

CHAPTER 652

(Senate Bill 907)

AN ACT concerning

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

FOR the purpose of requiring county boards of education to submit certain annual updates to their comprehensive master plans to the State Department of Education on or before a certain date and at a certain time thereafter certain dates; *repealing a certain provision of law authorizing the State Board of Education to withhold State funds from a county board under certain circumstances; requiring county boards of education to submit comprehensive master plans to the State Department of Education on or before a certain date; clarifying that comprehensive master plans extend for and annual updates cover a certain period of time; requiring the Department to submit an interim report on the results of a certain evaluation to the Governor and General Assembly on or before a certain date; requiring the General Assembly to deliberate during a certain legislative session and determine whether certain provisions of law, as amended by this Act, should be modified to differentiate among local education agencies in the master plan requirement, whether a preexisting comprehensive master plan meets certain requirements, and whether a certain provision of law should be repealed; providing for the delayed effective date of certain provisions of this Act; defining a certain term; and generally relating to the submission of comprehensive master plans and updates by county boards of education.*

BY repealing and reenacting, with amendments,

Article – Education

Section 5–401 and 5–402

Annotated Code of Maryland

(2006 Replacement Volume)

BY repealing

Article – Education

Section 5–401(g)

Annotated Code of Maryland

(2006 Replacement Volume)

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

Article – Education

5–401.

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

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

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

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

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

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

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

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

1. OCTOBER 15, 2008; AND

2. OCTOBER 15, 2009.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Implementation strategies for meeting goals and objectives;

- (3) Methods for measuring progress toward meeting goals and objectives;
 - (4) Time lines for implementation of the strategies for meeting goals and objectives;
 - (5) Time lines for meeting goals and objectives;
 - (6) A description of the alignment of the county board's budget with goals, objectives, and strategies for improving student achievement;
 - (7) The impact of the proposed goals, objectives, and implementation strategies on public school facilities and capital improvements that may be needed to implement the plan **OR UPDATE**; and
 - (8) Any other information required by the State Superintendent.
- (d) The plan **OR UPDATE** shall include goals, objectives, and strategies regarding the performance of:
- (1) Students requiring special education, as defined in § 5–209 of this title;
 - (2) Students with limited–English proficiency, as defined in § 5–208 of this title;
 - (3) Prekindergarten students;
 - (4) Kindergarten students;
 - (5) Gifted and talented students, as defined in § 8–201 of this article;
 - (6) Students enrolled in career and technology courses;
 - (7) Students failing to meet, or failing to make progress toward meeting, State performance standards, including any segment of the student population that is, on average, performing at a lower achievement level than the student population as a whole; and
 - (8) Any other segment of the student population identified by the State Superintendent.

(e) With regard to subsection (d)(7) of this section, the plan **OR UPDATE** shall include strategies to address any disparities in achievement identified for any segment of the student population.

(f) (1) (i) The State Superintendent shall review each plan **OR UPDATE** to determine whether the plan **OR UPDATE** complies with the requirements of subsections (b) through (e) of this section.

(ii) If the State Superintendent determines that a plan **OR UPDATE** does not comply with the requirements of subsections (b) through (e) of this section, the State Superintendent may require specific revisions to the plan **OR UPDATE**.

(2) (i) The State Superintendent may review the content of each plan **OR UPDATE** to assess whether the plan **OR UPDATE** will have the effect of improving student achievement and increasing progress toward meeting State performance standards.

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

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

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

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

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

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

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

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

(j) The State Superintendent shall advise the Governor and the General Assembly concerning the distribution of State funds to a county that fails to make progress toward improving student achievement and meeting State performance standards in each segment of the student population.

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

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

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

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

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

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

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

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

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

5-402.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article - Education

5-401.

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

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

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

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

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

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

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

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

Enacted under Article II, Section 17(c) of the Maryland Constitution, May 27, 2007.