HB 879

Department of Legislative Services

Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 879 (Delegates Bagnall and Guyton)
Ways and Means

Language Acquisition Tracking Program for Deaf and Hard of Hearing Children - Establishment

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This bill establishes the Language Acquisition Tracking Program for Deaf and Hard of Hearing Children (the program) in the Maryland State Department of Education (MSDE), as well as a State Coordinator position in MSDE and a related Advisory Council (the Council). The program is intended to ensure that eligible children develop language skills at the same rate and to the same extent as their peers. The program must be made available to all eligible children at no cost. **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: General fund expenditures increase by $511,600 in FY 2027 for staffing and one-time information technology (IT) costs. Out-year costs reflect annualization, inflation, on-going costs, and the termination of one-time costs. Revenues are not affected.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Revenues	$0	$0	$0	$0	$0
GF Expenditure	511,600	312,500	326,800	341,400	356,000
Net Effect	($511,600)	($312,500)	($326,800)	($341,400)	($356,000)

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

Local Effect: Local school system expenditures increase beginning in FY 2027 to conduct the assessment of eligible children under the program established by the bill. Local revenues are not affected.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: An eligible child means a deaf or hard of hearing child under the age of nine who has (1) an individualized family service plan (IFSP); (2) an individualized education program (IEP); or (3) a Section 504 plan.

State Coordinator

The State coordinator is responsible for implementation of the program and must hold certain credentials, demonstrate certain proficiency and knowledge, and, if practicable, be a deaf or hard of hearing individual. The State coordinator must, among other responsibilities (1) identify age- and grade-appropriate developmental milestones and language acquisition benchmarks for evaluating the progress of eligible children; (2) develop and implement a process for assessing the milestones and benchmarks; (3) provide professional development and training opportunities for educators and assessment specialists on the use of the language assessment tool; and (4) create a parent and guardian resource that provides them with information about age- and grade-appropriate developmental milestones and language acquisition benchmarks, as specified.

Advisory Council

The Council must provide specified consultation services and advice to the State coordinator, evaluate existing language assessment tools, approve a language assessment tool to be used by the program, and review the required annual report (discussed below). The bill provides for the appointment and term length for members, who may not receive compensation but are entitled to reimbursement for expenses.

Language Assessment and Consequences

The program must track each eligible child's language acquisition using an assessment tool approved by the Council. The language assessment tool must:

- include the stages of age- and grade-appropriate language acquisition and development;
- be appropriate for eligible deaf and hard of hearing children;
- be in a specified format; and
- be useful in establishing or revising an eligible child's IFSP, IEP, 504 plan, or comparable plan.

The assessment tool is used to assess acquisition of signed or the spoken language of eligible children. A process developed by MSDE must be used by parents to select whether the assessment tool assesses signed or the spoken language, or both, of an eligible child. The assessment tool must be administered to each eligible child (1) by the child's teacher or an assessment specialist; (2) within six months after the child is diagnosed as being deaf or hard of hearing; (3) every six months thereafter; and (4) from entry into the program until the child's ninth birthday. If an eligible child does not demonstrate progress in language acquisition as measured by the assessment tool, the eligible child's IFSP, IEP, or 504 plan must be updated as specified. A parent may opt an eligible child out of the assessment.

Annual Report

Beginning July 1, 2028, MSDE, in consultation with the Maryland Department of Health (MDH) and Maryland School for the Deaf, must report annually on the language acquisition and literacy development of eligible children to the Senate Education, Energy, and the Environment Committee and the House Ways and Means Committee. The report must be published on the MSDE website and compare the language acquisition of eligible children with the language acquisition of their peers. Data must be reported in a manner consistent with State and federal law regarding the privacy of child and student information.

Current Law: Each deaf child must attend a school or classes for the deaf during the school year unless the child otherwise is receiving regular, thorough instruction during the school year in studies usually taught in the public schools to children of the same age. Each person who has a deaf child under the person's control must see that the child attends school or otherwise receives instruction.

State regulations require that a student be assessed in all areas related to a suspected disability and that a variety of assessment tools and strategies be used to gather sufficient relevant information to determine (1) if the student has a disability; (2) the student's educational needs; (3) the content of a student's IEP; and (4) each special education and related service needed by the student.

Individualized Education Programs and Individualized Family Service Plans

The federal Individuals with Disabilities Education Act (IDEA) requires that a child with disabilities be provided a free appropriate public education in the least restrictive environment from birth through the end of the school year in which the student turns 21 years old, in accordance with the IFSP or the IEP specific to the individual needs of the child.

An IFSP is for children with disabilities from birth up to age 3, and up to age 5, under Maryland's Extended IFSP Option if a parent chooses the option. An IEP is for students with disabilities age 3 through 21. Local school systems are required to make a free appropriate public education available to students with disabilities from age 3 through 21. However, the State, under its supervisory authority required by IDEA, has the ultimate responsibility for ensuring that this obligation is met.

Section 504 Plans

Under Section 504 of the federal Rehabilitation Act of 1973, an organization that receives federal money, including public and many private schools, may not discriminate against a person on the basis of a disability. Section 504 requires schools to make a "reasonable accommodation" for students with disabilities to allow them to participate in school and school-related activities. Section 504 plans can be created to help students with disabilities receive accommodations that are not covered by their IEP. Students with disabilities who do not need an IEP may still receive accommodations through a Section 504 plan. For example, a student who has diabetes may have a Section 504 plan that includes a schedule for getting medication. A student who uses a wheelchair may have a Section 504 plan that provides for special transportation during field trips.

State Fiscal Effect: The program is established within MSDE and is led by a State Coordinator within MSDE, who must implement the program and fulfill responsibilities as described above. MSDE requires three new positions, including the State Coordinator and two positions to support the State Coordinator with providing professional development and training, developing assessment processes, capturing required data, and other MSDE and State Coordinator responsibilities under the bill. MSDE incurs one-time costs of $250,000 in fiscal 2027 to (1) create a new platform to collect and maintain necessary program data and (2) update the Maryland Online IEP (MOIEP) system.

Therefore, general fund expenditures for MSDE increase by $511,572 in fiscal 2027, which accounts for a 90-day start-up delay from the bill's July 1, 2027 effective date. This estimate reflects the cost of hiring the three positions and the one-time IT costs described above. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	3.0
Salary and Fringe Benefits	$234,150
One-time Platform and MOIEP costs	250,000
Other Expenses	27,422
Total FY 2027 MSDE Expenditures	**$511,572**

Future year expenditures reflect (1) a full salary with annual increases and employee turnover; (2) annual increases in ongoing operating expenses;(3) the termination of one-time IT costs; and (4) $5,000 in annual MOIEP maintenance costs. While MSDE advises that it will incur substantial per-assessment costs, the Department of Legislative Services (DLS) advises that costs for administering the assessment are borne by local school systems, as described below.

MDH advises that it will require half a position to participate on the Council and consult on the annual report prepared by MSDE. DLS assumes that existing MDH resources suffice.

Local Fiscal Effect: The bill requires that the language assessment be administered by a child's teacher or assessment specialist, so DLS assumes that local school systems are responsible for administering the assessment. Therefore, local school systems incur costs to administer the language assessment every six months for eligible children, and submit data and other information to the State Coordinator and/or MSDE.

Anne Arundel County advises that it (1) needs to hire two full-time speech language pathologists at an annual cost of approximately $260,000 to administer and evaluate assessments and to recommend changes to education plans if necessary and (2) incurs nominal costs for testing toolkits and booklets. Baltimore City Public Schools assumes that the requirement to adjust IFSPs, IEPs, and 504 plans in the event that children do not make specified progress adds to local school system costs.

Montgomery County Public Schools advises that it requires five additional positions at an annual cost of approximately $690,000, and St. Mary's Public Schools requires one additional position at an approximate annual cost of $135,000.

Although actual costs for local school systems may vary from the estimates given above, DLS concurs that local school systems incur significant additional costs to administer student assessments and provide related supports.

Small Business Effect: Small businesses that develop language acquisition tools, or perform related assessments, may benefit.

Additional Comments: Private schools also incur additional costs to administer the language assessment every six months for eligible children, and submit data and other information to the State Coordinator and/or MSDE.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 502 (Senator King) - Education, Energy, and the Environment.

Information Source(s): Baltimore City Public Schools; Anne Arundel County Public Schools; Montgomery County Public Schools; St. Mary's County Public Schools; Maryland School for the Deaf; Maryland Department of Health; Maryland State Department of Education; Department of Legislative Services

Fiscal Note History: First Reader - February 23, 2026
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