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FISCAL AND POLICY NOTE
Revised

Senate Bill 96

(Senator Pugh, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

**Education - Truancy Rates - Positive Behavioral Interventions and Support
Programs and Behavior Modification Programs**

This bill requires schools with truancy rates in excess of 8% of their enrollment during the 2008-2009 school year to implement a Positive Behavioral Interventions and Supports (PBIS) Program or a comparable behavior modification program. The truancy rate that triggers the requirement is then reduced each subsequent year until it reaches 1% of enrollment for the 2012-2013 school year and thereafter. A school that has already implemented PBIS or an alternate program must expand its program if its truancy rate exceeds the limits set in the bill or if the existing suspension rate limits set for elementary schools are exceeded.

The bill takes effect July 1, 2008.

Fiscal Summary

State Effect: General fund expenditures would increase an estimated \$75,700 in FY 2010 to hire additional staff to coordinate PBIS training and track PBIS implementation around the State. Future year expenditure estimates reflect annualization, inflation, and regular salary increases, as well as growth in training and support costs to levels beyond current PBIS expenditures. Revenues would not be affected.

| (in dollars) | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 |
|----------------|---------|------------|-------------|-------------|-------------|
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| GF Expenditure | 0 | 75,500 | 137,000 | 143,800 | 192,900 |
| Net Effect | \$0 | (\$75,500) | (\$137,000) | (\$143,800) | (\$192,900) |

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

Local Effect: Local school expenditures would increase by an estimated \$850,000 in FY 2011 to send teams of school personnel to PBIS training seminars and support

school-level PBIS costs. Future year expenditures would reflect a growing number of schools identified for PBIS implementation. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Bill Summary: The truancy rate that would trigger the requirement to implement PBIS or another behavior modification program each school year is shown in the table below.

| <u>School Year</u> | <u>Truancy Rate</u> |
|---------------------|---------------------|
| 2008-2009 | 8% or more |
| 2009-2010 | 6% or more |
| 2010-2011 | 4% or more |
| 2011-2012 | 2% or more |
| 2012-2013 and after | 1% or more |

Current Law: Principals and heads of public and private schools must notify the appropriate local school system representatives when a student has been absent without lawful excuse. The representative must initiate an investigation of the cause of the truancy and may provide counseling regarding the availability of social, health, and education services. Local school systems are required to report the number of habitually truant students to the Maryland State Department of Education, which must compile and report the data to the Governor and the General Assembly. Regulations specify that a habitual truant is a student who is unlawfully absent from school for a number of days or portion of days in excess of 20% of the school days within any marking period, semester, or year.

An elementary school must implement PBIS or an alternate behavior modification program if it has a suspension rate that exceeds the limit set for the school year. The suspension rates that trigger the requirement are shown in the table below.

| <u>School Year</u> | <u>Suspension Rate</u> |
|---------------------|------------------------|
| 2007-2008 | 14% or more |
| 2008-2009 | 12% or more |
| 2009-2010 and after | 10% or more |

There are no additional requirements for elementary schools that have implemented PBIS or another behavior modification program and subsequently exceed the suspension rate threshold.

Background: PBIS “is a systems approach to enhancing the capacity of schools to adopt and sustain the use of effective practices for all students” at all school levels both inside and outside the classroom. The method focuses on improving a school’s ability to teach and support positive behavior through strategies designed by PBIS leaders in the school. Chapter 222 of 2004 required elementary schools with high suspension rates to implement PBIS or a comparable behavior modification program, and other schools at all levels have voluntarily implemented PBIS. Schools implementing PBIS typically send teams to summer training programs that prepare them to employ the approach in their schools. Personnel from schools that have had teams attend the training report reductions in office referrals after implementing the program. MSDE has reported that PBIS increases minutes in instruction, makes instructional minutes more effective, and creates a climate that is more calm and conducive to learning. MSDE also reports that more than one-third of Maryland’s public schools are actively implementing PBIS strategies.

During the 2006-2007 school year, 2.2% of Maryland students were habitually truant. This rate ranged from 0.1% in Garrett County schools to 9.2% in Baltimore City schools. The percentage of habitual truants for all 24 local school systems is shown in **Exhibit 1**. Sixteen school systems had habitual truancy rates of less than 1.0%.

Exhibit 1
Percentage of Habitually Truant Students
2006-2007 School Year

| | | | |
|-----------------|------|-----------------|------|
| Allegany | 0.8% | Harford | 0.8% |
| Anne Arundel | 1.3% | Howard | 0.3% |
| Baltimore City* | 9.2% | Kent | 3.2% |
| Baltimore | 1.4% | Montgomery | 0.9% |
| Calvert | 0.4% | Prince George's | 4.2% |
| Caroline | 1.1% | Queen Anne's | 0.9% |
| Carroll | 0.3% | St. Mary's | 0.8% |
| Cecil | 0.8% | Somerset | 1.4% |
| Charles | 0.5% | Talbot | 0.3% |
| Dorchester | 0.9% | Washington | 0.7% |
| Frederick | 0.8% | Wicomico | 1.8% |
| Garrett | 0.1% | Worcester | 0.7% |

*Excludes students at Edison Schools, which had a habitual truancy rate of 4.7%.

Source: Maryland State Department of Education

In 2007, several bills were enacted that targeted habitual truants and truancy prevention. Senate Bill 519/House Bill 571 prohibit the Motor Vehicle Administration from issuing a learners instructional driving permit to applicants under the age of 16 who record more than 10 unexcused absences during the prior school semester. The bills were enacted as Chapters 562 and 563 and took effect in October 2007. House Bill 1325, which was enacted as Chapter 648 of 2007, extended authorization for truancy courts operating in four Lower Eastern Shore counties and authorized new truancy courts for Harford and Prince George's counties. Truancy courts attempt to identify and address the causes of each child's truancy. The courts hold regular hearings to review each child's progress towards full attendance, and participants "graduate" from the program when they have gone 90 days with no unexcused absences.

State Expenditures: General fund expenditures could increase by an estimated \$75,507 in fiscal 2010, which assumes that truancy data from the 2008-2009 school year will be made available in fall 2009 and schools required to implement behavior modification programs will attend training in July 2010 (fiscal 2011). The estimate reflects the cost of hiring one education specialist and one office secretary in January 2010 to expand MSDE's current PBIS staff, which consists of approximately 1.8 full-time equivalent positions. The education specialist would coordinate the planning, training, implementation, and evaluation of PBIS for schools identified for PBIS implementation and expansion, while the office secretary would support the full MSDE PBIS team. The estimate includes two full-time salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

| | <u>FY 2010</u> | <u>FY 2011</u> |
|---------------------------------|-----------------------|-----------------------|
| Salaries and Fringe Benefits | \$65,814 | \$134,081 |
| Start-up and Operating Expenses | <u>9,693</u> | <u>2,934</u> |
| Total State Expenditures | \$75,507 | \$137,015 |

Future year expenditures reflect • full salaries with 4.4% annual increases and 3% employee turnover; and • 2% annual increases in ongoing operating expenses.

Beginning in fiscal 2011, costs would also be incurred to train PBIS teams from the new schools required to implement or expand behavior modification programs under this bill. The State costs for training, which include payments for speakers and consultants, room rental fees, and printing and materials costs, are estimated at approximately \$500 per participating school. Although the bill does not define truancy rate, it is assumed that truancy refers to habitually truant students. Based on the most recent available habitual truancy and suspension data, MSDE anticipates participation in PBIS training of teams

from 120 schools in fiscal 2011, 156 schools in fiscal 2012, and 143 schools in fiscal 2013 as shown in the table below.

| Schools Required to Implement PBIS | | | | | |
|---|-----------------------|--------------------|----------------------|-------------|--------------------|
| Year School Identified | Implement PBIS | Expand PBIS | Total Schools | Cost | Fiscal Year |
| 2008-2009 | 85 | 35 | 120 | \$60,000 | 2011 |
| 2009-2010 | 108 | 48 | 156 | \$78,000 | 2012 |
| 2010-2011 | 143 | 60 | 203 | \$101,500 | 2013 |

After a school receives the initial PBIS training, a number of additional year-round school support programs are provided in the second year after training occurs, at a total cost to the State of approximately \$1,300 per participating school. Thus, the State will incur a second year of costs for each school that is required to implement PBIS for the first time. The costs for fiscal 2012 and 2013 are estimated in the table below.

| Year School Identified | Schools | Cost | Fiscal Year |
|-------------------------------|----------------|-------------|--------------------|
| 2008-2009 | 85 | \$110,500 | 2012 |
| 2009-2010 | 108 | \$140,400 | 2013 |

MSDE advises that it currently spends approximately \$200,000 per year on PBIS training. Assuming this base level of funding continues, fiscal 2011 and 2012 costs resulting from this bill could be absorbed into the existing budget. However, fiscal 2013 costs would exceed the current funding level, requiring additional State general funds as shown in the table below. As the truancy rates triggering the PBIS requirement decrease, more schools would be identified requiring more State funds in future fiscal years.

| Type of Cost | FY 2011 | FY 2012 | FY 2013 |
|------------------------------|-----------------|------------------|------------------|
| Training Costs | \$60,000 | \$78,000 | \$101,500 |
| Additional Support Costs | <u>0</u> | 110,500 | 140,400 |
| Total Costs for SB 96 | \$60,000 | \$188,500 | \$241,900 |
| Current PBIS Spending | <u>200,000</u> | <u>200,000</u> | <u>200,000</u> |
| Additional State Cost | \$0 | \$0 | \$41,900 |

Local Expenditures: Most of the local school system costs in the first year of PBIS implementation involve travel expenses to training events for designated teams from each school. First year costs are estimated \$10,000 per school, with travel expenses amounting to an estimated \$8,500 and ongoing costs for school incentives and professional development of \$1,500. Costs are only estimated for the newly identified schools, not schools that are required to expand existing PBIS programs. Therefore, local school expenditures would increase by an estimated \$850,000 in fiscal 2011 to begin

PBIS implementation in 85 schools. These costs would escalate in future years as new schools are identified for PBIS implementation while schools already implementing PBIS would continue to expend an estimated \$1,500 per year to maintain the programs.

These estimates assume existing school psychologists could act as local PBIS coaches for the schools required to implement PBIS. If additional school psychologists are needed, there would be additional costs.

Additional Information

Prior Introductions: None.

Cross File: HB 285 (Delegate Kaiser, *et al.*) – Ways and Means.

Information Source(s): Maryland State Department of Education, Harford County Public Schools, pbismaryland.org, Department of Legislative Services

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