

MONTGOMERY COUNTY BOARD OF EDUCATION
Rockville, Maryland

January 12, 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 at its November 10, 2020, Board business meeting.

As the session does not begin until January 13, 2021, many bills do not have text available yet. However, we have been made aware of a number of topics that will be raised this session. More information about bills in each topic will be provided once bills are available. Those topics include, but are not limited to, the following:

- Broadband
- Enrollment declines
- Telehealth
- Learning loss
- School Resource Officer Programs
- Kirwan—revisions and override

Attachment A provides the recommended positions on the bills not covered by the platform that may require a position from the Board. Attachment B contains a list of bills that are covered under the platform and for which no action is necessary. Attachment C contains a list of bills that have been filed, but do not have text available. No bill is submitted for a position vote until we have the bill text to ensure a thorough understanding of what the bill proposes.

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)

[HB0027](#) Education - Reporting Arrests of Students - Alterations

[HB0394](#) Public Schools - Fees for Summer School Courses - Prohibition

[HB0405](#) Special Education - Judicial Actions - Attorney's Fees and Related Costs

Bills Covered Under the Platform (Attachment B)

Equity

[HB0096](#) Education - High School Graduation Requirements - Application

[SB0018](#) Income Tax – Subtraction Modification – School Supplies for Home Instruction and Virtual Learning Programs

Excellence

[HB0342](#) Education - Health and Safety of Students - Notification of Problematic Student Behavior

[HB0373](#) Education - Child Abuse and Sexual Misconduct Prevention - Hiring Emergent Employees

Respect

[HB0048](#) Criminal Procedure – Registered Sex Offenders – Entry Onto School Property

[HB0011](#) Public Schools - African American History - Development of Content Standards and Implementation

Bills for Your Information (Attachment C)

With Text:

[HB0072](#) County Boards of Education - Student Transportation – Vehicles

Without Text:

HB0071 Juvenile Services Education Board and Program - Establishment, Powers, and Duties

HB0138 Education - Sexual Abuse and Assault Awareness and Prevention Program - Human and Sex Trafficking

HB0140 Commission on History, Culture, and Civics in Education

HB0171 State Department of Education - School Discipline - Data Collection

HB0192 Public Schools - Special Education Classrooms - Use of Video

HB0205 Public Schools - Provision of Menstrual Hygiene Products - Requirement

HB0266 Student Education Equity Grant Program - Established (Student Education Equity in Funding Act)

HB0377	Commission on Student Behavioral Health and Mental Health Treatment
HB0392	Child Care Centers - Early Childhood Screening and Assistance
HB0400	Public Schools – Enrollment Location – Continuity
HB0401	Public Schools - Pregnant and Parenting Students - Policies and Reports
HB0417	Education - Public Schools - Required Number of School Days or Hours
HB0418	County Boards of Education - Symbols of Hate - Policy
SB0165	Maryland Healthy Working Families Act - Applicability
SB0072/HB0344	Open Meetings Act - Requirements for State Agencies and Local Boards of Elections (Maryland Transparency Act of 2021)
SB0076/HB0033	Climate Crisis and Education Act
SB0098/HB0155	County Boards and Public and Nonpublic Prekindergarten Programs and Schools - Discrimination - Prohibition
SB0104/HB0083	Public and Nonpublic Schools - Electric Retractable Room Partitions – Operation Requirements
SB0126/HB0237	State Department of Education - Early Literacy and Dyslexia Practices – Guidance and Assistance
SB0137/HB0334	Maryland Transit Administration – Conversion to Zero–Emission Buses (Zero–Emission Bus Transition Act)
SB0209	Special Education - Prolonged School Closure - Extension of Education Services
SB0225/HB0370	Education - Public and Nonpublic Schools - Seizure Action Plans HB0370 (Brynleigh's Act)
SB0231	Public Schools - Cyber Safety Guide and Training Course - Development, Implementation, and Reporting
SB0243	Public High Schools - Health Education - Gambling Dangers and Addiction
SB0245	Public Schools - School Resource Officers - Requirements and Prohibitions
SB0253/HB0087	Vehicle Laws - School Bus Safety - Occupant Capacity
SB0266/HB0273	Education - Voluntary Ethical Special Education Advocate Certificate Program
SB0278/HB0034	State Department of Education and Maryland Department of Health - Maryland School-Based Health Center Standards - Telehealth

SB0283/HB0156 Student and Military Empowerment Act

SB0300 Special Education – Learning Continuity Plan – Requirement

I will continue to monitor the proposed legislation, including the items above that do not yet have bill text, and bring you recommended positions on additional bills that may impact the MCPS.

Attachments

DMS:dms

HB0027 Education - Reporting Arrests of Students - Alterations

Sponsor Delegate Long

Committee *Judiciary*

Synopsis

For the purpose of requiring a certain law enforcement agency to report a certain arrest of a certain student to the Maryland Center for School Safety, the State Board of Education, and the State's Attorney; requiring the State's Attorney to notify the Maryland Center for School Safety and the State Board of the disposition of a certain reportable offense; authorizing the Maryland Center for School Safety and the State Board to transmit certain information to a certain county superintendent of schools or a certain nonpublic school in a certain manner under certain circumstances; requiring a county superintendent to provide a certain notice to the Maryland Center for School Safety and the State Board under certain circumstances; making conforming changes; making this Act an emergency measure; and generally relating to reporting arrests of students attending public and nonpublic schools in the State.

Analysis

This bill was filed last year (HB1649) and died in committee. The bill adds reportable offense notifications by law enforcement to the Maryland Center for School Safety and the State Board. In addition, HB0027 requires a local superintendent to notify the Maryland Center for School Safety and the State Board when a student involved in a reportable offense no longer lives within the jurisdiction of the county board.

Position: No position

HB0394 Public Schools - Fees for Summer School Courses - Prohibition

Sponsor Delegate Smith

Committee *Ways and Means*

Synopsis

For the purpose of prohibiting a local school system from charging a certain student a fee for enrollment in a summer school course under certain circumstances; and generally relating to fees charged by local school systems for summer school courses.

Analysis

This bill was introduced last session (HB1194). MCPS supports waiving a certain portion of student fees for summer school courses on a sliding scale based on need. Currently in MCPS for summer 2019:

*Attachment A: Positions on Proposed Legislation
1-12-2021*

- Student tuition for summer school is currently \$300 (full cost).
- Waiver rates are \$120 and \$85 for general education classes and \$140 and \$40 for ESOL classes, based on financial need.
- Operating expenses for summer school FY20: \$3,331,035
- Revenue from tuition paid for credit bearing courses: \$884,294
- \$596,810 – total amount waived based on reduced fee eligibility
- For FY2020, MCPS collected revenues totaling \$884,294 for credit-bearing courses taken in regional and local summer school programs. Passage of this bill would result in the loss of this revenue to offset operating costs of the programs.

Position: Oppose

HB0405 Special Education - Judicial Actions - Attorney's Fees and Related Costs

Sponsor Delegate Lopez

Committee *Ways and Means*

Synopsis

For the purpose of authorizing a court to award attorney's fees and related costs to the parent of a child with a disability who is the prevailing party in a certain special education proceeding; prohibiting a court from awarding attorney's fees and related costs to certain parents in a certain proceeding under certain circumstances; authorizing an award of attorney's fees and related costs to a parent of a child with a disability who is a prevailing party under certain circumstances; and generally relating to attorney's fees and related costs in special education proceedings.

Analysis

- This is a returning bill (HB0184). There is currently an existing adequate remedy that affords parents/guardians (and local school systems) the right to recover attorney fees as the prevailing party under the Code of Maryland Regulations (COMAR) 13A.05.01.15(C)(22), which states: "in an action or proceeding under this section, courts may award reasonable attorneys' fees to the prevailing party under the circumstances described in 20 U.S.C. §1415(i)(3) and 34 CFR §300.517."
- Although Montgomery County Public Schools (MCPS) remains consistently successful in being the prevailing party in the minimal number of cases which are actually litigated at a due process hearing, MCPS also continues to resolve cases successfully without going to a hearing, with lump sum fees that account for a portion of the parent's/guardian's attorney fees. These resolved cases have resulted in signed settlement agreements to the satisfaction of both parties.
- The proposed bill has the potential to prolong administrative special education proceedings, and it may discourage parents/guardians from seeking to resolve matters prior to a due process hearing in the hopes of receiving a full award of attorney fees, which is not guaranteed.
- This bill is inconsistent with the provisions of the Individuals with Disabilities Education Act (IDEA), which authorizes a court of law, in its discretion, to award reasonable attorney fees to

Attachment A: Positions on Proposed Legislation
1-12-2021

either party to an administrative special education due process hearing. 20 U.S.C. §1415(i)(3)(B)-(G) and 34 C.F.R. §300.517.

- The proposed bill also explicitly permits fees for expert witnesses to be awarded. There is currently no similar provision in special education federal laws or regulations.
- The prospect of attorney fees and expert witness fees may cause an increase in filings if parents are led to believe that the school system must pay for their attorney fees.

Position: Oppose

Equity

HB0096 Education - High School Graduation Requirements - Application

Sponsor Delegates Solomon and Rosenberg

Committee *Ways and Means*

Synopsis

For the purpose of requiring certain public high school students, beginning in a certain school year, to complete and submit a certain form to the U.S. Department of Education, the Maryland Higher Education Commission, or a county board of education as a requirement for graduation; requiring a county board to waive a certain requirement under certain circumstances; requiring the State Department of Education to adopt certain regulations; requiring certain regulations to include certain guidelines; requiring a county board to report certain information to certain committees of the General Assembly on or before a certain date each year for a certain number of years; and generally relating to graduation requirements for public high school students.

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 FAFSA completion as part of the Maryland State Department of Education FAFSA completion initiative. This bill will support us with ensuring every student has completed the FAFSA or MSFAA.
- This bill would require school staff to monitor completion data and provide support for parents and students to complete the FAFSA or MSFAA.
- MCPS is currently participating in the Maryland Higher Education Commission (MHEC) FAFSA Completion Initiative. As participants in this initiative, we receive FAFSA information that helps us determine which individual students have submitted a Free Application for Federal Student Aid (FAFSA) and whether the FAFSA has any problems requiring follow-up with the student. Our data (For 2019) shows that 61% of our 12th grade students have completed the FAFSA this year to date. We support this bill and recognize the need for increasing the FAFSA/MSFAA completion rates. However, the timeline and lack of incentives is worrisome.

Position: Support (based on “providing equitable opportunities and ensuring equitable access) **with an amendment** (Supported with amendments in 2020)

- **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.

SB0018 Income Tax – Subtraction Modification – School Supplies for Home Instruction and Virtual Learning Programs

Sponsor Senators Hough, Corderman, Eckardt, Ready, and Salling

Committee *Budget and Taxation*

Synopsis

For the purpose of allowing a subtraction modification under the Maryland income tax for up to a certain amount of expenses paid or incurred by certain individuals during a certain taxable year for certain school supplies used by certain students; providing for the termination of this Act; and generally relating to a subtraction modification under the Maryland income tax for certain school supplies.

Analysis

This bill allows a tax deduction for up to \$250 for families who may have had to purchase school supplies. This is specifically to address the increase in costs for families experiencing virtual learning.

Position: Support

Excellence

HB0342 Education - Health and Safety of Students - Notification of Problematic Student Behavior

Sponsor Delegate Wilson

Committee *Ways and Means*

Synopsis

For the purpose of requiring certain schools to notify parents or guardians of certain students involved in problematic sexual behavior within a certain time period; requiring a county board of education to ensure that certain schools have a certain policy in place regarding a certain notification; defining certain terms; and generally relating to the health and safety of students and notification of problematic sexual behavior

Analysis

- Previously introduced as HB1005.
- House Bill 0342 requires each school district to create a policy and protocol to inform parents/guardians of student problematic sexual behavior by the close of the school day on the day that the incident occurs. However, HB0342 does not specify whether school staff members were made aware of the incident through direct observation or through a report of an alleged incident.
- Currently, Montgomery County Board Policy ACF, Sexual Harassment, and the accompanying Montgomery County Public Schools (MCPS) Regulation ACF-RA, Sexual Harassment, define

*Attachment B: Recommended Positions on Proposed Legislation
1-12-2021*

problematic sexual behavior and requires that each incident be reported and investigated according to MCPS Regulation JHF-RA, Student Bullying, Harassment, or Intimidation. As a result, the school administrator or designee is required to complete an investigation of the alleged incident within 48 hours and make contact with parents/guardians to report the results of the investigation within 72 hours of receiving the bullying report.

- MCPS Regulation COB-RA, Incident Reporting, outlines protocols for reporting incidents to central office and/or law enforcement. Incidents that require immediate reporting include, “misconduct that results in potential or actual serious disruption of the planned school day.” Observed problematic sexual behavior would fall under this category which would require same-day reporting to central office and potential law enforcement involvement. While not explicitly stated in Regulation COB-RA, notification of parents/guardians the same day would follow.
- If an incident is reported and not observed directly, an investigation must be completed to ensure that students are not accused incorrectly of problematic sexual behavior. If a parent/guardian was notified that Student A had reportedly done something to their child, Student B, and the report subsequently was unfounded, Student A would be stigmatized and the student’s privacy would be violated.
- HB0342 needs additional information to allow for the bullying, harassment, or intimidation protocol to be implemented fully so as to minimize the risk of stigmatizing and labeling students as sexually problematic. To this end, MCPS specifically requests an amendment to clarify that the current protocols should be mandated as a first step and to change the 24 hour provision to 72 hours to allow the investigation to occur to protect all students.

Position: Support (based on “creating a safe and secure environment” **with an amendment** (Supported with amendments in 2020))

- **Amendment Language:** MCPS specifically requests an amendment to clarify that the current protocols should be mandated as a first step and to change the 24 hour provision to 72 hours to allow the investigation to occur to protect all students.

HB0373 Education - Child Abuse and Sexual Misconduct Prevention - Hiring Emergent Employees

Sponsor Delegate Wilson

Committee *Ways and Means*

Synopsis

For the purpose of authorizing the hiring of a certain emergent employee by a county board of education or nonpublic school for a certain period of time under certain conditions; authorizing a county board or nonpublic school to take certain actions within a certain period of time regarding an emergent employee under certain circumstances; authorizing a certain appeal following a certain decision by a county board; authorizing a county board or nonpublic school to share a certain employment history review with other county boards and nonpublic schools; authorizing a county board or nonpublic school to use a certain employment history review under certain circumstances; requiring certain applicants to provide certain information regarding certain employers over a certain period of time; defining a certain term; altering

Attachment B: Recommended Positions on Proposed Legislation
1-12-2021

a certain definition; and generally relating to child abuse and sexual misconduct prevention and the hiring of school employees.

Analysis

This proposed bill offers a series of amendments to fix some of the challenges that school districts have had in implementing legislation from the 2019 session (HB 486), which required extensive vetting of applicants regarding prior sexual misconduct. While MCPS supported the goals of that legislation, it has required extensive expenditure of resources to ensure compliance and slowed down the hiring process significantly, such that we – along with other school districts – have struggled to staff schools and critical operations in a timely fashion at substantial risk to student safety, well-being, and educational opportunity.

The proposed bill includes the following critical amendments that will decrease administrative burdens without undermining the ultimate goals of ensuring that school districts appropriately vet prospective hires:

- Currently, school districts are required to obtain information from each applicant’s current employer, all prior school employers, and all former employers of the applicant in which the applicant was employed in a position involving direct contact with minors. The proposed legislation would limit the prior non-school employers covered to those who employed the applicant within the previous 10 years. This 10-year lookback provision is a reasonable balance between the goals of HB486 and the extensive challenges of tracking down all of an applicant’s prior employers if they have a very lengthy career history.
- The proposed legislation also creates procedures whereby school districts may hire employees while their background vetting is pending, if they follow certain protocols. This would provide a route to staff critical positions if there is a delay in tracking down a prior employer notwithstanding due diligence on the part of the school district.
- The proposed legislation also clarifies the definition of “direct contact with minors” which triggers the requirements of the act. The current definition is so broad that it could be read to apply to any applicant who previously worked in a fast food restaurant or retail outlet.

Position: Support (based on “creating a safe and secure environment”) **with an amendment** (Supported with amendments in 2020)

- **Amendment Language:** MCPS specifically requests an amendment to clarify the overly broad definition of contracting agencies. Specifically, MCPS propose the following definition: “Contracting agency” means an entity that contracts with a county board or nonpublic school to provide a service to a school or the students of a school on school premises during school hours in circumstances where the individual or individuals assigned by the contracting agency to work on school premises have direct, unsupervised, and uncontrolled access to children. This change would also mirror existing state laws requiring background checks for certain public school contractors. See § 5-551 of the Family Law Article of the Maryland Code

Respect

HB0048 Criminal Procedure – Registered Sex Offenders – Entry Onto School Property

Sponsor Delegates Bhandari and C. Jackson

Committee *Judiciary*

Synopsis

For the purpose of repealing a certain exception authorizing, under certain circumstances, a student who is a registered sex offender to enter onto real property used for public or nonpublic elementary or secondary education; requiring a student who is a registered sex offender to continue receiving a certain education in a certain manner; requiring a county board of education to develop and adopt a policy that enables a student who is a registered sex offender to continue receiving a certain education in a certain manner; requiring the State Board of Education to develop and adopt certain guidelines and a certain model policy; defining certain terms; making this Act an emergency measure; and generally relating to registered sex offenders on school property.

Analysis

This bill requires a student who is a registered sexual offender to either attend homeschool or a regional institute for children or adolescents (Not able to attend public school). School systems are required to write a policy to ensure the registrant continues to be educated in a manner not on school property. The State Board should write regulations and offer a “model policy”.

Position: Oppose under the “respect” provision of our platform. This is an infringement on local autonomy.

HB0011 Public Schools - African American History - Development of Content Standards and Implementation

Sponsor Delegate Wilson

Committee *Ways and Means*

Synopsis

For the purpose of requiring the State Board of Education, on or before a certain date, to develop certain content standards for African American history to be included in certain State standards for social studies; requiring certain content standards to include certain topics; requiring each county board of education to develop and implement certain age-appropriate curriculum guides for African American history subject to certain content standards; requiring each public school to include African American history in the social studies curriculum beginning in a certain school year; authorizing the State Board to adopt certain regulations; requiring the State Department of Education to submit a certain report to the General Assembly on or before a certain date; and generally relating to the development and implementation of an African American history curriculum in public schools.

*Attachment B: Recommended Positions on Proposed Legislation
1-12-2021*

Analysis

This bill requires the State Board of Education to develop standards for teaching African American history. Each local school system would be required to develop a curriculum to be ready for school year 2023. Although MCPS supports the overall purpose of this legislation, we generally oppose any requirements on curricula, as those are the purview of the county board.

Position: No Position

Bills for Information Only

HB0072 County Boards of Education - Student Transportation - Vehicles

Sponsor Delegate Anderton

Committee *Ways and Means*

Synopsis

For the purpose of authorizing a county board of education to provide transportation to and from school for certain students using a vehicle other than a certain type of school vehicle under certain circumstances; requiring the State Department of Education, in consultation with county boards of education and the Motor Vehicle Administration, to adopt certain regulations; altering a certain definition; and generally relating to vehicles for student transportation and county boards of education.

Analysis

School buses are the safest form of surface transportation. Though current COMAR 13A.06.07.11.C: General Standards, allows the transport of students in other vehicles in certain circumstances, MCPS plans to continue transporting students in school buses only, except in circumstances currently allowed and only when absolutely necessary.

Bills Without Text

HB0071 Juvenile Services Education Board and Program - Establishment, Powers, and Duties

Sponsor Delegate Luedtke

Committee *Judiciary; Ways and Means*

HB0138 Education - Sexual Abuse and Assault Awareness and Prevention Program - Human and Sex Trafficking

Sponsor Delegate Johnson

Committee *Ways and Means*

HB0140 Commission on History, Culture, and Civics in Education

Sponsor Delegate Acevero

Committee *Ways and Means*

Attachment C: For Your Information
1-12-2021

HB0171 State Department of Education - School Discipline - Data Collection

Sponsor Delegate Washington

Committee *Ways and Means*

HB0192 Public Schools - Special Education Classrooms - Use of Video

Sponsor Delegate Guyton

Committee *Ways and Means*

HB0205 Public Schools - Provision of Menstrual Hygiene Products - Requirement

Sponsor Delegate Reznik

Committee *Ways and Means*

HB0266 Student Education Equity Grant Program - Established (Student Education Equity in Funding Act)

Sponsor Delegate Cox

Committee *Ways and Means*

HB0377 Commission on Student Behavioral Health and Mental Health Treatment

Sponsor Delegate Bagnell

Committee *Ways and Means*

HB0392 Child Care Centers - Early Childhood Screening and Assistance

Sponsor Delegate Guyton

Committee *Ways and Means*

*Attachment C: For Your Information
1-12-2021*

HB0400 Public Schools – Enrollment Location – Continuity

Sponsor Delegate Boyce

Committee *Ways and Means*

HB0401 Public Schools - Pregnant and Parenting Students - Policies and Reports

Sponsor Delegate Guyton

Committee *Ways and Means*

HB0417 Education - Public Schools - Required Number of School Days or Hours

Sponsor Delegate Adams

Committee *Ways and Means*

HB0418 County Boards of Education - Symbols of Hate - Policy

Sponsor Delegate Guyton

Committee *Ways and Means*

SB0165 Maryland Healthy Working Families Act - Applicability

Sponsor Senators Bailey and Beidle

Committee *Finance*

**SB0072 Open Meetings Act - Requirements for State Agencies and Local Boards of
HB0344 Elections (Maryland Transparency Act of 2021)**

Sponsor Senator Kagan; Delegate Korman

Committee *Education, Health, and Environmental Affairs
Health and Government Operations*

SB0076 Climate Crisis and Education Act
HB0033

Sponsor Senator Kramer; Delegate Fraser-Hidalgo

Committee *Budget and Taxation*
Economic Matters

SB0098 County Boards and Public and Nonpublic Prekindergarten Programs and
HB0155 Schools - Discrimination - Prohibition

Sponsor Senator McCray; Delegate Wilkins

Committee *Judicial Proceedings*
Ways and Means

SB0104 Public and Nonpublic Schools - Electric Retractable Room Partitions –
HB0083 Operation Requirements

Sponsor Senator Bailey;

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

SB0126 State Department of Education - Early Literacy and Dyslexia Practices –
HB0237 Guidance and Assistance

Sponsor Senators Hester and Zucker; Delegate Ebersole

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

SB0137 Maryland Transit Administration – Conversion to Zero-Emission Buses HB0334
(Zero-Emission Bus Transition Act)

Sponsor Senator Zucker; Delegate Korman

Committee *Education, Health, and Environmental Affairs*
Environment and Transportation

*Attachment C: For Your Information
1-12-2021*

SB0209 **Special Education - Prolonged School Closure - Extension of Education Services**

Sponsor Senator Peters

Committee *Education, Health, and Environmental Affairs*

SB0225 **Education - Public and Nonpublic Schools - Seizure Action Plans HB0370
(Brynleigh's Act)**

Sponsor Senators Young and Feldman; Delegate Kerr

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

SB0231 **Public Schools - Cyber Safety Guide and Training Course - Development,
Implementation, and Reporting**

Sponsor Senator Hester

Committee *Education, Health, and Environmental Affairs*

SB0243 **Public High Schools - Health Education - Gambling Dangers and Addiction**

Sponsor Senator Simonaire

Committee *Education, Health, and Environmental Affairs*

SB0245 **Public Schools - School Resource Officers - Requirements and Prohibitions**

Sponsor Senator Ellis

Committee *Education, Health, and Environmental Affairs*

SB0253 **Vehicle Laws - School Bus Safety - Occupant Capacity**
HB0087

Sponsor Senator Elfreth; Delegates D. Jones, Bagnall, Bartlett, Feldmark, and Henson

Committee *Judicial Proceedings
Environment and Transportation*

SB0266 Education - Voluntary Ethical Special Education Advocate Certificate Program
HB0273

Sponsor Senators Patterson and Benson; Delegate Turner

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

SB0278 State Department of Education and Maryland Department of Health - Maryland
HB0034 School-Based Health Center Standards - Telehealth

Sponsor Senator Kagan; Delegate Rosenblum

Committee *Education, Health, and Environmental Affairs*
Health and Government Operations

SB0283 Student and Military Empowerment Act
HB0156

Sponsor Senator Elfreth; Delegates Luedtke and Griffith

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

SB0300 Special Education – Learning Continuity Plan – Requirement

Sponsor Senator Peters

Committee *Education, Health, and Environmental Affairs*

MONTGOMERY COUNTY BOARD OF EDUCATION
Rockville, Maryland

January 8, 2021

MEMORANDUM

To: Members of the Board of Education
From: Danielle M. Susskind, Coordinator, Legislative Affairs
Subject: ADDENDUM - Recommended Positions on Education Legislation

On Monday, January 4, 2021, a memorandum was provided to share legislative positions on bills that had been filed and contained the text of the bill. As promised, there are a few bills of importance that have had text added and I would like us to consider at the January 12, 2021, Board Business Meeting.

Each added bill is listed below with a hyperlink to the bill text. To access the text online, right click each hyperlink (bill number). The additional bill summaries and analyses with recommended positions are below:

Bills with Recommended Positions

[SB0245](#) Public Schools - School Resource Officers - Requirements and Prohibitions
[SB0278/HB0034](#) State Department of Education and Maryland Department of Health - Maryland School-Based Health Center Standards – Telehealth (support)
[HB0418](#) County Boards of Education - Symbols of Hate – Policy

Bills Covered Under the Platform

Learning

[HB0266](#) Student Education Equity Grant Program - Established (Student Education Equity in Funding Act) (oppose as it takes funding from public schools)

Respect

[SB0076/HB0033](#) Climate Crisis and Education Act (support based on funding available for climate crisis curricula- fully funding education (Learning) and supporting environmental impact (Respect))

[HB0417](#) Education - Public Schools - Required Number of School Days or Hours (Supported prior bill- based on local autonomy over calendar)

[SB0165](#) Maryland Healthy Working Families Act – Applicability (Supported prior bill- fair and equitable treatment of employees)

[Relationships](#)

[HB0171](#) State Department of Education - School Discipline - Data Collection (Support- creating transparency- with amendment- to allow our current format to be acceptable)

[HB0205](#) Public Schools - Provision of Menstrual Hygiene Products – Requirement (Supported prior bill- continue to support based on the well-being of all students)

[Excellence](#)

[SB0104/HB0083](#) Public and Nonpublic Schools - Electric Retractable Room Partitions – Operation Requirements (Support with amendments- under safe and secure environment)

[SB0243](#) Public High Schools - Health Education - Gambling Dangers and Addiction (Support w/ amendments- prior bill-based on safe and secure environment)

Bills for Your Information

[SB0086](#) Correctional Education- Changes to Mandatory Education Requirements (Does not apply to us)

[SB0283/HB0156](#) Student and Military Empowerment Act (Applies to Higher Ed)

[HB0377](#) Commission on Student Behavioral Health and Mental Health Treatment

[HB0392](#) Child Care Centers - Early Childhood Screening and Assistance (no direct impact)

[SB0072/HB0344](#) Open Meetings Act - Requirements for State Agencies and Local Boards of Elections (Maryland Transparency Act of 2021) (no direct impact)

[SB0231](#) Public Schools - Cyber Safety Guide and Training Course - Development, Implementation, and Reporting (no direct impact)

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

Attachments

DMS:dms

Bills with Recommended Positions

SB0245 Public Schools - School Resource Officers - Requirements and Prohibitions

Sponsor Senator Ellis

Committee *Education, Health, and Environmental Affairs*

Synopsis

For the purpose of prohibiting a school resource officer from entering a school building except under certain circumstances; requiring a school resource officer to conceal certain firearms except under certain circumstances; requiring a school resource officer to wear civilian clothing; prohibiting a school resource officer from participating in the routine school discipline of a student; and generally relating to requirements and prohibitions for school resource officers.

Analysis

This bill limits the role of School Resource Officers. The bill places very significant restrictions on the SRO program, including prohibiting officers from wearing their uniforms for example, and only coming into the building if requested by an administrator.

Position: No Position

**SB0278 State Department of Education and Maryland Department of Health - Maryland
HB0034 School-Based Health Center Standards - Telehealth**

Sponsor Senator Kagan;
 Delegate Rosenblum

Committee *Education, Health, and Environmental Affairs*
 Health and Government Operations

Synopsis

For the purpose of requiring the State Department of Education and the Maryland Department of Health to authorize a certain health care practitioner to provide health care services through telehealth under certain circumstances; prohibiting the State Department of Education and the Maryland Department of Health from establishing certain requirements for a certain school-based health center to provide health care services through telehealth; requiring, on or before a certain date, the State Department of Education and the Maryland Department of Health to revise the Maryland school-based health center standards to reflect certain requirements and prohibitions; making this Act an emergency measure; and generally relating to standards for school-based health centers.

Analysis

Supports expanding telehealth. Telehealth is an important communications tool to meet the needs of students who receive health care services from school-based health centers.

Position: Support

HB0418 County Boards of Education - Symbols of Hate - Policy

Sponsor Delegate Guyton

Committee *Ways and Means*

Synopsis

For the purpose of requiring, on or before a certain date and subject to a certain exception, each county board of education to adopt a policy prohibiting the use or display of symbols of hate under certain circumstances; requiring a certain policy to include certain prohibitions; requiring a county board to develop and distribute certain educational materials to certain public schools for a certain purpose; defining a certain term; and generally relating to a policy prohibiting the use or display of symbols of hate in public schools.

Analysis

Requiring county boards to adopt a policy prohibiting the use or display of a symbol of hate on school grounds or in any program, service, school building, or activity that is funded in whole or in part by state funds.

Position: Support

Bills Covered Under the Platform

Learning

HB0266 Student Education Equity Grant Program - Established (Student Education Equity in Funding Act)

Sponsor Delegate Cox

Committee *Ways and Means*

Synopsis

For the purpose of establishing the Student Education Equity Grant Program in the State Department of Education; establishing the purpose of the Program; authorizing certain students to apply to the Department to receive a grant from the Program to be used for certain expenses; providing for the renewal of a grant from the Program if certain conditions are met; requiring the Department to establish an application process for the Program and to review applications in a timely manner; requiring the Department to distribute grants, enter into certain agreements under certain circumstances, and provide certain information to each student who receives a grant; requiring each student who receives a grant to provide certain receipts to the Department; requiring the Department to use certain funds in providing grants under the Program; authorizing the Department to adopt certain regulations; prohibiting the Department from adopting certain regulations; defining certain terms; and generally relating to the Student Education Equity Grant Program.

*Montgomery County Board of Education
Action on Proposed Legislation as of January 12, 2021*

Analysis

This bill is similar to a “voucher” program. It allows a family to receive funds to send a child to another public school or private school if the regular public school is closed.

Position: Oppose (fully funding education)

Respect

SB0076 Climate Crisis and Education Act
HB0033

Sponsor Senator Kramer; Delegate Fraser-Hidalgo

Committee *Budget and Taxation*
Economic Matters

Synopsis

For the purpose of establishing a Climate Crisis Initiative in the Department of the Environment; establishing a greenhouse gas reduction target; establishing a Climate Crisis Council; requiring the Council to develop a plan with required elements and submit the plan to the General Assembly; establishing the Kirwan Commission Fund, the Household and Employer Benefit Fund, and the Climate Crisis Infrastructure Fund; as special, nonlapsing funds for certain purposes; defining terms; and generally relating to the Climate Crisis Initiative, greenhouse gas emissions reductions, and education.

Analysis

Allows Kirwan Commission fund to be used on materials to teach about the climate crisis.

Position: Support (based on funding available for climate crisis curricula- fully funding education (Learning) and supporting environmental impact (Respect)).

HB0417 Education - Public Schools - Required Number of School Days or Hours

Sponsor Delegate Adams

Committee *Ways and Means*

Synopsis

For the purpose of altering the requirement that certain public schools be open for at least a certain number of days and a minimum number of hours during a certain period of time to require that the schools be open for at least a certain number of days or a minimum number of hours during a certain period of time; providing that certain funding for schools may not be reduced if there are fewer than a certain number of school hours under certain circumstances; making conforming changes; making a stylistic change; and generally relating to the required number of school days or school hours for elementary and secondary public schools.

Analysis

(2020) This bill appears to provide more flexibility in structuring the school year calendar. It changes the current minimum requirement for the length of the school year from a requirement both for the number of days AND the number of hours to only needing to meet either the number of days or the number of hours. This would provide additional flexibility in scheduling and in determining whether make-up days are needed in the event of school closures.

Position: Support

SB0165 Maryland Healthy Working Families Act - Applicability

Sponsor Senators Bailey and Beidle

Committee *Finance*

Synopsis

For the purpose of providing that the Maryland Healthy Working Families Act does not apply to certain employees of a county board of education; and generally relating to the applicability of the Maryland Healthy Working Families Act.

Analysis

(2020) MCPS has a large number of daily substitute teachers and temporary employee pool of employees who work only as needed. These individuals receive a phone call when a daily vacancy comes up due to an absence of a permanent employee. They have the ability to accept or reject the job for the day. Under the provisions of Maryland Safe and Sick Leave, these individuals have the ability to avail sick leave should they become ill on the day the job is to be performed. This has resulted in the school system needing to have a substitute for a substitute.

- This bill would benefit MCPS and other school districts by removing the requirements to issue “sick leave” to daily substitutes, for teaching and other jobs, who are called to work on an as-needed basis.
- The requirements to provide leave to long-term substitutes or permanent school-based substitutes may still apply in some cases. MCPS already provides sick leave to these temporary employees.
- This proposed legislation would restore the original intent of the Maryland Healthy Working Families Act not to apply to substitute teachers, in the face of an opinion of the Maryland Attorney General interpreting the Act to apply to them.
- Attached is the brief that was submitted on behalf of school districts raising concerns about the potential adverse impact on the delivery of teaching and learning that could result from providing sick leave to substitutes.

Position: Support

Relationships

HB0171 State Department of Education - School Discipline - Data Collection

Sponsor Delegate Washington

Committee *Ways and Means*

Synopsis

For the purpose of requiring the State Department of Education to disaggregate certain discipline-related data in an electronic spreadsheet format for the Department's website; requiring certain discipline-related data to be available as a data download; requiring the Department to provide certain discipline-related data to the public in an accessible electronic spreadsheet format; requiring the Department to report certain information to the Governor and the General Assembly each year; requiring the Department to lower a risk ratio used to identify a school's disproportional disciplinary practices; requiring the Department to report disproportionality data for high-suspending schools; requiring the Department to include certain schools and programs in a calculation of disproportionality data; defining a certain term; and generally relating to the collection of discipline-related data by the State Department of Education

Analysis

(2020) The data collection and reporting would not be particularly onerous because MCPS already collects this data in disaggregated form. Any data not already rolled up to MSDE could be easily done. Furthermore, MCPS is already in the process of updating Policy JGA, Student Discipline, to reflect our emphasis on restorative approaches to student discipline. Moreover, the MCPS Student Code of Conduct also emphasizes fairness and equity through clear, appropriate, and consistent expectations for student behavior. MSDE spent a great deal of time coming up with their formula for identifying disproportionality in discipline through their expectations for each school system to develop a Disproportionate Discipline Local Action Plan.

Position: Support

HB0205 Public Schools - Provision of Menstrual Hygiene Products - Requirement

Sponsor Delegate Reznik

Committee *Ways and Means*

Synopsis

For the purpose of requiring each county board of education to ensure that each public school provide, at no charge to students, menstrual hygiene products via dispensers in the restrooms at the school; requiring a public middle or high school to install menstrual hygiene product dispensers in certain restrooms by certain dates; requiring a public elementary school to install menstrual hygiene product

*Montgomery County Board of Education
Action on Proposed Legislation as of January 12, 2021*

dispensers in at least one restroom by a certain date; defining a certain term; and generally relating to the provision of menstrual hygiene products in public schools.

Analysis

(2020) This bill would require that each public school install feminine hygiene product dispensers in bathrooms in order to provide students with free feminine hygiene products. MCPS already provides students with free feminine hygiene products in the nurses' offices.

Position: Support

Excellence

**SB0104 Public and Nonpublic Schools - Electric Retractable Room Partitions - Operation
HB0083 Requirements**

Sponsor Senator Bailey;
 Delegate Queen

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

Synopsis

For the purpose of prohibiting public and nonpublic school employees from operating an electric retractable room partition in a school except under certain circumstances; requiring any annual safety review, evaluation, or exercise for school employees in a certain school building to include certain information and demonstrations; requiring the State Department of Education to develop and disseminate model safety guidelines on the safe operation of electric retractable room partitions; requiring the Department to publish model safety guidelines on its public website; defining certain terms; and generally relating to electric retractable room partitions and schools.

Analysis

MCPS has supported this legislation in the past. We already have some of these conditions in place.

Position: Support with Admendment

- **Amendment Language:**
 - Add (B): No student will ever be permitted to operate any type of electric retractable room partition.
 - Rename existing (B) to ""&""(C)
 - Insert new (C) (2): If the door...

SB0243 Public High Schools - Health Education - Gambling Dangers and Addiction

Sponsor Senator Simonaire

Committee *Education, Health, and Environmental Affairs*

*Montgomery County Board of Education
Action on Proposed Legislation as of January 12, 2021*

Synopsis

For the purpose of requiring the State Department of Education, on or before a certain date, to develop a certain program of education on the dangers of gambling and gambling addiction; requiring the program to be coordinated with other State agencies responsible for gambling addiction education and control; authorizing a county board of education, beginning in a certain school year, to require each public high school in the county to include instruction on gambling dangers and addiction once during a certain period of time; authorizing the State Board of Education to adopt regulations to implement this Act; requiring the Department, on or before a certain date, to report to the Governor and the General Assembly on the county boards that required instruction on the dangers of gambling and gambling addiction, including information on the program of education that each county board used; and generally relating to education on the dangers of gambling and gambling addiction for students in public high schools.

Analysis

(2020) The proposed legislation states that the State revenues generated by sports wagering must be used for the funding of public education. This proposal is consistent with current Maryland law requiring revenue from casino gambling to be used for public education funding. The Montgomery County Board of Education has previously supported legislation to ensure that “casino funding” is supplemental or additional funding on top of the state’s educational funding formulas and that it does not supplant general fund money to help fund the state aid formulas.

Position: Support with Amendment

- **Amendment Language:**
 - Revenues from sports betting also supplement and do not supplement existing educational funding.
 - Clarify that sports betting should not be permitted for any interscholastic athletic competitions or other sports activities at the K-12 level.
-