

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 995 (Senator Montgomery)
Education, Health, and Environmental Affairs

Teaching Techniques - Students with Special Needs and Limited English Proficiency

This bill requires the Maryland State Department of Education (MSDE) to ensure that each teacher certified in the State for instruction of students enrolled in pre-kindergarten through twelfth grade (preK-12), regardless of the teacher's area of certification, receive adequate instruction in techniques for teaching students with special needs and students with limited English proficiency, and in appropriate behavior interventions. This applies to teachers that are newly certified on or after July 1, 2015, and to all certified teachers beginning July 1, 2017. The required instruction may be provided through the teacher preparatory program, supplemental coursework, or professional development. MSDE must adopt regulations to implement the bill.

Fiscal Summary

State Effect: MSDE can promulgate the required regulations using existing resources.

Local Effect: If a local school system chooses to develop and offer professional development materials on the required topics, local expenditures may increase minimally.

Small Business Effect: None.

Analysis

Current Law: Teachers, specialists, and administrators in Maryland public schools and in approved schools operated by State agencies must hold a valid certificate appropriate to the field of employment. Certain nonpublic school personnel employed in special

education facilities must also hold a valid certificate appropriate to the field of employment.

Certification may be obtained in one of the following ways:

- successfully completing a college or university State-approved educator preparation program;
- holding a valid, out-of-state professional certificate and submitting verification of three years of full-time satisfactory professional experience;
- meeting transcript analysis requirements; or
- completing a Resident Teacher Certification (RTC) program.

RTC is Maryland's alternative route to teacher certification in Maryland. An RTC applicant must (1) have a bachelor's degree with a concentration in an area appropriate for the teaching assignment; (2) have earned grades of B or better in the major area of study; (3) present qualifying scores on teacher certification tests; and (4) have completed a minimum of 135 clock hours of study in a resident teacher program developed according to MSDE guidelines. Additional clock hours of study, the completion of a residency with supervision by a supervising teacher or mentor, and satisfactory teaching performance qualify a resident teacher for a standard professional certificate.

In addition, a local school system may request that MSDE grant an individual a conditional teacher certificate if the school system is unable to fill a position with a qualified person who holds a professional certification.

Regular professional certificates are valid for five years, while RTC and conditional teacher certificates are only valid for two years and cannot be renewed.

The State and local school systems must make free appropriate public education available to students with disabilities from birth through age 20. The federal Individuals with Disabilities Education Act requires local school systems to identify and evaluate all children in the district who are in need of special education and related services (including children with learning disabilities) and to make special education services available to students in public and private schools.

Code Of Maryland Regulations defines a student as being "Non-English or limited-English proficient," as a student who (1) was born outside the United States or whose native language is not English; (2) comes from an environment where a language other than English is dominant; or (3) is an American Indian or Alaskan Native and comes from an environment where a language other than English has had a significant impact on the student's level of English language proficiency. A local school system must establish a program for students who have been identified as "Non-English or limited-English proficient."

Background: According to recent preK-12 school enrollments, approximately 12% of students in the State qualify for special education services (**Exhibit 1**) and approximately 7% of students are classified as having limited English proficiency (**Exhibit 2**). Appropriate behavior interventions, such as Positive Behavior Interventions Support, can be used to improve classroom management and discipline for all students, but in particular those with special needs.

Local Expenditures: Depending on the regulations MSDE develops, local school system expenditures may increase minimally to develop and/or offer professional development on the required topics. One county advises that each additional day of staff development costs approximately \$1.0 million. However, due to the flexibility of methods for teachers to receive the additional instruction under the bill, it is assumed that local school systems are not specifically required to develop or offer professional development on the required topics. In addition, new teachers are not required to receive training until the 2015-2016 school year, and all teachers are not required to receive the training until the 2017-2018 school year. The extended timeline may allow local school systems who choose to offer professional development on the required material to incorporate it into their current professional development offerings.

Additional Comments: Depending on the regulations developed by MSDE and the particular teacher preparatory programs and professional development opportunities available, some teachers may need to take supplemental coursework at their own expense and on their own time to meet the requirement. In addition, institutions of higher education may decide to develop coursework that covers these topics, or offer more sections of coursework that cover the required topics to meet demand.

Additional Information

Prior Introductions: None.

Cross File: HB 661 (Delegate Luedtke, *et al.*) - Ways and Means.

Information Source(s): Maryland State Department of Education, Charles County, Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2013
ncs/rhh

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Exhibit 1
Students Receiving Special Education Services
Fiscal 2013 and 2014

<u>County</u>	<u>Fiscal 2013</u>	<u>Fiscal 2014</u>	<u>Percent Difference</u>	<u>Special Education Students as Percent of Total Enrollment</u>	<u>Change in Special Education Students</u>		
Allegany	1,344	1,284	-4.5%	1. Baltimore City	18.0%	1. Worcester	7.1%
Anne Arundel	7,945	7,937	-0.1%	2. Somerset	16.2%	2. Cecil	4.9%
Baltimore City	14,232	14,275	0.3%	3. Allegany	15.3%	3. Queen Anne's	1.9%
Baltimore	13,573	13,726	1.1%	4. Cecil	14.1%	4. Dorchester	1.8%
Calvert	1,558	1,509	-3.1%	5. Harford	14.0%	5. Charles	1.7%
Caroline	589	583	-1.0%	6. Queen Anne's	13.4%	6. Baltimore	1.1%
Carroll	3,251	3,163	-2.7%	7. Worcester	13.4%	7. Prince George's	0.6%
Cecil	2,011	2,110	4.9%	8. Baltimore	13.3%	8. Wicomico	0.5%
Charles	2,482	2,524	1.7%	9. Wicomico	12.7%	9. Somerset	0.5%
Dorchester	433	441	1.8%	10. Kent	12.3%	10. Baltimore City	0.3%
Frederick	4,357	4,287	-1.6%	11. Prince George's	12.2%	11. Anne Arundel	-0.1%
Garrett	481	432	-10.2%	12. Montgomery	12.0%	12. Montgomery	-0.1%
Harford	5,292	5,210	-1.5%	13. Carroll	12.0%	13. Talbot	-0.3%
Howard	4,638	4,602	-0.8%	14. Caroline	11.2%	14. Howard	-0.8%
Kent	273	247	-9.5%	15. Garrett	11.0%	15. Caroline	-1.0%
Montgomery	17,445	17,419	-0.1%	16. Frederick	10.9%	16. Harford	-1.5%
Prince George's	14,327	14,409	0.6%	17. Anne Arundel	10.5%	17. Frederick	-1.6%
Queen Anne's	987	1,006	1.9%	18. St. Mary's	10.4%	18. Washington	-2.3%
St. Mary's	1,827	1,740	-4.8%	19. Washington	10.0%	19. Carroll	-2.7%
Somerset	439	441	0.5%	20. Dorchester	9.9%	20. Calvert	-3.1%
Talbot	382	381	-0.3%	21. Charles	9.8%	21. Allegany	-4.5%
Washington	2,250	2,199	-2.3%	22. Calvert	9.5%	22. St. Mary's	-4.8%
Wicomico	1,753	1,761	0.5%	23. Howard	9.0%	23. Kent	-9.5%
Worcester	780	835	7.1%	24. Talbot	8.9%	24. Garrett	-10.2%
Total	102,649	102,521	-0.1%	Statewide	12.4%	Statewide	-0.1%

Exhibit 2
Students Identified as Limited English Proficient

County	Fiscal 2013	Fiscal 2014	Percent Difference	LEP Students as Percent of Total Enrollment		Change in LEP Students		
Allegany	18	24	33.3%	1.	Montgomery	14.7%	1. Garrett	100.0%
Anne Arundel	3,024	3,209	6.1%	2.	Prince George's	14.1%	2. Dorchester	45.6%
Baltimore City	2,499	3,043	21.8%	3.	Talbot	5.7%	3. Allegany	33.3%
Baltimore	3,627	4,092	12.8%	4.	Caroline	4.6%	4. Somerset	30.0%
Calvert	138	157	13.8%	5.	Anne Arundel	4.3%	5. Baltimore City	21.8%
Caroline	220	241	9.5%	6.	Howard	4.2%	6. Talbot	20.2%
Carroll	172	205	19.2%	7.	Frederick	4.1%	7. St. Mary's	19.9%
Cecil	154	148	-3.9%	8.	Baltimore	4.0%	8. Carroll	19.2%
Charles	193	220	14.0%	9.	Wicomico	3.9%	9. Charles	14.0%
Dorchester	68	99	45.6%	10.	Baltimore City	3.8%	10. Calvert	13.8%
Frederick	1,593	1,629	2.3%	11.	Kent	3.7%	11. Queen Anne's	13.2%
Garrett	1	2	100.0%	12.	Somerset	3.3%	12. Baltimore	12.8%
Harford	393	400	1.8%	13.	Worcester	2.4%	13. Wicomico	12.5%
Howard	2,223	2,159	-2.9%	14.	Dorchester	2.2%	14. Prince George's	10.0%
Kent	77	75	-2.6%	15.	Queen Anne's	1.9%	15. Caroline	9.5%
Montgomery	20,581	21,367	3.8%	16.	Washington	1.6%	16. Worcester	9.4%
Prince George's	15,099	16,604	10.0%	17.	Harford	1.1%	17. Anne Arundel	6.1%
Queen Anne's	129	146	13.2%	18.	Calvert	1.0%	18. Montgomery	3.8%
St. Mary's	136	163	19.9%	19.	Cecil	1.0%	19. Frederick	2.3%
Somerset	70	91	30.0%	20.	St. Mary's	1.0%	20. Harford	1.8%
Talbot	203	244	20.2%	21.	Charles	0.9%	21. Washington	-0.6%
Washington	357	355	-0.6%	22.	Carroll	0.8%	22. Kent	-2.6%
Wicomico	487	548	12.5%	23.	Allegany	0.3%	23. Howard	-2.9%
Worcester	138	151	9.4%	24.	Garrett	0.1%	24. Cecil	-3.9%
Total	51,600	55,372	7.3%		Statewide	6.7%	Statewide	7.3%

LEP = Limited English Proficient