foster Student Minimum Credits for Graduation in New School System (SB 564)</li> </ul> <p><b>Military Families</b></p> <ul style="list-style-type: none"> <li>• Military Family Student Enrollment (SB 391/HB 503)</li> </ul> <p><b>Special Education</b></p> <ul style="list-style-type: none"> <li>• Special Education Ombudsman (SB 504)</li> </ul>
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## Budget Highlights

### Budget – Operating

#### **SB 190 – The State Budget Bill (Fiscal Year 2020) -**

This bill includes the proposed appropriations for State Aid to Public Education contained in the State Budget for the fiscal year ending June 30, 2021.

#### **SB 192 – The Budget Reconciliation and Financing Act of 2019 -**

This bill executes actions to provide mandate relief, contain costs, and reduce future year general fund expenditures. The bill takes effect June 1, 2020.

### Education Budget Highlights

The General Assembly’s Department of Legislative Services (DLS) has released county-by-county budget information for the upcoming fiscal year, FY 2021, commencing on July 1, 2020. The DLS budget information includes statewide amounts for all public education programs and categories. State aid is also broken down by county, and county-specific pages are provided for all state aid to local governments.

All of this information is typically included in the “90-Day Report” issued by DLS almost immediately following the conclusion of each legislative session. This year, DLS promptly issued a “Major Issues Report” followed weeks later by the “71-Day Report”. MABE commends the extraordinary efforts by DLS staff to support the legislature in expediting the early end of session, while at the same time completing all of the operating and capital budget work and the final passage, with countless amendments, of more than 600 bills. The conclusion of session also saw the passage (pre-veto) of the unprecedented Blueprint for Maryland’s Future bill, HB 1300, totaling over 230 pages (described later in this Summary).

FY 2021 Budget information provided by the Department of Legislative Services:

- Education Aid by program and county (Categorical Education Aid), and County-by-County pages for all local aid.
- State Aid to Local Governments (Education, Libraries, Community Colleges, etc.)
- The 71-Day Report (DLS)

### State Aid to Local Governments for Fiscal 2021 Legislative Appropriation (\$ in Thousands)

<u>County</u>	<u>Public Schools</u>
Allegany	\$88,244
Anne Arundel	413,693
Baltimore City	910,178
Baltimore	753,241
Calvert	92,218
Caroline	63,484
Carroll	142,138
Cecil	112,343
Charles	201,601
Dorchester	49,571
Frederick	278,251
Garrett	23,564
Harford	232,898
Howard	292,353
Kent	10,279
Montgomery	802,044
Prince George's	1,269,872
Queen Anne's	37,853
St. Mary's	115,950
Somerset	36,317
Talbot	16,415
Washington	198,105
Wicomico	165,490
Worcester	21,299
Unallocated	139,028
<b>Total</b>	<b>\$6,466,428</b>

Source: Dept. of Legislative Services

## School Funding and Policy

### **HB 1300 - The Blueprint for Maryland's Future (Not law, vetoed by the Governor on May 7, 2020)**

This bill, beginning in fiscal 2022, would substantially alter State aid and State policy for public schools known as the Blueprint for Maryland's Future. The bill establishes in law the policies and accountability recommendations of the Commission on Innovation and Excellence in Education, including creation of a new Accountability and Implementation Board (AIB) to oversee implementation of the policies and funding provided under the Blueprint. Funding for existing education formulas, including the foundation program and targeted programs, is altered and new funding formulas are established for specific purposes, such as the concentration of poverty grant program and publicly funded full-day prekindergarten program. The bill would also repeal and alter other grants and programs and modify local government school funding requirements. (MABE Position: Support with Amendments)

MABE has developed a separate, comprehensive summary of the Blueprint for Maryland's Future Act, included later in this report.

## School Facilities Funding and Policy

**HB 1 - The Built to Learn Act (Not law, contingent on passage of the vetoed Blueprint bill (HB 1300))** - This bill would authorize the Maryland Stadium Authority (MSA) to issue up to \$2.2 billion in revenue bonds, backed by annual payments from the Education Trust Fund (ETF) beginning in fiscal 2022 that phase up to \$125 million annually by fiscal 2024, for public school construction projects in the State, including to support a possible public-private partnership (P3) agreement for Prince George's County. It would also increase or extend mandated State funding for supplemental public school construction programs and establishes a new special fund and mandate for the highest priority school facilities. (MABE Position: Support with Amendments)

 MABE strongly supported House Bill 1 because it is intended to launch a major and much needed school construction funding initiative to generate \$2.2 billion in school construction funding, through bonds issued by the Maryland Stadium Authority. For MABE and Maryland's 24 local school boards, the mission to provide all of Maryland's students with high performing school facilities conducive to learning is a top priority. Therefore, MABE was disappointed when the Governor's veto of the Kirwan Blueprint legislation (HB 1300) triggered the provision of HB 1 that prevented it from taking effect. MABE continues to support the final enactment of House Bill 1, which at this time is contingent on a veto override of HB 1300, in order to launch this bold initiative.

## Student Health

**HB 277 - Guidelines for Trauma-Informed Approach** - This bill requires the Maryland State Department of Education (MSDE), in consultation with the Maryland Department of Health (MDH) and the Department of Human Services (DHS), to develop guidelines for schools on a trauma-informed approach. (MABE Position: Support)

 MABE strongly supported the passage of HB 277 to develop and distribute guidelines on a trauma-informed approach that will assist public schools with the identification of a student,

teacher, or staff member who has experienced trauma; the appropriate response to trauma; and becoming a trauma-informed school. Local boards support the investment in pursuing this pilot program based on the growing awareness about the critical and detrimental role that trauma has in the lives and learning of so many of our students. Clearly, many students have had traumatic experiences and such trauma can impact learning, behavior and relationships in school. Trauma-informed schools can prepare educators and other school staff to help students feel safe to learn.

**HB 617 - Public and Non-Public School- Medical Cannabis - Policy for Administration During School Hours and Events** - This emergency bill requires the Maryland State Department of Education (MSDE) and the Natalie M. LaPrade Medical Cannabis Commission to jointly develop guidelines for public schools allowing the administration of medical cannabis during school hours and school-sponsored activities and while on a school bus to students who are qualifying patients. (MABE Position: Support with Amendments)

➤ MABE identified major legal and technical obstacles to adopting this bill as introduced and is therefore suggested amendments to this bill, specifically in reference to the school nurses and health professionals required to administer medical cannabis. As amended, this bill would allow students to designate up to two caregivers to administer medication, in addition to their parent or legal guardian. This provision in turn, would allow school nurses to exercise their professional judgment in the administration of medical cannabis.

## Student Meal Programs

**SB 760/ HB 1173 - Public Schools - Student Meal Programs and Meal Charge Policies** - This bill requires each county board of education to establish a meal charge policy that addresses payment for school meals, unpaid meal debt, prohibition of stigmatizing actions, and other issues related to the administration of school meal programs and management of payments for school meals. (MABE Position: Oppose)

➤ MABE supports the intent to ensure the integrity and professionalism within the school meal programs administered across the State each school day on behalf nearly 1 million students. However, MABE believes the bill reflects an overly prescriptive and unsound approach to managing an already underfunded and overburdened sector of public education services.

## Graduation Standards Exceptions

**SB 564 - Education - High School Graduation Requirements - Students in Foster Care or Homeless Youth** – This bill requires a local board of education to waive all high school graduation requirements, including required coursework, established by the local board that are in addition to the high school graduation requirements established by the State Board of Education for a student in foster care or who is a homeless youth, if the student transfers into the local school system from a different local school system in the State while in grades 11 or 12. However, the local board of education may not waive the requirements if the local board makes a finding that the student is reasonably able to complete the local high school graduation requirements in time to graduate from

high school while the student remains eligible for foster care benefits. The bill takes effect July 1, 2020.  
(MABE Position: Support with Amendments)

## **Military Families**

**HB 503/SB 391 - Primary and Secondary Schools - Dependent Children of Service Members - Enrollment and Documentation Requirements** – This bill requires a county superintendent of schools to allow a dependent child of a service member relocating to the State on military orders to enroll in a school in the county in accordance with certain provisions of law; requiring a county superintendent to allow a dependent child of a certain service member to apply for enrollment in a certain public school in the same manner and at the same time as individuals domiciled in the county; requiring the service member to provide certain documentation to the school by a certain time; etc.  
(MABE Position: No Position)

## **Special Education**

**SB 504 - Office of the Attorney General - Special Education Ombudsman** - This bill establishes the Special Education Ombudsman in the Office of the Attorney General (OAG) to serve as a resource to provide information and support to parents, students, and educators regarding special education rights and services. (MABE Position: No Position)

## **Revenue Enhancing Bills**

Several bills passed in the legislature in 2020 to revise Maryland tax law to enhance State revenues, including bills intended to generate revenues to support the implementation of the Blueprint for Maryland's Future. Both HB 732 and HB 932 were amended so that new revenues would be initially dedicated to COVID-19 expenditures. On May 7, 2020 both bills were nonetheless vetoed by Governor Hogan. MABE took no position on the following bills, which would have:

- Create a new gross receipts tax on digital advertising sellers; and increase tobacco taxes and expanding them to include vaping products (HB 732); and
- Expand the sales tax to include digital goods including ebooks, video game downloads, and streaming services (HB 932).

Another bill was signed into law by the Governor for the purpose of approving for the 2020 general election a referendum question on whether to legalize sports betting (SB 4). If approved by voters, additional legislation would be needed to implement the State's new sports betting program. The bill also includes the following provision:

"If the voters of this State adopt a referendum that authorizes sports and event wagering in the State, the State's share of revenues generated by sports and event wagering shall primarily be used for the funding of public education."

## COVID-19 State and Federal Legislative Highlights

### State Funding

As the 2020 session was ending, and MABE and other education advocates were focused on major school funding and policy legislation, several major bills or provisions of bills were enacted related to the State’s response to the COVID 19 pandemic. In addition, the General Assembly formed the “[Joint COVID-19 Response Legislative Workgroup](#)”, which has held nearly weekly tele-meetings featuring briefings and updates from state and national health officials and experts.

### COVID-19 Related Provisions Enacted by the General Assembly in 2020

<ul style="list-style-type: none"> <li>• <a href="#">SB 1079</a> - Allows the Governor to transfer by budget amendment up to 50,000,000 from the Revenue Stabilization Account to fund costs associated with the coronavirus. Requires the Governor to provide the Legislative Policy Committee with at least 7 days for review and comment before transferring funds from the Account. Makes the Act an emergency measure.</li> </ul>
<ul style="list-style-type: none"> <li>• <a href="#">SB 1080/HB 1663</a> - Authorizes the Governor to take certain actions in a state of emergency, including prohibiting cost-sharing by carriers for disease testing, immunization and any associated costs; retailers from increasing the sale or rental price of any good or service by more than 10%; and employers from terminating quarantined or isolated employees.</li> </ul>
<ul style="list-style-type: none"> <li>• <a href="#">SB 190</a> - Part of a larger budget bill for fiscal year 2021. Makes a \$10 million supplemental appropriation to the Department of Health for the current fiscal year to address coronavirus preparedness expenses.</li> </ul>
<ul style="list-style-type: none"> <li>• <a href="#">SB 192</a> - Part of the Budget Reconciliation Act; authorizes a transfer up to \$100,000,000 from the Revenue Stabilization Account to fund costs associated with COVID-19.</li> </ul>

Throughout the summer of 2020, Governor Hogan and MSDE allocated available federal funds, including funds for which the Governor has discretion to identify and select funding priorities.

### COVID-19 Information & Resources

**MSDE** – The Maryland State Department of Education (MSDE) is maintaining a webpage “[Guidance, Resources and Updates for Maryland Schools and Communities](#)” which includes the State Education Recovery Plan and current information on school closures & reopenings, school meals, childcare, educational resources, technical guidance on special education, and frequently asked questions (FAQs)

**Governor Hogan** – The Governor’s office is maintaining a website dedicated to “[COVID-19 Pandemic: Orders and Guidance](#)” which includes all proclamations and orders issued by Governor Larry Hogan related to COVID-19, along with interpretive guidance from the Governor’s Office of Legal Counsel.

## The Federal Response to COVID-19: Education Funding

### Emergency Federal Legislation

The first was the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (H.R. 6074) which became law on March 6, 2020. This bill provided \$8.3 billion for emergency health and medical supplies/equipment and other needs through the Food and Drug Administration; the Centers for Disease Control and Prevention, the National Institutes of Health, and the Public Health and Social Services Emergency Fund; the Small Business Administration, the Department of State, and the U.S. Agency for International Development. The bill also included temporary waivers or application modifications of certain Medicare requirements associated with telehealth services.

The second emergency supplemental funding bill to pass had a much greater impact on local school systems. The Families First Coronavirus Response Act (H.R. 6201) became law on March 18, 2020. This bill largely focuses on public health, nutrition, and emergency leave. The measure guarantees free coronavirus testing, establishes new paid leave requirements, enhances Unemployment Insurance, expands food security initiatives, and increases federal Medicaid funding. The primary impacts on public school systems include the availability of waivers to facilitate school meal services, and employment provisions regarding Emergency Paid Sick Leave and the Family Medical Leave Act.

### The CARES Act

The third and most recent emergency funding legislation is the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (H.R.748) which became law on March 27, 2020. The CARES Act is an unprecedented \$2.2 billion infusion of federal funding to provide direct financial assistance to individuals, businesses, and state and local governments including school systems. Funding for education totals \$30.8 billion, with \$13.5 billion being directed to local school systems. This is far less than the \$75 billion sought by NSBA and therefore emphasizes the need for additional investments elementary and secondary education in future legislation.

Of the more than \$2 trillion the CARES Act provides it only allocates a total of \$13.5 billion in direct aid for local school systems.

The \$13.5 billion Elementary and Secondary School Emergency Relief Fund may be used for any activity authorized by IDEA, ESSA, Perkins CTE, McKinney Vento, as well as a number of emergency activities, including for online learning. These funds will be distributed according to each state's Title I allocation for the most recent fiscal year; at least 90% of the amount must be distributed to districts, in proportion to the district's Title I allocation for the most recent fiscal year. States may reserve .5% for administration and the remainder must be used for emergency activities determined by the state education agency.

The CARES Act also includes the Governor's Emergency Education Relief Fund (\$3 billion), which may be used by Governors to assist Local school systems, institutions of higher education, and early

childhood education/childcare entities that are hardest hit by the emergency to continue to provide educational services to their students.

<b>Estimated Maryland Totals from the Education Stabilization Fund</b> (in thousands)			
Governor's Emergency Education Relief (GEER) Fund: Estimated Grant Amount	Elementary and Secondary Schools Emergency Relief (ESSER) Fund: Estimated Grant Amount	Higher Education Emergency Relief Fund (90% of available funds): Estimated Allocation	Estimated Funding Provided to the State or Institutions of Higher Education in the State
\$45,681	\$207,834	\$182,483	\$435,998
<i>Source: Congressional Research Service (CRS)</i>			

The Department of Legislative Services (DLS) issued a report "[Overview of Federal COVID-19 Assistance for Maryland](#)" which provides a detailed breakdown of Maryland's share of the substantial federal financial assistance provided to the states and local governments in response to the COVID-19 pandemic. DLS currently estimates the State, local governments, and higher education institutions in Maryland will receive an estimated \$4.9 billion in federal assistance. Again, local school systems are to receive a total of \$207 million.

### Next Steps

MABE will continue to advocate for the significant federal funding necessary to sustain at least the currently budgeted levels of education spending by the state and local governments. By doing so, Maryland and each of the 24 local school systems will be poised to implement the funding and policy reforms contained in the Blueprint for Maryland's Future and continue to enhance the educational opportunities for each of our nearly 1 million students.

MABE's Federal Advocacy Center includes information and resources provided by the National School Boards Association (NSBA) including weekly federal updates on federal legislation, U.S. Department of Education policy guidance, and other resources.

## The Blueprint for Maryland's Future House Bill 1300 (2020) (Vetoed - Not law.)

### Introduction

The Blueprint for Maryland's Future Act ([House Bill 1300](#)) is a landmark, generational piece of legislation intended to improve school system performance on behalf of students through targeted investments of major increases in State funding to support significant policy reforms, including increasing teacher pay based on a new career ladder, targeting funding to low-income community schools, and expanded full-day prekindergarten for both four and three year olds. This 230-page bill, unprecedented in thoroughness, ambition, and cost, contains the policy and funding recommendations of the Kirwan Commission on Innovation and Excellence and the addition of major components by the legislature.

The Maryland Association of Boards of Education (MABE), on behalf of all 24 local boards of education, led the advocacy for the legislation requiring that funding formulas adopted in 2002 should be updated, and creating the Kirwan Commission. MABE participated in a leadership role in the work of the Commission over three years to develop its final recommendations.

MABE fully endorses the Blueprint's focus on policy and funding reforms in the following major policy areas:

- The equitable expansion of high-quality early childhood education programs;
- Continuous improvement in teacher pay, preparation, and classroom supports, and a much more diverse workforce of teachers and principals;
- Access for each student in every school to college and career readiness pathways; and
- The significant increase in state and local resources needed to ensure that each and every student is afforded genuine, sustained opportunities to succeed.

MABE views the Blueprint for Maryland's Future as a "Call to Action" for the building of a world class education system in Maryland. This legislation represents a long-overdue updating of the State's school finance system in order to fulfill the Maryland's constitutional education funding imperative. The Maryland State Constitution requires the General Assembly to: "establish throughout the State a thorough and efficient system of free public schools; and shall provide by taxation or otherwise for their maintenance.

During the 2020 legislative session, MABE called on all Marylanders to support the immediate passage of the Kirwan Blueprint legislation in 2020 to make all Maryland public schools world-class to prepare each of our students for success in college and careers. The following advocacy tools were widely distributed to provide clear and concise explanations of the key reasons to pass the legislation: [Blueprint Talking Points](#) - A list of "top 10" talking points; [The Value of the Blueprint](#) - A one-page document outlining key concepts on the importance of the Blueprint; and [Kirwan Business Leaders & the ROI](#) - A brief document outlining why Maryland business leaders and economists supported the bill.

The following outline highlights the bill's significant provisions governing education policy, student funding formulas, funding and performance accountability, and behavioral and mental health.

## Bill Status

On March 14, the Blueprint for Maryland's Future Act (HB 1300) was passed by the General Assembly. The legislation garnered the votes of 6 of 15 Republican Senators (the vote was 37-9), but not Republican Delegates (the vote was 96-38). The Governor vetoed the legislation on May 7, 2020. Therefore, the following summary is intended to describe the policy and funding provisions, including implementation timelines, intended under the Blueprint legislation as passed by the legislature and presented to the Governor. However, if and when the legislature does override the Governor's veto of HB 1300, the bill would take effect 30 days following the veto override in precisely the same form as passed in the spring of 2020. Therefore, separate "companion" legislation would be needed to amend the timelines, and funding and other provisions contained in HB 1300.

## Bill Summary of the Blueprint (HB 1300)

*(Note: HB 1300 was vetoed and therefore is not in effect.)*

### Accountability and Implementation Board

The Blueprint (HB 1300) creates a ten-year, seven-member Accountability and Implementation Board (AIB) to adopt a comprehensive plan to implement the Blueprint for Maryland's Future. The Board would be appointed by the Governor, through a nominating committee process, and subject to Senate confirmation. Some of the provisions that affect board members include a limit on compensation except in the case of reimbursement and a term limit of 6 years per member, phased in through staggered appointments. For FY 21, Governor must include \$1.5 million for the establishment of the Board, and for FY 22 through 31, Governor must include \$1.8 million for the Board, including funds to support 15 staff. These funds must also be used to provide technical assistance to county boards to develop implementation plans.

The Board is not subject to certain State procurement or personnel laws and may adopt regulations. This includes the Open Meetings Acts and Public Information Act. The board must also maintain a public website where implementation plans are posted and updated. Additionally, the Board must develop a Comprehensive Implementation Plan to execute within the Blueprint by February 15, 2021, and to be reviewed by MSDE for approval for each local jurisdiction. Each unit of government responsible for implementing some part of the plan must submit their proposal to the Board by June 15, 2021. Each plan must include a timeline for execution with key milestones to be achieved for each year of the implementation period.

MSDE must submit a joint plan with MHEC for teacher preparation and training, a proposal for the expansion and coordination of Judy Centers, and a plan for the expansion of community-based family support centers. MSDE must also implement a plan for selection, assembly, and deployment of Expert Review Teams; and a method for executing the teacher career ladder and training teachers and school leaders.

The Board is also responsible for withholding at least 25% of the annual increase in the State share of the major education aid for each local school system. Releasing this 25% is contingent on having

an approved plan in FY 22 through 24. From FY 25 on, release is conditional on the Board's satisfaction with how a local plan is being implemented.

## **Review Teams**

The Expert Review Team Program is administered by MSDE and will deploy teams of teachers and other experts to individual schools to determine whether the Blueprint is being successfully implemented. Certain minimum percentages of schools must be visited annually, and every public school must be visited by the 2030-2031 school year. Team reports are advisory in fiscal 2022 to 2024; beginning in fiscal 2025, team reports and recommendations may be used by the Board in determining funding consequences. The CTE Expert Review Team Program is administered by the CTE Committee. These teams are to function like the Expert Review Teams, with an emphasis on determining whether student progress in a CTE pathway is insufficient toward successful completion of the CTE pathway and are deployed per a schedule developed by the CTE Committee.

## **Educator Preparation, Licensure, and Leadership training**

MSDE, in collaboration with the AIB, is required to establish leadership training for the State Superintendent and State Board of Education, local superintendents and county board members, principals, and lead staff. Training must include knowledge of research on how students learn, roles for school leaders in driving change, methods for organizing schools to achieve high performance, and an overview of ethical and transformative leadership, among other things. Education preparation and teacher licensure programs would require aspiring teachers to pass a nationally recognized portfolio-based assessment of teaching ability as a requirement for graduating beginning July 1, 2025.

## **Educator Career Ladder**

The implementation of the Education Career ladder requires each county board to implement a four-level career ladder by July 1, 2023. Level 1 is defined as a State-certified teacher, Level 2 is a teacher pursuing a Master's Degree, 30 credits of a State board approved program of study, or National Board Certification, Level 3 is a teacher who has an NBC or an advanced professional certificate and includes an assistant principal. Level 4 is defined as a teacher on the teacher leadership track or administrative track of the career ladder, each of which is further divided into tiers. If a teacher achieves level 3 or 4 with NBC, they must maintain an active certification to remain on that level.

Minimum salary increases are required as specified beginning on July 1, 2021 for certain accomplishments associated with movement up the career ladder. The costs associated with these salary increases are shared between the State and county government through a new wealth-equalized formula. MSDE is required to develop and design a new system of professional development related to the career ladder by July 1, 2023. Counties must provide the professional development by June 30, 2025. County boards must also demonstrate to the Accountability and Implementation Board by July 1, 2024. In addition, By July 1, 2026, all teachers must receive a salary of at least \$60,000.

## **Pre-Kindergarten**

The Blueprint's pre-k programs intend to direct the transition to expanded access to voluntary public and private provided full-day prekindergarten for income-eligible 3 and 4 year olds. Beginning in 2022-

2023 school year, Tier I children may be enrolled in a full day pre-k program beginning in 2024-2025 school year and Tier II children may be enrolled in full day pre-k if space is available. Private providers are expected to meet 30% of the demand for additional slots in the 2021-2022 school year and 50% by the 2025-2026 school year.

MSDE must issue a waiver from these requirements if there are too few eligible prekindergarten providers or all families in the county who want to enroll in pre-k are able to do so. IAC must also prioritize public school construction funding requests for high quality pre-k classrooms in order to address the need for additional brick and mortar spaces to compensate for the surge in school population.

### **Kindergarten Readiness Assessment**

Beginning in 2021-2022 school year, a kindergarten readiness assessment shall be administered to all incoming kindergarten students in the State and must be completed before October 10th. Assessments must be used for measuring school readiness, diagnostic purposes, curriculum development, and early detection of learning challenges. In addition, County boards are encouraged to administer a portion of the assessments to students during the summer months.

### **College and Career Readiness**

The College and Career Readiness program established within the Blueprint the goal that students enrolled in public school shall meet the CCR standard before the end of 10th grade (Currently it is 11<sup>th</sup> grade). This standard shall be met no later than the time the student graduates from high school. The CCR standard is based on English language arts, math, and when practicable, science that enables the student to be successful in entry level credit-bearing courses or postsecondary education training at a community college in the State. The implementation of such program would require an independent study to be commissioned to create a new CCR standard as well as the development of programs of instruction for students not meeting the CCR standard by the end of 10th grade. Beginning in 2023-2024 school year, each county board must provide students who meet CCR standard with access to post-CCR pathways at no cost.

### **Career and Technical Education and Dual Enrollment**

The Blueprint mandates the establishment of the Career and Technical Education (CTE) Committee, within the Governor's Workforce Development Board. This board requires the State Board to apply to the US Department of Education for a waiver to transfer responsibility for the administration of the Perkins CTE Act to the CTE Committee by October 1, 2020. Provided that beginning with the 2023-2024 school year, CTE programs must be aligned with the system implemented by the CTE committees, including CTE programs adopted by county boards, the State Board of Education, and community colleges. The key goal remains for each county board to reach the statewide goal that 45% of public-school students achieve an industry-recognized occupational credential before they graduate. In the case of dual enrollment programs, local school systems would be required to pay 75% of the cost of tuition for a public institution of higher education in the State for each dually enrolled student who is enrolled in a public school.

## **Behavioral Health**

Defines the responsibilities of local behavioral health services coordinators. Moves language that is currently in the Safe to Learn Act and changes “mental health coordinator” to “behavioral health coordinator”. MSDE must designate an employee to be the primary contact for school behavioral health services to work with providers. This establishes the Maryland Consortium on Coordinated Community Supports to develop a statewide framework for the creation of coordinated community supports partnerships, among other things. The State Superintendent is a member of the Consortium and the Maryland Community Health Resources Commission will provide staff. Requires each local school system to develop a plan to enhance and expand behavioral health service availability.

## **Family Support Services**

Family support services facilities will be known as the Patricia H. Kirwan Family Support (Patty) Centers. Family support assistance is geared towards providing wrap around services to children and families. Services provided to children and families by family support centers include parental skills, health care counseling, adult education services, and employment counseling. In addition, this bill defines trauma-informed interventions, and wraparound services including linkages to Judy Centers.

## **Funding Implementation**

Additional amendments were added to suspend mandated funding in the upcoming fiscal years due to the precipitous drop in estimated revenue (by 7.5% percent or more from March to December Board of Revenue estimates). There was also an amendment added to establish the three-pronged test in 2025 to condition continued implementation of criteria including the designating funding to proceed, implementation plans being followed, and student performance results. In addition, a more in-depth funding analysis is provided in the [fiscal charts](#), published by the Department of Legislative Services.

**Effective Dates and Reporting Deadlines in HB 1300 (vetoed)**

*(HB 1300 was vetoed: This timeline is not in effect and is for information purposes only.)*

Accountability and Implementation Board

- Once established, the Accountability and Implementation Board must develop a Comprehensive Plan to implement the Blueprint by February 15, 2021.
- For FY 21, the Governor must include \$1.5 million for the establishment of the Board.
- For FY 22 through 31, the Governor must include \$1.8 million for the Board, including funds to support 15 staff.
- After February 15, 2020 and before April 1, 2021, MSDE must develop criteria to be used to recommend approval or disapproval of local school systems' implementation plans.
- Each unit of government responsible for implementing some part of the plan must submit their plan to the Board by June 15, 2021.
- The Board must also contract with an independent evaluator to evaluate the State progress in implanting the Blueprint. The results must be back to the Board by October 1, 2024 and October 1, 2030.
- The Board may recommend that the Board remain in existence after June 30, 2031.

Education Preparation & Career Ladder

- The establishment of this program will require passing a nationally recognized portfolio-based assessment of teaching ability as a requirement for graduating from a teacher preparation program beginning on July 1, 2025.
- Requires each county board to implement a four-level career ladder by July 1, 2023.
- MSDE is required to develop and design a new system of professional development related to the career ladder by July 1, 2023. Counties must provide the professional development by June 30, 2025.
- County boards must also demonstrate to the Accountability and Implementation Board by July 1, 2024, that teachers in the county received at least a 10% salary increase.
- By July 1, 2026, all teachers must receive a salary of at least \$60,000.

### Prekindergarten

- Beginning in 2024-2025 school year, Tier II children may be enrolled in full day pre-k if space is available.
- Private providers are expected to meet 30% of the demand for additional slots in the 2021-2022 school year and 50% by the 2025-2026 school year.

### Curriculum & College and Career Readiness

- Beginning in the 2021-2022 school year, each local school system must implement a 9th grade tracker system to measure each student's progress toward graduating on time.
- Beginning in 2023-2024 school year, each county board must provide students who meet CCR standard with access to post-CCR pathways at no cost.

### Kindergarten Readiness

- Beginning in 2021-2022 school year, a kindergarten readiness assessment shall be administered.

### Career and Technical Education

- Requires the State Board to apply to the US Department of Education for a waiver to responsibility for the administration of the Perkins CTE Act to the CTE Committee by October 1, 2020.

## Highlighted Education Bills that ***Failed to Pass*** in 2020

### School Facilities Funding & Policy

**HB 457 / SB 371 - Environment - Drinking Water Outlets in School Buildings - Testing for Elevated Level of Lead** – This bill would redefine “elevated level of lead” to mean a lead concentration in drinking water that exceeds five parts per billions for the purposes of required lead water testing and remedial measures in public and nonpublic schools and makes conforming changes to existing notice and remediation requirements. (MABE Position: Oppose (Testimony)). Status: HB 457 Received a positive hearing in the Environment and Transportation Committee on 2/19, but was never acted on.

 MABE opposed this bill because it would impose a cost burden on local school systems to require mandated repairs to an already stringent system for testing of lead in school drinking water. Under the new law enacted in 2017, the Maryland Department of the Environment (MDE) was required to adopt regulations requiring the testing of all drinking water outlets in schools for elevated levels of lead. We believe that the recently enacted laws and regulations are sufficiently comprehensive, rigorous, and costly to comply with, that no new standards or requirements should be enacted at this time.

### Special Education

**HB 184 - Special Education - Judicial Actions - Attorney's Fees and Related Costs** - This bill would authorize a court to award reasonable attorney’s fees and related costs, including expert witness fees and costs, to the parent of a child with a disability, if the parent prevails in a proceeding that is held to resolve disputes about the identification, evaluation, or educational placements of children with disabilities or the provision of a free appropriate public education. (MABE Position: Oppose (Testimony)). Status: HB 418 received a positive hearing in the Ways and Means Committee on 1/30, but was never acted on.

 MABE opposed House Bill 184, not only because it would impose a cost burden on local school systems to compensate fees for expert witnesses in special education disputes in a manner not required under federal law, but also because it could be expected to promote such litigation.

**HB 1292 - Public Schools - Special Education Classrooms - Use of Video Recording Devices** - This bill would require each county board of education to, beginning with the 2020-2021 school year, install at least one video recording device in each public school classroom in which a majority of the regularly attending students are provided special education instruction. (MABE Position: Oppose (Testimony)). Status: HB 1292 received a positive hearing in the Ways and Means Committee on 1/30, but was never acted on.

 MABE opposed HB 1292 based on concerns about the universal scope of the mandate to include video cameras in all special education classrooms, the unfunded costs for installation and monitoring the cameras, the administrative costs of retaining, redacting, and responding to requests to view the video, and the privacy of the students recorded in the continuous classroom surveillance.

## Student Discipline

**HB 328 - State Department of Education - School Discipline - Data Collection** – This bill would require MSDE to make available, as a data download on its website, disaggregated discipline-related data at the State, local school system, and school levels. (MABE Position: Support with Amendments) Status: HB 328 was passed favorably with amendments by the Ways and Means Committee, but was not acted on in the Senate before the end of session.

## Employee Relations and School Personnel

**HB 1008 - Education - Child Abuse and Sexual Misconduct Prevention - Hiring Emergent Employees** – This bill would authorize a local board of education or nonpublic school to hire an applicant as an emergent employee for up to 60 days pending a specified review of information and records regarding an individual’s employment history, as required under current law for applicants who will have direct contact with minors. (MABE Position: Support ([Testimony](#))). Status: HB 1008 was passed with Amendments in the Ways and Means committee, then referred to the Education, Health, and Environmental Affairs committee but did not receive a hearing.

 MABE strongly supported the passage of HB 1008 to improve the operation of the important legislation enacted in 2019 to require employer history reviews of all school employees to protect our students from potential abuse to a greater extent than provided by traditional criminal background checks. In 2019, MABE supported passage of House Bill 486 in order to establish and define the process of determining whether an applicant for employment with a local school system has ever been disciplined for allegations of “child sexual abuse” or “sexual misconduct. However, during the weeks a school system is waiting on responses from all past employers, a prospective employee is either not fully hired and asked to wait, which may result in their accepting another position elsewhere, or fully hired, and if a negative finding arises from a past employer’s response, the employee may be entitled to a full year’s salary.

If enacted, under HB 1008 the employee in the new “emergent employee” category would be able to begin working immediately pending the results of the employer history review, and would have more limited causes of action to dispute their dismissal based on a negative finding based on input from a past employer. Additionally, House Bill 1008 would provide additional protections and assurances before placing the “emergent employee,” and limits any such placement to 60 days.

**HB 1075 - Public School Employees - Whistleblower Protection - Civil Actions** – This bill would have repealed the prerequisite that a public school employee who is engaging in whistleblowing, as specified, exhaust any administrative remedies before instituting a civil action. However, under the bill, a public school employee who is subject to a personnel action due to whistleblowing must notify the local superintendent of schools in writing of the employee’s intention to institute a civil action. (MABE Position: Oppose (Testimony) Status: HB 1075 was passed with amendments in the Ways and Means committee, then referred to the Education, Health, and Environmental Affairs committee but did not receive a hearing.

 MABE opposed HB 1075 because it would have amended the relatively recently enacted Whistleblower Protection Act for Maryland’s school employees by repealing the reasonable requirement that an employee should utilize the adopted administrative complaint procedures before instituting certain civil action in court. In 2017, MABE stressed the fact that public school employees already enjoy a very high standard of due process protections under Maryland law; and that these protections afford many assurances of transparent complaint and dispute resolution processes for employees who believe they have been retaliated against. Unfortunately, by removing the requirement to utilize administrative avenues, this bill would foreseeably lead to a more adversarial process and more litigation.

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## All Education Bills that Failed to Pass in 2020

### School Facilities Funding & Policy

HB 7 - Environment - Public and Nonpublic Schools - Inspections for Mold Hazards and Mold or Moisture Problems – (MABE Position: Oppose)

HB 615 - Education - School Construction - Pedestrian Safety Plans – (MABE Position: Oppose)

HB 665 - Public School Construction and State Buildings - Use of Geothermal Energy (MABE Position: Support with Amendments)

HB 1098 - Use of Public Funds – Playground and Athletic Field Surfaces – Authorizations, Preferences, and Prohibitions (Safe and Healthy Fields Act) - (MABE Position: Oppose)

HB1295 - Public School Construction – School District Energy Use – Policy and Study (MABE Position: Oppose)

HB 1475 / SB 992- School Buildings - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act) - (MABE Position: Oppose)

HB1425 / SB 926 - Climate Solutions Act of 2020 – Greenhouse Gas Emissions Reduction Act  
(MABE Position: Support with Amendments)

SB 65 - Counties - Construction of Sidewalks and Crosswalks - Safe Alternative Routes to Public Schools - (MABE Position: Oppose)

SB 1026 - Interagency Commission on School Construction - Project Approval – Prioritization  
(MABE Position: Oppose)

SB 258 - Public Schools - Electric Retractable Room Partitions - Operation Requirements  
(MABE Position: Support with Amendments)

SB 655 / HB1636 - High Performance and Green Buildings - Community Colleges and Public Schools - Repeal of Requirements and Guidelines - (MABE Position: Support with Amendments)

HB 1540 - Environment - Mold Inspections - Standards, Reporting, and Penalties  
(MABE Position: Support with Amendments)

HB 1547 - Environment - Synthetic Turf and Turf Infill - Producer Responsibility  
(MABE Position: Oppose)

### **Student Health**

HB 208 – Public Schools - Provision of Menstrual Hygiene Products - (MABE Position: No Position)

HB 675 / SB 549 - Education – Public Schools – Seizure Action Plans (Brynleigh Act)  
(MABE Position: Oppose)

HB 773 - Public and Nonpublic Schools – Bronchodilator Availability and Use – Policy  
(Bronchodilator Rescue Inhaler Law) - (MABE Position: No Position)

HB 981 - County Boards of Education - Therapy Dogs - Certification and Use in Schools  
(MABE Position: Oppose)

HB 1375 - Public School Students - Vision Services and the Vision for Maryland Program  
(MABE Position: Oppose)

SB 322 - Public Schools - Health Education - Gambling Dangers and Addiction  
(MABE Position: Oppose)

HB 1557 - Public Schools - Health Services - County Boards of Education and Health Departments  
Addiction - (MABE Position: Oppose)

### **Special Education**

HB 383 - State Department of Education - Student Performance Reports - Students with Disabilities  
(MABE Position: No Position)

## **Student Discipline**

HB 202 - Restorative Schools Fund and Grants – Establishment - (MABE Position: Support)

HB 327 - Public Schools - School Resource Officers - Prohibited Conduct  
(MABE Position: No Position)

HB 1022 / SB 830 - Education - Alternative Schools - Reporting Requirements  
(MABE Position: Oppose)

HB 1513 / SB 798 - Education - Juvenile Services Education System - Establishment, Powers, and  
Duties - (MABE Position: Support with Amendments)

HB 1546 - Education - Reportable Offenses – Alterations – (MABE Position: Oppose)

## **Employee Relations and School Personnel**

HB 515 - Public Schools - Staff Members – Report – (MABE Position: Oppose)

HB 1074 - Education - Collective Bargaining - Certificated Employees - Class Size  
(MABE Position: Oppose)

HB 794 - Education - Educational Interpreters - Certification Requirements  
(MABE Position: Support)

HB 802 - Civil Actions - Civil Immunity - Educator Intervention in Student Violence (Good Teacher  
Protection Act - (MABE Position: Support)

HB 974 - Civil Actions - Child Sexual Abuse - Definition and Statute of Limitations (Hidden Predator  
Act of 2020) - (MABE Position: No Position)

HB 1235 - Maryland Center for School Safety - School Employee Injury Reporting and Study  
(MABE Position: Oppose)

HB 1298 / SB 791 - Civil Actions - Civil Immunity - Educator Intervention in Student Violence (Good  
Teacher Protection Act - (MABE Position: Oppose)

SB 241 - Maryland Healthy Working Families Act – Applicability – (MABE Position: Support)

## **Curriculum and Assessments**

HB 718 / SB 575 - State Department of Education - Early Literacy and Dyslexia Practices - Guidance  
and Assistance - (MABE Position: Oppose)

HB 724 - Education - Public Charter Schools - Virtual Learning Programs  
(MABE Position: Oppose)

HB 725 - Education - Public Schools - Instruction in Print and Cursive Handwriting  
(MABE Position: Oppose)

HB 1194 - Public Schools - Fees for Summer School Courses – Prohibition  
(MABE Position: Oppose)

HB 1195 / SB 894 - County Boards of Education - Computer Science Courses  
(MABE Position: No Position)

HB 1421 - Education - Advanced Courses - Automatic Enrollment - (MABE Position: Oppose)

### **Public Information Act**

HB 42 / SB 67 - Public Information Act - Applications for Inspection - Responses and Time Limits  
(MABE Position: Oppose)

HB 380 / SB 193 - Public Information Act - Denial of Part of a Public Record - Investigations by  
Inspectors General - (MABE Position: Support)

HB 502 / SB 590 - Public Information Act – Revisions - (MABE Position: Support with Amendments)

HB 717 / SB 514 - Public Information Act - Required Denials - Distribution Lists  
(MABE Position: Oppose)

### **Information Technology & Data Security**

HB 235 / SB 120 - State Government - Department of Information Technology – Cybersecurity  
(MABE Position: Support with Amendments)

HB 752 / SB 34 - Consumer Protection - Scanning or Swiping Identification Cards and Driver's  
Licenses – Prohibition - (MABE Position: Support with Amendments)

### **School Meal Programs**

HB 1145 - Maryland Meals for Achievement Fund – Establishment - (MABE Position: Support)

### **Student Transportation**

HB 1126 - Vehicle Laws - School Bus Safety - Occupant Capacity - (MABE Position: Oppose)

HB 1234 - County Boards of Education - Student Transportation – Vehicles  
(MABE Position: No Position)

HB 1451 - School Bus Purchasing – Zero–Emission Vehicle – Requirement  
(MABE Position: Oppose)

## **School Calendar**

HB 743 / SB 558 - Universal School Start Act of 2020 – (MABE Position: Oppose)

HB 1250 - Education – Length of the School Year – Declared State of Emergency (Kathryn Marie Carmello’s Law) – (MABE Position: Support)

SB 76 - Legal Holiday - Maryland Emancipation Day – Establishment  
(MABE Position: Support with Amendments)

## **Redistricting**

HB 1422 - Redistricting - Community Advisory Committees for Student Assignment  
(MABE Position: Oppose)

## **State Superintendent**

HB 1634 - State Superintendent of Schools - Qualifications and Senate Confirmation  
(MABE Position: No Position)