



BOARD OF EDUCATION OF HOWARD COUNTY
MEETING AGENDA ITEM

TITLE: Legislative Report – 2020 General Assembly **DATE:** January 9, 2020

PRESENTER(S): Danielle Lueking, Legislative and Legal Affairs Officer

Strategic Call To Action Alignment: Operations and practices are responsive, transparent, fiscally responsible and accountable, with students at the heart of all decisions.

OVERVIEW:

Background Information: The Maryland General Assembly meets in Annapolis each year for 90 days to act on legislative measures including the state’s annual budget. The 441th session began on January 8, 2020, and will adjourn on April 6, 2020. The Board of Education of Howard County adopted its 2020 Legislative Platform on August 20, 2019.

Discussion: Bills identified as having a potential impact on the Howard County Public School System – for which advocacy by the Board of Education of Howard County through the development and adoption of position statements, testimony, and other outreach to the Howard County Delegation and/or Maryland General Assembly could affect the final outcome of the legislation – have been summarized in the attached Legislative Report. The Legislative Committee met on January 2, 2020 and recommends that the Board adopt the positions indicated in the attached. To read the language of the bill please click on the hyperlink under bill number or find more information as presented by the Maryland General Assembly/Howard County Delegation under the bill status link.

RECOMMENDATION/FUTURE DIRECTION:

The Legislative Committee recommends that the Board of Education approve the recommendations as noted.

<p>SUBMITTED BY: _____</p> <p>Danielle Lueking Legislative & Legal Affairs Officer</p> <p>_____</p> <p>Mark C. Blom, Esq. General Counsel</p>	<p>APPROVAL/CONCURRENCE: _____</p> <p>Kirsten Coombs Legislative Committee Chair</p> <p>_____</p> <p>Michael J. Martirano, Ed.D. Superintendent</p> <p>_____</p> <p>Karalee Turner-Little Deputy Superintendent</p>
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Proposed Local Bills for Position Consideration

Bill Number	Cross File	Title	Primary Sponsor(s)
Ho.Co. 1-20		Howard County – Board of Education – Redetermination of Geographic Attendance Areas	Senator Lam

Bill text can be found under link above

MGA Summary: FOR the purpose of requiring the Howard County Board of Education to annually calculate the program capacity of certain schools on or before a certain date; requiring the county board, if the student enrollment at the school is less than or greater than a certain percentage of utilization of the program capacity for that type of school, to either redetermine the geographic attendance area of a school on or before a certain date or to submit a certain report to the General Assembly and the Howard County Delegation to the General Assembly on or before a certain date; defining certain terms; and generally relating to the redetermination of geographic attendance areas of permanent school facilities in Howard County.

HCPSS Staff Analysis: Ho.Co. Bill 1-20 would put language currently defined in HCPSS policy into law, including program capacity and target utilization. References to Policy 6010 codified in State law would take away the Board’s ability to set such definitions and actions required within local policy in the future.

It also requires, beginning 2020-2021, that the Board annually calculate program capacity of each school by August 1, which is not currently done by HCPSS staff due to the timing and resources involved. Capacity changes occur with the location of teaching spaces, and therefore will provide no consistent reporting measures for planning purposes. A school’s program capacity goes up or down with how a principal uses the building (e.g., year 1 has 5 kindergarten classrooms; 3 fifth grade and year 2, 3 kindergarten classrooms; 5 fifth grade). By requiring a recalculation annually, staff would be unable to grapple with long-range planning, building additions or redistricting. This would be more feasible if performed on an as needed basis rather than annually, for example when additional capacity is gained or lost through additions, renovations, movement of regional programs, or the construction of new schools. Program capacity changes are reported in the annual HCPSS Feasibility Study.

Additionally, for any school where enrollment is outside 90-110% utilization, the bill requires the Board to either redistrict school attendance boundaries or submit a report to the Howard County Delegation indicating their plan to bring the school within target utilization.

Bill Status/More Information:

Bill is under consideration by the Howard County Delegation for introduction with the Maryland General Assembly. A local hearing was held November 19, 2019.

POSITION RECOMMENDED BY HCPSS STAFF: OPPOSE

POSITION RECOMMENDED BY LEGISLATIVE COMMITTEE: OPPOSE

Committee Comments: Should remain a matter of local control.

Bill Number	Cross File	Title	Primary Sponsor(s)
Ho.Co. 2-20		Howard County – Residential Property and New Home Construction Advertisements – School District Information	Delegate Ebersole

Bill text can be found under link above

MGA Summary: FOR the purpose of providing for the purpose of certain provisions of law; prohibiting a certain real estate broker, associate real estate broker, or real estate salesperson from including the name of a certain school district in an advertisement for the sale or rental of certain residential property in Howard County; providing that certain provisions of law do not prohibit a certain real estate broker, associate real estate broker, or real estate salesperson from including the name of a certain school district in a certain written communication; requiring the State Real Estate Commission to enforce certain provisions of law; prohibiting a registered home builder or a registered home builder sales representative from including the name of a certain school district in a certain advertisement for the construction of a new home in Howard County; providing that certain provisions of law do not prohibit including the name of a certain school district in a certain written communication; requiring the Home Builder and Home Builder Sales Representative Registration Unit to enforce certain provisions of law; defining a certain term; and generally relating to school district information in advertisements for residential property and new homes in Howard County.

HCPSS Staff Analysis: Ho.Co. Bill 2-20 prohibits a real estate agent from including a school district on an advertisement for residential property sales and new home construction in Howard County. Agents can still communicate this information to clients.

HCPSS has experienced negative feedback when advertisements impact the perception of attendance areas, which this bill would conceivably prevent. However, given the information can still be communicated in person, it is unclear to what extent it will prevent such issues.

Bill Status/More Information:

Bill is under consideration by the Howard County Delegation for introduction with the Maryland General Assembly. A local hearing was held November 19, 2019.

POSITION RECOMMENDED BY HCPSS STAFF: SUPPORT

POSITION RECOMMENDED BY LEGISLATIVE COMMITTEE: No Consensus Reached

Committee Comments: No position vs. Support

Bill Number	Cross File	Title	Primary Sponsor(s)
Ho.Co. 4-20		Howard County – School District Boundary Changes and Sales of Residential Real Property	Senator Lam

Bill text can be found under link above

MGA Summary: FOR the purpose of requiring a contract for the sale of single family residential real property in Howard County to contain a certain notice concerning school district boundary changes; authorizing a purchaser to rescind a certain contract within a certain period of time after receipt of a certain notice; entitling a purchaser to the

return of certain deposits under certain circumstances; providing for the application of certain provisions of this Act; and generally relating to notices of school district boundary changes in Howard County.

HCPSS Staff Analysis: Ho.Co. Bill 4-20 requires home sale contracts in Howard County to include a notification that school districts are subject to change.

This bill would ensure residents are notified of the potential for boundary adjustments when purchasing a home in Howard County, potentially preventing community perceptions when redistricting occurs that they will be unimpacted. To ensure this covers all residential property sales (including condos, multifamily, duplex, townhouse, two-over-twos, etc.) staff recommends “single-family” be removed (first 1 under A).

Bill Status/More Information:

Bill is under consideration by the Howard County Delegation for introduction with the Maryland General Assembly. A local hearing was held November 19, 2019.

POSITION RECOMMENDED BY HCPSS STAFF: SUPPORT W/AMENDMENT

POSITION RECOMMENDED BY LEGISLATIVE COMMITTEE: SUPPORT W/AMENDMENT



Bill Number	Cross File	Title	Primary Sponsor(s)
Ho.Co. 6-20		Howard County – Board of Education – Reporting on Demographics and Reduction of Academic Disparities	Delegate Hill

Bill text can be found under link above

MGA Summary: FOR the purpose of requiring the Howard County Board of Education, on or before a certain date each year, to submit a report to the Howard County Delegation to the General Assembly detailing certain demographic information on the students in each public school in the county; requiring the report, beginning with a report submitted on or before a certain date and every 2 years thereafter, to include recommendations on how the Howard County Delegation and the General Assembly could assist the county board in certain efforts to reduce academic disparities in public schools in the county and a description of certain actions taken and plans to reduce academic disparities in public schools in the county; and generally relating to reporting by the Howard County Board of Education.

HCPSS Staff Analysis: Ho.Co. Bill 6-20 proposes annual reporting by the Board related to student demographics and efforts to reduce academic disparities. Specifically, it will require a new report by January 1 starting in 2021 identifying student demographics disaggregated by English Learners and FARMs for each school. Every other year, this report must also include recommendations on how the Delegation and General Assembly could assist in efforts to reduce academic disparities among English Learners and FARMs students, including efforts taken on by the school system in the prior two years and plans for the upcoming two years.

HCPSS annually reports on reducing disparities among student groups including English Learners and FARMs students, including efforts taken on by the school system and plans for the coming years. This information is part of the ESSA Consolidated Plan and presented to the Board each fall – the most recent can be found under Focus Areas 1 and 2 at: <http://go.boarddocs.com/mabe/hcpssmd/Board.nsf/goto?open&id=BH8PA362FAD6>. The HCPSS Strategic Call to Action also annually includes outcomes and weaknesses for academic success.

Demographic and student services data is also provided annually via public sources such as MDReportCard. Due to the likelihood of small populations, a report specifically containing demographics by school disaggregated by English Learners and FARMs would be heavily suppressed. Parameters to define the report, such as date pulled for enrollment, FARMs, etc. would have to be determined.

Bill Status/More Information:

Bill is under consideration by the Howard County Delegation for introduction with the Maryland General Assembly. A local hearing was held November 19, 2019.

POSITION RECOMMENDED BY HCPSS STAFF: For Discussion

POSITION RECOMMENDED BY LEGISLATIVE COMMITTEE: OPPOSE

Committee Comments: Without more information about why this data is needed or how it would benefit the school system/students/stakeholders it is redundant of current reporting.

Bill Number	Cross File	Title	Primary Sponsor(s)
Ho.Co. 13-20		Howard County – Public School Program Capacity – School Board and Planning Commission	Delegate Atterbeary

Bill text can be found under link above

MGA Summary: FOR the purpose of requiring the Howard County Board of Education, beginning in a certain school year, to annually calculate the program capacity of each public primary and secondary school in the county and to prohibit a public primary or secondary school in the county from enrolling a number of students that is greater than a certain percentage of the school’s program capacity; authorizing the county planning commission in Howard County to reject a certain real estate project if a certain school in a certain area is projected to have student enrollment greater than a certain percentage of the school’s program capacity after the project is complete; defining a certain term; and generally relating to public school program capacity in Howard County.

HCPSS Staff Analysis: Ho.Co. Bill 13-20 would require annual calculation of program capacity, which is not currently done by HCPSS staff due to the timing and resources involved (see 1-20 above).

A portion of the bill allowing Howard County’s planning commission to reject proposed residential projects where capacity is projected to be greater than 115% would reduce capacity issues for the school system by stopping, rather than only delaying, those projects that currently are put on a waitlist per Howard County APFO.

Additionally, the bill would prohibit enrollment above 115% in any HCPSS school, potentially causing annual redistricting or bussing of students. It is unsure how HCPSS would implement if a school saw a spike in enrollment at the start of a school year as we are required to take in all students regardless of when they enroll. The bill also does not address what happens in a scenario where we run out of capacity county-wide.

Bill Status/More Information:

Bill is under consideration by the Howard County Delegation for introduction with the Maryland General Assembly. A local hearing was held November 19, 2019.

POSITION RECOMMENDED BY HCPSS STAFF: OPPOSE

POSITION RECOMMENDED BY LEGISLATIVE COMMITTEE: OPPOSE

Committee Comments: Should remain a matter of local control.

Bill Number	Cross File	Title	Primary Sponsor(s)
Ho.Co. 19-20		Howard County – Education – Report on Deferred Maintenance	Delegate Atterbeary

Bill text can be found under link above

MGA Summary: FOR the purpose of authorizing the County Council of Howard County to impose a certain excise tax; requiring the County Council of Howard County to specify the types of buildings subject to a certain excise tax; authorizing the County Council of Howard County to impose different tax rates on certain construction; requiring the excise tax to be deposited into a certain fund to be used only for a certain purpose; requiring the Howard County Board of Education to submit a certain report on or before a certain date to the County Council of Howard County, the Howard County Executive, and members of the Howard County Delegation to the General Assembly; requiring the County Council of Howard County and the Howard County Executive to submit a certain report on or before a certain date to the Howard County Delegation to the General Assembly addressing certain recommendations made by the Howard County Board of Education; providing for the termination of certain provisions of this Act; and generally relating to deferred maintenance in the Howard County Public School System.

HCPSS Staff Analysis: Ho.Co. Bill 19-20 authorizes the Howard County Council to impose a commercial building excise tax where revenues would be specifically used for school system deferred maintenance.

Under this bill, the Board would be required to submit a one-time report by October 2020 with plans to address deferred maintenance and any recommendations for the County Council regarding needed funds. The Council and County Executive would then be required to submit a one-time report to the Delegation by December 2020 on their plans to fund and address such needs.

Bill Status/More Information:

Bill is under consideration by the Howard County Delegation for introduction with the Maryland General Assembly. A local hearing was held November 19, 2019.

This bill was requested by the Board of Education to address a dedicated fund for deferred maintenance.

POSITION RECOMMENDED BY HCPSS STAFF: SUPPORT

POSITION RECOMMENDED BY LEGISLATIVE COMMITTEE: SUPPORT

Bill Number	Cross File	Title	Primary Sponsor(s)
Ho.Co. 22-20		Howard County – Public Campaign Financing – Board of Education	Senator Lam

Bill text can be found under link above

MGA Summary: FOR the purpose of authorizing the governing body of Howard County to establish, by law, a system of public campaign financing for elected members of the county board of education; making conforming changes; making a technical correction; and generally relating to public campaign financing in Howard County.

HCPSS Staff Analysis: Ho.Co. Bill 22-20 would allow Board of Education of Howard County members to access public campaign financing if developed by the county. Public campaign financing is a measure often used to diversify candidate pools for elected office as well lessen the influence of large/special interest donors.

Bill Status/More Information:

Bill is under consideration by the Howard County Delegation for introduction with the Maryland General Assembly. A local hearing was held November 19, 2019.

A similar state-wide bill was introduced in 2019 for all local boards of education, which was supported by the Board of Education of Howard County.

POSITION RECOMMENDED BY HCPSS STAFF: SUPPORT

POSITION RECOMMENDED BY LEGISLATIVE COMMITTEE: No Consensus Reached

Committee Comments: No position vs. Opposed

Bill Number	Cross File	Title	Primary Sponsor(s)
Ho.Co. 23-20		Howard County – Public Schools – Reporting of School Data	Delegate Feldmark

Bill text can be found under link above

MGA Summary: FOR the purpose of requiring each public school in Howard County, on or before a certain date each year, to submit a certain report to the Howard County Board of Education that contains certain student and teacher data; requiring each elementary school and each high school in the county to provide certain additional data; requiring a certain report to present certain data in a certain manner; requiring the county board, on or before a certain date each year, to submit a certain report to the State Board of Education, the Howard County Executive, the Howard County Council, and the Howard County Delegation to the General Assembly; and generally relating to reporting student and teacher data from public schools in Howard County.

HCPSS Staff Analysis: Ho.Co. Bill 23-20 proposes annual reporting by each school in Howard County to the Board of Education on September 1 that would include data from the proceeding year on items including: student attendance, AP and GT enrollment and staffing, teacher placement, teacher diversity, incidents of bias, hate, bullying, harassment or intimidation, pre-kindergarten participation, graduation rate, ACT and SAT participation and performance, and postsecondary outcomes. This information would then have to be reported to the State Board, County Executive, County Council and Delegation/General Assembly by December 1 of each year starting in 2021.

HCPSS annually reports much of the information requested in various reports to the Board of Education, such as the annual Human Resources report, the ACT and SAT report, the AP Participation and Performance report, HCPSS Budget measures, and through State required reports such as MDReportCard, Bullying, Harassment and Intimidation reports, etc. As the bill calls for all of the data to be disaggregated by demographics and services received by school, there is a likelihood of small populations and suppression. Parameters to define the report, such as definitions of “teacher,” program participation, and date pulled for enrollment, FARMs, etc. would have to be determined.

Bill Status/More Information:

Bill is under consideration by the Howard County Delegation for introduction with the Maryland General Assembly. A local hearing was held November 19, 2019.

POSITION RECOMMENDED BY HCPSS STAFF: For Discussion

POSITION RECOMMENDED BY LEGISLATIVE COMMITTEE: OPPOSE

Committee Comments: Without more information about why this data is needed or how it would benefit the school system/students/stakeholders it is redundant of current reporting.

Bill Number	Cross File	Title	Primary Sponsor(s)
Ho.Co. 26-20		Howard County – Transfer Tax – Rate Increase Authorization	Delegate Feldmark

Bill text can be found under link above

MGA Summary: FOR the purpose of authorizing the County Council of Howard County to increase the rate of the transfer tax to support certain public purposes; requiring the Director of Finance of Howard County to collect and distribute in certain amounts transfer tax proceeds attributable to an increase in the tax rate to certain special funds and to the county general fund to be used for certain purposes; making stylistic and technical changes; and generally relating to the transfer tax in Howard County.

HCPSS Staff Analysis: Ho.Co. Bill 26-20 allows the Howard County Council to increase the transfer tax rate, of which 25% of any increase would specifically be distributed to “The School Site Acquisition and Construction Fund.” The revenues from such an increase would be subject to the amount of the increase determined by the Council.

Bill Status/More Information:

Bill is under consideration by the Howard County Delegation for introduction with the Maryland General Assembly. A local hearing was held November 19, 2019.

POSITION RECOMMENDED BY HCPSS STAFF: SUPPORT

POSITION RECOMMENDED BY LEGISLATIVE COMMITTEE: SUPPORT W/AMENDMENTS

Committee Comments: Suggested amendments include an increase in the percent distributed to the school system to not less than 50%, as well as broadening the potential use of such funds to Howard County Public School System capital improvements (rather than specifically the School Site Acquisition and Construction Fund which can only be used for the purchase of school sites and the construction of school buildings) to give flexibility in meeting school system capital needs.

Proposed Statewide Bills for Position Consideration

Bill Number	Cross File	Title	Primary Sponsor(s)
HB0019		Education - Required Number of School Days or Hours	Delegate Adams

Bill text can be found under link above

MGA Summary: Altering the requirement that certain public schools be open for at least 180 days and a minimum of 1,080 hours during a 10-month period in each school year to require that the schools be open for at least 180 days or a minimum of 1,080 hours during a 10-month period in each school year; and providing that certain funding for schools may not be reduced if there are fewer than 1,080 school hours under certain circumstances.

HCPSS Analysis: HB0019, by allowing for 180 days OR 1,080 hours, would give flexibility in the way school systems account for instructional time. The current statutory requirement for schools to be open 180 days AND 1,080 hours limits our potential use of innovative school schedules. Whether we open schools for the minimum three hours, or conduct a full six-hour school day, both only count towards one day in our 180 requirement. Requiring schools to count hours instead of days would be a true reflection of overall time students are learning in the classroom and allow local school systems to determine how those hours are distributed – a practice 22 other states

allow by having either only hour minimums or giving districts the option to meet either day or hour minimums. Maryland is already at the top of the nation-wide range in instructional hours as one of six states that sets a minimum at 1,080 hours regardless of level, with only three other states having a minimum higher than 1,080 hours.

Bill Status/More Information:

<http://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0019?ys=2020RS>

A similar bill, HB1043 from 2019, was supported by the Board of Education of Howard County.

POSITION RECOMMENDED BY HCPSS STAFF: SUPPORT

POSITION RECOMMENDED BY LEGISLATIVE COMMITTEE: SUPPORT
