

Department of Legislative Services
 Maryland General Assembly
 2009 Session

FISCAL AND POLICY NOTE

House Bill 1032 (Delegate Conaway)
 Ways and Means

Education - Public and Private Schools - Criminal Law and Criminal Procedure Courses

This bill requires local boards of education and private schools to develop mandatory courses on criminal law and criminal procedure to be implemented during middle school or an equivalent age-appropriate grade level. The State Board of Education must provide guidance and assistance to local boards and private schools.

Fiscal Summary

State Effect: General fund expenditures increase by an estimated \$65,400 in FY 2010 to develop a model criminal law and procedure curriculum and provide training and technical assistance as local school systems implement the new curriculum. Future year estimates reflect annualization, regular salary increases, and inflation. General fund expenditures increase by an additional \$3.5 million in FY 2013 and an additional \$3.9 million in FY 2014 to pay retirement costs for new teachers hired in FY 2011 to teacher criminal law and criminal procedure courses. Future year estimates reflect annualization, regular salary increases, and inflation. Revenues are not affected.

(in dollars)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	65,400	82,800	86,800	3,592,500	3,992,400
Net Effect	(\$65,400)	(\$82,800)	(\$86,800)	(\$3,592,500)	(\$3,992,400)

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

Local Effect: Local school expenditures increase by an estimated \$28.7 million in FY 2011 to implement mandatory criminal law and criminal procedure courses in all middle schools. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Potential meaningful. Private school expenditures increase to implement mandatory criminal law and criminal procedure courses.

Analysis

Current Law: With the advice of the State Superintendent of Schools, the State Board of Education establishes basic policy and guidelines for the program of instruction for public schools. Subject to State law and the bylaws, policies, and guidelines established by the State Board of Education, each local board of education must establish the curriculum guides and courses of study for schools in its jurisdiction.

Background: The Maryland State Department of Education (MSDE) advises that criminal law and procedure is not part of the voluntary State curriculum for middle schools. However, the voluntary State curriculum for government at the high school level does include civil and criminal law, and students are tested on civil and criminal law in the government high school assessment. MSDE also advises that all school systems in Maryland offer elective criminal law courses.

State Expenditures: General fund expenditures increase by an estimated \$65,437 in fiscal 2010, which accounts for the bill's October 1, 2009 effective date. This estimate reflects the cost of hiring an education program specialist to manage the development of a voluntary State curriculum for criminal law and procedure and to provide guidance and technical assistance to local school systems as they implement the new courses. A salary, fringe benefits, start-up costs, and ongoing operating expenses are included in the estimate.

	<u>FY 2010</u>	<u>FY 2011</u>
Salary and Fringe Benefits	\$60,719	\$82,306
Start-up Costs and Operating Expenses	<u>4,718</u>	<u>515</u>
Total State Expenditures	\$65,437	\$82,821

Future year expenditures reflect a full salary with 4.4% annual increases, 3% employee turnover, and 1% annual increases in ongoing operating expenses.

The State pays the cost of teachers' retirement on behalf of local school systems. If local school systems hire additional personnel to teach the required criminal law and criminal procedure courses, State-paid retirement costs will increase with the increased salary bases. State payments for teachers' retirement are calculated using actual salary bases from the second prior fiscal year. Assuming salary base growth of \$21.2 million in

fiscal 2011 and \$21.9 million in fiscal 2012 (under the estimates enumerated in the Local Expenditures section), teachers' retirement costs increase by an estimated \$3.6 million in fiscal 2013 and by an estimated \$3.9 million in fiscal 2014.

Local Expenditures: Local school expenditures increase by an estimated \$28.7 million in fiscal 2011 to hire teachers qualified to teach mandatory criminal law and criminal procedure courses (\$26.1 million) and to purchase textbooks and materials needed for the courses (\$2.6 million). The information and assumptions used to develop this estimate are stated below.

- The mandated courses are developed in the 2009-2010 school year and taught beginning in the 2010-2011 school year.
- There are approximately 64,000 students in each middle school grade, so each year, approximately 64,000 students receive the required instruction.
- It is estimated that each teacher has approximately 200 students per year. This assumes that the criminal law and procedure courses are one semester long and that a teacher can teach approximately four classes of 25 students or five classes of 20 students per semester. In total, 320 new teachers are needed.
- The average cost per teacher for salary and benefits (excluding State-paid retirement costs) is estimated at \$81,500. The total cost for 320 teachers is approximately \$26.1 million (\$21.2 million for salaries and \$4.9 million for benefits).
- Enough textbooks and other course materials are needed for 32,000 students each semester. The materials cost an estimated \$80 per student, or \$2.6 million in total.

After fiscal 2011, costs for textbooks and course materials decrease if the same materials are reused. To the extent that existing teachers are qualified to teach criminal law and procedure, costs for teachers may be somewhat less than \$28.7 million. Additional school system costs may also be incurred for curriculum development and support.

Small Business Effect: Like public schools, private schools are required to implement criminal law and procedure courses for all middle school students. There are approximately 11,000 private school students in each middle school grade. Using the same assumptions described above for local school systems, private school costs increase by an estimated \$4.9 million in fiscal 2011.

Additional Information

Prior Introductions: HB 300 of 2008 received an unfavorable report from the House Ways and Means Committee.

Cross File: None.

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

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