

**Department of Legislative Services**  
 Maryland General Assembly  
 2019 Session

**FISCAL AND POLICY NOTE**  
**Enrolled - Revised**

Senate Bill 734

(Senator Zucker, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

**Education - Students With Reading Difficulties - Screenings and Interventions**

This bill requires, beginning with the 2020-2021 school year, each local school board to ensure that specified 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. The Maryland State Department of Education (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 beginning with the 2020-2021 school year. **The bill takes effect July 1, 2019.**

**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$67,200 in FY 2020. Future year expenditures reflect annual salary increases and removal of one-time costs. Revenues are not affected.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	67,200	83,000	85,800	88,700	91,800
Net Effect	(\$67,200)	(\$83,000)	(\$85,800)	(\$88,700)	(\$91,800)

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Local expenditures for school systems increase substantially beginning in FY 2021. A portion of these costs may be offset by State funding via specified separate legislation. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

## Analysis

**Bill Summary:** A local board must select one or more screening instruments that accurately and reliably identify students at risk for poor learning outcomes; are developmentally appropriate; are economical in time and cost to administer; and use norm-referenced or criterion-based scores. The screenings may not be included in the time limitation for assessments required by State law. The screening instruments must be based on foundational reading skills that include phonological and phonemic awareness and processing. On registration of a student, the local board of education must provide the parent or guardian of the student with a description of the screening and supplemental instruction process in the county and any checklists or forms needed to support the screening protocol.

Supplemental reading instruction must be evidence-based, sequential, systematic, explicit, and cumulative instruction or intervention toward mastery of foundational reading skills.

MSDE must provide technical support for local boards, allowing them to provide annual training opportunities for school administrators and individuals who conduct the screenings. Training opportunities may include training on:

- administration and interpretation of screenings, informal diagnostic assessments, progress monitoring instruments, and student data;
- interpreting screenings and assessments for parents;
- best practices for designing and implementing supplemental reading instruction; and
- the elements, principles, and best practices of supplemental reading instruction.

Beginning with the 2020-2021 school year, local boards must report annually to MSDE on the number of students in each grade level and those at each grade level who were (1) screened; (2) identified through a screening instrument as at risk for reading difficulties; and (3) identified as at risk for reading difficulties who received supplemental reading instruction.

The bill specifies resources and data that must be made available on MSDE and local school system websites. MSDE must adopt regulations to carry out provisions of the bill.

The bill expresses legislative intent that money appropriated in accordance with The Blueprint for Maryland's Future 2019 legislation must be used to offset the cost of the bill's implementation.

**Current Law:** In consultation with the State Superintendent of Schools, the State Board of Education (State board) must develop and periodically update an overall plan that must

identify, in part, the methods to improve the diagnosis of basic reading skill deficiencies of elementary and secondary school students and to improve the literacy rates of these students.

The State board must require a minimum level of reading ability for each grade 2 through 12 student that rises for each succeeding grade. If a local board, based on local assessment of student progress and in conjunction with the Maryland education accountability program, finds that a student in grade 3, 7, or 9 through 11 who is not intellectually limited has not met either a minimum grade level competency or the minimum reading level as required by the State board for the previous grade, the student must be kept in the current grade or enrolled in an appropriate reading-assistance program as part of the student's instructional program. Such a finding may not be the sole reason for withholding grade advancement more than once in grades 2 through 7.

The State board and the State Superintendent of Schools must assist each local board to establish educational goals and objectives that conform to statewide educational objectives for subject areas including reading, writing, mathematics, science, and social studies. With the assistance of its local board, each public school must survey current student achievement in reading, language, mathematics, science, social studies, and other areas to assess its needs. The State board and the State Superintendent must implement assessment programs in reading, language, mathematics, science, and social studies that include written responses.

State regulations specify the qualifications necessary for certification as a reading teacher and as a reading specialist. Also per State regulations, the determination that a student is a student with a disability must not be made if the determining factor is (1) the lack of appropriate instruction in reading, including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency and oral reading skill, and reading comprehension strategies; (2) a lack of instruction in math; or (3) limited English proficiency.

Local school systems may not devote more than a specified amount of time on federal, State, or local mandated assessments that are intended to measure a student's academic readiness, learning progress, and skill acquisition. A teacher-developed quiz or test and a sampling test that is not administered to all students are not included in the time limitation.

Chapter 361 of 2018 (Commission on Innovation and Excellence in Education Act) established the Early Literacy Grant Program to provide evidence-based early literacy intervention in kindergarten through grade 8, with a priority for kindergarteners through third graders in schools with high concentrations of students living in poverty. The bill mandates \$2.5 million for the program annually in fiscal 2019 through 2022. Funding was provided in fiscal 2019 and the fiscal 2020 State budget includes the funding.

**Background:** In its [January 2019 interim report](#), the Maryland Commission on Innovation and Excellence in Education emphasizes the importance of proficiency in reading by third grade; describes literacy as the gateway to academic success; recommends implementation of a school readiness assessment for all students entering kindergarten; and encourages school and district experimentation and piloting to determine the most promising means of screening, identifying, and addressing literacy deficits. The Commission recommends a transitional supplemental instruction (TSI) program to address the needs of struggling learners in kindergarten through grade 3 while a systemic approach is being implemented for all students as proposed by the Commission.

The additional cost estimate developed by the Commission to implement its recommendation (discussed above) for kindergarten through grade 3 students totaled approximately \$89.3 million statewide. The Commission's estimate excludes students with disabilities who are receiving special education services and also accounts for additional funding available through the compensatory education formula to provide interventions for students who are not succeeding in school. More information on this cost estimate can be found in Appendix 6 of the Commission's interim report.

### *The Blueprint for Maryland's Future*

As passed, Senate Bill 1030 – The Blueprint for Maryland's Future – requires the State to distribute to local boards of education funds totaling \$23.0 million for each of fiscal 2020 and 2021 for provision of TSI for struggling learners, which involves additional academic support using evidence-based programs and strategies that meet the expectations of strong or moderate evidence as defined in the federal Every Student Succeeds Act. According to The Blueprint, TSI includes one-on-one and small-group tutoring with a certified teacher, a teaching assistant, or any other trained professional; cross-age peer tutoring; and screening, identifying, and addressing literacy deficits. Struggling learners are students who perform below grade level in English/language arts or reading in kindergarten through grade 3.

**Exhibit 1** shows the number of grade 3 students for each local school system who scored at level 3 or below on the English/Language Arts (ELA) Partnership for the Assessment of Readiness for College and Career (PARCC) assessment in the 2016-2017 school year. A score of level 4 or above means a student met or exceeded expectations. The Commission used this data to identify the number of likely students in kindergarten through grade 3 who may be reading below proficiency, since statewide assessment data is not available for kindergarten through grade 2.

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**Exhibit 1**  
**Grade 3 Students at Level 3 or Below on the ELA PARCC Assessment**  
**2016-2017 School Year**

<b>School System</b>	<b>Students</b>
Allegany	260
Anne Arundel	2,343
Baltimore City	4,922
Baltimore	4,507
Calvert	426
Caroline	253
Carroll	723
Cecil	608
Charles	1,044
Dorchester	291
Frederick	1,307
Garrett	165
Harford	1,023
Howard	1,570
Kent	93
Montgomery	5,335
Prince George's	6,717
Queen Anne's	261
St. Mary's	682
Somerset	110
Talbot	182
Washington	975
Wicomico	646
Worcester	154
<b>Total</b>	<b>34,597</b>

ELA: English/Language Arts

PARCC: Partnership for the Assessment of Readiness for College and Career

Source: Maryland State Department of Education

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**State Expenditures:** MSDE will require the hiring of one education program specialist to carry out requirements of the bill, including developing and updating resources related to screening tools and supplemental reading instruction for use by the local boards; providing

training-related technical assistance; and updating data submitted from local school systems for posting on the MSDE website.

These expenditures total \$67,200 in fiscal 2020, which accounts for a 90-day start-up delay following the bill’s July 1, 2019 effective date. This estimate includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Education Program Specialist	1.0
Salary and Fringe Benefits	\$61,845
Operating Expenses	<u>5,359</u>
<b>Total FY 2020 State Expenditures</b>	<b>\$67,204</b>

Future year expenditures for the position reflect annual increases in salary, elimination of one-time costs, and ongoing operating expenses.

**Local Expenditures:** Some local school systems will incur costs to implement the bill. Montgomery County Public Schools, which operates about 135 public elementary schools, advises that it will incur \$4.7 million in additional expenditures in fiscal 2021 to hire additional staff to conduct screenings and to provide supplemental reading instruction, to assure that staff are trained, to purchase screening instruments and instructional materials, and to administer data reports. Given this, and information previously provided by Frederick and Talbot counties, it is assumed that other local school systems will incur substantial additional expenditures.

Baltimore City Public Schools (BCPS), which operates approximately 120 public elementary schools and elementary/middle schools, advises that the bill will not increase its annual expenditures. BCPS currently uses an assessment for kindergarten through grade 2 that it advises would fit the bill’s requirements. The prescribed next step for BCPS students who score below level on its reading diagnostic is to provide supplemental reading instruction.

The Blueprint legislation provides \$23.0 million in funds for TSI in both fiscal 2020 and 2021, subject to the Governor’s release of the fiscal 2020 funds. Thus, the legislation is likely to offset much of the local costs under this bill. However, the particular allocation of TSI funding under The Blueprint legislation may not cover costs for all counties in fiscal 2021 and does not assure funding for TSI beyond fiscal 2021, although the bill mandates at least \$370 million and up to \$500 million in fiscal 2021 to continue implementing the Commission’s recommendations.

## **Additional Information**

**Prior Introductions:** Similar legislation was considered in 2018. HB 910 of 2018 passed the Senate and the House, but with different amendments. A conference committee was appointed to resolve the differences, but the report was not adopted by both houses prior to Sine Die. Its cross file, SB 548, received a hearing in the Education, Health, and Environmental Affairs Committee, but no further action was taken on the bill.

**Cross File:** HB 690 (Delegate Luedtke, *et al.*) - Ways and Means.

**Information Source(s):** Anne Arundel County Public Schools; Baltimore City Public Schools; Frederick County Public Schools; Montgomery County Public Schools; Talbot County Public Schools; Maryland State Department of Education; Department of Legislative Services

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