



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

HB 1301

Testimony of Delegate Marc Korman—Favorable

Thank you Madam Chair, Mr. Vice Chair, and members of the Ways and Means Committee. Today I come before you to present **HB 1301, (Nonpublic Educational Programs – Children with Disabilities - Cost of Teacher Salaries)** which will require the State and County to provide teachers at a nonpublic special education program a salary that is equivalent to salaries received by public school teachers.

As you may be aware, the state of Maryland is responsible for providing Free Appropriate Public Education (FAPE) for all students, including those with special needs. This commitment is met through the development of the Individualized Education Program (IEP), which is designed to meet the unique needs of a student with disabilities. However, if an IEP team finds that a student's local public school is unable to fully implement the student's IEP, the student may be recommended to be placed in a nonpublic school that is able to serve their needs. Nonpublic placement programs are used to support special needs students with an IEP that cannot be met in public schools. These schools, which predominantly contain publicly funded students, exist in about thirteen of our counties and many students cross jurisdictional lines for their schooling. For example, the Linwood School in Howard County currently serves 49 students, all of whom are publicly funded. Students come from at least 8 different jurisdictions. The school does *not* accept private pay students.

The costs of educating these children are shared by the local jurisdiction and the state. The local jurisdiction pays to the special needs school the local share of a calculated “basic cost” used to calculate the cost of educating a non-special needs student plus 200% of the basic cost. If there is a difference between the cost of the school, which must be approved by the Maryland State Department of Education, and that cost—which there typically is—the state pays 70% of that cost and the local jurisdiction pays the remaining 30%.<sup>1</sup>

The purpose of HB 1301 is to address and rectify the pay disparity between nonpublic special education teachers and public school special education teachers. The salary disparity ranges from \$8/hour to \$27/hour below public school system rates. When calculated as a percentage,

---

<sup>1</sup> Md. Ed. Art. § 8-415.

this ranges from 23.3% to 40.7% below public school system rates. That means that a teacher in a classroom at my local public elementary school may be making 23.3% to 40.7% more than a teacher at a local special needs elementary school, even if all of the students in both classrooms are publicly funded.

The disparity continues to increase as qualifications (certification area and terminal degree) increase. A survey conducted also found that none of the 62 responding nonpublic special education schools were offered a pension plan while 100% of the 21 responding public school systems provide a pension plan which both the employer and employee contribute.<sup>2</sup>

HB 1301 requires a nonpublic special needs school to pay teachers a salary that is equivalent to public school teachers of similar training and experience in the same county. This would be paid for under the same approach described above, a mix of local and state resources.

Last year, the General Assembly passed HB 1365 which provided one year of additional funding to help fill the gap and requested a report on a sustainable, ongoing solution from the Maryland State Department of Education. The bill before you represents one of the Proposed Options in that report and I am happy to provide a copy to any interested member.

Nonpublic special education schools are vital to the fulfillment of the Individuals with Disabilities Act and state law. Special needs students deserve the best education possible and in order to provide that we have to make sure special education teachers working in nonpublic schools are paid competitive salaries. HB 1301 helps bridge the gap in salary between nonpublic school special education teachers and public school special education teachers. It is important that we strive to provide equitable salaries for nonpublic education teachers to encourage and support the vital work they do. I urge a favorable report.

---

<sup>2</sup> "2020 Joint Chairmen's Report (Page 168): Public/Nonpublic Special Education Teacher Salary Parity," 2020 Joint Chairmen's Report (Page 168): Public/Nonpublic Special Education Teacher Salary Parity §