

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 159
Ways and Means

(Delegate Luedtke, *et al.*)

Special Education - Standards and Workload Guidelines for Teachers and
Related Services Providers

This bill requires the State Board of Education to adopt regulations establishing general workload guidelines for special education teachers and related services providers. Local boards of education *may* adopt these regulations. The bill also requires the State board to conduct an analysis of the administrative responsibilities of special education teachers every four years, beginning with the 2016-2017 school year.

Local boards of education must ensure that a general education and a special education teacher assigned to co-teach a class receive adequate joint planning time on a weekly basis to coordinate teaching plans. Local boards must also ensure that a special education teacher and related services provider receive adequate time on a weekly basis to complete administrative responsibilities, including development, monitoring, and revision of an individualized education program (IEP) for each child assigned to the teacher and provider.

The bill takes effect July 1, 2015.

Fiscal Summary

State Effect: The Maryland State Department of Education (MSDE) can adopt required regulations and, with adequate data from local boards, conduct the required analysis using existing resources.

Local Effect: To the extent that local boards of education determine that time devoted to specified joint planning and administrative responsibilities is inadequate, personnel costs associated with hiring additional teachers may increase. A precise estimate of such cost increases for any given county cannot be determined. Local administrative costs also increase marginally to make required assessments and provide data to MSDE.

Small Business Effect: None.

Analysis

Bill Summary: The determination that the time provided to special education teachers and related services providers for administrative responsibilities is adequate includes:

- assessment of the needs of each child with an IEP based on the caseload of the special education teacher and related services provider;
- the number of children with IEPs assigned to the teacher; and
- the distance between work sites for a special education teacher who works at multiple sites during the school day.

Current Law: The federal Individuals with Disabilities Education Act 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 IEP specific to the individual needs of the student. An IEP is a written statement for each child with a disability that, among other things, must indicate the present levels of academic achievement and functional performance of a child, measurable academic and functional goals for the child, how the child's progress toward meeting these goals will be measured, and the special education and related services that are to be provided for the child.

The State Board of Education must adopt standards for the identification, evaluation, educational placement, and provision of a free appropriate public education for children found to need special education and related services. Among other things, the standards must include guidelines for curricula, instructional materials, equipment, and the organization, administration, and supervision of the program.

The Code of Maryland Regulations requires local boards of education to develop a staffing plan consistent with the procedures provided by MSDE to ensure that personnel and other resources are available to provide a free appropriate public education to each student with a disability in the least restrictive environment as determined by an IEP team. The local board of education must approve the related staffing plan.

Background: MSDE advises that the amount of time for administrative responsibilities and for joint planning varies from school to school and that the amount of time spent on these activities is not always greater for special education teachers as compared with other public school teachers. The Department of Legislative Services does not have access to

data that might help analyze any such difference or to make a determination of the adequacy of time devoted to these activities currently.

Local Fiscal Effect: Local boards of education are not required to adopt the guidelines that will be developed by MSDE. Also, MSDE advises that the guidelines will not prescribe for the local boards what an adequate amount of time would be for joint planning and administrative activities addressed by the bill. It is not known if any local board of education will determine that the time allowed for these activities is inadequate, or to what degree.

To the extent that a local board of education does determine that the time afforded these activities is inadequate, the local board may require additional personnel to ensure that sufficient time is provided for these activities, as well as for classroom instruction. Statewide, the salary for a first-year teacher is estimated at \$53,000 for fiscal 2016, increasing to \$59,700 in fiscal 2020. Including benefits at an assumed rate of 25%, costs per new hire total \$66,300 in fiscal 2016, increasing to \$74,600 in fiscal 2020. However, personnel costs vary considerably across local school systems.

Local administrative costs also increase marginally to make the required assessments and determinations of time provided for specified responsibilities of teachers and related services providers, and to provide any data required from MSDE for its analyses under the bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Carroll, Harford, Montgomery, and Queen Anne's counties; Maryland State Department of Education; Department of Legislative Services

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min/rhh

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