



Legislative Committee Meeting

Monday, February 1, 2021

10:00 a.m. – Noon

Teleconference Meeting

Karen Yoho, Chair

Brenda Wolff, Vice Chair

Agenda

1.	Meeting Opening	Opening Remarks & Roll Call	Karen Yoho/ Brenda Wolff/ John Woolums	10 min.
2.	Leadership Meeting Reports <ul style="list-style-type: none"> • MABE Executive Committee and Legislative Chair/Vice Chair Meetings with Legislative Leaders 	Information & Discussion	Karen Yoho/ All	10 min.
3.	Bill Decisions	Discussion & Decisions	Karen Yoho/ John Woolums/ All	45 min.
4.	Bill Highlights <ul style="list-style-type: none"> • State Budget & COVID Relief Funding Updates • Priority Bill Updates • Bill Report & Hearing Schedule 	Information & Discussion	Karen Yoho/ John Woolums/ All	45 min.
5.	Legislative Committee Calendar <ul style="list-style-type: none"> • Virtual Legislative Forum TBD - Discussion • February 22, 2021 • March 15, 2021 • April 5, 2021 <ul style="list-style-type: none"> ○ Session Adjourns April 12, 2021 • April 26, 2021 • Future Meetings TBD 	Information & Discussion	Karen Yoho/ John Woolums/ All	10 min.
6.	Adjournment	Closing Remarks	Karen Yoho	

Bill Decisions

HB 11 - Public Schools - African American History - Development of Content Standards and Implementation - This bill requires the State Board of Education to develop content standards for African American history to be included in the State Standards and Frameworks in social studies by December 1, 2021. Each local board of education must develop and implement age-appropriate curriculum guides based on the content standards developed by the State Board. Beginning in the 2022-2023 school year, each public school must include African American history in the social studies curriculum. By December 1, 2021, MSDE must report on the content standards, including the content standards for each grade level. The bill takes effect July 1, 2021.

HB 401 - Public Schools - Pregnant and Parenting Students - Policies and Reports - This bill requires the Maryland State Department of Education (MSDE) to develop a model policy, with specified elements, to support the educational and parenting goals and improve the educational outcomes of pregnant and parenting students. Each local board of education must establish a local policy based on the model policy. MSDE must provide technical assistance to a local board to establish the policies. In addition, the bill requires each local board of education to excuse any parenting-related absence from a class due to the use of a lactation space to nurse or express breast milk. The bill takes effect July 1, 2021

Each local policy must: • require each school to designate a private lactation space in the school that meets specified requirements; • require schools to assist and advise pregnant and parenting students with finding safe, affordable, and reliable child care, early education services, and transportation services to and from school; • incorporate the attendance policy for pregnant and parenting students as specified; • provide for training of school personnel on policy objectives and requirements; and • be published in the school system's student handbook.

HB 418 - County Boards of Education - Symbols of Hate - Policy - Requiring, on or before December 31, 2021, each county board of education to adopt a policy prohibiting the use or display of a symbol of hate, including a noose, swastika, or confederate flag; requiring the policy to prohibit the display of a symbol of hate on clothing, book bags, folders, or similar items; providing an exception to the policy to allow a symbol of hate to be used as an example in a course of study; and requiring a county board to develop and distribute certain educational materials regarding the policy to each public school.

HB 465 - State Superintendent of Schools - Qualifications and Senate Confirmation - This emergency bill requires the State Superintendent of Schools to be appointed by the State Board of Education with the advice and consent of the Senate. The State superintendent may not be a current member of the State board at any time during the year immediately preceding the appointment.

HB 636 - School Buildings - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act) - This bill (1) redefines "elevated level of lead" to mean a lead concentration in drinking water that exceeds five parts per billion (ppb) for the purposes of required lead water testing and remedial measures in public and nonpublic schools and (2) makes conforming changes to existing notice and remediation requirements. If a water test sample for a drinking water outlet was analyzed on or before June 1, 2021, and the analysis indicated a concentration of lead that was more than 5 ppb but less than 20 ppb, a school must take appropriate remedial measures by August 1, 2022.

Bill Decisions (cont.)

HB 717 – Education – Technology Resources – Funding (Ending the Digital Divide Act) -

Providing for the target per pupil foundation amount in fiscal year 2022; requiring each county board of education to use not less than 7% of the target per pupil foundation amount to provide certain technology resources to students; authorizing a local school system, at the end of each fiscal year, to hold unused funds in a special fund to be used in a subsequent fiscal year; requiring a county board that allocates certain funding to follow certain information technology security standards; etc.

Bill Highlights (Feb. 1, 2021)

Budget

HB 588 - Budget Bill (Fiscal Year 2022) - Making the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 2022, in accordance with Article III, Section 52 of the Maryland Constitution; etc.

HB 589 - Budget Reconciliation and Financing Act of 2021 - Authorizing, altering, or requiring the distribution and payment of certain revenue in certain fiscal years; increasing the amount local governments are required to reimburse the State for certain services; etc.

HB 590 - Creation of a State Debt - Maryland Consolidated Capital Bond Loan of 2021, and the Maryland Consolidated Capital Bond Loans of 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020 - Authorizing the creation of a State Debt in the amount of \$1,107,427,000, the proceeds to be used for certain necessary building, construction, demolition, planning, renovation, conversion, replacement, and capital equipment purchases of the State, for acquiring certain real estate in connection therewith, and for grants to certain subdivisions and other organizations for certain development and improvement purposes; etc.

SB 496/HB 612 - Recovery for the Economy, Livelihoods, Industries, Entrepreneurs, and Families (RELIEF) Act

As introduced, this emergency Hogan Administration bill (1) provides up to \$750 in economic impact payments to a taxpayer who claims the State earned income tax credit in certain tax years; (2) exempts from the State income tax the unemployment insurance (UI) benefits received by an individual; (3) authorizes certain businesses to retain an increased sales and use tax vendor credit; (4) excludes fiscal 2020 and 2021 from the multi-year lookback periods generally used to establish employer UI taxes each year; (5) exempts from the State income tax certain coronavirus relief payments; and (6) authorizes the Department of Commerce to convert certain business loans into grants.

The Senate Budget & Taxation Committee heard the bill on Jan. 26 and on Jan. 27 considered and approved amendments to add \$520 million in additional targeted funding. Although the initial bill did not include education-related provisions, the Senate amendments include \$100 million in education aid - \$50 million for summer school and \$50 million for costs related to school reopening/return to in-person instruction:

- \$50,000,000 to the county boards of education to provide 8 weeks of summer school or tutoring services during the summer, provided that the amounts shall be distributed proportional to the number of public school students who qualify for free or reduced-priced meals in the county as compared to the number of total public school students who qualify for free or reduced-priced meals in the State; and
- \$50,000,000 to county boards of education to safely move towards delivering in-person education with priority given to special education students, students without reliable broadband service, and students who have shown a need for in-person education in order to succeed. The amounts shall be distributed proportional to the number of public school students enrolled in the county as compared to the number of total public school students enrolled in the State.

Employee Relations

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

This bill authorizes 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. The bill also (1) alters statutory provisions that specify the employment history that schools are required to obtain before hiring an individual who will have direct contact with minors; (2) alters the definition of "direct contact with minors"; (3) authorizes a local board or nonpublic school to share an employment history record with other local boards or nonpublic schools; and (4) establishes conditions under which a local board or nonpublic school may use an employment history review completed by a current or former employer. Sponsor: Del. Wilson. MABE supported this legislation in 2020 (HB 1008). MABE position: Support.

SB 165 - Maryland Healthy Working Families Act - Applicability

This bill exempts from the Maryland Healthy Working Families Act an employee who is called to work by a local board of education on an as-needed basis, can reject or accept the shift offered, and is not guaranteed to be called on to work by the local board of education. MABE supported this bill in 2020 (SB 241). MABE position: Support.

Special Education

HB 405 - Special Education - Judicial Actions - Attorney's Fees and Related Costs

This bill authorizes 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. However, such an award may not be made after the date a written offer of settlement is made to the parent, under certain conditions, unless the parent was substantially justified in rejecting the settlement offer. MABE Position: Oppose

[HB 273 \(SB 266\)](#) - Education - Voluntary Ethical Special Education Advocate Certificate Program - Requiring the State Department of Education to establish the Voluntary Ethical Special Education Advocate Certificate Program on or before July 1, 2022, for administration of a voluntary certificate program for ethical special education advocates; specifying qualifications and application procedures for a certificate; requiring the Department to issue a certificate to a certain applicant; authorizing an applicant to petition for judicial review of a decision of the Department that relates to issuing or renewing a certificate; etc. MABE Position: No Position

[HB 714 \(SB 300\)](#) - Special Education - Learning Continuity Plan – Requirement - Requiring an individualized education program to include a learning continuity plan to be implemented for students with disabilities during emergency conditions beginning October 1, 2021; requiring an individualized education program team to develop a learning continuity plan at certain times and to consider certain risks for a certain purpose; providing for the contents of a learning continuity plan; authorizing a local school system to provide certain services by certain learning models; etc. MABE Position: Oppose

[HB 715](#) - Public Schools - Self-Contained Special Education Classrooms - Use of Video Recording Devices - Requiring each county board of education, beginning in the 2021-2022 school year, to install at least one video recording device in each self-contained special education classroom; requiring video recording devices to record self-contained special education classrooms and exclusion areas during school hours and during any time that the classroom or exclusion area is in use; prohibiting the use of a video recording device in bathrooms or in areas that students use to change clothing; etc. MABE Position: Oppose

[HB 716 \(SB 371\)](#) - Special Education – Individualized Education Programs – Educational Evaluations - Altering the circumstances under which a parent may request an independent educational evaluation of a child with a disability at public expense to include a parent who submits a certain request to a local school system and the local school system does not respond within 30 days after the date the request was received or, on approval and under certain circumstances, the educational evaluation meeting does not occur within 60 days after the date the request was received. MABE Position: No Position

[HB 724 \(SB 209\)](#) - Special Education - Education and Vocational Services - Prolonged School Closure - Requiring a county board of education to offer and provide to certain disabled and special education students whose schools are subject to a prolonged school closure an option to continue attending school or receiving education services after the student's anticipated graduation date; requiring a county board to provide a notice to the parents or guardians of eligible students about a student's option to continue attending school or receiving certain education services; etc. MABE Position: Oppose

School Safety

[HB 522](#) - Public Schools - School Resource Officers - Prohibited Conduct - Prohibiting a school administrator or official or a school safety coordinator from directing a school resource officer to enforce certain discipline-related policies, rules, regulations, or procedures; prohibiting a school resource officer from unilaterally enforcing certain discipline-related policies, rules, regulations, or procedures; and requiring a specialized curriculum for use in training of school resource officers to include training in conduct that is prohibited. MABE Position: Support

[HB 496](#) - Primary and Secondary Education - Mental Health Services - Expansion (Counselors Not Cops Act) - Altering the membership of the School Safety Subcabinet Advisory Board; eliminating the \$10 million grant program for school resource officers; requiring \$10 million in grant funding for expanding the availability of school-based mental health services; etc. MABE Position: Oppose

[SB 245](#) - Public Schools - School Resource Officers - Requirements and Prohibitions - Prohibiting a school resource officer from entering a school building except if summoned by a school administrator or official to respond to an emergency involving violence or the threat of violence, to participate in certain training, or to use certain facilities; requiring a school resource officer to conceal any firearms except under certain circumstances; requiring a school resource officer to wear civilian clothing; and prohibiting a school resource officer from participating in the routine school discipline of a student. MABE Position: Oppose

School Facilities

[SB 330 \(HB 469\)](#) - State-Funded Construction and Major Renovation Projects - Solar Panels – Requirement - Requiring the State, for certain construction projects and major renovation projects proposed after December 31, 2021, to require that the project be designed, engineered, and constructed in a manner that allows the roof to withstand the weight of solar panels; requiring certain construction projects and major renovation projects to include the installation of the maximum number of solar panels for which the project was designed; requiring the Maryland Green Building Council to provide certain recommendations; etc. Preliminary analysis: local government mandate. MABE Position: Oppose

[HB 264 \(SB 483\)](#) - Solid Waste Management - Organics Recycling and Waste Diversion - Food Residuals - Requiring a certain person that generates food residuals to separate the food residuals from other solid waste and ensure that the food residuals are diverted from final disposal in a refuse disposal system in a certain manner; applying the requirements of the Act, beginning in certain years, to certain persons that generate certain amounts of food residuals; authorizing a person experiencing undue hardship because of the costs of diverting food residuals to apply to the Department of the Environment for a certain waiver; etc. MABE Position: Oppose

[SB 551](#) - School Construction Incentive Act of 2021 - Requiring an eligible cost of a public school construction or capital improvement project to include costs relating to certain planning, design, and analysis; requiring the Interagency Commission on School Construction to establish a certain incentive program for certain school construction and renewal projects; providing for the calculation of the incentive, including an increase in the State share percentage and a decrease in the local share percentage of school construction and renewal costs; etc. MABE Position: Oppose

Student Health

[HB 34 \(SB 278\)](#) - State Department of Education and Maryland Department of Health - Maryland School-Based Health Center Standards – Telehealth - Requiring the State Department of Education and the Maryland Department of Health to authorize a certain health care practitioner at an approved school-based health center to provide health care services through telehealth under certain circumstances; prohibiting the State Department of Education and the Maryland Department of Health from establishing certain requirements for a certain school-based health center to provide health care services through telehealth; etc. MABE Position: Support

HB 370 (SB 225) - Education - Public and Nonpublic Schools - Seizure Action Plans (Brynleigh's Act) - Requiring a county board of education and authorizing a nonpublic school, beginning in the 2022–2023 school year, to require two school employees to be trained in recognizing the signs and symptoms of a seizure, administering first aid, and administering or assisting with the administration of seizure medication and performing manual vagus nerve stimulation; authorizing a certain registered nurse to serve as a certain trained school employee; providing a certain employee is immune from civil liability under certain circumstances; etc. Preliminary analysis: local government mandate. MABE Position: Oppose

HB 377 - Commission on Student Behavioral Health and Mental Health Treatment - Establishing the Commission on Student Behavioral Health and Mental Health Treatment; requiring the Commission to study certain matters regarding student behavioral health and mental health treatment and make recommendations on actions necessary to improve current student behavioral health practices and programs; requiring the Commission to report its findings and recommendations to the Governor and the General Assembly on or before December 1, 2021, and December 1, 2022; etc. MABE Position: Support w/Amendments (to add MABE representative)

HB 461 - Public Schools - Student Attendance - Excused Absences for Mental Health Needs - Providing that absences from school for mental health needs are lawful absences under certain circumstances; requiring a county board of education to excuse at least 1 day of absence in each quarter of each school year for a student's mental health needs; and prohibiting a county board from requiring a note from a physician to excuse a student's absence for mental health needs. MABE Position: Oppose