

MONTGOMERY COUNTY BOARD OF EDUCATION  
Rockville, Maryland

March 8, 2022

MEMORANDUM

To: Members of the Board of Education

From: Board Office

Subject: Recommended Positions on Education Legislation

This memorandum provides information regarding proposed legislation that could impact Montgomery County Public Schools (MCPS). The listed 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) adopted by the Board of Education (Board) on November 9, 2021. The attached document provides the recommended positions on the bills not directly covered by the platform that may require a position from the Board.

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)

- [HB0613](#) Public Schools – Appropriations for School Safety Expenditures – Increase (Support with Amendment)
- [HB0696/SB0948](#) Public Utilities - Electric School Bus Pilot Program (Support)
- [HB0938](#) Education - School Accountability - Parent Empowerment and Choice (Oppose)
- [HB0953](#) Parent and Guardian Rights - Education, Health, and Upbringing of Children (Support)
- [HB0989](#) Public School Students - Daily Physical Activity (Student Health and Fitness Act) (Support with Amendment)
- [HB1122/SB0987](#) Public Schools - Home School Students - Extracurricular Activities (Right to Play Act of 2022) (Oppose)
- [HB1145](#) Education - Student Behavior - Parent Notice and Required Counseling (Parent Accountability Act) (Oppose)

[HB1233](#) Public Schools - Health and Vision Services - Required Screenings and Eye Examinations (Support)

[HB1258](#) Primary and Secondary Education – Educational Options – Established (Oppose)

[HB1292](#) Public Schools and Child Care Providers - Immunizations - Discriminatory Policies Prohibited (Oppose)

I will continue to monitor the proposed legislation and bring you recommended positions on additional bills that will impact MCPS.

Attachment

DMS:rlg

Recommended Positions on Proposed Legislation  
3-8-22

**HB0613      Public Schools – Appropriations for School Safety Expenditures - Increase**

**Sponsors**      Delegates Griffith, Anderton, Arikan, Buckel, Cox, Ghrist, Hartman, Hornberger, Howard, Jacobs, Kipke, Krebs, Mangione, McComas, McKay, Novotny, Otto, Pippy, Reilly, Rose, Saab, Shoemaker, and Szeliga

**Committee**      *Appropriations*

**Synopsis**

Increasing from \$10,000,000 to \$20,000,000 certain annual appropriations for certain school safety expenditures beginning in Fiscal Year 2024.

**Analysis**

- This bill would increase funding for hiring school resource officers.
- School security staff are not sworn law enforcement officers and using school system employees as security staff could minimize the number of law enforcement officers needed to help provide school safety coverage.
- This bill also does not provide funds for overtime which could be used to have school security staff cover extracurricular school events where now law enforcement officers/SROs provide this coverage.
- Currently, the law/grant does not allow for the hiring of school security staff and overtime for them to cover school events and needed staffing gaps.

**Position: Support with Amendment**

Recommended Amendment: The grant period of one-year should be extended to at least 18 months as it is difficult to apply for the grant, time for grant approval, and then spend all the allocated funds within one year. The current grant use category limits/percentages should be increased to allow for obtaining more training and needed safety/security equipment.

Secondly, funds should be able to be used to pay for hiring and overtime for school security staff.

**HB00696      Public Utilities – Electric School Bus Pilot Program**  
**SB0948**

**Sponsors**      Senator Kramer  
Delegate Fraser-Hidalgo

**Committees**      *Finance*  
*Economic Matters*  
*Environment and Transportation*

Recommended Positions on Proposed Legislation  
3-8-22

**Synopsis**

Establishing an electric school bus pilot program; requiring the Public Service Commission to implement and administer the pilot program; authorizing investor-owned electric companies to apply to the Commission to implement an electric school bus pilot program with a participating school system if the pilot program meets certain standards; and authorizing investor-owned electric companies to recover certain costs under the pilot program, subject to the approval of the Commission.

**Analysis**

Montgomery County Public Schools (MCPS) already has a program in place and has begun receiving buses (our initial order included 25) buses. Therefore, we will have met the suggested amount well before the October 1, 2021, date. If the bill can be amended to allow for schools who already have a program in place (pilot or not) to still apply to the commission for consideration, and have the opportunity to take advantage of the rebate offer, that would be an added benefit to MCPS.

**Position: Support**


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**HB0938      Education - School Accountability - Parent Empowerment and Choice**

**Sponsors**      Delegates Kittleman, Arikan, McComas, and Otto

**Committee**      *Ways and Means*

**Synopsis**

Authorizing parents and legal guardians of students attending public schools that are not meeting State accountability goals to request county boards of education to implement certain intervention strategies, such as a restart model or a school closure model, by gathering signatures on a petition of more than 50% of the parents and legal guardians of students impacted by the failing school; requiring a county board, within 60 days of receipt of a petition, to make a certain determination, in writing, regarding the petition; etc.

**Analysis**

The implications of potentially implementing a "restart model" or "closure model" for a school identified as failing to meet goals could have wide-reaching impact. Charter organizations engaging within the public education space in Montgomery County are currently unprecedented.

**Position: Oppose**


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**HB0953      Parent and Guardian Rights - Education, Health, and Upbringing of Children**

**Sponsor**      Delegate Novotny

**Committee**      *Ways and Means*

Recommended Positions on Proposed Legislation  
3-8-22

**Synopsis**

Requiring the State Board of Education and county boards of education to allow at least 10 minutes for testimony at public board meetings from parents and guardians of public school students; requiring each county board to establish and adopt a certain policy to promote parental involvement in the public school system; providing that certain parental rights are reserved to the parents and guardians of minor children; and prohibiting the State and certain other entities from infringing on those rights, except under certain circumstances.

**Analysis**

Parent/Guardian engagement and rights are a critical component of student academic achievement and social-emotional well-being. MCPS is committed to enhancing parent/guardian engagement via collaboration with schools through the PTA/PTSA at each school. The Office of Student, Family and School Services (SFSS) is also focused on engaging parents through its variety of parent workshops and direct support via the parent community coordinators assigned to schools. Additionally, MCPS engages in a variety of focus parent groups such as Family Engagement Advisory Team to solicit parent/guardian input on a variety of initiatives and programs before they're implemented. Implementing the directives set forth in this bill are in keeping with current MCPS parent/guardian engagement initiatives.

**Position: Support**


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**HB0989      Public School Students – Daily Physical Activity (Student Health and Fitness Act)**

**Sponsors**      Delegates Walker, Anderton, Buckel, Carey, Hornberger, Kipke, Szeliga, Valderrama, and Valentino-Smith

**Committee**      *Ways and Means*

**Synopsis**

Requiring each public school to have a program of physical education for prekindergarten students; adding a representative to the Advisory Council on Health and Physical Education; establishing as a State goal that each student in a public elementary school be provided 150 minutes of developmentally appropriate physical activity each week; requiring the State Department of Education to collect data on the physical activity of elementary school students and publish the information on its website; etc.

**Analysis**

Requiring a public school student in elementary school to be provided a daily program of physical activity totaling 150 minutes each week to include 90 minutes of physical education (PE) weekly and recess; MCPS provides 30–40 minutes of recess and physical activity daily. PE classes are 45 to 60 minutes per week. MCPS agrees with prohibiting students from being removed from recess as a disciplinary punishment; requiring Maryland State Department of Education (MSDE) to have an advisory group with representation from the school district; and MCPS is an active member of the advisory group. Requiring implementation of a systemwide annual Wellness Policy Implementation and Monitoring Plan. MCPS has staffing dedicated to implementation of the MCPS Wellness Policy and Regulation aligned with the United States Department of Agriculture (USDA) Final Rule that requires a

Recommended Positions on Proposed Legislation  
3-8-22

triennial assessment. MCPS is proposing to approve an amendment to keep the current state with 150 minutes of physical education and physical activity including recess and PE (replacing 90 minutes with 45–60 minutes per week). Expanding the number of minutes to 90 would require an additional 28 full-time teacher positions and purchase of additional materials. Some schools also will be challenged with insufficient space for the additional time spent in PE since most spaces are used for a variety of purposes. The implementation of this by July 1, 2022, is also extremely challenging due to the hiring timeline for new teachers.

**Position: Support with Amendment**

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**HB1122      Public Schools - Home School Students - Extracurricular Activities**  
**SB0987      (Right to Play Act of 2022)**

**Sponsors**      Senator Hershey  
Delegates Ghrist, Anderton, Boteler, Buckel, Chisholm, M. Fisher, Kittleman,  
Mangione, McComas, McKay, Morgan, Parrott, Rose, Saab, Thiam, and Wivell

**Committees**    *Rules*  
*Ways and Means*

**Synopsis**

Requiring each public school to allow students in home instruction programs to participate in extracurricular activities sponsored by the school if the student participates in a home instruction program under written agreement with the county superintendent, is eligible to attend the public school, and meets and complies with the public school's requirements for participating in the extracurricular activity.

**Analysis**

- Current COMAR regulation indicates that students engaging in home instruction, who are NOT enrolled in MCPS, may not participate in any MCPS activity with the exception of state standardized testing.
- This bill would require MCPS to allow all home-instruction students, again who are NOT enrolled in MCPS, to participate in any and all extracurricular activities at the school at which they would be enrolled if they were MCPS students.
- Home-instruction students participating in activities would need to abide by eligibility requirements in the same manner as MCPS students. There is currently no way to measure this, as home-instruction students do not receive grades in the same manner as MCPS students.
- This would require schools to manage non-MCPS students with no additional funding.
- There are over 3,000 home-instruction students who may choose to participate in extracurricular activities should this bill pass, which would absolutely put a financial burden on individual schools and the district.

**Position: Oppose**

Recommended Positions on Proposed Legislation  
3-8-22

**HB1145      Education - Student Behavior - Parent Notice and Required Counseling (Parent Accountability Act)**

**Sponsors**      Delegates Long, Arikan, Boteler, Chisholm, Hornberger, Kittleman, McComas, Szeliga, and Thiam

**Committee**      *Ways and Means*

**Synopsis**

Establishing that it is unlawful for a parent or guardian of a student in a public school to fail to seek and participate in counseling with their child after receiving notice of violent and disruptive behavior; and requiring a public school principal to provide written notice to the parent or guardian of a student who engages in two or more number of incidents of violent and disruptive behavior in a public school during the school year.

**Analysis**

The bill is consistent with MCPS Regulation, JGA-RA, *Classroom Management and Behavioral Interventions*, and the Student Code of Conduct. These guidelines set clear expectations for the involvement of families, students, staff members, and the community in the process of fostering positive behavior and student engagement. Parents/guardians should work collaboratively with MCPS staff to address behavioral problems that their children may experience. Parents/guardians also should work with schools to help their children access supportive groups or programs designed to improve their conduct, such as counseling, after-school programs, and mental health services within the school and community. MCPS also encourages community-based organizations and agencies to partner with schools on initiatives to create positive, safe, supportive, and welcoming environments. They are encouraged to provide supportive services, mentoring, and other resources to assist school staff in implementing restorative practices and addressing student discipline matters, consistent with the expectations in this Student Code of Conduct. The guidance issued in this law that is missing from MCPS current practice is accountability for parents to follow-up on resources and supports recommended to them to support our students in crisis. The concern related to this inclusion is what resources and how will parents be held accountable to follow through on recommendations made to them prior to the student's return to school.

**Position: Oppose**

**HB1233      Public Schools - Health and Vision Services - Required Screenings and Eye Examinations**

**Sponsor**      Delegate Hill

**Committee**      *Ways and Means*

Recommended Positions on Proposed Legislation  
3-8-22

**Synopsis**

Altering the requirements for vision screenings for students in public schools; requiring a county board of education to ensure that certain students receive an eye examination and eyeglasses under certain circumstances and in coordination with certain programs, if necessary; requiring a county board or county health department to provide students with certain information when the student registers for school; establishing the Pediatric Vision Program; establishing the Vision for Maryland Program to expand vision support services; etc.

**Analysis**

Historically, the Montgomery County Department of Health and Human Services support and operate the screening and eye examinations of all MCPS Students. This will be the practice in the upcoming fiscal year.

**Position: Support**


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**HB1258      Primary and Secondary Education – Educational Options – Established**

**Sponsor**      Delegate Kipke

**Committees**    *Ways and Means*  
                      *Appropriations*

**Synopsis**

Establishing the Broadening Options and Opportunities for Students Today Program to provide certain students with scholarships for students who are eligible for the free and reduced price lunch program to attend a nonpublic school; establishing the Maryland Public Charter School Authority as a public chartering authority under the Maryland Public Charter School Program with certain powers and responsibilities; allowing a parent or guardian a credit against the State income tax for certain home instruction expenses; etc.

**Analysis**

- For students attending schools that are deemed “failing” by MSDE, this legislation would allow students to select an “alternate education option,” which includes nonpublic schools.
- The legislation would require MCPS to remit per pupil funding to MSDE for students who select this option. The per-pupil funding would be used to establish scholarships for students to select other education options, including nonpublic school.
- MCPS provides many program options that facilitate school choice, transfer, or a virtual program.

**Position: Oppose**



Recommended Positions on Proposed Legislation  
3-8-22

**HB1292      Public Schools and Child Care Providers - Immunizations - Discriminatory  
Policies Prohibited**

**Sponsors**      Delegates Arikan, Boteler, Howard, Kipke, Krebs, Morgan, Rose, Szeliga, and Wivell

**Committees**    *Health and Government Operations*  
*Ways and Means*

**Synopsis**

Prohibiting a county board of education, public school, or child care provider from adopting a certain immunization policy that prohibits certain children from participating in certain activities or discriminates against certain children for having a certain exemption from certain immunization requirements.

**Analysis**

This bill is contradictory to what MCPS is currently doing with its vaccination mandate for athletics. Separately, MCPS does not currently have different quarantine periods based on student vaccination status, but it could be possible that the district implements different quarantine periods for student vaccination status based on the Center for Disease Control, MSDE, or the Maryland Department of Health guidance in the future.

**Position: Oppose**

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