

## 2022 Legislative Session Summary

### Introduction

The 2022 legislative session of the Maryland General Assembly convened on Wednesday, January 12, 2022 and adjourned at midnight on Monday, April 11, 2022. The election-year session saw the passage of historic operating and capital budgets due to the continuing benefit of federal stimulus funds and the state's strong economic performance and resulting sales and income tax revenues. Public education received major increases in state aid to support the launch of the Blueprint for Maryland's Future Act and for both the traditional school construction program and newer Built to Learn Act program. The legislature also agreed to ensure stable local funding in the coming school year. Major education policy issues included virtual schools, student health services, educational technology, and cybersecurity.

During session, MABE monitored over 400 bills and provided testimony on nearly 90 house bills and 40 senate bills. All MABE testimony, current bill status and information, and [2022 MABE Session Summary Presentation](#), are available on MABE's Annapolis Advocacy webpage.

MABE's [Legislative Committee](#) met regularly throughout the 2022 session to deliberate and vote on bill positions and to receive updates on pending legislation. The Committee is chaired by Karen Yoho (Frederick County). The session saw the introduction of 1,487 [House Bills](#) and 1,011 [Senate Bills](#). Of these 3,114 bills and resolutions, MABE tracked nearly 440 bills, and provided [testimony](#) and advocated on 88 House bills and 43 Senate Bills.

In advance of the legislative session, MABE conducted its annual update of the association's Continuing Resolutions, which provide the foundation for MABE's legislative and policy positions. On October 1, 2021, local board members approved [Continuing Resolutions for 2021 - 2022](#). In November 2021, MABE's Legislative Committee adopted the [2022 Legislative Positions and Priorities](#). MABE distributes its Legislative Positions publication to all members of the General Assembly in advance of the legislative session.

MABE's top priorities for the 2022 legislative session included:

### **Support for governance authority for local boards of education to adopt education policies and school system budgets reflecting local priorities and resources.**

 MABE consistently supported local board authority to exercise legislative, judicial, and executive functions, and to adopt education policies and school system budgets reflecting local priorities and resources. In response to an unprecedented number of curriculum-related bills, MABE prioritized advocacy for local discretion in curriculum implementation based on local priorities. MABE also advocated for a balance of local and state authority in legislation setting new standards for digital technology, the use of seclusion and restraint, and the operation of virtual schools.

### **Support for full State funding for Maryland's outstanding public schools.**

 MABE advocated for sustained increases in state and local funding in FY 2023 and beyond to support the Blueprint for Maryland's Future law to fulfill Maryland's constitutional duty to adopt a school funding system that ensures equity and excellence in every school. Specifically, MABE

supported the investment of available surplus funds in the State's commitment to launch the Blueprint, saving surplus funds for future Blueprint costs, and paying bonuses to school system support staff. Maryland's public schools will receive record funding this year in these and other areas.

### **Support for increased State funding for school construction and renovation projects.**

 MABE supported a state funding level of at least \$400 million for school construction and renovation projects for FY 2023 to provide the State's share of approved projects to build, renovate, and improve schools. The legislature agreed to adopt an increased target of \$450 million and invested an unprecedented amount school construction funding through bond financing and one-time cash spending.

### **Support for sustained and increased local government investments in education.**

 MABE supports the Blueprint's reforms to state law to ensure local funding increases above maintenance of effort by including a local funding share for students in prekindergarten, special education, economically disadvantaged, and English learner state funding categories. However, this new approach was not fully in place for FY 2023, and the legislature and county governments agreed to hold school systems harmless by ensuring the higher of the current or prior year's maintenance of effort amount and the new local share calculation. This legislation secures strong and stable local funding for the 2022-2023 school year.

### **Session Highlights**

When the General Assembly adjourned "sine die" on Monday April 11, 2022 at midnight, it brought to a close an historic legislative session that featured many major education funding and policy issues. The State Budget (SB 290) funds public education at historic levels and will ensure strong support for all 24 school systems to implement the first school year under the Blueprint for Maryland's Future Act passed in 2021. In addition, the legislature agreed to bolster the minimum amount of local funding required in the 2022-2023 school year in a bill that also extends the deadlines for adopting state and local implementation plans for the Blueprint (HB 1450).

The State Capital Budget (SB 291) includes record spending for school construction projects across the state to not only build new schools but also improve the environmental health within existing schools (SB 291). The new Climate Solutions law will incentivize building more net-zero energy efficient schools and require school systems to purchase zero emissions school buses in the coming years (SB 528).

Virtual schools operated by local school systems will be governed by a new law intended to provide a balance of flexibility and accountability (SB 362). Cybersecurity was the focus of three new laws including one to require state coordination of county, municipal, and school system cybersecurity assessments and responses (HB 1202). New laws will govern school system procurement of educational technology to ensure all platforms and instructional materials are accessible to students with disabilities (SB 617), and impose much stricter requirements and reporting of the use of restraints and seclusion of students as behavioral interventions (HB 1255).

This 2022 Session Summary provides much more detailed information on these and other bills passed into law, education funding highlights in the operating and capital budgets, and lists of other bills enacted and not passed. Note: Governor Hogan has not, as of this publication date, signed many of the bills identified as passed in this summary. The Governor may veto such bills within thirty days after presentation by the legislature. If by this date a passed bill is not vetoed, it becomes law. This summary will be updated regularly to indicate bill status as accurately as possible.

## Overview of Education Bills Passed in 2022

The following bills all passed and are in the process of becoming law following the conclusion of the 2022 legislative session, which adjourned at midnight on Monday April 11, 2022.

<p><b>State Operating Budget: FY 2023 Funding</b></p> <ul style="list-style-type: none"> <li>• Budget Bill (Fiscal Year 2023)</li> </ul> <p><b>Education Funding &amp; Policy</b></p> <ul style="list-style-type: none"> <li>• Blueprint for Maryland's Future - Implementation Plans and Funds – Alterations</li> </ul> <p><b>Capital Budget for Public Education</b></p> <ul style="list-style-type: none"> <li>• 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</li> </ul> <p><b>School Facilities</b></p> <ul style="list-style-type: none"> <li>• Education - Public School Construction - Funding and Administration</li> <li>• Climate Solutions Now Act of 2022</li> <li>• Education - School Construction - Pedestrian Safety Plans (Safe Walk to School Act)</li> </ul> <p><b>Special Education</b></p> <ul style="list-style-type: none"> <li>• Education - Physical Restraint and Seclusion - Limitations, Reporting, and Training</li> </ul> <p><b>Technology and Accessibility</b></p> <ul style="list-style-type: none"> <li>• Local School Systems - Equivalent Access Standards - Digital Tools (Equivalent and Nonvisual Access Accountability Act for K-12 Education)</li> </ul> <p><b>Student Data and Privacy</b></p> <ul style="list-style-type: none"> <li>• Student Data Privacy - Protections, Digital Tools, and Student Data Privacy Council</li> </ul> <p><b>Athletics</b></p> <ul style="list-style-type: none"> <li>• Public Schools - Student Athletics - Requirements and Emergency Action Plans (Elijah Gorham Act)</li> <li>• Education - Student Athletes - Uniform Modifications for Modesty (Inclusive Athletic Attire Act)</li> </ul>	<p><b>Student Health</b></p> <ul style="list-style-type: none"> <li>• Public Schools - Student Attendance - Excused Absences</li> <li>• Education - Public and Nonpublic Schools - Seizure Action Plans (Brynleigh’s Act)</li> </ul> <p><b>Student Safety, Security, and Discipline</b></p> <ul style="list-style-type: none"> <li>• Education - Reportable Offenses, Student Discipline, and School Disruptions - Presence of an Attorney and Reporting</li> </ul> <p><b>School Personnel</b></p> <ul style="list-style-type: none"> <li>• Teachers' Retirement and Pension Systems – Reemployment</li> <li>• Public School Employees – Whistleblower Protections – Civil Actions</li> <li>• Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)</li> <li>• Education Support Professionals - Bonus and Report</li> </ul> <p><b>Virtual Schools</b></p> <ul style="list-style-type: none"> <li>• Primary and Secondary Education - Virtual Education - Requirements</li> </ul> <p><b>Cybersecurity</b></p> <ul style="list-style-type: none"> <li>• Local Government Cybersecurity - Coordination and Operations (Local Cybersecurity Support Act of 2022)</li> <li>• State Government – Information Technology and Cybersecurity–Related Infrastructure (Modernize Maryland Act of 2022)</li> <li>• State Government - Cybersecurity - Coordination and Governance</li> </ul> <p><b>Local Bills</b></p> <ul style="list-style-type: none"> <li>• Baltimore County Board of Education - Members - Training and Student Member Voting</li> <li>• Harford County Board of Education - Appointment of Members – Alterations</li> <li>• Prince George's County Board of Education - Workgroup, Alterations, and Orientation Requirement PG 503-22</li> </ul>
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## 2022 Session Bill Highlights

### State 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 30<sup>th</sup>, 2023.

On February 22<sup>nd</sup>, 2022, 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 looked forward to working with the legislature to create a final budget that "delivers record investments in education." This supplemental budget included funding for local effort adjustment grants of more than \$125 million, Office of the State Superintendent funding, teacher development and training, as well as the Blueprint for Maryland's Future Grant Program.

On March 10<sup>th</sup>, 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. For more information, use these links to the meeting: ([Video](#), [Presentation](#) & [Press Release](#))

Budget Supplementals 3, 4, and 5 were issued over the span of three days during the last week of March. These supplementals provided \$8 million worth of bonuses for noncertified education personnel, \$4 million for non-public special education school teacher salaries, and \$1.2 million for compensatory education to reflect updated enrollment.

Throughout session, MABE and PSSAM also advocated for supplemental funding for compensatory education. This specific enrollment-based funding issue arises from the fact that ongoing impacts of the pandemic resulted in lower-than-expected enrollment counts in the fall of 2020, but even more dramatic drops in the numbers of free and reduced-price meal eligible students whose enrollment determines the amount of compensatory education funding each school system receives. Overall, enrollment dropped by only 0.7%, however free and reduced-price meal enrollment dropped by 6.8%. Even with increased per pupil funding under the blueprint, these enrollment drops would result in major funding losses. Fortunately, as explained in the 90-Day Report, the FY 2023 budget does provide some meaningful relief in this important area.

"State aid under the compensatory education formula would decline by \$48.2 million in fiscal 2023 to \$1.2 billion as an increase in per pupil funding is more than offset by a 23,487 decline in student counts from fall 2020 to fall 2021. However, the fiscal 2023 budget also includes \$56.7 million in compensatory education hold harmless grants, assuring that no school system receives less compensatory education funding than was provided in fiscal 2022 and bringing total funding to \$1.3 billion."

Ultimately, the FY 2023 levels of State Aid for Education ensure strong investments in teachers and classrooms, school-based support staff, prekindergarten expansion, new college and career readiness programs, and other Blueprint initiatives in the 2022-2023 school year. The categorical budget amounts for major education formulas and programs are provided in the table below.

Highlights of the finalized Operating Budget include:

- **Increased Funding for Public Schools:** Under the FY 2023 State Budget, support for public schools will exceed \$7.9 billion. Direct aid to local school systems will increase by an estimated \$455.6 million, or 6.7%, including full funding of all fiscal 2023 Blueprint mandates.
- **Saved Funds for Future Blueprint Costs:** The budget plan allocates \$800 million of FY 2023 revenues to the Blueprint for Maryland's Future Fund to cover the out-year costs of Blueprint implementation.
- **Created Capacity for Legislative Capital Priorities:** The budget plan shifts \$700 million of capital projects from general obligation (GO) bonds to cash, bringing general fund spending on pay-as-you-go capital projects to more than \$1.6 billion and freeing up \$700 million of GO bond capacity for legislative priorities.
- **Cybersecurity:** The budget includes \$110 million to improve State government cybersecurity, including technical and grant support to local governments and school systems.

The State Budget, SB 290, became law after passing both chambers on April 1, 2022.

**Exhibit L-1**  
**State Aid for Education**  
**Fiscal 2022-2023**  
**(\$ in Thousands)**

<b><u>Program</u></b>	<b><u>2022</u></b>	<b><u>2023</u></b>	<b><u>\$ Change</u></b>	<b><u>% Change</u></b>
Foundation Program	\$3,170,727	3,659,453	\$488,726	15.4%
NTI and TIF Grants	48,295	0	-48,295	-100.0%
Geographic Cost of Education Index	147,692	157,910	10,218	6.9%
Supplemental/Blueprint Transition	46,620	57,688	11,068	23.7%
Hold Harmless Grants	209,384	0	-209,384	-100.0%
Compensatory Education Program	1,286,665	1,295,202	8,537	0.7%
Blueprint Concentration of Poverty	116,913	190,286	73,374	62.8%
Special Education Formula	311,093	401,310	90,217	29.0%
Nonpublic Special Education	127,499	141,413	13,914	10.9%
English Language Learners	334,287	422,465	88,178	26.4%
Guaranteed Tax Base	49,864	45,784	-4,080	-8.2%
Education Effort Index Adjustment	0	125,673	125,673	n/a
Student Transportation	288,056	335,965	47,909	16.6%
Prekindergarten Expansion Grants	26,644	26,644	0	0.0%
Blueprint Prekindergarten Grants	108,417	144,063	35,647	32.9%
School Safety Grants	20,600	20,600	0	0.0%
Blueprint COVID-19 Relief	211,576	0	-211,576	-100.0%
Other Programs <sup>1</sup>	249,868	185,377	-64,491	-25.8%
<b><i>Direct Aid Subtotal</i></b>	<b><i>\$6,754,200</i></b>	<b><i>\$7,209,834</i></b>	<b><i>\$455,634</i></b>	<b><i>6.7%</i></b>

Source: 2022 90-Day Report (DLS)

## Education Funding & Policy

### **HB 1450 - Blueprint for Maryland's Future - Implementation Plans and Funds – 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) MSDE must develop criteria for approval or disapproval of local implementation plans; and (3) State and local government units must submit their implementation plans.

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.
- This bill also alters the distribution of certain sales and use tax revenues to the Blueprint for Maryland's Future Fund. By June 2023, the Comptroller must distribute \$800 million in income tax revenues to the Blueprint Fund.

This bill was amended to become the vehicle for the major changes to Maintenance of Effort (MOE) originally included in another bill, Senate Bill 640. The MOE provisions ensure that for FY 2023, a county government must appropriate the greater of the local share of major education aid (accounting for relief provisions) and the MOE amounts specified in the bill for each county.

Other key provisions of this bill:

- Clarify that, beginning in FY 2023, 25% of the increase in the State share of major education aid over the amount provided in the prior fiscal year must be automatically withheld from a local school system for the next fiscal year; and
- Require MSDE to collect data, by Dec. 1, 2022, necessary to implement the neighborhood poverty indicator methodology recommended by MSDE to calculate compensatory education formula and Concentration of Poverty Grants.

MABE Position: [Support](#)

 MABE supported the passage of this bill on the grounds that it extends dates for the development, adoption, and submission of plans to implement the Blueprint for Maryland's Future; alters the date by which the state criteria to evaluate local implementation plans must be developed; and modifies the distribution of revenues to the Blueprint for Maryland's Future Fund. House Bill 1450 was enacted under Article II, Section 17(b) of the Maryland Constitution - Chapter 33 on April 9, 2022.

## 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.

<b>FY 2023 School Construction Funding</b>			
	Bonds	PAYGO	Total
Aging Schools Program	\$6.1 million		\$6.1 million
Healthy School Facility Fund	\$50 million	\$40 million (Federal)	\$90 million
Public School Construction Program	<b>\$304.2 million</b>	<b>\$217.8 million</b>	<b>\$522 million</b>
Supplemental Capital Grant Program	\$95.4 million		\$95.4 million
<b>Total</b>			<b>\$753.5 million</b>
Built to Learn Fund	\$480 million		\$480 million
School Construction Revolving Loan Fund		\$40 million	\$40 million

Categories of funding for Fiscal Year 2023 include:

- The Aging Schools Program, which provides designated amounts of funding for each of the 24 school systems.
- The Healthy School Facility Fund, which 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, which 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, which 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.

 MABE's 2022 Legislative Priorities include support for increased State funding for school construction and renovation projects. MABE supports the passage of Senate Bill 291 and the generous funding it provides for school construction and renovation projects statewide.

## School Facilities

### [HB 1290](#) - Education - Public School Construction - Funding and Administration

This bill implements the recommendations of the Workgroup on the Assessment and Funding of School Facilities regarding:

- State funding levels for school construction
- State/local cost-share formulas
- School construction project approval requirements
- Implementation of and use of data from the ongoing statewide school facility assessment

The bill 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 also 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 creates several adjustments and incentives that increase the State share of eligible school construction costs for targeted projects. Factors include concentration of poverty status, net-zero schools, and maintenance history. The bill establishes legislative intent that, within current debt affordability guidelines, the State should provide at least \$450 million each year.

MABE Position: [Support with Amendments](#)

 MABE supported House Bill 1290 because it is aligned with MABE's legislative priority of increased school funding, particularly due to the inclusion of a \$400 million baseline amount for annual investments in the State Capital Improvement Program (CIP) for school construction, renovation, and systemic project. House Bill 1290 was enacted under Article II, Section 17(b) of the Maryland Constitution - Chapter 32 on April 9<sup>th</sup>, 2022.

### **[SB 528 - Climate Solutions Now Act of 2022](#)**

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 new and alters existing energy conservation requirements for buildings; (3) increases and extends specified energy efficiency and conservation program requirements; (4) establishes requirements for the purchase of zero-emission vehicles (ZEVs) in the State fleet; and (5) establishes new entities and new special funds to support related activities.

This bill makes major alterations to current Maryland Law in order to reduce statewide greenhouse gas emissions and address climate change. Key provisions of the bill impacting school systems include the following:

- The bill prohibits, with exceptions, local school systems from contracting to purchase or contract for the use of any school bus that is not a Zero-Emission Vehicle (ZEV), with certain exceptions, beginning in FY 2025. The Maryland Department of Environment (MDE) is required to work with local boards and bus contractors to develop ZEV infrastructure for school buses, and prioritize the use of federal funding.
- Exceptions the ZEV school bus requirements apply if:
  - MDE determines that no ZEV meets the performance requirements for the county board's use; or
  - The local board is unable to obtain federal, state, or private funding sufficient to cover incremental cost associated with the purchase of ZEVs.
  - The continued use of all non-ZEV school buses in service as of July 1, 2024 is also allowed.
- The bill establishes the electric school bus pilot program to be conducted by investor-owned electric companies to cover a school system's incremental purchasing costs and for the development of charging infrastructure. Other conditions apply, including the provision of lap and shoulder seatbelts in electric school buses.
- The bill provides that a school system shall receive a 5 percentage point increase in the state share of a school construction project if the proposed project is to build a net-zero school.

MABE Position: [Support with Amendments](#)

 MABE offered testimony in support of Senate Bill 528 in both chambers 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 FY 2024 to 2025. Senate Bill 528 was enacted under Article II, Section 17(b) of the Maryland Constitution - Chapter 38 on April 9<sup>th</sup>, 2022.

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

This bill requires local boards seeking State funds for the construction or renovation of a public school to submit a pedestrian safety plan to the Interagency Commission on School Construction (IAC). Each pedestrian safety plan is required to evaluate school and non-school property in conjunction with the State Highway Administration to determine risks associated with pedestrian routes to school. The bill allows county boards to make all determinations regarding the content of the pedestrian safety plans, but it requires the IAC to approve the plan after the county board has created it.

MABE Position: [Oppose](#)

 MABE consistently opposed this bill throughout Session because it requires that non-school property be evaluated and potentially improved based on the pedestrian safety 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. Despite these concerns, House Bill 19 passed both chambers and is awaiting the Governor's signature.

## **Special Education**

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

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.

MABE Position: [Support with Amendments](#)

 Throughout Session, MABE supported 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. MABE's position on this bill is consistent with broad recognition at the state and federal levels for reforms in the use of these special education behavioral interventions. MSDE presented testimony in support of this bill with amendments in alignment with MABE's concerns, which can be found [here](#). House Bill 1255 was enacted under Article II, Section 17(b) of the Maryland Constitution - Chapter 31 on April 9<sup>th</sup>, 2022.

## Technology

### **[SB 617](#) - Local School Systems - Equivalent Access Standards - Digital Tools (Equivalent and Nonvisual Access Accountability Act for K-12 Education)**

This bill requires local school systems to provide a student with disabilities access to digital tools that:

- Provide equivalent access to and are independently usable by the student;
- Enable students to acquire the same information with substantially equivalent ease of use;
- Enable students to participate in the same interactions with substantially equivalent ease of use;
- Enable students to access the same services as a student without disabilities, with substantially equivalent ease of use.

This bill also requires that 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 and 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 further establishes certain procurement procedures regarding digital tools and civil penalties for vendors that fail to meet specified accessibility standards, after certain notification.

MABE Position: [Support with Amendments](#)

 MABE offered lengthy testimony proposing extensive and detailed amendments on this bill. The Senate adopted most, but not all, of these amendments. MABE continued to seek amendments in the House to ensure that standards and procurement processes are consistent and practicable under the provisions of this bill. With amendments adopted to address most of MABE concerns, House Bill 617 passed both chambers and is awaiting the Governor's signature.

## Student Data Privacy

### **[HB 769](#) / [SB 325](#) - Student Data Privacy - Protections, Digital Tools, and Student Data Privacy Council**

This bill requires the Student Data Privacy Council, which is reestablished by the bill, to report, by December 1, 2025, on 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.

MABE Position: [Support](#)

 MABE opposed these bills as introduced because they included provisions to expand the recommendations of the Student Data Privacy Council by imposing additional and undue 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. MABE's advocacy resulted in both chambers striking the language that created this mandate. House Bill 769 and Senate Bill 325 passed both chambers and are awaiting the Governor's signature.

## Student Health

### **HB 118 - Public Schools - Student Attendance - Excused Absences**

This bill establishes that a student's limited absence due to mental health needs is a lawful absence from public school attendance. In accordance with locally-adopted policies, schools must excuse a limited 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. Additionally, a school may not require a note from a physician to excuse such an absence. A student who is absent due to mental health needs must be informed of the opportunity to meet with a school mental health specialist within a reasonable period of time after returning to school to discuss the student's mental health needs that caused the absence.

MABE Position: [Support](#)

 MABE supported House Bill 118 as introduced with amendments that clarified an excused absence as a limited absence, amended 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 allowed a county board to adopt policies and procedures to carry out the requirements of the bill. After being amended consistent with MABE's requests and passing in the House, MABE testified in support of this bill in the Senate. House Bill 118 successfully passed both chambers and is awaiting the Governor's signature.

### **SB 299 - Education - Public and Nonpublic Schools - Seizure Action Plans (Brynleigh's Act)**

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 an abridged presentation from the school personnel who received training to specified staff 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.

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. Although MABE appreciates the amendments requiring at least one nurse or health professional to be a volunteer and requirement of paid professional development training, the amendments do not fully address MABE's concerns regarding non-medical personnel administering medication. MABE continued to request amendments that remove these provisions throughout Session. Senate Bill 299 ultimately passed both chambers with limited amendments and was signed into law as Chapter 78.

## Student Safety, Security, and Discipline

### **HB 146 - Education - Reportable Offenses, Student Discipline, and School Disruptions - Presence of an Attorney and Reporting**

This bill requires that the attorney of a student with a disability (if the student has an 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. Annually, local boards of education must provide specified information and reports to the Maryland State Department of Education (MSDE) regarding reportable

offenses and related arrests; MSDE must provide specified annual reports on these subjects to the Governor and the General Assembly.

This bill does not significantly alter the operation of the law as it relates to local law enforcement notification to schools of reportable offenses. However, the bill does alter the requirements of school administrators when they interact with students who are charged with reportable offenses. In addition, the bill was amended to require reporting of all classroom disruptions and any disciplinary actions taken with students in response to such disruptions.

MABE Position: [Support with Amendments](#)

 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 imposed new requirements for school systems in the cases in which a State's Attorney opts to provide notification only after the student's conviction. This bill passed with major amendments that strike all provisions altering the definition of reportable offense and reinstate the requirement for law enforcement to notify schools if a student is arrested for a reportable offense. House Bill 146 passed both chambers and is currently awaiting the Governor's signature.

## School Personnel

### [HB 743](#) / [SB 410](#) - Teachers' Retirement and Pension Systems - Reemployment

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 up to 25 retirees of each of the Teachers' Retirement System (TRS) and the Teachers' Pension System (TPS) – as classroom teachers, substitute classroom teachers, teacher mentors, or principals – without the retirees being subject to an earnings limitation. This bill would facilitate the rehiring of retired teachers and principals, and would promote the continued service of educators considering retirement.

MABE Position: [Support](#)

 MABE supports House Bill 743 and Senate Bill 410, consistent with MABE's longstanding support for bills that facilitate the rehiring of retired teachers and principals to address critical needs. MABE promotes the continued service of educators considering retirement who otherwise would not be subject to earnings limitations. Amendments were adopted that limited the number of retired personnel to 25 employees per school system. Both House Bill 743 and Senate Bill 410 passed in both chambers and await the Governor's signature.

### [HB 468](#) - Public School Employees – Whistleblower Protections – Civil Actions

This bill repeals the prerequisite that a public school employee who is engaging in whistleblowing exhaust any administrative remedies before instituting a civil action. However, under the bill, a public school employee who is subject to a personnel action as reprisal for whistleblowing must notify the local superintendent of schools in writing of the employee's intention to institute a civil action. In addition, the bill requires local school systems to establish an administrative complaint and remediation process for public school employees engaged in whistleblowing who have been subject to adverse personnel actions.

MABE Position: [Oppose](#)

 MABE opposed House Bill 468 on the grounds that it is appropriate for employees to avail themselves of the school system's administrative process before filing a lawsuit. This requirement to exhaust all administrative remedies prior to filing for civil action is a key facet of the whistleblower law that MABE urged be included in the original law. Implications of this bill could result in more litigation costs for local school systems if more employees choose to file for civil action under these less restrictive requirements. Despite MABE's concerns, House Bill 468 passed both chambers and awaits the Governor's signature.

### **[SB 275](#) - Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)**

This bill establishes the Family and Medical Leave Insurance (FAMLI) Program and FAMLI Fund to provide up to 12 weeks of benefits to a covered individual taking leave from employment due to specified personal and family circumstances. The weekly benefit is based on the individual's average weekly wage, subject to a cap. The FAMLI Fund consists of contributions from employees and employers of at least 15 employees and pays for benefits, a public education program, and implementation and administrative costs.

 MABE took no position on Senate Bill 275 throughout the 90-day session. However, this bill will have major implications for school systems whose employees choose to benefit from the Family and Medical Insurance Leave Program. The impact of this bill varies from system to system based on size and demographic makeup, but will undoubtedly impact personnel and all 24 local systems.

### **[HB 1349](#) / [SB 831](#) - Education Support Professionals - Workgroup and Bonus**

This bill requires the Governor to include an appropriation in the fiscal 2024 budget that provides a \$500 bonus to each noncertificated education support professional in Maryland. Additionally, the bill requires MSDE to collect data from each local board of education on the number of noncertificated education support professionals in each county and report the data. Under provisions of the bill, "noncertificated education support professionals" means any noncertificated public school employees designated as part of a bargaining unit under State law.

MABE Position: [Support with Amendments](#)

 MABE supported House Bill 1349 and Senate Bill 831 as introduced with a technical amendment, which requested a clarification to ensure that the bill's reference to noncertificated education support professionals was clear, by referring specifically to noncertificated employees under Title 6, Subtitle 5, of the Education Article. MABE's amendments were adopted, and MABE continues to support both House Bill 1349 and Senate Bill 831 as they await the Governor's signature.

## **Virtual Schools**

### **[HB 1163](#) / [SB 362](#) - Primary and Secondary Education - Virtual Education - Requirements**

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 per grade band; however, MSDE may authorize a local school system to establish a second virtual school on a showing of just cause. MSDE may revoke approval of a virtual school for failure to meet standards established by MSDE in regulations. A virtual school may not include classes for prekindergarten or

kindergarten students. MSDE or a local board of education may not contract with a for-profit entity to operate or administer a virtual school. The bill also allows existing virtual schools to operate through the 2023-2024 school year as specified. 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.

House Bill 1163 and Senate Bill 362 were originally filed separately and contained different provisions regarding the operation of virtual schools. As amended, both bills contain identical language that governs the operation of virtual schools and outlines standard procedure for temporary virtual school operation in the case of an emergency. Highlights of the bill's provisions are as follows:

- 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 per grade band; however, MSDE may authorize a local school system to establish a second virtual school on a showing of just cause. MSDE may revoke approval of a virtual school for failure to meet standards established by MSDE in regulations.
- A virtual school may not include classes for prekindergarten or kindergarten students. MSDE or a local board of education may not contract with a for-profit entity to operate or administer a virtual school. The bill also allows existing virtual schools to operate through the 2023-2024 school year as specified.
- 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.

MABE Position: [Support with Amendments](#) (HB 1163) [Support with Amendments](#) (SB 362)

 MABE originally supported the provisions of both bills with amendments to address the concerns of local systems on the eastern shore who operate a virtual school through a for-profit entity. Although the amended bill extends the timeline in which virtual schools can operate through a for-profit entity, these platforms will cease to exist within the next two years. House Bill 1163 and Senate Bill 362 passed both chambers and await the Governor's signature.

## Cybersecurity

### **[HB 1202](#) / [SB 754](#) - Local Government Cybersecurity - Coordination and Operations (Local Cybersecurity Support Act of 2022)**

This bill makes numerous changes to the State's cybersecurity infrastructure, practices, and procedures by, among other things:

- Codifying (in part) and expanding the executive order that established the Maryland Cyber Defense Initiative;
- Establishing the Maryland Department of Emergency Management (MDEM) Cybersecurity Preparedness Unit;
- Requiring specified local government entities to annually complete cybersecurity preparedness assessments and make specified reports; and
- Requiring various reports and reviews related to State and local cybersecurity.

 MABE monitored these bills during Session, recognizing the high priority the State and local governments, including school systems, are placing on adopting more robust cybersecurity systems. Both bills passed in both chambers and are awaiting the Governor's signature.

**HB 1205 - State Government – Information Technology and Cybersecurity–Related Infrastructure (Modernize Maryland Act of 2022)**

This bill establishes the Statewide Reporting Framework and Oversight Commission within the Department of Information Technology (DoIT). This bill:

- Requires the DoIT to hire independent contractors to develop a framework for investments in technology and to assess the cybersecurity and information technology (IT) systems in each unit of State government at least once every three years;
- Establishes the Local Cybersecurity Support Fund in DoIT;
- Expands the responsibilities of DoIT, as specified;
- Establishes DoIT as a primary procurement unit and control agency for IT; and
- Exempts specified cybersecurity-related procurements from Board of Public Works (BPW) oversight and approval.

 MABE monitored these bills during Session, recognizing the high priority needed for increased investments in statewide technical support and grants for local governments, including local school systems. M, to significantly and consistently improve cybersecurity. House Bill 1205 passed in both chambers and is awaiting the Governor's signature.

**HB 1346 / SB 812 - State Government – Cybersecurity – Coordination and Governance**

This bill significantly expands and enhances the State's regulatory framework related to cybersecurity for State and local governments. Among other things, this bill:

- Codifies and expands the Maryland Cyber Defense Initiative;
- Establishes the Cybersecurity Coordination and Operations Unit (CCOU) within the Department of Information Technology (DoIT);
- Requires certain local government entities to obtain annual cybersecurity assessments; and
- Establishes multiple reporting requirements for State agencies and local governments.

This bill states that the Governor must include an appropriation in the annual budget bill in an amount necessary to cover the costs of implementing the statewide cybersecurity master plan required by the bill without the need for DoIT to operate a charge-back model for cybersecurity services provided to units of State and local government.

 MABE monitored these bills during Session, recognizing the high priority the State and local governments, including school systems, are placing on adopting more robust cybersecurity systems. Both bills passed in both chambers and are awaiting the Governor's signature.

**Athletics**

**HB 836 - Public Schools - Student Athletics - Requirements and Emergency Action Plans (Elijah Gorham Act)**

This bill requires each middle school and high school to develop a venue-specific emergency action plan for the operation and use of automatic external defibrillators (AEDs) and heat acclimatization. The

venue-specific emergency action plan must also include coordination of care for other injuries including cervical spinal injury, concussion and closed head injury, major orthopedic injuries, and severe weather for outdoor facilities.

Provisions under this bill require AED's to be freely accessible and located within a brief walk from an athletic practice or event. The bill also requires that each school is properly prepared and equipped to initiate cold water immersion for the treatment of exertional heat stroke and that a cooling modality is readily available to student athletes at all athletic practices and events to be used by trained coaching staff.

MABE Position: [Support with Amendments](#)

 MABE originally supported this bill and its intent to provide greater transparency and improve accountability for all sports activities in any way affiliated with a public high school. MABE requested multiple amendments to modify the reporting requirements of trained coaching staff, as well as extend the timeline of implementation. These amendments were adopted at MABE's request and House Bill 836 passed and was signed into law as Chapter 212.

### **[HB 515 / SB 951](#) - Education - Student Athletes - Uniform Modifications for Modesty (Inclusive Athletic Attire Act)**

This bill requires a local board of education, the Maryland Public Secondary Schools Athletic Association (MPSSAA), a governing body of a public institution of higher education, and a board of a community college trustees, as applicable, to allow a student athlete to modify the student athlete's athletic or team uniform to make it more modest – so as to conform to (1) the requirements or preferences of the student athlete's religion or culture or (2) the student athlete's own preferences for modesty.

 MABE did not take a position on House Bill 515 or Senate Bill 951 during Session. Both bills passed in both chambers and are awaiting the Governor's signature.

## **Local Bills**

### **[HB 192](#) - Baltimore County Board of Education - Members - Training and Student Member Voting**

This bill authorizes the student member of the Baltimore County Board of Education to vote on matters relating to capital and operating budgets. The bill also requires the all members of the board to complete specified budget training within two months of their election in order to be eligible to vote on budgetary matters. The training must be developed by a workgroup consisting of board members and the executive leadership of the Baltimore County Public School System. A draft curriculum for the budget training must be submitted to the county board for review by December 31, 2022. The training must focus on the operating and capital budget process of the county board and be facilitated by representatives of the school system's Division of Fiscal Services.

 MABE did not take a position on House Bill 192 during Session. House Bill 192 passed both chambers and awaits the Governor's signature.

### **[HB 603](#) - Harford County Board of Education - Appointment of Members - Alterations**

This bill eliminates the role of the Governor in appointing members to the Harford County Board of Education. Instead, the bill requires the Harford County Executive to select the appointed members of the Harford County Board of Education, subject to the advice and consent of the Harford County Council by a vote of at least five members. In appointing members to the board, the County Executive must ensure, to the extent practicable, that the total makeup of the board reflects the gender, ethnic, and

racial diversity of the county. Members appointed to the board following the 2022 election must serve for a term of two years until a successor is appointed and qualifies. Subsequent board members would be appointed following the 2024 presidential election and each presidential election thereafter.

MABE Position: [Oppose](#)

 At the request of the local school system, MABE submitted opposition testimony on House Bill 603 due to the unprecedented nature of the provisions in this bill. Nonetheless, House Bill 603 passed both chambers and awaits the Governor's signature.

### **[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.

MABE did not take a position on House Bill 192 during Session. House Bill 192 passed both chambers and signed into law as Chapter 217.

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## **Other Education Bills that Passed in 2022**

### **School Construction & Procurement**

[HB 20](#) - Maryland Stadium Authority – Membership (Ch. 17)

[HB 145](#) / [SB 1](#) - State Finance and Procurement - Prevailing Wage - Stop Work Orders (Ch. 49)

[HB 325](#) / [SB 250](#) - State Procurement - Payment Practices (Ch. 158)

[HB 389](#) / [SB 487](#) - Procurement - Minority Business Enterprises – Revisions (Ch. 155)

[HB 566](#) - School Construction – Design Documents – Waste Disposal Infrastructure

[HB 611](#) / [SB 259](#) - Procurement - Prevailing Wage – Applicability (Ch. 51)

[SB 9](#) - Procurement - Minority Business Enterprises – Study

[SB 192](#) - State Procurement - Minority Business Enterprise Program - Reauthorization Extension (Ch. 117)

### **Environment**

[HB 31](#) - Maryland Energy Administration – Resiliency Hub Grant Program and Fund

[HB 749](#) - Natural Resources - Maryland Park Explorers Grant Pilot Program – Establishment

[SB 14](#) - Sustainable Maryland Program and Fund – Establishment

[SB 383](#) - Maryland Association of Environmental and Outdoor Education Grant - Funding and Evaluation – Extension

### **Student Health**

[HB 625](#) / [SB 440](#) - Commission to Study the Health Care Workforce Crisis in Maryland – Establishment

[HB 1327](#) - Education - Home and Hospital Teaching Program for Students – Report (Ch. 211)

[SB 3](#) - Facilities - Disabilities, Juveniles, Behavioral Health, and Health Care – Plans  
[SB 168](#) - Department of Health - ImmuNet and Statewide Advisory Commission on Immunizations (Ch. 220)

### **School Meals**

[SB 124](#) - Public Schools – Grant Program to Reduce and Compost School Waste (Ch. 205) (MABE Position: [Support with Amendments](#))

### **Special Education**

[HB 660](#) - Commission to Study the Division of Rehabilitation Services (Student Job Training Reformation Act)

[HB 662](#) - Advisory Stakeholder Group on Autism-Related Needs, Interagency Disabilities Board, and the State Coordinator for Autism Strategy - Membership, Staffing, and Appointment

[HB 725](#) / [SB 506](#) - Children - Therapeutic Child Care Grant Program – Establishment

[HB 766](#) - Children – Residential Treatment Centers – Education Funding

### **College & Career Readiness (CCR) and Career & Technology Education (CTE)**

[SB 478](#) - Career and Technical Education Committee – Alterations

### **School Personnel**

[HB 78](#) - Discrimination in Employment - Reasonable Accommodations for Applicants With Disabilities

[HB 227](#) - State Government - Legal and Employee Holiday - Juneteenth National Independence Day (Ch. 64)

[HB 374](#) - Maryland School for the Deaf - Professional Personnel and Staff - Service Designation, Assignment, and Placement in a Collective Bargaining Unit

[HB 512](#) - Professional Standards and Teacher Education Board - Composition and Regulations (Ch. 210)

[HB 1100](#) - Child Care Providers and Employees – Bonuses

[SB 458](#) - Maryland Teachers and State Employees Supplemental Retirement Plans - Use of Minority Business Enterprises

### **Higher Education**

[HB 734](#) - Higher Education - Student Financial Assistance - Alterations and Appropriation (Maryland Student Investment Act) (Ch. 23)

[HB 966](#) - Higher Education - Academic Credit for Prior Learning Examinations - Policies and Procedures (Ch. 143)

[SB 205](#) - Division of Workforce Development and Adult Learning - Apprenticeship and Training Council - Sunset Extension (Ch. 125)

### **Student Data Privacy & Cybersecurity**

[HB 24](#) / [SB 4](#) - Cybersecurity Scholarship Program – Alterations (Ch. 209)

[SB 207](#) - Insurance Carriers and Managed Care Organizations - Cybersecurity Standards (Ch. 231)

[SB 420](#) - Employment of Minors - Opportunities for Work (Ch. 4)

### **Student Transportation**

[HB 696](#) - Public Utilities - Electric School Bus Pilot Program

[HB 753](#) - Primary and Secondary Schools - Bus Driver Wages – Study

### **Early Education**

[HB 89](#) - State Department of Education - Child Care Stabilization Grants (Ch. 206)

[HB 513](#) - Infant and Early Childhood Mental Health Support Services Program – Established  
[HB 664](#) - Child Care Programs – Maryland Infants and Toddlers Program – Information and Assistance  
[HB 850](#) - Schools, Prekindergarten Programs, and County Boards of Education – Discrimination  
[HB 995](#) / [SB 920](#) - Early Childhood Development - Child Care Scholarship Program - Alterations and Study

### **Ethics & Accountability**

[HB 17](#) - Campaign Finance – Recurring Contributions and Donations – Requirements (Ch. 109)  
[HB 246](#) - Open Meetings Act - Notices and Closed Sessions - Retention Periods and Online Posting  
[HB 375](#) / [SB 269](#) - Open Meetings Act - Application and Enhanced Requirements (Maryland State Agency Transparency Act of 2022)  
[HB 512](#) - Professional Standards and Teacher Education Board - Composition and Regulations (Ch. 210)

### **Juvenile Law**

[HB 459](#) / [SB 691](#) - Juvenile Justice Reform (Ch. 42)  
[SB 17](#) - Child Custody - Cases Involving Child Abuse or Domestic Violence - Training for Judges  
[SB 53](#) - Juvenile Law - Child Interrogation Protection Act (Ch. 50)  
[SB 172](#) - Department of Juvenile Services - Facilities - J. DeWeese Carter Center (Ch. 219)  
[SB 203](#) - Children in Need of Assistance – Custody and Guardianship and Review Hearings (Ch. 228)

### **Miscellaneous**

[HB 277](#) / [SB 234](#) - Public Schools - Purple Star Schools Program – Establishment (Ch. 65)  
[HB 291](#) - Election Law - Contested Elections  
[HB 293](#) / [SB 241](#) - Behavioral Health Crisis Response Services - 9-8-8 Trust Fund (Ch. 145)  
[HB 685](#) / [SB 448](#) - Education – Regional Resource Centers and Libraries – Funding  
[HB 837](#) - Cannabis Reform (Ch. 26)  
[HB 1285](#) / [SB 604](#) - Maryland Electricians Act – Revisions  
[SB 228](#) - Maryland Corps Program – Revisions (Ch. 37)  
[SB 274](#) - Property Tax - Exemptions for Business Personal Property – Alterations

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## **Local Education Bills that Passed in 2022**

### **Anne Arundel**

[SB 510](#) - Anne Arundel County Board of Education – Member Compensation

### **Baltimore City**

[HB 383](#) / [SB 438](#) - Young Readers Programs – Establishment (Young Readers Program Expansion Act)  
[HB 433](#) / [SB 157](#) - Baltimore City Board of School Commissioners - Student Members and Task Force to Study Compensation and Student Members  
[HB 1469](#) - Maggie McIntosh School Arts Fund – Established (Ch. 15)  
[SB 862](#) - Baltimore City - Maryland Transit Administration - Transit Services for Public School Students and Youth Workers (Ch. 44)  
[HB 1276](#) / [SB 870](#) - Baltimore City Youth Data Hub – Establishment (Ch. 169)

## **Baltimore County**

[HB 192](#) - Baltimore County Board of Education - Members - Training and Student Member Voting

[SB 55](#) - Baltimore County Board of Education – Retention of Counsel

## **Carroll County**

[SB 436](#) - Carroll County - Board of Education - Member Compensation

## **Charles County**

[HB 739](#) / [SB 916](#) - Workgroup to Study the Fiscal and Operational Viability of Public-Private Partnerships for Charles County Public Schools

## **Frederick County**

[SB 952](#) - Frederick County - Board of Education – Vacancies

## **Harford County**

[HB 603](#) - Harford County Board of Education - Appointment of Members – Alterations

## **Montgomery County**

[HB 243](#) - Montgomery County – Board of Education – Student Member Scholarship MC 05–22

[HB 503](#) - Montgomery County - Board of Education Residence Districts - Ken Gar Neighborhood MC 26-22 (Ch. 105)

[HB 812](#) - Montgomery County – Board of Education – Data Disaggregation Policy and Racial Disparity Comparisons MC 24–22

[HB 813](#) - Montgomery County – Speed and School Bus Monitoring Systems MC 03–22 (Ch. 216)

## **Prince George's County**

[HB 355](#) - Prince George's County Board of Education - Workgroup, Alterations, and Orientation Requirement PG 503-22 (Ch. 217)

[HB 394](#) - Prince George's County - Municipal Tax Setoff, School Facilities Surcharge, and Public Safety and Behavioral Health Surcharge - Reports PG 402-22

[HB 1473](#) - Prince George's County - School Board Districts - Redistricting Plan PG 507-22

[SB 444](#) - Prince George's County – School Board Districts – Redistricting Plan

## **Somerset County**

[HB 289](#) / [SB 270](#) - Somerset County – Elections – County Commissioners Districts and Board of Education Candidate Filings (Ch. 213)

## Highlighted Education Bills that **Failed to Pass** in 2022

### Curriculum

#### **HB 985 - Education - Public High Schools - Financial Literacy Curriculum**

This bill would have required the State Board of Education (SBE) to develop curriculum content for a half-credit course in financial literacy. The course, which would have been developed by the SBE, would have been required to include instructional content based on the SBE-approved instructional program on financial literacy for high school students in existence on June 30, 2022. Each local board of education would have been required to implement the curriculum and make the course available to students in every public high school under the board's jurisdiction. The bill also would have repealed a reporting requirement for the Maryland State Department of Education (MSDE) related to the certification of local financial literacy instruction.

 MABE opposed House Bill 985 as introduced and as amended. MABE consistently opposes all curricular mandates introduced by the legislature in favor of local policy governance authority by each individual school system.

### Student Safety and Discipline

#### **HB 84 / SB 119 - Education – Crimes on School Grounds – Application**

This bill would have established 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 would not have been subject to the criminal penalties in current law that apply to the prohibited offenses.

 MABE supported this legislation throughout session 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.

### Special Education

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

This bill would have established a Self-Contained Special Education Classroom Pilot Program within MSDE. A subdivision of MSDE would have been required to select five local school systems within the State to pilot this program (with attention given to geographic diversity and where the program would be most necessary). Each selected local school system would have chosen one public elementary and high school to install a video recording device in on self-contained classroom in each school, and installation would have begun in the 2023-2024 school year. This program would have been funded annually with a \$100,000 appropriation in the annual budget in the fiscal years 2024 and 2025.

 MABE opposed this bill 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 would have limited the scope of the bill, but continued to oppose on the ground of liability concerns.

### **HB 686 - Public Schools – Health and Safety – Carbon Dioxide Monitoring in Classrooms (Safe School Indoor Air Act)**

This bill would have established the Safe School Indoor Air Program within the Maryland Department of the Environment (MDE) to improve indoor air quality in public school classrooms. MDE, in consultation with the Maryland State Department of Education (MSDE), would have been required to administer the program and adopt regulations. MDE would have been required to develop and conduct training on carbon dioxide (CO<sub>2</sub>) monitoring in classrooms, and public schools would have been required to conduct ongoing classroom CO<sub>2</sub> monitoring, implement necessary remediation measures, and submit annual reports, as specified. Public schools would have been required to conduct at least biannual CO<sub>2</sub> monitoring and remediation (as necessary) and report findings to county boards.



MABE opposed this legislation based on concerns for the cost and disruption to ongoing school facilities maintenance and monitoring efforts. MABE agrees that indoor air quality in public schools is a very important health issue. However, MABE would prefer to focus on securing sufficient state and local funding for school construction and maintenance programs, and promoting the accepted best practices described in our testimony rather than on mandating a new MDE program devoted to monitoring and responding to carbon dioxide levels in schools.

## **Student Health**

### **HB 384 - Public and Nonpublic Schools - Bronchodilator and Epinephrine Availability and Use - Policies)**

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 by an individual with specified training, if available, to have asthma, is experiencing asthma-related symptoms, or is perceived to be in respiratory distress, regardless of whether the student has been (1) diagnosed with asthma or reactive airway disease or (2) prescribed a bronchodilator by 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. The bill also makes parallel changes to existing requirements for each local board of education's epinephrine use policy.



MABE opposed 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 voiced serious concerns with non-medical personnel evaluating the health needs of students and administering medication via inhaler or Epi pen in response. House Bill 384 did not pass this Session.

## Other Education Bills that **Failed to Pass** in 2022

### School Construction

[HB 43](#) - Department of General Services – Energy–Conserving Standards (Maryland Sustainable Buildings Act of 2022)

[HB 131](#) - Environment - Synthetic Turf and Turf Infill - Chain of Custody

[HB 365](#) - Public School Construction - Fossil Fuel-Based Energy System Costs - Prohibition (Green School Construction Act of 2022) (MABE Position: [Oppose](#))

[SB 40](#) - Interagency Commission on School Construction – Systemic Renovation Projects – Eligibility (MABE Position: [Support](#))

[SB 81](#) - Charter Counties - Enforcement of Local Building Performance Laws (Building Energy Performance Standards Act of 2022)

[SB 161](#) - Courts - Prohibited Indemnity and Defense Liability Agreements

### Air Quality

[HB 665](#) - Public Schools - Air Quality (MABE Position: [Oppose](#))

[HB 783](#) - Public Schools - Mold Assessment and Remediation (MABE Position: [Oppose](#))

[SB 576](#) - Public Schools - Air Quality Testing - Posting Online (MABE Position: [Oppose](#))

### Curriculum & Instruction

[HB 165](#) - Education - Sexual Abuse and Assault Awareness and Prevention Program - Human and Sex Trafficking (MABE Position: [Oppose](#))

[HB 194](#) - Education – Family Life and Human Sexuality Curriculum – Sexting (MABE Position: [Oppose](#))

[HB 196](#) - Public Schools and County Boards of Education - Publication of School Library Catalogs (MABE Position: [Oppose](#))

[HB 922](#) - Education - Public Schools - Asian American History Curriculum Requirement (MABE Position: [Oppose](#))

[HB 985](#) - Education - Public High Schools - Financial Literacy Curriculum (MABE Position: [Oppose](#))

[HB 1122](#) - Public Schools - Home School Students - Extracurricular Activities (Right to Play Act of 2022) (MABE Position: [Oppose](#))

[HB 1280](#) - Public Schools - Mathematics Credit - College Preparatory Computer Science or Computer Programming Course (MABE Position: [Oppose](#))

[HB 1287](#) - Public Schools - Curricula and Instructional Materials - Required List of Information (Curriculum Transparency Act of 2022) (MABE Position: [Oppose](#))

[SB 237](#) - Education - Curriculum - Unit of Instruction on September 11, 2001, Terrorist Attacks (MABE Position: [Oppose](#))

### Student Health

[HB 154](#) - Public Schools - Anaphylactic Food Allergies - Guidelines and Requirements (MABE Position: [Support with Amendments](#))

[HB 384](#) - Public and Nonpublic Schools - Bronchodilator and Epinephrine Availability and Use – Policies (MABE Position: [Oppose](#))

[HB 472](#) - Primary and Secondary Education - Title IX - Notice (Hear Our Voices Act of 2022)

[HB 657](#) - Public Schools - Standardized Behavioral Health Questionnaire for Students - Development and Implementation (MABE Position: [Support with Amendments](#))

[HB 1004](#) - Public Schools - Health Services - School Nurses (MABE Position: [Oppose](#))

## **School Meals**

[HB 147](#) / SB 121 - Maryland Farms and Families Fund, Maryland Food and Agricultural Resiliency Mechanism Grant Program, and Maryland Farm-to-School Meal Grant Pilot Program – Alterations and Establishment

[HB 179](#) - Workgroup on Food Environments

## **Special Education**

[HB 37](#) - Education – Educational Interpreter – Certification Requirements

[HB 406](#) - Children in Out-of-Home Placements – Placement in Medical Facilities

[SB 169](#) - State Autism Strategy – Revisions

[SB 706](#) - Nonpublic Educational Programs - Children With Disabilities - Costs of Teacher Salaries (MABE Position: [Oppose](#))

## **Student Safety & Discipline**

[HB 23](#) - School Discipline - Data Collection

[HB 495](#) - Education - Student-Organized Peaceful Demonstrations - Student Discipline and Policy

[HB 1152](#) - Public Schools - Student Bill of Rights and Prohibitions on Suspensions and Expulsions (MABE Position: [Oppose](#))

[SB 31](#) - Public Information Act – Inspection of Records From Body-Worn Digital Recording Devices

[SB 668](#) - Juveniles - Truancy Reduction Pilot Program – Expansion

## **College & Career Readiness (CCR) and Career & Technology Education (CTE)**

[HB 1000](#) - Maryland Earn and Learn Act of 2022 – Establishment

[SB 318](#) - More Opportunities for Career-Focused Students Act of 2022 (MABE Position: [Support with Amendments](#))

[SB 422](#) - Education – Jobs That Require Driving – Requirements (Drivers Education for Good Jobs Act of 2022) (MABE Position: [Oppose](#))

## **School Personnel**

[HB 504](#) - Collective Bargaining - Public School Employees - Authorization to Strike (MABE Position: [Oppose](#))

[HB 752](#) - Public Schools - School Psychologist Recruitment Program

[HB 797](#) - County Boards of Education - Student Membership – Alterations (MABE Position: [Oppose](#))

HB 890 - Education - Collective Bargaining - Certificated Employees - Class Size (MABE Position: [Oppose](#))

[HB 909](#) - Maryland Teachers and State Employees Supplemental Retirement Plans – Use of Minority Business Enterprises

[SB 852](#) - Education - County Boards of Education - Health Educator Position (MABE Position: [Oppose](#) as introduced)

[SB 955](#) - Maryland School for the Deaf – Professional Personnel and Staff – Service Designation, Assignment, and Placement in a Collective Bargaining Unit

## **Higher Education**

[HB 598/SB 540](#) - Higher Education - Transfer Platform - Established (Transfer With Success Act 2.0)

[SB 799](#) - Community College Tuition and Residency Waivers – Funding

## **Virtual Schools**

[HB 848](#) - Education - Public Charter Schools - Virtual Learning Programs (MABE Position: [Oppose](#))

[SB 717](#) - Public Schools – Virtual Education Days – Authorization

## **Cybersecurity**

[HB 5](#) - State Government - State and Local Government Employees and Contractors - Cybersecurity Training (MABE Position: [Oppose](#))

[SB 753](#) - Education and Labor and Employment - Cyber Warrior Diversity Program and Workforce Development for Cybersecurity

## **Student Transportation**

[HB 53](#) - Vehicle Laws - Dedicated Bus Lanes - Prohibition and Monitoring Systems

[HB 230](#) - Automated Enforcement - Exclusion of Vehicle Rental Companies - Repeal and Notification Requirement

[HB 283](#) - Vehicle Laws - School Bus Safety - Occupant Capacity

[SB 421](#) - Primary and Secondary Schools – Bus Driver Wages – Study

## **Early Education**

[HB 993](#) - Child Care Capital Support Revolving Loan Fund – Established

[HB 1305](#) - Early Childhood Education - Prekindergarten Programs - Montessori Schools

## **Ethics**

[HB 59](#) - Ethics – Local Governments – Registration of Lobbyists

## **Juvenile Law**

[HB 104](#) - Family Law - Child Custody and Visitation

[HB 185](#) - Criminal Law - Visual Surveillance With Prurient Intent - Private Place and Minor Victim

[SB 435](#) - Family Law - Preventing or Interfering With a Report of Suspected Sexual Abuse of a Child - Statute of Limitations (MABE Position: [Oppose](#))

## **Miscellaneous**

[HB 126](#) - General Provisions – Standard Time – Year–Round Daylight Saving Time (MABE Position: [Oppose](#))

[HB 314](#) - County Boards of Education – Voting Members – Requirements (MABE Position: [Oppose](#))

[SB 240](#) - Sales and Use Tax - Tax-Free Periods - Back-to-School Shopping and Energy Star Products

[SB 401](#) - Operating Budget - Funding - Scholarships for Nonpublic School Students

## Local Education Bills that **Failed to Pass** in 2022

### **Allegany County**

[HB 1129](#) / [SB 848](#) - Garrett County and Allegany County - Public Schools - Virtual Education Days Pilot Program

### **Anne Arundel County**

[HB 95](#) - Anne Arundel County - Board of Education - Meeting Requirements and Officers

[HB 1183](#) - Anne Arundel County Public Schools - Preventive Measure Unit Pilot Program

[HB 1441](#) - Anne Arundel County – School Vehicles – Duration of Operation

[SB 364](#) - Anne Arundel County - Board of Education - Parent's Right to Challenge Curriculum Act

### **Baltimore City**

[HB 1055](#) - Baltimore City - Maryland Transit Administration - Transit Services for Public School Students and Youth Workers

[SB 276](#) - Baltimore City Public School Buildings - Notice of Demolition - Repeal

### **Baltimore County**

[HB 261](#) - Baltimore County - Career Exploration and Development Activities in Public High Schools - Prohibiting a Ban or Regulation of Sale of Coffee

[HB 347](#) - Baltimore County - County Superintendent - Election and Recall Procedures and Compensation

[HB 476](#) - Baltimore County – Board of Education – Member Appointments and Terms and Election of Officers

[HB 771](#) - Baltimore County and Frederick County – Career Exploration and Development Activities – Sale of Coffee

[HB 826](#) - Baltimore County - Board of Education - Curriculum Publication

[HB 828](#) - Baltimore County Board of Education - Legal Counsel and Chief Budget Analyst

[HB 910](#) - Baltimore County - Public Schools - Air Quality Testing

[SB 414](#) - Baltimore County - Board of Education - Membership and Election of Officers

### **Calvert County**

[HB 1190](#) - Calvert County - Civic Education - Standards and Curriculum (Social Studies Literacy Act)

### **Caroline County**

[SB 379](#) - Caroline County, Charles County, and Prince George's County Boards of Education - Removal of Member

### **Charles County**

[HB 732](#) - Community Parks and Playgrounds Program - Charles County - Basketball Courts

[SB 379](#) - Caroline County, Charles County, and Prince George's County Boards of Education - Removal of Member

### **Frederick County**

[HB 771](#) - Baltimore County and Frederick County – Career Exploration and Development Activities – Sale of Coffee

### **Garrett County**

[HB 1129](#) / [SB 848](#) - Garrett County and Allegany County - Public Schools - Virtual Education Days Pilot Program

## **Harford County**

[HB 334](#) - Harford County Board of Education - Alterations, Vacancy Procedures, and Funding for Independent Positions

[HB 336](#) - Harford County - County Superintendent - Election and Recall Procedures and Compensation

[HB 599](#) - Harford County – Board of Education – Limitations on Virtual Meetings

[SB 908](#) - Harford County Board of Education - Appointment of Members - Alterations

## **Howard County**

[HB 865](#) - Howard County – Due Process Proceedings for Children With Disabilities – Burden of Proof Ho. Co. 02-22

[HB 1306](#) - Howard County - Public Schools - Alternative Instruction Model Policy Ho. Co. 09-22

## **Montgomery County**

[HB 380](#) - Montgomery County Board of Education – Election of Members MC 04–22

## **Prince George's County**

[HB 354](#) - Prince George's County - Nonschool Use of Public School Facilities PG 505-22

[HB 1090](#) - Prince George's County Board of Education – Membership – Alterations PG 506–22

[SB 379](#) - Caroline County, Charles County, and Prince George's County Boards of Education - Removal of Member

## **Talbot County**

[SB 288](#) - Talbot County - Board of Education - Election of Officers

## **Wicomico County**

[SB 892](#) - Wicomico County Board of Education - Expenditure Report Requirements