

SENATE BILL 706

F1

2lr2406
CF HB 1301

By: **Senators Zucker and Elfreth**

Introduced and read first time: February 4, 2022

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2022

CHAPTER _____

1 AN ACT concerning

2 **Nonpublic Educational Programs – Children With Disabilities – Costs of**
3 **Teacher Salaries**

4 FOR the purpose of requiring the ~~State and certain counties to pay for costs of salaries for~~
5 ~~teachers at nonpublic educational programs in a certain amount and proportion;~~
6 Governor to include a certain appropriation in the annual budget bill to the State
7 Department of Education to support the operations of the nonpublic educational
8 programs for certain fiscal years; requiring the Department to distribute the funds
9 each year in a certain manner; requiring the Department to submit a certain report
10 on or before a certain date; and generally relating to salaries for teachers at
11 nonpublic educational programs for children with disabilities.

12 BY repealing and reenacting, without amendments,
13 Article – Education
14 Section 8–415(d)
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2021 Supplement)

17 BY adding to
18 Article – Education
19 Section 8–415(e)
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

8–415.

(d) (1) In this subsection, “basic cost” as to each county, means the average amount spent by the county from county, State, and federal sources for the public education of a nonhandicapped child. “Basic cost” does not include amounts specifically allocated and spent for identifiable compensatory programs for disadvantaged children.

(2) As provided in paragraphs (3) and (4) of this subsection, the State and the counties shall share collectively in the cost of educating children with disabilities in nonpublic programs under § 8–406 of this subtitle.

(3) (i) Subject to the limitation under subparagraph (ii) of this paragraph, for each of these children domiciled in the county, the county shall contribute for each placement the sum of:

1. The local share of the basic cost;

2. An additional amount equal to 200 percent of the basic cost; and

3. A. For fiscal year 2009, an additional amount equal to 20 percent of the approved cost or reimbursement in excess of the sum of items 1 and 2 of this subparagraph; and

B. For fiscal year 2010 and each subsequent fiscal year thereafter, an additional amount equal to 30 percent of the approved cost or reimbursement in excess of the sum of items 1 and 2 of this subparagraph.

(ii) The amount that a county is required to contribute under subparagraph (i) of this paragraph may not exceed the total cost or reimbursement amount approved by the Department.

(4) For each of these children, the State shall contribute an amount equal to the amount of the approved cost or reimbursement in excess of the amount the county is required to contribute under paragraph (3) of this subsection.

~~(E) (1) IN THIS SUBSECTION, “LOCAL SCHOOL SALARIES” MEANS THE SALARIES RECEIVED IN THE LOCAL SCHOOL SYSTEM BY PUBLIC SCHOOL TEACHERS OF SIMILAR TRAINING AND EXPERIENCE TO TEACHERS AT A NONPUBLIC EDUCATIONAL PROGRAM IN THE SAME COUNTY.~~

~~(2) A NONPUBLIC EDUCATIONAL PROGRAM SHALL PROVIDE ITS TEACHERS A SALARY THAT IS EQUIVALENT TO THE LOCAL SCHOOL SALARIES.~~

~~(3) IF THE AMOUNT OF FUNDING PROVIDED UNDER SUBSECTION (D) OF THIS SECTION IS INSUFFICIENT TO PROVIDE LOCAL SCHOOL SALARIES TO TEACHERS AT A NONPUBLIC EDUCATIONAL PROGRAM, ADDITIONAL FUNDING SHALL BE PROVIDED IN AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE AMOUNT OF FUNDING NEEDED TO PROVIDE LOCAL SCHOOL SALARIES TO TEACHERS AT A NONPUBLIC EDUCATIONAL PROGRAM AND THE FUNDING PROVIDED UNDER SUBSECTION (D) OF THIS SECTION.~~

~~(4) THE ADDITIONAL FUNDING UNDER PARAGRAPH (3) OF THIS SUBSECTION SHALL BE PAID FOR BY THE STATE AND THE COUNTY IN THE SAME PROPORTION AS THE COSTS PAID UNDER SUBSECTION (D) OF THIS SECTION.~~

~~(5) FUNDING FOR OTHER COMPONENTS OF THE NONPUBLIC EDUCATIONAL PROGRAM MAY NOT BE REDUCED TO PROVIDE TEACHER SALARIES IN ACCORDANCE WITH THIS SUBSECTION.~~

(E) (1) FOR FISCAL YEARS 2023 AND 2024, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$4,000,000 TO THE DEPARTMENT TO SUPPORT THE OPERATIONS OF THE NONPUBLIC EDUCATIONAL PROGRAMS THROUGHOUT THE STATE.

(2) THE AMOUNT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IN ADDITION TO THE AMOUNT REQUIRED UNDER SUBSECTION (D) OF THIS SECTION.

(3) THE DEPARTMENT SHALL DISTRIBUTE TO EACH NONPUBLIC EDUCATIONAL PROGRAM AN EQUAL AMOUNT FOR EACH TEACHER EMPLOYED BY THE NONPUBLIC EDUCATIONAL PROGRAM.

(4) IN USING THE FUNDS PROVIDED UNDER THIS SUBSECTION, NONPUBLIC EDUCATIONAL PROGRAMS SHALL PRIORITIZE ENHANCING TEACHER SALARIES.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 15, 2023, the Department shall work with each nonpublic educational program and provide a consolidated report to the Senate Budget and Taxation Committee and the House Appropriations Committee, in accordance with § 2-1257 of the State Government Article, on:

(1) the average salary of a public school teacher of similar training and experience to teachers at a nonpublic educational program in the same county; and

1 (2) the funding required for each nonpublic educational program to
2 increase the salaries of the teachers to be commensurate with the salaries identified in item
3 (1) of this section.

4 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.