
By: **Delegates Gutierrez, Benson, Kaiser, Madaleno, and Taylor**

Introduced and read first time: February 11, 2005

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Public Schools - Required Use of Instructional Assistants**

3 FOR the purpose of requiring county boards of education to use instructional
4 assistants in certain grades under certain circumstances; establishing the duties
5 of an instructional assistant; establishing limits on the duties of an instructional
6 assistant; establishing the qualifications for an instructional assistant;
7 prohibiting an instructional assistant from working in a class under certain
8 circumstances; requiring county superintendents to adopt certain guidelines;
9 providing for State and local funding for this Act; and generally relating to
10 instructional assistants for public schools.

11 BY adding to

12 Article - Education

13 Section 6-107.1

14 Annotated Code of Maryland

15 (2004 Replacement Volume and 2004 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Education**

19 6-107.1.

20 (A) WITH RESPECT TO ANY ELEMENTARY SCHOOL THAT HAS FAILED TO MEET
21 THE EDUCATION ACCOUNTABILITY STANDARDS ESTABLISHED UNDER § 7-203 OF
22 THIS ARTICLE, THE COUNTY BOARD THAT HAS JURISDICTION OVER THAT SCHOOL
23 SHALL PROVIDE FOR THE USE OF INSTRUCTIONAL ASSISTANTS IN ALL CLASSES AND
24 FOR ALL SCHOOL ACTIVITIES IN KINDERGARTEN THROUGH GRADE THREE THAT
25 HAVE MORE THAN 15 STUDENTS ENROLLED IN THE CLASS OR THE ACTIVITY.

26 (B) (1) AN INSTRUCTIONAL ASSISTANT SHALL ASSIST A CERTIFICATED
27 TEACHER IN THE DUTIES AND ASSIGNMENTS OF THE TEACHER.

28 (2) AN INSTRUCTIONAL ASSISTANT MAY NOT:

1 (I) WORK WITHOUT THE SUPERVISION OF A CERTIFICATED
2 TEACHER; OR

3 (II) SUPPLANT A CERTIFICATED TEACHER.

4 (C) AN INSTRUCTIONAL ASSISTANT SHALL BE A HIGH SCHOOL GRADUATE OR
5 HOLD A GENERAL EQUIVALENCY DIPLOMA.

6 (D) AN INSTRUCTIONAL ASSISTANT MAY NOT WORK IN A CLASS IF THE
7 INSTRUCTIONAL ASSISTANT IS A PARENT OR GUARDIAN OF A STUDENT IN THE
8 CLASS.

9 (E) THE COUNTY SUPERINTENDENT SHALL ADOPT GUIDELINES FOR THE USE
10 OF INSTRUCTIONAL ASSISTANTS IN THE COUNTY.

11 (F) (1) (I) A COUNTY GOVERNING BODY SHALL APPROPRIATE LOCAL
12 FUNDS IN AN AMOUNT NECESSARY TO FUND 80 PERCENT OF THE COSTS OF
13 IMPLEMENTING THIS SECTION.

14 (II) COUNTY APPROPRIATIONS MADE TO IMPLEMENT THIS
15 SECTION DO NOT COUNT TOWARD A COUNTY'S MAINTENANCE OF EFFORT
16 REQUIREMENT UNDER § 5-202 OF THIS ARTICLE.

17 (2) (I) THE GOVERNOR SHALL INCLUDE FUNDS IN THE STATE
18 BUDGET IN AN AMOUNT NECESSARY TO FUND 20 PERCENT OF THE COSTS OF
19 IMPLEMENTING THIS SECTION.

20 (II) STATE APPROPRIATIONS MADE TO IMPLEMENT THIS SECTION
21 MAY NOT BE USED TO SUPPLANT THE EXISTING STATE SHARE OF BASIC CURRENT
22 EXPENSES UNDER § 5-202 OF THIS ARTICLE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2005.