

**Department of Legislative Services**  
Maryland General Assembly  
2005 Session

**FISCAL AND POLICY NOTE**

Senate Bill 246 (Senator Forehand)  
Education, Health, and Environmental Affairs

---

**Education - Mathematics Graduation Requirements - Special Education  
Students**

---

This emergency bill requires the State Board of Education to adopt regulations that allow a special education student to substitute other mathematics instruction for the required high school credits in algebra and geometry. The regulations must allow an admission, review, and dismissal committee to determine substitute instruction when developing an individualized education plan for the student.

---

**Fiscal Summary**

**State Effect:** Federal fund revenues could decrease significantly beginning in FY 2006 due to potential violations of federal education laws. The State Board of Education could adopt regulations with existing resources.

**Local Effect:** Local school systems could lose federal funding beginning in FY 2006.

**Small Business Effect:** None.

---

**Analysis**

**Current Law:** Statute provides that graduation requirements are set by the local boards of education and the State Board of Education. COMAR requires students to have at least three credits of mathematics to graduate, including at least one credit for algebra/data analysis and one credit for geometry. High school students must also take assessments in these two subjects.

Beginning with the class of 2009, performance on the high school assessments will be incorporated into the awarding of high school diplomas.

**Background:** With a few exceptions, all students must take the algebra/data analysis test as part of the High School Assessments (HSAs) and the geometry test as part of the Maryland State Assessments (MSAs). **Exhibit 1** compares the statewide performance of students with disabilities to students in regular education programs. The exhibit reveals that 19% of students with disabilities scored at the passing level on the algebra/data analysis assessment and 16% of students with disabilities scored at the proficient level on the geometry assessment. Significantly higher percentages of regular education students scored in the acceptable ranges on both tests.

---

**Exhibit 1**  
**Percent of Students Passing Algebra/Data Analysis HSA and Geometry MSA**  
**2004**

<u>Assessment</u>	<u>Student with Disabilities</u>	<u>Regular Education</u>
Algebra/Data Analysis	19.0	63.1
Geometry*	15.9	50.6

\* Percent scoring at advanced or proficient levels reported.  
Source: Maryland State Department of Education

---

**State and Local Fiscal Effect:** The federal Individuals with Disabilities Education Act (IDEA) requires states to adopt standards for students with disabilities that “are consistent, to the maximum extent appropriate, with other goals and standards for children established by the State.” States must establish performance indicators to assess the progress of students with disabilities towards meeting these goals.

The federal No Child Left Behind Act (NCLB) requires students to be assessed annually in grades three through eight and once in high school for performance in reading and mathematics. The Act makes allowances for a small percentage of students with disabilities to be assessed using alternative tests, but most students with disabilities must take the same assessments as their regular education peers.

The proposed fiscal 2006 State budget includes at least \$190 million from IDEA and at least \$172 million from Title I grants, the largest program under NCLB. This funding

could be jeopardized by the bill. The majority of the funding from IDEA and Title I is distributed to local school systems.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 761 (Delegate Barve, *et al.*) – Ways and Means

**Information Source(s):** Maryland State Department of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2005  
mam/hlb

---

Analysis by: Mark W. Collins

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510