

March 11, 2022

**In this issue:**

- Legislative Committee Meeting
- Priority Bill Highlights
- Bill Report & Hearing Schedule

**Legislative Committee Meeting**

MABE’s Legislative Committee will meet on Monday, March 14 to discuss and receive updates on the status of priority bills and the state operating and capital budgets.

**Budget Updates**

On March 10, 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](#))

State Budget deliberations continue on the Budget Bill, Senate Bill 290. 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 22<sup>nd</sup>, 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:

- **Education Effort Adjustment (\$125.5 million):** These funds provide grants to local jurisdictions that are unable to raise enough taxes to fund their local shares of the Blueprint. The majority of these funds will be distributed to Prince George’s County and Baltimore City in FY 2023.

**Legislative Committee**

**2022 Meeting Calendar**

- March 14, 2022
- March 28, 2022  
\* (April 11, 2022 - Session adjourns)
- April 25, 2022

MABE’s Legislative Committee meetings are held virtually by Zoom on Monday mornings, 10:00 to 12:00, unless otherwise indicated. Meeting agendas and materials are posted on the [MABE website](#).

- **Office of the State Superintendent (\$8.4 million):** These funds will provide leadership training, a state model curriculum and instructional materials, and a College and Career Readiness equating study as part of the Blueprint implementation strategy.
- **Teacher Development (\$2.9 million):** These funds will provide training for teachers and National Board Certification support as part of the Blueprint for Maryland's future.
- **Blueprint for Maryland's Future Grant Program (\$2 million):** These funds will provide funding for behavioral health training for teachers, as well as expert review teams that will analyze schools and provide accountability for the implementation of the Blueprint in local systems.

MABE continues to advocate for additional state investments through supplemental budget funding to support full funding of compensatory education in the 2022-2023 school year. This funding is critically needed to support programs and services for our most economically disadvantaged students.

### Priority Bill Highlights

MABE has presented written and oral testimony on the following bills and continues to monitor their status and progress through the legislative process.

#### [Senate Bill 362](#) - Primary and Secondary Education - Virtual Schools - Revisions

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. ([Fiscal Note](#))

- MABE supports Senate Bill 362 with amendments to address several definitions and standards intended to ensure the delivery of high-quality virtual learning experiences for students enrolled in virtual schools established by local boards of education or the Maryland State Department of Education (MSDE). Specifically, MABE requested amendments to:
  - Remove the standard of "just cause" for MSDE approval of a local virtual school.
  - Remove the prohibition on contracting with a for profit entity to provide any services for a virtual school.
  - Remove any prescriptive eligibility standards for families interested in enrolling their child in a virtual school.
  - Remove specific numeric thresholds for enrollment (10% of students in any one school) and in the definition of a charter school (at least 60% of the curricular components must be online).

- Add a “hold-harmless” provision clearly preserving the local board authority and continuing operations of any virtual school or virtual programs which may be interpreted to be governed by provisions of this bill. ([MABE Testimony](#))
- The Senate Education Committee has approved the bill with several amendments consistent with MABE’s requests, including an amendment to hold harmless the continued operation of the blended virtual education program being offered on the Eastern Shore.

**[Senate Bill 617/House Bill 547](#) - Local School Systems - Equivalent Access Standards - Digital Tools (Nonvisual Access Accountability Act for K-12 Education)**

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. The bill takes effect July 1, 2022. The new procurement standards take effect October 1, 2024. ([Fiscal Note](#))

- MABE supports this legislation to ensure accessibility for disabled students, including vision-impaired students, to critically important digital tools and resources integral to their success whether in an in-person or virtual classroom. MABE is requesting several amendments to address serious concerns that the well-meaning intent of this bill not create confusion or unworkable procurement standards for school systems buying technology ranging from systemwide information technology platforms to individual instructional materials. The Senate has adopted several of MABE’s requested amendments, and advocacy efforts continue to ensure that the new accessibility standards are reasonably achievable. ([MABE Testimony](#))

**[House Bill 136/Senate Bill 299](#) - Education - Public and Nonpublic Schools - Seizure Action Plans (Brynleigh's Act)**

This legislation 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. ([Fiscal Note](#))

- MABE supports these bills with amendments to make the mandatory designation non-medical school staff as emergency medical responders discretionary based on the school nurse’s decision and school system policy. ([MABE Testimony](#))

- Both bills have been approved with amendments reflecting MABE’s concerns and which clarify that the mandated designation of staff and mandated training does not specify the administration of medication by non-healthcare staff.

### **SB 705/HB 1255 - Education - Physical Restraint and Seclusion - Limitations, Reporting, and Training**

This bill prohibits public schools, and nonpublic schools with specified exceptions, from using seclusion as a behavioral health intervention for a student. The bill also 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. ([Fiscal Note](#))

- MABE supports these bills with amendments to address the primary concerns that if enacted this legislation would prohibit services currently included in student Individualized Education Programs (IEPs) and Behavioral Intervention Plans (BIPs).
- The final [Report of the Task Force on Restraint and Seclusion](#) (MSDE, Sept. 19, 2017) recommended comprehensive reforms to state regulations which were adopted under COMAR 13A.08.04. MABE endorses the thorough approach taken by the task force in crafting the current state regulations, including clearly defined terms, student-oriented safety measures, parental consent, and professional development. ([MABE Testimony](#))
- Superintendent Choudhury testified in support of the bill with amendments which would clarify and even strengthen certain enforcement provisions. ([MSDE Testimony](#))

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

The bill alters the dates by which (1) the Accountability and Implementation Board (AIB) must adopt a Comprehensive Implementation Plan (CIP) for the Blueprint for Maryland’s Future (Blueprint); (2) the Maryland State Department of Education (MSDE) must develop criteria for approval or disapproval of related local implementation plans; and (3) State and local government units must submit those implementation plans. This bill also alters the distribution of certain sales and use tax revenues to the Blueprint for Maryland’s Future Fund (BMFF). The bill takes effect June 1, 2022. ([Fiscal Note](#))

- 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. [MSDE testimony](#) and input from several school systems are requesting additional amendments to address significant college and career readiness program implementation issues.
- Specifically, this 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. ([MABE Testimony](#))

## **SB 640/HB 1426 - Primary and Secondary Education - Maintenance of Effort Requirements - Alterations**

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. ([Fiscal Note](#))

- MABE supports 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. ([MABE Testimony](#))

### Bill Report

A [Bill Report](#) and [Hearing Schedule](#) (updated March 11, 2022) containing MABE's positions and the status of all the bills we are tracking is available on the MABE website and updated weekly during Session.

### Advocacy Resources

- [MABE's Annapolis Advocacy Center](#)
- [MABE's State Board Advocacy Center](#)
- [MABE's Federal Advocacy Center](#)

For more information, contact John R. Woolums, Esq., MABE's Director of Governmental Relations, at [jwoolums@mabe.org](mailto:jwoolums@mabe.org) or 410-841-5414.

---

Disclaimer: The Maryland Association of Boards of Education (MABE) provides the materials and information contained in this newsletter and on this website for its members and non-member users for informational purposes only. Using or accessing this newsletter or website does not create an attorney client relationship between MABE and the accessing user or browser. This newsletter and our website are not a substitute for legal advice. Please consult with your legal counsel for specific advice and information.