

# SENATE BILL 907

F1, B1

(7lr3152)

## ENROLLED BILL

— Budget and Taxation / Ways and Means —

Introduced by **Senators Currie, Hogan, and McFadden**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Budget Accountability – Master Plans – ~~Submission~~ and Evaluations**

3 FOR the purpose of requiring county boards of education to submit certain annual  
4 updates to their comprehensive master plans to the State Department of  
5 Education on or before ~~a certain date and at a certain time thereafter~~ certain  
6 dates; *repealing a certain provision of law authorizing the State Board of*  
7 *Education to withhold State funds from a county board under certain*  
8 *circumstances; requiring county boards of education to submit comprehensive*  
9 *master plans to the State Department of Education on or before a certain date;*  
10 clarifying that comprehensive master plans ~~extend for~~ and annual updates  
11 cover a certain period of time; requiring the Department to submit an interim

---

#### 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.

*Italics indicate opposite chamber / conference committee amendments.*



1 report on the results of a certain evaluation to the Governor and General  
 2 Assembly on or before a certain date; requiring the General Assembly to  
 3 deliberate during a certain legislative session and determine whether certain  
 4 provisions of law, as amended by this Act, should be modified to differentiate  
 5 among local education agencies in the master plan requirement, whether a  
 6 preexisting comprehensive master plan meets certain requirements, and  
 7 whether a certain provision of law should be repealed; providing for the delayed  
 8 effective date of certain provisions of this Act; defining a certain term; and  
 9 generally relating to the submission of comprehensive master plans and  
 10 updates by county boards of education.

11 BY repealing and reenacting, with amendments,  
 12 Article – Education  
 13 Section 5–401 and 5–402  
 14 Annotated Code of Maryland  
 15 (2006 Replacement Volume)

16 BY repealing  
 17 Article – Education  
 18 Section 5–401(g)  
 19 Annotated Code of Maryland  
 20 (2006 Replacement Volume)

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

23 **Article – Education**

24 5–401.

25 (a) (1) In this section the following words have the meanings indicated.

26 (2) “Local performance standards” means standards for student and  
 27 school performance developed by a county board.

28 (3) “Plan” means a comprehensive master plan.

29 (4) “State performance standards” means standards for student and  
 30 school performance approved by the State Board.

31 **(5) “UPDATE” MEANS AN ANNUAL UPDATE TO A COUNTY BOARD’S**  
 32 **COMPREHENSIVE MASTER PLAN.**

1 (b) (1) Each county board shall develop and implement a comprehensive  
 2 master plan that describes the goals, objectives, and strategies that will be used to  
 3 improve student achievement and meet State performance standards and local  
 4 performance standards in each segment of the student population.

5 (2) (i) ~~Each~~ ~~ON OR BEFORE OCTOBER 1, 2008, AND EVERY~~  
 6 ~~5 YEARS THEREAFTER, EACH~~ county board shall submit a plan to the Department  
 7 ~~on or before October 1, 2003~~.

8 **(II) EACH COUNTY BOARD SHALL SUBMIT AN UPDATE TO**  
 9 **THE PLAN REQUIRED UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION FOR**  
 10 **REVIEW AND APPROVAL BY THE STATE SUPERINTENDENT OF SCHOOLS ON OR**  
 11 **BEFORE:**

12 1. **OCTOBER 15, 2008; AND**

13 2. **OCTOBER 15, 2009.**

14 **(3) (I) ON OR BEFORE OCTOBER 15, 2010, EACH COUNTY**  
 15 **BOARD SHALL SUBMIT A PLAN TO THE DEPARTMENT.**

16 **(II) BEGINNING IN 2011, EACH COUNTY BOARD SHALL**  
 17 **SUBMIT AN ANNUAL UPDATE FOR REVIEW AND APPROVAL BY THE STATE**  
 18 **SUPERINTENDENT OF SCHOOLS ON OR BEFORE OCTOBER 15 OF EACH YEAR.**

19 **(4) (I) SUBJECT TO SUBSECTION (I) OF THIS SECTION, THE**  
 20 **PLAN AND UPDATES REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION**  
 21 **SHALL COVER A 5-YEAR PERIOD.**

22 (ii) At least 60 days before submitting a plan **OR UPDATE** to the  
 23 Department, a county board shall provide a copy of the plan **OR UPDATE** to the:

24 1. County council and if applicable, county executive; or

25 2. County commissioners.

26 ~~(3) Subject to subsection (i) of this section, the plan shall:~~

27 ~~(i) Extend for a 5-year period beginning with the 2003-2004~~  
 28 ~~school year]; and~~

1                   (ii) ~~Be updated annually by the county board and submitted for~~  
2 ~~review and approval by the State Superintendent of Schools on or before October 15 of~~  
3 ~~each year.~~

4                   (4) (5) Each county board shall submit with the update required under  
5 paragraph (3)(ii) of this subsection:

6                   (i) A detailed summary of how the board's current year  
7 approved budget and increases in expenditures over the prior year are consistent with  
8 the master plan; and

9                   (ii) A summary of how the board's actual prior year budget and  
10 additional expenditures in the prior year's budget aligned with the master plan.

11                  (c) The plan **OR UPDATE** shall include:

12                   (1) Goals and objectives as required under subsections (d) through (f)  
13 of this section that are aligned with State performance standards and local  
14 performance standards;

15                   (2) Implementation strategies for meeting goals and objectives;

16                   (3) Methods for measuring progress toward meeting goals and  
17 objectives;

18                   (4) Time lines for implementation of the strategies for meeting goals  
19 and objectives;

20                   (5) Time lines for meeting goals and objectives;

21                   (6) A description of the alignment of the county board's budget with  
22 goals, objectives, and strategies for improving student achievement;

23                   (7) The impact of the proposed goals, objectives, and implementation  
24 strategies on public school facilities and capital improvements that may be needed to  
25 implement the plan **OR UPDATE**; and

26                   (8) Any other information required by the State Superintendent.

27                  (d) The plan **OR UPDATE** shall include goals, objectives, and strategies  
28 regarding the performance of:

- 1                   (1)    Students requiring special education, as defined in § 5–209 of this  
2 title;
- 3                   (2)    Students with limited–English proficiency, as defined in § 5–208 of  
4 this title;
- 5                   (3)    Prekindergarten students;
- 6                   (4)    Kindergarten students;
- 7                   (5)    Gifted and talented students, as defined in § 8–201 of this article;
- 8                   (6)    Students enrolled in career and technology courses;
- 9                   (7)    Students failing to meet, or failing to make progress toward  
10 meeting, State performance standards, including any segment of the student  
11 population that is, on average, performing at a lower achievement level than the  
12 student population as a whole; and
- 13                   (8)    Any other segment of the student population identified by the  
14 State Superintendent.
- 15           (e)    With regard to subsection (d)(7) of this section, the plan **OR UPDATE**  
16 shall include strategies to address any disparities in achievement identified for any  
17 segment of the student population.
- 18           (f)    (1)    (i)    The State Superintendent shall review each plan **OR**  
19 **UPDATE** to determine whether the plan **OR UPDATE** complies with the requirements  
20 of subsections (b) through (e) of this section.
- 21                               (ii)   If the State Superintendent determines that a plan **OR**  
22 **UPDATE** does not comply with the requirements of subsections (b) through (e) of this  
23 section, the State Superintendent may require specific revisions to the plan **OR**  
24 **UPDATE**.
- 25                   (2)    (i)    The State Superintendent may review the content of each  
26 plan **OR UPDATE** to assess whether the plan **OR UPDATE** will have the effect of  
27 improving student achievement and increasing progress toward meeting State  
28 performance standards.

1 (ii) If the State Superintendent determines that a plan **OR**  
2 **UPDATE** will not have the effect of improving student achievement and increasing  
3 progress toward meeting State performance standards, the State Superintendent may  
4 require specific revisions to the plan **OR UPDATE**.

5 (3) A county board may not implement a plan **OR UPDATE** unless it  
6 has been approved by the State Superintendent.

7 (g) (1) A county board may submit a preexisting management plan to the  
8 Department as the county board's plan under subsection (b) of this section.

9 (2) If the State Superintendent determines that the preexisting  
10 management plan meets the requirements set forth in this section, the State  
11 Superintendent shall approve the preexisting management plan as the county board's  
12 plan.

13 (h) (1) The State Superintendent annually shall review how each county  
14 board's current year approved budget and actual prior year budget align with the  
15 master plan and any updates to the master plan. This review may be based on the  
16 information required to be submitted by the county board under subsection ~~(b)(4)~~  
17 **(B)(5)** of this section and any other information required by the State Superintendent.

18 (2) The State Superintendent annually shall report the results of the  
19 budget review by December 31 to the Governor, the county governing body, and,  
20 subject to § 2-1246 of the State Government Article, the General Assembly.

21 (i) (1) If a school system fails to demonstrate progress toward improving  
22 student achievement and meeting State performance standards in each segment of the  
23 student population during a school year, the State Superintendent shall review the  
24 content of the plan, any updates to the plan, and the results of the annual review  
25 required under subsection (h)(1) of this section to assess whether the plan **OR UPDATE**  
26 will have the effect of improving student achievement and increasing progress toward  
27 meeting State performance standards.

28 (2) If the State Superintendent determines that a plan **OR UPDATE**  
29 will not have the effect of improving student achievement and increasing progress  
30 toward meeting State performance standards, the State Superintendent shall require  
31 specific revisions to the plan **OR UPDATE**.

32 (j) The State Superintendent shall advise the Governor and the General  
33 Assembly concerning the distribution of State funds to a county that fails to make

1 progress toward improving student achievement and meeting State performance  
2 standards in each segment of the student population.

3 ~~(k) The State Board may withhold State funds from a county board if:~~

4 ~~(1) A school system fails to demonstrate annual progress toward~~  
5 ~~improving student achievement and meeting State performance standards in each~~  
6 ~~segment of the student population; and~~

7 ~~(2) Fails to develop a plan OR UPDATE that meets the requirements of~~  
8 ~~subsections (b) through (g) of this section or take any action required by the State~~  
9 ~~Superintendent under this section.~~

10 ~~(k)~~ **(K)** (1) The State Superintendent shall review academic intervention  
11 programs and behavior modification programs to identify best practices.

12 (2) The State Superintendent shall periodically report on the best  
13 practices to the State Board, the county boards, the Governor, and, subject to § 2-1246  
14 of the State Government Article, the General Assembly.

15 ~~(m)~~ **(L)** (1) Subject to paragraph (2) of this subsection, the Department shall  
16 adopt regulations as necessary to implement this section.

17 (2) The Department shall consult with county superintendents and  
18 county boards before promulgating proposed regulations to implement this section.

19 ~~(n)~~ **(M)** The Department may provide technical assistance to county boards in  
20 developing and implementing a plan.

21 ~~(o)~~ **(N)** The Governor shall include an appropriation for the Department in the  
22 State budget for each fiscal year in amount sufficient to cover the costs associated with  
23 implementing this section.

24 5-402.

25 (a) (1) Subject to paragraph (2) of this subsection, the Department shall  
26 evaluate the effect of increased State aid for education on student and school  
27 performance in each local school system.

28 (2) The Department may contract with a public or private entity to  
29 conduct or assist in conducting the evaluation required by this subsection.

1           (b)   (1)   The Department shall submit an initial report on the results of the  
2 evaluation required by this section to the Governor and, subject to § 2-1246 of the  
3 State Government Article, the General Assembly on or before December 31, 2006.

4                   **(2)   THE DEPARTMENT SHALL SUBMIT AN INTERIM REPORT ON**  
5 **THE RESULTS OF THE EVALUATION REQUIRED BY THIS SECTION TO THE**  
6 **GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE,**  
7 **THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 31, 2007.**

8                   [(2)] (3)   The Department shall submit a final report on the results of  
9 the evaluation required by this section to the Governor and, subject to § 2-1246 of the  
10 State Government Article, the General Assembly on or before December 31, 2008.

11           (c)   The reports required by this section shall include:

12                   (1)   A detailed description of how local school systems are using State  
13 education aid;

14                   (2)   A comparison of school systems that show significant  
15 improvements in student and school performance to school systems that do not show  
16 significant improvements in student and school performance;

17                   (3)   An assessment of the extent to which county boards are successful  
18 in implementing the comprehensive master plans required by § 5-401 of this subtitle;

19                   (4)   An analysis of the amount of funding that local governments  
20 provide for education each year;

21                   (5)   A list of programs or factors that consistently produce positive  
22 results for students, schools, and school systems; and

23                   (6)   Any other information that the State Superintendent determines  
24 to be relevant to the evaluation of student and school performance in each local school  
25 system.

26           (d)   The Governor shall include an appropriation for the Department in the  
27 State budget for each fiscal year sufficient to cover the costs associated with  
28 implementing this section.

29                   ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
30 ~~October 1, 2007.~~



1           SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 2    read as follows:

3   **Article – Education**

4    5–401.

5            [(g) (1) A county board may submit a preexisting management plan to the  
 6    Department as the county board’s plan under subsection (b) of this section.

7                                 (2) If the State Superintendent determines that the preexisting  
 8    management plan meets the requirements set forth in this section, the State  
 9    Superintendent shall approve the preexisting management plan as the county board’s  
 10   plan.]

11            SECTION 3. AND BE IT FURTHER ENACTED, That, during the 2009 regular  
 12    legislative session, the General Assembly shall review the report submitted by the  
 13    State Department of Education under § 5–402 of the Education Article, as enacted by  
 14    Section 1 of this Act, and determine whether:

15                                 (1) certain provisions of § 5–401(b) of the Education Article, as enacted  
 16    by Section 1 of this Act, should be modified to allow for the differentiation among local  
 17    education agencies in the master plan requirement;

18                                 (2) a preexisting comprehensive master plan meets the requirements  
 19    set forth in § 5–401 of the Education Article; and

20                                 (3) § 5–401(g) of the Education Article should be repealed.

21            SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
 22    take effect July 1, 2009.

23            SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in  
 24    Section 4 of this Act, this Act shall take effect June 1, 2007.