



Mohammed Choudhury
State Superintendent of Schools

TO: Members of the State Board of Education
FROM: Mohammed Choudhury, State Superintendent of Schools
DATE: May 24, 2022
SUBJECT: 2022 Legislative Session Review

PURPOSE:

The purpose of this item is to provide a review on the 2022 Legislative Session and the bills that have passed the Maryland General Assembly that have an impact on the State Board of Education.

EXECUTIVE SUMMARY:

Members of the State Board of Education will receive a high level overview on eight pieces of legislation that passed the Maryland General Assembly.

Actions:

No action is required; this information is for discussion only.

ATTACHMENTS:

2022 Legislative Session – Review PowerPoint

OFFICE OF GOVERNMENTAL AFFAIRS, EDUCATION POLICY, AND EXTERNAL RELATIONS

2022 Legislative Session - Review

MARYLAND STATE BOARD OF EDUCATION | May 24, 2022

Presented By | Ary Amerikaner, Chief of Staff





PRESENTATION OUTLINE

1. Legislative Session - By the Numbers
2. Legislation Passed in 2022 With Impact



1. **Legislative Session - By the Numbers**

2. Legislation Passed in 2022 With Impact

Legislation Session – By The Numbers

Overview of Statistics from Legislative Session

Session 2022 Statistics

- **1,011** Senate bills introduced / **1,487** House bills introduced
- **261** bills tracked by MSDE, **76** of those passed
- **257** fiscal and policy notes completed, as requested by DLS
- Testimony or letters of information submitted on **61** bills

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1. Legislative Session - By the Numbers
 2. **Legislation Passed in 2022 With Impact**

Legislation Passed in 2022 With Impact On MSDE

Key Bills

House Bill 277 / Senate Bill 234 – Public Schools – Purple Stars Schools Program – Establishment

- MSDE shall administer the **Purple Star Schools Program** to provide support to military connected students that have transferred schools as a result of their family’s military service.
- MSDE determines the overall criteria for a school to be designated a Purple Star School, but the bill outlines some of the minimum criteria required to be considered.
 - A school shall have a designated staff member that serves as a military liaison with various roles in assisting students to transition into a new school.
 - A School Shall have an established location on their website that is easily accessible with resources for military students and families.
 - A school must maintain a transition program led by students.
 - A School must offer professional development to staff on issues related to transferring as a result of a student being a part of a military connected family.
- **The Department shall adopt regulations to carry out this legislation.**

House Bill 467 – Education – Teacher Certification – Montessori Schools

- The bill establishes a new lane of certification solely for individuals to hold a certificate to teach in approved Montessori schools.
- Eligibility requirements to receive this certificate are two-fold. First, an individual must hold a valid credential from either: The American Montessori Society, The Association Montessori Internationale, or a program accredited by the Montessori Accreditation Council for Teacher Education. Second, an individual must hold a Bachelor’s degree in any field.
- **The State Board may require that an individual pass an examination to receive the certification.**
- Individuals certified through this option are not authorized to teach in any public school that is not a Montessori school.

House Bill 660 – Commission to Study the Division of Rehabilitation Services

- The bill establishes the Commission to Study DORS. DORS provides staff for the Commission, which must meet at least five times between June 1, 2022, and December 15, 2022. The State Superintendent appoints 22 members of the Commission (most of which are laid out in the law) and may appoint others that he deems necessary.
- The Chair of the Commission shall be selected from among the membership of the Commission.
- A member of the State Board serves on the Commission.
- **The Commission shall submit a report with its recommendations by December 15, 2022.**

House Bill 660, cont'd

The Commission shall evaluate and make recommendations on:

1. methods for improving stakeholder input on the DORS programs and services;
2. methods for improving the relationship and communication between transition professionals working at DORS and DDA
3. methods for improving the amount of time it takes to provide vocational rehabilitation and transitional services;
4. methods for improving public-private partnerships to assist more DORS clients;
5. methods for improving accountability and transparency of DORS programs and services;
6. whether the eligibility criteria for DORS programs and services should be altered;
7. whether DORS should continue to be a division within MSDE or should be transferred to another State agency;
8. if the Commission determines that DORS should continue to be a division within MSDE, whether DORS should have a governing board separate from the State Board;
9. whether there are specific budgetary requests that could support the job training programs provided by DORS;
10. any other improvements to DORS programs and services the Commission considers appropriate.

House Bill 769 / Senate Bill 325 – Student Data Privacy – Protections, Digital Tools, and Student Data Privacy Council

The bill re-establishes the **Student Data Privacy Council**. MSDE provides staff for the Council and the State Superintendent (or his designee) serves as Chair. The State Superintendent appoints eight (8) individuals with specific expertise to the Council.

The Council shall report to the Governor and the General Assembly by December 1, 2025, on the following items:

1. best practices for student data privacy protection for parents and guardians of students in the State, including:
 1. the actions that should occur if an operator engages in prohibited activities
 2. the type of investigation that should be done if an operator is suspected of engaging in a prohibited activity
 3. the best remedies available to students and parents in case of an operator engaging in a prohibited activity
 4. any statutory or regulatory changes necessary to best effectuate these issues

House Bill 850 – Schools, PreK Programs, and County Board of Education - Discrimination

- **The bill prohibits public schools and schools that receive public funding from discriminating against students on the basis of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.**
- Each local board of education, public prekindergarten program and primary and secondary school, and nonpublic prekindergarten program and primary and secondary school that receives State funds must print a specific antidiscrimination statement in its student handbook.
- This prohibition does not apply to:
 - With respect to discrimination on the basis of sex, a prekindergarten program or school that limits, and continually since the time of its establishment has limited, admission to students of only one sex
 - With respect to discrimination on the basis of religion, a nonpublic prekindergarten program or nonpublic school that is affiliated with a religious institution that declines to instruct students in the tenets of a religion that is different from the religion with which the program or school is affiliated
 - With respect to discrimination on the basis of a disability, a nonpublic prekindergarten program or nonpublic school that is in compliance with §504 of the federal Rehabilitation Act of 1973 or the federal Americans with Disabilities Act, as applicable.
- **The State Board, in consultation with the Superintendent, shall adopt regulations to establish procedures for complaint processing, mediation, and enforcement.**

House Bill 1255 / Senate Bill 705 – Education – Physical Restraint and Seclusion – Limitations, Reporting, and Training

- This bill prohibits public agencies from using seclusion as a behavioral health intervention for a student. Nonpublic schools may not use seclusion as a behavioral health intervention with certain exceptions. The bill prohibits, with exceptions, a public agency or nonpublic school from using physical restraint on a student as a behavioral health intervention.
- If a student in a public school, or placed in a nonpublic school by the local school system, **is physically restrained or secluded 10 or more times in a school year, the school must notify the local school system and MSDE at the earliest opportunity.**
- The term “physical restraint” is redefined in statute, consistent with the definition in COMAR. The bill clarifies that “seclusion” does not include a behavior intervention plan of separating a student by placing the student into a non-locked room from which the student is allowed to leave or within a separate location in a classroom from which the student is not physically prevented from leaving.
- **Regulations shall be adopted to implement provisions of this legislation.**

Senate Bill 617 – Local School Systems – Equivalent Access Standards

- This bill requires each local school system to provide a student with disabilities access to digital tools that provide equivalent access to and are independently usable by the student and enables the student to acquire the same information, participate in the same interactions, and access the same services as a student without disabilities, with substantially equivalent ease of use.
- **The Secretary of Disabilities and the State Superintendent of Schools** must jointly ensure that specifications used in all grants and procurement contracts for digital tools (rather than technology-based instructional products under current law) require equivalent access for students with disabilities.
- **The State Board and local school systems** generally may not approve a contract that does not comply with equivalent access requirements. The State or local school system must prioritize the available product that best meets equivalent access standards with the greatest functionality for students with disabilities.

House Bill 1450 – Blueprint for Maryland’s Future – Implementation Plans and Funds - Alterations

- The bill clarifies that, beginning in FY23, 25% of the increase in the State share of major education aid over the amount provided in the prior fiscal year must be automatically withheld from a local school system for the next fiscal year.
 1. **For FY23, AIB must release withheld funds** if AIB finds that a local school system has met the minimum guidelines for the submission of its initial implementation plan.
 2. Beginning in FY24 and ending in FY25, AIB must release funds withheld under this provision each year if AIB finds that a local school system or public school has developed and received initial approval for its initial implementation plan for any subsequent modifications.
- By December 1, 2022, **MSDE must collect data necessary to implement the neighborhood poverty indicator methodology recommended by MSDE** to calculate compensatory education formula, and submit a report to the General Assembly, AIB and the Department of Budget and Management.

House Bill 1450 – cont’d

- The date by which AIB must adopt the Comprehensive Implementation Plan is delayed from February 15, 2022, to December 1, 2022.
- The date by which MSDE must develop criteria to be used to recommend approval or disapproval of local school system implementation plans and the release of certain funds is delayed to September 1, 2022.
- The date by which State and local units of government **must submit plans to AIB is delayed from June 15, 2022, to March 15, 2023.**
- The requirement for local boards, in collaboration with community colleges, to develop and implement a program of study for students who have not met the **College and Career Standard by the end of the tenth grade is delayed by a year to the 2023-2024 school year.**