

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
Enrolled - Revised

House Bill 920  
Ways and Means

(Delegates Fraser-Hidalgo and Pena-Melnyk)

Education, Health, and Environmental Affairs

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Primary and Secondary Education - Certificated School Personnel - Training  
Requirement

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This bill requires the State Board of Education to require, by July 1, 2018, all certificated school personnel who have direct contact with students on a regular basis to complete training by December 1 each year in the skills required to (1) understand and respond to youth suicide risk and (2) identify professional resources to help students in crisis. Each local board of education must determine the method of training, which must be provided to certificated school personnel during (1) an in-service program or (2) a professional development requirement that may be met during time designated for professional development. Likewise, the bill clarifies that a school counselor applying for renewal of a certificate must receive *training* in these and related topics. This training must be commensurate with the duties of a school counselor and may exceed the training required of other school personnel. The State Board of Education must adopt regulations to implement the bill.

The bill takes effect July 1, 2017.

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Fiscal Summary

**State Effect:** The State Board of Education can require all certificated school personnel who have direct contact with students on a regular basis to complete training and develop regulations using existing resources.

**Local Effect:** Local school system expenditures may increase significantly to provide all certificated school personnel who have direct contact with students on a regular basis with the required training each year beginning no later than FY 2019. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

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## **Analysis**

**Bill Summary:** The bill may not be construed to impose a duty of care on certificated school personnel who complete training. A person may not bring an action against the local board of education for personal injury or wrongful death resulting from any training, lack of training, or implementation of the training unless the acts or omissions of a certificated school employee who completed the training required by the bill are willful, wanton, or grossly negligent.

**Current Law:** The Professional Standards and Teacher Education Board (PSTEB) is a semi-autonomous board composed of 25 members. PSTEB and the State Board of Education share the authority to develop rules and regulations for the certification of teachers and other professional personnel and requirements for the preparation of teachers and other education personnel, excluding specified social workers.

By July 1, 2016, PSTEB must require a school counselor applying for renewal of a certificate to have obtained, by a method determined by PSTEB, skills required to understand and respond to the social, emotional, and personal development of students, including knowledge and skills relating to (1) the recognition of indicators of mental illness and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse and (2) the identification of professional resources to help students in crisis.

Recommendations on rules and regulations that are initiated by PSTEB must be implemented unless disapproved by three-fourths of the members of the State Board of Education. Recommendations on rules and regulations that are initiated by the State Board of Education must be implemented unless disapproved by PSTEB. If the rules and regulations are disapproved by PSTEB, the rules and regulations must still be implemented if they are approved by three-fourths of the members of the State Board of Education.

According to the Code of Maryland Regulations, there are five options to become a certified school counselor. In general, an applicant must have a master's degree in school counseling or school guidance from an eligible program and two years of satisfactory performance as a teacher or school counselor; however, there are exceptions to these requirements under the various options. Colleges and universities in Maryland are approved under standards set forth by the Council for Accreditation of Counseling and Related Educational Programs, which include standards for addiction counseling and school counseling.

Prior to the renewal or reinstatement of a certificate, a school counselor must provide one of the following: (1) one semester hour of coursework from an institution of higher education; (2) one Maryland State Department of Education (MSDE) approved continuing professional development credit; or (3) an equivalent number of continuing education units. This coursework must address the need for intervention or referral in response to an indicator of mental illness and behavioral distress including, but not limited to, depression, trauma, violence, youth suicide, and substance abuse. In addition, the course work must address the identification of professional resources and best practices for distributing resources to parents or guardians to help students in crisis.

State regulations require a planned, systematic program of counseling, consulting, appraisal, information, and placement services for students in prekindergarten through grade 12.

In general certificated employees include teachers, principals and assistant principals, school counselors, library media specialists, pupil personnel workers, reading specialists, psychological personnel, and school social workers.

**Background:** According to the U.S. Centers for Disease Control and Prevention, up to one in five children experience a diagnosable mental health disorder in a given year. Behavioral and emotional issues can act as a barrier to academic success and high school graduation, as well as create disciplinary and attendance problems in school. In addition, research indicates that school mental health programs can improve educational outcomes by decreasing absences, decreasing discipline referrals, and improving test scores.

MSDE advises that the Mental Health Association of Maryland is working with MSDE to deliver training similar to that required by the bill under the Project Advancing Wellness and Resilience grant from the Substance Abuse and Mental Health Services Administration within the U.S. Department of Health and Human Services. This training, [Youth Mental Health First Aid](#), is designed for personnel who work with adolescents and takes eight hours and serves no more than 30 participants at a time.

**Local Expenditures:** Local school system expenditures may increase significantly to provide all certificated school personnel who have direct contact with students on a regular basis with the required training each year. All local school systems have professional development days and a professional development budget; thus, the local school system expenditures will only increase if the required training cannot be accommodated within the current professional development budget and schedule. However, since the training is required by December 1 annually for all school personnel who have direct contact with students on a regular basis beginning no later than fiscal 2019, it is assumed that local school system expenditures may increase.

*For illustrative purposes only*, based on the training costs for Youth Mental Health First Aid, local school system expenditures increase by \$4.8 million per year based on the estimated number of certificated school personnel in each school system. According to MSDE, the training for the Youth Mental Health First Aid is designed for personnel who work with adolescents. The training takes eight hours and serves no more than 30 participants at a time. A Youth Mental Health First Aid instructor costs \$1,500 per day, and the cost of the accompanying resources book is \$18 per person. The estimated cost per local school system based on these costs is shown in **Exhibit 1**. To the extent that certificated local school system staff can be trained to be instructors or local training is developed, actual costs may be significantly less than those shown in Exhibit 1. The estimate assumes certificated school personnel who have direct contact with students on a regular basis includes all instructional personnel; school counselors, psychological personnel, therapists, and pupil personnel workers; librarians; and principals, assistant principals, and other school administrators. Actual costs will depend on the training developed by each local board of education, which cannot be reliably estimated at this time.

The SEED School is also affected by the bill. Based on the assumptions described above, and for illustrative purposes only, 50 SEED school staff require training at an estimated cost of \$3,900 annually.

**Exhibit 1**  
**Estimated Annual Cost for Youth Mental Health First Aid Training**

<u>Local School System</u>	<u>No. of Certificated School Staff</u>	<u>No. of Classes of 30</u>	<u>Instructor Cost</u>	<u>Book Cost</u>	<u>Total Cost</u>
Allegany	716	24	\$36,000	\$12,888	\$48,888
Anne Arundel	6,519	218	327,000	117,342	444,342
Baltimore City	6,211	208	312,000	111,798	423,798
Baltimore	8,556	286	429,000	154,008	583,008
Calvert	1,184	40	60,000	21,312	81,312
Caroline	468	16	24,000	8,424	32,424
Carroll	2,077	70	105,000	37,386	142,386
Cecil	1,362	46	69,000	24,516	93,516
Charles	2,101	71	106,500	37,818	144,318
Dorchester	463	16	24,000	8,334	32,334
Frederick	3,021	101	151,500	54,378	205,878
Garrett	344	12	18,000	6,192	24,192
Harford	2,976	100	150,000	53,568	203,568
Howard	4,867	163	244,500	87,606	332,106
Kent	175	6	9,000	3,150	12,150
Montgomery	12,568	419	628,500	226,224	854,724
Prince George's	10,403	347	520,500	187,254	707,754
Queen Anne's	594	20	30,000	10,692	40,692
St. Mary's	1,239	42	63,000	22,302	85,302
Somerset	275	10	15,000	4,950	19,950
Talbot	381	13	19,500	6,858	26,358
Washington	1,674	56	84,000	30,132	114,132
Wicomico	1,316	44	66,000	23,688	89,688
Worcester	683	23	34,500	12,294	46,794
<b>Total</b>	<b>70,173</b>	<b>2,351</b>	<b>\$3,526,500</b>	<b>\$1,263,114</b>	<b>\$4,789,614</b>

Note: The SEED School is not included.

Source: Maryland State Department of Education; Department of Legislative Services

## **Additional Information**

**Prior Introductions:** A similar bill, HB 921 of 2016, received a hearing in the House Ways and Means Committee, but no further action was taken.

**Cross File:** None.

**Information Source(s):** Anne Arundel, Charles, and Montgomery counties; Maryland State Department of Education; Department of Legislative Services

**Fiscal Note History:** First Reader - February 23, 2017  
kb/rhh Third Reader - March 28, 2017  
Revised - Amendment(s) - March 28, 2017  
Enrolled - May 16, 2017  
Revised - Amendment(s) - May 16, 2017  
Revised - Clarification - May 16, 2017

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