

HOUSE BILL 159

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5lr0727

By: **Delegates Luedtke, A. Washington, and Ebersole**

Introduced and read first time: January 28, 2015

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Special Education – Standards and Workload Guidelines for Teachers and**
3 **Related Services Providers**

4 FOR the purpose of requiring the State Board to adopt regulations that establish certain
5 workload guidelines for special education teachers and related services providers;
6 beginning with a certain school year and in certain school years thereafter, requiring
7 the State Board to conduct a certain analysis of the administrative responsibilities
8 of special education teachers and make certain recommendations; requiring a county
9 board of education to ensure that certain teachers receive adequate joint planning
10 time and that certain special education teachers and related services providers
11 receive adequate time to complete certain administrative responsibilities; and
12 generally relating to standards for the education of children with disabilities and
13 workload guidelines for special education teachers and related services providers.

14 BY repealing and reenacting, with amendments,
15 Article – Education
16 Section 8–404
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2014 Supplement)

19 BY adding to
20 Article – Education
21 Section 8–404.1
22 Annotated Code of Maryland
23 (2014 Replacement Volume and 2014 Supplement)

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

26 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8-404.

2 (a) The State Board shall adopt, as regulations, standards for the identification,
3 evaluation, educational placement, and the provision of a free appropriate public education
4 of each child in this State who has begun the school year under the age of 21 and is found
5 to need special education and related services, whether or not the child is receiving
6 nonduplicative services from another governmental agency.

7 (b) Before these standards are adopted, the State Board shall consult with public
8 and private agencies and persons who are concerned with and knowledgeable about the
9 educational needs of children with disabilities who require special education and related
10 services.

11 (c) The standards for the education of a child with a disability who is enrolled in
12 a school that is operated by an agency other than a local school system may not be lower
13 than the standards for the education of a child with a disability who is enrolled in a school
14 that is operated by a local school system. The standards for the approval of schools located
15 in jurisdictions outside Maryland shall be the same as standards applicable to the approval
16 of schools within Maryland. However, no school located in a jurisdiction outside Maryland
17 shall be approved if the charges for pupils approved by the Department are higher than
18 charges for pupils from any other state for the same services, unless waived by the State
19 Superintendent.

20 (d) The standards shall include:

21 (1) The required qualifications for teachers, administrators, and other
22 professionals serving a child with a disability;

23 (2) Procedures for the identification, evaluation, educational placement,
24 and provision of a free appropriate public education for a child with a disability who
25 requires the provision of special education and related services;

26 (3) Guidelines for curricula, instructional materials, equipment, and the
27 organization, administration, and supervision of the program, including accounting,
28 auditing, and reporting procedures;

29 (4) Provisions for local, regional, and State day and residential centers for
30 children with disabilities who cannot be served appropriately in the public schools;

31 (5) Coordination of these special education services with services given by
32 any other government agency; and

33 (6) Guidelines for approval of placement in nonpublic schools or facilities if
34 appropriate public services are not available.

1 **(E) THE STATE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH**
2 **GENERAL WORKLOAD GUIDELINES FOR SPECIAL EDUCATION TEACHERS AND**
3 **RELATED SERVICES PROVIDERS THAT A COUNTY BOARD MAY ADOPT.**

4 **(F) BEGINNING WITH THE 2016–2017 SCHOOL YEAR AND EVERY 4 SCHOOL**
5 **YEARS THEREAFTER, THE STATE BOARD SHALL CONDUCT AN ANALYSIS OF THE**
6 **ADMINISTRATIVE RESPONSIBILITIES OF SPECIAL EDUCATION TEACHERS,**
7 **INCLUDING:**

8 **(1) ADMINISTRATIVE RESPONSIBILITIES THAT ARE IN ADDITION TO**
9 **THOSE REQUIRED UNDER FEDERAL LAW, INCLUDING STATE AND LOCAL MANDATES;**
10 **AND**

11 **(2) RECOMMENDATIONS FOR COUNTY BOARDS TO MAKE MORE**
12 **EFFICIENT THE ADMINISTRATIVE RESPONSIBILITIES OF A SPECIAL EDUCATION**
13 **TEACHER.**

14 **8–404.1.**

15 **(A) A COUNTY BOARD SHALL ENSURE THAT A GENERAL EDUCATION AND A**
16 **SPECIAL EDUCATION TEACHER ASSIGNED TO CO–TEACH A CLASS RECEIVE**
17 **ADEQUATE JOINT PLANNING TIME ON A WEEKLY BASIS TO COORDINATE TEACHING**
18 **PLANS.**

19 **(B) (1) A COUNTY BOARD SHALL ENSURE THAT A SPECIAL EDUCATION**
20 **TEACHER AND A RELATED SERVICES PROVIDER RECEIVE ADEQUATE TIME ON A**
21 **WEEKLY BASIS TO COMPLETE ADMINISTRATIVE RESPONSIBILITIES, INCLUDING THE**
22 **DEVELOPMENT, MONITORING, AND REVISION OF AN INDIVIDUALIZED EDUCATION**
23 **PROGRAM FOR EACH CHILD ASSIGNED TO THE TEACHER AND THE PROVIDER.**

24 **(2) THE DETERMINATION OF THE TIME PROVIDED TO A SPECIAL**
25 **EDUCATION TEACHER AND A RELATED SERVICES PROVIDER UNDER PARAGRAPH (1)**
26 **OF THIS SUBSECTION INCLUDES:**

27 **(I) AN ASSESSMENT OF THE NEEDS OF EACH CHILD WITH AN**
28 **INDIVIDUALIZED EDUCATION PROGRAM BASED ON THE CASELOAD OF THE SPECIAL**
29 **EDUCATION TEACHER AND RELATED SERVICES PROVIDER;**

30 **(II) THE NUMBER OF CHILDREN WITH INDIVIDUALIZED**
31 **EDUCATION PROGRAMS ASSIGNED TO THE TEACHER; AND**

32 **(III) THE DISTANCE BETWEEN WORK SITES FOR A SPECIAL**
33 **EDUCATION TEACHER WHO WORKS AT MULTIPLE SITES DURING THE SCHOOL DAY.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2015.