

MONTGOMERY COUNTY BOARD OF EDUCATION
Rockville, Maryland

February 23, 2021

MEMORANDUM

To: Members of the Board of Education

From: Danielle M. Susskind, Coordinator, Legislative Affairs

Subject: Recommended Positions on Education Legislation

The purpose of this memorandum is to provide information regarding proposed legislation that could impact Montgomery County Public Schools (MCPS). These bills have been analyzed to determine any impact on MCPS, as well as whether or not they are consistent with the legislative annual priorities (hereafter platform) that were adopted by the Board of Education on November 10, 2020. Attachment A provides the recommended positions on the bills not covered by the platform that may require a position from the Board. Attachment B provides a list of bills that are covered under the platform and for which no action is necessary. Attachment C provides bills that are included for your information and do not require a position.

Each bill is listed below with a hyperlink to the bill text. To access the text online, right click each hyperlink (bill number).

Bills with Recommended Positions (Attachment A)

[HB0465](#) State Superintendent of Schools - Qualifications and Senate Confirmation

Bills Covered Under the Platform (Attachment B)*Learning*

[HB0717/SB0770](#) Education – Technology Resources – Funding (Ending the Digital Divide Act)

[HB0724](#) Special Education - Education and Vocational Services - Prolonged School Closure

[SB0551](#) School Construction Incentive Act of 2021

Respect

[SB0664](#) Education - High School Graduation Requirements - Applications for Student Financial Aid

HB0916	Education - Public Middle and High Schools - Financial Literacy Curriculum and Graduation Requirement
HB1104	Primary and Secondary Education – Virtual School – Feasibility Study
HB1113	Primary and Secondary Education - Education Savings Account Program - Established
HB1157	Education - Maryland High School Diploma - Civics Test Requirement
HB1254	Public School Employees - Whistleblower Protection - Civil Actions
HB1299	Education - Public High Schools - Financial Literacy Curriculum and Graduation Requirement

Relationships

SB0654	Education – Comprehensive Health Education Program – Instruction on Skin Cancer
HB0753	Education - Student-Organized Peaceful Demonstrations - Student Discipline and Policy
HB1096	Public Schools – School Psychologist Recruitment Program
HB1148/SB0830	Secretary of Health – School–Based Health Centers – Guidelines and Administration of Grants
HB1296	Public School Students - Daily Physical Activity (Student Health and Fitness Act)

Excellence

SB0668	Good Job Opportunities for High School Graduates Act of 2021
HB0782/SB0934	Public Schools - Purple Star Schools Program - Establishment
HB0905/SB0845	Education - Workforce Development Sequence Scholarships - Eligibility
HB0914	Education - Home and Hospital Teaching Program for Students - Report
HB1062/SB0733	Education - Student Data Privacy - Reports and Student Data Privacy Council Sunset Extension
HB1245	Guaranteed Access Grant and Next Generation Scholars of Maryland – Alterations

Equity

SB0662	Education – Commission on Multicultural Education – Establishment
------------------------	---

[HB0817/SB0759](#) State Department of Education - Interscholastic Athletics Eligibility Waiver
- Graduate Athletes

[HB0820](#) County Boards of Education - Computer Science Courses - Reporting
Requirements

[HB0823](#) Public Schools - Mathematics Credit - College Preparatory Computer
Science or Computer Programming Course

[HB1185](#) Public and Nonpublic Schools - Interscholastic Athletics Eligibility -
Reclassification of Student Athletes

Bills for Information Only (Attachment C)

[SB0630](#) Education - Adult High School Pilot Program - Funding and Grants

[HB0929/SB0680](#) Teachers' Pension System – Vested Allowance – Break in Service

[HB1089](#) Primary and Secondary Education – Expansion of Mental Health Services
and Prohibition of School Resource Officers (Police-Free Schools Act)

[HB1271](#) Special Education - Student Evaluation - Identification of Traumatic Brain
Injury

I will continue to monitor the proposed legislation and bring you recommended positions on
additional bills that will impact the Montgomery County Public Schools.

Attachments

DMS:dms

HB0465 State Superintendent of Schools - Qualifications and Senate Confirmation

Sponsor Delegate Washington

Committee *Ways and Means*

Synopsis

Requiring that the State Superintendent of Schools be appointed with the advice and consent of the Senate; and prohibiting the appointment of an individual as State Superintendent if the individual is, or during the immediately preceding year was, a member of the State Board of Education.

Analysis

Currently, the State Superintendent of Schools is appointed by the Governor and approved by the State Board of Education. This bill would require the State Senate to also approve the hiring of the State Superintendent of Schools.

Position: No position

Learning

SB0770 Education – Technology Resources – Funding (Ending the Digital Divide Act)
HB0717

Sponsors Senators Hester and Rosapepe;
 Delegate Guyton

Committees *Education, Health, and Environmental Affairs*
 Appropriations

Synopsis

Providing for the target per pupil foundation amount in Fiscal Year 2022; requiring each county board of education to use not less than 7% of the target per pupil foundation amount to provide certain technology resources to students; authorizing a local school system, at the end of each fiscal year, to hold unused funds in a special fund to be used in a subsequent fiscal year; requiring a county board that allocates certain funding to follow certain information technology security standards; etc.

Analysis

There is currently no required allocation for technology as written by this bill. That lack of clarity has led to systems being unprepared for cyber attacks and virtual learning environments. When forced with difficult decisions, many school systems have elected to put limited funds toward other initiatives, leaving it exposed to cyber attacks and poor service in the virtual learning environment. This bill would support this critical work by allocating funds specifically for this purpose, and help with these issues.

Position: Support

HB0724 Special Education - Education and Vocational Services - Prolonged School Closure

Sponsor Delegate Guyton

Committee *Ways and Means*

Synopsis

For the purpose of requiring a county board of education to enroll a certain student whose school is subject to a prolonged school closure in continuing school classes and certain education services for a certain period of time; requiring a county board to provide a certain notice to the parents or guardians of certain students and to offer the opportunity to opt out of enrollment; requiring a county board to provide a certain extension to certain students regardless of whether certain conditions have been met; requiring that certain classes and services be of a certain type and quality; requiring a county board to coordinate with certain entities to ensure that certain students have access to certain services; requiring the Division of Rehabilitation Services within the State Department of Education to ensure that certain transitioning students continue to have access to certain services for a certain period of time; defining certain terms; making this Act an emergency measure; and generally relating to education and vocational services for special education students who are experiencing a prolonged school closure.

Analysis

Students with disabilities receiving special education services through an Individualized Education Program (IEP) are currently eligible for services through the year that they turn 21. The majority of students working towards a high school diploma exit from special education services the year they have met the diploma requirements and graduate from high school, typically at age 17 or 18. In a certain percentage of cases, students working towards a diploma who are unable to meet the high school graduation requirements in four years may remain in school and receive special education services for an additional number of years to meet the high school graduation requirements, up to the year they turn 21. Students with significant cognitive disabilities typically remain in school, receiving special education services through the year the student turns 21, exiting at the end of that year.

The year that each student receiving special education services exits from those services is currently determined on an individual basis by an IEP team that includes the participation and input of the parent/guardian.

Montgomery County Public Schools opposes this legislation for the following reasons:

- The proposed legislation would remove the discussion regarding the exit year for students receiving special education services ages 17–22 from the IEP team and provide parents/guardians of all students with disabilities the option of independently determining that their student will remain in school to receive special education services beyond the year they have met their graduation requirements and beyond the age of 21 in the event of a prolonged school closure as defined by the legislation. The proposed legislation provides parents/guardians the opportunity to make this decision absent the presence of any data determining if the student has been negatively impacted by the prolonged school closure and absent any input of the school-based IEP team members.
- Montgomery County Public Schools’ current practice includes the consideration for additional special education services beyond the graduation requirements and beyond the age of 21 on an individual basis if there is a request for the student to remain in school by a member of the IEP team, including the parent/guardian, or as a means to address compensatory educational services when there is data that support the need to address the negative impact of the prolonged school closure.
- Potential growth in the number of students ages 17–22 requiring special education services could have a significant impact on staffing requirements in the comprehensive school settings, as well as tuition costs associated with public and nonpublic separate day school and residential settings. Costs associated with the staffing needs to meet this growth could have a significant fiscal impact.
- The potential growth in the number of students ages 17–22 requiring special education services could have a significant impact on the facilities and operations of school settings including the need to expand current transportation services.

Position: Oppose

SB0551 **School Construction Incentive Act of 2021**

Sponsor Senator Rosapepe

Committee *Budget and Taxation*

Synopsis

Requiring an eligible cost of a public school construction or capital improvement project to include costs relating to certain planning, design, and analysis; requiring the Interagency Commission on School Construction to establish a certain incentive program for certain school construction and renewal projects; providing for the calculation of the incentive, including an increase in the State share percentage and a decrease in the local share percentage of school construction and renewal costs; etc.

Analysis

MCPS has serious and wide ranging concerns, which also is of concern to all jurisdictions. Belief is that no changes should be made until the completion of the statewide school facilities assessment and reconvening of the school facilities funding workgroup.

Note: MABE is also opposed to this legislation.

Position: Oppose

Respect

SB0664 **Education - High School Graduation Requirements - Applications for Student Financial Aid**

Sponsor Senator Ellis

Committee *Education, Health, and Environmental Affairs*

Synopsis

Requiring public high school students, beginning in the 2022-2023 school year, to confer with a high school guidance counselor or other designated representative regarding certain financial aid applications as a requirement for graduation; authorizing a student or the parent or legal guardian of a minor student to submit to a county board of education a statement that the student understands the application and declines to confer with a high school counselor or other designated representative regarding the application; etc.

Analysis

- Financial hardship has been identified as the most significant reason why some students choose to not attend college.
- MCPS is currently collecting information on the Free Application for Federal Student Aid (FAFSA) completion as part of the Maryland State Department of Education FAFSA completion initiative. This bill will support MCPS by ensuring that every student has completed the FAFSA or the Maryland State Financial Aid Application (MSFAA).
- This bill would require school staff to monitor completion data and provide support for parents and students to complete the FAFSA or MSFAA.

Position: Support with amendment

- **Amendment Language:** MCPS respectfully requests an amendment to this language that incentivizes this initiative with supports in schools to operationalize the work by providing

resources to help reach the goal of 100%. It would be very difficult to meet the goal of 100% compliance with no supports and time for transition.

HB0916 Education - Public Middle and High Schools - Financial Literacy Curriculum and Graduation Requirement

Sponsor Delegate Amprey

Committee *Ways and Means*

Synopsis

Requiring the State Department of Education to update the Maryland State Curriculum for Personal Financial Literacy Education and financial literacy standards to include content related to student loans and taxes; requiring the State Board to develop curriculum content for middle and high school courses in financial literacy; requiring students to complete a financial literacy course in order to graduate from a public middle or high school; etc.

Analysis

- Requiring completion of a one semester financial literacy course in high school places an undue burden on students to meet a high level of graduation requirements currently in place. This will limit student access to other high level courses and programs such as Advanced Placement, International Baccalaureate, and Career and Technology Pathways.
- Adding a semester course will require students to register for other courses that are only a semester to fill out their schedule. This will shift staffing away from existing courses and lead to the elimination of elective offerings within a school.
- Students currently receive 2-3 weeks of financial literacy instruction following completion of National, State, and Local Government or Advanced Placement Government.
- Requiring completion of a one semester financial literacy course in order to graduate from middle school also places a significant burden on students and schools. This requirement would impact student access to a well-rounded curriculum that included fine arts, computational thinking courses, and other courses.
- Students currently receive 3-4 weeks of financial literacy instruction through participation in the Finance Park program in Grade 7.
- As both the middle and high school courses are tied to graduation or advancement to high school, significant resources, monitoring, and programs would need to be created and implemented to support students who were not initially successful in completing the required courses.

Position: Oppose

HB1104 Primary and Secondary Education – Virtual School – Feasibility Study

Sponsor Delegate Wivell

Committee *Ways and Means*

Synopsis

Requiring the Maryland State Department of Education to conduct a feasibility study for developing, establishing, and operating a certain statewide virtual school; and requiring the Department to submit the findings of the feasibility study to the Governor and the Maryland General Assembly on or before December 31, 2021.

Analysis

This bill requires the Maryland State Department of Education (MSDE) to conduct a feasibility study for developing, establishing, and operating a certain statewide virtual school; and requiring the Department to submit the findings of the feasibility study to the Governor and the Maryland General Assembly on or before December 31, 2021. MCPS is already planning for the continuation of virtual learning provided by the school district beyond the pandemic.

Position: Oppose

HB1113 Primary and Secondary Education - Education Savings Account Program - Established

Sponsor Delegate Wivell

Committee *Appropriations*

Synopsis

Establishing an Education Savings Account program in the State; stating the purpose of the program; establishing the requirements for participation in the program; requiring a certain deposit into the account of certain students; establishing a process for calculating and depositing a certain amount; limiting the use of certain funds to certain educational purposes; authorizing a parent to make a certain deposit in a certain manner; etc.

Analysis

This bill establishes an Education Savings Account Program in the state that would be used to provide grants to parents/guardians of a student for the purpose of paying for tuition, fees, textbooks, private tutoring, curriculum materials, etc. to attend a nonpublic school.

Position: Oppose

HB1157 Education - Maryland High School Diploma - Civics Test Requirement

Sponsor Delegate Thiam

Committee *Ways and Means*

Synopsis

Requiring an individual to take a certain civics test, and achieve a passing score by correctly answering at least 60% of the questions, in order to, on or after January 1, 2023, graduate from a public high school, meet certain alternative requirements for obtaining a Maryland high school diploma, or qualify for a

Maryland high school diploma by examination; requiring the State Board of Education to determine the means of providing each high school student an opportunity to take the required civics test; etc.

Analysis

- American Government standards developed by the Maryland State Department of Education are currently taught and assessed in Montgomery County Public Schools (MCPS) Grade 10 government classes.
- Students currently must take and pass the Government High School Assessment (HSA) to graduate from high school.
- An additional graduation requirement will place an undue burden on students to successfully graduate high school.
- Preparation for the Civics Naturalization test would impact the instructional time needed to teach the American Government standards and to prepare for the Government HSA.
- The content of the American Government course provides students with critical thinking, reading, and writing skills while a Civics Naturalization test relies on content memorization rather than analysis and argumentation.
- Remediation and support for students not initially successful in passing the Civics Naturalization test will require significant resources, programming, and implementation by schools.

Position: Oppose

HB1254 Public School Employees - Whistleblower Protection - Civil Actions

Sponsor Delegate Ivey

Committee *Ways and Means*

Synopsis

Repealing a prerequisite that a public school employee who is subject to a certain prohibited personnel action relating to an act of whistleblowing must exhaust any administrative remedies before instituting a civil action against a public school employer; authorizing any public school employee who is subject to a certain personnel action to file a certain complaint; requiring a public school employer to provide an administrative remedial process and complete the process within 30 days of the complaint filing; etc.

Analysis

The proposed bill would eliminate the requirement that public school employees exhaust administrative remedies internal to the school district before initiating a civil action seeking protection as a whistleblower. Removing this requirement could undermine the legislature’s prior efforts to encourage such issues to be resolved internally before involving the courts.

When a version of this bill was introduced in 2020, MCPS opposed the bill on the grounds that it impacted MCPS, and could significantly increase litigation, and the associated legal costs, for whistleblower claims.

The proposed bill would, thus, discourage collaborative resolution and likely increase the likelihood of litigation on issues that could have been addressed through alternative routes.

Beyond the prior year, HB1075 and HB1254 propose additional language about which MCPS has reason to be concerned:

The conditional use of the word “may,” beginning at P.3, Line 10, for a specific condition, instead of a comprehensive “shall” for all circumstances makes the language that follows ambiguous as to any condition for which it will be required.

The 30-day requirement beginning at P.3, line 18, conflicts with the multi-tier appeal process set forth in MCPS Regulation GKA-RA, *Administrative Complaint*, which begins with an informal process then address three levels of appeal, and at each step there are time intervals, which may be extended by mutual agreement of all parties of interest.

The nine month interval for bringing the action is a substantial yet unsubstantiated increase.

Position: Oppose

HB1299 Education - Public High Schools - Financial Literacy Curriculum and Graduation Requirement

Sponsor Delegate Walker

Committee *Ways and Means*

Synopsis

Requiring the Maryland State Board of Education to develop curriculum content for a half-semester-long course in financial literacy; requiring each county board of education to implement the financial literacy curriculum content in every public high school in the county; and requiring students to complete a course in financial literacy in order to graduate from a public high school.

Analysis

- HB1299 seeks to create a one semester financial literacy course required for high school graduation.
- Requiring completion of a one semester financial literacy course in high school places an undue burden on students to meet a high level of graduation requirements currently in place. This will limit student access to other high level courses and programs such as Advanced Placement, International Baccalaureate, and Career and Technology Pathways.
- Adding a semester course will require students to register for other courses that are only a semester to fill out their schedule. This will shift staffing away from existing courses and lead to the elimination of elective offerings within a school.
- Students currently receive 2-3 weeks of financial literacy instruction following completion of National, State, and Local Government or Advanced Placement Government.
- To meet this requirement, significant resources, monitoring, and programs would need to be created and implemented to support students who were not initially successful in completing the required course.

Position: Oppose

Relationships

SB0654 **Education – Comprehensive Health Education Program – Instruction on Skin Cancer**

Sponsor Senator Klausmeier

Committee *Education, Health, and Environmental Affairs*

Synopsis

Requiring each county board of education to provide age-appropriate instruction on skin cancer as part of the comprehensive health education program beginning in the 2021-2022 school year.

Analysis

- SB0654 would require the comprehensive health education curriculum include age-appropriate information on skin cancer.
- The comprehensive health education curriculum currently includes instruction on first aid, including recognizing and caring for sunburn, and personal and consumer health, including identifying and preventing cancer.
- The comprehensive health education curriculum could be adapted and enhanced to include specific information related to skin cancer prevention.

Position: Support

HB0753 **Education - Student-Organized Peaceful Demonstrations - Student Discipline and Policy**

Sponsor Delegate Ebersole

Committee *Ways and Means*

Synopsis

Prohibiting a public school from prohibiting a student from engaging in a student-organized peaceful demonstration or imposing certain limits on a student's right to free speech, subject to certain limitations; prohibiting a public school from disciplining a student for engaging in a student-organized peaceful demonstration under certain circumstances; authorizing a public school to impose certain limitations on a student-organized peaceful demonstration under certain circumstances; etc.

Analysis

While the proposed HB0753 has many of needed elements itemized below, they present many problems with interpretation and implementation as currently written. The Board should only support with substantial revisions.

Attachment B: Platform Positions on Proposed Legislation
2-23-2021

The requirement that a public school system have a policy is not problematic, as MCPS already has Board Policy, JFA, *Student Rights and Responsibilities*, and MCPS Regulation JFA-RA, *Student Rights and Responsibilities*. MCPS Regulation JFA-RA sets forth provisions regarding student speech and assembly in Regulation JFA-RA, section IV. Student rights to assemble are likewise recognized and supported by MCPS, under circumstances set forth in Regulation JFA-RA.

Section IV.F of MCPS Regulation JFA-RA sets forth rights and responsibilities regarding student speech, that contain key elements which should be included in this bill, in alignment with MCPS requirements regarding the performance of a student production or the distribution of a publication or other information material, about which a principal may exercise prior restraint, halt or reject based on the following criteria, if:

- It is obscene, libelous, slanderous, profane, vulgar, lewd, or contains language that has the intent to harass, threaten, or intimidate.
- It constitutes an unwarranted invasion of privacy.
- It incites students to create a clear and present danger of:
 - the commission of an unlawful act, the violation of Board policies and/or MCPS regulations or rules; or the material and substantial disruption of the orderly operation of the public school. “Substantial disruption” means either interference with school or disorderly conduct by a significant number of students, including rioting, school boycotts, sit-ins, destroying property, and walkouts.
- It violates state or federal law.

HB0753 Page 1 Line 25: the term “student-organized peaceful demonstration” contains subjective terminology, specifically what constitutes “peaceful” and “demonstration”. The legally recognized terms “speech” and “assembly” should be used instead with clear criteria for grounds on which a school may prohibit or discipline students for certain speech or assembly.

HB0753 Page 2 Lines 3-7 are insufficient and should be amended to include the following criteria as to what constitutes “welfare” of the school community. Again, this is highly subjective language. “Substantial disruption” is clearer, in line with case law: “Substantial disruption” is defined in MCPS regulation to mean “either interference with school or disorderly conduct by a significant number of students, including rioting, school boycotts, sit-ins, destroying property, and walkouts.

Because the term “welfare of the community” is problematic and insufficiently defined, “speech” is better, and schools should have the ability to prohibit such speech and discipline students if such speech—

- violates state or federal law; and
- is obscene, libelous, slanderous, profane, vulgar, lewd, or contains language that has the intent to harass, threaten, or intimidate otherwise causes or could be reasonably expected to cause substantial disruption to the operation of the school.

PLEASE NOTE: The Montgomery County Board has distributed for public comment amendments to Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*. that prohibits “the use of language and or the display of images and symbols which promote hate and can be reasonably expected to cause substantial disruption to school or district operations or activities. [This would be interpreted to include

the display of items reference in HB0418 at an assemblage of students or student clothing with certain symbols.]

MCPS Regulation JFA-RA, *Student Rights and Responsibilities*, section IV.G sets forth students' right to assemble for discussion of issues of importance to them and to demonstrate.

HB0753 Page 2 lines 20-21 are problematic because they restrict a school from prohibiting organizing or participating in a "peaceful demonstration" [again, problematic and subjective] without acknowledging the potential for such activities to take place during class. "Minimizing" disruption to class does not go far enough.

HB0753 Page 2 lines 26-27 restrict discipline for organizing, but the time, place, and manner allowance for such discipline are insufficient.

Position: Support with Amendment

HB1096 Public Schools – School Psychologist Recruitment Program

Sponsor Delegate Reilly

Committee *Ways and Means*

Synopsis

Establishing the School Psychologist Recruitment Program; requiring the Program, in coordination with the State Board of Examiners of Psychologists, to provide professional development programs to certified school psychologists and individuals seeking to become certified school psychologists; requiring the Program to provide an amount equal to the certification fee charged by the National Association of School Psychologists to a certain number of individuals each year, subject to the funding provided in the State budget; etc.

Analysis

- The bill opens an opportunity for a recruitment program and clearinghouse of professional development opportunities for school psychologists.
- The bill would provide reimbursable professional development opportunities to current and future school psychologists.
- Reimbursement is a strong recruitment tool especially for fields in which there is an additional licensure needed beyond the Praxis exam.
- This professional development is critical as psychologists continue to and prepare to enhance their services to students, families, and communities—post COVID-19 pandemic. The professional development would be standard in all states. This support each school system if a psychologist changes to another district.
- The bill has limited flexibility with someone practicing psychology under the State Board of Examiner's requirements and doesn't address MSDE COMAR for school psychologists. This is important as we would still find difficulty with hiring anyone who is not eligible for certification or within six credits of finishing their requirements, which also includes passing the school psychologist Praxis.

- The bill does not highlight pipeline work from the local universities with school psychology programs , partnerships with local school systems, and professional development opportunities with or reimbursement opportunities for students in those programs.

Position: Support

HB1148 **Secretary of Health – School–Based Health Centers – Guidelines and**
SB0830 **Administration of Grants**

Sponsors Senator Lam
 Delegate Cullison

Committees *Finance*
 Health and Government Operations
 Ways and Means

Synopsis

Requiring the Secretary of Health, in consultation with the Maryland State Department of Education and other stakeholders, to develop guidelines to support the expansion of school-based health centers; requiring the Governor to transfer the administration of school-based health center grants from the Maryland State Department of Education to the Bureau of Maternal and Child Health within the Maryland Department of Health on or before July 1, 2022; etc.

Analysis

House Bill 1148 would require that the Maryland Secretary of Health consult with the Maryland State Department of Education (MSDE) and other stakeholders to develop guidelines to support the expansion of school-based health centers (SBHC). In addition, HB1148 would require the Maryland Department of Health (MDH) and MSDE to develop a plan to transfer the administration of SBHC grants from MSDE to MDH and the Bureau of Maternal and Child Health. Finally, HB1148 would require that the Governor enact the transfer of administration of SBHC grants from MSDE to MDH.

HB1148 does not appear to affect the function of SBHCs as they stand. HB1148 defines “supporting the expansion of SBHCs” as the Maryland Council on Advancement of School-based Health Centers as engaging in the following activities:

- supporting local efforts to establish or expand SBHC capacity;
- integrating SBHCs into existing or emerging patient-centered models of care;
- promoting the inclusion of SBHCs in networks of managed care organizations and health insurance carriers;
- advancing state and local public health goals;
- promoting inclusion of SBHCs in networks of school health services to provide a range of services in school settings;
- supporting state and local initiatives to promote student success;
- reviewing and revising best practices; and
- supporting the long-term sustainability of SBHCs.

SBHCs provide a valuable service to students and their families and, in some communities, serve as the primary healthcare provider for students. Student health and wellness is important for school success.

*Attachment B: Platform Positions on Proposed Legislation
2-23-2021*

HB1148 would have an impact on MCPS in that expanded SBHC services would allow for more MCPS students to access basic and preventative medicine and healthcare.

Position: Support

HB1296 Public School Students - Daily Physical Activity (Student Health and Fitness Act)

Sponsor Delegate Walker

Committee *Ways and Means*

Synopsis

Requiring a public school student in elementary school to be provided a daily program of physical activity totaling at least 150 minutes each week to include physical education and developmentally appropriate, moderate-to-vigorous activity, including recess and at least 90 minutes each week of physical education; requiring that the program of physical activity for a certain category of student be consistent with the student's Individualized Education Program; etc.

Analysis

This bill includes the following:

- Continue implementation of current wellness policy and practices
- A goal for physical activity (including recess and physical education classes)
- Maintaining the current advisory council on health and physical education and adding members
- Publishing of content on MSDE website
- Prohibiting taking away recess from students as a disciplinary procedure
- MSDE to develop professional development on physical activity
- Asking construction to complete needs assessment of current teaching facilities and continue building facilities to meet the needs of physical activity opportunities: recess and physical education
- Continue to submit current minutes of recess and physical education to MSDE

Position: Support

Excellence

SB0668 Good Job Opportunities for High School Graduates Act of 2021

Sponsors Senators Rosapepe, Guzzone, Carter, Klausmeier, Beidle, Feldman, Augustine, Patterson, and Corderman

Committee *Education, Health, and Environmental Affairs*

Synopsis

Requiring certain county boards of education to consider the pursuit of certain certificates, certifications, or apprenticeships as the equivalent of pursuing postsecondary education; authorizing a student or student's parent or guardian to release certain student information to certain apprenticeship sponsors and

employers; requiring certain public high schools to inform students of certain employment and skills training opportunities in a certain manner through certain apprenticeship sponsors and employers; etc.

Analysis

HB0668 would:

- Support priorities and practices MCPS has long had in place which include:
 - preparing students for college and career success;
 - establishing specific software system, such as Naviance, to support students postsecondary goals and careers;
 - valuing equally the pursuit of career credentials and a postsecondary education;
 - allowing students and parents to give written permission for the release of student data;
 - publicizing opportunities for students to participate in work based learning programs which include apprenticeships;
 - covering the cost of students to take AP, SAT, or career credentialing assessments; and
 - accessing CTE innovative grant funds to redesign high school programs and maximize role in providing innovative instruction that includes support of apprenticeships.

Provide for the establishment of grant funds overseen by the State and awarded to qualifying local Workforce Development Boards (based on eligibility requirements determined by State) to develop partnerships with the Board by the end of 2021 that would support the development of processes to administer ASVAB during school day, and a system to share student ASVAB data with registered employers. Establish protocols for schools that administer the ASVAB test regarding the release of scores.

MCPS:

- understands the ASVAB is an aptitude test that identifies skill strengths and knowledge in various content areas, and would be of value to State approved registered apprenticeship employers;
- does not administer the ASVAB test;
- supports and allows for the administration of the ASVAB [sponsored by the Department of Defense (DoD)] within school buildings during the day;
- does not collect ASVAB data;
- recommends review and collaboration on this bill with DoD representatives as it relates to the ASVAB, its administration, and the sharing of data, and amendment to SB0668 accordingly; and
- suggests the terms defining ‘CTE’ be revised to align with the State’s change from Career and Technology Education to Career and Technical Education.

Position: Support with Amendment

HB0782 Public Schools - Purple Star Schools Program - Establishment
SB0934

Sponsors Senator Peters
 Delegate Patterson

Committees *Rules*
 Ways and Means

Synopsis

Establishing the Purple Star Schools Program to recognize public schools that provide strong services and supports for military-connected students and their families; requiring the State Department of Education to administer the Program and designate a public school as a Purple Star School under certain circumstances; establishing the qualifications for the designation of a Purple Star School; authorizing a certain school to partner with a county board of education to fulfill certain program requirements; etc.

Analysis

HB0782 would:

- require State to establish a Purple Star School Program and qualifying requirements in recognition of schools which provide supports and services to students who are dependents of military families;
- provide schools the opportunity to apply to be designated as a Purple Star School as a result of meeting established State criteria;
- require Purple Star Schools:
 - to identify staff member willing to serve as military liaison and point of contact, responsible for:
 - identifying military connected students;
 - assisting in coordinating appropriate programs;
 - establishing program presence on school’s website;
 - coordinating school programs; and
 - offering appropriate professional development
 - to offer one of the following:
 - a resolution showing support for military;
 - recognition of the month of the military child, or military family; or
 - a partnership with local military installation that provides volunteer opportunities at the school

MCPS:

- students of military families could benefit by the additional services provided at schools deemed Purple Star Schools;
- has a history of saluting military families of active and retired service members;
- offers and provides access to military programs of study for all students;
- established military stakeholder groups comprised of individuals who volunteer their time to support MCPS students and families;
- has staff committed to supporting all students, including those who are dependents of active and retired service members;
- has staff who are retired military service members, who remain connected to and supportive of military families; and
- is well positioned to have schools within the district meet this designation.

Position: Support

HB0905 Education - Workforce Development Sequence Scholarships – Eligibility
SB0845

*Attachment B: Platform Positions on Proposed Legislation
2-23-2021*

Sponsors Senator Benson
Delegate Bridges

Committees *Education, Health, and Environmental Affairs*
Appropriations

Synopsis

Altering the definition of "eligible student" to include students enrolled directly in registered apprenticeship programs to be eligible for Workforce Development Sequence Scholarships.

Analysis

HB0905 would:

- allow students enrolled directly in registered apprenticeship programs to be eligible for Workforce Development Sequence Scholarships.

MCPS

- students may choose to enroll in registered apprenticeship programs and may be able to do so without our knowledge. Students who choose to enroll may benefit from this expanded definition of eligibility.

Position: Support

HB0914 **Education - Home and Hospital Teaching Program for Students - Report**

Sponsor Delegate Bhandari

Committee *Ways and Means*

Synopsis

Requiring the Maryland State Department of Education to study certain matters relating to the Home and Hospital Teaching Program for Students and make recommendations regarding any statutory or regulatory changes to the Program; requiring, by December 31, 2021, the Department to submit its findings and recommendations to the Governor, the State Board of Education, and the General Assembly; and terminating the Act (the bill) after June 30, 2022.

Analysis

- The Act will require the Maryland State Board of Education to submit a report that analyzes Home and Hospital Teaching (HHT) across the state to determine:
 - The adequacy of HHT in preparing students to transition back to school following their time out of school
 - Whether or not staffing is sufficient to meet the needs of the average number of students on HHT
 - The necessity and efficacy of transition plans for students, and whether counselors should be responsible for developing those plans
 - Any necessary statutory changes to HHT
- The impact on MCPS is minimal in this act, but there are implications for any subsequent changes to the HHT statute.

*Attachment B: Platform Positions on Proposed Legislation
2-23-2021*

- It is a worthwhile endeavor to analyze the status quo of HHT state wide to determine whether or not any upgrades should be enacted to further support students, specifically in the transition back to school, which appears to be an area of focus in this bill.
- Any statutory changes that can encourage students to transition back to their home schools in a more rapid fashion would support student learning.

Position: Support

HB1062 Education - Student Data Privacy - Reports and Student Data Privacy
SB0733 Council Sunset Extension

Sponsors Senator Lee
 Delegate D. Jones

Committees *Education, Health, and Environmental Affairs*
 Ways and Means

Synopsis

Requiring each county board of education to provide a certain list of digital tools to the Maryland State Department of Education on or before July 1 each year; requiring the Department to publish certain information on digital tools provided by each county board on or before September 1 each year; requiring the Student Data Privacy Council to submit a certain report to the Governor and the General Assembly on or before December 1, 2024; and extending the termination date for the Council to September 30, 2025.

Analysis

- Bill proposes revisions to clarify/expand the definition of student information covered by student data privacy
- Defines “persistent Unique Identifiers, and
- Requests that each County submit an annual list of digital tools, including the following:
 - Approved Digital Tools
 - Digital Tools known to be used by educators
 - Digital tools not authorized by the County Board

The decision on which digital tools are used in the education process is not made at specific intervals during the year, but instead is made on an as-needed basis. Tools are added constantly. MCPS already publishes all approved and not-approved sites on its website. When requests are made to use digital tools at MCPS, they are thoroughly vetted to ensure the tools adhere to our safety and security guidelines. They either receive an approved, requires affirmative parental consent, or not-approved ratings. Here is more information: <https://www.montgomeryschoolsmd.org/data-privacy-security/>.

Position: Oppose

HB1245 Guaranteed Access Grant and Next Generation Scholars of Maryland –
Alterations

Sponsor Delegate Washington

Committee *Appropriations*

Synopsis

Providing that students in grade 9 who are eligible for free or reduced-price meals are prequalified for a Guaranteed Access Grant under the Delegate Howard P. Rawlings Educational Excellence Award; requiring the Next Generation Scholars of Maryland Program to provide matriculation assistance to students entering an institution of higher education directly from high school; requiring the Governor to include an appropriation of \$5,000,000 in the annual budget bill for the Program each fiscal year; etc.

Analysis

- This legislation would not directly impact MCPS but provide graduates with support in the transition to post-secondary.

Position: Support

Equity

SB0662 **Education – Commission on Multicultural Education – Establishment**

Sponsor Senator Ellis

Committee *Education, Health, and Environmental Affairs*

Synopsis

Establishing the Commission on Multicultural Education to develop standards and a model statewide curriculum for multicultural education and a certain framework for teachers and students; requiring the Commission to conduct certain research and develop certain recommendations; requiring the Commission to submit an interim report and a final report on its findings and recommendations to certain entities on or before July 1, 2023, and July 1, 2024; etc.

Analysis

SB0662 supports the following MCPS views relating to multicultural education.

MCPS Regulation ACA-RA, *Human Relations*:

The MCPS community reflects the rich cultural and linguistic diversity of a global society. This diversity requires that MCPS prepare all students and employees to understand how to productively and constructively live and work in a multicultural environment. An environment of mutual respect and high expectations must be proactively created and maintained for all without regard to race, color, gender, religion, ancestry, national origin, marital status, age, disability, or sexual orientation.

Mission of the Equity Initiative Unit:

We will advance racial justice and cultural proficiency by interrupting-ting systems of bias, oppression, and inequity in our policies and procedures.

Position: Support

HB0817 State Department of Education - Interscholastic Athletics Eligibility Waiver
SB0759 - Graduate Athletes

Sponsors Senators Ready, Corderman, and Salling;
 Delegate Shoemaker

Committees *Education, Health, and Environmental Affairs*
 Ways and Means

Synopsis

Requiring the Maryland State Department of Education to waive certain eligibility requirements for participation in interscholastic athletics in order to allow certain graduate athletes to participate in certain interscholastic athletics under certain circumstances; providing that certain graduate athletes may participate in an interscholastic athletic program only at the high school from which they graduated; etc.

Analysis

- This bill would have a negative impact on a significant number of student-athletes and raise equity concerns.
- Graduates would potentially take roster spots and opportunities away from underclass students, most significantly impacting the Class of 2022 and students who are pursuing opportunities at the college level.
- Instead of moving on and having a similar impact on all students, the class of 2021 would have an additional year of participation - under this rationale, would this also apply to subsequent classes? The rationale is unfounded.
- Allowing 5th-year seniors and students who are 19+ would prohibit Maryland schools from competing against schools from surrounding states and most private schools. Schools and states have eligibility rules prohibiting teams and students from competing against schools that allow 5th-year seniors and older students.
- There are potential liability and insurance issues—allowing older students to compete against younger students—a safety concern.
- Additional eligibility and equity concerns arise regarding consistent application of other standards, such as attendance, academics, etc. Graduates would not be held to a consistent standard.
- The “Why” of education-based athletics is in question—our goal is for students to achieve graduation standards and move on with college, career, etc. Graduate students should be encouraged to use their experiences and move on with the next phase of life.

Position: Oppose

HB0820 County Boards of Education - Computer Science Courses - Reporting
Requirements

Sponsor Delegate Rose

Committee *Ways and Means*

Synopsis

Requiring each county board of education, beginning in the 2023-2024 school year, to submit a report on or before April 30 each year to the Maryland State Board of Education and the Maryland General Assembly on computer science courses offered in public schools in the county in the prior school year; requiring each county board to include certain information in the report; requiring each county board to include certain information in the report and post certain data conspicuously on its website; etc.

Analysis

- Prior House Bill 1224 proposed requiring county boards, beginning in the 2022-2023 school year, to submit a report on or before April 30 each year to the Maryland State Board of Education and the Maryland General Assembly on computer science courses offered in public school in the county in the prior school year. This bill would further require each county board to include certain information in the report and post certain data on its website.
- This current bill aligns with MCPS practices to promote computer science curriculum across all grade levels and to offer standards-based and AP computer science offerings at every high school. It aligns with the district’s focus to increase enrollment for students who are underrepresented in the field of computer science.
- This bill supports computer science curriculum for all grade levels and offers more opportunity and access to students in Maryland.
- MCPS currently offers computer science courses (at least one) in all comprehensive high schools. MCPS also currently offers AP level computer science in 24 of the comprehensive high schools.
- MCPS currently offers coding and computer science as part of the middle school electives and STEM courses. Additionally, students in middle school are able to take the Foundations of Computer Science course for Technology Education high school graduation credit.
- MCPS piloted computer science in several elementary schools in the 2018-2019 and 2019-2020 school years with plans to expand.
- MCPS computer science curriculum is aligned to Maryland’s K-12 Computer Science Standards and exceeds standards for advanced level courses.
- MCPS offers a Career Technology Education Computer Science Program of Study in all high schools, allowing students to complete two AP computer science courses and move into advanced computer science or dual enrollment options.

Position: Support

HB0823 Public Schools - Mathematics Credit - College Preparatory Computer Science or Computer Programming Course

Sponsor Delegate Rose

Committee *Ways and Means*

Synopsis

Authorizing a student who is enrolled at a public high school to satisfy a certain graduation requirement to earn credits in mathematics by completing a credit in a certain college preparatory computer science or computer programming course under certain circumstances; and requiring a county board to certify

to the Maryland State Department of Education that the computer science or computer programming course may count toward the mathematics graduation requirement.

Analysis

- Computer science is the study of processes that interact with data. Therefore, there is an interdependent relationship between computer science and programming with mathematics. Computer science and programming utilizes the analysis and application of mathematics.
 - Mathematics teaches the usage of algorithms. Algorithms are a set of instructions that demonstrate the implementation of a program or an application.
 - Mathematical concepts are required in many disciplines of computer science.
 - Discrete mathematics is the foundation of programming and computer science.
 - Mathematics provides the analytical skills required in computer science.
- Given the current graduation requirement that students are enrolled in a math course each year of high school and the strong connection between mathematics and computer science, one (1) of the four (4) math credit requirements could be a computer science/programming course.
 - This would allow students to take a foundational computer science/programming course, explore interests, and applied mathematics career options.

Position: Support

**HB1185 Public and Nonpublic Schools - Interscholastic Athletics Eligibility –
Reclassification of Student Athletes**

Sponsor Delegate Kipke

Committee *Ways and Means*

Synopsis

Requiring the Maryland State Department of Education to allow, and authorizing nonpublic schools to allow, certain student athletes who are high school seniors to be reclassified as high school juniors to provide an opportunity for the student athletes to participate in interscholastic athletics as juniors for the purpose of recruitment by the National Collegiate Athletic Association (NCAA) during the 2021-2022 school year; etc.

Analysis

- The bill would have a negative impact on a significant number of student-athletes and raise equity concerns.
- The “Why” of education-based athletics is in question - our goal is for students to achieve graduation standards and move on with college, career, etc. Students should be encouraged to use their experiences and move on with the next phase of life. This bill negatively impacts the approximately 90-95% of students who will not be continuing their athletic experiences at the collegiate level.
- The NCAA has made accommodations to the recruiting calendar and operations to account for COVID-19.
- The bill would create the opportunity for 5th year seniors and students who would be 19+, which would prohibit Maryland schools from competing against schools from surrounding states and

*Attachment B: Platform Positions on Proposed Legislation
2-23-2021*

most private schools. Schools and states have eligibility rules prohibiting teams and students from competing against schools that allow 5th-year seniors and older students.

- “Reclassified” students would potentially take roster spots and opportunities away from underclass students, including other students who are pursuing opportunities at the college level.
- Instead of moving on and having a similar impact on all students, the Class of 2022 would have an additional year of participation—under this rationale, would this also apply to subsequent classes? The rationale is unfounded.
- There are potential liability and insurance issues—allowing older students to compete against younger students—a safety concern.
- Existing rules and regulations for MCPS and the MPSSAA would be compromised, including the expectation that local school systems are ensuring that students are academically excelling towards graduation, in MCPS the expectation is four years.

Position: Oppose

SB0630 Education - Adult High School Pilot Program - Funding and Grants

Sponsor Senator Ferguson

Committee *Budget and Taxation*

Synopsis

Authorizing the Adult High School Pilot Program to provide grants to certain pilots; defining ""pilot" as an adult high school established by an operator under the Program; requiring the Governor to include an appropriation of \$250,000 in the Fiscal Year (FY) 2022 budget and an appropriation of \$500,000 in the FY 2023 budget for the Program; and requiring the Program to use certain funds to provide a \$250,000 grant in FY 2022.

Analysis

- This legislation proposes a pilot in Baltimore City and would not impact Montgomery County Public Schools.

SB0680 Teachers' Pension System – Vested Allowance – Break in Service
HB0929

Sponsors Senator Jennings
 Delegate Arikan

Committees *Budget and Taxation*
 Appropriations

Synopsis

Providing that certain vested former members of the Teachers' Pension System of the State Retirement and Pension System who meet certain criteria may commence receipt of a vested allowance while continuing certain employment with certain participating employers.

Analysis

This bill is very narrowly written and it may impact one specific person from another school district in Maryland and not MCPS.

HB1089 Primary and Secondary Education – Expansion of Mental Health Services and Prohibition of School Resource Officers (Police-Free Schools Act)

Sponsor Delegate Acevero

Committee *Ways and Means*

Synopsis

Repealing certain provisions of law relating to the establishment of the Baltimore City School Police Force; prohibiting a local school system from contracting with certain law enforcement agencies for a certain purpose; prohibiting a local school system from establishing its own police force; altering certain functions and duties of the Maryland Center for School Safety to require the Center to analyze certain data, to certify certain law enforcement coverage, and to submit a certain report; etc.

Analysis

The comments here are just to give context as to the potential impact to Montgomery County Public Schools (MCPS) and other local education agencies (LEAs) if we were to take a formal position. At this juncture, the Board of Education is not commenting on school resource officers (SRO) bills.

- HB1089 eliminates SROs and affiliated Programs and also removes the current state grant that allows for the hiring of SROs and for overtime funds to be used for SROs/officers to provide adequate local law enforcement coverage allowed under the *Maryland Safe to Learn Act of 2018*.
- It also prohibits LEAs from contracting with local law enforcement for SRO services and also abolishes the current Baltimore City School Police Agency that was created several years ago by the Maryland legislature. This takes the autonomy away from the LEA in determining what their school safety/security needs are and how to best use school system funding. In addition, this prohibition could diminish school safety/security. Each LEA should be able to make their own decision as to using SROs or not.
- This bill also would eliminate MCPS current use of this same grant to pay for adequate local law enforcement coverage to keep our schools safe.
- In addition, this bill transfers authority of the Governor to appoint the Chair of the School Safety Subcabinet Advisory Board to the Senate President and Speaker of the House. The Governor has had this authority since the inception of the *Maryland Safe to Learn Act of 2018*.
- The bill does allow for additional prevention and intervention positions at the LEA level. If the bill were to go forward, school-based security staff positions should be added as part of grant funded positions.
- Additional positions have been added to the School Safety Subcabinet Advisory Board. Two additional positions should be added if this bill goes forward and they are a LEA school safety coordinator and mental health services coordinator appointed by the State Superintendent.
- A potential unintended consequence of this bill to all LEA is that additional or new school security staff may need to be hired to fill the school safety services that SROs provided as serious incidents could go up necessitating additional security staff. Some LEAs, such as Baltimore County and Anne Arundel County public schools, do not employ school-based security staff and rely on the SROs for this support.

HB1271 **Special Education - Student Evaluation - Identification of Traumatic Brain Injury**

Sponsor Delegate Turner

Committee *Ways and Means*

Synopsis

Requiring the initial evaluation of a certain child to determine whether the child is in need of special education services to include certain questions regarding the history of traumatic brain injury; and requiring these questions to be developed by the State Department of Education in consultation with the State Traumatic Brain Injury Advisory Board.

Analysis

MCPS recognizes that traumatic brain injuries impact a student's education and functioning within a school setting. This bill would require additional questions to be added to a special education screening questionnaire and, if traumatic brain injury is noted, would require gathering of additional background information, which is appropriate.
