

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

House Bill 1386
 Ways and Means

(Delegate Atterbeary, *et al.*)

Education, Energy, and the Environment

Education - School Employee Antibias Training - Requirements

This bill requires the Maryland State Department of Education (MSDE), in consultation with the Professional Standards and Teacher Education Board, to develop guidelines, as specified, for an antibias training program for school employees. Each local board of education, in consultation with teachers and other public school employees, must develop (or update) its training based on (or incorporating) the guidelines. Every other year, each local board of education must train each public school employee whose job duties include frequent interactions with students using its antibias training, as specified. Similarly, a nonpublic school that participates in State-funded education programs *should* develop antibias training, as specified. Every other year, each nonpublic school that develops an antibias training program must train each nonpublic school employee whose job duties include frequent interaction with students using its antibias training. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: General fund expenditures increase by \$100,000, likely incurred in FY 2025, to develop the antibias training program for school employees. Revenues are not affected.

| (in dollars) | FY 2025 | FY 2026 | FY 2027 | FY 2028 | FY 2029 |
|----------------|-------------|---------|---------|---------|---------|
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| GF Expenditure | 100,000 | 0 | 0 | 0 | 0 |
| Net Effect | (\$100,000) | \$0 | \$0 | \$0 | \$0 |

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local school system expenditures increase, likely minimally, to develop the training and provide the required training to specified staff every other year. Revenues are not affected. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Bill Summary:

Antibias Guidelines

The guidelines developed must include specified elements, including (1) raising awareness of biases, prejudices, intolerances, and discrimination faced by African Americans, Native Americans, Asian Americans and Pacific Islanders, Hispanic Americans, and other historically marginalized racial and ethnic minorities and (2) combating prejudices faced by historically marginalized religious minorities, including antisemitism and Islamophobia. In developing the guidelines, MSDE must incorporate lessons learned from real-life incidents of discriminatory bullying, harassment, or intimidation reported in accordance with the bullying, harassment, or intimidation policies required by law. MSDE periodically must update the guidelines.

Public School Antibias Training

Each local board of education must, in consultation with teachers and other public school employees, develop an antibias training based on the guidelines developed. If the local board has an antibias training in place before MSDE issues its guidelines, the local board must, in consultation with teachers and other public school employees, update its training to incorporate the practices identified in the guidelines.

Antibias training must be job-embedded, paid professional development training that is provided during nonteaching time. To the extent practicable, the training must (1) be offered in a peer-to-peer setting; (2) take a half day or less to complete; and (3) incorporate lessons learned from incidents of bullying, harassment, or intimidation in the county, as reported.

Nonpublic School Antibias Training

The bill establishes the policy of the State that a nonpublic school that participates in State-funded education programs *should* develop antibias training in accordance with the bill. Accordingly, each nonpublic school that participates in State-funded education programs may, in consultation with teachers and other school employees, develop an antibias training based on the guidelines. If the nonpublic school has an antibias training in place before the department issues its guidelines, the nonpublic school may, in consultation with teachers and other school employees, update its training to incorporate the practices identified in the guidelines.

To the extent practicable, the training must (1) be offered in a peer-to-peer setting; (2) take a half day or less to complete; and (3) incorporate lessons learned from incidents of bullying, harassment, or intimidation in the county, as reported.

Current Law: MSDE must require a local board of education to report incidents of bullying, harassment, or intimidation against students attending a public school in its jurisdiction. An incident of bullying, harassment, or intimidation may be reported by (1) a student; (2) the parent, guardian, or close adult relative of a student; or (3) a school staff member.

Chapter 489 of 2008 required the State Board of Education to develop a model policy that prohibits bullying, harassment, and intimidation in schools. Using the model policy, local boards of education were required to develop policies for the public schools under their jurisdiction. A public school employee who reports an act of bullying, harassment, or intimidation in accordance with the local board of education's policy is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation.

Chapters 486 and 487 of 2011 required nonpublic schools that participate in State-funded education programs to adopt a policy prohibiting bullying, harassment, and intimidation. Nonpublic schools are also encouraged to develop educational bullying prevention programs for students, staff, volunteers, and parents and staff development programs to train teachers and administrators to implement the policies. An employee of a nonpublic school who reports an act of bullying, harassment, or intimidation in accordance with a nonpublic school's policy is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation in accordance with the policy.

State Expenditures: MSDE general fund expenditures increase by approximately \$100,000 in fiscal 2025 to hire a consultant to develop guidelines for an antibias program for school employees. MSDE advises that it does not have staff expertise or capacity to develop the training as required by the bill. Although there is no deadline for MSDE to complete the guidelines, it is assumed for the purposes of this estimate that the guidelines are completed in fiscal 2025. To the extent that the guidelines take longer to complete, expenditures increase in out-years. However, it is assumed that general fund expenditures total, at most, approximately \$100,000. It is also assumed that MSDE can oversee the development of the guidelines by the consultant and periodically update them using existing resources.

Local Expenditures: Local school system expenditures increase, likely minimally, to develop and provide the required training to specified staff every other year in the manner specified in the bill. St. Mary's County Public Schools anticipates no significant fiscal impact. Costs may be absorbable by most local school systems to the extent they can

incorporate the training into existing professional development schedules. However, some school systems incur additional costs due to the requirement for the training to be paid.

Additional Comments: Nonpublic schools that receive State funding should develop and provide specified employees with antibias training every other year.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore City Community College; University System of Maryland; Morgan State University; Maryland State Department of Education; Maryland Higher Education Commission; Maryland Independent College and University Association; St. Mary's County Public Schools; Anne Arundel County Public Schools; Montgomery County Public Schools; Prince George's County Public Schools; Frederick County Public Schools; Department of Legislative Services

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