

Department of Legislative Services
 Maryland General Assembly
 2022 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 678 (Delegate Guyton)
 Ways and Means

Education - Fine Arts - Curriculum Requirement, Study, and Report (Arts
 Equity in Education Act)

This bill requires, beginning in the 2022-2023 school year, each public school to provide an instructional program in fine art that includes specified elements. For fiscal 2024 through 2026, the Governor must include in the annual budget bill \$25 million to implement the bill’s requirements. For fiscal 2027 and beyond, the Governor must include an amount sufficient to implement the bill’s requirements. By July 31, 2023, the Maryland State Department of Education (MSDE) must submit findings and recommendations with regard to the implementation of the Code of Maryland Regulations (COMAR) 13A.04.16.01, which sets fine arts requirements for public schools. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: For FY 2024 through 2026, general fund expenditures increase by \$25 million annually. Beginning in FY 2027, general fund expenditures increase to implement the bill, at the discretion of the Governor. Revenues are not affected. **This bill establishes a mandated appropriation for FY 2024 through 2026.**

(\$ in millions)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	25.0	25.0	25.0	25.0
Net Effect	\$0.0	(\$25.0)	(\$25.0)	(\$25.0)	(\$25.0)

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

Local Effect: State aid to local school systems increases by a total of \$25 million annually for FY 2024 through 2026; however, the bill does not specify a distribution method. Beginning in FY 2027, State aid to implement the bill is at the Governor’s discretion. Local school system expenditures increase in correspondence to State aid; however, expenditures for some local school systems may exceed State aid, as discussed below. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: At a minimum, the fine arts instructional program must include dance, arts, music, theater, and visual art. For elementary schools, the instructional program must be experience-based. The fine arts courses must be of high quality and meet or exceed the curriculum standards and requirements in effect on July 1, 2022.

Funds provided under the bill must be supplemental to, and may not supplant, funds otherwise appropriated to public schools in the State budget.

It is the intent of the General Assembly that the bill be applied and interpreted as codifying a statewide minimum standard for instructional programming in fine arts in accordance with the requirements of COMAR 13A.04.16.01.

With respect to COMAR 13A.04.16.01, MSDE must:

- evaluate whether each local school system is in compliance with the requirements of the regulation as specified;
- if a local school system is not in compliance with regulations, identify the reason, if any, for noncompliance, and if the noncompliance is due to a lack of funding, the amount of funding needed to ensure compliance; and
- make recommendations to improve compliance with the regulation, including any statutory or regulatory changes and any funding necessary.

Current Law: The Blueprint for Maryland's Future and the College and Career Ready (CCR) standard are not intended to alter the need for high-quality programs and content in fine arts, physical education, and other areas that are necessary to provide a holistic education and enable every student to be well-rounded and meet the CCR standard.

COMAR 13A.04.16.01-3a

Each local school system must provide (1) an instructional program in fine arts each year for all students in prekindergarten through grade 8 and (2) an instructional program that enables all students in grades 9 through 12 to meet graduation requirements, and select from among fine arts elective courses of dance, media arts, music, theater, and visual art that will prepare them for postsecondary education and careers. Within the prekindergarten to grade 5 span, students must have experiences in the fine art forms of dance, media arts,

music, theatre, and visual art. Within grades 6 through 8, students may specialize in one or more of the fine art forms of dance, media arts, music, theatre, and visual art.

The school system must allot dedicated time in the instructional program aligned to the [content standards](#) in regulations and must adhere to the Universal Design for Learning principles to maximize learning opportunities for all diverse learners, as specified.

Students must demonstrate specified abilities including (1) generating and conceptualizing artist ideas and (2) relating artistic ideas and works with societal, cultural, and historical context to deepen understanding.

Each local school system must use fine arts curriculum documents in each of the fine arts disciplines for the elementary and secondary schools under its jurisdiction that (1) include the content standard specified in regulations and (2) align with the Maryland State Standards for the Fine Arts as developed by MSDE in collaboration with local school systems and in alignment with the National Core Arts Standards.

Each student must participate in the fine arts instructional programs.

Beginning September 1, 2019, and every five years after that, each local superintendent of schools must certify to the State Superintendent of Schools that the instructional programming within grades prekindergarten through 12 meets, at a minimum, the requirements set forth in COMAR 13A.04.16.01. Each local school system must report annually their goals, objectives, and strategies regarding the implementation of fine arts instructional programming and methods for measuring progress.

These regulations were adopted effective November 23, 2017.

State/Local Fiscal Effect: General fund expenditures increase by \$25 million annually for fiscal 2024 through 2026 due to the mandated appropriation. For fiscal 2027 and beyond, the Governor must include an amount sufficient to implement the requirements of the bill. However, since that is not an amount that can be specifically calculated, any funding for fiscal 2027 is at the discretion of the Governor. Mandated funding must clearly prescribe a dollar amount or an objective basis from which a level of funding can easily be computed. This analysis assumes that the \$25 million funding level is maintained beginning in fiscal 2027.

State aid to local school systems increases by a corresponding amount. However, the bill does not specify a method to distribute the funding to local school systems. *For illustrative purposes*, it is assumed that the State aid is distributed on a per student basis as shown in **Exhibit 1**. Using this assumption, local school systems receive approximately \$28 per student. This is based on there being 881,074 public school students enrolled in local school

systems and a total appropriation of \$25 million. This estimate does not include any additional funding for the SEED school.

St. Mary's County Public Schools advises that it is currently in full compliance with COMAR 13A.04.16.01 as is required under current law.

Despite school systems being required to comply with the requirements of COMAR 13A.04.16.01, at least three school systems (Baltimore City Public Schools, Baltimore County Public Schools, and Prince George's County Public Schools) advise that they are not in full compliance with the regulation due to lack of funding. Baltimore City Public Schools and Prince George's County Public Schools advise that additional teachers are required to implement the requirements of the bill at a cost of \$63.6 million and \$28.7 million, respectively. Other school systems either were not contacted for this analysis or did not respond to a request for information, so additional school systems may also be out of compliance. Thus, it is unclear if the mandated general funds are sufficient for local school systems to meet the requirements of the bill, requiring an increase in local school system expenditures for those not currently in compliance.

Exhibit 1
For Illustrative Purposes
Estimated Funding Distribution of \$25 Million Based on a Per Student Basis
2021-2022 Public School Enrollment

Local School System	Enrollment	Estimated Funding
Allegany	8,132	\$230,741
Anne Arundel	83,163	2,359,705
Baltimore City	77,807	2,207,732
Baltimore	111,139	3,153,509
Calvert	15,407	437,165
Caroline	5,551	157,507
Carroll	25,054	710,894
Cecil	14,780	419,375
Charles	26,875	762,564
Dorchester	4,573	129,756
Frederick	45,220	1,283,093
Garrett	3,502	99,367
Harford	37,920	1,075,960
Howard	57,325	1,626,566
Kent	1,786	50,677
Montgomery	158,231	4,489,719
Prince George's	128,777	3,653,978
Queen Anne's	7,440	211,106
St. Mary's	17,480	495,986
Somerset	2,741	77,774
Talbot	4,533	128,621
Washington	22,171	629,090
Wicomico	14,664	416,083
Worcester	6,803	193,031
Statewide	881,074	\$25,000,000

Note: The bill does not specify a distribution method for the \$25 million. This exhibit is for *illustrative purposes only* based on distributing the funding based on enrollment. Actual distribution would depend on the method chosen to distribute the funds.

Source: Maryland State Department of Education, Department of Legislative Services

It is assumed that MSDE can complete the required report on the implementation of COMAR 13A.04.16.01, which sets fine arts requirements, using existing resources. However, resources may be temporarily diverted from existing tasks.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Baltimore City Public Schools; Baltimore County Public Schools; Prince George's County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

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