

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1311  
Ways and Means

(Delegate Krebs)

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Education - Individual Reading Improvement Plans - Requirements

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This bill requires each local board of education to develop an individual reading improvement plan for each kindergarten through third grade public school student who has a reading deficiency, to ensure that the student can read at or above grade level by the end of third grade, beginning in the 2019-2020 school year. Reading deficiency is determined by a local or statewide screening assessment administered within the first 30 days of the school year. If a student is determined to have a reading deficiency (1) the school must send a specified written notice to the parent within 15 days of the determination and (2) a plan must be developed within 30 days of the determination. A local board may provide a summer reading camp.

Beginning in the 2019-2020 school year, all third grade students must demonstrate proficient reading skills before promotion to the fourth grade, unless an exemption is granted per specified conditions. A local board of education must establish an intensive acceleration class for any student with a reading deficiency retained in third grade who was also previously retained in kindergarten, or first or second grade. Local boards of education must annually report to the Maryland State Department of Education (MSDE), and MSDE must annually report to the Governor and the General Assembly. **The bill takes effect July 1, 2018.**

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Fiscal Summary

**State Effect:** MSDE can implement the bill using existing resources. General fund expenditures for teachers' retirement increase by an indeterminate but substantial amount, beginning in FY 2022.

**Local Effect:** Beginning in FY 2020, local school system expenditures increase statewide to hire additional teachers and other professionals for elementary schools. Local retirement

expenditures increase accordingly by FY 2022. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** The reading improvement plan is developed by a student's parent, teacher, principal, and school personnel. The local board of education must review each plan developed for a student with a reading deficiency retained in third grade to determine whether additional supports and services are needed for the student. If the review shows that additional supports are necessary, the local board must add specified components to the student's plan, as needed. The intensive acceleration class must include the supports and services identified in the review, a reduced teacher-student ratio, and explicit and systematic reading instruction and intervention for the majority of student contact time each day.

A local board of education may provide a summer reading camp to correct students' identified areas of reading deficiency to (1) third grade students scoring at or below the lowest achievement level on the third grade statewide reading assessment and/or (2) to students with a reading deficiency in first grade and second grade. A summer reading camp must be staffed with highly effective reading teachers and must include 70 hours of instructional time in reading.

If a student with a reading deficiency is retained in the third grade, the school must provide the student with specific reading intervention services. A local board may, on recommendation of the teacher and school principal, exempt a student with a reading deficiency from mandatory grade retention. An exemption may be granted only to (1) an English language learner who has received less than two years of instruction in the English Language Learner program or (2) a special education student with an individualized education program that indicates:

- participation in the statewide reading assessment is not appropriate; or
- the student has received intensive reading intervention for more than two years but still demonstrates a reading deficiency and was not promoted in a previous school year.

A student who is promoted to fourth grade via an exemption must continue to receive intensive reading intervention services that include specific reading strategies described in the student's individual reading improvement plan.

**Current Law:** In consultation with the State Superintendent of Schools, the State Board of Education must develop and periodically update an overall plan that must identify, in part, the methods to improve the diagnosis of basic reading skill deficiencies of elementary and secondary school students and to improve the literacy rates of these students.

The State board must require a minimum level of reading ability for each grade 2 through 12 student that rises for each succeeding grade. If a county board, based on local assessment of student progress and in conjunction with the Maryland education accountability program, finds that a student in grade 3, 7, or 9 through 11 who is not moderately, severely, or profoundly intellectually limited has not met either a minimum grade level competency or the minimum reading level as required by the State board for the previous grade, the student must be kept in the current grade or enrolled in an appropriate reading-assistance program as part of the student's instructional program. Such a finding may not be the sole reason for withholding grade advancement more than once in grades 2 through 7.

The State board and the State Superintendent must assist each county board to establish educational goals and objectives that conform with statewide educational objectives for subject areas including reading, writing, mathematics, science, and social studies. With the assistance of its county board, each public school must survey current student achievement in reading, language, mathematics, science, social studies, and other areas to assess its needs. The State board and the State Superintendent must implement assessment programs in reading, language, mathematics, science, and social studies that include written responses.

State regulations specify the qualifications necessary for certification as a reading teacher and as a reading specialist. Also per State regulations, the determination that a student is a student with a disability must not be made if the determining factor is (1) the lack of appropriate instruction in reading, including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency and oral reading skill, and reading comprehension strategies; (2) a lack of instruction in math; or (3) limited English proficiency.

**Background:** The National Conference of State Legislatures (NCSL) suggests that literacy by grade 3 has been found to be important because “this marks the time when the focus is placed on *reading to learn* instead of *learning to read*.” Research has found a significant positive relationship between early literacy and graduation rates. This includes research by the Annie E. Casey Foundation which found that students who were not proficient in reading by the end of grade 3 were four times more likely to drop out of high school than proficient readers.

According to the NCSL, as many as 16 states plus Washington, D.C., require retention for students not reading at proficiency by the end of grade 3, of which 14 allow for exemptions. These exemptions typically involve one or more of the following: limited English proficient students with limited years in an English language acquisition program; special education students; participating in an intervention; parent, principal, or teacher recommendations; previous retention; demonstrating proficiency through a portfolio (student work demonstrating mastery of academic standards in reading); or passing an approved alternative reading assessment.

NCSL suggests that while some argue that retention can be damaging to a student socially and increase the chances of later dropout, others argue that “social promotion” of a student who is not at grade level to maintain their social development can be just as harmful. States must consider the cost of remediation for students that are socially promoted as well as the costs of retaining students for an extra year of schooling.

MSDE advises that Maryland has received \$45 million over three years through the Federal Striving Readers Comprehensive Literacy Grant, which addresses plans for students with reading deficiencies birth to grade 12. According to the Maryland Report Card, in 2017 14,531 (or 21.1%) of 68,779 grade 3 students did not meet expectations in the English/Language Arts Partnership for Assessment of Readiness for College and Career (PARCC) assessment. An additional 11,851 (or 17.2%) partially met expectations on the assessment.

**State Expenditures:** Many requirements of the bill, including assessments, retention of students, and reduced teacher-student ratios in intensive acceleration class will add to public school teacher workloads and local school systems will require additional staff. This will increase local school system salary bases statewide. Teachers’ retirement costs are paid primarily by the State based on local school system salaries from the second prior fiscal year. If additional teachers are hired to teach reading beginning in fiscal 2020, teachers’ retirement costs will increase beginning in fiscal 2022.

**Local Expenditures:** For the staffing reasons noted above, local school system expenditures increase substantially, beginning in fiscal 2020. Anne Arundel Public Schools advises that it can develop the individual reading improvement plans with existing staff and resources, but would require an estimated 25 additional teachers at a cost of approximately \$1.9 million annually given the need for intensive acceleration classes with low teacher-student ratios. Frederick County Public Schools advises that the bill necessitates hiring of a reading case manager at each of its 38 elementary schools to screen students for reading difficulties, plan research based intervention programs, communicate with parents, monitor progress, and plan student academic program needs at a total annual cost of \$2.9 million at full implementation. Montgomery County Public Schools, which operates 134 elementary schools, advises that reduced class sizes and additional teachers

for targeted, intense interventions and after school and summer academic programs, would impose a significant negative impact to its budget.

Local school boards are responsible for the actual normal cost of pensions for qualifying personnel. To the extent that additional teachers are hired, and local school system salary bases increase, local retirement expenditures increase beginning in fiscal 2022.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Anne Arundel, Frederick, and Montgomery counties; Maryland State Department of Education; National Conference of State Legislatures; Annie E. Casey Foundation; Department of Legislative Services

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