

2022 Session Bill Highlights (As of March 28th, 2022)

Operating Budget: FY 2023 Funding

SB 290 - Budget Bill (Fiscal Year 2023)

This bill includes the proposed appropriations for State Aid to Public Education contained in the State Budget for the fiscal year ending June 30th, 2023. Budget deliberations are ongoing on the Budget Bill, Senate Bill 290, with a conference committee having been appointed to resolve differences between the House and Senate decisions. As always, MABE's focus is primarily on the Aid to Education component of the State Budget, but the FY 2023 budget also features the Blueprint-mandated expansion of prekindergarten and the establishment of the AIB. The following budget analyses provide detailed reports on [State Aid to Education](#), the [Accountability and Implementation Board \(AIB\)](#), [Early Childhood Education Programs including Prekindergarten Expansion](#).

- On February 22nd, Governor Larry Hogan released a \$480 million supplemental budget to the Maryland General Assembly that directs \$139.9 million towards programs outlined in the Blueprint for Maryland's Future. Governor Hogan expressed that he looks forward to working with the legislature to create a final budget that "delivers record investments in education." The supplemental budget includes funding for MOE adjustment grants, Office of the State Superintendent funding, teacher development and training, as well as the Blueprint for Maryland's Future Grant Program.

On March 10th, 2022, the Board of Revenue Estimates, which includes State Comptroller Peter Franchot, State Treasurer Derek Davis, and Secretary of Budget and Management David Brinkley, received a very positive [presentation](#) on the condition of Maryland's economy and approved revised revenue estimates that increase the State's projected budget surplus by \$1.6 billion. This revision increases the total projected surplus to more than \$7.5 billion over the next two years. This good news resulted in immediate action to temporarily cease collecting the state sales tax on gasoline, and will likely impact a number of legislative initiatives pending in Annapolis. For more information, use these links to the meeting: ([Video](#), [Presentation](#) & [Press Release](#))

On March 18th, 2022, MABE and PSSAM sent a letter to the Governor asking for supplemental funding for compensatory education and teacher retirement costs.

Education Funding & Policy

HB 1426/SB 640 - Primary and Secondary Education - Maintenance of Effort Requirements - Alterations As introduced, this bill requires, for fiscal 2023, county governments (including Baltimore City) to appropriate local funds to the public school operating budget in an amount not less than the greater of (1) the per pupil maintenance of effort (MOE) requirement for fiscal 2023 or (2) the county's fiscal 2022 local appropriation, minus any applicable federal COVID-19 funding received by the county that is used to exceed MOE in fiscal 2022. County governments also remain subject to minimum appropriations resulting from the requirement to provide the local share of major education aid, after accounting for local share relief provisions. The bill takes effect June 1, 2022

On March 23rd, Senate Bill 640 passed out of committee with amendments and will go to the Senate floor. House Bill 1426 received no action. ([MABE Position: Support](#))


- MABE urges passage of this legislation to prevent dire reductions in local funding based on lower enrollment counts as schools reopened in the fall of 2022 after the school closures ordered by state officials throughout the pandemic.

HB 1450 - Blueprint for Maryland's Future - Implementation Plans and Fund – Alterations

As introduced, this bill extends dates for the development, adoption, and submission of plans to implement the Blueprint for Maryland's Future; alters the date by which criteria to evaluate certain implementation plans must be developed; alters the distribution of certain sales and use tax revenues to the Blueprint for Maryland's Future Fund; and authorizes certain entities or programs to retain the unspent portion of a certain appropriation for fiscal year 2023. Specifically, the bill:

- Extends the State Implementation Plan deadline from Feb. 15, 2022 to Dec. 1, 2022;
- Extends the MSDE deadline for plan criteria from April 1, 2022 to Sept. 1, 2022;
- Extends the local implementation plan deadline extended from June 15, 2022 to March 15, 2023; and
- Revises the formula for dedicated sales tax revenue to the Blueprint Fund.

Amendments to House Bill 1450 expand grant usage under the Concentration of Poverty Grant Program, require the AIB to release funds to local systems who have developed and received approval for their initial implementation plan, and create a program of study in partnership with community colleges for students who have not met CCR standards by the end of 10th grade. House Bill 1450 passed in the House and will be heard in the Senate on March 29th, 2022. (MABE Position: Support)

 MABE supports this bill in order to extend dates for the development, adoption, and submission of plans to implement the Blueprint for Maryland's Future; alter the date by which the state criteria to evaluate local implementation plans must be developed; and modify the distribution of revenues to the Blueprint for Maryland's Future Fund.

Capital Budget for Public Education

SB 291 - Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2022, and the Maryland Consolidated Capital Bond Loans of 2014, 2015, 2016, 2017, 2018, 2019, 2020, and 2021

This bill authorizes the creation of a State Debt and allocates current funds (PAYGO) to finance the 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.

The bill takes effect July 1, 2022.

FY 2023 School Construction Funding			
	Bonds	PAYGO	Total
Aging Schools Program	\$6,109,000		\$6,109,000
Healthy School Facility Fund	\$50,000,000	\$40,000,000 (Federal)	\$90,000,000
Public School Construction Program	\$67,221,000	\$217,779,000	\$285,000,000
Supplemental Capital Grant Program	\$95,391,000		\$95,391,000
Built to Learn Fund	\$480,000,000		\$480,000,000
School Construction Revolving Loan Fund	\$93,000,000	\$40,000,000	\$133,000,000
			\$1,089,500,000


- The Aging Schools Program provides designated amounts of funding for each of the 24 school systems.
- The Healthy School Facility Fund provides funds to public primary and secondary schools in the State to improve the health of school facilities.
- The Supplemental Capital Grant Program for Local School Systems provides funds to local school systems with enrollment growth that over the last 5 years exceeds 150% of the statewide average or with 250 or more relocatable classrooms.
- The School Construction Revolving Loan Program provides loans to local governments to fund the local share of school construction costs for local education agencies that rely on the local share to be fully funded in order to complete a project.

School Facilities

HB 19 - Education - School Construction - Pedestrian Safety Plans (Safe Walk to School Act)


As introduced, this bill requires a local school board that is seeking State funds for the construction of a new public school or, for the renovation or addition to an existing school, under specified circumstances, to submit a pedestrian safety plan to the Interagency Commission on School Construction (IAC). Pedestrian safety plans must be developed in collaboration with the State Highway Administration (SHA) and county departments of transportation, and IAC must review submitted pedestrian safety plans in consultation with SHA. The bill takes effect July 1, 2022.

Amendments to this bill allow county boards to make all determinations about the contents of the pedestrian safety plans and require the IAC to approve the plan after the county board has created it. House Bill 19 passed in the House and will be heard in the Senate on April 25th, 2022. (MABE Position: Oppose)

 MABE continues to oppose this bill because it requires that non-school property be evaluated and potentially improved based on the plan's findings, which are not allowable fund expenditures because they are not school property. Additionally, any identified gaps would be outside the school system's ability to remedy given that they are not located on school property.

HB 68/SB 40 - Interagency Commission on School Construction - Systemic Renovation Projects - Eligibility As introduced, this bill requires the Interagency Commission on School Construction (IAC) to consider systemic renovation projects as eligible for funding under the Built to Learn Act, regardless of the cost of the project. The bill takes effect July 1, 2022.


Amendments to this bill require systematic requirements to meet a minimum construction cost of at least \$100,000, which is consistent with language in The Administrative Procedures Guide. House Bill 68 received no action. Senate Bill 40 passed in the Senate and was heard in the House on March 22nd, 2022. (MABE Position: Support)

 The bill as amended in the Senate is supported by MABE. This bill aligns with MABE's belief that all sources of school facilities funding should be increased and administered in support of locally prioritized construction, renovation, and systemic projects in each of Maryland's 24 local school systems.

HB 665 - Public Schools - Air Quality

As introduced, this bill requires the Interagency Commission on School Construction (IAC) to adopt regulations establishing minimum air quality standards in public schools by August 1, 2023. Each county board of education must use the services of a qualified indoor air quality investigator to conduct indoor air quality testing whenever the board chooses to conduct such tests. Each county board also must submit the test results to the Maryland State Department of Education (MSDE) and IAC. Upon request, each county board must make the results of air quality tests available to a member of the public in a timely manner and in a manner that is clear and easy for the public to understand. By December 1, 2023, each county board must report to IAC regarding specified aspects of air quality in public schools, and IAC must in turn compile and report that information to the Governor and the General Assembly. The bill takes effect July 1, 2022.


Amendments to this bill require schools to utilize the services of a qualified indoor air quality expert (rather than to retain one), mandate that the results of an indoor quality air test be provided to the public in a timely manner and remove the provision stating that results must be posted on a local board's website. House Bill 665 passed in the House and will be heard in the Senate on an undetermined date. [\(MABE Position: Oppose\)](#)

 MABE is concerned by language that requires school systems to “retain” indoor air quality specialists, which implies that schools must contract out to private providers to meet this requirement.

HB 1290 - Education - Public School Construction - Funding and Administration

As introduced, this bill implements the recommendations of the Workgroup on the Assessment and Funding of School Facilities, including changes to State funding levels for school construction, State/local cost-share formulas, school construction project approval requirements, and the implementation of and use of data from the ongoing statewide school facility assessment. It mandates funding levels for the renamed School Construction Revolving Loan Fund, extends funding for the Healthy School Facility Fund (HSFF), and delays funding for the Public School Facilities Priority Fund (PSFPF). It requires the Interagency Commission on School Construction (IAC) to update cost-share formulas and school space allowances to reflect the Blueprint for Maryland's Future and expresses legislative intent that a new workgroup be established by July 2024. The bill takes effect July 1, 2022.

House Bill 1290 passed in the House and will be heard in the Senate on March 29th, 2022. [\(MABE Position: Support\)](#)

 MABE supports House Bill 1290 because it is aligned with MABE's legislative priorities, including the \$400 million baseline amount for annual investments in the State Capital Improvement Program (CIP) for school construction, renovation, and systemic project.

SB 528 - Climate Solutions Now Act of 2022

As introduced, this bill makes broad changes to the State's approach to reducing statewide greenhouse gas (GHG) emissions and addressing climate change. Among other things, the bill (1) increases the statewide GHG emissions reduction requirement and requires the State to achieve net-zero statewide GHG emissions by 2045; (2) establishes requirements for monitoring methane emissions from landfills; (3) establishes new and alters existing energy conservation requirements for buildings; (4) increases and extends specified energy efficiency and conservation program requirements; (5) establishes requirements for the purchase of zero-emission vehicles (ZEVs) in the State fleet and for school buses; and (6) establishes new entities and new special funds to support related activities. The bill takes effect June 1, 2022; specified provisions terminate June 30, 2024, June 30, 2026, and December 31, 2029.


Key provisions of the bill as introduced impacting school systems include:

- The bill would prohibit local school systems from contracting to purchase or use any school bus that is not a Zero-Emission Vehicle (ZEV), with certain exceptions, beginning in fiscal year (FY) 2024.
- The bill would impose new requirements for the construction of Net-Zero Schools, which are defined as generating as much energy in a year as they consume, and create the Net-Zero School Grant Fund to cover increased costs associated with building net-zero schools.

Amendments to this bill are extensive regarding public schools.

- *To facilitate the development of building energy performance standards, owners of covered buildings, including schools, are required to measure and report direct emissions data to the MDE annually beginning in 2025.*
- *For each school constructed by a local school system from July 1, 2024, through June 30, 2033, inclusive, the local school system must consider whether the school should be constructed with solar panels on the roof of the school (and explain any decision not to do so.)*


Senate Bill 528 passed in the Senate and was heard in the House on March 24th, 2022. ([MABE Position: Support with Amendments](#))

 MABE offered testimony in support of Senate Bill 528 with amendments regarding the provisions directly impacting public school operations to address the timing and significant costs of adopting new school construction standards and procurement requirements for school buses. The bill was amended to extend the implementation deadline for the school bus procurement requirement from 2024 to 2025. The amendments regarding school facilities were proposed and adopted on the Senate floor, not in committee.

Student Assessments and Curriculum


HB 165 - Education - Sexual Abuse and Assault Awareness and Prevention Program - Human and Sex Trafficking - This bill requires that the age-appropriate education program on the awareness and prevention of sexual abuse and assault developed and implemented by the State Board of Education (SBE) and each nonpublic school include, for students in grades 6 through 8, material promoting the awareness and prevention of human and sex trafficking. The bill takes effect July 1, 2022.

House Bill 165 passed as introduced in the House and was heard in the Senate on March 23rd, 2022. (MABE Position: Oppose)

 MABE continues to oppose House Bill 165 and all curricular mandates introduced in the 2022 session in favor of local control by each individual school system.


HB 194 - Education - Family Life and Human Sexuality Curriculum – Sexting - This bill requires, beginning in the 2022-2023 school year, a local board of education to provide age-appropriate instruction on the risks of sexting as part of the Family Life and Human Sexuality curriculum in every grade in which the curriculum is taught. The bill takes effect July 1, 2022.

House Bill 194 passed as introduced in the House and was heard in the Senate on March 23rd, 2022. (MABE Position: Oppose)

 MABE continues to oppose House Bill 194 and all curricular mandates introduced in the 2022 session in favor of local control by each individual school system.

HB 985 - Education - Public High Schools - Financial Literacy Curriculum and Graduation Requirement – As introduced, this bill requires the State Board of Education (SBE) to develop curriculum content for a half-semester-long course in financial literacy. Each local board of education must implement the curriculum in every public high school under the board’s jurisdiction, and a student must complete the course in order to graduate from a public high school. This bill takes effect July 1, 2022.


Amendments to the bill strike the financial literacy course as a graduation requirement and require that the course be developed based on the current State Board approved financial literacy instructional program standards. House Bill 985 passed in the House and was heard in the Senate on March 23rd, 2022. (MABE Position: Oppose)

 While amendments to this bill strike any graduation requirement under this bill, MABE continues to oppose all curricular mandates introduced in the 2022 session in favor of local control by each individual school system.

Special Education

HB 1255/SB 705 - Education - Physical Restraint and Seclusion - Limitations, Reporting, and Training – As introduced, this bill prohibits specified public agencies, and nonpublic schools with specified exceptions, from using seclusion as a behavioral health intervention for a student. The bill prohibits, with exceptions, a public agency or nonpublic school from using physical restraint on a student as a behavioral health intervention. Before using seclusion as a behavioral health intervention for a student in a nonpublic school, a health care practitioner must possess specified credentials, have received relevant training, and be clinically familiar with the student. If a student in a public school, or placed in a nonpublic school by the local school system, is physically restrained 10 or more times in a school year, the school must notify the local school system and the Maryland State Department of Education (MSDE) at the earliest opportunity. If a student enrolled in a public agency that is not a public school is physically restrained 10 or more times in a school year, the public agency must notify MSDE at the earliest opportunity. The bill takes effect July 1, 2022. Amendments in the House clarify the definition of seclusion, restrict the prohibition of seclusion to certain public agencies, and exclude the Juvenile Services Education Program from the limitations on seclusion.


Amendments in the Senate alter the definition of physical restraint, clarify the reporting timeline for physical restraint instances, and require public agencies and school systems to submit corrective action plans if they fail to comply with any provision in the bill. Senate Bill 705 passed in the Senate and will be heard in the House on March 31st, 2022. House Bill 1255 passed in the House and will be heard in the Senate on an undetermined date. A link to MSDE’s testimony, which expresses support for this bill with amendments, can be found [here](#). (MABE Position: Support with Amendments)

 MABE’s position on this bill stems from the much needed reform in special education behavioral discipline techniques. MABE supports House Bill 1255 with amendments to address concerns with the scope and timing of certain provisions, including the elimination of seclusion as an allowable behavioral intervention in public schools.

HB 226/SB 577 - Public Schools - Self-Contained Special Education Classroom Video Recording Pilot Program

– As introduced, this bill would have required each local board of education to install at least one video recording device in each self-contained special education public school classroom. Video recording devices would have been installed in 50% of these classrooms in the 2022-2023 school year and in 100% of them beginning in the 2023-2024 school year. A school administration would have been required to notify the appropriate law enforcement agency on receipt of a complaint of alleged neglect or abuse of a student occurring in a self-contained special education classroom while a video recording device was recording. Within three days of the complaint, the school administration and the local superintendent’s office would be required to review the video recording with law enforcement. Upon conclusion of law enforcement investigation, the parent, guardian, or involved student could have inspected and reviewed the recording. If a public-school employee observed an action that could have been considered abuse or neglect of a student in a self-contained special education classroom or exclusion area, the employee would have been required to report the action in accordance with any applicable child abuse and neglect reporting guidelines. A principal would be required, within 24 hours of receiving such a report, to notify the parent of the student who is the subject of the report.


Amendments in the House establish a pilot program in which the provisions in the bill are limited to five local school systems in the state, require written notice to be sent to all personnel who support students in the special education classroom of camera installation two weeks prior to activation, and allow any party involved in a complaint to request footage from the camera. The amendments also establish additional reporting requirements for all schools who participate in the pilot program. House Bill 226 passed in the House and will be heard in the Senate on an undetermined date. Senate Bill 577 received no action. The bill takes effect July 1, 2022. (MABE Position: Oppose)

 MABE opposed this legislation as introduced due to concerns about the universal scope of the mandate to include video cameras in all self-contained 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. MABE recognizes that the amendments limit the scope of the bill, but continues to oppose.

HB 1301/SB 706 - Nonpublic Educational Programs - Children With Disabilities - Costs of Teacher Salaries

– As introduced, this bill requires a nonpublic educational program for students with disabilities to provide its teachers a salary that is equivalent to public school teachers of similar training and experience in the same county. If the costs to do so are not met by the existing State and local cost sharing mechanism in current law for nonpublic placements, such additional funding is to be paid for by the State and the local school system in the same proportion as provided by that mechanism. Funding for other components of a nonpublic educational program may not be reduced to provide for required nonpublic teacher salary increases. The bill takes effect July 1, 2022.


Amendments in the Senate provide \$4 million in appropriations funding to fund the initiatives outlined in this bill and create guidelines to the distribution of the funds. Senate Bill 706 passed in the Senate and will be heard in the House on March 31st, 2022. House Bill 1301 received no action. (MABE Position: Oppose)

 MABE opposed House Bill 1301 as introduced because it would have held local school systems responsible for ensuring the salaries of non-public school employees were equitable to their counterparts in public schools without any corresponding authority over those non-public school employees. However, it is worth noting that MABE proposed that if the bill was to pass, the State should fund the initiatives outlined in the bill, as opposed to local governments. The bill as amended in the Senate seems to take this approach.

Student Health


HB 118 - Public Schools - Student Attendance - Excused Absences for Mental Health Needs – As introduced, this bill establishes that a student’s absence due to mental health needs is a lawful absence from public school attendance. A local board of education must excuse an absence due to a student’s mental health needs, provided that a student who is a minor has permission from their parent or guardian for the absence. A local board may not require a note from a physician to excuse such an absence. A student who is absent due to mental health needs must meet with a school mental health specialist within an appropriate period of time after returning to school, as determined by the local board, to discuss the student’s mental health needs that caused the absence. The bill takes effect July 1, 2022.

Amendments requested by MABE clarify an excused absence as a limited absence, amend the requirement for students to meet with a mental health specialist to simply be informed of the opportunity to meet with a mental health specialist, and allow a county board to adopt policies and procedures to carry out the requirements of the bill. House Bill 118 passed in the House and was heard in the Senate on March 23rd, 2022. (MABE Position: Support)

 MABE supports this House Bill 118 as amended in the House and its core provision to ensure that students are not negatively affected by student discipline actions based on their lawful absences from school for mental health reasons. The amended bill clarifies that excused absences should be of limited duration and administered in the context of local school system policies and procedures.


HB 136/SB 299 - Education - Public and Nonpublic Schools - Seizure Action Plans (Brynleigh’s Act) – As introduced, this bill requires, beginning in the 2023-2024 school year, local boards of education to take specified steps regarding the health care needs of students with a seizure disorder, including requiring each public school to have at least two school personnel trained in seizure disorders, as specified. Each public school must provide specified staff training every two years. The parent or guardian of a student diagnosed with a seizure disorder must collaborate with school personnel to create a seizure action plan and provide medication and authorization, as specified. A nonpublic school may require trained personnel. Amendments in the House bill require trained individuals to be either the school nurse or an individual designated by the school nurse, amend the training for all staff of be an abridged version of the training on seizure response best practices, and require compensation for school personnel who complete the training. The bill takes effect July 1, 2022.

Amendments in the Senate require at least one trained personnel to be a school nurse or health professional and require the training to be administered during their work hours. Amendments in the House establish the trained personnel be either a school nurse or trained by a school nurse and clarify that school personnel who are required to participate be compensated for the training. House Bill 136 passed in the House and will be heard in the Senate on an undetermined date. Senate Bill 299 passed the Senate and was heard on March 24th, 2022. (MABE Position: Support with Amendments)

 MABE originally supported this bill with amendments on the grounds of serious concerns regarding the implementation on statutorily mandated health duties of non-medical professionals. Amendments created in the House and Senate do not address MABE’s concerns regarding non-medical personnel administering medication. MABE continues to request amendments that remove these provisions.


HB 154/SB 95 - Public Schools - Anaphylactic Food Allergies - Guidelines and Requirements- As introduced, this bill requires each local board of education to adopt and implement guidelines, in accordance with the Maryland State School Health Service guidelines, to reduce the risk of exposure to anaphylactic causative agents (specifically, major food allergens) in classrooms and common areas. Each public school must develop a system to disclose, within a reasonable time in advance of service, the foods served in the school and the major food allergens contained in the food. The principal of a public school that has a child attending with an anaphylactic allergy must monitor and implement the strategies developed in accordance with the Maryland State School Health Service guidelines and the guidelines established by the local board of education as required by the bill. The bill takes effect July 1, 2022.

Amendments to the House Bill clarify that the roles set forth to establish the roles of administrators, health care staff, educators, food service employees, and operations staff shall be in accordance with any existing collective bargaining agreement, expand guidance for food distribution guidelines to all outside public or private entities, and eliminate the requirement for schools to post daily food options with a list of any major food allergens in the day's menu. House Bill 154 passed in the House and will be heard in the Senate on an undetermined date. Senate Bill 95 received no action. (MABE Position: Support with Amendments)

 MABE recognizes that amendments to this bill address most of our concerns. MABE continues to monitor this bill as it is pending a hearing in the Senate.

HB 384 - Public and Nonpublic Schools - Bronchodilator and Epinephrine Availability and Use - Policies) – As introduced, this bill requires each local board of education to establish a policy for public schools to authorize the school nurse and other school personnel to administer a bronchodilator, if available, to a student who is determined to have asthma, is experiencing asthma-related symptoms, or is perceived to be in respiratory distress, regardless of whether the student (1) has been diagnosed with asthma or reactive airway disease or (2) has a prescription for a bronchodilator from a licensed health care practitioner. However, a bronchodilator may not be administered to a prekindergarten student without a prescription, as specified. The policy must include other specified elements. Likewise, the bill authorizes each nonpublic school to establish a policy that meets similar requirements.

Amendments to this bill clarify the definition of “anaphylaxis” and “auto-injectable epinephrine,” require the Maryland Department of Health to create a training regarding the symptoms of respiratory illnesses, and state that school personnel who are acting in good faith under this bill cannot be held liable for acting within the scope of this language. House Bill 384 passed in the House and will be heard in the Senate on April 5th, 2022. (MABE Position: Oppose)


 MABE opposes House Bill 384 in favor of providing for the school health needs of students with bronchodilators and related health services through the administration of individual student health plans. MABE has serious concerns with non-medical personnel evaluating the health needs of students and administering medication via inhaler or Epi pen, as a response. In advance of any favorable action in the Senate, MABE has proposed several amendments to this bill.

Technology

HB 547/SB 617 - Local School Systems - Equivalent Access Standards - Digital Tools (Equivalent and Nonvisual Access Accountability Act for K-12 Education) – As introduced, this bill requires each local school system to provide a student with disabilities access to digital tools that (1) are fully and equally accessible to and independently usable by the student and (2) enable the student to acquire

the same information, participate in the same interactions, and access the same services as a student without disabilities, with substantially equivalent ease of use. Each digital tool developed or purchased by a local board must include specifications for access for students with disabilities in accordance with technical standards issued under specified federal law or any other widely accepted or freely available technical standard. Each local school system must establish an evaluation process for digital tools being considered for development or purchase for conformity with the above requirements. The bill establishes certain procurement procedures regarding digital tools and civil penalties for vendors that fail to meet specified accessibility standards, after certain notification.


Amendments in the Senate replace the term “technology based instructional products” with “digital tools,” allow a county board to be indemnified by a vendor for liability resulting from the use of a digital tool that fails to meet equivalent access standards and clarify that schools shall provide equivalent access to digital tools (as opposed to full an equal access). Senate Bill 617 passed in the Senate and was heard in the House on March 24th, 2022. House Bill 547 received no action. (MABE Position: Support with Amendments)

-  MABE offered lengthy testimony proposing extensive and detailed amendments. The Senate adopted most, but not all, of these amendments. MABE continues to seek amendments in the House to ensure that standards and procurement processes are consistent and practicable.

Student Safety, Security, and Discipline

HB 84/SB 199 - Education – Crimes on School Grounds – Application – As introduced, this bill establishes that specified prohibitions against disruptive, violent, or threatening behavior on the grounds of institutions of elementary, secondary, or higher education or at school-sponsored events do not apply to (1) students attending a school where the offense occurs; (2) students on exclusionary discipline from the school; or (3) a student attending another institution who is participating in a sporting event or other extracurricular event sponsored by the school where the offense occurs. As a result, those students are not subject to the criminal penalties in current law that apply to the prohibited offenses. The bill takes effect July 1, 2022.


Amendments in the Senate exclude students who are on exclusionary discipline from coverage under the bill. Senate Bill 199 passed in the Senate and was heard in the House on March 24th, 2022. House Bill 84 passed as introduced and will be heard in the Senate on an undetermined date. (MABE Position: Support)

-  MABE continues to support this legislation, highlighting support for the amendment adopted in the Senate, as consistent with MABE’s support for a progressive student discipline system that emphasizes in-school responses to student behaviors that provide professional educational and behavioral health supports to affected students.

HB 146 - Education – Reportable Offenses and Student Discipline – Alterations – As introduced, this bill alters the definition of “reportable offense” by omitting certain offenses under current law and adding offenses that occurred off school premises, that did not occur at events sponsored by the school, and that involved certain violent crimes. The bill repeals several requirements in current law related to reportable offenses. If a student is adjudicated delinquent or convicted of a reportable offense, the State’s Attorney may notify the local superintendent, school principal, and the school resource officer. If such notice is provided, the State’s Attorney must provide a copy to the student’s defense attorney. A student’s attorney must be invited to participate in disciplinary conferences related to discipline for a

reportable offense, and a principal or county superintendent may not ask questions related to a reportable offense of a student unless the student's attorney is present. The bill takes effect July 1, 2022.

Major amendments to this bill strike all provisions that alter the definition of reportable offense, reinstate the requirement for law enforcement to notify schools if a student is arrested for a reportable offense, and require each county board to report to MSDE on students arrested for reportable offenses in public schools between 2017-2022. House Bill 146 passed in the House and will be heard in the Senate on March 29th, 2022. (MABE Position: Oppose)

 MABE opposed House Bill 146 as introduced because it would have eliminated most mandatory notifications to school systems of student criminal behavior, including all arrests, and at the same time impose new requirements for school systems in the cases in which a State's Attorney opts to provide notification only after the student's conviction. As amended, MABE no longer opposes this bill.


HB 495/SB 519 - Education - Student-Organized Peaceful Demonstrations - Student Discipline and Policy – This bill bars a public school from, under specified conditions, (1) prohibiting a student from organizing or participating in a student-organized peaceful demonstration; (2) imposing limits that substantially inhibit a student's right to free speech while participating in a student-organized peaceful demonstration; and (3) disciplining a student for organizing or participating in a student-organized demonstration. A school may impose reasonable limitations on the time and place of a student-organized peaceful demonstration to minimize disruptions and protect the health, safety, and welfare of students and school personnel. Each local board of education must develop a written policy as specified regarding student-organized peaceful demonstrations. The bill takes effect July 1, 2022.

House Bill 495 passed as introduced and will be heard in the Senate on an undetermined date. Senate Bill 519 received no action. (MABE Position: No Position)

Student Data and Privacy

HB 769/SB 325 - Student Data Privacy - Protections, Digital Tools, and Student Data Privacy Council – As introduced, this bill requires each local board of education, by July 1, 2022, and annually thereafter, to submit a list that contains (1) approved digital tools; (2) digital tools known to be used by educators; and (3) digital tools not authorized by the local board of education. MSDE must publish an online database of the digital tools by September 1, 2022, and annually thereafter. By December 1, 2025, the Student Data Privacy Council, which is reestablished by the bill, must report on (1) the implementation of the digital tools list report and (2) best practices for student data privacy protection for parents and guardians. Further, the bill changes the definitions of "covered information," "operator," and "persistent unique identifier" with regard to the Student Data Privacy Act of 2015. The bill takes effect June 1, 2022. The council terminates on September 30, 2028.


Amendments in the House and Senate strike the requirement for local boards to provide a comprehensive list of all digital tools used within their school systems to MSDE. House Bill 769 passed in the House and will be heard in the Senate on an undetermined date. Senate Bill 325 passed in the Senate and was heard in the House on March 24th, 2022. (MABE Position: Oppose)

 MABE opposed these bills as introduced because they included provisions to expand the recommendations of the Student Data Privacy Council by imposing additional requirements on local school systems. Specifically, MABE did not support the bill provisions to mandate the identification and posting of all approved, disapproved, and known digital tools. As amended, MABE no longer opposes these bills.

School Personnel


HB 743/SB 410 - Teachers' Retirement and Pension Systems - Reemployment – As introduced, this bill allows, from July 1, 2022, through June 30, 2024, a local school superintendent or the Maryland School for the Deaf (MSD) to hire any retiree of the Teachers' Retirement System/Teachers' Pension System (TRS/TPS) – as a classroom teacher, substitute classroom teacher, teacher mentor, or principal – without the retiree being subject to an earnings limitation. The bill takes effect June 1, 2022, and terminates June 30, 2024.

Amendments in the House and Senate limit the number of school personnel rehired to a maximum of 25 employees per school system. House Bill 743 passed in the House and will be heard on an undetermined date. Senate Bill 410 passed the Senate and was heard in the House on March 22nd, 2022. (MABE Position: Support)

 MABE continues to support these bills to facilitate the rehiring of retired teachers and principals, and to promote the continued service in retirement of educators considering retirement without the opportunities provided by this legislation.

HB 1349/SB 831 - Education Support Professionals - Workgroup and Bonus – As introduced, this bill requires the Governor to include an appropriation in the fiscal 2024 budget that is sufficient to provide a bonus of either \$500 or \$1,000, as specified, to each noncertificated education support professional. The bill also establishes a Workgroup to Study the Wages of Education Support Professionals, staffed by the Maryland State Department of Education (MSDE), to (1) determine what percentage of education support professionals in the State earn a living wage and (2) study increasing the wages of education support professionals to attract and retain skilled workers. The bill takes effect July 1, 2022; the workgroup terminates October 31, 2023.

Amendments in the Senate define the term “education support professional,” require local boards to report data on the number of retained education support professionals to MSDE to create a report for the General Assembly and alter the appropriation requirements for FY 2023-2024. Senate Bill 831 passed in the Senate and will heard in the House on an undetermined date. House Bill 1349 received no action. (MABE Position: Support with Amendments)


 MABE supports Senate Bill 831 as amended, which includes MABE's requested technical amendment to clarify and ensure that the bill's reference to noncertificated education support professionals is clear, by referring specifically to noncertificated employees under Title 6, Subtitle 5, of the Education Article.

Virtual Schools

SB 362 - Primary and Secondary Education - Virtual Schools – Revisions – As introduced, this bill changes the requirements for a local board of education or the Maryland State Department of Education (MSDE) to establish a virtual school and sets requirements for students, teachers, and services at a virtual school. A local school system is limited to establishing one virtual school; however, MSDE may authorize a local school system to establish a second virtual school on a showing of just cause. A virtual school may not include classes for prekindergarten or kindergarten students. MSDE or a local board of education may contract only with a nonprofit organization to provide services for a virtual school.


A teacher preparation program must include instruction on training in the skills and techniques for teaching effectively in a virtual learning environment. By December 31, 2022, the State Superintendent of Schools must report the appropriate balance of synchronous and asynchronous learning. The bill takes effect July 1, 2022.

Senate Bill 362 passed in the Senate and will be heard in the House on March 31st, 2022. (MABE Position: Support with Amendments)

 MABE continues to support Senate Bill 362 with amendments to address definitions and standards intended to ensure the delivery of high-quality virtual learning experiences for students enrolled in virtual programs and virtual schools established by local boards of education or MSDE.

HB 1163 - Primary and Secondary Education - Virtual Education - Requirements – As introduced, this bill establishes requirements related to virtual education for public schools. The bill establishes requirements related to (1) temporary and permanent virtual schools; (2) professional development; (3) addressing and mitigating the effects of learning loss; and (4) expanding computer and Internet security infrastructure for virtual education. The bill removes the authority of MSDE to establish a virtual school, and no virtual schools may be approved for operation before July 1, 2024. However, the bill grandfathers any virtual programs in existence on June 1, 2022. The bill also requires MSDE and local school systems to meet specified requirements including implementing a statewide learning management system (LMS) by August 31, 2022, for use by all public schools. In addition, the bill establishes a virtual course grant program. The bill takes effect June 1, 2022. (MABE Position: Support with Amendments)


Amendments to House Bill 1163 revoke the establishment of the “Flip the Classroom” Pilot Program. House Bill 1163 passed in the House and will be heard in the Senate on March 29th, 2022.

 MABE originally supported the intent of House Bill 1163 to build a framework for a robust statewide approach to ensuring access for students to options for high quality virtual learning. MABE requested amendments aligned with the concerns raised last session on this House legislation, specifically regarding the “Flip The Classroom” Pilot Program. Pending the Senate hearing, MABE supports the bill as amended in the House.

Career Technology Education (CTE)

HB 652/SB 318 - More Opportunities for Career-Focused Students Act of 2022 - This bill generally requires local school systems to assist high school students in preparing for admission to registered apprenticeship programs in a manner similar to how they assist students in preparing for admission to postsecondary institutions. The bill takes effect July 1, 2022.

Senate Bill 318 passed in Senate as introduced and will be heard in the House on an undetermined date. House Bill 652 received no action. (MABE Position: Support with Amendments)


 MABE continues to support Senate Bill 318 and secured an amendment to address the “opt-in” vs. “opt-out” issue regarding the sharing of student data with apprenticeship programs.

Local Bills

HB 603/SB 908 - Harford County Board of Education - Appointment of Members - Alterations

This bill eliminates the role of the Governor in appointing the 3 appointed members to the Harford County Board of Education. Instead, the bill requires the Harford County Executive to select the appointed members, subject to the advice and consent of the Harford County Council by a vote of at least five members.

Senate Bill 908 passed in Senate and will be heard in the House on March 31st. House Bill 603 passed in the House and will heard in the Senate on March 31st.

 MABE's adopted legislative position on local government appointing authority provides that "MABE opposes bills expanding initial board appointment authority to local governments. Local boards of education are entities of the State, not the county government. Because local boards are fiscally dependent on local governments, it is appropriate that local boards remain an independent voice for the school system and that a "check-and-balance" relationship continues between local boards and their respective local governments."

HB 355 - Prince George's County Board of Education - Workgroup, Alterations, and Orientation Requirement PG 503-22

This bill alters the composition of the Prince George's County Board of Education beginning July 1, 2024, by removing the four appointed members from the board. The bill makes other conforming changes, requires the chair and vice chair of the board to be elected from among the members of the board beginning December 5, 2022, and requires that at the beginning of each term, each member must attend an orientation and be provided with materials that clarify the role of the member. The bill also establishes a Workgroup on the Membership and Operation of the Prince George's County Board of Education staffed by Prince George's County Public Schools in conjunction with Bowie State University. The workgroup must submit a final report by December 30, 2022. The bill takes effect July 1, 2022, except for the provisions altering the composition of the Prince George's County Board of Education, which take effect on July 1, 2024. Provisions relating to the workgroup terminate December 31, 2023. (MABE Position: No Position)

HB 355 passed in House and was heard in the Senate on March 29th, 2022.