

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1091
Ways and Means

(Delegate Guyton)

**Education - Screening Requirements for Students With Reading Difficulties -
Alterations**

This bill requires each local board of education to ensure that any student who (1) enters or transfers to a public school (not just an elementary school) from another school or (2) is a student who is an English language learner (ELL) at risk of reading difficulties is screened to identify if the student is at risk for reading difficulties. However, this requirement does not apply to a student who has a current individualized education program (IEP) or an individualized family service plan (IFSP) with reading goals. A student who enters or transfers to a public school does not need to be screened if the student is determined by the local school board to have already been screened and does not demonstrate difficulty mastering grade-level reading. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: None. Maryland State Department of Education (MSDE) finances and operations are not materially affected.

Local Effect: Potential significant increase in local school system expenditures to the extent that local school systems must conduct more screenings and provide supplemental reading instruction to more students, including some in middle and high schools.

Small Business Effect: Minimal. To the extent that local public school systems contract with small businesses to conduct screenings covered under the bill, these businesses benefit.

Analysis

Current Law: Chapter 512 of 2019 requires, beginning with the 2020-2021 school year, each local school board to ensure that specified *elementary* school students are screened to identify if the student is at risk for reading difficulties. If the screening results indicate that the student is at risk of reading difficulties, the local board must provide supplemental reading instruction, as appropriate, and provide a notification letter to the student's parent as specified. These requirements apply to students newly required to be screened under the bill. MSDE must develop and update resources for local boards every four years and provide technical support to local boards allowing them to provide training opportunities annually. Local boards must report annually to MSDE.

The federal Individuals with Disabilities Education Act (IDEA) requires that a child with disabilities be provided a free appropriate public education in the least restrictive environment from birth through the end of the school year in which the student turns 21 years old, in accordance with an IFSP or an IEP specific to the individual needs of the child. An IFSP is for children with disabilities from birth up to age 3, and up to age 5 under Maryland's Extended IFSP Option if a parent chooses the option. An IEP is for students with disabilities from age 3 through 21. Local school systems are required to make a free appropriate public education available to students with disabilities from age 3 through 21. However, the State, under its supervisory authority required by IDEA, has the ultimate responsibility for ensuring that this obligation is met. The State Board of Education must adopt, as regulations, standards for the identification, evaluation, educational placement, and the provision of a free appropriate public education of each child in this State who has begun the school year under the age of 21 and is found to need special education and related services, whether or not the child is receiving nonduplicative services from another governmental agency.

Local Expenditures: According to [MSDE guidance](#), the English language proficiency assessment (ELPA) is administered to English learners in kindergarten through grade 12 upon their entry into the school system (WIDA Screener) and annually during a testing window in the second semester (ACCESS for ELLs). The assessment measures a student's English language proficiency in the areas of listening, speaking, reading, writing, and literacy. ELPA results are reported in six proficiency levels: entering, emerging, developing, expanding, bridging, and reaching. Prince George's County Public Schools (PGCPS) advises that the bill will not alter its finances because PGCPS currently includes ELLs in its reading screenings.

However, to the extent that under current practice local public school systems do not conduct screenings to the full extent required under the bill, local public school system expenditures increase initially for more screenings. Depending on the results of the additional screenings, some local school systems may need to provide supplemental

reading instruction to more students, including students (both ELL and non-ELL) in middle and high school, which may not have such programs available.

Additional Information

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

Designated Cross File: None.

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

Fiscal Note History: First Reader - March 7, 2023
js/mcr

Analysis by: Scott P. Gates

Direct Inquiries to:
(410) 946-5510
(301) 970-5510