



Karen B. Salmon, Ph.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • marylandpublicschools.org

TO: Members of the Maryland State Board of Education

FROM: Karen B. Salmon, Ph.D. *KBS*

DATE: April 25, 2017

SUBJECT: State Legislative Update

PURPOSE:

The purpose of this item is to provide a final legislative overview and status of issues related to education that were before the 2017 General Assembly. Please find attached a synopsis of several pieces of significant legislation that were introduced during the 2017 legislative session.

EXECUTIVE SUMMARY:

Tiffany Johnson Clark will update the members of the State Board of Education on the status of significant legislation that was introduced during the 2017 legislative session.

ACTION:

No action is necessary, for discussion only.

Maryland State Board of Education
Legislative Synopsis
April 25, 2017

BILLS THAT PASSED BOTH CHAMBERS

Testing/Accountability

SB 452/HB 461 - Education – Accountability Program – Assessments (More Learning, Less Testing Act of 2017)

- These bills require the statewide social studies assessment in middle school and the Government HSA to be redesigned by the State Board of Education to meet specified criteria by the 2019-2020 and 2018-2019 school year, respectively.
 - A sampling test that is not administered to all students is not considered an assessment for purposes of the 2.2% and provides that a student who participates in AP, IB, teacher selected exams, quizzes, and portfolio reviews are not subject to the testing limitations.
- These bills require a county board of education to establish a District Committee on Assessments to advise and make recommendations concerning assessments. The DCA must submit their recommendations to the county board and exclusive representative for teachers by June 1, 2019 and every other year.
- These bills require local boards of education and exclusive employee representatives to meet and confer regarding school assessments as specified in the bill and, by December 1, 2017, and every two years thereafter, mutually agree to a limited amount of time that may be devoted to federal, State, and locally mandated assessments for each grade.
 - If the parties fail to mutually agree, the time that may be devoted to specified assessments must be limited to 2.2% of the minimum required annual instructional hours for every grade except for eighth grade, which must be limited to 2.3%.
- The State Board of Education wrote a letter of opposition for this bill.
- *This bill takes effect June 1, 2017.*

HB 978 - Education – Accountability – Consolidated State Plan and Support and Improvement Plans (Protect Our Schools Act of 2017)

- This bill requires MSDE's Consolidated State Plan to improve student outcomes to include certain measures and information, including that:
 - a school quality indicator may measure the level of student success in public schools in addition to comparative opportunities provided to students;
 - one of the school quality indicators must be school climate surveys – which should include at least one question to educators about critical instruction feedback;
 - one of the academic indicators must be “access to or credit for completion of a well-rounded curriculum that is indicative of on-track progress at key transition points within elementary and secondary education”;
 - the State Board must establish a composite score that provides “meaningful differentiation” of schools – the composite score has to include academic and school quality indicators, incorporate a way of comparing schools with similar demographics (economically disadvantaged students), and be reported in a manner that allows for individual indicators to receive a score;
 - academic indicators may not be more than 65% of the composite score;
 - the composite score must be calculated in percentage form and prohibits the composite score from being reported using a letter grade;

- no academic indicator may be weighted as less than 10% of the composite score and no school quality indicator that is listed in the bill may be less than 10% of the total composite score.
- the State Board, with stakeholder input, must decide the final weights of the academic and school quality indicators;
- MSDE, along with the county board and the school, must approve a Comprehensive Support and Improvement Plan;
- an intervention strategy for a comprehensive or targeted support and improvement plan may include lengthening the school year beyond 180 days or other limitations;
- an intervention strategy may not include creating an additional local school system, or converting or creating a new public school without local board approval; and
- a decision made by MSDE in regards to a comprehensive or targeted support and intervention plan is final.
- The State Board of Education wrote a letter of opposition for this bill.
- *This bill takes effect July 1, 2017.*

Innovative Programs/Career and Technology Education Programs

SB 319 - Pathways in Technology Early College High (P-TECH) School Act of 2017

- This bill establishes the P-TECH School Program to be administered and developed by MSDE, in consultation with MHEC.
- This bill establishes and provides for the purpose and operation of the P-TECH Planning Grant Program (only one planning grant per local school system per year).
- This bill provides that beginning in FY 2019, no new P-TECH planning grants may be awarded until the first cohort of students have graduated and the program is deemed “successful”.
- This bill provides for the manner in which P-TECH students should be included in the full-time equivalent enrollment calculation and requires student credit hours taken by a P-TECH student to be included in the Cade formula.
- This bill establishes P-TECH supplemental college and school grants and specifies the State and local shares of the grants.
- This bill requires MSDE in consultation with MHEC to annually report on the implementation of the P-TECH program.
- This bill requires MSDE in consultation with MHEC, by December 1, 2023, to analyze the data from the previous years (2017-2023) and determine whether the P-TECH program is successful in preparing students for the workforce and postsecondary education.
- *This bill takes effect July 1, 2017.*

SB 908 - Maryland Education Development Collaborative – Establishment

- This bill creates the Maryland Education Development Collaborative to advise and make recommendations to the State Board of Education, the General Assembly regarding policies necessary to promote 21st century learning, among other things.
- The State Board of Education wrote a letter of opposition for this bill.
- *This bill takes effect October 1, 2017.*

SB866/HB 1381 - Adult High School Program

- This bill establishes an Adult High School Pilot Program under the authority and supervision of MSDE and the Department of Labor, Licensing, and Regulation.
- This bill provides that the purpose of the program is to establish an alternative method for adults who did not graduate from high school to earn a high school diploma and potentially to earn postsecondary

education credits and industry-recognized certification in an environment that meets the needs of the adult learner.

- This bill authorizes MSDE and DLLR to approve up to six pilots and establishes requirements for a pilot under the Program.
- *These bills take effect July 1, 2017.*

SB 317 - More Jobs for Marylanders Act of 2017

- This bill establishes a 10-year income tax credit for specified manufacturing businesses in certain jurisdictions if the businesses increase employment and offer ongoing job skills enhancement training.
- The bill allows manufacturing businesses throughout the State to claim increased expensing amounts under the State income tax under certain circumstances.
- The bill establishes Workforce Development Sequence Scholarships for eligible students who are enrolled in a job skills program at a community college.
- This bill requires the State Board of Education, in consultation with the DLLR and the Governor's Workforce Development Board, to develop statewide goals each year from 2018 through 2024 so that by January 1, 2025, 45% of high school students successfully complete a career and technical education program, earn industry-recognized occupational or skill credentials, and complete a registered youth or other apprenticeship before graduating from high school.
- The bill creates a tax credit against the State income tax for individuals or corporations that employ an apprentice for at least seven months during a taxable year in an apprenticeship program registered with the Maryland Apprenticeship and Training Council.
- This bill requires by December 1, 2017, MLDS and GWDB to develop annual income earnings goals for high school graduates who have not earned at least a two-year college degree by age 25.
- This bill requires the State Board of Education to develop a method to consider a student's attainment of a State-approved industry credential as equivalent to earning a score of 3 or better on an advanced placement examination for purposes of the Maryland Accountability Program if the student was enrolled in, and earned the credential aligned with, the State-approved CTE program of study at the concentrator level or higher or successfully completed an apprenticeship program approved by MATC. The State Board of Education must annually report to the Governor and the General Assembly on the progress toward attaining specified goals starting on December 1, 2017.
- This bill also requires MSDE, DLLR, and MLDS to determine ways to expand and analyze data regarding individuals who participate in registered apprenticeship programs and report to the General Assembly by September 1, 2017.
- This bill requires DLLR to explore ways to combine the Youth Apprentice Pilot Program and the Apprenticeship and Training Program.
- *This bill takes effect June 1, 2017.*

Early Childhood Education

SB 581 /HB 516 (Ch.25) - Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-Year-Olds

- These emergency bills establish the Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-year olds.
- These bills require MSDE to designate a chair of the Workgroup and provide staff.
- The Workgroup must report its findings and recommendations to the Commission on Innovation and Excellence in Education on or before September 1, 2017.
- *These bills take effect immediately upon the Governor's signature.*

Students with Disabilities

HB 1240 - Individualized Education Programs – Studies

- This bill requires MSDE, in consultation with each local school system to review, assess, and make recommendations on certain aspects relating to the relationship between current population densities of students with IEPs and the allocation of public agency staff that are available to respond to those needs.
 - MSDE must report its findings and recommendations to the General Assembly by December 31, 2018.
- This bill also requires MSDE, in consultation with DBM and DLS to contract for a study of the IEP process in the State on or before July 1, 2018.
 - MSDE must report its findings and recommendations to the General Assembly by July 1, 2019.
- *This bill takes effect June 1, 2017*

SB 710 /HB 174 - Education – Children with Disabilities – Individualized Education Program Process – Parental Consent

- These bills require an individualized education program team to obtain written consent from a parent of a child with a disability if the team proposes to:
 - enroll the child in an alternative education program that does not issue or provide credits toward a high school diploma;
 - identify the child for the alternate assessment aligned with the State’s alternate curriculum; or
 - include restraint or seclusion in the IEP to address the child’s behavior.
- These bills provide that if the parent does not provide written consent, the IEP team must send the parent a certain written notice within five business days of the IEP meeting.
 - If a parent refuses to consent to the proposed action, the IEP team may use the dispute resolution process to resolve the matter.
- *These bills take effect July 1, 2017.*

Funding

SB 1024/HB 684 (Ch.6) (Krebs) Education – State Grants for Education Aid

- These bills provide enrollment-based and prekindergarten supplemental grants to eligible local boards of education for fiscal 2018 through 2020.
 - A local board is eligible for an enrollment-based supplemental grant if the county’s most recent prior three-year moving average full-time equivalent enrollment is greater than the FTE in the previous school year.
 - A local board is eligible for a prekindergarten grant if the local board offers a full-day program for all four-year-olds who are enrolled in public prekindergarten.
 - In order for Baltimore City Public Schools to receive additional State funds under the bill, Baltimore City must increase its local contribution by specified amounts each year.
- These bills require Baltimore City Board of School Commissioners to disburse any additional money appropriated to the school system by Baltimore City or the State to Baltimore City public charter schools in commensurate amounts.
- These bills require Baltimore City Board of School Commissioners to contract with an independent CPA by December 31, 2017 to audit BCPSS – the accountant has to report to DBM, the State Board, the General Assembly, the Senate B&T Committee, and the House Appropriations Committee on the results of the audit by December 31, 2019.
- These bills require Baltimore City Board to develop a financial recovery plan and submit to the Mayor of Baltimore City, DBM, Senate B&T Committee, and House Appropriations by August 1, 2017 – Baltimore City Board must also report on the quarterly progress of the financial recovery plan.

- These bills require the Mayor of Baltimore City and the City Council to dispose (in any number of ways) of surplus school system assets and submit the plan to DBM, Senate B&T Committee, and House Appropriations Committee by August 1, 2017.
- *These bills take effect June 1, 2017.*

Health and Safety

SB 651/HB 425 - Public Schools - Suspensions and Expulsions

- These bills prohibit a child enrolled in a public PreK-2 from being suspended or expelled from school, subject to exceptions.
- These bills allow a student in PreK-2 to be suspended or expelled if required by federal law.
- These bills allow a student to be suspended for up to five school days if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports.
- These bills specify the intervention and support that must be provided to students who are suspended from PreK-2 and to any other students in those grades who are disruptive or commit an act that would otherwise be grounds for suspension.
- MSDE must adopt regulations by May 1, 2018.
- *These bills take effect July 1, 2017.*

SB 786 - Education - Restraint and Seclusion - Consideration and Reporting

- This bill requires the State Superintendent of Schools to convene a Task Force to consider when restraint and seclusion should be prohibited in schools and contraindications for restraint and seclusion.
- The Task Force is also tasked with reviewing existing regulations relating to seclusion and making recommendations to the State Board of Education on their findings and recommendations by October 1, 2017.
- The State Board of Education is required to submit any proposed regulations by December 1, 2017.
- Each public agency and non-public school is required to submit an annual report to MSDE on professional development related to positive behavioral interventions.
- *This bill takes effect July 1, 2017.*

SB 1060/HB 1082 - Heroin and Opioid Education and Community Action Act of 2017 (Start Talking Maryland Act)

- These bills require:
 - the State Board of Education to expand an existing program in the public schools to encompass drug addiction and prevention education (specifically heroin and opioids);
 - each local board of education to establish a policy requiring each public school to store naloxone and authorize school personnel to administer it;
 - each local board of education or local health department to hire a county or regional community action official, or develop an equivalent program;
 - the Governor to include a general fund appropriation of at least \$3.0 million in the FY 2019 budget for MSDE to award grants to local boards of education to implement the bill's policy and training requirements;
 - each institution of higher education in Maryland that receives State funding to establish a policy that addresses heroin and opioid addiction and prevention, including awareness training for incoming students, obtaining and storing naloxone, and campus police training (schools that do not have on-campus housing are exempt);

- each senior institution of higher education to require incoming students to participating in a certain training ;
- each community colleges to provide resources regarding substance use disorders to all incoming students; and
- MSDE to convene a workgroup and submit a report on behavioral and substance abuse disorder services in public schools to the General Assembly by December 1, 2017.
- *This bill takes effect July 1, 2017.*

Teacher Preparation

HB 715 - Institutions of Higher Education - Teacher Preparation Programs - Accreditation and Approval

- This bill authorizes an institution of higher education that offers a teacher certification program to choose to receive either national accreditation or approval by MSDE in order to operate in the State.
- This bill alters the definition of “national accreditation” as accreditation by an agency that is recognized by MSDE and MHEC as opposed to the US Department of Education.
- This bill requires MSDE and MHEC to consider whether the national accrediting agency uses national professional standards when determining whether an agency is recognized.
- This bill requires MSDE and MHEC to agree on the standards MSDE will use to determine program approval.
- This bill provides that if an institution of higher education is in compliance on July 1, 2016, they will be deemed “in compliance” unless they receive a notification from MHEC.
- *This bill takes effect June 1, 2017.*

Miscellaneous

SB 587/HB 1094 - Education – Libraries – Reorganization of Governance Structure

- These bills establish the Maryland State Library Agency and the Maryland State Library Board while simultaneously transferring the duties and responsibilities of the Division of Library Development and Services in MSDE to the State Library Agency.
- These bills transfer the duties and responsibilities of the State Board of Education pertaining to libraries to the State Library Board.
- These bills provide that the head of the State Library Agency is the State Librarian and provides for the appointment, term, qualifications, and salary of the State Librarian.
- *These bills take effect July 1, 2017.*

BILLS REFERRED FOR INTERIM STUDY

HB 704 - Education - Identity Protection and Credit Monitoring Services (Student Identity Protection Act)

- This bill would have required the State Board of Education to provide identity protection and credit monitoring services for at least five years to any current or former student whose personal information has been compromised by certain information breaches.
- *The Committee on Ways and Means referred this bill to interim study.*

HB 1486 - Teachers and Teacher Preparation Programs - Research-Based Reading Instruction

- This bill would have required the Professional Standards and Teacher Education Board, by January 1, 2019, to require certain teaching candidates to successfully pass a written test of research-based reading instruction that includes specified elements.
- *The Committee on Ways and Means referred this bill to interim study.*

HB 1351 - Education - Foreign Language Requirement - Computer Programming Language Courses

- This bill would have allowed a local board of education to authorize a student to satisfy a State or local middle or high school foreign language requirement by completing a course in computer programming language.
- *The Committee on Ways and Means referred this bill to interim study.*

HB 652 – Career Apprenticeship Opportunity Act of 2017

- This bill would have required specific vocational goals to be established for high school student and established a tax credit for businesses that employ certain apprentices.
- *The Committee on Ways and Means referred this bill to interim study.*

BILLS THAT RECEIVED UNFAVORABLE REPORTS

HB 878/SB 704 - Public Charter School Act of 2017

- These bills would have established the Maryland Public Charter School Authority as a public chartering authority under the existing Maryland Public Charter School Program, among other things.
 - *HB 898 received an unfavorable report from the House Committee on Ways and Means. The hearing for SB 704 was cancelled.*

BILLS WITH LIMITED ACTION TAKEN

HB 499/SB 874/SB 627 - State Department of Education – Employment Categories and Practices

- These bills generally reclassifies special appointment positions within MSDE, except those who perform a significant policy role or provide direct support to a member of the executive service, to positions in the executive, management, professional, or skilled service under the State Personnel Management System.
- The State Board of Education wrote a letter of opposition for this bill.

HB 590/SB 609 - State Board of Education – Membership – Teachers and Parents

- These bills would have added five members to the State Board of Education – three who are required to be certified teachers and two who are required to be parents of students enrolled in a public school in the State.

SB 153 - Public Schools – Length of School Year Adjustment – State of Emergency

- This bill would have authorized a local board of education to reduce the length of the school year by up to five school days, without applying to the State Board of Education for a waiver, if normal school attendance is prevented due to conditions that require the Governor to declare a state of emergency.
- *This bill passed the Senate Floor, but the House Committee on Ways and Means did not take any action on the bill.*



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TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D. *KBS*

DATE: April 25, 2017

SUBJECT: Fiscal Year 2018 Budget Update

PURPOSE:

The purpose of this agenda item is to provide the State Board of Education a summary of budget actions taken by the Maryland General Assembly during the 2017 legislative session that affect Maryland public education and public library systems.

BACKGROUND:

Governor Hogan submitted his budget proposal to the General Assembly on January 18, 2017. A summary of the Governor's budget was provided to the State Board of Education during the January meeting. The information below summarizes the actions taken by the General Assembly in the final fiscal year 2018 budget bill that was enacted on March 28, 2017.

EXECUTIVE SUMMARY:

The General Assembly took the following actions to Governor Hogan's fiscal year 2018 budget proposal:

- Approved \$600,000 in planning grants to establish six additional P-TECH schools in Maryland, approved an additional \$3.7 million in State match for the federal Pre-K Expansion grant; approved an additional \$2.7 million in state funds for the Child Care Subsidy Program; approved an additional \$2.2 million for the Autism Waiver program to expand services to an additional 100 children; and approved an additional \$1 million in FY 2018 in The Division of Rehabilitation Services to reduce the waitlist for services by more than 600 individuals.
- Approved an additional \$17.2 million for ten local school systems experiencing declining enrollment. This funding was provided by the Governor in a supplemental budget.
- Approved \$10.9 million for four local school systems that provide full day public prekindergarten. This funding was provided by the Governor in a supplemental budget.
- Restored \$2.5 million for the Public Schools Opportunities Program that was reduced in the Governor's budget proposal. The mandated amount will increase to \$7.5 million in fiscal year 2019.

- Restored funding for the Next Generations Scholar's Program (\$5.0 million), the Robotics Grant Program (\$250,000), and for extended hours at the Enoch Pratt Free Library (\$3.0 million). The Governor's budget proposal eliminated the mandated funding for these programs.
- Restored \$2.1 million for the Teacher Induction, Retention, and Advancement Act Pilot Program that was reduced in the Governor's budget proposal. The mandated amount will increase to \$5.0 million in fiscal year 2019.
- Restored \$950,000 for stipends for specific teachers in Anne Arundel County Public Schools that was reduced in the Governor's budget proposal. The stipends will be \$750 in fiscal year 2018 and will increase to \$1,500 in fiscal year 2019.
- Adopted the Governor's proposal to level fund stipends to Nationally Board Certified Teachers in fiscal year 2018. The stipends increase from \$2,000 to \$4,000 in fiscal year 2019.
- Reduced funding available for the Nonpublic Placements program by \$5.0 million.
- Reduced funding for the Linking Youth to New eXperiences (LYNX) School in Frederick County by \$100,000. A total of \$236,599 will be available in fiscal year 2018.
- Eliminated funding (\$1.0 million) for the newly proposed Maryland Education Innovation Fund.
- Limited the increase in the BOOST program to \$650,000 over fiscal year 2017 funding levels. The Governor's proposed budget included a \$2.0 million increase. The General Assembly also made available \$400,000 that was not awarded in fiscal 2017 for scholarships in fiscal year 2018. Finally, the General Assembly adopted language requiring MSDE to report on assessments and student performance in participating nonpublic schools.
- Restricted \$300,000 in funding available for the Next Generation Scholars program only to be used to support the Bard High School Early College program in Baltimore City.
- Restricted \$250,000 in other programs only to be used for the Education Development Collaborative.

ACTION:

No action required, for discussion only.