

MONTGOMERY COUNTY BOARD OF EDUCATION
Rockville, Maryland

March 24, 2022

MEMORANDUM

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

This memorandum provides information regarding proposed legislation that could impact Montgomery County Public Schools (MCPS). The listed bills have been analyzed to determine any impact on MCPS, as well as whether or not they are consistent with the legislative annual priorities (hereafter platform) adopted by the Board of Education (Board) on November 9, 2021. The attached document provides the recommended positions on the bills not directly covered by the platform that may require a position from the Board.

Each bill is listed below with a hyperlink to the bill text. To access the text online, right click each hyperlink (bill number).

Bills with Recommended Positions (Attachment)

[HB0495/SB0519](#) Education - Student-Organized Peaceful Demonstrations - Student Discipline and Policy (Support with Amendment)

[HB1268](#) Education - Reporting Arrests of Students – Alterations (Support with Amendment)

[HB1281](#) County Boards of Education - Elected Members - Recall Procedures (Oppose)

[HB1450](#) Blueprint for Maryland's Future - Implementation Plans and Fund – Alterations (Support)

[SB0773](#) Public Safety – Firearms Dealers – Storage Vaults for Regulated Firearms (Support)

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

Attachment

DMS:rlg

Recommended Positions on Proposed Legislation
3-24-22

HB0495 Education - Student-Organized Peaceful Demonstrations - Student Discipline
SB0519 Discipline and Policy

Sponsors Senator Washington
Delegates Ebersole, Feldmark, Hill, Luedtke, and Palakovich Carr

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

Synopsis

Prohibiting a public school from prohibiting a student from organizing or participating in a student-organized peaceful demonstration, imposing certain limits on a student's right to free speech while participating in a student-organized peaceful demonstration, or disciplining a student for organizing or participating in a student-organized peaceful demonstration under certain circumstances; requiring each county board to develop a written policy regarding student-organized peaceful demonstrations; etc.

Analysis

The position submitted in 2021 remains the same with the following addition: School administrators have expressed concern that having been notified that a student walkout is planned implies that they are responsible and potentially liable for the safety of students. High school principals request that the provision be framed as a family decision that does not include principal approval or notification.

Previous student walkouts have led school administrators to have concerns about the level of trust parents/guardians place in schools and the level of responsibility administrators assume for their students' safety. In 2017–2018, student walkouts to demonstrate their frustration with school shootings led to walking in streets or otherwise endangering student safety. Even though students and parents/guardians were specifically advised that such action was not permitted, condoned, or excused by MCPS, administrators still felt obligated to take measures to promote student safety during those events, such as notify law enforcement that traffic lanes might need to be blocked to ensure the safety of students walking in the street.

Position: Support with Amendment

Amendment Language: Frame the provision as a family decision that does not include principal approval or notification.

HB1268 Education - Reporting Arrests of Students - Alterations

Sponsor Delegate Long

Committee *Judiciary*

Synopsis

Requiring a law enforcement agency making an arrest of a student for a reportable offense or an offense related to the student's membership in a criminal organization to report the arrest to the Maryland Center for School Safety, the State Board of Education, and the State's Attorney; requiring the State's Attorney

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to notify the Maryland Center for School Safety and the State Board of the disposition of the offense; etc.

Analysis

House Bill 1268 for the most part maintains the core elements and notification requirements of the current Reportable Offense law - under the Maryland Code of Regulations, 13A.08.01.17 - School Use of Reportable Offenses. This bill maintains the integrity of the current law and adds additional notification of when students are arrested and disposition of the offense(s) to the Maryland Center for School Safety and State Board as well as reporting requirements. These entities are now involved in how the amended law will be carried out to include States Attorney' notification of the offense disposition.

Position: Support with Amendment

Amendment Language: Add School Safety Coordinators to the reporting loop for reportable offenses.

HB1281 County Boards of Education - Elected Members - Recall Procedures

Sponsors Delegates Rose, Boteler, Buckel, Chisholm, M. Fisher, Grammer, Hartman, Hornberger, Howard, Kipke, Kittleman, Mangione, McComas, McKay, Parrott, Pippy, Reilly, Saab, Shoemaker, Szeliga, and Thiam

Committee *Ways and Means*

Synopsis

Establishing processes and procedures for the recall of an elected member of a county board of education.

Analysis

The Board supports the full democratic process and understands the value of a recall option. However, this is a question better left to a referendum, decided by the same community of individuals who elect their representatives. During these very trying political times, Board members, like other elected officials, have become lightning rods for those unhappy with the handling of the Coronavirus. Allowing this process, without the community's support (as seen in a referendum) is premature and likely to encourage further political divide. For these reasons, the Board opposes this bill.

Position: Oppose

HB1450 Blueprint for Maryland's Future - Implementation Plans and Fund - Alterations

Sponsors Delegates McIntosh, Atterbeary, B. Barnes, and Washington

Committee *Appropriations*

Synopsis

Altering certain dates for the development, adoption, and submission of plans to implement the Blueprint for Maryland's Future; altering the date by which criteria to evaluate certain implementation plans must

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be developed; altering the distribution of certain sales and use tax revenues to the Blueprint for Maryland's Future Fund; and authorizing certain entities or programs to retain the unspent portion of a certain appropriation for Fiscal Year 2022.

Analysis

This bill will allow for an adjustment of the timeline (allow more time) for the submission of criteria for evaluating certain aspects of the Blueprint for Maryland's Future (Blueprint) by the Accountability and Implementation Board (AIB), allow state gaming and tax revenue to fund the AIB, and ensure a small appropriation for a statewide Food Waste Reduction Initiative. The bill will allow local education associations and other agencies to carry over any unspent Blueprint Funds from Fiscal Year (FY) 2022 to be spent in FY 2023. The exact amount that could carry over into FY 2023 is unknown. There does not appear to be any potential negative fiscal impact on MCPS if this bill passes.

Position: Support

SB0773 Public Safety – Firearms Dealers – Storage Vaults for Regulated Firearms

Sponsor Senator Carter

Committee *Judicial Proceedings*

Synopsis

Requiring an applicant for a regulated firearms dealer's license to provide evidence satisfactory to the Secretary of State Police that the applicant's proposed place of business has a certain vault to store all regulated firearms to be offered for sale; requiring a licensee to store all regulated firearms for sale in a certain vault when the licensee's place of business is closed; and requiring certain licensees to comply with the storage requirement on or before July 1, 2023.

Analysis

Senate Bill 0773 requires regulated firearms dealer's license to prove their place of business has a certain storage vault to store all regulated firearms for sale. This bill will increase the security of these types of firearms which are now being required to be stored in a certain vault, and this will minimize these firearms from being stolen and sold in the community.

In addition, this is a community safety bill that will save lives in the community as firearms, if not properly secured by a dealer in a required vault could end up in the hands of unauthorized persons who may use them in a crime of violence.

Although the Board does not usually weigh in on gun legislation, due to the current events and increase in student access to guns, the Board supports this bill under the pretenses of keeping all students safe.

Position: Support