

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1421  
Ways and Means

(Delegate Cain, *et al.*)

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Education - Advanced Courses - Automatic Enrollment

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This bill requires, beginning in the 2020-2021 school year, a student who exceeds grade level standards on the Maryland School Assessment (MSA), is identified as gifted and talented, or has reached college and career ready benchmarks on the PSAT, SAT, or ACT be automatically enrolled in an advanced course for the corresponding subject area or areas for the following semester or school year. In addition, local boards of education must use universal screenings to identify gifted and talented students for automatic enrollment in advanced courses. Local boards must annually notify the parents and guardians of enrolled students of the automatic enrollment policy and process, the course offerings, and the benefits of enrolling in advanced courses. The notice must be sent in the primary language of the recipients. The bill also establishes reporting requirements for local boards and requires the State Board of Education to collect and publish specified data. **The bill takes effect July 1, 2020.**

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Fiscal Summary

**State Effect:** The Maryland State Department of Education (MSDE) can collect the required data using existing resources. Revenues are not affected.

**Local Effect:** To the extent that advanced courses are not currently available in schools with a student who qualifies for automatic enrollment in an advanced course, local school system expenditures may increase minimally. However, overall, as explained below, these costs are likely absorbable using existing resources. Revenues are not affected.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** A parent or guardian of a student may provide written consent for the student to be excluded or removed from automatic enrollment in an advanced course.

By October 1 each year, beginning in 2022, a local board of education must submit a report to the State Board of Education. The report must include the following data for the immediately preceding school year:

- the number of courses offered in the county;
- the number of students in the county who qualified for automatic enrollment in an advanced course as specified;
- the number of students in the county who were excluded or removed from automatic enrollment in an advanced course;
- the advanced course in which students were automatically enrolled;
- the number of teachers in each school in the county with fewer than four years of teaching experience; and
- the number of teachers in each school in the county who provide instruction in a subject that the teacher is not certified to teach.

Beginning in the 2020-2021 school year, MSDE must collect and publish data on enrollment in:

- Advanced Placement courses;
- Algebra I during the eighth grade;
- dual enrollment;
- gifted and talented programs;
- International Baccalaureate programs; and
- advanced courses as a result of automatic enrollment.

This data must be disaggregated as specified.

The State Board of Education may adopt regulations to implement the requirements of the bill.

## **Current Law:**

### *Assessments in Maryland*

The federal Every Student Succeeds Act (ESSA) is the most recent reauthorization of the Elementary and Secondary Education Act. It requires annual assessments of all students in grades 3 through 8 and at least once in high school in reading/language arts and mathematics; the law also requires students to be tested in science at least once in grades 3 through 5, 6 through 8, and 9 through 12.

The Maryland Comprehensive Assessment Program (MCAP) is Maryland's new assessment program to meet the ESSA requirements. MSDE reports that MCAPs will be fully implemented by 2020. During this transition period, MSDE has already begun to refer to Maryland's assessment program as MCAP. The MCAP for grades 3 through 8 is also called MSA. The high school assessments, which are part of MCAPs, are also referred to as the High School Assessments and include assessments in English, mathematics, science, and social studies.

### *Gifted and Talented Students*

A "gifted and talented student" is defined as an elementary or secondary student who is identified by professionally qualified individuals as:

- having outstanding talent and performing, or showing the potential for performing, at remarkably high levels of accomplishment when compared with other students of similar age, experience, or environment;
- exhibiting high performance capability in intellectual, creative, or artistic areas;
- possessing an unusual leadership capacity; or
- excelling in specific academic fields.

According to statute, the General Assembly finds that a gifted and talented student needs different services beyond those normally provided by the regular school program in order to develop the student's potential, and gifted and talented students are to be found in youth from all cultural groups, across all economic strata, and in all areas of human endeavor.

The State Board of Education must encourage each local board of education to develop and implement programs for gifted and talented students.

To the extent funds are provided in the State budget or are available from other sources, the State board must provide guidance, consultative and technical assistance, and fiscal support for programs that include:

- teacher training to incorporate instruction in methods and techniques that are designed to enable teachers to identify and teach gifted and talented students;
- research undertaken to help develop new or modified curricula for gifted and talented students; and
- evaluation, demonstration, and distribution of findings that are related to programs for gifted and talented students.

According to regulations effective July 2019, gifted and talented students are found in all Maryland schools and in all cultural, ethnic, and economic groups. The regulations establish minimum standards for student identification, programs and services, professional learning, and reporting requirements.

The regulations require a universal screening process that uses multiple indicators of potential, availability, and achievement. The process must be used to identify a significant number of students in every school and at least 10% in each local school system, as early as possible, but no later than grade 3. Additional identification must occur at the 3 through 5 and the 6 through 9 grade bands for participation in the programs and services.

Each school system must provide different services beyond those normally provided by the regular school program from an annually reviewed MSDE approved list of programs. Further, they must provide a continuum of appropriately differentiated curriculum and evidence-based academic programs and services in grades prekindergarten through 12 during the regular school day.

**Background:** In 2019, Colorado enacted legislation to create a grant program for local school systems that automatically enroll students who are in ninth grade or higher in an advanced course in a subject related to one in which the student demonstrated proficiency on the prior year's statewide assessment. As well, local school systems are encouraged to automatically enroll eligible fourth- through eighth-grade students in advanced courses. According to the language of the bill, the program was developed because traditionally, disadvantaged minorities and low-income students of all racial and ethnic backgrounds who perform well in school do not enroll in advanced classes at the same rate as their peers, regardless of preparedness.

There are likely a variety of reasons for this disparity. Some that were raised in Colorado include, lack of familiarity with the range of academic options; less encouragement to enroll in difficult courses by teachers, family, and peers; fewer advanced courses at schools with a high percentage of students of color or those living in poverty; and less recognition of academic promise from some teachers.

In Maryland, there is not readily available statewide data on whether academically prepared students are enrolling in advanced courses. Baltimore County Public Schools (BCPS)  
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advises that the overwhelming majority of students who score in the highest ranges of standardized tests and those who are already identified as gifted and talented are enrolled in advanced courses in their areas of giftedness or high achievement.

**State Expenditures:** MSDE advises that it collects some of the data required to be collected in the bill; however, additional data elements must be added to the data collection process. A data specialist from MSDE will update the data manual and provide technical support to local school systems staff. Once the data is collected, the data specialist will need to create aggregate reports. MSDE advises this can be accomplished using existing resources.

**Local Expenditures:** Several school systems, including BCPS and Baltimore City Public School System, identified a number of implementation issues that may affect the fiscal impact of the bill. These include small schools that only have one or two sections per grade level and how a local school system will determine which advanced option a student must be automatically enrolled in if there are multiple options or when an advanced course in the subject would result in a student skipping over course material.

Thus, the Department of Legislative Services (DLS) advises some local school systems may realize increased expenditures at particular schools; however, overall, expenditures are likely minimal and absorbable using existing resources. This estimate assumes that local school systems have flexibility in implementing the bill including that a student is enrolled in the advanced course that comes next in a logical sequence of courses. This estimate further assumes that local school systems are granted some flexibility in offering advanced courses and scheduling a student's courses when they qualify for multiple advanced courses. To the extent flexibility in implementation is not granted, local school system expenditures increase, potentially significantly.

DLS further advises that according to current regulations, each local school system is required to use a universal screening process and implement programs and services for gifted students. Thus, there are no additional costs associated with these provisions of the bill.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Baltimore City Public Schools; Colorado General Assembly; *Chalk Beat*; Baltimore County Public Schools; Department of Legislative Services

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