

2022 Legislative Session Summary

(Updated 6/1/22)

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 funding 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.

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 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).

Cybersecurity was the focus of three new laws including one to require state coordination of county, municipal, and school system cybersecurity assessments and responses (SB 754, SB 812, HB 1205). 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/SB 705).

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, not passed, and vetoed. For addition information, the 90 Day Report prepared by the Dept. of Legislative Services (DLS) is an excellent comprehensive summary.

Note: The Governor may veto bills within thirty days after presentation by the legislature. If by this date a passed bill is not vetoed, it becomes law. On Friday, May 27th the Governor vetoed the virtual schools bill (SB 362) and several other state and local education bills. This summary has been updated to indicate bill status as accurately as possible.

Overview of Key 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.

State Operating Budget: FY 2023 Funding

- Budget Bill (Fiscal Year 2023)

Education Funding & Policy

- Blueprint for Maryland's Future - Implementation Plans and Funds - Alterations

Capital Budget for Public Education

- Creation of a State Debt - Maryland Consolidated Capital Bond Loan of 2022

School Facilities & Transportation

- Public School Construction - Funding and Administration
- Climate Solutions Now Act of 2022
- Education - School Construction - Pedestrian Safety Plans (Safe Walk to School Act)

Special Education

- Physical Restraint and Seclusion - Limitations, Reporting, and Training

Technology and Accessibility

- Local School Systems - Equivalent Access Standards - Digital Tools (Equivalent and Nonvisual Access Accountability Act for K-12 Education)

Student Data and Privacy

- Student Data Privacy - Protections, Digital Tools, and Student Data Privacy Council

Cybersecurity

- Local Government Cybersecurity - Coordination and Operations (Local Cybersecurity Support Act of 2022)
- State Government - Information Technology and Cybersecurity-Related Infrastructure (Modernize Maryland Act of 2022)
- State Government - Cybersecurity - Coordination and Governance

Student Health

- Public and Nonpublic Schools - Seizure Action Plans (Brynleigh's Act)
- Public Schools - Student Attendance - Excused Absences

Athletics

- Public Schools - Student Athletics - Requirements and Emergency Action Plans (Elijah Gorham Act)
- Student Athletes - Uniform Modifications for Modesty (Inclusive Athletic Attire Act)

Student Meal Programs

- Grant Program to Reduce and Compost School Waste
- Maryland Farm-to-School Meal Grant Pilot Program

School Personnel

- Teachers' Retirement and Pension Systems - Reemployment
- Public School Employees - Whistleblower Protections - Civil Actions
- Education Support Professionals - Bonus and Report
- Labor and Employment - Family and Medical Leave Insurance Program - Establishment (Time to Care Act of 2022)

Student Safety, Security, and Discipline

- Reportable Offenses, Student Discipline, and School Disruptions - Presence of an Attorney and Reporting

Juvenile Law

- Juvenile Justice Reform
- Child Interrogation Protection Act

Anti-Discrimination

- Public/Nonpublic Schools, Prekindergarten Programs - Discrimination

Local Bills

- Harford County Board of Education - Appointment of Members – Alterations
- Montgomery County - Board of Education - Data Disaggregation Policy and Racial Disparity Comparisons MC 24-22
- Prince George's County Board of Education - Workgroup, Alterations, and Orientation Requirement PG 503-22

2022 Session Summary

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 30th, 2023.

On February 22nd, 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, MDSE operations, teacher development and training, as well as the Blueprint for Maryland's Future Grant Program.

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

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 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 FY 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 (Ch. 484), became law after passing both chambers on April 1, 2022.

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

<u>Program</u>	<u>2022</u>	<u>2023</u>	<u>\$ Change</u>	<u>% Change</u>
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 ¹	249,868	185,377	-64,491	-25.8%
<i>Direct Aid Subtotal</i>	<i>\$6,754,200</i>	<i>\$7,209,834</i>	<i>\$455,634</i>	<i>6.7%</i>

Source: 2022 90-Day Report (DLS)

Education Funding & Policy

HB 1450 (Ch. 33) - 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 (Ch. 344) - 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.

FY 2023 School Construction Funding			
	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	\$304.2 million	\$217.8 million	\$522 million
Supplemental Capital Grant Program	\$95.4 million		\$95.4 million
Total			\$753.5 million
Built to Learn Fund	\$480 million		\$480 million
School Construction Revolving Loan Fund		\$40 million	\$40 million

Categories of school facilities funding for FY 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.

Allocated School Construction Funding	
Baltimore City	\$75 million
Baltimore County	\$80 million
Charles	\$5 million
Frederick	\$10 million
Howard	\$35 million
Prince George's	\$30 million
Other	\$2 million
Total	\$237 million

Controversially, the legislature allocated \$237 million of the \$304 million in bond financed CIP funding directly to local governments, rather than local school systems. The Capital Budget Bill specifies that these state funds do not require a local match and stipulates that the funds may be applied to projects selected by each county but may not be used to fund any local share requirement for projects that received funding approval prior to FY 2023.

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

School Facilities

HB 1290 (Ch. 32) - 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 privity 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 9th, 2022.

HB 611/SB 259 (Ch. 51) - Procurement - Prevailing Wage - Applicability

This bill applies the State's prevailing wage requirements to "mechanical systems service contracts," as defined by the bill, that are part of public work contracts with a value that exceeds a specified threshold in federal law, which is currently \$2,500. A "mechanical systems service contract" is defined as a contract for (1) heating, ventilation, and air conditioning (HVAC), including ductwork; (2) refrigeration systems; (3) plumbing systems, as specified; (4) electrical systems, as specified; and (5) elevator systems, as specified. "Construction" is expanded to explicitly include such services.

School Facilities & Transportation

SB 528 (Ch. 38) - 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.

Key provisions of the Climate Solutions law impacting school systems include the following:

- The bill prohibits, with exceptions, local school systems from contracting to purchase or contracting 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 9th, 2022.

[HB 696](#) (Ch. 570) - Public Utilities - Electric School Bus Pilot Program

This bill establishes the Electric School Bus Pilot Program, administered by the Public Service Commission (PSC). An investor-owned electric company ("utility") may apply to PSC to implement a pilot program. A utility may (1) recover costs under the program and (2) establish a pilot tariff or rate to provide service to an electric school bus. Beginning in 2025, a utility that establishes a pilot program must annually report on the program in consultation with each participating school system.

Grant purposes and conditions:

- Provide for the deployment of at least 25 electric school buses;
- Provide for electric school bus rebates to participating school systems;
- Allow the utility to use the storage batteries of the electric school buses to access stored electricity;
- Provide and install the interconnection equipment and facilities for electric vehicle charging stations;
- Ensure each electric school bus is equipped with lap and shoulder belts;
- Ensure the school board is provided with adequate training and expertise to operate electric school buses and related equipment.

[HB 19](#) (Ch. 553) - 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.

Special Education

[HB 1255](#) (Ch. 31) - 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.

Neither a public agency nor a nonpublic school may use physical restraint on a student as a behavioral intervention unless (1) physical restraint is necessary to protect the student or another individual from imminent serious physical harm and (2) other, less intrusive, nonphysical interventions have failed or been demonstrated to be inappropriate for the student.

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](#). HB 1255 was enacted under Article II, Sec. 17(b) of the Maryland Constitution - Chapter 31 on April 9th, 2022.

Technology & Accessibility

[SB 617](#) (Ch. 215) - 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 signed into law by the Governor.

Student Data Privacy

[HB 769/SB 325](#) (Chs. 163/164) - 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.

The definition of “persistent unique identifier” was expanded from “a unique reference number used as an identifier in computer software that is stored across different usage sessions” to “an identifier that can be used to identify, recognize, track, single out, or make references about a student enrolled in prekindergarten through grade 12, the parent or guardian of the student, and any other student of whom the parent or guardian has custody.” Specific types of identifiers are listed in the law.

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.

Cybersecurity

SB 754 (Ch. 241) - 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 local government entities, including local boards and school systems, to annually complete cybersecurity preparedness assessments and make specified reports; and
- Requiring various reports and reviews related to State and local cybersecurity.

SB 812 (Ch 242) - 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);
- Creates the Maryland Cybersecurity Coordinating Council;
- Requires local government entities, including school systems, to create and update cybersecurity preparedness and response plans; 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.

HB 1205 (Ch. 243) - 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:

- Establishes the Local Cybersecurity Support Fund in DoIT to support;
 - Updating current devices and networks with up-to-date cybersecurity protections;
 - Purchasing of new hardware, software, devices, and firewalls to improve cybersecurity preparedness;
 - Recruiting and hiring information technology staff focused on cybersecurity; and
 - Conducting cybersecurity vulnerability assessments;
- 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 local boards and school systems, in conjunction with the State and local governments, are placing on adopting more robust and coordinated cybersecurity systems.

Student Health

SB 299 (Ch. 78) - Education - Public / 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 supported this bill with amendments to address serious concerns regarding the inherent risks and liability of mandating the provision of school health services by non-medical staff. Senate Bill 299 ultimately passed both chambers with limited amendments. MABE appreciates the amendments requiring at least one of the trained staff to be the nurse or other school health professional, and that any other staff volunteer must be recommended by the school nurse.

HB 118 (Ch. 554) - Public Schools - Student Attendance - Excused Absences

This bill requires MSDE and each local board to adopt an attendance policy for public school students that:

- Treats an absence due to a student's behavioral health needs the same as an absence due to an illness or another somatic health need: and
- If the policy requires a note from a health care provider to excuse an absence, authorizes an appropriate health care provider to do so.

In addition, a student who is absent due to mental health needs must be informed about available school or community behavioral health resources.

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.

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

This bill requires the Maryland State Department of Education (MSDE) to (1) assess whether students in the Home and Hospital Teaching Program for Students receive adequate support and instructional time to successfully transition back to a classroom setting; (2) analyze whether local school systems have sufficient staffing to coordinate instructional services for students; (3) study whether transition plans for students returning to the classroom should be implemented, etc. MSDE must report its findings and recommendations to the Governor, the Maryland State Board of Education, and the General Assembly by December 31, 2022. HB 1327 passed both chambers with limited amendments.

Athletics

[HB 836](#) (Ch. 212) - 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](#) (Chs. 556/557) - 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 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.

Student Nutrition & Food Service

[SB 124](#) (Ch. 205) - Public Schools - Grant Program to Reduce and Compost School Waste

This bill establishes the Grant Program to Reduce and Compost School Waste. The Maryland Assoc. for Environmental and Outdoor Education (MAEOE) must review grant applications and select recipients to be awarded grants by MSDE.

Grant applicants must:

- Educate students, staff, and parents on the connection between food waste, climate, environment, and hunger;
- Support school infrastructure to measure food waste and reduction of food waste; and
- Train and educate students and staff on the implementation of food waste reduction and composting.

In addition, grantees may contract with a commercial composter or public agency to recycle in-school organic waste; establish on-site composting bins; and other policies and practices.

[SB 121](#) (Ch. 480) - 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

This bill establishes the Maryland Farm-to-School Meal Grant Pilot Program and a special fund. The pilot program is to be administered by MSDE in coordination with the MD Dept. of Agriculture, to incentivize the production, procurement, and provision of local foods in school meals by awarding grants. The Maryland Farm-to-School Meal Grant Fund, a special fund created by the bill, consists of money appropriated in the State budget. Grants are awarded in amounts equivalent to 20 cents for each meal that the school system expects to offer that will include a local food component.

School Personnel

[HB 743/SB 410](#) (Chs. 558/559) - 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 supported this legislation consistent with 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.

[HB 1349/SB 831](#) (Chs. 531/532) - 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 this legislation 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 the bills became law without 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 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 became law without the Governor's signature.

SB 275 (Ch. 48) - 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.

Student Safety, Security, and Discipline

HB 146 (Ch. 742) - Education - Reportable Offenses, Student Discipline, and School Disruptions - Presence of an Attorney and Reporting

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.

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 student reassignment for a reportable offense (removal or exclusion from the student's regular school for more than 10 days). *The bill as introduced would have prohibited a principal or county superintendent from asking questions related to a reportable offense of a student unless the student's attorney is present, but this provision was not included in the final bill as enacted.*

Additionally, the bill includes extensive reporting requirements. Annually, local boards of education must provide reports to MSDE regarding reportable offenses and related arrests and MSDE must provide reports to the Governor and the General Assembly. A key area of reporting added to the legislation relates to "school disruptions" which include disruptions relating to: 1. attendance; 2. arson, fire, or explosives; 3. dangerous substances; 4. sex offenses; and 5. attack with a weapon, threats, or fighting. In the reports, each incident of disruption must be disaggregated by: 1. the race, ethnicity, disability status, and gender of the individual; 2. the actions taken against an individual by the local school or county board resulting from a violation, including suspensions of fewer than days, suspensions of 10 days or more, and expulsions; and 3. referrals for prosecution.

MABE Position: [Support with Amendments](#)

 MABE opposed HB 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. The bill passed both chambers and became law without the Governor's signature.

Juvenile Law

[HB 459/SB 691](#) (Chs. 41/42) - Juvenile Justice Reform

This bill makes numerous changes to the juvenile justice process in the State by generally implementing the recommendations of the Juvenile Justice Reform Council (JJRC), as created by Chapters 252 and 253 of 2019. Among other provisions, the bill (1) limits the circumstances under which a child younger than age 13 is subject to the jurisdiction of the juvenile court; (2) alters the use of informal adjustments; (3) establishes limitations on terms of probation imposed by a juvenile court, the use of detention, and out-of-home placements; (4) creates a permanent Commission on Juvenile Justice Reform and Emerging and Best Practices; and (5) establishes numerous reporting requirements.

[SB 53](#) (Ch. 50) - Juvenile Law - Child Interrogation Protection Act

This bill, subject to a limited exception, prohibits a law enforcement officer from conducting a custodial interrogation of a child until the child has consulted with an attorney, and the law enforcement officer has made an effort reasonably calculated to give actual notice to the parent, guardian, or custodian of the child that the child will be interrogated. The bill establishes related requirements for custodial interrogations of a child and establishes a rebuttable presumption that a statement made by a child during a custodial interrogation is inadmissible in specified proceedings against that child if a law enforcement officer willfully failed to comply with the bill's requirements. A law enforcement officer may conduct an otherwise lawful custodial interrogation of a child if (1) the officer reasonably believes that the information sought is necessary to protect against a threat to public safety and (2) the questions posed to the child are limited in scope, as specified.

Anti-Discrimination

[HB 850](#) (Ch. 739) - Schools, Prekindergarten Programs, and County Boards of Education - Discrimination

This bill prohibits public schools and nonpublic schools that receive State funds from refusing enrollment of a prospective student, expelling a current student, withholding privileges from, or otherwise discriminating against any individual because of an individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.

In addition, the bill:

- prohibits retaliatory actions against a student or parent or guardian of a student who files a complaint;
- establishes a complaint, mediation, and appeal process;
- requires an anti-discrimination policy statement in student handbooks; and
- authorizes MSDE to withhold funding from public and private schools as penalty for violating nondiscrimination requirements.

Highlighted Local Bills that Passed in 2022

[HB 603](#) (Ch. 569) - 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 became law without the Governor's signature.

[HB 812](#) (Ch. 589) - Montgomery County - Board of Education - Data Disaggregation Policy and Racial Disparity Comparisons MC 24-22

This bill requires the Montgomery County Board of Education to adopt a data disaggregation policy that (1) applies to any data collection, reports, or internal documentation by the county board and (2) includes a category for each racial and ethnic group that constitutes at least 5% of the students enrolled in the Montgomery County Public School System. The bill also requires the county board to include the impact on each specified racial and ethnic group in any racial disparity comparisons completed by the county board.

[HB 355](#) (Ch. 217) - 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.

Other Education & Related Bills that Passed in 2022

State Budget & Funding Policy

[SB 290](#) - Budget Bill (Fiscal Year 2023) (Ch. 484)

[HB 1450](#) - Blueprint for Maryland's Future - Implementation Plans and Funds – Alterations (Ch. 33)

School Construction & Procurement

[SB 291](#) - Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2022 (Ch. 344)

[HB 19](#) - Education - School Construction - Pedestrian Safety Plans (Safe Walk to School Act) (Ch. 553)
[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 (Ch. 550)
[HB 611](#) / [SB 259](#) - Procurement - Prevailing Wage – Applicability (Ch. 51)
[SB 9](#) - Procurement - Minority Business Enterprises – Study (Ch. 514)
[SB 192](#) - State Procurement - Minority Business Enterprise Program - Reauthorization (Ch. 117)
[SB 528](#) - Climate Solutions Now Act of 2022 (Ch. 38)

Student Transportation

[HB 696](#) - Public Utilities - Electric School Bus Pilot Program (Ch. 570)
[HB 753](#) - Primary and Secondary Schools - Bus Driver Wages – Study (Ch. 662)
[SB 528](#) - Climate Solutions Now Act of 2022 (Ch. 38)

Environment

[HB 749](#) - Natural Resources - Maryland Park Explorers Grant Pilot Program – Establishment (Ch. 470)
[SB 383](#) - Maryland Association of Environmental and Outdoor Education Grant - Funding and Evaluation – Extension (Ch. 524)

Student Health

[HB 625](#) / [SB 440](#) - Commission to Study the Health Care Workforce Crisis in Maryland – Establishment (Ch. 707)
[HB 1327](#) - Education - Home and Hospital Teaching Program for Students – Report (Ch. 211)
[SB 3](#) - Facilities - Disabilities, Juveniles, Behavioral Health, and Health Care – Plans (Ch. 513)
[SB 168](#) – Dept. of Health - ImmuNet and Statewide Advisory Comm. 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) (Ch. 331)
[HB 662](#) - Advisory Stakeholder Group on Autism-Related Needs, Interagency Disabilities Board, and the State Coordinator for Autism Strategy - Membership, Staffing, and Appointment (Ch. 627)
[HB 725](#)/[SB 506](#) - Children - Therapeutic Child Care Grant Program – Establishment (Chs. 497/498)
[HB 766](#) - Children – Residential Treatment Centers – Education Funding (Ch. 500)

School Personnel

[HB 78](#) - Discrimination in Employment - Reasonable Accommodations for Applicants with Disabilities (Ch. 325)
[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 (Ch. 489)
[HB 512](#) - Professional Standards and Teacher Education Board - Composition and Regulations (Ch. 210)
[SB 458](#) - Maryland Teachers and State Employees Supplemental Retirement Plans - Use of Minority Business Enterprises (Ch. 392)

Cybersecurity & Student Data Privacy

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

[HB 769](#) / [SB 325](#) - Student Data Privacy - Protections, Digital Tools, and Student Data Privacy Council (Chs. 163/164)

[SB 754](#) - Local Government Cybersecurity - Coordination and Operations (Local Cybersecurity Support Act of 2022) (Ch. 241)

[HB 1205](#) - State Government – Information Technology and Cybersecurity–Related Infrastructure (Modernize Maryland Act of 2022) (Ch. 243)

[SB 812](#) - State Government – Cybersecurity – Coordination and Governance (Ch. 242)

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

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 (Ch. 494)

[HB 664](#) - Child Care Programs - Maryland Infants and Toddlers Program – Information and Assistance (Ch. 469)

[HB 850](#) - Schools, Prekindergarten Programs, and County Boards of Education - Discrimination (Ch. 739)

[HB 995](#)/[SB 920](#) - Early Childhood Development - Child Care Scholarship Program - Alterations and Study (Chs. 525/526)

[HB 1100](#) - Child Care Providers and Employees - Bonuses (Ch. 594)

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)

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)

Miscellaneous

[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 (Ch. 345)

[HB 277](#) / [SB 234](#) - Public Schools - Purple Star Schools Program – Establishment (Ch. 65)

[HB 291](#) - Election Law - Contested Elections (Ch. 624)

[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 (Chs. 496/497)

[HB 837](#) - Cannabis Reform (Ch. 26)

[HB 1285](#) / [SB 604](#) - Maryland Electricians Act – Revisions (Chs. 655/656)

[SB 228](#) - Maryland Corps Program – Revisions (Ch. 37)

[SB 274](#) - Property Tax - Exemptions for Business Personal Property – Alterations (Chs. 327/328)

Local Education Bills that Passed in 2022

Anne Arundel

[SB 510](#) - Anne Arundel County Board of Education – Member Compensation (Ch. 579)

Baltimore City

[HB 383](#) / [SB 438](#) - Young Readers Programs – Establishment (Young Readers Program Expansion Act) (Chs. 446/447)

[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

[SB 55](#) - Baltimore County Board of Education – Retention of Counsel (Ch. 591)

Carroll County

[SB 436](#) - Carroll County - Board of Education - Member Compensation (Ch. 480)

Charles County

[HB 739](#)/[SB 916](#) - Workgroup to Study the Fiscal and Operational Viability of Public-Private Partnerships for Charles County Public Schools (Ch. 425/426)

Frederick County

[SB 952](#) - Frederick County - Board of Education – Vacancies (Ch. 368)

Harford County

[HB 603](#) - Harford County Board of Education - Appointment of Members – Alterations (Ch. 569)

Montgomery County

[HB 243](#) - Montgomery County – Board of Education – Student Member Scholarship MC 05–22 (Ch. 566)

[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 (Ch. 589)

[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 (Ch. 610)

[HB 1473](#) - Prince George's County - School Board Districts - Redistricting Plan PG 507-22 (Ch. 454)

[SB 444](#) - Prince George's County – School Board Districts – Redistricting Plan (Ch. 455)

Somerset County

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

Highlighted **Vetoed** Bills

The following bills were vetoed by the Governor on May 27, 2022. As post-session vetoes in an election year, there is not an opportunity for the legislature to override these vetoes at a future session.

HB 1163 / SB 362 - Primary and Secondary Education - Virtual Education - Requirements

This bill would have changed the requirements for a local board of education and MSDE to establish a virtual school and set requirements for students, teachers, and services at a virtual school. A local school system would have been limited to establishing one virtual school per grade band; however, MSDE could have authorized a local school system to establish a second virtual school on a showing of just cause. A virtual school could not include classes for prekindergarten or kindergarten students. MSDE or a local board of education could not contract with a for-profit entity to operate or administer a virtual school. The bill would have allowed existing virtual schools, even if operated by a for-profit entity, to operate through the 2023-2024 school year as specified.

 MABE originally supported these 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. ([Veto Message](#)).

SB 478 - Career and Technical Education Committee - Alterations

This bill would have made the Career and Technical Education (CTE) Committee an independent unit within the Maryland Department of Labor, instead of a unit of the Governor's Workforce Development Board (GWDB). It also required that the CTE Committee (1) include representatives of skilled trade organizations and career colleges; (2) encompass skilled trade organizations and career colleges among the representatives brought together to ensure programs are aligned with the State's economic development and workforce goals and operate with best global practices; and (3) develop a list of skilled trade organization and career college programs and share the list with guidance counselors and public schools for distribution to students. ([Veto Message](#))

SB 420 - Employment of Minors - Opportunities for Work

This bill would have required the Commissioner of Labor and Industry to release the name, home address, and telephone number of a minor who is at least 16 years old and has a work permit to the following organizations that request and have registered with the Maryland Department of Labor (MDL) for the purpose of receiving the information: (1) employers and apprenticeship sponsors; (2) educational programs and institutions; and (3) local workforce development boards that meet specified requirements. MDL may release information relating to a minor only if the minor's parent or guardian or the minor elects to allow the sharing of the information. ([Veto Message](#))

HB 192 - Baltimore County Board of Education - Members - Training and Student Member Voting

This bill would have authorized the student member of the Baltimore County Board of Education to vote on matters relating to capital and operating budgets. The bill also required 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 was to be developed by a workgroup consisting of board members and the executive leadership of the Baltimore County Public School System, with a draft curriculum for the budget training 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. ([Veto Message](#))

[HB 433](#) - Baltimore City Board of School Commissioners - Student Members and Task Force to Study Compensation and Student Members

This bill would have expanded the voting rights of the student member of the Baltimore City Board of School Commissioners. The bill also altered the selection process for the student member by requiring that the student member be elected by the middle and high school students of the city, in accordance with procedures established by the board in collaboration with the Associated Student Congress of Baltimore City. Finally, the bill established a task force to study board member compensation and additional student membership. ([Veto Message](#))

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 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 instillation 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.

School Facilities

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 (CO₂) monitoring in classrooms, and public schools would have been required to conduct ongoing classroom CO₂ monitoring, implement necessary remediation measures, and submit annual reports, as specified. Public schools would have been required to conduct at least biannual CO₂ 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 would have required 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. The bill also made 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