Education Funding & Policy Highlights & In-Depth Review & Discussion of Priority Bills Becoming Law
2023 Session Summary Overview

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- Key Bills that Failed
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- Virtual Learning & Virtual Schools (SB 610)
- Family and Medical Leave Insurance Program Modifications (SB 828)
- Nonpublic Special Education Schools Pay Parity (HB 448)
2023 Session Highlights & Overview

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The 2023 legislative session saw the introduction of 1,305 House bills and 979 Senate bills, reflecting the priorities of the newly elected Governor, Wes Moore, a substantial surplus of state funding, and the priorities of returning and newly elected Delegates and Senators.

During the legislative session, MABE’s bill testimony reflects the association’s Continuing Resolutions as annually updated and adopted by the full membership, and legislative priorities and positions as adopted by the Legislative Committee. MABE’s Legislative Positions & Priorities for the 2023 Session include position statements on major policy areas.

MABE monitored nearly 400 bills during the 2023 session and 100 of these became new laws, with many having significant impacts on public education funding and policy. All MABE’s bill tracking report and testimony is available on the MABE website.

For more information on the 2023 session, see the Dept. of Legislative Services (DLS) 90 Day Report.
Increases total State aid to public schools to $8.7 billion in FY 2024, an increase of $704.9 million over FY 2023, and includes $7.9 billion in direct aid for education and $768.6 million in retirement payments.

Utilizes $620 million from the Blueprint for Maryland’s Future Fund to support education aid programs in FY 2024.

Provides $34.5 million in education aid special hold harmless grants to prevent decreases in State education aid for any local school system. Hold harmless grants: $30.4 million for Baltimore City and $4.1 million for Allegany County.
# Education Funding

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Education Funding in FY 2024

- State aid for public schools increases by $704.9 million, or 8.9%, from $8 billion in FY 2023 to $8.7 billion in FY 2024. Under the Blueprint, State education aid increases significantly even though student enrollment decreased from 863,346 to 860,796.

- The State share of Compensatory Education funding increases from $1.29 billion to $1.68 billion, an increase of $390 million, due largely to a 108,783 increase in the number of eligible students using the State's Medicaid Direct Certification program.

- The State share of Prekindergarten funding decreases from $144 million in FY 2023 to $99 million in FY 2024 due to a shift from a proxy number of eligible students in FY 2023 to an actual count of eligible students in FY 2024.

- $2 million is budgeted to cover the state share of salary costs for local Blueprint program coordinators.
Education Funding for the Future

HB 202 Budget Reconciliation & Financing Act (BRFA)

- The Budget as introduced transferred $500 million to the Blueprint for Maryland’s Future Fund.
- The BRFA sets aside an additional $400 million, for a total of $900 million reserved for future Blueprint spending.
Local Education Funding in FY 2024

• Beginning in FY 2024, the requirement that a county that is below the statewide five-year moving average education effort level must increase its per pupil Maintenance of Effort (MOE) amount by the lesser of (1) the increase in local wealth per pupil; (2) the statewide average increase in local wealth per pupil; or (3) 2.5% (i.e., MOE escalator) is repealed.

• Due to a provision of Blueprint legislation enacted in 2023, local governments are authorized to reduce their minimum MOE funding amounts in FY 2024 by excluding certain increases in local funding required in FY 2023.

• Local education effort grants are provided to two local governments for the purpose of funding the mandated local appropriation to the public school system: $10 million for Baltimore City and $250,000 for Kent County.
Blueprint Legislation

Blueprint for Maryland's Future - Various Policies and Prekindergarten Enrollment and Funding - Alterations

- For the purposes of providing State and local funding in FY 2024 and 2025, the bill authorizes the enrollment of three- or four-year-old children who are homeless youth, children with disabilities, and children from homes in which English is not the primary spoken language in publicly funded prekindergarten programs under the Prekindergarten Expansion Grant Program.
- Requires assistant principals on level three of the career ladder to participate in classroom activity involving direct interactions with students, rather than teach, for at least 20% of their working hours.
- Takes effect immediately upon the Governor’s signature.
School Construction in the Capital Budget

HB 201

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2023

Provides $1.1 billion for school construction programs, including $485 million for the Public School Construction Program, $90 million health school fund, $20 million revolving loan program, and $40 million in supplemental grants.

In addition, $447 million in revenue bonds will be issued by the Maryland Stadium Authority to support the Built to Learn program.
## School Construction in the Capital Budget

<table>
<thead>
<tr>
<th>Program</th>
<th>GO Bonds</th>
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School Construction & the IAC

HB 458

Public School Construction - Programs, Approvals, and Administration - Alterations

Makes the Interagency Commission on School Construction (IAC) an independent unit of state government. It also repeals the School Safety Grant Program (SSGP) and the Aging Schools Program (ASP) beginning in FY 2027. Requires local school reports on the feasibility and final decisions on using wind, solar, geothermal or other alternative energy systems. Increases from $350,000 to $1 million the amount of a school project requiring state approval. Increases funding for the Prince George’s County Board of Education’s public-private partnership (P3) to construct public schools. Takes effect July 1, 2023.

MABE opposed the sunsetting of the Aging Schools Program and School Safety Grants. This provision does not take effect until June 30, 2026, allowing for future advocacy.
Eligible Projects - Procurement of Construction Materials (Buy Clean Maryland Act)

Requires the Department of General Services (DGS), by January 1, 2026, to establish a maximum acceptable global warming potential (GWP) for each category of cement or concrete mixture used in the construction of eligible public projects, which are defined as high performance buildings under section 3-602.1 of the State Finance and Procurement Article.

Section 5-312 of the Education Article cross-references section 3-602.1 and applies high performance building standards to all new schools that receive any state funding built after 2009.
Electric Vehicle Infrastructure

This bill, in part, provides limited rebates for the costs of acquiring and installing electrical vehicle recharging equipment incurred by local school systems and other public and private entities. (Rebate amount: the lesser of 50% of the costs and $5,000). Takes effect July 1, 2023.

In FY 2024 through FY 2027, a person or unit of local government may apply to the Maryland Energy Administration (MEA) for a grant for up to 75% of the incremental cost (rather than the existing limit of 20% of the cost) of a qualified medium-duty or heavy-duty zero-emission vehicle or zero-emission heavy equipment property.

Takes effect July 1, 2023.
Procurement

HB 543

State Procurement - Small Procurement - Definition

Raises the maximum dollar value threshold for most “small procurements” from $50,000 to $100,000. This bill has the effect of also increasing the small procurement threshold for school systems, under section 5-112 of the education article. § 5-112 is the procurement law that requires school systems to advertise bids for certain school supplies and equipment, with exceptions, in a newspaper or other medium accessible to the public.

Note: § 5-112 still refers to a $25,000 threshold but this section cross-references § 13-109(a) of the State Finance and Procurement Article (which was previously amended to $50,000 and is now $100,000).

Takes effect October 1, 2023.
Consolidates the State Labor Relations Board (SLRB), the State Higher Education Labor Relations Board (SHELRB), and the Public School Labor Relations Board (PSLRB) into the Public Employee Relations Board (PERB). Substantially restructures the State's rules, procedures, processes, rights, and prohibitions regarding collective bargaining by public employees. Takes effect July 1, 2023.

MABE succeeded in securing amendments to remove expanded binding arbitration provisions, preserve the existing scope of bargaining law to ensure no effect on class size and school calendar being illegal subjects of bargaining, and preserve the value of the precedents set in prior PSLRB opinions in school system cases.
In-Depth – What “was” the PSLRB?

- The PSLRB was created by the “Fairness in Negotiations Act” enacted in 2010 (Md. Code Ann., Ed. Art. §§ 6-801 – 6-807).
- The PSLRB consists of a five-member panel whose members are appointed by the Governor for five-year terms. Two of the members of the PSLRB are recommended by the Maryland Association of Boards of Education (MABE) and the Public School Superintendents’ Association of Maryland (PSSAM), and two of the members are recommended by employee organizations. The fifth member of the PSLRB is to “represent the public.”
In-Depth – What “was” the PSLRB?

• The PSLRB’s jurisdiction is limited to disputes under Subtitles 4 and 5 of Title 6 of the Education Article:
  ➢ scope of bargaining disputes;
  ➢ unfair labor practice charges;
  ➢ duty of fair representation claims;
  ➢ representation elections; and impasse.
• The PSLRB is empowered to promulgate regulations and hear contested cases within its area of statutory authority.
• The PSLRB may consider earlier decisions of the Maryland State Board of Education but is not bound by such decisions (see Ed. Art. § 6-807(d)).
Employee Relations Act – HB 984

In-Depth – New Roles of the PERB and Staff

• The PERB will be staffed by deputy directors for executive branch, higher education, and public school labor relations; and comprised of 5 members: 2 recommended by employers, 2 by unions, and the chair selected by the Governor.
• Enumerates the responsibilities and powers of the board, including granting the board the authority to issue subpoenas, administer oaths and affirmations, examine witnesses, and receive evidence, and requiring the board to adopt and enforce regulations, guidelines, and policies to implement the bill’s requirements.
• Requires the deputy directors to investigate unfair labor practice charges and claims using specified processes and procedures and to endeavor at all times to seek informal resolution of charges or complaints.
Employee Relations Act – HB 984

In-Depth – Future of PERB Investigations & Enforcement

• Specifies that the new PERB is bound by prior opinions and decisions of SLRB, SHELRB, and PSLRB, but not by any prior regulation, order, or action of SLRB, SHELRB, or PSLRB (except decisions regarding unit composition), and further specifies that the board is bound by certain judicial orders regarding the scope of bargaining.
• Laws related to the labor rights of public employees are intended to follow the National Labor Relations Act and that decisions of the federal National Labor Relations Board may be afforded persuasive weight in any interpretation of the bill.
• Any investigation, litigation, or other action pending before these three boards on June 30, 2023, must continue before PERB.
Employee Relations

**SB 555**

Fair Wage Act of 2023

Accelerates the increase in the State minimum wage rate for all employers to $15.00 per hour beginning January 1, 2024. Prior law would have raised the minimum wage (for employers of more than 15 employees) from $14 to $15 on January 1, 2025. The bill also repeals the Board of Public Works’ authority to temporarily suspend a scheduled increase in the State minimum wage rate. Takes effect July 1, 2023.

Fiscal and Policy Note: “Generally, expenditures increase significantly in fiscal 2024 and 2025 for local governments to pay employees (typically part-time or contractual employees) the accelerated minimum wage rate of $15.00 per hour.”
Sign Language Interpreter Licensing

Maryland Sign Language Interpreters Act

Establishes a new state license and regulatory framework for sign language interpreters. Creates the State Board of Sign Language Interpreters in the Office of the Deaf and Hard of Hearing (ODHH). Beginning January 1, 2025, an individual must be licensed by the board before providing sign language interpretation services, including in legal, health, behavioral health, and school settings, with limited exceptions. The unlicensed practice of sign language interpretation is a misdemeanor subject to a fine of $500-$1000 and 90 days in jail. A violator may be liable to a person receiving or witnessing unlicensed services for up to $1000 and attorney's fees.

A provisional licensee, who has passed a nationally or regionally recognized exam, may provide services for up to five years, but may not provide services in a legal, medical, or behavioral health setting.
This bill excludes specified payments to members of the State Retirement and Pension System (SRPS) from the definition of “earnable compensation”; and requires the SRPS Board of Trustees, after receiving proof of death of a former member, to pay any remaining accumulated contributions of a deceased nonvested former member to the former member’s designated beneficiary or, if there is no beneficiary, to the former member’s estate; and other modifications.

“Earnable compensation” does not include (1) a lump sum payment by a participating employer that represents a retroactive salary increase to one or more classes of employees for periods of employment that took place before the award of the payment.
This Administration bill establishes the Teacher Development and Retention Program as a pilot program to encourage college students to pursue teaching careers and makes additional changes related to the recruitment and retention of teachers, including prekindergarten teachers and aides, and school-based mental health professionals.

The bill takes effect July 1, 2023; the Teacher Development and Retention Program terminates June 30, 2029.
Teacher Shortage Reduction Act – HB 1219

In-Depth – Major Provisions of the Act

• Establishes the Teacher Development and Retention Program and fund.
• Establishes an Educator Recruitment and Retention Dashboard.
• Modifies standards for alternative teacher preparation programs
• Requires teacher preparation programs to set recruitment and retention goals.
• Delays by two years requirements for highly qualified prekindergarten teachers and teaching assistants.
• Expands eligibility for the Nancy Grasmick Award within the Janet L. Hoffman Loan Assistance Repayment Program (LARP) to include specified school mental health professionals.
• Modifies the Maryland Teaching Fellows scholarship.
In-Depth – Teacher Development & Retention Fund for Stipends

• The pilot program consists of initial (and subsequent internship) stipends for individuals who begin their teacher preparation at an institution in the State where at least 40% of the attendees receive a federal Pell Grant.
• IHE's currently qualifying: Bowie State University, Coppin State University, Garrett College, Hood College, Morgan State University, University of Baltimore, University of Maryland Eastern Shore, Washington Adventist University, and Wor-Wic Community College.
• The amount of the initial stipend must be established by MHEC and the internship stipend must be, at most, $20,000 for a 10-month educator internship.
• The Fiscal Note assumes that the initial stipends will be set at $3,500 and internship stipends will be set at $20,000, the maximum allowed.
In-Depth – Teaching Fellows Scholarship Changes

Teaching Fellows for Maryland Scholarships, based on available funding and eligibility criteria, are equivalent to 100% of the annual tuition, mandatory fees, and room and board of a resident undergraduate student or graduate student at a Maryland public higher education institution (Formula for nonpublic programs).

- Under the Act, scholarships benefit students who pledge to work as public school or public PreK teachers in the State upon completion of their studies at (1) a high-needs school, as identified by MSDE or (2) in a grade level or content area in which there is a shortage of qualified educators, as identified by MSDE. (Under the current program, the service obligation is limited to teaching at schools that have at least 50% of their students eligible for free or reduced-price meals.

- Repeals the requirement that a recipient be a Maryland resident or have graduated from a Maryland high school and broadens the academic requirements.
The bill expands eligibility for the Nancy Grasmick Teacher Award within the Janet L. Hoffman LARP to include any mental health professional who provides mental health services in public schools and is employed by a local school system or a local health department to provide school health services through an agreement with a local board of education.

- “Mental health professional” includes a school psychologist, resource psychologist, psychologist coordinator, social worker, social worker supervisor, school counselor, or mental health coordinator.
- The Nancy Grasmick Teacher Award is renamed the Nancy Grasmick Public School Professional Award.
In-Depth – Early Education Alternative Teacher Preparation

• Expands the entities that may establish an alternative teacher preparation program to include an institution of higher education or a nonprofit organization.
• Expands what constitutes a “partner school” for a teacher preparation program to include an eligible prekindergarten provider.
• An alternative teacher preparation program for an early childhood education certification must require each participant to successfully (1) complete a teacher training practicum or (2) satisfy criteria established by MSDE that evaluate the knowledge and skills from prior learning relating to early childhood education.
• MSDE, in collaboration with institutions of higher education, must establish standards for and criteria to evaluate the knowledge and skills from prior learning relating to early childhood education, including from a registered apprenticeship.
Teacher Shortage Reduction Act – HB 1219

In-Depth – Educator Recruitment & Retention Dashboard

• MSDE must establish, by Jan. 1, 2025, a Maryland Educator Recruitment, Retention, and Diversity Dashboard, including demographic information and data regarding (1) certificated and noncertificated personnel in public schools and (2) prospective educators within teacher preparation programs throughout the State who are participating in teacher internships.

• By December 1, 2024, and each December 1 thereafter, each local board of education must report to MSDE demographic and job status information on educators employed by, and teacher interns placed in, the public schools within the jurisdiction of the local board during the previous school year.

• Reports must report the information disaggregated by specified categories, including school, race, and status on the career ladder.
Reforms the Department of Service and Civic Innovation (DSCI) and transfers both the Governor’s Office on Service and Volunteerism and the Maryland Corps Program to DSCI. Within the Maryland Corps Program, the bill creates two pathways and funds for service placements for eligible youth and young adults.

The Young Adult Pathway provides service placements to eligible young adults as an additional option to immediately pursuing postsecondary education or career and technical training ($15 per hour and 30-hour per week work requirements).

The MD Service Year Option Pathway is also designed to equip program participants with professional development, mentoring, job training, financial literacy skills, and other supports. Takes effect, as an emergency bill, once signed by the Governor.
Labor and Employment - Apprenticeship 2030 Commission and Representation on the Apprenticeship and Training Council

Establishes the Apprenticeship 2030 Commission to examine and make recommendations by Dec. 1, 2023 to reduce skill shortages in high-demand occupations and provide affordable training for career pathways for young people by:

- Expanding registered apprenticeships in industry sectors with skill shortages;
- Growing the number of registered apprenticeships to at least 60,000 by 2030; and
- Reaching the Blueprint goal for 45% of high school graduates completing the high school level of a registered apprenticeship by the 2030-31 school year.

Takes effect immediately upon the Governor’s signature.
Establishes the Pilot Program for Human Services Careers and a Scholarship program; and expands both the Maryland Loan Assistance Repayment Program for Police Officers to include parole and probation agents.

Pilot Program to encourage collaboration between the Department of Human Services (DHS) and eligible local school systems to assist students in establishing careers within DHS, including social workers, child support specialists, family investment specialists, family support workers, and family caseworkers. Eligible counties and local school systems are Baltimore City, and Baltimore and Prince George’s Counties. DHS must prioritize job applicants who graduated from a high school in an eligible local school system and participated in the pilot program.
Employment for Minors - Opportunities for Work

Requires 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 various organizations who request this information and have registered with the Maryland Department of Labor.

Student information may be shared with: (1) employers and apprenticeship sponsors; (2) educational programs and institutions; and (3) local workforce development boards. Information may only be shared if the minor’s parent or guardian consents.

Takes effect October 1, 2023.
Pathways in Technology Early College High (P-TECH) School Program – High School Diplomas

Requires that each Pathways in Technology Early College High (P-TECH) student receive a high school diploma immediately following completion of high school graduation requirements. Requires the State Board of Education (SBE) to establish minimum requirements for issuing certificates and diplomas.

Local school systems may establish graduation requirements beyond the ones established by SBE. SBE must establish high school curriculum, college and career readiness standards, and graduation requirements for all public schools. Takes effect July 1, 2023.
Repeals the reporting requirements of FAFSA data by local boards of education. Requires the MLDS Center to report specified student FAFSA data to specialized committees of the General Assembly by December 15 of each year. Takes effect July 1, 2023.

MABE supported this bill’s repeal of the school system reporting requirements in place since 2021, and the shift to utilizing the services of the Maryland Longitudinal Data System Center to gather and report the data already collected by the Maryland Higher Education Commission (MHEC).
Virtual Learning & Schools – SB 610

Primary and Secondary Education - Virtual Education

Provides new definitions and standards for the short-term use of virtual learning due to inclement weather, the operation of permanent virtual schools established by local boards with State Board approval, and the terms and conditions for a long-term shift to virtual learning, as occurred during the pandemic.

Requires that virtual school teachers be members of the local bargaining unit and that virtual schools not be operated by for profit entities, with a two-year extension for such a virtual school on the Eastern Shore. MSDE must convene a stakeholder group to study next steps in virtual education and technology in the classroom. Takes effect July 1, 2023.
Virtual Learning & Schools – SB 610

In-Depth – Discretion & Rules for “Virtual Snow Days”

• Allows local boards to authorize their superintendent to provide virtual learning when schools are closed for weather. The board must discuss and vote in favor of doing so and publish its plan on its website. All the days in the calendar for school closures for severe weather conditions must be used before virtual learning is employed.
• The “virtual snow day” plan must include a plan to take attendance, allow for make-up work, ensure access to devices and Wi-Fi at home, and specific strategies to fulfill IEPs.
• A virtual education day must consist of not less than four hours of synchronous instruction and asynchronous instruction designed to maximize the advantages of online access.
• Unions may negotiate start-time and planning time for virtual learning days.
Virtual Learning & Schools – SB 610

In-Depth – Discretion & Rules to Operate Virtual Schools

• A local board may establish one virtual school for the elementary, middle, and high school grade bands.
• MSDE may provide preliminary authorization to a local board to establish one additional virtual school on a showing of just cause.
• MSDE may revoke approval of a virtual school if during the previous school year the virtual school fails to meet the standards established in regulation.
• Not more than 10% of the students from a single public school in the county in any school year may enroll in a virtual school.
• A local board may not contract with a for-profit entity, but may contract with a nonprofit entity, to operate or administer a virtual school; however, this may not be construed to prohibit a local board from contracting with a for-profit entity for goods and services for a virtual school.
• Current “noncompliant” virtual school on the Eastern Shore allowed to operate through the 2024-2025 school year.
A virtual school must provide each enrolled student with access to the following services:
(1) to the extent practicable, participation in organized athletics and on athletic teams and extracurricular activities at the public school the student would otherwise attend in person;
(2) wraparound services;
(3) food and nutrition services; and
(4) health care services equivalent to services available to students who receive in-person instruction.
A virtual school curriculum must have an interactive social and emotional wellness component designed for a virtual school environment.
In-Depth – Prolonged State of Emergency Virtual Education Plans

By June 1, 2024, a local board must, in consultation with local administrators and school staff, adopt a virtual education plan for use during a prolonged state of emergency using the local board’s continuity of learning plan in effect during the 2020-2021 school year. The virtual education plan must contain specified components and be updated by the board every two years.

• Virtual education plans must include:
  (i) a staffing and personnel assignment plan;
  (ii) a student instruction plan;
  (iii) a student assessment and learning support plan;
  (iv) a social and emotional learning plan;
  (v) a community communications plan;
  (vi) a technology plan;
  (vii) a nutritional and health services plan; and
  (viii) a plan for return to in-person instruction.
Broadband Expansion

Office of Statewide Broadband - Study of Broadband Expansion Incentives

Requires the Office of Statewide Broadband (OSB) within the Department of Housing and Community Development (DHCD) to study and make recommendations regarding:

• How the State can incentivize broadband service providers to expand broadband infrastructure to communities that are unserved or underserved, including through either regulatory or financial incentives;
• How the State can ensure that federal broadband infrastructure grants are deployed to best serve the needs of Marylanders; and
• How other states have encouraged private investment in broadband networks and how the State might implement similar measures.
• Takes effect July 1, 2023.
Cybersecurity

Economic Development - Cybersecurity - Cyber Maryland Program

Establishes a Cyber Maryland Program in the Maryland Technology Development Corporation (TEDCO) to:

• create a talent pipeline that materially reduces workforce vacancies by July 1, 2026;
• serve as a one-stop shop for employers to leverage cyber workforce development and inform public and private cybersecurity training programs;
• build the most advanced local and State information technology (IT) workforce in the nation, which, to the maximum extent possible, reflects the racial, gender, ethnic, and geographic diversity of the State; and
• support the efforts of the Department of Information Technology to improve the State government’s cybersecurity posture, including State agencies, local government units, in school systems, and critical infrastructure.
• Takes effect July 1, 2023.
Elections

**SB 379**

**Election Law - Ballot Issuance, Processing, and Reporting Procedures and 2024 Primary Date**

This bill makes several changes to elections law primarily relating to absentee ballots.

Most importantly for school systems, the bill alters the date in 2024 of the statewide primary election and the primary election for municipal offices in Baltimore City so that they are held on the second Tuesday in May, instead of the fourth Tuesday in April.

The effect of this new law is to change the statewide primary election day in 2024 to May 14th. This change is significant because State law already establishes general and primary election days as mandatory school holidays (Section 7-103 of the Education Article).
Employee Family Leave Benefits

**Family and Medical Leave Insurance Program - Modifications**

This bill modifies the Family and Medical Leave Insurance (FAMILI) Program created in 2022 by altering key administrative deadlines, technical definitions, and components of the program’s administration. Takes effect June 1, 2023.

MABE, joined by MACo and MML, and in alignment with the Maryland Dept. of Labor, succeeded in securing amendments to extend implementation deadlines. MABE highlighted the need for final regulations governing the employer exemption option (now due by Jan. 1, 2024), and additional time to allow school systems to develop or modify benefits plans and for local budget planning.
In-Depth – What is the Time to Care Act & Family Medical Leave Insurance Program?

• Legislation enacted in 2022 established the FAMLII Program, to be administered by the Maryland Department of Labor (MDL).
• The program provides up to 12 weeks of benefits to a covered individual who is taking leave from employment due to caring for certain family members, the individual's own serious health condition, or a qualifying exigency arising out of a family member's military deployment.
• The weekly benefit is based on an individual's average weekly wage and is indexed to inflation.
• Required contributions to the program, which are shared between employers and employees, are also based on employee wages.
Time to Care Act Revisions – SB 828

In-Depth – Key Provisions

- The start dates for contributions and benefit payments are delayed by one year to October 1, 2024 (employer/employee contributions), and January 1, 2026 (benefits payments).
- Employer/employee contribution split is set at 50%/50%, rather than being determined by the Secretary of Labor every two years.
- An employee is no longer required to exhaust all forms of employer-provided leave that is not required under law before receiving FAMLI benefits, although an employer can require that FAMLI benefits be coordinated with other benefits or leave.
§8.3–705 of the Labor & Employment Article

(a) An employer may satisfy the requirements of this title through a private employer plan consisting of employer-provided benefits, insurance, or a combination of both if the private employer plan is offered to all of the employer’s eligible employees and meets or exceeds the rights, protections, and benefits provided to a covered employee under this title.

(b) A private employer plan shall be filed with the Department for approval.

(c) An employer that provides covered employees with a private employer plan and an employee that is covered by a private employer plan are exempt from the contributions required under Subtitle 6 of this title.
As enacted into law, this bill requires MSDE and the Maryland Department of Health (MDH) to jointly update the Maryland State Health Services Guidelines by August 1, 2023, to reduce the risk of exposure to anaphylactic causative agents (specifically major food allergens) in classrooms and common areas. Requires each local board of education to make a good faith effort to adopt and implement the updated guidelines before the 2023-2024 school year but must do so before the 2024-2025 school year. Requires each public school to develop a system to disclose the foods served in the school and the major allergens contained in them. Takes effect June 1, 2023.

MABE secured an amendment to clarify that school systems would be required to update their local policies and adopt any new procedures only after the state school health service guidelines have been updated.
School Meals and Nutrition

**Education - Maryland Meals for Achievement In-Classroom Breakfast Program - Annual Appropriation**

Requires the Governor to include $12,050,000 for the Maryland Meals for Achievement (MMFA) In-Classroom Breakfast Program. Provides most local school systems with an additional $4.5 million for MMFA. Takes effect July 1, 2023.

» MABE supported the increase in the mandated appropriation to ensure adequate funding for the Maryland Meals for Achievement In-Classroom Breakfast Program.
Behavioral Health Services

Public Health - Home- and Community-Based Services for Children and Youth

- Requires the Maryland Department of Health (MDH) to expand access to and provide reimbursement for specified wraparound, intensive in-home, and case management services for children and youth with serious emotional disturbance and their families, under the 1915(i) Intensive Behavioral Health Services for Children, Youth, and Families Program.
- Beginning in FY 2024, the Behavioral Health Administration must fund 100 slots in the mental health case management program for children or youth who are not eligible for Medicaid services and are at risk of out-of-home placement.
- Takes effect October 1, 2023.
Establishes a task force to study nonpublic student bus transportation. The task force is to be staffed by MSDE. Encourages local boards of education to provide information to the task force regarding nonpublic school student busing programs in the county and other programs for the transportation of students in special education placements. Takes effect July 1, 2023 and terminates June 30, 2024.
HB 1237

Special Education - Judicial Actions - Attorney's Fees and Related Costs

Authorizes a court to award reasonable attorney’s fees and related costs, including expert witness fees and costs, to the parent of a child with a disability, if the parent prevails in a proceeding that is held to resolve disputes about the identification, evaluation, or educational placements of children with disabilities or the provision of a free appropriate public education. Takes effect July 1, 2023.

MABE opposed this bill as imposing a cost burden on local school systems beyond the requirement of federal special education law, which already allows parents to recoup attorney’s fees but not expert witness fees.
Nonpublic Special Education Schools

**HB 448**

**Nonpublic Education - Placements of Children With Disabilities - Teacher Salaries (Teacher Pay Parity Act)**

Requires the State and local governments to share the costs of paying increased salaries of teachers at nonpublic special education schools, with increases to be based on local school salaries and phased in over 3 years. If the current amount of state and local funding is insufficient to close pay gaps, the state/local cost share for additional costs is the same 70/30 split for excess costs under current law. MSDE must adopt regulations to carry out the new law. Takes effect July 1, 2023.

⇗ MABE supported the bill as introduced, requesting amendments to avoid any unfunded mandate on local school systems to contribute to private school salaries. MABE secured amendments to ensure that the bill imposes no cost on school systems and the mandated increased costs for local governments will have no effect on maintenance of effort.
A nonpublic special education school, approved under COMAR 13A.09.10, shall provide its teachers a salary that is equivalent to the local school salaries, phased in over 3 years beginning in FY 2024 with parity achieved in the third year and parity maintained thereafter.

If the amount of state and local funding provided is insufficient to provide local school salaries to teachers at these nonpublic special education schools additional funding shall be provided by the State and county in an amount equal to the difference.

Funding provided by county governments under the bill is in addition to the required local effort amount under current law (Maintenance of Effort or Local Share) and is also excluded from calculations of local effort and local effort relief, Guaranteed Tax Base (GTB) State aid, and Education Effort Index State aid.
HB 226

Criminal Law - Person in a Position of Authority - Sexual Offenses With a Minor

Alters the definition of a “person in a position of authority” under the fourth-degree sexual offense statute. The bill also expands the application of the fourth-degree sexual offense statute to include a person who is:

- At least age 21;
- works for remuneration or as a volunteer for (1) a public or private preschool, elementary school, or secondary school or (2) a “program”; and
- exercises supervision over or works or interacts with one or more minors who attend the school or participate in the program.
- Takes effect October 1, 2023.

MABE supported the law’s criminalization of sexual activity between minors and instructors in non-public school programs not prohibited under other provisions of state law; provisions already applying to public schools.
Civil Rights and Discrimination

HB 16

Primary and Secondary Education – Title IX – Notice (Hear Our Voices Act)

Requires each public school to inform students, faculty, staff, and parents regarding:

• who serves as the Title IX coordinator for the school;
• the process in place for filing a sexual misconduct complaint;
• and the support measures in place for an individual who files and misconduct complaint and how to access the support measures.

Takes effect July 1, 2023.
Civil Rights and Discrimination

Human Relations - Civil Rights Enforcement - Powers of the Attorney General

As enacted into law, this bill generally:

- grants the Attorney General the power to investigate, prosecute, and remediate any conduct that constitutes a civil rights violation;
- establishes related procedures and specified remedies for violations;
- requires coordination with the Maryland Commission on Civil Rights (MCCR); and
- establishes the Civil Rights Enforcement Fund.
- Takes effect October 1, 2023.
SB 841

Local School Systems - Student Field Trips - Funding

Requires the Governor to include $500,000 in the annual budget bill for MSDE to provide grants to local school systems for expenses related to student field trips to museums of cultural import, including:

• (1) the United States Holocaust Memorial Museum;
• (2) the National Museum of African American History and Culture;
• (3) the Jewish Museum of Maryland; and
• (4) the Reginald F. Lewis Museum of Maryland African American History and Culture.

Requires MSDE to submit a report to the General Assembly by October 1 of each year which details the distribution and use of grant funding from the previous fiscal year. Takes effect July 1, 2023.
Liability for Victims of Sexual Abuse

Civil Actions - Child Sexual Abuse - Definition, Damages, and Statute of Limitations (The Child Victims Act of 2023)

• Removes any statute of limitations for actions for damages arising out of an alleged incident of sexual abuse that occurred while the victim was a minor.
• Applies retroactively to revive any action that was barred by the statute of limitations applicable before October 1, 2023, including actions filed more than 20 years after the date on which the victim reaches the age of majority which were barred by the statute of repose enacted in 2017.
• With respect only to sexual abuse claims, the new law increases the liability cap and minimum comprehensive liability coverage for local boards of education from $400,000 to $890,000.
• Takes effect Oct. 1, 2023.
• Attorney General’s Constitutionality Review Letter
Public Information Act

HB 1051

Public Information Act - Decisions of the State Public Information Act Compliance Board - Appeals

• Authorizes an applicant to appeal a decision by the State Public Information Act Compliance Board.

• Specifies that for certain complaints involving allegations that an applicant’s request or pattern of request is frivolous, vexatious, or in bad faith, an appeal must be filed in circuit court for the county where the applicant resides or has a principal place of business.

• Takes effect October 1, 2023.
Public Information Act

Public Information Act - Inspection of E-Mail Addresses and Telephone Numbers

This bill alters the definition of “personal information” under the Maryland Public Information Act (PIA) to include an individual’s email address. Makes other changes under PIA that establish when a custodian is prohibited from allowing, or authorized to allow, the inspection of records related to email addresses and telephone numbers.

Requires a records custodian to deny inspection of a school district record about a student’s telephone number and personal email address. This expanded prohibition also generally applies to public employees.

Takes effect October 1, 2023.
Cannabis Reform

Renames/creates the Alcohol, Tobacco, and Cannabis Commission (ATCC) and expands its duties to include the regulation of cannabis. Creates a Cannabis Regulation and Enforcement Division to oversee the regulation of adult-use cannabis, including medical cannabis. Establishes a licensing framework and graduated sales and use tax applicable to the sale of adult-use cannabis. Takes effect, as an emergency bill, immediately upon the Governor’s signature.

- Generally, a dispensary may not locate within 500 feet of: a pre-existing primary or secondary school in the state, or a licensed childcare center or registered family childcare home; or a playground, recreation center, library, or public park.
- However, a local government may reduce these distances.
Gun Control

SB 1

Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

Modifies and expands the requirements and procedures relating to the issuance and renewal of a handgun permit. Prohibits, with exceptions, a person from wearing, carrying, or transporting a firearm in certain special purpose areas, including:

- A building owned or leased by a unit of state or local government;
- Stadiums and other areas used for athletic events; and
- Numerous other public and private facilities, activities, and areas.

Takes effect October 1, 2023. Note: the bill does not affect the current law prohibiting a person from wearing, carrying, or transporting a handgun, whether concealed or open, on public school property.

Attorney General’s Constitutionality Review Letter
This bill (1) increases the maximum incarceration penalty for violations of the prohibition against wearing, carrying, or transporting a handgun; (2) modifies and expands an existing prohibition relating to the possession of a regulated firearm; and (3) modifies and expands the requirements and procedures relating to the issuance and renewal of a permit to carry, wear, and transport a handgun (handgun permit), including training content.

Takes effect October 1, 2023.

Attorney General’s Constitutionality Review Letter
Other Bills that Passed

- HB 185: Nonpublic Schools and Child Care Providers - Corporal Punishment - Prohibition
- HB 206: Early Childhood Education - Prekindergarten Programs - Montessori Schools and Programs
- HB 320: Maryland Longitudinal Data System - Definition of Student Data - Alteration
- HB 322: Public Health - Home- and Community-Based Services for Children and Youth
- HB 525: Outdoor Preschool License Pilot Program - Establishment
- SB 922: Maryland Construction Education and Innovation Fund - Alteration
Local Bills that Passed

HB 492
Anne Arundel County - School Vehicles - Duration of Operation

HB 153
SB 31
Baltimore City Board of School Commissioners - Student Members and Task Force to Study Compensation and Student Members

HB 175
Baltimore County Board of Education - Student Member - Voting and Training

HB 210
Baltimore County - Board of Education - Member Elections and Appointments

SB 348
Baltimore County - School Board Nominating Commission - Vacancy Procedures
Local Bills that Passed

- **SB 491**
  - Charles County - Task Force to Study School Bus Operator Contracts and Wages

- **HB 402**
  - Kent County - Board of Education - Student Member

- **SB 402**
  - Prince George's County Public Schools - Office of Integrity and Compliance - Establishment PG 501-23

- **HB 437**
  - Talbot County - Board of Education - Election of Officers
Priority Bills that FAILED to Pass

County Boards of Education - Curriculum Guides and Courses of Study - Requirements

Would have required that all of the curriculum guides, courses of study, resource material, and other teaching aids prepared by local school systems must be in accordance with the policy and guidelines for the program of instruction in public schools adopted by the State Board of Education. If the State Superintendent of Schools determined that a local board is not following every element of the state policy and guidelines or is authorizing a student to opt-out of a course of instruction in a manner not approved, the State Superintendent must notify the local board of education. If the local board does not resolve the discrepancy within 30 days, 10% of the funds budgeted by the State for the current fiscal year must be withheld. If the discrepancy was not resolved within 90 days, an additional 10% would be withheld. The State Comptroller could only release the funds if the State Superintendent determined that the local board had resolved the discrepancy.
Priority Bills that FAILED to Pass

HB 294
County Boards of Education - Due Process Proceedings for Children With Disabilities - Burden of Proof

Would have placed the burden of proof on a local board of education in a due process hearing that is held to resolve disputes about the identification, evaluation, or educational placements of children with disabilities or the provision of a free appropriate public education.
Priority Bills that FAILED to Pass

HB 515

Public Schools - Active Shooter Safety Drills or Trainings - Requirements

Would have prohibited mandatory active shooter drills or trainings during school hours from including role-playing active shooters or loud sounds or other activities that may be traumatic for students or school personnel; and required local school systems to:

• notify parents in advance of active shooter drills or trainings in schools;
• provide mental health follow-up to students and school personnel after an active shooter drill or training; and
• collect data on the effectiveness and psychological impact of the drills or trainings and report the data to the Maryland Center for School Safety (MCSS) for further analysis.
Highlighted Bills that FAILED to Pass

- Medicaid Reimbursement for School-based Behavioral Health Services (HB 82/SB 201)
- MD Office of the Inspector General for Education – Performance Audits & Powers (HB 272) and (HB 782)
- Construction of Sidewalks and Crosswalks (SB 95)
- School Bus Stops - Violations & Enforcement (HB 849)
- School Traffic Safety Zones (SB 11)
- Statewide Schools Security Response System (SB 677)
- Charter Schools Facilities Fund (SB 646)
- School HVAC and CO2 Monitoring (SB 835)
- Class Size as Permissive Subject for Collective Bargaining (HB 85)
- Dental Service Records and Parental Notification (HB 290)
- Nonpublic School Health Services (SB 419)
- Save Women’s Sports Act (HB 359)
- Bullying Policy Reforms (HB 576)
- Innovative School Scheduling (SB 321)
- School Personnel Duties & Salaries (HB 883)
- Free Breakfasts and Lunches (HB 628)
- Neighborhood Indicators of Poverty Funding (HB 1211)
Curriculum Bills that FAILED to Pass

- Financial Literacy Curriculum (HB 99)
- Financial Literacy Graduation Requirement (SB 238)
- Asian American History Curriculum Requirement (HB 980)
- Website Posting of Curriculum and Instructional Materials (HB 1202)
- Study of the Holocaust (Educate to Stop the Hate Act) (HB 1241)
- Unit of Instruction on September 11, 2001, Terrorist Attacks (SB 149)
- Course on Collateral Consequences of a Criminal Conviction (HB 880)
- Water Safety and Swimming Course (HB 1105)
- Peace and Conflict Studies (HB 1110)
- Expanded American History (HB 1164)
- Cyber Safety Guide (SB 799)
- Math Credit for Computer Science (HB 935)
MABE ADVOCACY CENTER
MABE’s advocacy center includes all MABE testimony and other information pertaining to the 2023 legislative session.

GENERAL ASSEMBLY WEBSITE
The Department of Legislative Services has published its 90-Day Report on the 2023 Session.

MABE BILL REPORT
MABE’s Bill Tracker provides the status and a link to all 387 bills tracked by MABE in 2023.
Thanks!

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