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3lr1088 CF SB 311

By: Delegates Korman, Cardin, Guyton, Henson, Pasteur, and Reznik

Introduced and read first time: January 30, 2023 Assigned to: Ways and Means and Appropriations

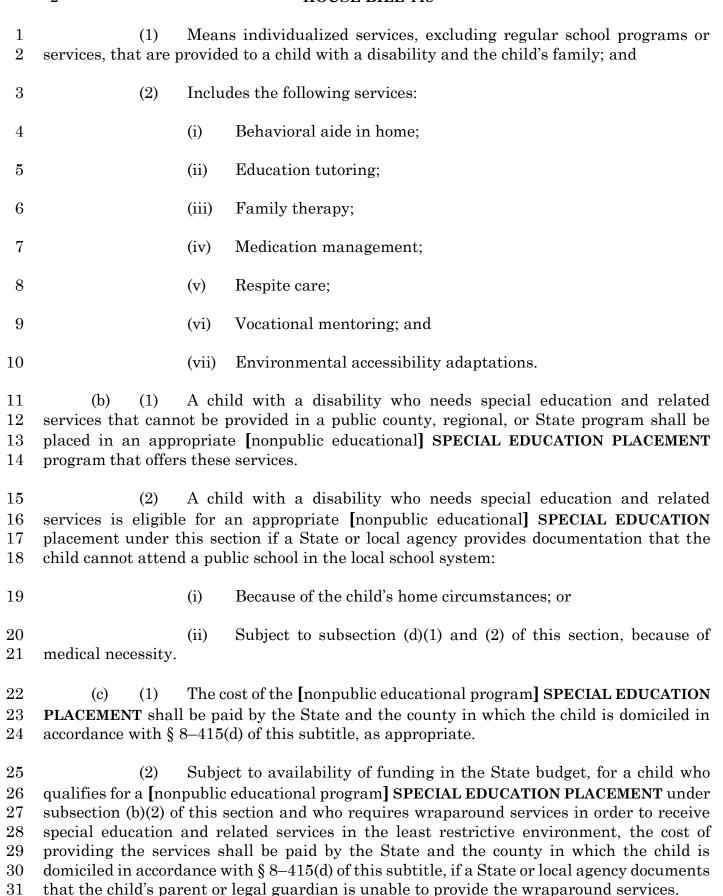
A BILL ENTITLED

1	AN ACT concerning
2 3	Nonpublic Education – Special Education Placements – Renaming and Teacher Salaries
4	(Teacher Pay Parity Act)
5	FOR the purpose of renaming the nonpublic educational program to be the special
6	education placement program; requiring the State and certain counties to pay for
7	costs of salaries and bonuses for teachers at special education placements in a certain
8	amount and proportion; and generally relating to special education placements for
9	children with disabilities and salaries for teachers at special education placements.
10	BY repealing and reenacting, with amendments,
11	Article – Education
12	Section 8–406, 8–410(d) and (e), and 8–415(d)
13	Annotated Code of Maryland
14	(2022 Replacement Volume)
15	BY adding to
16	Article – Education
17	Section 8–415(e)
18	Annotated Code of Maryland
19	(2022 Replacement Volume)
20	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21	That the Laws of Maryland read as follows:
22	Article – Education
23	8–406.
24	(a) In this section, "wraparound services":

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





- NOTWITHSTANDING THE USE OF THE TERMS "NONPUBLIC 1 **(3)** 2 EDUCATIONAL PROGRAM" AND "NONPUBLIC PLACEMENT" IN THIS ARTICLE, THE 3 STATE BOARD AND EACH COUNTY BOARD SHALL USE THE TERM "SPECIAL EDUCATION PLACEMENT" IN ALL COMMUNICATIONS. 4 "NONPUBLIC **(4) EDUCATIONAL** 5 PROGRAM", "NONPUBLIC PLACEMENT", AND "SPECIAL EDUCATION PLACEMENT" SHALL BE CONSTRUED AS 6 7 CONSISTENT WITH THE FEDERAL REQUIREMENTS OF THE INDIVIDUALS WITH 8 DISABILITIES EDUCATION ACT (IDEA), 20 U.S.C. SECTION 1400 ET SEQ., AND FEDERAL LAWS AND REGULATIONS. 9 10 Payment or reimbursement for a [nonpublic program] SPECIAL (d) (1)EDUCATION PLACEMENT may not be provided if the payment or reimbursement would 11 12 require an additional contribution from the State under § 8–415(d)(2) of this subtitle unless the Department approves: 13 14 (i) The [nonpublic program] SPECIAL EDUCATION PLACEMENT; The placement of the child in the [program] SPECIAL 15 (ii) 16 **EDUCATION PLACEMENT:** 17 The cost of the [program] SPECIAL EDUCATION PLACEMENT; (iii) 18 and The amount of payment or reimbursement. 19 (iv) 20 (2) For wraparound services, payment or reimbursement may not be provided in accordance with § 8–415(d) of this subtitle if: 2122The child is eligible for funding for out-of-state placement of (i) children under departmental regulations; or 23 24 Alternative federal, State, or local funding is available. (ii) 25(3)Department approval is not required for a [nonpublic program] 26 SPECIAL EDUCATION PLACEMENT if: 27 (i) The local school system approves the placement of the child [in the program]; and 28 29 The local school system makes the payment or reimbursement (ii) from local funds. 30
- 31 (4) The State Board shall adopt regulations that establish standards and 32 guidelines for approvals required by paragraph (3) of this subsection.

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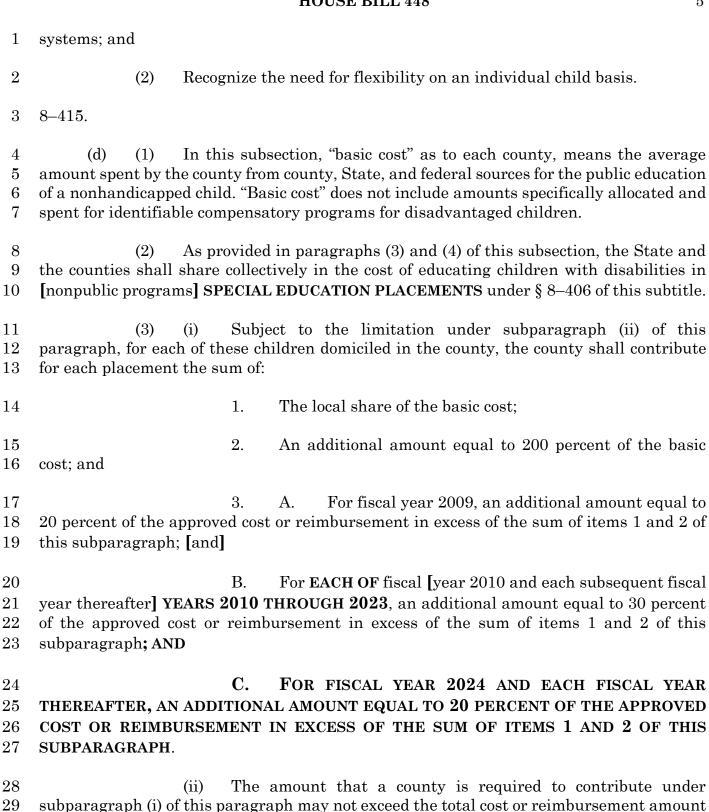
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- (e) A [nonpublic] SPECIAL EDUCATION placement recommended by a local school system for approval under subsection (d)(1) of this section shall be approved or disapproved pursuant to the regulations of the State Board. However, the Department may not disapprove a [nonpublic] SPECIAL EDUCATION placement recommended by a local school system for a child unless the Department provides an appropriate alternative placement in conformity with the regulations of the State Board and applicable federal laws and regulations. The Department may not terminate funding for the last approved [nonpublic] SPECIAL EDUCATION placement of a child during the pendency of an administrative or judicial review of a recommended placement change.
- (f) In addition to meeting the requirements of this subtitle, a local school system seeking nonpublic tuition payment shall obtain funding approval from the local coordinating council and the State Coordinating Council in accordance with departmental regulations.
- 14 (G) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE 15 PROVISIONS OF THIS SECTION.
- 16 8–410.
 - (d) (1) By July 1 of each year any local school system that has 25 or more children with disabilities [attending nonpublic education facilities] IN SPECIAL EDUCATION PLACEMENTS shall submit to the State Department a detailed report, including any rules and regulations it has adopted since the submission of its last report, which outline the local school system's compliance with the State Department adopted guidelines for the transportation of a child with a disability to [nonpublic special education facilities] SPECIAL EDUCATION PLACEMENTS.
- 24 (2) The State Department shall annually:
- 25 (i) Review each applicable local school system's plan or procedures 26 for transporting children with disabilities to [nonpublic special education facilities] 27 SPECIAL EDUCATION PLACEMENTS for compliance with the State Department's 28 guidelines; and
- 29 (ii) Advise a local school system as to whether its plan or procedures 30 are in compliance.
- 31 (e) In both the adoption of guidelines under subsection (c)(2) of this section and 32 the annual review under subsection (d) of this section of each applicable county's plan or 33 procedures for transporting children with disabilities to [nonpublic special education 34 facilities] SPECIAL EDUCATION PLACEMENTS, the State Department shall:
- 35 (1) Take into consideration the particular circumstances and needs of each 36 applicable local school system, including the differences among urban and rural school



For each of these children, the State shall contribute an amount equal 31 **(4)** 32to the amount of the approved cost or reimbursement in excess of the amount the county is 33 required to contribute under paragraph (3) of this subsection.

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approved by the Department.

- 1 (E) (1) IN THIS SUBSECTION, "LOCAL SCHOOL SALARIES" MEANS THE
 2 SALARIES AND BONUSES RECEIVED BY PUBLIC SCHOOL TEACHERS OF SIMILAR
 3 TRAINING AND EXPERIENCE TO TEACHERS AT A SPECIAL EDUCATION PLACEMENT
 4 IN THE SAME COUNTY IN WHICH THE SCHOOL IS LOCATED.
- 5 (2) A SPECIAL EDUCATION PLACEMENT SHALL PROVIDE ITS
 6 TEACHERS A SALARY THAT IS EQUIVALENT TO THE LOCAL SCHOOL SALARIES,
 7 PHASED IN OVER 3 YEARS BEGINNING IN FISCAL YEAR 2024 WITH PARITY ACHIEVED
 8 IN THE THIRD YEAR AND PARITY MAINTAINED THEREAFTER.
- 9 IN ACCORDANCE WITH THE PHASE-IN AND CONTINUING EACH YEAR THEREAFTER UNDER PARAGRAPH (2) OF THIS SUBSECTION, IF THE AMOUNT 10 OF FUNDING PROVIDED UNDER SUBSECTION (D) OF THIS SECTION IS INSUFFICIENT 11 TO PROVIDE LOCAL SCHOOL SALARIES TO TEACHERS AT SPECIAL EDUCATION 12 13 PLACEMENT SCHOOLS APPROVED UNDER COMAR 13A.09.10, ADDITIONAL 14 FUNDING SHALL BE PROVIDED IN AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE AMOUNT OF FUNDING NEEDED TO PROVIDE LOCAL SCHOOL SALARIES 15 16 TO TEACHERS AT A SPECIAL EDUCATION PLACEMENT SCHOOL AND THE FUNDING 17 PROVIDED UNDER SUBSECTION (D) OF THIS SECTION.
- 18 (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.
- 21 (5) FUNDING FOR OTHER COMPONENTS OF THE SPECIAL EDUCATION 22 PLACEMENT MAY NOT BE REDUCED TO PROVIDE TEACHER SALARIES IN 23 ACCORDANCE WITH THIS SUBSECTION.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.