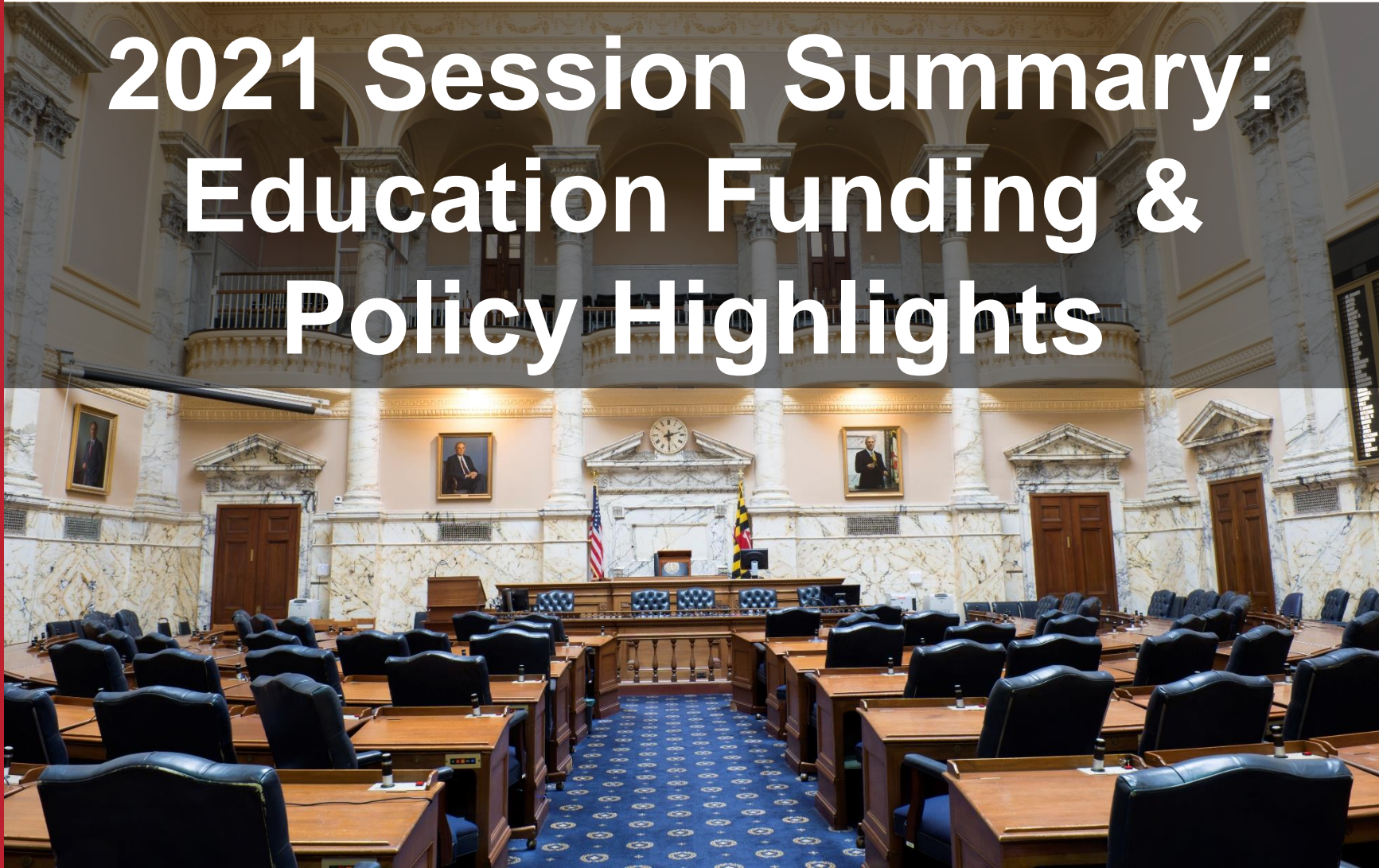




2021 Session Summary: Education Funding & Policy Highlights



2021 Session Highlights

- Blueprint for Maryland's Future Act
- Blueprint "Revisions"
- Education Budget
- School Construction Budget
- Built to Learn Act
- School Facilities
- Student Health
- Personnel
- Special Education
- School Security
- Financial Aid
- Student Transportation
- Juvenile Services
- Food Services
- Broadband Expansion
- Public Information Act
- *Failed Bills of Note*

The Blueprint for Maryland's Future Act

HB 1300 (2020) – Blueprint for Maryland's Future Act

- *Passed but vetoed in 2020; became law following the veto override in the 2021 session.*
- This 235-page bill contains comprehensive funding and policy reforms in 5 major policy areas, based the Kirwan Commission's report and National Center on Education and the Economy (NCEE) framework intended to build a world class education system in Maryland, including:
 1. Early Childhood Education;
 2. High-quality and Diverse Teachers and Leaders;
 3. College and Career Readiness Pathways (including Career and Technical Education);
 4. More Resources to Ensure All Students are Successful; and
 5. Governance and Accountability.

Blueprint “Revisions”

HB 1372 - Blueprint for Maryland's Future - Revisions

- Revises the Blueprint law to account for the timing of the enactment of the major bill, including the inception of certain programs and requirements, the due dates for various reports, and the timeframe for certain provisions are extended, generally by one year.
- Provides additional funding through the foundation program for educational technology costs and adjusts funding for Concentration of Poverty grants.
- Requires local boards to implement summer school programs, provide tutoring and supplemental instruction, and address trauma and behavioral health issues. Pre- and post- student assessments are required.
- Fall 2020 enrollment is excluded from calculations of State and local funding requirements. The bill also alters local maintenance of effort (MOE) requirements for FY 2022 through 2024.

State Aid for Public Education

HB 588 – State Budget Bill for FY 2022 & Benefit of the Federal American Rescue Plan (ARP) Funding

- State support for public schools will exceed \$7.5 billion. Direct aid will increase by an estimated \$229.4 million, or 3.5%.
- \$1.95 billion - Maryland allocation of federal ARP Elementary and Secondary School Emergency Relief (ESSER) funding.
- Governor's Supplemental Budget #5 invested \$931 million to support targeted assistance for the safe reopening of schools.
- \$430 million reserved in the Blueprint Fund for future implementation costs.

Budget Highlights

- \$151.5 million - Supplemental Instruction & Tutoring
- \$35 million - Summer School Programs
- \$20 million - Transitional Supplemental Instruction
- \$20 million - School Reopening
- \$15 million - Trauma and Behavioral Health Supports

Capital Budget for School Construction

HB 590 - Capital Budget Bill for FY 2022

\$285 million - Capital Improvement Program for approved local school construction and renovation projects.

\$60 million - Supplemental Grant Program for school systems with more than 300 relocatable classrooms or high enrollment growth.

\$70 million Health School Facility Grant Program for HVAC projects.

\$10 million - Public School Safety Grant Program.

\$6 million - Aging Schools Program.

\$333 million - Built to Learn Act revenue bonds.

School Facilities

HB 1 - The Built to Learn Act (*HB 1 of 2020*)

- Authorizes the Maryland Stadium Authority to issue up to \$2.2 billion in revenue bonds, backed by annual debt service payments from the Education Trust Fund of up to \$125 million annually, for public school construction projects.
- \$333 million in revenue bonds in FY 2022.
- Allocates funding to certain counties and supports the public-private partnership (P3) in Prince George's County.
- Project approval process remains with the IAC.
- *HB 1 passed in 2020 but remained “null and void” until HB 1300 took effect following the veto override early in the 2021 session.*

School Facilities

SB 551 - 21st Century School Facilities Act and Built to Learn Act - Revisions

- Expands the charge of the School Facilities Assessment and Funding Workgroup to include recommendations to update the state-local cost share formula and reduce per pupil costs and total cost of ownership.
- Sets FY 2022 as the floor for the State's cost share until 2025. (Avoiding reductions for several systems.)
- Expands Healthy Schools Program funding eligibility to include roofs and pipe insulation.
- Updates the Prince George's P3 program to reflect the new role of the Maryland Stadium Authority.

School Facilities

SB 546/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 5 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 Aug. 1, 2022.

HB 630 - Primary and Secondary Education - School District Energy Use - Policy and Study

- This bill requires each local school system to adopt or update a school district energy policy by July 1, 2022, including provisions on:
 - energy purchasing, conservation, and efficiency
 - monitoring and reporting of energy use by square foot and from renewable sources
- By Jan 1, 2022, the Interagency Commission on School Construction (IAC) must coordinate with the Md. Energy Admin. (MEA) and the Md. Dept. of Environment (MDE) to develop a template policy.

HB 37/SB 35 - Procurement - Prevailing Wage - Applicability

- This bill expands the application of the prevailing wage law and rates to public work contracts of \$250,000, including school construction projects. The previous threshold was \$500,000.
- The bill also applies the 25% state funding trigger for prevailing wage to all public work contracts. This change, lowering the threshold from 50% to 25%, was adopted specifically for school construction projects in 2014.

HB 83 - Public and Nonpublic Schools - Electric Retractable Room Partitions - Review and Report

- This bill requires MSDE to conduct a thorough review and evaluation of electric retractable room partition equipment used in public and nonpublic schools in the State and of related practices and policies.
- After completing its review and by Sept. 1, 2022, MSDE must adopt any regulations or guidelines needed to ensure safe operation.

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

- Requested by MABE and PSSAM to improve the implementation of HB 486 passed in 2019.
- This bill authorizes local boards and nonpublic schools to hire an applicant as an emergent employee for up to 60 days pending a 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.
- Allows sharing of completed reviews.

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

- This emergency bill prohibits, during the 2020-2021 school year, the disciplining, suspending, terminating, or retaliating against school personnel for choosing not to return to the school building for in-person instruction if the individual (1) is at least 65 years old, has specified underlying health conditions, or lives in a household or is the caretaker for such an individual; or (2) is allowed to instruct or work remotely; and (3) has not received the full course of an FDA-approved COVID-19 vaccine.

HB 394 - Public Schools - Fees for Summer School Courses - Prohibition

- This bill prohibits a local school system from charging a student a fee for enrollment in a summer school course if (1) the student attends a school in the local school system; (2) credit for the course is required for graduation from a high school in the local school system; and (3) the student previously took the course, but did not successfully complete or receive credit for the course.

SB 438/HB 401 - Public Schools - Pregnant and Parenting Students - Policies and Reports

- This bill requires 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 must establish a local policy based on the model policy.
- 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.

SB 427/HB 205 - Public Schools - Provision of Menstrual Hygiene Products - Requirement

- This bill requires each local board to provide menstrual hygiene products free-of-charge to students via dispensers installed in middle and high schools in at least 2 women's restrooms by Oct. 1, 2022; and in all women's restrooms by Aug. 1, 2025.
- A public elementary school must install menstrual hygiene product dispensers in at least one restroom by Oct. 1, 2022.
- School systems may be reimbursed by MSDE for costs and the Governor must include \$500,000 for this purpose in the annual budget bill in FY 2023.

SB 548/HB 771 - Public Schools - Centers for Disease Control and Prevention Surveys - Revisions

- This bill requires MSDE, in coordination with the Maryland Department of Health (MDH), to include at least five questions from the Centers for Disease Control and Prevention (CDC) Youth Risk Behavior Survey (YRBS) on adverse childhood experiences (ACEs) or positive childhood experiences in the Youth Risk Behavior Surveillance System survey.

SB 830/HB 1138 - Secretary of Health - School-Based Health Centers - Guidelines and Administration of Grants

- This bill requires the Maryland Department of Health (MDH), in conjunction with MSDE, to report to the General Assembly on a plan to transfer administration of school-based health center (SBHC) grants and any related functions from MDSE to the Bureau of Maternal and Child Health (BMCH) in MDH by October 1, 2021.
- By July 1, 2022, the Governor must transfer administration of SBHC grants and any related functions from MSDE to BMCH.

SB 278/HB 34 - State Department of Education and Maryland Department of Health - Maryland School-Based Health Center Standards - Telehealth

- This emergency bill requires MSDE and MDH to authorize a health care practitioner at a school-based health center (SBHC) to provide services through telehealth consistent with specified provisions of the Health Occupations Article.
- The bill prohibits MSDE and MDH from requiring an approved SBHC to submit an application or seek approval to provide telehealth services or establishing additional requirements.

HB 836/SB 741 - COVID-19 Testing, Contact Tracing, and Vaccination Act of 2021

- This emergency bill, in part, requires the Md. Dept. of Health, in collaboration with local health departments and MSDE, to adopt and implement a two-year plan to respond to COVID-19 by June 1, 2021.
- The plan must include specific monthly goals to “achieve the capacity to perform the surveillance testing required to safely reopen and keep open schools” in calendar years 2021 and 2022.

Special Education

SB 300/HB 714 - Special Education - Learning Continuity Plan - Requirement

- Requires, beginning Oct. 1, 2021, an individualized education program (IEP) to include a learning continuity plan to be implemented during emergency conditions, in order to ensure that the IEP is proceeding appropriately.
- Emergency conditions are defined as 10 or more school days during which a child with a disability cannot be provided with an IEP or special education services at school and the school is providing instruction in some form to its students.
- Within 10 days of an IEP team determining that emergency conditions exist, the team must make a reasonable effort to notify the parent or guardian that a learning continuity plan is in place and seek input from the parent on how best to implement the plan.

Special Education

SB 371/HB 716 - Special Education - Individualized Education Programs - Educational Evaluations

- Authorizes a parent to request an independent educational evaluation regarding a child's individualized family service plan (IFSP), individualized education program (IEP), or special education services at public expense if:
 - the parent submits to the local school system a written request for an educational evaluation conducted by the local school system, and the local school system
 - (1) does not respond within 30 days of receiving the request, or
 - (2) approves the request but the evaluation meeting does not occur, through no fault of the parent, within 60 days after receiving the request, or within 90 days if the State is under a state of emergency.

School Safety & Security

SB 515 - Criminal Procedure - Registered Sex Offenders - Entry Onto School Property

- This bill limits the authorization of a student who is a registered sex offender to enter onto real property (1) that is used for public or nonpublic elementary or secondary education or (2) on which a registered family child care home, a licensed child care home or child care institution, or a home used for informal child care is located.
- Each local board must adopt a policy that enables a registered sex offender who is a student to receive an education by participating in the home and hospital teaching program; participating in a program approved by the local board; by attending a regional institute for children and adolescents (RICA); or by attending a nonpublic special education program.
- The State Board must develop a guidelines and model policy.

SB 664 - Education - Student Financial Aid - Outreach Plan and Advisory Committee

- This bill requires each local board of education to encourage and assist as many high school seniors as possible in completing and submitting a Free Application for Federal Student Aid (FAFSA) or Maryland State Financial Aid Application (MSFAA) by the deadline for eligibility set by the Maryland Higher Education Commission (MHEC).
- Local boards must develop an outreach plan with specified elements and submit a copy to specified entities by Oct. 1 each year beginning in 2022.

SB 155/HB 216 - Higher Education - Tuition Exemption for Foster Care Recipients and Homeless Youth - Alterations and Reports

- Expands the definition of “homeless youth” who are eligible to receive a tuition waiver at a public institution of higher education by removing the requirements that the youth (1) be “unaccompanied” and (2) qualify as an independent student under federal law.
- In addition, a foster care recipient or homeless youth who receives a tuition waiver must receive priority consideration for on-campus housing.

Student Transportation

SB 448 - County Boards of Education - Student Transportation - Vehicles and Report

- Authorizes school systems to transport students using a vehicle other than a Type I or Type II school vehicle for (1) preschool-age students; (2) students with disabilities; (3) homeless youth; (4) children in foster care; (5) students without access to school buses; (6) students in a nonpublic school placement; or (7) students in dual enrollment programs or work programs or other educational programs based off the school campus.
- MSDE must consult with local boards and MVA to adopt regulations establishing minimum vehicle and driver safety standards.

SB 497 - Juvenile Services Education Board and Program - Establishment, Powers, and Duties

- This bill repeals statutory provisions regarding the Juvenile Services Education (JSE) Program within MSDE and instead establishes a JSE Board within the Department of Juvenile Services (DJS).
- Beginning July 1, 2022, (1) the board must oversee and approve all educational services to all juveniles who are in a residential facility and (2) DJS has the authority and responsibility for implementing JSE programs in the State.

SB 483/HB 264 - Solid Waste Management - Organics Recycling and Waste Diversion - Food Residuals

- Requires certain generators of large quantities of “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.
- The implementation timeline for this requirement is staggered, based on weekly tonnages of food residuals, beginning January 1, 2023; and generators may apply for a waiver.
- Schools are not exempt, but are not expected to trigger the weekly tonnage thresholds.

Broadband Expansion

SB 66/HB 97 - Department of Housing and Community Development - Office of Statewide Broadband - Established (Digital Connectivity Act of 2021)

- Establishes the Office of Statewide Broadband (OSB) within the Department of Housing and Community Development (DHCD) (replacing the Office of Rural Broadband).
- Establishes the Digital Inclusion Fund and the Digital Connectivity Fund to provide grants to local governments and nonprofits to increase access to affordable high-speed internet.

HB 183 - Public Information Act - Revisions (Equitable Access to Records Act)

- Requires each official custodian to adopt a policy of proactive disclosure of public records available for inspection under PIA.
- Expands the duties and jurisdiction of PIACB to include receiving, reviewing, and resolving complaints alleging that a custodian unlawfully denied inspection of a public record or failed to respond to a request within established time limits.
- Requires PIACB to receive, review, and issue written decisions for complaints from any custodian alleging that an applicant's request or pattern of requests is frivolous, vexatious, or in bad faith, and makes conforming changes.

Other Bills that Passed

- HB 9 - Family Law - Mandatory Reporter Training
- SB 49 - State Government - Department of Information Technology - Cybersecurity
- HB 180 - Juveniles - Sexting
- HB 320 - Maryland Longitudinal Data System - Transfer of Student Data
- HB 756/SB 922 - Office of Legislative Audits - Acceptance and Investigation of Allegations of Fraud, Waste, and Abuse
- HB 776 - State Department of Education - Infant and Early Childhood Mental Health Consultation Project - Study and Report
- HB 836/SB 741 - COVID Testing, Contact Tracing, and Vaccination Act
- HB 854 - Maryland Longitudinal Data System Center - Inclusion of Child Welfare Data and Governing Board
- HB 940 - Gaming - Regulation of Fantasy Gaming Competitions and Implementation of Sports Wagering - Supplementary Appropriation
- HB 1053/SB 882 - Operating Budget - Education Programs - Mandated Funding
- HB 1328/SB 824 - Economic Development - Broadband Providers - Joint Trenching and Fee (Building Out Broadband Act of 2021)
- HB 1365/SB 958 - Nonpublic Special Education Schools - State Contribution - Increase

HB 1376 - Primary and Secondary Education - Virtual Education - Requirements

- This bill would have established requirements related to virtual education for public schools related to (1) temporary and permanent virtual schools; (2) teacher preparation and professional development; (3) addressing and mitigating the effects of learning loss; (4) expanding computer and internet security infrastructure for virtual education; (5) adopting a statewide learning management system; and (6) creating a “flip the classroom” pilot program.

Bills that FAILED to Pass

HB 522 - Public Schools - School Resource Officers and School Security Employees - Revisions

- This bill would have prohibited an SRO from enforcing a school's student code of conduct, except under specified circumstances.
- In addition, this bill would have expanded the required training, qualifications, and conditions for appointment to a public school for school resource officers (SROs) and school security employees. It would have altered the possible uses of existing State grants, requires local school systems to adopt a behavioral health and safety action plan before assigning SROs to schools, and required the Maryland Center for School Safety to collect and report on specified data about SROs and school security employees.

Bills that FAILED to Pass

- **HB 465 - State Superintendent of Schools - Qualifications and Senate Confirmation** - Would have required the State Superintendent to be appointed by the State Board with the advice and consent of the Senate. Would have prohibited the Superintendent from being a current member of the State Board or having been a member at any time during the year immediately preceding the appointment.
- **SB 785 - State Board of Education Membership and Terms - Capability and Capacity Study of Education Agencies** - Would have required the Governor to appoint (1) members reasonably reflective of the racial, ethnic, cultural, and gender diversity of the State; and (2) members with specified areas of expertise and backgrounds in addition to the teacher and parent member.

Other Bills that FAILED to Pass

- HB 1254 - Public School Employees - Whistleblower Protection - Civil Actions
- SB 860 - Workers' Compensation - COVID-19 Occupational Disease Presumption - Public School Employees
- SB 225/HB 370 - Education - Public and Nonpublic Schools - Seizure Action Plans (Brynleigh's Act)
- HB 405 - Special Education - Judicial Actions - Attorney's Fees and Related Costs
- HB 1166 - Education - Physical Restraint and Seclusion - Reporting and Training
- HB 237/SB 126 - State Department of Education - Early Literacy and Dyslexia Practices - Guidance and Assistance
- HB 700 - Education - Crimes on School Grounds - Exemptions

Thank you for this opportunity!

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