Article - Education

§1–101.

(a) In this article, unless the context requires otherwise, the following words have the meanings indicated.

(b) "Any state" means:

(1) Any state, possession, or territory of the United States;

(2) The District of Columbia; and

(3) The Commonwealth of Puerto Rico.

(c) "County" means a county of this State and includes Baltimore City.

(d) "County board" means the board of education of a county and includes the Baltimore City Board of School Commissioners.

(e) "County superintendent" means the county superintendent of schools of a county and includes the Chief Executive Officer of the Baltimore City Board of School Commissioners.

(f) "Department" means the State Department of Education.

(g) "Elementary and secondary education" means education and programs of education from and including preschool through the end of high school and their equivalent.

(h) "Includes" or "including" means includes or including by way of illustration and not by way of limitation.

(i) "Person" includes:

(1) An individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind and any partnership, firm, association, public or private corporation, or other entity; and

(2) The State, any county, municipal corporation, or other political subdivision of this State, and any of their agencies or units.

(j) "Property" means any real or personal property or any interest in real or personal property.

(k) "Public schools" means the schools in the public elementary and secondary education system of this State.

(l) "State Board" means the State Board of Education.

(m) "State Superintendent" means the State Superintendent of Schools.

§1–201.

There shall be throughout this State a general system of free public schools according to the provisions of this article.

§1–202.

Unless Baltimore City expressly is excepted, the provisions of this article apply to Baltimore City.

§2–101.

There is a State Department of Education, established as a principal department of the State government.

§2–102.

(a) The head of the Department is the State Board of Education.

(b) The State Board is organized and has the general powers and duties as provided in Subtitle 2 of this title.

§2–103.

(a) Acting under the bylaws, rules, and regulations of the State Board, the State Superintendent is responsible for the administration of the Department and has general supervision of all professional and clerical assistants of the Department.

(b) The State Superintendent shall be appointed and has the general powers and duties as provided in Subtitle 3 of this title.

§2–104.

(a) The following professional assistants shall be appointed to the Department:

(1) No more than three Deputy State Superintendents of Schools;

(2) Any assistant State superintendents and directors authorized by the State Board and provided in the State budget; and

(3) Any other professional assistants and agents authorized by the State Board and provided in the State budget.

(b) (1) From the nominees proposed by the State Superintendent, the State Board shall appoint all professional assistants to the Department, who shall be in the executive service, management service, or special appointments in the State Personnel Management System.

(2) With the advice of the State Superintendent, the State Board shall set the qualifications for each professional position.

(3) The State Superintendent may transfer professional assistants within the Department as necessary.

(c) (1) All professional assistants shall serve at the pleasure of the State Board and the State Superintendent.

(2) All other professional assistants shall be removed in accordance with procedures set by the State Board.

(d) (1) In addition to the other duties specified in this section, each professional assistant to the Department has the duties assigned to him by the State Superintendent.

(2) The Deputy State Superintendent designated by the State Superintendent or by the State Board is the acting State Superintendent when the State Superintendent is absent or disabled.

(3) Assistant State superintendents and directors have charge of the various divisions of the Department.

§2–105.

(a) Unless otherwise provided by law, the State Superintendent shall appoint and remove all clerical assistants and other nonprofessional personnel of the Department in accordance with the provisions of the State Personnel and Pensions Article that govern the skilled service, with the exception of special appointments.

(b) The credential secretary and statistician of the Department are special appointments in the State Personnel Management System.

§2–106.

The Department has authority over:

(1) Matters of elementary and secondary education that affect this State; and

(2) The general care and supervision of public elementary and secondary education.

§2–107.

(a) If the Department intends to request a waiver from the United States Department of Education from specific provisions of the federal Elementary and Secondary Education Act, before submitting the request to the United States

Department of Education, the Department shall:

(1) Submit the proposed waiver request to the Legislative Policy Committee; and

(2) Allow the Legislative Policy Committee at least 30 days after the committee receives the proposed waiver request to review and comment on the proposed waiver request.

(b) The Department shall provide any additional information regarding the proposed waiver request if requested by the Legislative Policy Committee.

§2–201.

There is a State Board of Education in the Department.

§2–202.

(a) The State Board consists of 11 regular members, and 1 student member, appointed by the Governor with the advice and consent of the Senate.

(b) (1) In making appointments to the State Board, the Governor shall consider representation from:

(i) All parts of this State; and

(ii) Areas of this State with concentrations of population or unique needs.

(2) The members of the Board shall be appointed from the general public.

(3) The following individuals may not be appointed to the Board:

(i) Except for the student member, any individual who is subject to the authority of the Board;

(ii) The Governor; and

(iii) The State Superintendent.

(4) The student member shall be selected by the Governor from a list of 2 persons nominated by the Maryland Association of Student Councils.

(c) (1) The student member shall be:

(i) A regularly enrolled student; and

(ii) In good standing in a public high school in the State.

(2) The student member may attend and participate in an executive session of the Board.

(3) The student member may not vote on any matter that relates to:

(i) The dismissal of or other disciplinary action involving personnel; or

(ii) Appeals to the State Board under § 2–205 of this subtitle or § 4–205 or § 6–202 of this article.

(d) (1) Each regular member serves for a term of 4 years and until a successor is appointed and qualifies. These terms are staggered as required by the terms of the members serving on the State Board as of July 1, 1989.

(2) The Governor shall appoint a new member to fill any vacancy on the Board for the remainder of that term and until a successor is appointed and qualifies.

(3) A member is eligible for reappointment but may not serve for more than two full 4–year terms.

(4) The student member shall serve for a term of 1 year. A student member is eligible for reappointment but may not serve more than two full 1–year terms.

§2–203.

(a) The Governor may remove a member of the State Board for:

(1) Immorality;

(2) Misconduct in office;

(3) Incompetency; or

(4) Willful neglect of duty.

(b) (1) Before removing a member, the Governor shall send the member a copy of the charges against him and give him an opportunity within 10 days to request a hearing.

(2) If the member requests a hearing within the 10-day period:

(i) The Governor promptly shall hold a hearing, but a hearing may not be set within 10 days after the Governor sends the member a notice of the hearing; and

(ii) The member shall have an opportunity to be heard publicly before the Governor in his own defense, in person or by counsel.

(c) If a member is removed, the Governor shall file in the office of the Secretary of State:

(1) A complete statement of all charges made against the member;

(2) The findings of the Governor as to the charges; and

(3) A complete record of the proceedings.

§2–204.

(a) (1) Each year, the State Board shall hold:

(i) A meeting in July; and

(ii) At least three other regular meetings.

(2) The Board may hold special meetings as necessary.

(b) (1) At the annual Board meeting in July, the State Board shall select a president and a vice president from among its members.

(2) A member may not serve for more than 4 years as president.

(c) (1) The State Superintendent is the Chief Executive, Secretary, and Treasurer of the State Board.

(2) He shall attend each meeting of the Board and of its committees, except when his own tenure, salary, or the administration of his office are under consideration.

(3) He may advise the Board on any question under consideration, but may not vote.

(d) A member of the State Board serves without compensation but is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

(e) The affirmative vote of a majority of the members then serving on the State Board is required for any action by the Board.

§2–205.

(a) In addition to the other powers granted and duties imposed under this article, the State Board has the powers and duties set forth in this section.

(b) The State Board shall:

(1) Determine the elementary and secondary educational policies of this State; and

(2) Cause to be carried out those provisions of this article that are within its jurisdiction.

(c) (1) The State Board shall adopt bylaws, rules, and regulations for the administration of the public schools.

(2) These bylaws, rules, and regulations have the force of law when adopted and published.

(3) The bylaws, rules, and regulations apply to each county. However, they do not apply to Baltimore City to the extent that they relate to matters that are the subject of other provisions of this article that do not apply to Baltimore City.

(d) The State Board may institute legal proceedings to enforce:

(1) The provisions of this article that are within its jurisdiction; and

(2) The bylaws, rules, and regulations adopted by the Board.

(e) (1) Without charge and with the advice of the Attorney General, the State Board shall explain the true intent and meaning of the provisions of:

(i) This article that are within its jurisdiction; and

(ii) The bylaws, rules, and regulations adopted by the Board.

(2) Except as provided in paragraph (4) of this subsection and in Title 6, Subtitles 4 and 5 of this article, the Board shall decide all controversies and disputes under these provisions.

(3) The decision of the Board is final.

(4) (i) The Public School Labor Relations Board shall decide any controversy or dispute arising under Title 6, Subtitle 4 or Subtitle 5 of this article.

(ii) A decision of the Public School Labor Relations Board is final.

(f) As Secretary to the State Board, the State Superintendent may administer oaths to witnesses in any matter before the Board.

(g) (1) This subsection does not apply to Baltimore City to the extent that it relates to matters that are the subject of other provisions of this article that do not apply to Baltimore City.

(2) Through the State Superintendent, the State Board shall exercise general control and supervision over the public schools and educational interests of this State.

(3) Through the State Superintendent, the Board shall consult with and

advise county boards, county superintendents and their staffs, principals, teachers, and interested citizens.

(4) The Board shall seek in every way to direct and develop public sentiment in support of public education.

(h) (1) With the advice of the State Superintendent, the State Board shall establish basic policy and guidelines for the program of instruction for the public schools.

(2) The policy and guidelines shall be printed in sufficient quantities to provide copies to:

(i) Public school officials and teachers;

(ii) Private schools; and

(iii) Interested citizens of this State.

(3) The State Board of Education shall require the establishment of criteria in each county for the selection of applicants for enrollment in public secondary school career and technology education programs. Enrollment criteria developed for this purpose shall ensure equal access to programs.

(i) (1) With the advice of the State Superintendent, the State Board shall investigate:

(i) The educational needs of this State; and

(ii) Methods to improve educational conditions.

(2) If necessary, the Board may employ additional expert assistance for these investigations.

(j) (1) The State Board shall send the Governor an annual State public school budget including, subject to the Maryland Constitution and existing laws, the appropriation for:

(i) The Department; and

(ii) State aid to the counties for current expenses, for student transportation and for the construction of school buildings.

(2) The budget shall be certified by the State Superintendent before it is sent to the Governor.

(k) The State Board shall:

(1) Consider the educational needs of this State; and

(2) With the advice of the State Superintendent, recommend to the Governor and the General Assembly any legislation that it considers necessary.

(l) (1) On the recommendation of the State Superintendent, the State Board shall establish standards and guides for planning and constructing school building projects.

(2) These standards and guides shall be used as the basis for reviewing plans and specifications submitted to the State Superintendent for approval.

(3) The State Board shall maintain a school construction planning service to:

(i) Assist in the development and review of preliminary and final plans and specifications for any public school building project and the educational program that it is designed to house; and

(ii) Advise county boards as to the suitability of these construction plans on the basis of educational effectiveness, construction, and reasonable economy of costs.

(4) The State Board shall collect, publish, and distribute to the county boards information on school construction procedures, methods, and materials.

(m) (1) In this subsection, "professional employee" means an employee:

(i) For whom a certificate has been issued by the State Superintendent; and

(ii) For whom a salary scale has been established by law for the position or who meets or exceeds the qualifications required for an established salary scale.

(2) From time to time, the State Board shall adopt bylaws, rules, and regulations that establish a minimum ratio of professional employees to students enrolled in the public schools or any combination of grades in these schools.

(3) The ratio established by the State Board for the total number of professional employees for each county, calculated to the nearest whole position on a pro rata basis, may not be more than:

(i) 46 for each 1,000 of the first 5,000 students enrolled as of September 30 of each year; and

(ii) 45 for each additional 1,000 students.

(4) A county may employ more professional employees than the number permitted in this subsection as it considers necessary.

(5) At least 95 percent of the permitted number of professional employees shall be assigned to public schools.

(n) With the advice of the State Superintendent, the State Board shall require each private educational association, corporation, and institution to report annually, on or before August 31, its enrollment and courses of study on the forms that the Board provides.

(o) (1) With the advice of the State Superintendent, the State Board shall specify the information each county board, school official, and teacher is to record and shall require the following information to be recorded:

(i) All financial accounts, including the annual budget; and

(ii) All educational records.

(2) The reports containing this information shall be made on the form that the State Board, with the advice of the State Superintendent, requires.

(3) If the State Superintendent agrees, the required information may be sent in automatic data processing, machine–usable form.

(p) (1) The State Board shall submit an annual report to the Governor on:

(i) All operations of the Department;

(ii) The support, conditions, progress, and needs of elementary and secondary education in this State; and

(iii) The overall plan for elementary and secondary education in this State.

(2) This annual report shall be printed in sufficient quantities for general distribution in this State.

(q) (1) The State Board shall coordinate the overall growth and development of elementary and secondary education in this State.

(2) In consultation with the State Superintendent, the State Board shall develop and periodically update an overall plan consistent with the bylaws that shall identify:

(i) The present and future needs of elementary and secondary education throughout the State, including a discussion of the demographic composition of the elementary and secondary population;

(ii) The present and future capabilities of the public elementary and secondary education system in this State;

(iii) The short–range and long–range objectives and priorities for elementary and secondary education and methods and timelines for achieving and maintaining them;

(iv) Whether current programs adequately prepare graduates for employment opportunities in this State, or postsecondary education opportunities;

(v) The status and needs of the career and technology education program, the vocational rehabilitation program, and the library system of these programs;

(vi) The technological advancements that would enhance elementary and secondary education throughout the State;

(vii) Methods to upgrade and improve teacher education and teacher certification programs;

(viii) The school systems that have dropped below the statewide test averages and shall assess the options available to improve the test averages of these school systems;

(ix) The methods to improve the diagnosis of basic reading skill deficiencies of elementary and secondary school students and to improve the literacy rates of these students;

(x) The methods to increase the rate of retention and graduation of secondary school students;

(xi) The short–range and long–range objectives for the resolution of the problem of substance abuse by elementary and secondary school students; and

(xii) The short–range and long–range objectives for the resolution of the problems of youth and teenage pregnancy.

§2–206.

(a) In this section, "noncollegiate educational institution" means a school or other institution that offers an educational program but is not an institution of postsecondary education, as defined in § 10-101 of this article.

(b) (1) This section does not apply to:

(i) Apprenticeship and on-the-job training programs that are subject to the approval of the Apprenticeship and Training Council;

(ii) Individuals or entities that offer or arrange for instruction solely for avocational purposes through courses in areas such as art, music, dance, drama, sports, crafts, or photography, if these courses are designed primarily for developing

skills for personal enrichment, recreation, or other leisure pursuits; or

(iii) Individuals or entities that offer or arrange for a supplemental educational program or tutoring in subjects usually taught in an elementary or secondary school to students concurrently enrolled in public or nonpublic schools.

(2) This section does not apply to these individuals or entities specified in subparagraph (1)(ii) of this subsection solely on the basis that they use the word "school" as a part of their name, in literature or publications such as advertisements, brochures, catalogs or bulletins, or in other pronouncements.

(c) With the advice of the State Superintendent, the State Board shall adopt bylaws, rules, and regulations for the approval and accreditation of all public schools.

(d) With the advice of the State Superintendent, the State Board shall establish minimum requirements for issuing certificates and diplomas by public and private noncollegiate educational institutions in this State.

(e) (1) A noncollegiate educational institution may not operate in this State without a certificate of approval from the State Board.

(2) The State Board shall issue a certificate of approval to a noncollegiate educational institution if it finds that the facilities, conditions of entrance and scholarship, and educational qualifications and standards are adequate and appropriate for:

(i) The purposes of the institution;

(ii) The programs, training, and courses to be taught by the institution; and

(iii) The certificates and diplomas to be issued by it.

(3) The State Board may not issue a certificate of approval to an institution that practices discrimination based on race, color, or national origin.

(4) This subsection does not apply to an institution operated by a bona fide church organization, including the Amish and Mennonite church parochial schools. However, an institution that does not have a certificate of approval from the State Board may not receive State funds, except that an institution operated by a bona fide church organization is not required to have a certificate to receive State funds for eligible students in the food service program who are enrolled in nursery school through the eighth grade.

(f) (1) If the State Board believes that a noncollegiate educational institution that applies for a certificate of approval does not meet the conditions or standards necessary for the issuance of the certificate, it shall give the institution written notice of the specific deficiencies.

(2) Within 20 days of receipt of a notice of deficiencies, the institution may request a hearing before the Board, and, within 60 days of receipt of the request, the Board shall hold a hearing to determine if the certificate of approval should be issued.

(3) If, within 6 months from the date on which the application for certification was submitted to the State Board, the institution has received neither a certificate of approval under subsection (e) of this section nor written notice of deficiencies under this subsection, it may request, within 20 days, a hearing before the Board to determine if the certificate of approval should be issued.

(g) (1) If the State Board believes that a noncollegiate educational institution does not meet the conditions or standards on which its certificate of approval was based, it shall give the institution written notice of this belief.

(2) The notice shall specify the alleged deficiencies and direct the institution to correct them within a period of not less than 30 days as set by the Board. If the institution requests a hearing within 20 days of the notice, the Board shall hold a hearing to determine the matter.

(3) The order to correct the deficiencies shall be stayed until a determination is made after the hearing.

(h) (1) The State Board may order a noncollegiate educational institution to end operations if the institution fails to correct the specified deficiencies within the period set by the Board and if:

(i) A hearing is not requested; or

(ii) After a hearing, the Board finds that the institution does not meet the conditions or standards.

(2) The order takes effect 15 days after it is issued.

(i) (1) An institution has the right to judicial review of any State Board determination under this section as provided by the Administrative Procedure Act.

(2) The decision of the State Board is presumed correct and proper and the institution has the burden of proving otherwise.

(3) The State Board shall be a party to the proceeding.

(j) A noncollegiate educational institution shall:

(1) Be open for inspection by the State Superintendent or his designee at all reasonable times; and

(2) Furnish the reports and information required by the State Superintendent on the forms provided by the State Superintendent.

(k) (1) Each noncollegiate educational institution that receives notice of a contaminated drinking water supply from the institution's supplier of water, in accordance with § 9-410 of the Environment Article or otherwise, shall send notice of the drinking water contamination to the parent or legal guardian of each student attending the institution.

(2) The notice shall:

(i) Be sent by the institution within 10 business days after receipt of the notice of contamination from the institution's water supplier;

(ii) Be in writing;

(iii) Identify the contaminants and their levels in the institution's water supply; and

(iv) Describe the institution's plan for dealing with the water contamination problem until the institution's water is determined by the appropriate authority to be safe for consumption.

(3) The State Board shall consider an institution's failure to send the notice required under this subsection in determining whether the institution continues to meet the conditions or standards on which the institution's certificate of approval is based.

(l) Each noncollegiate educational institution affiliated with a residential child care program or treatment facility shall comply with the provisions of Title 8, Subtitle 5 of this article.

§2–206.1.

(a) A nonpublic school that is subject to the requirements of this title may not hire or retain any employee who works with or has access to students and who the school knows has been convicted of a crime involving:

(1) An offense under § 3–307 or § 3–308 of the Criminal Law Article or an offense under the laws of another state that would constitute a violation of § 3–307 or § 3–308 of the Criminal Law Article if committed in the State;

(2) Child sexual abuse under § 3–602 of the Criminal Law Article, or an offense under the laws of another state that would constitute child sexual abuse under § 3–602 of the Criminal Law Article if committed in this State; or

(3) A crime of violence as defined in § 14–101 of the Criminal Law Article, or an offense under the laws of another state that would be a violation of § 14–101 of the Criminal Law Article if committed in this State.

(b) A nonpublic school contract shall provide that a contractor or subcontractor

for the school may not knowingly assign an employee to work on school premises with direct, unsupervised, and uncontrolled access to children, if the employee has been convicted of a crime identified under subsection (a) of this section.

(c) The State Board:

(1) Shall revoke the certificate of approval or letter of tentative approval of a nonpublic school that violates subsection (a) of this section; and

(2) May revoke the certificate of approval or letter of tentative approval of a nonpublic school that violates subsection (b) of this section.

§2–207.

(a) (1) There is a Public Education Partnership Fund.

(2) The Fund shall be used to:

(i) Enhance cooperation between the private sector and public education entities;

(ii) Facilitate the expansion and development of new partnership initiatives;

(iii) Encourage the donation of corporate and foundation money to expand the outreach capacity of the Department; and

(iv) Strengthen the development of family and community involvement in public education.

(b) The Comptroller shall credit to the Public Education Partnership Fund any money that is received from public grants and private contributions.

(c) The State Board, upon the recommendation of the State Superintendent, may use money that is credited to the Public Education Partnership Fund for any activity or program that furthers the purposes listed in subsection (a)(2) of this section, including:

(1) Preparation and distribution of information packets and brochures;

(2) Development of public service announcements;

(3) Development of seminars and training programs focusing on public education priorities;

(4) Development of a family and community involvement hot line;

(5) Establishing appropriate award systems for the recognition of educators and business contributors; and

(6) Evaluating and recommending methods to improve the efficiency and promote the growth of private sector and public education partnerships.

(d) The Treasurer shall invest money from the Public Education Partnership Fund for the use of the Fund, and all earnings shall be credited to the Fund.

(e) Expenditures from the Fund shall be made pursuant to an appropriation approved by the General Assembly in the annual State budget or by the budget amendment procedure provided for in § 7-209 of the State Finance and Procurement Article.

(f) The Fund is a continuing, nonlapsing fund that:

(1) Is not subject to § 7-302 of the State Finance and Procurement Article; and

(2) May not be used as a substitute for State General Fund appropriations.

(g) The Public Education Partnership Fund is subject to audit by the Legislative Auditor as provided under § 2-1220 of the State Government Article.

§2–301.

There is a State Superintendent of Schools in the Department.

§2–302.

(a) The State Superintendent shall be appointed by the State Board for a term of 4 years beginning on July 1 after the Superintendent's appointment and serves until a successor is appointed and qualifies.

(b) The State Board shall fix the Superintendent's salary and pay it from the appropriation for the expenses and maintenance of the Department.

(c) The State Superintendent shall:

(1) Be an experienced and competent educator;

(2) Be a graduate of an accredited college or university;

(3) Have at least 2 years of special academic and professional graduate preparation in an accredited college or university; and

(4) Have at least 7 years of experience in teaching and administration.

(d) (1) The State Board may remove the State Superintendent for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Insubordination;

(iv) Incompetency; or

(v) Willful neglect of duty.

(2) Before removing the State Superintendent, the State Board shall send the Superintendent a copy of the charges against the Superintendent and give the Superintendent an opportunity within 10 days to request a hearing.

(3) If the State Superintendent requests a hearing within the 10–day period:

(i) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the State Superintendent a notice of the hearing; and

(ii) The State Superintendent shall have an opportunity to be heard publicly before the State Board in the Superintendent's own defense, in person or by counsel.

(e) The State Board shall appoint a new State Superintendent to fill a vacancy in that office for the remainder of the unexpired term.

§2–303.

(a) In addition to the other powers granted and duties imposed under this article, the State Superintendent has the powers and duties set forth in this section.

(b) (1) The State Superintendent shall enforce the provisions of:

(i) This article that are within his jurisdiction; and

(ii) The bylaws, rules, and regulations of the State Board.

(2) If an educational institution or county board violates any of these provisions, the State Superintendent, by written notice, may require the State Comptroller to withhold from that institution or board:

(i) All or any part of an appropriation made by the General Assembly; and

(ii) All or any part of any other payment from funds budgeted by the State.

(c) The State Superintendent shall:

(1) Carry out the educational policies of the State Board;

(2) Call and conduct conferences of county boards and professional personnel of the county school systems on the condition, needs, and improvement of the schools; and

(3) Prepare and publish pamphlets to:

(i) Stimulate public interest;

(ii) Promote the work of education; and

(iii) Foster professional insight and efficiency in teachers.

(d) The State Superintendent is a member of the Governor's Executive Council.

(e) The State Superintendent shall:

(1) Receive and examine each report required under the bylaws, rules, and regulations of the State Board; and

(2) Examine the expenditures, business methods, and accounts of each county board and advise each county board about them.

(f) (1) Subject to the bylaws, rules, and regulations of the State Board, the State Superintendent shall approve or disapprove each:

(i) Proposal for the purchase or sale of any ground, school site, or building;

(ii) Plan or specification for the remodeling of a school building if the remodeling costs more than $350,000;

(iii) Plan or specification for the construction of a new school building; and

(iv) Change order that costs more than $25,000 for the remodeling, restoration, or construction of a school building.

(2) If the State Superintendent disapproves any plan, specification, proposal, or change order, he shall state in writing the reasons for his disapproval.

(3) If the construction is to be done by a county board, the board may not begin until the plans and specifications are approved in writing by the State Superintendent.

(4) If the construction is to be done by contract, the contract is invalid without the written approval of the State Superintendent.

(g) (1) The State Superintendent shall certificate the professional personnel in each public school in accordance with this article and subject to the bylaws, rules, and regulations of the Professional Standards and Teacher Education Board.

(2) Renewal requirements for any professionally certificated employee may be waived if:

(i) The renewal is recommended by the county superintendent having jurisdiction over the employee; and

(ii) The professionally certificated employee is:

1. 55 years old or older; or

2. Employed in public or approved nonpublic school service for at least 25 years.

(h) (1) If the program is based on and complies with the standards established by the bylaws, rules, and regulations of the State Board, the State Superintendent shall approve any program of instruction offered by a State institution under the supervision of:

(i) The Department of Juvenile Services;

(ii) The Developmental Disabilities Administration or the Behavioral Health Administration of the Department of Health and Mental Hygiene;

(iii) The Department of Public Safety and Correctional Services; or

(iv) The residential school located within the Institute of Psychiatry and Human Behavior of the University Hospital.

(2) If the State Superintendent grants approval, he shall issue a certificate of approval for the program to the institution that offers the program.

(3) The certificate may be revoked for cause by the State Superintendent.

(4) Each institution that offers an approved program shall:

(i) Be open at all reasonable times for inspection of the program by the State Superintendent or his designated agent; and

(ii) Furnish the information and reports that the State Superintendent considers necessary for evaluation of the program.

(5) The State Superintendent shall issue a certificate of completion of credit to a resident of an institution who successfully completes an approved program of instruction.

(i) (1) The State Superintendent may furnish visual and auditory aids, educational television, and any other aids to facilitate instruction in all subjects in any school, institution, or organization under the supervision of the State Board.

(2) Material collected for this purpose may be made available for a limited time to any responsible institution or organization for the benefit of citizens of this State.

(3) The State Superintendent may make contracts to carry out the provisions of this subsection.

(j) The State Superintendent shall establish an Early Childhood Development Division within the Department.

(k) The State Superintendent shall perform any other duties assigned to him:

(1) Under this article; or

(2) By the State Board.

§2–304.

(a) In this section, "noncollegiate educational institution" means a school or other institution that offers an educational program but is not an institution of postsecondary education, as defined in § 10-101 of this article.

(b) (1) Before a private noncollegiate educational institution that operates in this State ends operations, including those operated by bona fide church organizations, the chief administrative officer of the institution shall file with the State Superintendent the original or a legible copy of all essential records of the academic achievements of each former student of the institution who received instruction in any combination of grades 9 through 12 or their equivalents.

(2) These records shall be prepared to present as a separate document the academic record of each former student and the academic information that customarily is required by postsecondary educational institutions when considering a student for admission.

(c) The State Superintendent shall keep a permanent file of these records.

(d) Any person who willfully fails or refuses to comply with the provisions of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 for each violation.

§2–305.

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

(2) "Agency" means a local education agency serving a population of students at least 80% of which are minority students.

(3) "Minority student" has the meaning stated in regulations adopted by the State Superintendent.

(b) (1) There is a Lacrosse Opportunities Program in the Department.

(2) The purpose of the Lacrosse Opportunities Program is to increase opportunities for minority students to participate in lacrosse in their communities.

(c) The State Superintendent shall develop and administer the Lacrosse Opportunities Program.

(d) (1) An agency may submit an application to the Department to receive a grant for a program that is in furtherance of the purpose of the Lacrosse Opportunities Program.

(2) An application shall include:

(i) A description of the scope and purpose of the proposed program;

(ii) A business plan that includes the estimated total cost of the proposed program; and

(iii) Any other information required by the Department.

(e) In awarding a grant under the Lacrosse Opportunities Program, the Department shall:

(1) Require the grantee to provide matching funds from any combination of federal, county, municipal, or private sources; and

(2) Ensure that the grant does not exceed 50% of the total annual cost of the grantee's program.

(f) The State Superintendent or the State Superintendent's designee shall:

(1) Review grant applications submitted in accordance with subsection (d) of this section; and

(2) To the extent funds are available, provide grants to agencies that meet the requirements for a grant under this section.

(g) For fiscal year 2014 and each fiscal year thereafter, the Governor shall include in the annual budget submission at least $40,000 for the Lacrosse Opportunities Program.

(h) The State Superintendent shall adopt regulations to implement this section.

§3–101.

This title applies to all county boards including Baltimore City.

§3–102.

The geographical boundary of each county school system is the same as the geographical boundary of the county.

§3–103.

There is a county board of education for each county school system.

§3–104.

(a) Each county board is a body politic and corporate by the name of the Board of Education of ..... County.

(b) A county board:

(1) Has perpetual existence;

(2) May sue and be sued; and

(3) May have, use, alter, or abandon a common seal.

§3–105.

(a) Subsections (b), (c), and (d) of this section do not apply to a county if the number of members of the county board is regulated by other provisions of this title.

(b) If a county school system has an enrollment of less than 50,000 students, the county board shall have five members, except that:

(1) The Worcester County Board shall have the number of members provided in subsection (e) of this section;

(2) Any county board that had more than five members on July 1, 1969, shall retain that number of members; and

(3) The Wicomico County Board shall have the number of members provided in subsection (f) of this section.

(c) If a county school system has an enrollment of 50,000 students or more but less than 100,000 students, the county board shall have seven members.

(d) If a county school system has an enrollment of 100,000 students or more, the county board shall have nine members except as provided in § 3–901 of this title for Montgomery County and § 3–1002 of this title for Prince George's County.

(e) The Worcester County Board consists of seven voting members and one nonvoting student member from each public high school in the county.

(f) (1) The Wicomico County Board consists of seven members.

(2) The term of a member is 5 years.

§3–108.

(a) (1) Except as provided in paragraph (2) of this subsection, the Governor shall appoint the members of each county board from the residents of that county.

(2) The members of the following county boards of education shall be selected as follows:

(i) The Baltimore City Board of School Commissioners in accordance with § 3–108.1 of this subtitle;

(ii) The Harford County Board of Education in accordance with § 3–6A–01 of this title;

(iii) The Caroline County Board of Education in accordance with § 3–3A–02 of this title;

(iv) The Anne Arundel County Board of Education in accordance with § 3–110 of this subtitle; and

(v) The county boards of education in the counties listed in § 3–114 of this subtitle in accordance with the provisions of that section.

(b) (1) Each member shall be appointed solely because of character and fitness and without regard to political affiliation.

(2) An individual who is subject to the authority of the county board may not be appointed to or serve on the county board.

(c) (1) Each member serves for a term of 5 years beginning July 1 after the member's appointment and until a successor is appointed and qualifies.

(2) The Governor shall appoint a new member to fill any vacancy on an appointed board for the remainder of that term and until a successor is appointed and qualifies.

(3) Unless otherwise disqualified under this section, a member of a board is eligible for reappointment. However, an individual may not serve for more than 2 consecutive terms.

(d) (1) With the approval of the Governor, the State Superintendent may remove any member of a county board appointed under this section for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency;

(iv) Willful neglect of duty; or

(v) Failure to attend, without good cause, at least half of the scheduled meetings of the board in any one calendar year.

(2) Before removing a member, the State Superintendent shall send the member a copy of the charges against him and give him an opportunity within 10 days to request a hearing.

(3) If the member requests a hearing within the 10–day period:

(i) The State Superintendent promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Superintendent sends the member a notice of the hearing; and

(ii) The member shall have an opportunity to be heard publicly before the State Superintendent in his own defense, in person or by counsel.

(4) If a member who is removed so requests, the State Superintendent shall file with the clerk of the circuit court for the county from which the member was appointed:

(i) A complete statement of all charges made against the member;

(ii) The findings of the State Superintendent; and

(iii) A complete record of the proceedings.

§3–108.1.

(a) In this section, "board" means the Baltimore City Board of School Commissioners of the Baltimore City Public School System.

(b) There is a Baltimore City Board of School Commissioners of the Baltimore City Public School System.

(c) The board consists of:

(1) Nine voting members jointly appointed by the Mayor of Baltimore City and the Governor from a list of qualified individuals submitted to the Mayor and the Governor by the State Board; and

(2) One voting student member appointed as provided in subsection (o) of

this section.

(d) Each member of the board shall be a resident of Baltimore City.

(e) To the extent practicable, the membership of the board shall reflect the demographic composition of Baltimore City.

(f) At least four of the voting members shall possess a high level of knowledge and expertise concerning the successful administration of a large business, nonprofit, or governmental entity and shall have served in a high level management position within such an entity.

(g) At least three of the voting members shall possess a high level of knowledge and expertise concerning education.

(h) At least one voting member shall be a parent of a student enrolled in the Baltimore City Public School System as of the date of appointment of the member.

(i) (1) Among the nine voting members, at least one member shall also possess knowledge or experience in the education of children with disabilities.

(2) The knowledge or experience may be derived from being the parent of a child with a disability.

(j) (1) The term of a voting member is 3 years.

(2) The terms of the voting members are staggered as required by the terms provided for members of the board on June 1, 1997.

(3) At the end of a term, a voting member continues to serve until a successor is appointed and qualifies.

(4) A voting member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(5) A voting member may not serve more than two consecutive full terms.

(6) To the extent practicable, the Governor and the Mayor shall fill any vacancy on the board within 60 days of the date of the vacancy from a list of qualified individuals submitted to the Mayor and the Governor by the State Board.

(k) On the joint approval of the Mayor of Baltimore City and the Governor, a member may be removed only for cause in accordance with § 3–108 of this subtitle.

(l) Each member of the board serves without compensation.

(m) On appointment of the board, the Governor and the Mayor shall jointly select one of the voting members to serve as the chairman of the board who shall serve through June 30, 1999.

(n) Beginning on July 1, 1999 and every 2 years thereafter, from among its voting members the board shall elect a chairman.

(o) (1) One student member shall be a student enrolled in the Baltimore City Public School System who shall be selected by the Associated Student Congress of Baltimore City.

(2) The term of a student member is 1 year.

(3) A student member may not serve more than two consecutive full terms.

(4) The student member may vote on all matters before the board except those relating to:

(i) Personnel;

(ii) Capital and operating budgets;

(iii) School closings, reopenings, and boundaries;

(iv) Collective bargaining decisions;

(v) Student disciplinary matters; and

(vi) Appeals to the board as provided under §§ 4–205 and 6–202 of this article.

(5) The student member may not attend or participate in an executive or special session of the board.

(p) Any action by the board shall require:

(1) A quorum of a majority of the voting members then serving; and

(2) The affirmative vote of a majority of the voting members then serving.

§3–110.

(a) (1) The Anne Arundel County Board consists of 9 members who shall be appointed as follows:

(i) 3 from the county at large;

(ii) 1 each from legislative districts 30, 31, 32, 33, and that portion of legislative district 21 that lies within Anne Arundel County; and

(iii) 1 student member.

(2) Except for the student member, the Governor shall appoint a member

of the county board from a list of nominees submitted by the School Board Nominating Commission of Anne Arundel County as provided in subsection (b) of this section.

(b) (1) (i) There is a School Board Nominating Commission of Anne Arundel County.

(ii) The purpose of the Commission is to select nominees to be recommended to the Governor as qualified candidates for appointment to the Anne Arundel County Board of Education.

(iii) The Commission shall hold at least two public hearings on the selection of nominees before recommending to the Governor nominees for appointment to the county board.

(2) (i) The Commission consists of 11 members who shall be appointed in accordance with this paragraph.

(ii) The Governor shall appoint five members, one from each legislative district that lies in whole or in part in Anne Arundel County.

(iii) The County Executive of Anne Arundel County shall appoint one member from the county at large.

(iv) The following organizations shall each appoint one member:

1. The Teachers Association of Anne Arundel County;

2. The Annapolis and Anne Arundel County Chamber of Commerce;

3. The Anne Arundel County Council of Parent Teacher Associations;

4. The Anne Arundel County Community College Board of Trustees; and

5. The Association of Educational Leaders (AEL).

(3) (i) The Governor shall designate as chair of the Commission one of the five members appointed by the Governor under paragraph (2)(ii) of this subsection.

(ii) The term of the chair of the Commission is 4 years.

(iii) The Governor may reappoint the chair of the Commission for a second term.

(iv) The term of a member of the Commission is 4 years.

(4) The Department of Legislative Services shall provide staff for the

Commission.

(5) Beginning January 1, 2008, for each nomination to the county board, the Commission shall submit to the Governor a list of nominees that contains:

(i) At least two names for each vacancy; or

(ii) If there are fewer than two applicants for a vacancy, the number of names that is equal to the number of applicants for the vacancy.

(c) (1) Following the appointment of a member of the Anne Arundel County Board of Education by the Governor, a member may serve for the remainder of the member's term, as provided in § 3–108(c) of this subtitle, subject to the approval or rejection of the registered voters of the county at the next general election.

(2) A member of the county board is eligible for nomination and reappointment for a second consecutive term in accordance with the provisions of subsections (a) and (b) of this section.

(3) (i) The approval or rejection of a member of the county board by the registered voters of the county provided for in subparagraph (ii) of this paragraph shall be a vote for the member's retention or removal.

(ii) On receipt of the notice required under § 5–301(h) of the Election Law Article, the name of the member of the county board shall be placed on the appropriate ballot and shown, without opposition, and the voters shall vote for or against the member's retention as a member of the county board.

(4) If the voters reject the retention of the member, or the vote is tied:

(i) The position shall become vacant 10 days after certification of the election returns; and

(ii) The member serves until a successor is appointed and qualifies.

(d) (1) The student member shall:

(i) Be a regularly enrolled senior year student of good character and in good standing in an Anne Arundel County public high school;

(ii) Be selected in the student's junior year by a method selected by the Chesapeake Regional Association of Student Councils of Anne Arundel County;

(iii) 1. Serve a term of 1 year; and

2. Continue to serve after graduation and until a successor is appointed and qualifies.

(2) If a vacancy in the position of the student member occurs during the

term of the student member, the Chesapeake Regional Association of Student Councils shall:

(i) Conduct a special election at its next general meeting; and

(ii) By utilizing the same method that it used to select the previous student member of the board, select another student member to fill the vacancy.

(e) A board member who does not maintain the residency qualification shall be replaced as a member.

(f) If the boundary line of a legislative district changes, an incumbent member of the county board who, because of the change, no longer resides in the legislative district from which the member was appointed may complete the term.

(g) (1) The President of the Anne Arundel County Board of Education is entitled to receive $8,000 annually as compensation and, except for the student member, the other board members are entitled to receive $6,000 each annually as compensation.

(2) A student member who completes a full term on the board shall be granted a scholarship of $6,000 to be applied toward the student's higher education costs.

§3–114.

(a) In the following counties, the members of the county board shall be elected:

(1) Allegany;

(2) Calvert;

(3) Carroll;

(4) Cecil;

(5) Charles;

(6) Dorchester;

(7) Frederick;

(8) Garrett;

(9) Howard;

(10) Kent;

(11) Montgomery;

(12) Queen Anne's;

(13) St. Mary's;

(14) Somerset;

(15) Talbot;

(16) Washington; and

(17) Worcester.

(b) In Baltimore County, in accordance with Subtitle 2A of this title, the members of the county board shall be a combination of members who are elected and appointed.

(c) In Caroline County, in accordance with Subtitle 3A of this title, the members of the county board shall be a combination of members who are elected and appointed.

(d) In Harford County, in accordance with Subtitle 6A of this title, the members of the county board shall be a combination of members who are elected and appointed.

(e) In Prince George's County, in accordance with Subtitle 10 of this title, the members of the county board shall be a combination of members who are elected and appointed.

(f) An individual subject to the authority of the county board may not serve as a member of the county board. At the time of filing a certificate of candidacy for election to a county board, a person shall certify to the local board of supervisors of elections whether or not the person is subject to the authority of the county board. The Governor may not issue a commission of election to a person who has certified affirmatively and who is elected to a county board until the member–elect offers proof that the member–elect is no longer subject to the authority of the county board.

(g) The election of the county boards shall be held as provided in Subtitles 2 through 14 of this title and the Election Law Article.

§3–201.

(a) (1) In this subtitle, "elected member" means a voting member elected under subsection (d) or (e) of this section or a member appointed to an elected position on the county board under subsection (e)(3) of this section.

(2) "Elected member" does not include the nonvoting student member selected under subsection (f) of this section.

(b) The Allegany County Board consists of:

(1) Five elected members; and

(2) One nonvoting student member, who is to advise the other members of the county board on the viewpoint of students who attend Allegany County public schools.

(c) An individual nominated for membership as an elected member on the county board shall be a qualified voter and a resident of Allegany County for at least 1 year before the election.

(d) The elected members of the Allegany County Board shall be elected:

(1) At a general election as required by this subsection or as provided under subsection (e) of this section; and

(2) From Allegany County at large.

(e) (1) Each elected member serves for a term of 4 years beginning on January 2 after the member's election and until a successor is elected and qualifies. If January 2 is a legal holiday, the term begins on the first day after January 2 that is not a legal holiday.

(2) The terms of elected members are staggered as required by the terms of the members serving on the county board on July 1, 1978.

(3) Except as provided in paragraph (4) of this subsection, the Governor shall appoint a new member to fill any vacancy of an elected member's position on the board for the remainder of that term and until a successor is elected and qualifies.

(4) If a vacancy occurs before the date that is 10 days prior to the filing deadline for candidates for the primary election that is held in the second year of the term, the individual appointed under paragraph (3) of this subsection shall serve only until a successor is elected by the voters at the time of the next general election.

(5) Candidates for the vacated office may be nominated at a primary election in the same manner as for any other position on the county board.

(6) When more than one member of the board is to be elected at an election and the terms of the offices to be filled at the election vary, the elected candidate receiving the greater number of votes shall fill the office with the longer term.

(7) The candidate receiving the vacated position shall take office as soon as possible after the election, and shall continue to serve for the remainder of the vacated term and until a successor is elected and qualifies.

(8) Except as provided in this subsection, an election to fill a vacancy on the Allegany County Board of Education shall be governed by §§ 8–801 through 8–806 of the Election Law Article.

(9) The Allegany County Board of Supervisors of Elections may adopt

regulations to implement this subsection.

(f) (1) The nonvoting student member of the county board shall be:

(i) A twelfth grade student, in good standing, and regularly enrolled in an Allegany County public school;

(ii) A resident of Allegany County for at least 2 years; and

(iii) Of good character.

(2) The nonvoting student member shall be nominated and elected for a 1–year term during the school year prior to the school year that the member is to serve on the county board in accordance with procedures adopted by the Allegany County Association of Student Councils.

(3) If a vacancy occurs in the student member's position before the end of the term, a qualified student shall be selected for the remainder of the term in accordance with procedures of the Allegany County Association of Student Councils.

(g) (1) The State Board may remove an elected member of the county board for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency; or

(iv) Willful neglect of duty.

(2) Before removing a member, the State Board shall send the member a copy of the charges and give the member an opportunity within 10 days to request a hearing.

(3) If the member requests a hearing within the 10–day period:

(i) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(ii) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person or by counsel.

(4) A member removed under this subsection has the right to a de novo review of the removal by the Circuit Court for Allegany County.

§3–202.

The county board from time to time shall elect a president and vice president from among its elected members.

§3–203.

(a) Each elected county board member is entitled to:

(1) An annual salary set by the Allegany County Commissioners in accordance with Title 28, Subtitle 1 of the Local Government Article; and

(2) Reimbursement, after submitting vouchers, for travel and other expenses.

(b) Each elected member of the county board shall be paid in 12 equal monthly installments.

§3–204.

(a) All actions of the county board shall be taken at a public meeting and a record of the meeting and all actions shall be made public.

(b) This section does not prohibit the county board from meeting and deliberating in executive session, provided that any action of the board, together with the individual vote of each member, is contained in a public record.

(c) A nonvoting student member may not attend executive sessions of the county board.

§3–2A–01.

(a) The Baltimore County Board of Education consists of:

(1) Seven nonpartisan elected members;

(2) Four appointed members; and

(3) One student member.

(b) (1) Of the 11 elected and appointed members of the county board:

(i) One member shall be elected from each of the seven councilmanic districts in the county, established by the County Council of Baltimore County, by the voters of that district; and

(ii) Four members shall be appointed by the Governor from the county at large.

(2) (i) The seven elected members shall be elected at a general election in accordance with § 3–2A–02 of this subtitle.

(ii) The four appointed members shall be appointed by the Governor from a list of nominees submitted by the Baltimore County School Board Nominating Commission as provided in § 3–2A–03 of this subtitle:

1. On the expiration of the term of an incumbent appointed member within 30 days after the general election; or

2. Within the 30–day period otherwise required under this subtitle.

(3) (i) A member from a school board district shall be at least 21 years old, a resident of that district for at least 2 years, and a registered voter of the county before the election.

(ii) A member from a district who does not maintain residency in that district may not continue as a member of the county board and the office shall be deemed vacant.

(iii) If the boundary line of a district is changed, the term of an incumbent member of the county board who no longer resides in the district because of the change is not affected during this term.

(4) (i) A member may not be elected or appointed to serve on the county board for more than three consecutive terms.

(ii) A member who has served three consecutive 4–year terms may not be elected or appointed to the county board until at least 4 years have elapsed since the end of the member's last term on the county board.

§3–2A–02.

(a) At the general election for the elected members of the county board, the ballot shall provide the voters of that school board district with the choice to cast a vote "For" a candidate for election from that district only.

(b) After the election results are certified, the State Board shall declare for each district whether a candidate has been elected.

(c) In any election, if no candidate files a certificate of candidacy for the office or if no individual otherwise qualifies to have the individual's name placed on the ballot, the Governor shall appoint a member from a list of nominees submitted by the Baltimore County School Board Nominating Commission to fill that vacancy no later than 30 days after the general election.

§3–2A–03.

(a) (1) There is a Baltimore County School Board Nominating Commission.

(2) The purpose of the Commission is to select nominees to be recommended to the Governor as qualified candidates for appointment to the Baltimore County Board of Education.

(3) The Commission shall hold at least two public hearings on the selection of nominees before recommending to the Governor nominees for appointment to the county board.

(b) (1) The Commission consists of 19 members who shall be appointed in accordance with this subsection.

(2) The Commission shall reflect the rich cultural, geographic, ethnic, and racial diversity of Baltimore County.

(3) The Governor, in consultation with the County Executive of Baltimore County, shall appoint eight members, one from each legislative district that lies in whole or in part in Baltimore County.

(4) The County Executive of Baltimore County shall appoint one member from the county at large.

(5) The following organizations each shall appoint one member:

(i) The Teachers Association of Baltimore County;

(ii) The Baltimore County Chamber of Commerce;

(iii) The PTA Council of Baltimore County, Inc.;

(iv) Towson University;

(v) The League of Women Voters of Baltimore County;

(vi) The Baltimore County Branch of the National Association for the Advancement of Colored People;

(vii) The Baltimore County Public Schools' Special Education Citizens' Advisory Committee;

(viii) The Baltimore County Student Councils;

(ix) The Council of Administrative and Supervisory Employees; and

(x) The Education Support Personnel of Baltimore County.

(c) (1) The Governor shall designate as chair of the Commission one of the eight members appointed by the Governor under subsection (b)(3) of this section.

(2) The term of the chair of the Commission is 4 years.

(3) The Governor may reappoint the chair of the Commission for a second term.

(4) The term of a member of the Commission is 4 years.

(d) The Baltimore County Public Schools shall provide staff for the Commission.

(e) Beginning October 1, 2018, for each nomination for a vacancy on the county board, the Commission shall submit to the Governor a list of nominees that contains:

(1) At least two names for each vacancy; or

(2) If there are fewer than two applicants for a vacancy, the number of names that is equal to the number of applicants for the vacancy.

(f) (1) Absent an extraordinary circumstance, the Governor shall appoint a member to the county board from the list provided by the Commission.

(2) If the Governor elects not to appoint a member from a list submitted by the Commission, the Governor shall return the list to the Commission and request that the Commission submit the names of additional qualified candidates.

§3–2A–04.

(a) Except for the student member, a member serves for a term of 4 years beginning on the first Monday in December after the member's election or appointment and until a successor is elected or appointed and qualifies.

(b) (1) An individual who takes office to fill a vacancy for an elected or appointed member serves for the remainder of the term for which the appointment was made and until a successor is elected or appointed and qualifies.

(2) The Governor shall act within 30 days to make any appointment to the county board.

§3–2A–05.

(a) The student member shall:

(1) Be an 11th or a 12th grade student in the Baltimore County public school system;

(2) Serve for 1 year; and

(3) Advise the county board on the thoughts and feelings of students.

(b) Unless invited to attend by an affirmative vote of a majority of the county board, the student member may not attend an executive session that relates to:

(1) Hearings on appeals of special education placements;

(2) Hearings held under § 6–202(a) of this article; or

(3) Collective bargaining.

(c) Subject to subsection (d) of this section, the student member may vote on all matters except those relating to:

(1) § 6–202(a) of this article;

(2) Collective bargaining;

(3) Capital and operating budgets; and

(4) School closings, reopenings, and boundaries.

(d) On a majority vote of the nonstudent members, the county board may determine, on a case–by–case basis, whether a matter under consideration is covered by the exclusionary provisions listed in subsection (c) of this section.

§3–2A–06.

(a) (1) Each nonstudent member of the county board is entitled to receive $100 annually as compensation.

(2) A student member who completes a full term on the county board shall be granted a scholarship of $100 to be applied toward the student's higher education costs.

(b) After submitting vouchers under the regulations adopted by the county board, a member is entitled to the allowances for travel and other expenses provided for in the Baltimore County budget.

§3–2A–07.

A nonstudent member of the county board may not:

(1) Be a candidate for or hold elected or appointed office for:

(i) A political party; or

(ii) The local, State, or federal government; or

(2) Be a current employee of the Baltimore County public school system.

§3–2A–08.

(a) The State Board may remove an elected or appointed member of the county board or a member appointed by the Governor to fill a vacancy in office for an elected or appointed member for any of the following reasons:

(1) Immorality;

(2) Misconduct in office;

(3) Incompetency;

(4) Willful neglect of duty; or

(5) Failure to attend, without good cause, at least 75% of the scheduled meetings of the county board in any 1 calendar year.

(b) Before removing a member, the State Board shall send the member a copy of the charges against the member and give the member an opportunity to request a hearing within 10 days.

(c) If the member requests a hearing within the 10–day period:

(1) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(2) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense in person or by counsel.

(d) A member removed under this section has the right to a de novo review of the removal by the Circuit Court for Baltimore County.

§3–2A–09.

At the first meeting of the county board in December of each year, the county board shall elect a chair and vice chair from among the members.

§3–2A–10.

(a) There is a School Shared Space Council in Baltimore County consisting of 12 employees of the county appointed by the County Executive for a term coterminous with that of the county board as follows:

(1) Two from the staff of the county board;

(2) Two from the County Executive's administrative staff, one of whom

shall be the Director of Central Services;

(3) One from the Department of Social Services;

(4) One from the Department of Recreation and Parks;

(5) One from the Department of Aging;

(6) One from the Health Department;

(7) One from the county community colleges, subject to the following conditions:

(i) Representation shall be determined on a rotating basis by alphabetical order by community college name; and

(ii) Each such member shall serve for 1 year;

(8) One from the Department of Juvenile Services;

(9) One from the county public libraries; and

(10) One from the Department of Planning.

(b) A county employee Council member who does not maintain his employment in the county shall be replaced.

(c) In addition to the county employee members, there shall be eight county citizens selected as members of the Council as follows and with the following duties:

(1) The county citizen members shall be selected by the County Executive. One member shall be selected from each legislative district of Baltimore County with the approval of the State Senator from that district. Each legislative district representative shall reside in that district;

(2) Each member shall be selected to serve a 2–year term;

(3) A citizen member shall be entitled to attend and vote at a Council session where an issue before the Council concerns the school or schools in the citizen member's respective district; and

(4) When the Council meets to consider countywide issues, all selected citizen members shall be entitled to attend such sessions and vote.

(d) The Council shall:

(1) Meet as needed to compile the number of spaces in the public schools of the county that are not filled and to evaluate the feasibility of the utilization of the spaces by the community and county departments; and

(2) Report its findings and recommendations to the county board and the County Executive at least twice during the school year.

(e) The County Executive may, by executive order, appoint up to two additional members to the Council from agencies of the county government.

§3–301.

(a) The Calvert County Board consists of five voting members and one nonvoting student member.

(b) The five voting members of the Calvert County Board shall be elected at a general election as required by subsections (d) and (f) of this section.

(c) (1) (i) A member from a county commissioner district shall be a resident of the district.

(ii) A member from a county commissioner district who no longer resides in the district may not continue as a member of the county board.

(2) (i) A member from the county at large shall be a resident of the county.

(ii) A member at large who no longer resides in the county may not continue as a member of the county board.

(3) A member of the county board shall be a registered voter of the county for at least 2 years prior to the date of the beginning of the term of office of the member.

(d) Of the five voting members of the county board:

(1) One shall be elected from each of the three county commissioner districts; and

(2) Two shall be elected from the county at large.

(e) (1) Except for the student member, a member serves for a term of 4 years beginning January 1 after the election of the member and until a successor is elected and qualifies.

(2) The County Commissioners shall appoint a new member to fill any vacancy on the county board for the remainder of that term and until a successor is elected and qualifies.

(3) (i) Unless otherwise disqualified under this section, a member of the county board is eligible for reelection.

(ii) An individual may not serve for more than three consecutive terms.

(f) (1) One member shall be elected from each of the county commissioner districts at the November, 1996 general election.

(2) Two members shall be elected from the county at large at the November, 1996 general election.

(3) The terms of members are staggered as provided in subsection (i) of this section.

(g) (1) The terms of the interim incumbent members of the county board who hold office on October 1, 1995 shall expire on January 1, 1997.

(2) The members elected under the provisions of subsection (f) of this section shall be elected to replace the members of the county board serving on the board on the date of the election.

(h) (1) The student member shall:

(i) Be an eleventh or twelfth grade student in the Calvert County public school system elected by the high school students of the county in accordance with procedures established by the school system;

(ii) Serve for 1 year beginning on June 1;

(iii) Be a nonvoting member; and

(iv) Advise the board on the thoughts and feelings of the students.

(2) Unless invited to attend by an affirmative vote of a majority of the county board, the student may not attend an executive session.

(i) The terms of the members of the county board who take office on January 1, 1997 shall expire as follows:

(1) The members elected from each of the county commissioner districts in 2000; and

(2) The members elected from the county at large in 2002.

§3–302.

(a) The State Board may remove a member of the county board for any of the following reasons:

(1) Immorality;

(2) Misconduct in office;

(3) Incompetency;

(4) Willful neglect of duty; or

(5) Failure to attend, without good cause, at least 75 percent of the scheduled meetings of the board in any 1 calendar year.

(b) Before removing a member, the State Board shall send the member a copy of the charges against the member and give the member an opportunity within 10 days to request a hearing.

(c) If the member requests a hearing within the 10–day period:

(1) The State Board shall promptly hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(2) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person, or by counsel.

(d) A member removed under this section has the right to a de novo review of the removal by the Circuit Court for Calvert County.

§3–303.

(a) At its first meeting at the beginning of each calendar year, the county board shall elect a president and a vice president from among its members.

(b) (1) The president of the county board is entitled to receive $6,500 annually as compensation and the other members are entitled to receive $5,500 each annually as compensation.

(2) An elected member is entitled to health insurance benefits regularly provided to employees of the board of education under the same terms and conditions extended to other employees of the board of education.

§3–304.

(a) The county board shall meet at least once each month.

(b) Except for those actions authorized by subsection (c) of this section, all actions of the county board shall be taken at a public meeting and a record of the meeting and all actions shall be made public.

(c) The county board may take actions in closed session in accordance with § 3–305 of the General Provisions Article.

§3–3A–01.

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

(b) "Appointed member" means one of the two voting members appointed by the Governor, with the advice and consent of the Senate, under § 3–3A–02(b)(3)(i)1 of this subtitle.

(c) "Board of education district" or "district" means a geographic area of Caroline County in which an elected member of the Caroline County Board of Education must be a legal resident.

(d) (1) "Elected member" means one of the three nonpartisan voting members of the Caroline County Board of Education elected by the voters of Caroline County.

(2) "Elected member" does not include the nonvoting student members selected under § 3–3A–02(f) of this subtitle.

§3–3A–02.

(a) The Caroline County Board of Education consists of:

(1) Three elected members;

(2) Two appointed members; and

(3) Two nonvoting student members.

(b) (1) One elected member shall be elected from each of the three board of education districts established in Caroline County.

(2) An elected member shall be:

(i) A resident of the district from which the member is elected; and

(ii) Elected only by the voters of that district.

(3) (i) 1. Two appointed members shall be appointed by the Governor, with the advice and consent of the Senate, from the county at–large.

2. Each appointed member shall be a resident of the county.

(ii) In appointing members to the county board, the Governor shall ensure, to the extent practicable, that the total makeup of the county board reflects gender, ethnic, and racial diversity.

(c) (1) The board of education districts shall:

(i) Be established by the County Commissioners of Caroline County; and

(ii) Be substantially equal in population and reapportioned on the basis of each decennial census of the United States.

(2) Reapportioned districts shall become effective for the term of office commencing after the first regular primary election held at least 15 months after the official report on population is received by the State from the Bureau of the Census.

(d) (1) As applicable for that board of education district, at the general election the ballot shall provide the voter with the choice to cast a vote "For" a candidate for election from that district.

(2) After the election results are certified, the State Board of Elections shall declare for each district whether a candidate has been elected.

(e) (1) An individual elected to the county board shall be at least 21 years old and a registered voter and resident of Caroline County for at least 3 years.

(2) A member may not continue as a member of the county board if the member:

(i) No longer resides in the board of education district that the member is designated to represent; or

(ii) Is not a registered voter of Caroline County.

(3) An individual employed by, or under the direction of, the county board or the Caroline County Superintendent of Schools is not eligible to serve on the county board.

(f) (1) A student member of the county board shall:

(i) Be a regularly enrolled eleventh or twelfth grade student of good character and in good standing in a Caroline County public high school during the student's term in office;

(ii) Be selected in the student's tenth or eleventh grade in accordance with paragraph (3) of this subsection; and

(iii) 1. Serve for a term of 1 year; and

2. If the student is in the twelfth grade, continue to serve after graduation and until a successor is selected and qualifies.

(2) Each high school in the county shall be represented by a student member of the county board.

(3) (i) For nomination to the county board, the student body shall submit to the principal of the high school a list of nominees that contains the names of eligible students.

(ii) The principal of the high school shall select the student member

from the list of nominees submitted to the principal under subparagraph (i) of this paragraph.

(4) If a vacancy in the position of student member occurs during the term of a student member, the principal of the high school represented on the county board shall select another student member using the method set forth under paragraph (3) of this subsection.

(g) (1) Subject to paragraph (2) of this subsection, each elected member serves for a term of 4 years beginning on the first Monday in December after the member's election and until a successor is elected and qualifies.

(2) The initial terms of the elected members are staggered as follows:

(i) The two members elected to the county board at the general election in November 2012 who receive the highest number of votes cast from among the successful candidates at that election shall serve for a term of 4 years; and

(ii) The member elected to the county board at the general election in November 2012 who receives the least number of votes cast from among the successful candidates at that election shall serve for a term of 2 years.

(h) (1) In the event of a vacancy of an elected member on the county board due to death, resignation, disqualification, or removal, the remaining voting members shall select a qualified individual to fill the vacancy for the remainder of the term of the vacating member and until a successor is elected and qualifies.

(2) An individual appointed to fill a vacancy for an elected member shall be a resident of the same board of education district as that of the vacating member.

(3) Before filling a vacancy for an elected member, the remaining voting members of the county board shall conduct an interview of each applicant at an open meeting.

(4) (i) The county board shall publish a list of the names of the applicants for a vacancy on the county board at least 2 weeks before the interview of the first applicant is scheduled to occur.

(ii) The county board shall cause public notice of the date, time, and location of the interview for each applicant to be published:

1. At least 2 weeks before the interview is scheduled to occur; and

2. In the same manner as public notice of a regular meeting of the county board is published.

(5) The county board is not required to conduct discussions of the

applicants or make the final selection of the elected member to fill the vacancy at an open meeting.

(i) (1) Subject to paragraph (2) of this subsection, each appointed member serves for a term of 4 years beginning on the first Monday in December 2012.

(2) The initial terms of the appointed members are staggered as follows:

(i) One appointed member shall serve for a term of 6 years; and

(ii) One appointed member shall serve for a term of 4 years.

(3) In the event of a vacancy of an appointed member due to death, resignation, disqualification, or removal, the Governor shall appoint another individual to complete the term of the vacating appointed member.

§3–3A–03.

(a) With the approval of the Governor, the State Board may remove any member of the county board for any of the following reasons:

(1) Immorality;

(2) Misconduct in office;

(3) Incompetency; or

(4) Willful neglect of duty.

(b) Before removing a member, the State Board shall send the member a copy of the charges against the member and give the member an opportunity within 10 days to request a hearing.

(c) If the member requests a hearing within the 10–day period:

(1) (i) The State Board promptly shall hold a hearing; but

(ii) A hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(2) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person or by counsel.

(d) A member removed under this section has the right to a de novo review of the removal by the Circuit Court for Caroline County.

§3–3A–04.

(a) At its first meeting in December of each year, the voting members of the

county board shall elect a president and vice president from among its members.

(b) In the event of a vacancy in the office of president or vice president of the county board, the voting members of the county board shall elect a new officer to fill the vacancy within 30 days after the vacancy occurs.

§3–3A–05.

(a) The president of the county board is entitled to receive $4,000 annually as compensation, and the other voting members are entitled to receive $3,500 each annually as compensation.

(b) As provided in the Caroline County budget, each voting member is entitled to an allowance for travel and other expenses.

(c) A voting member is not eligible for any fringe benefit provided by the Caroline County Public School System, the Caroline County Board of Education, or the County Commissioners of Caroline County, including:

(1) Health insurance;

(2) Life insurance; and

(3) A pension.

§3–3A–06.

(a) The county board shall meet at least once each month.

(b) (1) Each meeting of the county board shall be conducted in accordance with the provisions of the Maryland Open Meetings Act, Title 3 of the General Provisions Article.

(2) The county board may avail itself of any exclusion authorized under the Maryland Open Meetings Act.

§3–401.

(a) The Carroll County Board consists of:

(1) Five voting members;

(2) Subject to subsection (f) of this section, one nonvoting student representative; and

(3) The County Commissioners, who are nonvoting ex officio members.

(b) A candidate elected to the county board shall be a resident and registered voter of Carroll County. Any member who no longer resides in Carroll County may not

continue as a member of the board.

(c) (1) Voting members of the Carroll County Board shall be elected as follows:

(i) Two members of the board shall be elected in the November general election of 1994 and every 4 years thereafter;

(ii) Two members of the county board shall be elected in the November general election of 1996 and every 4 years thereafter; and

(iii) One member of the county board shall be elected in the November general election of 1998 and every 4 years thereafter.

(2) Voting members of the county board shall be elected:

(i) At a general election as required by this section; and

(ii) On a general countywide ticket.

(d) (1) Each voting member serves for a term of 4 years beginning the first Monday in December immediately following the voting member's election and until a successor is elected and qualifies. The terms of the voting members are staggered as required for the elections to the county board in subsection (c)(1) of this section.

(2) The Governor shall appoint a new voting member to fill any vacancy on the board for the remainder of that term and until a successor is elected and qualifies.

(3) A voting member of the county board as of October 1, 1993, and any voting member appointed to fill a vacancy in an unexpired term of such member, shall hold office during his term and until a successor is elected and qualifies.

(e) (1) The State Board may remove a voting member of the county board for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency; or

(iv) Willful neglect of duty.

(2) Before removing a voting member, the State Board shall send the member a copy of the charges against him and give him an opportunity within 10 days to request a hearing.

(3) If the voting member requests a hearing within the 10–day period:

(i) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the

hearing; and

(ii) The voting member shall have an opportunity to be heard publicly before the State Board in his own defense, in person or by counsel.

(4) A voting member removed under this subsection has the right to a de novo review of the removal by the Circuit Court for Carroll County.

(f) (1) The student representative shall:

(i) Be an eleventh or a twelfth grade student in the Carroll County public school system elected by the high school students of the county in accordance with procedures established by the school system;

(ii) Be a student government association representative at the student's high school;

(iii) Serve for 1 year beginning on July 1 after the election of the student representative; and

(iv) Advise the county board on the thoughts and feelings of students in Carroll County public schools.

(2) Unless invited to attend by an affirmative vote of a majority of the county board, the student representative may not attend an executive session of the county board.

§3–402.

At its first meeting on or after the first Monday in December, the county board shall elect a president and vice president from among its members.

§3–403.

(a) The president of the county board is entitled to receive $7,500 annually as compensation and the other voting members are entitled to receive $6,500 each annually as compensation.

(b) The compensation of the president and the voting members described in subsection (a) of this section shall be paid in four equal quarterly installments.

§3–404.

(a) All actions of the county board shall be taken after a public meeting and a record of the meeting and all actions shall be made public.

(b) This section does not prohibit the county board from meeting and deliberating in executive session, provided that all action is taken after a public meeting and the record of the meeting and all action is made public.

§3–4A–01.

(a) The Cecil County Board consists of six members as follows:

(1) One voting member elected from each of the five commissioner districts; and

(2) One nonvoting student member.

(b) The five voting members of the county board shall be elected at a general election as required by subsection (c) of this section.

(c) (1) A member from a county commissioner district shall be a resident of the district.

(2) A member from a county commissioner district who no longer resides in the district may not continue as a member of the county board.

(3) A candidate elected to the county board shall be a registered voter and resident of Cecil County for at least 3 years.

(d) (1) Except as provided under subsection (e) of this section, each voting member serves for a term of 4 years beginning on the first Monday in December after the member's election and until a successor is elected and qualifies.

(2) A voting member may not serve for more than two terms.

(3) The Governor shall appoint a new member to fill any vacancy on the county board for the remainder of that term and until a successor is elected and qualifies.

(e) The terms of the voting members are staggered as follows:

(1) Members of the county board from commissioner districts 3, 4, and 5 shall be elected at the 2006 general election and every 4 years thereafter; and

(2) Members of the county board from commissioner districts 1 and 2 shall be elected at the 2008 general election and every 4 years thereafter.

(f) (1) The student member shall:

(i) Be an eleventh or twelfth grade student in the Cecil County public school system elected by the high school students of the county in accordance with procedures established by the school system;

(ii) Serve for 1 year beginning on July 1 after the election of the member;

(iii) Be a nonvoting member; and

(iv) Advise the county board on the thoughts and feelings of students.

(2) Unless invited to attend by an affirmative vote of a majority of the county board, the student member may not attend an executive session.

§3–4A–02.

(a) The State Board may remove a member of the county board for any of the following reasons:

(1) Immorality;

(2) Misconduct in office;

(3) Incompetency;

(4) Willful neglect of duty; or

(5) Failure to attend, without good cause, at least 75% of the scheduled meetings of the county board in any 1 calendar year.

(b) Before removing a member, the State Board shall send the member a copy of the charges against the member and give the member an opportunity within 10 days to request a hearing.

(c) If the member requests a hearing within the 10–day period:

(1) The State Board shall promptly hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(2) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person, or by counsel.

(d) A member removed under this section has the right to a de novo review of the removal by the Circuit Court for Cecil County.

§3–4A–03.

(a) At its first meeting in December of each year, the county board shall elect a president and vice president from among the board members.

(b) The county board shall meet at least once each month.

§3–4A–04.

(a) The president of the county board is entitled to receive $4,000 annually as compensation and the other voting members are entitled to receive $3,500 each annually as compensation.

(b) The president of the county board and other members are entitled to reimbursement not to exceed $1,000 a year for travel and other expenses.

(c) The Cecil County Commissioners may increase the annual salary of the county board.

§3–501.

(a) The Charles County Board consists of:

(1) Seven voting members; and

(2) One nonvoting student member.

(b) An individual nominated for a voting membership on the county board shall be a resident and registered voter of Charles County. Any member who no longer resides in Charles County or who is not a registered voter of Charles County may not continue as a voting member of the board.

(c) All voting members of the Charles County Board shall be elected:

(1) At a general election as required by subsection (d) of this section; and

(2) From Charles County at large.

(d) Each voting member serves for a term of 4 years beginning on the third Monday in December after the gubernatorial election and until a successor is elected and qualifies. If the third Monday in December is a legal holiday, the term begins on the first day after the third Monday in December that is not a legal holiday.

(e) (1) The voting members of the county board shall select a qualified individual to fill any vacancy on the board for the remainder of that term and until a successor is elected and qualifies.

(2) An interview of an applicant for a vacancy on the board shall be conducted by the board at a meeting open to the public.

(3) (i) The board shall publish a list of the names of the applicants for a vacancy on the board at least 2 weeks before the interview of the first applicant is scheduled to occur.

(ii) Public notice of the date, time, and location of each interview shall be published:

1. At least 2 weeks before the interview is scheduled to occur; and

2. In the same manner as a public notice of a regular meeting of the board is published.

(4) The board is not required to conduct discussions of the applicants or make the final selection of the voting member at a meeting open to the public.

(f) (1) With the approval of the Governor, the State Board may remove a voting member of the county board for any of the following reasons:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency; or

(iv) Willful neglect of duty.

(2) Before removing a voting member, the State Board shall send the voting member a copy of the charges pending and give the voting member an opportunity within 10 days to request a hearing.

(3) If the voting member requests a hearing within the 10–day period:

(i) The State Board shall promptly hold a hearing, but a hearing may not be set within 10 days after the State Board sends the voting member a notice of the hearing; and

(ii) The voting member shall have an opportunity to be heard publicly before the State Board in the voting member's own defense, in person or by counsel.

(4) A voting member removed under this subsection has the right to a de novo review of the removal by the Circuit Court for Charles County.

(g) (1) The student member of the Charles County Board shall be an 11th or 12th grade student in the Charles County Public School System.

(2) The student member, and an alternate, shall be selected in accordance with procedures approved by the board. These procedures shall reflect recommendations by and involvement of the Charles County Association of Student Councils.

(3) The term of the student member shall be 1 year.

(4) The student member may not vote, but may indicate a preference for or against any question before the board.

(5) Unless invited to attend by an affirmative vote of a majority of the county board, the student member may not attend an executive session that relates to special education placements, collective bargaining, or hearings held under § 6–202 of this article.

§3–502.

(a) The county board shall elect a chair and a vice chair from among its members at an annual meeting to be held on the second Tuesday in January.

(b) If there is a vacancy in the office of chair or vice chair, the county board shall elect a replacement within 30 days after the vacancy occurs.

§3–503.

(a) (1) The salary of the chair of the county board is:

(i) $5,000 for calendar year 2014; and

(ii) $7,000 per year beginning January 1, 2015, and for each subsequent year.

(2) The chair is entitled to:

(i) $1,500 each calendar year for travel and other expenses; and

(ii) After submitting expense vouchers and supporting receipts, reimbursement for a maximum of $1,000 per year of out–of–pocket expenses incurred in connection with attendance at out–of–county meetings and conferences related to official duties.

(b) (1) The salary of the vice chair and each nonstudent member of the county board is:

(i) $4,000 for calendar year 2014; and

(ii) $6,000 per year beginning January 1, 2015, and for each subsequent year.

(2) The vice chair and each nonstudent member are entitled to:

(i) $600 for travel and other expenses for calendar year 2014;

(ii) $800 per year for travel and other expenses beginning January 1, 2015, and for each subsequent year; and

(iii) After submitting expense vouchers and supporting receipts, reimbursement for a maximum of $1,000 per year of out–of–pocket expenses incurred in connection with attendance at out–of–county meetings and conferences related to official duties.

(c) Each salary provided under this section shall be paid on a quarterly basis.

(d) (1) The student member may not receive compensation but, after

submitting expense vouchers and supporting receipts, may be reimbursed for out–of–pocket expenses incurred in connection with official duties approved by the board.

(2) A student member who completes a full term on the board shall be granted a scholarship of $1,000 to be applied toward the student's higher education costs.

§3–504.

(a) All actions of the county board shall be taken at a public meeting and a record of the meeting and all actions shall be made public.

(b) This section does not prohibit the county board from meeting and deliberating in executive session, provided that all action of the board, together with the individual vote of each member, is contained in a public record.

§3–5A–01.

(a) The Dorchester County Board consists of:

(1) Five voting members, elected in accordance with subsection (b) of this section; and

(2) One nonvoting student member from each public high school in the county.

(b) (1) The elected members of the county board shall be elected at the general election.

(2) One member shall be elected from each of the five councilmanic districts only by the voters of that councilmanic district.

(c) (1) A member elected from a councilmanic district shall be a resident of the district.

(2) A member elected or appointed from a councilmanic district who no longer resides in the district may not continue as a member of the county board.

(d) (1) Each voting member serves for a term of 4 years beginning at noon on the first Monday in December after the member's election and until a successor is elected and qualifies.

(2) A voting member may not serve for more than three consecutive terms.

(e) The terms of the voting members are staggered as follows:

(1) One member elected from each of the councilmanic districts 1, 3, and 5 at the 2004 general election, and every 4 years thereafter; and

(2) One member elected from each of the councilmanic districts 2 and 4 at the 2006 general election, and every 4 years thereafter.

(f) (1) The County Council shall appoint a new member to fill any vacancy on the county board for the remainder of that term and until a successor is elected and qualifies.

(2) A resident of the district in which a vacancy exists may apply for appointment by the County Council to fill the vacancy.

(3) The County Council shall adopt rules governing the procedure through which an individual may apply to fill a vacancy on the county board.

(g) (1) Each student member shall:

(i) Be a twelfth grade student in the Dorchester County public school system elected by the high school students of the public school that the student attends, in accordance with procedures established by the school system;

(ii) Serve for 1 year beginning on July 1 after the election of the member;

(iii) Be a nonvoting member; and

(iv) Advise the board on the interests of students.

(2) Unless invited to attend by an affirmative vote of a majority of the county board, the student members may not attend an executive session.

§3–5A–02.

(a) The State Board may remove a member of the county board for any of the following reasons:

(1) Immorality;

(2) Misconduct in office;

(3) Incompetency;

(4) Willful neglect of duty; or

(5) Failure to attend, without good cause:

(i) At least 75% of the scheduled meetings of the board in any 1 calendar year; or

(ii) Three consecutive scheduled meetings of the board.

(b) Before removing a member, the State Board shall send the member a copy of the charges against the member and give the member an opportunity within 10 days to request a hearing.

(c) If the member requests a hearing within the 10–day period:

(1) The State Board shall promptly hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(2) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person, or by counsel.

(d) A member removed under this section has the right to a de novo review of the removal by the Circuit Court for Dorchester County.

§3–5A–03.

At its first meeting in December of each year, the county board shall elect a president and a vice president from among its members.

§3–5A–04.

(a) Subject to subsection (b) of this section, the voting members shall receive compensation as set by the County Council.

(b) (1) The salary of each voting member of the county board shall be at least $3,200.

(2) The salary of the president of the county board shall be at least $3,600.

(c) (1) Each voting member of the county board may be provided health insurance and other fringe benefits regularly provided to employees of the county board under the same terms and conditions extended to other employees of the county board.

(2) A board member's participation in a benefits program sponsored by the county board under paragraph (1) of this subsection may not be considered compensation for the purposes of calculating compensation under subsection (a) of this section.

§3–5A–05.

(a) The county board shall meet at least once each month.

(b) Except for those actions authorized by subsection (c) of this section, all actions of the county board shall be taken at a public meeting and a record of the meeting and all actions shall be made public.

(c) The county board may take actions in executive session in accordance with § 3–305 of the General Provisions Article.

§3–5B–01.

(a) The Frederick County Board consists of eight members as follows:

(1) Seven members elected from the county at large; and

(2) One nonvoting student member.

(b) (1) A candidate elected to the county board shall be a resident and registered voter of Frederick County.

(2) Any member who no longer resides in the county may not continue as a member of the board.

(c) (1) A voting member serves for a term of 4 years beginning the first Tuesday in December after the member's election and until a successor is elected and qualifies.

(2) Voting members of the Frederick County Board shall be elected as follows:

(i) Three members of the county board shall be elected in the November general election of 2000 and every 4 years thereafter; and

(ii) Four members of the county board shall be elected in the November general election of 2002 and every 4 years thereafter.

(d) (1) The terms of voting members are staggered as provided in subsection (c) of this section.

(2) Subject to confirmation of the County Council, the County Executive shall appoint a qualified individual to fill a vacancy on the county board for the remainder of the term and until a successor is elected and qualifies.

(e) (1) The student member shall:

(i) Be an eleventh or twelfth grade student in the Frederick County public school system elected by the high school students of the county in accordance with procedures established by the school system;

(ii) Serve for 1 year beginning on July 1 after the election of the member;

(iii) Be a nonvoting member; and

(iv) Advise the county board on the thoughts and feelings of students.

(2) Unless invited to attend by an affirmative vote of a majority of the county board, the student member may not attend an executive session.

(f) (1) The State Board may remove a voting member of the county board for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency; or

(iv) Willful neglect of duty.

(2) Before removing a voting member, the State Board shall send the member a copy of the charges against the member and give the member an opportunity within 10 days to request a hearing.

(3) If the voting member requests a hearing within the 10–day period:

(i) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the voting member a notice of the hearing; and

(ii) The voting member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person or by counsel.

(4) A voting member removed under this subsection has the right to a de novo review of the removal by the Circuit Court for Frederick County.

§3–5B–02.

At its first meeting after the first Tuesday in December, the county board shall elect a president from among its members.

§3–5B–03.

(a) The president of the Frederick County Board is entitled to receive $11,000 annually as compensation, and each other voting member of the Frederick County Board is entitled to receive $10,000 annually as compensation.

(b) The president and all other members of the Frederick County Board are entitled to health insurance benefits regularly provided to employees of the Frederick County public school system.

§3–5B–04.

(a) All actions of the county board shall be taken at a public meeting and a record of the meeting and all actions shall be made public.

(b) The county board may take actions in closed session in accordance with § 3–305 of the General Provisions Article.

§3–601.

(a) (1) In this subtitle, "elected member" means a member of the county board elected under subsection (b)(1) or (2) of this section or appointed to fill a vacancy under subsection (e)(3) of this section.

(2) "Elected member" does not include the student member selected under subsection (f) of this section.

(b) The Garrett County Board consists of:

(1) One elected member from each county commissioner district;

(2) Two elected members from the county at large; and

(3) One nonvoting student member.

(c) (1) A candidate from a county commissioner district shall be a resident of that district.

(2) The member from the county at large shall be a resident of the county.

(3) A candidate for the county board shall be a registered voter of the county.

(4) (i) A member from a county commissioner district who no longer resides in that district may not continue as a member of the county board.

(ii) A member at large who no longer resides in the county may not continue as a member of the county board.

(d) (1) Elected members of the board shall be elected at a general election as required by subsection (e) of this section.

(2) The student member shall be selected in accordance with subsection (f) of this section.

(e) (1) Each elected member serves for a term of 4 years beginning on January 1 after the member's election and until a successor is elected and qualifies.

(2) The terms for elected members are staggered as required by the terms of the members serving on January 1, 1985.

(3) The County Commissioners shall appoint a qualified individual to fill any vacancy in an elected member's position on the board for the remainder of the term and until a successor is elected and qualifies.

(f) (1) Each May, the elected members of the county board shall select a student member, and an alternate to serve in the event of a vacancy in the student member's position, from among candidates recommended by the Garrett County Association of Student Councils.

(2) The term of the student member is 1 year and begins on July 1.

(3) To be considered for the position of student member, or as the alternate for the student member's position, a student shall:

(i) Be a sophomore or junior in high school at the time of applying;

(ii) Have attended Garrett County public schools for at least 2 years;

(iii) Be in good academic standing and have maintained a grade average of at least 80% during the previous 2 academic years; and

(iv) Not have experienced significant attendance or disciplinary problems during the student's high school career.

(4) (i) The Garrett County Association of Student Councils shall propose procedures governing the selection of candidates for the student member's position.

(ii) The procedures proposed under this paragraph are subject to the approval of the elected members of the board.

(iii) The procedures adopted under this paragraph shall provide for the selection of up to four candidates, selected by the Garrett County Association of Student Councils by secret ballot, for the position of student member. The names of the candidates shall be forwarded to the elected members of the county board for final selection of the student member and of an alternate.

(5) The student member:

(i) Shall attend all regular meetings of the county board;

(ii) May attend special public meetings of the county board;

(iii) Shall attend all meetings of the Garrett County Association of Student Councils; and

(iv) Shall continue to meet all the requirements for selection to the student member position.

(6) The student member may not attend executive sessions of the county board.

(g) (1) The State Board may remove an elected member of the county board

for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency; or

(iv) Willful neglect of duty.

(2) Before removing a member, the State Board shall send the member a copy of the charges and give the member an opportunity within 10 days to request a hearing.

(3) If the member requests a hearing within the 10–day period:

(i) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(ii) The member shall have an opportunity to be heard publicly before the State Board in his own defense, in person or by counsel.

(4) A member removed under this subsection has the right to a de novo review of the removal by the Circuit Court for Garrett County.

§3–602.

At its first meeting at the beginning of each year, the county board shall elect a president and a vice president from among its elected members.

§3–603.

Each elected member of the county board is entitled to:

(1) The salary set by the County Commissioners in accordance with Chapter 91 of the Public Local Laws of Garrett County; and

(2) Allowances for travel and other expenses as provided in the budget of the county board.

§3–604.

(a) All final actions of the county board shall be taken at a public meeting. The board shall keep a formal record of each public meeting.

(b) This section does not prohibit the board from meeting and deliberating in executive session provided that all action is taken at a public meeting.

§3–6A–01.

(a) (1) In this subtitle, "elected member" means a voting member elected under subsection (d) or (e) of this section or a member appointed to an elected position on the Harford County Board of Education under subsection (e)(2) of this section.

(2) "Elected member" does not include a:

(i) County superintendent of schools serving as an ex officio member of the county board; or

(ii) Student member selected under subsection (f) of this section.

(b) The county board consists of:

(1) Six elected members;

(2) Three appointed members;

(3) The county superintendent of schools, who is an ex officio nonvoting member; and

(4) One student member.

(c) (1) (i) A member from a councilmanic district shall be a resident of that district.

(ii) A member from a councilmanic district who no longer resides in that district may not continue as a member of the county board.

(2) A member of the county board shall be a registered voter of the county for at least 3 years prior to the date of the beginning of the term of office of the member.

(d) (1) Of the nine voting members of the county board elected or appointed under this subsection:

(i) One member shall be elected from each of the six councilmanic districts only by the voters of that councilmanic district; and

(ii) Three members shall be appointed by the Governor.

(2) The elected members shall be elected at a general election as required by subsection (e) of this section.

(3) The appointed members shall be appointed, when appropriate, within 90 days of the general election.

(e) (1) Except for the ex officio member and the student member, a member serves for a term of 4 years beginning July 1 after the election or appointment of the

member and until a successor is elected or appointed and qualifies.

(2) (i) Unless otherwise disqualified under this section, a member of the county board is eligible for reelection or reappointment.

(ii) A voting elected member or an appointed member may not serve for more than two consecutive terms as a voting member.

(3) The Harford County Board of Elections may adopt regulations to implement this subsection.

(f) (1) The Harford County Council shall appoint a qualified individual to fill any vacancy of an elected member on the county board for the remainder of the term and until a successor is elected and qualifies.

(2) The Governor shall appoint a qualified individual to fill any vacancy of an appointed member of the county board for the remainder of the term and until a successor is appointed and qualifies.

(g) (1) The student member of the county board shall be elected by the high school students of the county in accordance with procedures established by the Harford County public school system.

(2) The student member shall:

(i) Be an eleventh or twelfth grade student, in good standing, and regularly enrolled in the Harford County public school system;

(ii) Be a student government association representative at the student's high school;

(iii) Serve for 1 year beginning on July 1 after the election of the member;

(iv) Except as otherwise provided in paragraph (3) of this subsection, be a voting member; and

(v) Advise the county board on the thoughts and feelings of students in the Harford County public schools.

(3) (i) Except as otherwise provided in subparagraph (iii) of this paragraph, the student member of the county board has the same rights and privileges as a member appointed or elected under subsection (d) of this section.

(ii) Unless invited to attend by an affirmative vote of a majority of the county board, the student member may not attend an executive session of the county board addressing a matter on which a student member is prohibited from voting on under subparagraph (iii) of this paragraph.

(iii) The student member shall vote on and participate in all matters except those relating to:

1. Geographical attendance areas under § 4–109 of this article;

2. Acquisition and disposition of real property and matters pertaining to school construction under § 4–115 of this article;

3. Employment of architects under § 4–117 of this article;

4. Donations under § 4–118 of this article;

5. Condemnation under § 4–119 of this article;

6. Consolidation of schools and transportation of students under § 4–120 of this article;

7. Appointment and salary of a county superintendent under §§ 4–201 and 4–202 of this article;

8. Employee discipline and other appeals under § 4–205(c) of this article;

9. Budgetary matters under Title 5 of this article;

10. Appointment and promotion of staff under § 6–201 of this article;

11. Discipline of certificated staff under § 6–202 of this article;

12. Collective bargaining for certificated employees under Title 6, Subtitle 4 of this article;

13. Collective bargaining for noncertificated employees under Title 6, Subtitle 5 of this article;

14. Student suspension and expulsion under § 7–305 of this article; and

15. School calendar and curriculum.

§3–6A–02.

(a) Except for the student member, the State Board may remove a voting member of the county board for:

(1) Immorality;

(2) Misconduct in office;

(3) Incompetency;

(4) Willful neglect of duty; or

(5) Failure to attend, without good cause, at least 75% of the scheduled meetings of the county board in any 1 calendar year.

(b) Before removing a member, the State Board shall send the member a copy of the charges and give the member an opportunity to request a hearing within 10 days.

(c) If the member requests a hearing within the 10–day period:

(1) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(2) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person or by counsel.

(d) A member removed under this section has the right to a de novo review of the removal by the Circuit Court for Harford County.

§3–6A–03.

(a) The county board shall elect a president and vice president from among the voting county board members.

(b) The county board shall elect a president and vice president at its first meeting in July as required to implement the provisions of this section.

(c) The president and vice president shall serve a term of 2 years.

(d) If there is a vacancy in the office of president or vice president, the county board shall fill the vacancy within 30 days after the vacancy occurs.

§3–6A–04.

(a) Each nonstudent member of the Harford County Board is entitled to receive $3,600 annually for travel and other expenses related to the performance of duties as a member of the board.

(b) Payments to a nonstudent member for the expenses described in subsection (a) of this section shall be paid in 12 equal monthly installments.

(c) Subject to the approval of the board, a nonstudent member may be reimbursed for additional travel and other expenses.

§3–6A–05.

(a) (1) There is a School Shared Space Council in Harford County.

(2) The School Shared Space Council consists of eleven employees of the county appointed by the County Executive for a term coterminous with that of the County Executive as follows:

(i) Two from the staff of the county board of education;

(ii) One from the administrative staff of the County Executive;

(iii) One from the Department of Public Works;

(iv) One from the Department of Recreation and Parks;

(v) One from the Committee on Aging;

(vi) One from the Health Department;

(vii) One from Harford County Community College;

(viii) One from the Department of Juvenile Services;

(ix) One from the county public libraries; and

(x) One from the Department of Planning.

(3) In addition to the county employee members, the County Executive shall appoint, upon the recommendation of the County Council, seven county citizen members to the Council as follows:

(i) One from each councilmanic district of the county; and

(ii) One from the county at large.

(b) (1) A county employee member of the Council who does not maintain his employment in the county shall be replaced on the Council.

(2) A county citizen member who does not maintain his residence in the county shall be replaced on the Council.

(c) Each citizen member may attend and vote at a Council session.

(d) The Council shall:

(1) Meet not less than three times a year during each year to compile the number of spaces in the public schools of the county that are not filled and to evaluate the feasibility of the utilization of the spaces by the community and county

departments; and

(2) Report its findings and recommendations to the county board of education and the County Executive at least once during the school year.

(e) The County Executive, by executive order, may appoint up to two additional members to the Council from agencies of the county government.

(f) (1) The Council shall elect a president from among its members.

(2) A quorum is 2/3 of the members appointed.

§3–701.

(a) The Howard County Board consists of:

(1) Seven elected members; and

(2) One student member.

(b) A candidate who becomes an elected member of the county board shall be a resident and registered voter of Howard County. Any elected member who no longer resides in Howard County may not continue as a member of the board.

(c) The seven elected members of the Howard County Board shall be elected:

(1) At the general election every 2 years as required by subsection (d) of this section; and

(2) From Howard County at large.

(d) (1) (i) The terms of the elected members are staggered as provided in this subsection.

(ii) Each term of office begins on the first Monday in December after the election of a member and until a successor is elected and qualifies.

(2) (i) The term of office of the member elected at the 2002 election is 4 years.

(ii) The successor to this office shall serve for a term of 4 years.

(3) (i) Two members shall be elected at the 2004 election.

(ii) The successors to these offices elected at the 2008 election shall serve a term of 4 years.

(4) (i) Five members shall be elected at the 2006 election.

(ii) Subject to paragraph (5) of this subsection, the successors to these offices shall be elected at the 2010 election and shall serve for a term of 4 years.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, as of the 2006 election, the term of each office is 4 years.

(ii) 1. At the 2006 election, the individual elected as a member who receives the lowest number of votes among the five members elected in that election shall serve for a term of 2 years.

2. The successor to the office for the member elected at the 2006 election who receives the lowest number of votes among the five members elected in that election shall be elected at the 2008 election and shall serve for a term of 4 years.

(6) Except as provided in paragraph (7) of this subsection and subject to the confirmation of the County Council, the County Executive of Howard County shall appoint a qualified individual to fill any vacancy on the county board for the remainder of that term and until a successor is appointed and qualifies.

(7) If a vacancy occurs before the date that is 1 year following the date of the member's election, the individual appointed under paragraph (6) of this subsection shall serve only until a successor is elected by the voters at the next general election.

(8) Candidates for the vacated office may be nominated at a primary election in the same manner as for any other position on the Howard County Board.

(9) When more than two members of the county board are to be elected at an election and the terms of the offices to be filled at the election vary, the elected candidates receiving the greater number of votes shall fill the offices with the longer terms.

(10) The candidate receiving the vacated position shall take office on the first Monday in December after the election and shall continue to serve for the remainder of the vacated term and until a successor is elected and qualifies.

(11) Except as provided in this subsection, an election to fill a vacancy on the Howard County Board of Education shall be governed by §§ 8–801 through 8–806 of the Election Law Article.

(e) (1) The student member shall be a bona fide resident of Howard County and a regularly enrolled junior or senior year student from a Howard County public high school.

(2) The student member shall serve for a term of 1 year beginning on July 1 after the member's election, subject to confirmation of the election results by the county board.

(3) The nomination and election process for the student member:

(i) Shall be approved by the Howard County Board of Education;

(ii) Shall include a provision that provides for the replacement of one or both of the final candidates if one or both of them are unable, ineligible, or disqualified to proceed in the election; and

(iii) Shall allow for any student in grades 6 through 11 enrolled in a Howard County public school to vote directly for one of the two student member candidates.

(4) The student member candidate who receives the second highest number of votes in the direct election:

(i) Shall become the alternate student member; and

(ii) Shall serve if the student member who is elected is unable, ineligible, or disqualified to complete the student member's term of office.

(5) Except as provided in paragraphs (6) and (7) of this subsection, the student member has the same rights and privileges as an elected member.

(6) Unless invited to attend by the affirmative vote of a majority of the county board, the student member may not attend a closed session addressing a matter on which a student member is prohibited from voting under paragraph (7) of this subsection.

(7) The student member shall vote on all matters except those relating to:

(i) Geographical attendance areas under § 4–109 of this article;

(ii) Acquisition and disposition of real property and matters pertaining to school construction under § 4–115 of this article;

(iii) Employment of architects under § 4–117 of this article;

(iv) Donations under § 4–118 of this article;

(v) Condemnation under § 4–119 of this article;

(vi) Consolidation of schools and transportation of students under § 4–120 of this article;

(vii) Appointment and salary of a county superintendent under §§ 4–201 and 4–202 of this article;

(viii) Employee discipline and other appeals under § 4–205(c) of this article;

(ix) Budgetary matters under Title 5 of this article;

(x) Appointment and promotion of staff under § 6–201 of this article;

(xi) Discipline of certificated staff under § 6–202 of this article;

(xii) Collective bargaining for certificated employees under Title 6, Subtitle 4 of this article;

(xiii) Collective bargaining for noncertificated employees under Title 6, Subtitle 5 of this article; and

(xiv) Student suspension and expulsion under § 7–305 of this article.

(8) The student member may not receive compensation but, after submitting expense vouchers, shall be reimbursed for out–of–pocket expenses incurred in connection with official duties, in accordance with the procedures and regulations established by the county board.

(f) Passage of a motion by the county board requires the affirmative vote of:

(1) Five members if the student member is authorized to vote; or

(2) Four members if the student member is not authorized to vote.

(g) (1) The State Board may remove a member of the county board for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency; or

(iv) Willful neglect of duty.

(2) Before removing a member, the State Board shall send the member a copy of the charges against the member and give the member an opportunity within 10 days to request a hearing.

(3) If the member requests a hearing within the 10–day period:

(i) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(ii) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person or by counsel.

(4) A member removed under this subsection has the right to a de novo review of the removal by the Circuit Court for Howard County.

§3–702.

At its first meeting in December, the county board shall elect a chairman from among its members.

§3–703.

(a) The chairman of the county board is entitled to receive $17,000 annually as compensation and the other elected members are entitled to receive $15,000 each annually as compensation.

(b) After submitting vouchers under the rules and regulations adopted by the county board, the chairman and the other elected members are entitled to receive reimbursement for travel and other expenses as provided in the Howard County budget.

(c) The employer's share for State retirement and pension contributions made on behalf of the chairman and other elected board members may not be considered compensation for the purpose of calculating compensation under subsection (a) of this section.

(d) (1) The chairman and other elected board members may participate in health insurance and other benefit programs sponsored by the board.

(2) An elected board member's participation in a benefit program sponsored by the board under this subsection may not be considered compensation for the purpose of calculating compensation under subsection (a) of this section.

(e) (1) (i) A student member who completes a full term on the board shall be entitled to a scholarship of $5,000 to be applied to the student's higher education costs.

(ii) The scholarship shall be paid directly to the educational institution that the student attends.

(iii) A student may receive only one scholarship regardless of the number of terms the student serves as the student member of the county board.

(iv) The scholarship may not be considered compensation for the purpose of calculating taxable income.

(2) On the submission of expense vouchers, the student member is entitled to reimbursement for travel and other expenses incurred in the performance of official duties for the county board.

(3) The student member is not entitled to any compensation or payment other than that specified under paragraphs (1) and (2) of this subsection for their work as the student member of the county board.

§3–704.

(a) (1) Subject to paragraph (2) of this subsection, the county board shall meet:

(i) At least once each month during the months of July and August; and

(ii) At least twice each month during the months of September through June.

(2) The county board shall meet at least 24 times each year.

(b) Except for those actions authorized by subsection (c) of this section, all actions of the county board shall be taken at a public meeting and a record of the meeting and all actions shall be made public.

(c) The county board may take actions in closed session in accordance with § 3–305 of the General Provisions Article, including action to close a meeting.

§3–801.

(a) The Kent County Board consists of five members.

(b) A candidate elected to the county board shall be a resident and registered voter of Kent County. Any member who no longer resides in Kent County may not continue as a member of the board.

(c) (1) The incumbent members of the Kent County Board who hold office on July 1, 2010 shall hold office until their successors are elected and qualify.

(2) Members of the Kent County Board shall be elected from Kent County at large as follows:

(i) Two members of the county board shall be elected in the November general election of 2012 and every 4 years thereafter; and

(ii) Three members of the county board shall be elected in the November general election of 2014 and every 4 years thereafter.

(d) (1) Each member serves for a term of 4 years beginning on January 1 after his election and until a successor is elected and qualifies. The terms of members are staggered and elections shall be held as provided in subsection (c) of this section.

(2) Any vacancy on the county board shall be filled by a qualified individual appointed by the County Commissioners of Kent County to serve until a successor is elected and qualifies at the general election next following the creation of the vacancy and for which the deadline for the filing of candidates has not expired.

(3) An individual may serve for more than 2 consecutive terms.

(e) (1) The State Board may remove a member of the county board for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency; or

(iv) Willful neglect of duty.

(2) Before removing a member, the State Board shall send the member a copy of the charges against him and give him an opportunity within 10 days to request a hearing.

(3) If the member requests a hearing within the 10–day period:

(i) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(ii) The member shall have an opportunity to be heard publicly before the State Board in his own defense, in person or by counsel.

(4) A member removed under this subsection has the right to a de novo review of the removal by the Circuit Court for Kent County.

§3–802.

At its first meeting at the beginning of each year, the county board shall elect a president and a vice president from among its members.

§3–803.

(a) The chairman of the county board is entitled to receive $2,400 annually as compensation and the other members are entitled to receive $2,000 each annually as compensation.

(b) The chairman and the other members are entitled to the allowances for travel and other expenses provided in the Kent County budget.

§3–804.

(a) The county board shall meet at least once each month.

(b) All actions of the county board shall be taken at a public meeting and a record of the meeting and all actions shall be made public.

(c) This section does not prohibit the county board from meeting and deliberating in executive session provided that all final action is taken at a public meeting.

§3–901.

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

(2) "Board of Education District" means a geographic area of Montgomery County in which an elected member of the Montgomery County Board of Education must be a legal resident. The geographic area of each district is described in subsection (f) of this section. Each district shall be substantially equal in population, and the districts shall be reapportioned on the basis of each decennial census of the United States.

(3) "Elected member" means 1 of the 7 elected and voting members of the Montgomery County Board or a member appointed to fill a vacancy of 1 of these 7 members.

(b) The Montgomery County Board consists of:

(1) 5 elected members, each of whom resides in a different board of education district;

(2) 2 elected members who may reside anywhere in the county; and

(3) 1 student member.

(c) An elected member of the county board shall be a registered voter of Montgomery County.

(d) Members of the Montgomery County Board shall be elected at the general election every 2 years as required by subsection (f) of this section.

(e) (1) The student member shall be a bona fide resident of Montgomery County and a regularly enrolled junior or senior year student from a Montgomery County public high school.

(2) The nomination and election process shall be as agreed on by the county board and the Montgomery County region of the Maryland Association of Student Councils. This agreement shall include a process by which to replace one or both of the final candidates if they are unable to proceed in the election. Any student enrolled in a middle or high school in the Montgomery County public schools may:

(i) Nominate a student member candidate;

(ii) Vote for delegates from the student's school, who in turn vote in a nominating convention to reduce to 2 the number of candidates for student board

member if there are 3 or more candidates; and

(iii) Vote directly for 1 of the 2 remaining student board member candidates.

(3) The candidate receiving the second highest number of votes in the direct election shall become the alternate student member. The alternate shall serve if the student member is unable to complete his elected term.

(4) Except as provided in paragraphs (5), (6), and (7) of this subsection, the student member has the same rights and privileges of an elected member.

(5) Unless invited to attend by the affirmative vote of a majority of the county board, the student member may not attend an executive session that relates to:

(i) Hearings held under § 6–202(a) of this article; or

(ii) Collective bargaining.

(6) As provided in paragraph (7) of this subsection, the student member shall vote on all matters except those relating to:

(i) § 6–202(a) of this article;

(ii) Collective bargaining;

(iii) Capital and operating budgets; and

(iv) School closings, reopenings, and boundaries.

(7) On a majority vote of the elected members, the board may determine, on a case by case basis, whether a matter under consideration is covered by the exclusionary provisions listed in paragraph (6) of this subsection.

(f) (1) Each elected member serves for a term of 4 years beginning on December 1 after the member's election and until a successor is elected and qualifies. The terms of elected members are staggered as required by the terms of the members serving on the county board as of July 1, 1978 so that 4 members are elected in gubernatorial election years and 3 members are elected in presidential election years.

(2) Elected members of the county board shall be elected by the voters of the entire county.

(3) (i) Of the 3 members elected in 1992 and every 4 years thereafter, 1 shall reside in Board of Education District 2 and 1 shall reside in Board of Education District 4. The third member may reside in any part of the county.

(ii) Of the 4 members elected in 1990 and every 4 years thereafter, 1 shall reside in Board of Education District 1, 1 shall reside in Board of Education

District 3, and 1 shall reside in Board of Education District 5. The fourth member may reside in any part of the county.

(iii) The descriptions of board of education districts in this subsection refer to the geographical boundaries of the election districts and the precincts:

1. As reviewed and certified by the Montgomery County Board of Elections or its designees, before the precinct boundaries were reported to the U.S. Bureau of the Census as part of the 2010 Census Redistricting Data Program; and

2. As those precinct lines are specifically shown on the P.L. 94–171 census block maps provided by the U.S. Bureau of the Census and as reviewed and corrected by the Division of Long–range Planning of the Montgomery County Public Schools.

(iv) Where precincts are split between Board of Education Districts, census tract and block numbers, as indicated in the P.L. 94–171 data or shown on the P.L. 171 census block maps provided by the U.S. Bureau of the Census and referred to in this subtitle, are used to define the boundaries of the education districts.

(v) Board of Education District 1 consists of:

1. Election district 1;

2. Election district 2, precincts 1, 3, 4, 5, 6, 7, 8, 10, and 11;

3. Election district 3;

4. Election district 9, precincts 4, 5, 7, 9, 11, 12, 15, 17, 18, 19, 20, 21, 22, 23, 25, 28, 29, 30, 32, 34, and 37;

5. Election district 11;

6. Election district 12;

7. That part of election district 2, precinct 9 that is generally the western part of precinct 9 which is bounded by Little Seneca Creek to the east, and also generally the far eastern part of precinct 9 from Father Hurley Boulevard east to the precinct boundary;

8. That part of election district 6, precinct 1 that is generally the western part of precinct 1 which extends from the precinct boundary north along South Germantown Tributary (a creek), then east along the center of Schaeffer Road to the precinct boundary;

9. That part of election district 6, precinct 11 that is generally the western part of precinct 11 which extends from the precinct boundary northeast along the center of Schaeffer Road, then runs northwest across the Soccerplex at the

intersection of Schaeffer Road and Burdette Lane, then west and north along Hoyles Mill Tributary (a creek), then northeast along Little Seneca Creek to the precinct boundary;

10. That part of election district 9, precinct 1 that is generally the northern part of precinct 1 which extends from the precinct boundary east along the center of CSX railroad tracks to the precinct boundary;

11. That part of election district 9, precinct 8 that is generally the eastern part of precinct 8 which extends from the precinct boundary southeast along the center of Wisteria Drive, then southwest along the center of Great Seneca Highway to the precinct boundary;

12. That part of election district 9, precinct 10 that is generally the northern part of precinct 10 which extends from the precinct boundary northeast along the center of Washington Grove Lane to the precinct boundary;

13. That part of election district 9, precinct 16 that is generally the northern part of precinct 16 which extends from the precinct boundary south along Interstate 270, then east along CSX railroad tracks to the precinct boundary; and

14. That part of election district 9, precinct 24 that is generally the northeastern part of precinct 24 which extends from the precinct boundary southeast along Interstate 270 to the precinct boundary.

(vi) Board of Education District 2 consists of:

1. Election district 2, precinct 2;

2. Election district 4, precincts 2, 3, 5, 6, 7, 14, 16, 21, 22, 23, 24, 25, 26, and 30;

3. Election district 6, precincts 3, 4, 5 through 10, 13, and 14;

4. Election district 9, precincts 2, 3, 6, 13, 14, 26, 27, 31, 33, 35, 36, and 38;

5. That part of election district 2, precinct 9 that is generally the central part of precinct 9 which is bounded by Little Seneca Creek to the west and Father Hurley Boulevard to the east;

6. That part of election district 4, precinct 19 that is generally the eastern part of precinct 19 from the precinct boundary at the intersection of Gude Drive and Calhoun Drive running northeast and approximately 200 feet east of Dubuque Court and Grinnell Terrace, then west along Crabbs Branch Tributary (a creek), then north along the center of Ottenbrook Terrace, then northeast along the center of Deer Lake Lane, then east along the center of Deer Lake Road, then west along the center of Needwood Road to the precinct boundary;

7. That part of election district 4, precinct 20 that is generally the eastern part of precinct 20 which extends from the precinct boundary north along Piney Branch Creek to the precinct boundary;

8. That part of election district 6, precinct 1 that is generally the eastern part of precinct 1 which extends from the precinct boundary north along South Germantown Tributary (a creek), then east along the center of Schaeffer Road to the precinct boundary;

9. That part of election district 6, precinct 11 that is generally the eastern part of precinct 11 which extends from the precinct boundary northeast along the center of Schaeffer Road, then runs northwest across the Soccerplex at the intersection of Schaeffer Road and Burdette Lane, then west and north along Hoyles Mill Tributary (a creek), then northeast along Little Seneca Creek to the precinct boundary;

10. That part of election district 6, precinct 12 that is generally the eastern part of precinct 12 which extends from the precinct boundary north along Sandy Branch Creek, then north along the center of Potomac Riding Lane to the precinct boundary;

11. That part of election district 9, precinct 1 that is generally the southern part of precinct 1 which extends from the precinct boundary east along the center of CSX railroad tracks to the precinct boundary;

12. That part of election district 9, precinct 8 that is generally the western part of precinct 8 which extends from the precinct boundary southeast along the center of Wisteria Drive, then southwest along the center of Great Seneca Highway to the precinct boundary;

13. That part of election district 9, precinct 10 that is generally the southern part of precinct 10 which extends from the precinct boundary northeast along the center of Washington Grove Lane to the precinct boundary;

14. That part of election district 9, precinct 16 that is generally the southern part of precinct 16 which extends from the precinct boundary south along Interstate 270, then east along CSX railroad tracks to the precinct boundary; and

15. That part of election district 9, precinct 24 that is generally the southwestern part of precinct 24 which extends from the precinct boundary southeast along Interstate 270 to the precinct boundary.

(vii) Board of Education District 3 consists of:

1. Election district 4, precincts 4, 8, 10, 12, 13, 17, 18, 27, 28, 31, and 32;

2. Election district 6, precinct 2;

3. Election district 7;

4. Election district 10;

5. Election district 13, precincts 3, 16, 26, 34, 38, 39, and 65;

6. That part of election district 4, precinct 15 that is generally the northern part of precinct 15 which extends from the precinct boundary east along the center of Randolph Road to the precinct boundary;

7. That part of election district 4, precinct 20 that is generally the western part of precinct 20 which extends from the precinct boundary north along Piney Branch Creek to the precinct boundary; and

8. That part of election district 6, precinct 12 that is generally the western part of precinct 12 which extends from the precinct boundary north along Sandy Branch Creek, then north along the center of Potomac Riding Lane to the precinct boundary.

(viii) Board of Education District 4 consists of:

1. Election district 13, precincts 1, 2, 4 through 15, 17 through 25, 27 through 33, 35, 36, 37, 40 through 45, 47, 48, 50, 53, 55, 56, 57, 58, 59, 62, 63, 66, 67, and 68; and

2. That part of election district 4, precinct 15 that is generally the southern part of precinct 15 which extends from the precinct boundary east along the center of Randolph Road to the precinct boundary.

(ix) Board of Education District 5 consists of:

1. Election district 4, precincts 1, 9, and 34;

2. Election district 5;

3. Election district 8;

4. Election district 13, precincts 46, 49, 51, 52, 54, 61, 64, and 69; and

5. That part of election district 4, precinct 19 that is generally the western part of precinct 19 from the precinct boundary at the intersection of Gude Drive and Calhoun Drive running northeast and approximately 200 feet east of Dubuque Court and Grinnell Terrace, then west along Crabbs Branch Tributary (a creek), then north along the center of Ottenbrook Terrace, then northeast along the center of Deer Lake Lane, then east along the center of Deer Lake Road, then west along the center of Needwood Road to the precinct boundary.

(4) (i) The student member serves for a term of 1 year beginning on July 1 after the election.

(ii) The student member shall be replaced for the remainder of the term by the alternate student member if the student member:

1. Resigns or otherwise is unable to complete the term; or

2. Is removed under the provisions of subsection (g) of this section.

(iii) The elected members of the county board shall select a student to complete the remainder of the term if the student member is replaced as provided in subparagraph (ii) of this paragraph and the alternate member:

1. Resigns or otherwise is unable to complete the term; or

2. Is removed under the provisions of subsection (g) of this section.

(5) The remaining members of the county board shall select a qualified individual to fill any vacancy on the elected board for the remainder of that term and until a successor is elected and qualifies.

(6) (i) Subject to subparagraph (ii) of this paragraph, an elected county board member shall forfeit the office if the member fails to reside in the board of education district from which the member was elected.

(ii) If the failure to continue to reside in the district is caused by an alteration in the board of education district boundaries because of reapportionment, the member may complete the term for which the member was elected.

(iii) In the event of a vacancy caused by a member who is required to reside in a particular board of education district, the person appointed to fill the vacancy shall reside in the same district at the time of appointment and while filling out the unexpired term.

(g) (1) The Montgomery County Council may remove a member of the county board for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency; or

(iv) Willful neglect of duty.

(2) Before removing a member, the County Council shall provide the

member a copy of the charges against him and give him an opportunity within 10 days to request a hearing.

(3) If the member requests a hearing within the 10–day period:

(i) The County Council promptly shall hold a hearing, but a hearing may not be set within 10 days after the County Council sends the member a notice of the hearing; and

(ii) The member shall have an opportunity to be heard publicly before the County Council in the member's own defense, in person or by counsel.

(4) A member removed under this subsection has the right to a de novo review of the removal by the Circuit Court for Montgomery County.

§3–902.

(a) An elected member of the county board is entitled to reimbursement for travel and other expenses as provided by the Montgomery County Council.

(b) (1) An elected member of the county board is entitled to receive $25,000 annually as compensation and the president of the county board is entitled to an additional $4,000 annually as compensation.

(2) An elected member is entitled to health insurance and to other fringe benefits regularly provided to employees of the board of education under the same terms and conditions extended to other employees of the board of education.

(c) (1) The student member may not receive compensation but, after submitting expense vouchers, may be reimbursed for out–of–pocket expenses incurred in connection with official duties.

(2) A student member who completes a full term on the board shall be granted a scholarship of $5,000 to be applied toward the student's higher education costs.

§3–903.

(a) All actions of the county board shall be taken after a public meeting, the record of which shall be made public.

(b) Except as provided in subsection (c) of this section, this section does not prohibit the county board from meeting and deliberating in executive session provided that all action of the board, together with the individual vote of each member, is contained in a public record.

(c) If the county superintendent denies an appeal of a decision by the chief operating officer of the county public schools to add or delete a school bus stop or to

eliminate or move a school bus route, the appeal to the county board and the decision on the appeal shall be governed by the following requirements:

(1) The county board shall hold a public hearing on the matter contained in the appeal;

(2) Members of the public shall be given a reasonable opportunity to testify and present their views at the hearing; and

(3) The board shall make a decision on the appeal in item (1) of this subsection at a public meeting and the individual vote of each member shall be recorded on the public record.

(d) The affirmative vote of the members of the county board for the passage of a motion by the county board shall be:

(1) 5 members when the student member is voting; or

(2) 4 members when the student member is not voting.

§3–1001.

(a) (1) The descriptions of school board districts in this section refer to the geographical boundaries of the election districts and precincts:

(i) As reviewed and certified by the Prince George's County Board of Elections or its designees before the precinct boundaries were reported to the U.S. Bureau of the Census as part of the 2010 Census Redistricting Data Program; and

(ii) As those precinct lines are specifically shown on the Public Law 94–171 census block maps provided by the U.S. Bureau of the Census and as reviewed and corrected by the Department of Planning.

(2) Where precincts are split between board of education districts, census tract and block numbers, as indicated in the P.L. 94–171 data or shown on the P.L. 94–171 census block maps provided by the U.S. Bureau of the Census and referred to in this subtitle, are used to define the boundaries of board of education districts.

(b) School board district I consists of:

(1) Election district 10;

(2) Election district 1, precincts 1 through 7;

(3) Election district 14, precinct 8;

(4) Election district 21, precincts 14 and 97; and

(5) That part of election district 14, precinct 11 that consists of:

(i) Census tract 8004.01, blocks 1000 through 1009, 1011 through 1013, and 1024;

(ii) Census tract 8004.10, blocks 2000 through 2008, 2012, 2013, 2015 through 2025, 2031 through 2035, 2081 through 2083, 2088, 3000 through 3004, 3008, 3013, 3034, 3035, 3044, 3045, 3048, 3049, 3051, and 3053 through 3055; and

(iii) Census tract 8004.11, blocks 1012 through 1020, 1034 through 1057, 1109, 1111, and 2000 through 2020.

(c) School board district II consists of:

(1) Election district 1, precinct 8;

(2) Election district 19, precincts 1, 2, and 5;

(3) Election district 20, precincts 1, 5, 6, 10, 12, and 13;

(4) Election district 21, precincts 1 through 4, 6 through 11, 13, 15 through 18, 98, and 99;

(5) That part of election district 2, precinct 5 that consists of census tract 8039.00, blocks 1006 and 1007;

(6) That part of election district 20, precinct 2 that consists of census tract 8036.12, blocks 1008 and 1009; and

(7) That part of election district 21, precinct 12 that consists of census tract 8064.00, blocks 1000 through 1009, 1012, 1013, 1016, 1023, 1024, 1031, and 2030.

(d) School board district III consists of:

(1) Election district 17;

(2) Election district 2, precinct 98;

(3) Election district 16, precincts 1 through 5 and 98;

(4) Election district 19, precinct 3;

(5) Election district 21, precinct 5; and

(6) That part of election district 21, precinct 12 that consists of census tract 8064.00, block 1027.

(e) School board district IV consists of:

(1) Election district 2, precincts 1 through 4, 6 through 10, and 99;

(2) Election district 13, precincts 2, 3, 8, 14, and 17;

(3) Election district 14, precinct 2;

(4) Election district 16, precinct 99;

(5) Election district 18, precincts 5 and 12;

(6) Election district 19, precinct 4;

(7) Election district 20, precincts 4, 7, 8, 9, and 11;

(8) That part of election district 2, precinct 5 that consists of:

(i) Census tract 8039.00, blocks 1000 through 1005, 1008 through 1019, 2000 through 2007, 3000 through 3004, 3006, 3008 through 3016, and 3020;

(ii) Census tract 8040.01, blocks 2000 and 2008; and

(iii) Census tract 8040.02, blocks 1004, 1008, 2000, and 2069; and

(9) That part of election district 20, precinct 2 that consists of:

(i) Census tract 8036.02, blocks 2000 through 2013, and 2019;

(ii) Census tract 8036.08, block 3015;

(iii) Census tract 8036.12, blocks 1000 through 1005, 1010 through 1046, 1049, 1050, 1054, 2000 through 2004, 2008, and 2016; and

(iv) Census tract 8036.13, blocks 1000 through 1002, 1006, 2008, and 2009.

(f) School board district V consists of:

(1) Election district 3, precincts 2 through 6;

(2) Election district 7, precincts 1 through 11 and 13 through 17;

(3) Election district 14, precincts 1, 3 through 7, 9, and 10; and

(4) That part of election district 14, precinct 11 that consists of census tract 8004.10, block 3050.

(g) School board district VI consists of:

(1) Election district 6, precinct 19;

(2) Election district 7, precinct 12;

(3) Election district 13, precincts 1, 4 through 7, 9 through 13, 15, and 16;

(4) Election district 18, precincts 1 through 4 and 6 through 11;

(5) Election district 20, precinct 3; and

(6) That part of election district 6, precinct 20 that consists of:

(i) Census tract 8022.04, blocks 1000, 1001, 1003 through 1009, 1014 through 1017, 2000 through 2002, 2004, 2005, 2007, 2018, 2019, and 3000 through 3022; and

(ii) Census tract 8024.04, blocks 3006, 3007, and 3021.

(h) School board district VII consists of:

(1) Election district 6, precincts 1, 3 through 12, 14 through 18, and 21 through 24;

(2) Election district 15, precincts 2 and 5; and

(3) That part of election district 6, precinct 20 that consists of census tract 8022.04, blocks 1002, 2003, 2006, 2009, 2016, 4062, 4067, 4070, 4071, and 4072.

(i) School board district VIII consists of:

(1) Election district 12;

(2) Election district 5, precincts 2, 3, 6, 7, and 11;

(3) Election district 6, precincts 2 and 13; and

(4) Election district 9, precincts 2 and 5.

(j) School board district IX consists of:

(1) Election districts 4, 8, and 11;

(2) Election district 3, precinct 1;

(3) Election district 5, precincts 1, 4, 5, 8, 9, 10, and 12;

(4) Election district 9, precincts 1, 3, 4, and 6 through 11; and

(5) Election district 15, precincts 1, 3, 4, and 6.

§3–1002.

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

(2) "Appointed member" means a member of the Prince George's County Board appointed under subsection (f) of this section.

(3) "Elected member" means a member of the Prince George's County Board elected from one of the nine school board districts described in § 3–1001 of this subtitle.

(b) The Prince George's County Board consists of 14 members as follows:

(1) Nine elected members, each of whom resides in a different school board district;

(2) Four appointed members; and

(3) One student member selected under subsection (g)(2) of this section.

(c) (1) One member of the county board shall be elected from each of the nine school board districts described in § 3–1001 of this subtitle.

(2) From the time of filing as a candidate for election, each candidate shall be a registered voter of the county and a resident of the school board district the candidate seeks to represent.

(3) An elected county board member shall forfeit the office if the member:

(i) Fails to reside in the school board district from which the member was elected, unless this change is caused by a change in the boundaries of the district; or

(ii) Fails to be a registered voter of the county.

(4) A county board member may not hold another office of profit in county government during the member's term.

(5) Each elected member of the county board shall be nominated by the registered voters of the member's school board district.

(d) The elected members of the county board shall be elected:

(1) At the general election every 4 years as required by subsection (g) of this section; and

(2) By the voters of the school board district that each member represents.

(e) (1) If a candidate for the county board dies or withdraws the candidacy during the period beginning with the date of the primary and ending 70 days before the date of the general election, the Board of Elections shall:

(i) Replace the name of the deceased or withdrawn candidate on the

ballot for the general election with the name of the candidate who received the next highest number of votes in the primary election; or

(ii) If a contested primary was not held, reopen the filing process to allow other persons to file as candidates.

(2) (i) Except as otherwise provided in subparagraph (ii) of this paragraph, the Board of Elections shall add to the ballot for the general election the name of any person who files as a candidate in accordance with paragraph (1)(ii) of this subsection.

(ii) The Board of Elections may not add additional candidates to the ballot for the general election within 70 days before the date of the election.

(f) (1) The appointed members of the county board shall be appointed as follows:

(i) Three members shall be appointed by the County Executive of Prince George's County as follows:

1. One member shall possess a high level of knowledge and expertise concerning education;

2. One member shall possess a high level of business, finance, or higher education experience; and

3. One member shall possess a high level of knowledge and expertise concerning the successful administration of a large business, nonprofit, or governmental entity; and

(ii) The Prince George's County Council shall appoint one member who is a parent of a student enrolled in the Prince George's County public school system as of the date of the appointment of the member.

(2) Each appointed member of the county board shall be a resident of Prince George's County.

(g) (1) The student member shall be an eleventh or twelfth grade student in the Prince George's County public school system during the student's term in office.

(2) An eligible student shall file a nomination form at least 2 weeks before a special election meeting of the Prince George's Regional Association of Student Governments. Nomination forms shall be made available in the administrative offices of all public senior high schools in the county, the office of student concerns, and the office of the president of the regional association. The delegates to the regional association annually shall elect the student member to the board at a special election meeting to be held each school year.

(3) The student member may vote on all matters before the board except those relating to:

(i) Capital and operating budgets;

(ii) School closings, reopenings, and boundaries;

(iii) Collective bargaining decisions;

(iv) Student disciplinary matters;

(v) Teacher and administrator disciplinary matters as provided under § 6–202(a) of this article; and

(vi) Other personnel matters.

(4) On an affirmative vote of a majority of the elected and appointed members of the county board, the board may determine if a matter before the board relates to a subject that the student member may not vote on under paragraph (3) of this subsection.

(5) Unless invited to attend by an affirmative vote of a majority of the elected and appointed members of the county board, the student member may not attend an executive session that relates to hearings on appeals of special education placements, hearings held under § 6–202(a) of this article, or collective bargaining.

(6) The Prince George's Regional Association of Student Governments may establish procedures for the election of the student member of the county board.

(7) The election procedures established by the Prince George's Regional Association of Student Governments are subject to the approval of the elected and appointed members of the county board.

(h) (1) Except as provided in paragraph (2) of this subsection, an elected member serves for a term of 4 years beginning on the first Monday in December after the member's election and until the member's successor is elected and qualifies.

(2) The terms of the elected members are staggered as follows:

(i) The five elected members who received the lowest percentage of votes, as determined by the final vote count of the 2010 General Election as certified by the Board of Elections, shall serve for a term of 2 years; and

(ii) The other four members elected in the 2010 General Election shall serve for a term of 4 years.

(3) Except as provided in paragraph (4) of this subsection, an appointed member:

(i) Serves for a term of 4 years beginning on the date of appointment;

(ii) May be reappointed; and

(iii) Serves until a successor is appointed and qualifies.

(4) The terms of the appointed members are staggered as follows:

(i) The members appointed under subsection (f)(1)(i)1 and 2 of this section on or before June 1, 2013, shall serve for an initial term of 4 years; and

(ii) The member appointed under subsection (f)(1)(i)3 and (ii) of this section on or before June 1, 2013, shall serve for an initial term of 2 years.

(5) The student member serves for a term of 1 year beginning at the end of a school year.

(6) (i) Subject to subparagraph (ii) of this paragraph, if a seat held by an elected member of the county board becomes vacant, the County Executive shall:

1. Appoint a qualified individual to fill the seat for the remainder of the term; and

2. Transmit the name of the appointee to the clerk of the County Council.

(ii) If the County Council does not disapprove an appointment under subparagraph (i) of this paragraph by a two–thirds vote of all members of the County Council within 45 days after the transmittal of the name of the appointee, the appointment shall be considered approved.

(i) (1) With the approval of the Governor, the State Board may remove a member of the county board for any of the following reasons:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency; or

(iv) Willful neglect of duty.

(2) Before removing a member, the State Board shall send the member a copy of the charges pending and give the member an opportunity within 10 days to request a hearing.

(3) If the member requests a hearing within the 10–day period:

(i) The State Board promptly shall hold a hearing, but a hearing

may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(ii) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person or by counsel.

(4) A member removed under this subsection has the right to judicial review of the removal by the Circuit Court for Prince George's County based on an administrative record and such additional evidence as would be authorized by § 10–222(f) and (g) of the State Government Article.

(j) While serving on the county board, a member may not be a candidate for a public office other than a position on the county board.

§3–1003. IN EFFECT

(a) (1) From and after December 4, 2006, at the beginning of each member's full term, the chair of the county board is entitled to receive $19,000 annually as compensation and the other elected and appointed members are each entitled to receive $18,000 annually as compensation.

(2) Each elected and appointed member of the county board may be provided health insurance and other fringe benefits regularly provided to employees of the Board of Education under the same terms and conditions extended to other employees of the Board of Education.

(b) (1) After submitting vouchers under the rules and regulations adopted by the county board, the chair and the other members, including the student member, are entitled to the allowances for travel and other expenses provided in the Prince George's County budget.

(2) A member of the county board may not be reimbursed more than $7,000 in travel and other expenses incurred in a single fiscal year.

3–1003. // EFFECTIVE JULY 1,2016 PER CHAPTER 451 OF 2015 //

(a) (1) From and after December 4, 2006, at the beginning of each member's full term, the chair of the county board is entitled to receive $19,000 annually as compensation and the other elected and appointed members are each entitled to receive $18,000 annually as compensation.

(2) Each elected and appointed member of the county board may be provided health insurance and other fringe benefits regularly provided to employees of the Board of Education under the same terms and conditions extended to other employees of the Board of Education.

(b) (1) After submitting vouchers under the rules and regulations adopted by the county board, the chair and the other members, including the student member, are

entitled to the allowances for travel and other expenses provided in the Prince George's County budget.

(2) A member of the county board may not be reimbursed more than $7,000 in travel and other expenses incurred in a single fiscal year.

(c) The county board may not issue a credit card to a member of the county board.

§3–1004.

(a) (1) The County Executive shall appoint a chair and vice chair of the county board from among the members of the county board.

(2) The County Executive shall select the vice chair from among the elected members of the county board.

(3) The term of the chair and vice chair appointed under this subsection shall be 2 years.

(b) Subject to the provisions of § 4–403 of this article, the affirmative vote of the members of the county board for the passage of a motion by the county board shall be:

(1) Except as otherwise provided in item (2) of this subsection:

(i) Eight members when the student member is voting; or

(ii) Seven members when the student member is not voting.

(2) When there are two or more vacancies on the county board:

(i) Seven members when the student member is voting; or

(ii) Six members when the student member is not voting.

§3–1005.

(a) There is a Shared Space Council for Prince George's County. The purpose of the Council is to consider the alternative use of any vacant public schools and any vacant space that exists in the Prince George's County public school system.

(b) The Council shall consist of 23 members, appointed as follows:

(1) One member from each legislative district within Prince George's County, each of whom shall be appointed by the legislative delegation from the district.

(2) One member from each of the following governmental agencies, departments, or institutions:

(i) The staff of the county board of education;

(ii) The staff of the County Executive;

(iii) The staff of the County Council;

(iv) The county Department of Social Services;

(v) The staff of the county Superintendent of Education;

(vi) The Prince George's County Planning Board;

(vii) The county Department of Aging;

(viii) The county health department;

(ix) The county Office of Coordination of Services to the Handicapped;

(x) The county Juvenile Services Administration;

(xi) The county Memorial Library System; and

(xii) The county Department of Program Planning and Economic Development.

(3) On a rotating basis, one member shall be from the faculty or administration of Bowie State College or Prince George's Community College. Such member shall be appointed by the president of the college.

(4) The members from governmental agencies, departments, or institutions shall be appointed by the director, chairman, or chief executive officer of the agency, department, or institution.

(5) Two members shall be appointed by the County Executive.

(c) The term of the members appointed pursuant to subsection (b)(2), (3), and (4) shall be 3 years. All other members shall serve for a term of 2 years. Any vacancy on the Council shall be filled in the same manner as the original appointment.

(d) The Council shall meet at least four times each year. It shall, on an annual basis and in conjunction with the county board of education, survey the schools within the county public school system and compile a listing of any vacant public schools and any vacant space that exists within the system. The Council shall evaluate the feasibility of using any vacant public school or vacant space for community or governmental purposes.

(e) The Council shall report the results, findings, and recommendations derived from such survey, listing, and evaluation to the county board of education, the County Executive, the County Council and the mayor of each municipality in the county.

§3–1006.

In addition to the powers otherwise granted to the county board in this article, the county board or a designated committee of the county board may hear an appeal from a decision of the county superintendent that relates to the grade, transfer, tuition, or any aspect of participation in a program or activity of a specific student who is not subject to the provisions of Title 8, Subtitle 4 of this article.

§3–1007.

Notwithstanding any other provision of law, in Prince George's County, the board of education may implement the use of school uniforms by all students in the public schools in the county.

§3–1008.

(a) The county board may develop curriculum content for a hands–on course in financial literacy to be offered to all students in the eighth grade.

(b) The curriculum content shall include instruction regarding:

(1) Identification of services provided by financial institutions;

(2) Debit cards and their uses;

(3) Interest and credit;

(4) Savings and investing;

(5) The differences among sales, income, and property taxes, and the purpose of each type of tax;

(6) The basic principles of Social Security;

(7) Net monthly income; and

(8) Household budgeting.

(c) Beginning in the 2013–2014 school year, the county board may implement the financial literacy curriculum content developed under subsection (a) of this section in every middle school in the county.

§3–10A–01.

(a) The Queen Anne's County Board consists of:

(1) Five voting, nonpartisan, elected members; and

(2) One nonvoting student representative from each public high school in

the county.

(b) The five voting, nonpartisan, elected members shall be elected by the voters of the entire county at a general election in accordance with subsection (c) of this section.

(c) (1) (i) One voting member shall reside in and be elected from each of the four county commissioner districts; and

(ii) One member shall reside in the county and be elected from the county at large.

(2) (i) A member from a county commissioner district who no longer resides in the district may not continue as a member of the county board.

(ii) A member at large who no longer resides in the county may not continue as a member of the county board.

(3) A candidate elected to the county board shall be a registered voter and resident of Queen Anne's County for at least 3 years.

(d) (1) Subject to paragraph (2) of this subsection, each elected voting member serves for a term of 4 years beginning on the first Monday in December after the member's election and until a successor is elected and qualifies.

(2) The initial terms of the elected voting members are staggered as follows:

(i) The three members elected to the county board at the general election in November 2008 who receive the highest number of votes cast from among the successful candidates at that election shall serve for a term of 6 years; and

(ii) The two members elected to the county board at the general election in November 2008 who receive the least number of votes cast from among the successful candidates at that election shall serve for a term of 4 years.

(3) (i) In case of a vacancy on the county board, the Governor shall appoint a qualified person to serve on the county board until a successor is elected and qualifies.

(ii) If the vacancy occurs before the filing deadline for candidates for the primary election that is held in the second year of the term, the individual appointed under subparagraph (i) of this paragraph shall serve until a successor is elected at the next general election and qualifies.

(iii) If the vacancy occurs after the filing deadline for candidates for the primary election that is held in the second year of the term, the individual appointed under subparagraph (i) of this paragraph shall serve for the remainder of the term of the vacating member and until a successor is elected at the next general election and

qualifies.

(e) (1) The nonvoting student members of the county board shall be elected from each of the public high schools in the county by their respective student bodies.

(2) Each student member shall:

(i) Be an eleventh or twelfth grade student in good standing in the Queen Anne's County public school system;

(ii) Be a student government association representative at the student's high school;

(iii) Serve for 1 year beginning on July 1 after the election of the member;

(iv) Be nonvoting; and

(v) Advise the county board on the thoughts and feelings of students in the Queen Anne's County public schools.

(3) Unless invited to attend by an affirmative vote of a majority of the county board, the student member may not attend an executive session of the county board.

§3–10A–02.

(a) The State Board may remove a member of the county board for any of the following reasons:

(1) Immorality;

(2) Misconduct in office;

(3) Incompetency;

(4) Willful neglect of duty; or

(5) Failure to attend, without good cause, at least 75% of the scheduled meetings of the county board in any 1 calendar year.

(b) Before removing a member, the State Board shall send the member a copy of the charges against the member and give the member an opportunity within 10 days to request a hearing.

(c) If the member requests a hearing within the 10–day period:

(1) The State Board shall promptly hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing;

and

(2) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense in person or by counsel.

(d) A member removed under this section has the right to a de novo review of the removal by the Circuit Court for Queen Anne's County.

§3–10A–03.

(a) At its first meeting in December of each year, the county board shall elect a president and vice president from among the board members.

(b) The county board shall meet at least once each month.

§3–10A–04.

(a) The president of the county board is entitled to receive $4,000 annually as compensation and the other voting members each are entitled to receive $3,500 annually as compensation.

(b) The president of the county board and other members each are entitled to reimbursement not to exceed $1,000 a year for travel and other expenses.

(c) The Queen Anne's County Commissioners may increase the annual salary of the county board.

§3–1101.

(a) The St. Mary's Board consists of:

(1) Five voting members; and

(2) One student member.

(b) The student member shall:

(1) Be an 11th or 12th grade student in the St. Mary's County Public School System;

(2) Serve for 1 year;

(3) Be a nonvoting member; and

(4) Advise the county board on the thoughts and feelings of the students.

(c) Unless invited to attend by an affirmative vote of a majority of the county board, the student member may not attend an executive session of the county board.

(d) (1) (i) A candidate elected to the county board shall be a resident and registered voter of St. Mary's County. A member who is no longer a resident and a registered voter of St. Mary's County may not continue as a member of the county board.

(ii) A candidate who files to represent one of the commissioner election districts must be a resident of that election district.

(iii) Candidates filing for office to represent the county at large may reside anywhere in the county.

(2) An individual subject to the authority of the county board at the time of filing is ineligible to be a candidate.

(e) (1) The St. Mary's County Board consists of five voting members who shall be elected as follows:

(i) One member shall be elected from the county at large; and

(ii) One member shall be elected from each of the four commissioner districts.

(2) Voting members of the county board shall be elected:

(i) At a general election as required by this section; and

(ii) On a general countywide ticket.

(3) Members of the county board elected in the 1996 general election from Commissioner Districts One and Three shall serve for an initial term of 2 years. An election shall be conducted in 1998 and every 4 years thereafter.

(4) Members of the county board elected in the 1996 general election from Commissioner Election Districts Two and Four and from the county at large shall serve for an initial term of 4 years. An election shall be conducted in 2000 and every 4 years thereafter.

(5) Except as specified in this section, elections shall be conducted in accordance with Title 8, Subtitle 8 of the Election Law Article.

(f) (1) The student member of the county board shall be elected by qualified students of the St. Mary's County Public School System. The student member shall not be subject to approval by the county board.

(2) The voting members of the county board shall:

(i) Determine which students in the St. Mary's County Public School System may elect the student member of the county board; and

(ii) Develop nomination and election procedures governing the election of the student member.

(g) (1) Except as specified in this section, an elected member shall serve for a term of 4 years. The term of each member shall commence on the first Monday in December after the member's election and shall continue until a successor is elected and qualifies.

(2) The term of the student member shall commence on the first Monday in July and continue for 1 year.

(3) If a vacancy occurs on the county board, the St. Mary's Board of County Commissioners shall appoint a qualified individual to serve for the remainder of that term and until a successor is elected and qualifies.

(h) (1) The State Board may remove a member of the county board for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetence; or

(iv) Willful neglect of duty.

(2) Before removing a member, the State Board shall send the member a notice, by registered mail, return receipt requested, that specifies the charges against the member.

(3) (i) Within 15 days from the date the State Board sends the notice, the member may request a public hearing. The member shall send this request to the county board by registered mail, return receipt requested.

(ii) If the member requests a hearing, the State Board shall conduct a hearing promptly, but not before the 11th day from the date the State Board sent notice to the member.

(iii) The member shall have the right to a public hearing and to representation by counsel at the hearing.

(4) A member removed under this subsection has the right to a de novo review of the removal by the Circuit Court of St. Mary's County.

§3–1102.

At its first meeting following the first Monday in December of each calendar year, the county board shall elect a chairman from among its members.

§3–1103.

The compensation and expenses of the members of the county board shall be paid from the St. Mary's County Board of Education operating funds.

§3–1104.

(a) The county board shall meet at least once each month.

(b) All actions of the county board shall be taken at a public meeting and a record of the meeting and all actions shall be made public.

(c) This section shall not be construed to prohibit the county board from meeting and deliberating in executive session, provided that any action of the county board, together with the individual vote of each member, is contained in a public record.

§3–1201.

(a) The Somerset County Board shall be elected and consists of one member elected from each commissioner district in the county.

(b) (1) A member from a commissioner district shall be a resident of that district.

(2) A candidate for the county board shall be a registered voter of the county.

(3) A member from a commissioner district who no longer resides in that district may not continue as a member of the county board.

(c) Members of the board shall be elected at a general election as required by subsection (d) of this section.

(d) (1) Subject to the provisions of paragraph (2) of this subsection, each member serves for a term of 4 years beginning on January 1 after the member's election and until a successor is elected and qualifies.

(2) (i) The terms of members are staggered as provided in this paragraph.

(ii) 1. The members elected at the 2004 election from commissioner districts 1, 3, and 5 shall serve an initial term of 2 years.

2. An election shall be conducted in 2006 and every 4 years thereafter.

(iii) 1. The members elected at the 2004 election from commissioner districts 2 and 4 shall serve an initial term of 4 years.

2. An election shall be conducted in 2008 and every 4 years thereafter.

(3) The Governor shall appoint a qualified individual to fill any vacancy on the board for the remainder of the term and until a successor is elected and qualifies.

(e) (1) The State Board may remove a member of the county board for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency; or

(iv) Willful neglect of duty.

(2) Before removing a member, the State Board shall send the member a copy of the charges against him and give him an opportunity within 10 days to request a hearing.

(3) If the member requests a hearing within the 10–day period:

(i) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(ii) The member shall have an opportunity to be heard publicly before the State Board in his own defense, in person or by counsel.

(4) A member removed under this subsection has the right to a de novo review of the removal by the Circuit Court for Somerset County.

§3–1202.

At its first meeting at the beginning of each year, the county board shall elect a chairman from among its members.

§3–1203.

(a) Annual compensation for the board is as follows:

(1) Chairman – $3,000; and

(2) Member – $2,700.

(b) The chairman and other members are entitled to:

(1) Reimbursement for expenses incurred in official duties performed outside Somerset County; and

(2) $500 per member per year for expenses incurred in official duties performed within Somerset County.

§3–1204.

(a) All final actions of the county board shall be taken at a public meeting. The board shall keep a formal record of each public meeting.

(b) This section does not prohibit the board from meeting and deliberating in executive session provided that all action is taken at a public meeting.

§3–12A–01.

(a) The Talbot County Board consists of:

(1) Seven voting members, one member elected from each of the seven election districts for the county board established in accordance with this subtitle; and

(2) One nonvoting student member from a public high school in the county.

(b) The elected members of the county board shall be elected:

(1) At the general election; and

(2) In accordance with Title 8, Subtitle 8 of the Election Law Article.

(c) (1) A member elected from a district shall be a resident of the district.

(2) A member elected or appointed from a district who no longer resides in the district may not continue as a member of the county board.

(d) (1) The boundaries for the election districts for the county board shall be established promptly following each decennial census.

(2) Whenever election district boundaries are to be redrawn, no later than December 1 of the year prior to the year in which redistricting is to take effect, the County Council shall appoint a commission on redistricting to include:

(i) Four individuals nominated by each political party that polled at least 15 percent of the total vote cast at the immediately preceding general election; and

(ii) One additional individual.

(3) An individual who holds elective office is not eligible to be appointed to the commission on redistricting.

(4) (i) By November 15 of the year preceding the year in which redistricting is to take effect, the redistricting commission shall prepare and make

available a plan of election districts.

(ii) The election districts shall be reasonably compact, contiguous, and substantially equal in population and, in accordance with legal principles established by law, shall ensure that one or more of the election districts encompasses residents in which a majority of the voting age population consists of racial minorities.

(iii) No less than 15 calendar days and no more than 45 calendar days after the redistricting commission submits its plan, the County Council shall hold a public hearing on the plan.

(iv) The redistricting plan submitted by the redistricting commission becomes law 90 days after it is submitted to the County Council unless the County Council enacts a different redistricting plan before that date.

(e) (1) Each voting member serves for a term of 4 years beginning on January 1 after the member's election and until a successor is elected and qualifies.

(2) A voting member may not serve for more than three consecutive terms.

(f) The terms of the voting members are staggered as follows:

(1) One member elected from each of districts 1, 3, 4, and 7 at the 2006 general election, and every 4 years thereafter; and

(2) One member elected from each of districts 2, 5, and 6 at the 2008 general election, and every 4 years thereafter.

(g) (1) The Governor shall appoint a new member to fill any vacancy on the county board until a successor is elected and qualifies at the next congressional election.

(2) A resident of the district in which a vacancy exists may apply for appointment by the Governor to fill the vacancy.

(h) The student member shall be appointed and serve on the county board in accordance with § 3–12A–06 of this subtitle.

§3–12A–02.

(a) The State Board may remove a member of the county board for any of the following reasons:

(1) Immorality;

(2) Misconduct in office;

(3) Incompetency;

(4) Willful neglect of duty; or

(5) Failure to attend, without good cause:

(i) At least 75% of the scheduled meetings of the county board in any 1 calendar year; or

(ii) Three consecutive scheduled meetings of the county board.

(b) Before removing a member, the State Board shall send the member a copy of the charges against the member and give the member an opportunity within 10 days to request a hearing.

(c) If the member requests a hearing within the 10–day period:

(1) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(2) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person, or by counsel.

(d) A member removed under this section has the right to a de novo review of the removal by the Circuit Court for Talbot County.

§3–12A–03.

At its first meeting at the beginning of each calendar year, the county board shall elect a president and a vice president from among its members.

§3–12A–04.

(a) Subject to subsection (b) of this section, the voting members shall receive compensation as set by the County Council.

(b) (1) The salary of each voting member of the county board shall be at least $3,200.

(2) The salary of the president of the county board shall be at least $3,600.

§3–12A–05.

(a) The county board shall meet at least once each month.

(b) Except for those actions authorized by subsection (c) of this section, all actions of the county board shall be taken at a public meeting and a record of the meeting and all actions shall be made public.

(c) The county board may take actions in executive session in accordance with § 3–305 of the General Provisions Article.

§3–12A–06.

(a) (1) There shall be one nonvoting student member on the Talbot County Board of Education.

(2) The student member shall advise the other members of the county board on the viewpoint of students who attend Talbot County public schools.

(b) (1) The nonvoting student member of the county board shall be:

(i) A regularly enrolled 11th or 12th grade student in good standing at a Talbot County public school;

(ii) Qualified according to eligibility requirements established by the county board; and

(iii) Of good character.

(2) The student member shall be appointed for a 1–year term during the school year prior to the school year that the member is to serve on the county board.

(3) The position of student member shall alternate annually between a student from St. Michaels High School and Easton High School.

(4) The county board shall adopt procedures for the appointment of the student member.

(5) If a vacancy in the position of student member occurs during the term of the student member, the county board shall appoint another student member to fill the vacancy in accordance with its procedures.

(6) Unless invited to attend by an affirmative vote of a majority of the county board, the student member may not attend an executive session of the county board.

§3–1301.

(a) The Washington County Board consists of seven members.

(b) All seven members of the Washington County Board shall be elected from Washington County at large at a general election every 4 years beginning in 1978.

(c) (1) Each member serves for a term of 4 years beginning on the first Tuesday in December after the member's election and until a successor is elected and qualifies.

(2) The terms of members are staggered as required by the terms of the members serving on the county board as of July 1, 1986.

(3) At the end of a term, a member continues to serve until a successor is elected and qualifies.

(4) In accordance with subsection (e) of this section, the County Commissioners shall appoint a qualified individual to fill any vacancy on the county board for the remainder of that term and until a successor is elected and qualifies.

(d) (1) The State Board may remove a member of the county board for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency; or

(iv) Willful neglect of duty.

(2) Before removing a member, the State Board shall send the member a copy of the charges against him and give him an opportunity within 10 days to request a hearing.

(3) If the member requests a hearing within the 10–day period:

(i) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(ii) The member shall have an opportunity to be heard publicly before the State Board in his own defense, in person or by counsel.

(4) A member removed under this subsection has the right to a de novo review of the removal by the Circuit Court for Washington County.

(e) (1) In this section, "Washington County Delegation" means the Senators and Delegates in the General Assembly of Maryland who are elected to represent Washington County or any portion of Washington County.

(2) There is a Washington County School Board Nominating Commission.

(3) The Commission shall consist of the following six voting members:

(i) One member appointed by the Senator members of the Washington County Delegation;

(ii) One member appointed by the Delegate members of the Washington County Delegation;

(iii) One member appointed by the county board; and

(iv) The following three members appointed by the County Commissioners:

1. One member representing the Washington County business community;

2. One member representing the Washington County Citizens Advisory Council; and

3. One member representing the Washington County educational community.

(4) (i) The Chairman of the Commission shall be a member of the public appointed by the County Commissioners.

(ii) The Chairman may not be a member of either the county board or the Washington County Delegation.

(iii) The Chairman is a nonvoting member of the Commission who shall vote only when there is a tie vote among the voting members of the Commission.

(5) The County Commissioners shall provide the staff for the Commission.

(6) The Commission shall:

(i) Advertise the vacancy and provide the procedures for filling the vacancy in at least one medium accessible to the general public, which includes:

1. A newspaper of general circulation in the region; or

2. An electronic posting on the local school system Web site; and

(ii) Before selecting any nominees, hold at least one public hearing.

(7) Within 30 days of the vacancy occurring, the Commission shall submit the names of no more than three nominees to the County Commissioners for their consideration.

(8) Within 15 days after receiving the names of the nominees provided by the Commission under paragraph (7) of this subsection, the County Commissioners shall select an individual to fill the vacancy on the county board.

§3–1302.

(a) (1) The president of the county board and the other members are entitled to receive compensation annually as set by the County Commissioners of Washington County under Title 28, Subtitle 2 of the Local Government Article.

(2) Each member of the Washington County Board of Education is entitled to health insurance and to other fringe benefits regularly provided to employees of the board of education.

(b) After submitting vouchers, members shall be reimbursed for travel and other expenses within the limit set by the Washington County Commissioners.

§3–1303.

(a) All actions of the county board shall be taken after a public meeting and a record of the meeting and all actions shall be made public.

(b) This section does not prohibit the county board from meeting and deliberating in executive session provided that all action is taken after a public meeting and the record of the meeting and all action is made public.

§3–1401.

(a) The Worcester County Board consists of seven voting members and one nonvoting student member from each public high school in the county.

(b) (1) The seven voting members of the Worcester County Board shall be elected at a general election.

(2) Members of the Worcester County Board shall be elected in accordance with Title 8, Subtitle 8 of the Election Law Article.

(c) (1) A member from a county commissioner district shall be a resident of the district.

(2) A member from a county commissioner district who no longer resides in the district may not continue as a member of the county board.

(3) Notwithstanding § 3–114(f) of this title or any other law, a school bus contractor is eligible to serve as a member of the county board.

(d) Of the seven voting members of the county board, one shall be elected from each of the seven county commissioner districts.

(e) A member serves for a term of 4 years beginning on the January 1 after the member's election and until a successor is elected and qualifies.

(f) (1) One member shall be elected from each of the county commissioner districts 1, 4, 6, and 7 at the November 2002 general election.

(2) One member shall be elected from each of the county commissioner districts 2, 3, and 5 at the November 2004 general election.

(g) (1) The county commissioners shall appoint a new member to fill any

vacancy on the county board for the remainder of that term and until a successor is elected and qualifies.

(2) A resident of the district in which a vacancy exists may apply to the county commissioners to fill the vacancy.

(3) The county commissioners shall adopt rules for the application procedure to fill a vacancy on the county board.

(h) (1) Each student member shall:

(i) Be a 12th grade student in the Worcester County public school system elected by the high school students of the public school which the student attends, in accordance with procedures established by the school system;

(ii) Serve for 1 year beginning on July 1 after the election of the member;

(iii) Be a nonvoting member; and

(iv) Advise the board on the interests of students.

(2) Unless invited to attend by an affirmative vote of a majority of the county board, the student members may not attend an executive session.

§3–1402.

(a) The State Board may remove a member of the county board for any of the following reasons:

(1) Immorality;

(2) Misconduct in office;

(3) Incompetency;

(4) Willful neglect of duty; or

(5) Failure to attend, without good cause:

(i) At least 75% of the scheduled meetings of the board in any 1 calendar year; or

(ii) Three consecutive scheduled meetings of the board.

(b) Before removing a member, the State Board shall send the member a copy of the charges against the member and give the member an opportunity within 10 days to request a hearing.

(c) If the member requests a hearing within the 10–day period:

(1) The State Board shall promptly hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(2) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person, or by counsel.

(d) A member removed under this section has the right to a de novo review of the removal by the Circuit Court for Worcester County.

§3–1403.

At its first meeting at the beginning of each calendar year, the county board shall elect a president and a vice president from among its members.

§3–1404.

(a) Subject to subsection (b) of this section, the members shall receive compensation as set by the county commissioners.

(b) (1) The salary of each member of the county board shall be at least $3,200.

(2) The salary of the president of the county board shall be at least $3,600.

§3–1405.

(a) The county board shall meet at least once each month.

(b) Except for those actions authorized by subsection (c) of this section, all actions of the county board shall be taken at a public meeting and a record of the meeting and all actions shall be made public.

(c) The county board may take actions in executive session in accordance with § 10–508 of the State Government Article.

§4–101.

(a) Subject to the provisions of Subtitle 4 of this title, educational matters that affect the counties shall be under the control of a county board of education in each county.

(b) Each county board shall seek in every way to promote the interests of the schools under its jurisdiction.

§4–102.

(a) (1) Except in Baltimore City, the county superintendent is the executive

officer, secretary, and treasurer of the county board.

(2) (i) In Baltimore City, the Chief Executive Officer of the Baltimore City Board of School Commissioners is the executive officer, secretary, and treasurer of the Board of School Commissioners.

(ii) The Chief Executive Officer shall have the powers and duties imposed under this article.

(iii) The Chief Executive Officer is not a public officer under the Constitution or the laws of the State.

(3) (i) In Prince George's County, the county superintendent is the Chief Executive Officer of the Prince George's County public school system.

(ii) The Chief Executive Officer is the executive officer, secretary, and treasurer of the county board.

(iii) The Chief Executive Officer shall have the powers and duties imposed under this article.

(iv) The Chief Executive Officer is not a public officer under the Constitution or the laws of the State.

(4) A county superintendent is not a public officer under the Constitution or the laws of the State.

(b) Unless the tenure or salary or the administration of the office of the county superintendent is under consideration, the county superintendent or the county superintendent's designee shall attend all meetings of the county board and its committees.

(c) The county superintendent may advise on any question under consideration but may not vote.

§4–103.

(a) On the written recommendation of the county superintendent and subject to the provisions of this article, each county board shall:

(1) Appoint all principals, teachers, and other certificated and noncertificated personnel; and

(2) Set their salaries.

(b) In Baltimore City, the Board of School Commissioners shall exercise the authority granted in this section.

§4–104.

(a) (1) Except in Baltimore County, each county board may:

(i) Retain counsel to represent it in legal matters that affect the board; and

(ii) Contract for the payment of a reasonable fee to the counsel.

(2) Funds for these fees shall be included in the annual budget.

(b) The Baltimore County Board may retain counsel to represent it in legal matters that involve disputes with the Baltimore County government.

(c) Each county board may pay all or part of the counsel fees for the defense of a county board member who is involved in litigation because of his service and in his official capacity on that board. These payments are a valid educational expense.

(d) (1) In any suit or claim brought against a principal, teacher, school security guard, or other agent or employee of a county board by a parent or other claimant with respect to an action taken by the agent or employee, the board shall provide for counsel for that individual if:

(i) The action was taken in the performance of his duties, within the scope of his employment, and without malice; and

(ii) The board determines that he was acting within his authorized official capacity in the incident.

(2) The counsel required by this section may be provided through the office of the county attorney or city solicitor.

(3) This subsection does not require a county board to provide or reimburse the cost of counsel to a plaintiff or claimant in a suit or claim against a county board or its members, agents, or employees.

§4–105.

(a) Each county board shall carry comprehensive liability insurance to protect the board and its agents and employees. The purchase of this insurance is a valid educational expense.

(b) The State Board shall establish standards for these insurance policies, including a minimum liability coverage of not less than $100,000 for each occurrence. The policies purchased under this section shall meet these standards.

(c) (1) A county board complies with this section if it:

(i) Is individually self-insured for at least $100,000 for each

occurrence under the rules and regulations adopted by the State Insurance Commissioner; or

(ii) Pools with other public entities for the purpose of self-insuring property or casualty risks under Title 19, Subtitle 6 of the Insurance Article.

(2) A county board that elects to self-insure individually under this subsection periodically shall file with the State Insurance Commissioner, in writing, the terms and conditions of the self-insurance.

(3) The terms and conditions of this individual self-insurance:

(i) Are subject to the approval of the State Insurance Commissioner; and

(ii) Shall conform with the terms and conditions of comprehensive liability insurance policies available in the private market.

(d) A county board shall have the immunity from liability described under § 5-518 of the Courts and Judicial Proceedings Article.

§4–106.

(a) A county board employee shall have the immunity from liability described under § 5-518 of the Courts Article.

(b) A volunteer shall have the immunity from liability described under § 5-518 of the Courts Article.

(c) A county board member shall have the immunity from liability described under § 5-518 of the Courts Article.

§4–107.

(a) Each county board shall hold an annual meeting on or as near as possible to the second Tuesday in July, except that:

(1) In Allegany County, the annual meeting shall be held on the second Tuesday in January;

(2) In Montgomery County, the annual meeting shall be held on or before January 10;

(3) In Prince George's County, the annual meeting shall be held on the first Monday in December;

(4) In St. Mary's County, the annual meeting shall be held following the first Monday in December; and

(5) In Washington County, the annual meeting shall be held in December, on or before the 16th day.

(b) A county board may hold any other meetings that its duties and business require.

(c) Except as provided in Title 3 of this article, each county board, at its annual meeting, shall elect a president and a vice president from among its members by means of an individually recorded vote.

(d) (1) All final actions of a county board shall be taken at a public meeting. The minutes of the meeting shall be available to the public.

(2) A county board may meet and deliberate in executive session if the matter under consideration is:

(i) Land and site acquisitions; or

(ii) Personnel and labor relations.

(e) (1) Except as otherwise provided in this article, a member of a county board may not receive compensation.

(2) Each member shall be reimbursed for traveling and other expenses incurred in the performance of his duties.

(3) Each member of the county board of the counties specified in this paragraph shall receive the enumerated amounts annually for traveling and other expenses.

(i) Calvert County:

1. Member ..... $2,000; and

2. President ..... $2,200.

(ii) Caroline County:

1. Member ..... $3,000; and

2. President ..... $3,500.

(iii) Cecil County:

1. Member ..... $1,400; and

2. Chairman ..... $1,600.

(iv) Charles County:

1. Member $600;

2. Vice chairman ..... $600; and

3. Chairman ..... $800 and $1,500 for calendar year 1999 and each year thereafter.

(v) Dorchester County:

1. Member ..... $3,000; and

2. Chairman ..... $3,200.

(vi) Frederick County:

1. Member ..... $1,000; and

2. President ..... $1,500.

(vii) Queen Anne's County:

1. Member ..... $3,000; and

2. Chairman ..... $3,200.

(viii) Talbot County:

1. Member $1,200;

2. Chairman $1,500;

3. Travel ..... $300; and

4. Other expenses for each meeting, other than the annual meeting attended on behalf of the county ..... $25.

(4) Each member of the Charles County Board shall receive the following amounts annually as compensation:

(i) Member:

1. $3,090 for the calendar year 1995; and

2. $3,185 for the calendar years 1996, 1997, and 1998;

(ii) Vice chairman:

1. $3,400 for the calendar year 1995; and

2. $3,500 for the calendar years 1996, 1997, and 1998; and

(iii) Chairman:

1. $3,710 for the calendar year 1995; and

2. $3,820 for calendar years 1996, 1997, and 1998.

(5) Each member of the St. Mary's County Board shall receive the following amounts annually as compensation:

(i) Member..... $6,000 with an annual increase of $250 for each additional year of service; and

(ii) Chairman..... $7,000 with an annual increase of $250 for each additional year of service.

(6) Each member of the Wicomico County Board shall receive the following amounts annually as compensation:

(i) Member..... $3,700; and

(ii) Chairman..... $4,000.

(7) Each member of the Worcester County Board shall receive an amount annually for traveling and other expenses as determined by the County Commissioners, but in the amount of at least:

(i) Member..... $2,000; and

(ii) Chairman..... $2,400.

§4–108.

Each county board shall:

(1) To the best of its ability carry out the applicable provisions of this article and the bylaws, rules, regulations, and policies of the State Board;

(2) Maintain throughout its county a reasonably uniform system of public schools that is designed to provide quality education and equal educational opportunity for all children;

(3) Subject to this article and to the applicable bylaws, rules, and regulations of the State Board, determine, with the advice of the county superintendent, the educational policies of the county school system; and

(4) Adopt, codify, and make available to the public bylaws, rules, and regulations not inconsistent with State law, for the conduct and management of the county public schools.

§4–109.

(a) Subject to approval by the State Superintendent and in accordance with the applicable bylaws, rules, and regulations of the State Board, a county board may establish a public school if, in its judgment, it is advisable.

(b) On approval by the State Superintendent, any school established under this section becomes a part of the State program of public education.

(c) With the advice of the county superintendent, the county board shall determine the geographical attendance area for each school established under this section.

§4–111.

(a) Subject to the applicable provisions of this article and the bylaws, basic policies, and guidelines established by the State Board, each county board, on the written recommendation of the county superintendent, shall:

(1) Establish curriculum guides and courses of study for the schools under its jurisdiction, including appropriate programs of instruction or training for mentally or physically handicapped children; and

(2) Supply printed copies of these materials to any teacher or interested citizen.

(b) A county board may give academic credit for the study of American Sign Language.

§4–111.1.

On or before December 1, 2012, and every 5 years thereafter, the Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly a summary of the information reported to the State Superintendent during the financial literacy COMAR certification process.

§4–111.2.

The Department shall:

(1) Support and facilitate oral health education, including oral disease prevention and dental health promotion, in every county;

(2) Develop a process to monitor implementation of oral health education; and

(3) On or before December 1, 2015, and every 5 years thereafter, submit to the Governor and, subject to § 2–1246 of the State Government Article, the General

Assembly a summary of the information reported by the Department to the State Superintendent during the certification of the Health Education State Curriculum.

§4–112.

(a) Each county board shall establish at least one citizen advisory committee to advise the board and to facilitate its activities and programs in the public schools.

(b) Similar advisory committees may be established for:

(1) An individual school; or

(2) A group of schools within a region.

(c) A committee established under this section may include parents, teachers, students, and other citizens as members.

§4–113.

(a) Under the direction of the county superintendent, a county board may take a school census of the children under the age of 18 in its county, including a census of handicapped children both of school age and of preschool age.

(b) Any data collected as to handicapped children shall be furnished to the Department of Health and Mental Hygiene.

(c) Any person who has under his control a child under the age of 18 and who withholds information needed for the census from any officer demanding it or who makes any false statement about the child is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $20.

§4–114.

(a) All property granted, conveyed, devised, or bequeathed for the use of a particular public school or school system:

(1) Except as provided in subsection (c) of this section, shall be held in trust for the benefit of the school or school system by the appropriate county board or, for real property in Baltimore City, by the Mayor and City Council of Baltimore; and

(2) Is exempt from all State and local taxes.

(b) Money invested in trust for the benefit of the public schools for any county or city is exempt from all State and local taxes.

(c) (1) A private entity may hold title to property used for a particular public school or local school system if the private entity is contractually obligated to transfer title to the appropriate county board on a specified date.

(2) The conveyance of title of school property to a private entity for a specified term under this subsection may not be construed to prohibit the allocation of construction funds to an approved school construction project under the Public School Construction Program.

(3) A county or county board may convey or dispose of surplus land under the jurisdiction of the county or county board in exchange for public school construction or development services.

§4–115.

(a) In this subtitle, "county council" means, in Baltimore City, the Mayor and City Council of Baltimore.

(b) With the approval of the State Superintendent, each county board may:

(1) Buy or otherwise acquire land, school sites, or buildings; and

(2) Rent, repair, improve, and build school buildings or approve contracts for doing so, if the plans conform to the bylaws, rules, and regulations of the State Board.

(c) (1) (i) Except as provided in this subsection, if, with the approval of the State Superintendent, a county board finds that any land, school site, or building no longer is needed for school purposes, it shall inform the county commissioners or county council of the county board's determination under this subparagraph.

(ii) When the county commissioners or county council receive notice under subparagraph (i) of this paragraph, the county commissioners or county council shall notify the county board within 30 days after receiving the notice from the county board:

1. Of the need to transfer the land, school site, or building to the county commissioners or county council if the land, school site, or building is an integral component of an existing economic development plan that will, in the judgment of the county commissioners or county council, significantly benefit the county; or

2. That the county commissioners or county council have no existing plans for the use of the land, school site, or building.

(iii) 1. If the county commissioners or county council provide the required notice to the county board under subparagraph (ii)1 of this paragraph or a public charter school does not need the school site or building under § 9–111 of this article, the land, school site, or building shall be transferred by the county board to the county commissioners or county council and may be used, sold, leased, or otherwise disposed of, except by gift, by the county commissioners or county council.

2. If the county commissioners or county council provide the

required notice to the county board under subparagraph (ii)2 of this paragraph, the county board shall comply with the provisions of § 9–111 of this article.

(2) In Harford County, if, with the approval of the State Superintendent, the county board finds that any land, school site, or building is no longer needed for school purposes, it shall be transferred by the county board to Harford County, Maryland, and disposed of in accordance with this section.

(3) With the approval of the State Superintendent, the Cecil County Board may transfer, with or without charge, any of its property to the board of trustees of a public community college.

(d) In Baltimore County, the Baltimore County Board of Education must notify the Baltimore County Office of Planning and Zoning of any schools it is considering for closure and request from that Office a written recommendation on the proposed action. If the Office of Planning and Zoning wishes to make a recommendation, it must be submitted to the board no later than November 1 of the calendar year preceding the proposed closure. The board of education shall consider these recommendations at least 3 months before taking final action. These provisions may be waived by mutual agreement.

(e) (1) In Baltimore City, the Board of School Commissioners shall notify the Baltimore City Department of Planning of any school buildings the board is considering for closure simultaneously as the board releases its school building closure list in accordance with COMAR 13a.02.09, and request from that department a written recommendation on the proposed action and the relative merit for Baltimore City.

(2) A recommendation by the Baltimore City Department of Planning shall be submitted to the board no later than 30 days after notification by the board.

(3) The board shall consider these recommendations before taking final action.

(4) The requirements of this subsection may be waived by mutual agreement between the board and the Baltimore City Department of Planning.

§4–116.

(a) (1) If there is a commission or agency with legal responsibility for county planning for land use, the county board shall:

(i) Consult with the commission or agency; and

(ii) Ask its advice in choosing land for a school site.

(2) The site shall conform as far as practicable to development plans for land use in the county.

(b) (1) If a county board gives preliminary approval of a school site, the county board shall hold a public hearing if:

(i) It considers it desirable;

(ii) 100 or more adult residents of the county petition in writing for a hearing; or

(iii) The county commissioners or county council asks for a hearing.

(2) The hearing shall be held on at least 10 days' notice, published at least once in a newspaper of general circulation in the county, to give all interested persons an opportunity to present their views.

(3) Any petition by residents of the county shall be filed at the office of the county board within 15 days after the board gives preliminary approval of the site.

(4) If a hearing is held, minutes shall be kept and, after deliberation, the county board shall send the minutes of the hearing and its recommendation to the State Superintendent for use in making a decision on his approval of the site.

(5) A request for site approval may not be made to the State Superintendent by a county board until 15 days pass after its action recommending the site or, if a hearing is held, until after the hearing, whichever occurs last.

§4–117.

(a) On the recommendation of the county superintendent, a county board may employ architects to assist in preparing plans and specifications for constructing or remodeling a building.

(b) (1) The construction or remodeling of a building shall conform to all applicable State and county building, electrical, fire, and plumbing regulations and codes.

(2) A fee may not be charged for any permit required pursuant to the required regulations or codes for construction or remodeling, but a fee may be charged for water or sewer permits, or for connection and service charges for water and sewerage.

(c) (1) (i) A building to be constructed or substantially remodeled under this section shall be required to install approved carbon monoxide detectors in areas of new and existing educational occupancies where fuel fired equipment is present.

(ii) A signal from a carbon monoxide detector installed under this subsection shall be automatically transmitted to an approved supervising station or to a constantly attended on–site location.

(2) The carbon monoxide detectors required under this subsection shall be installed in accordance with the National Fire Protection Association 720: Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment, 2009 Edition or as referenced in the State Fire Prevention Code.

§4–118.

(a) Each county board may receive a donation of any:

(1) School land;

(2) School site; or

(3) Suitably located house adapted to school purposes.

(b) A county board may not improve any site or occupy any house donated under this section until it has acquired either a valid title to the property or a leasehold interest in it for a term longer than the probable useful life of the proposed improvement to the site or of the house donated.

§4–119.

(a) A county board may bring condemnation proceedings to acquire land under Title 12 of the Real Property Article if:

(1) Land is required for any school purpose; and

(2) The county board is unable to contract with the owner of the land for what the board considers to be a fair valuation.

(b) The county board may ask the county commissioners or county council to assist it in bringing condemnation proceedings.

§4–120.

(a) Except as provided in subsection (c) of this section, if a county board considers it practicable, it shall consolidate schools.

(b) Except as provided in subsection (c) of this section, each county board shall arrange for the transportation of students to and from consolidated schools.

(c) In Prince George's County, the Chief Executive Officer shall have the authority to:

(1) Consolidate schools if considered practicable; and

(2) Arrange for the transportation of students to and from consolidated schools.

§4–121.

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

(2) "Local current expense per student" means all expenditures made by a county from county appropriations, except State, federal, and other aid, for public elementary and secondary education in the past fiscal year, divided by full-time equivalent enrollment, as defined in § 5-202(a) of this article.

(3) "Receiving county" means a county that receives the children of an adjoining, sending county into its public schools.

(4) "Sending county" means a county that sends children who reside within its borders to a public school in an adjoining, receiving county.

(b) A school that is in one county and near the boundary of an adjoining county is free to the children of the adjoining county as provided in this section.

(c) (1) The county boards of the two counties may:

(i) Provide jointly for the maintenance and support of the jointly attended school in the receiving county; and

(ii) Determine the geographical attendance areas and other attendance policies of the two counties for all jointly attended schools in the receiving county.

(2) If the two county boards fail to agree on a geographical attendance area or attendance policy, the State Superintendent shall decide the matter.

(3) The following provisions apply in Somerset and Worcester counties:

(i) A student who resides in Somerset County and is presently attending school in Worcester County may continue to attend school in Worcester County until graduation from high school.

(ii) After all of the students described in subparagraph (i) have graduated, the exception described in this paragraph will end and all new students will attend school in Somerset County, unless otherwise authorized as provided in paragraph (1) of this subsection.

(d) (1) For each fiscal year, the sending county shall pay the receiving county, for each student who resides in the sending county and who attends a public school in the receiving county, an amount equal to the lesser of:

(i) The local current expense per student in the sending county; or

(ii) The local current expense per student in the receiving county.

(2) If the local current expense per student for the sending county is less than the local current expense per student for the receiving county, the difference, plus the appropriate State share of the foundation program, for each student who resides in a sending county who attends a public school in the receiving county, shall be:

(i) Paid by the State to the receiving county; and

(ii) Provided for in the appropriation to the State Board.

§4–122.

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

(2) "Child in an out–of–county living arrangement" means a child who is placed by a State agency, a licensed child placement agency as provided by § 5–507 of the Family Law Article, or a court in a county other than where the child's parent or legal guardian resides. "Child in an out–of–county living arrangement" does not include a child living with a relative, stepparent or a person exercising temporary care, custody or control over a child at the request of a parent or guardian of the child.

(3) "Financially responsible county" means the county where the parent or legal guardian of a child in an out–of–county living arrangement resides. If the parents of the child live apart, the financially responsible county is:

(i) The county where the parent who has been awarded custody of the child resides;

(ii) If custody has not been awarded, the county where the parent with whom the child lives when not in a foster care home or residential facility resides;

(iii) If custody has been awarded to both parents and the parents reside in different counties, both counties shall be considered financially responsible and shall pay one–half the amount as computed in accordance with subsection (c) of this section, except that if the child receives a public education in a county where a parent resides, this subparagraph shall not apply; or

(iv) If custody has been awarded to both parents and one parent resides in a county and the other resides out–of–state, the county shall be considered the financially responsible county.

(4) "Least restrictive environment C (LRE–C)" means a setting in which a child is enrolled in a comprehensive school and receives special education and related services in regular education settings less than 40% of the school day.

(5) "Least restrictive environment F (LRE–F)" means a setting in which a child receives special education and related services for greater than 50% of the school day in a public separate day facility that does not include programs for students without disabilities.

(6) "Local current expense per student" means all expenditures made by a county from county appropriations, except State, federal, and other aid, for public elementary and secondary education in the prior fiscal year, divided by the full–time equivalent enrollment, as defined in § 5–202(a) of this article.

(7) "Service providing local education agency" means the local education agency for the county where a child in an out–of–county living arrangement is placed.

(b) (1) A child in an out-of-county living arrangement shall receive an appropriate education from the service providing local education agency.

(2) The service providing local education agency shall include a child enrolled as the result of an out-of-county living arrangement in their full-time equivalent enrollment as provided by § 5-202(a)(6) of this article.

(c) (1) Except as provided in paragraph (4) of this subsection, for each child in an out–of–county living arrangement enrolled in a public school program on December 31, the financially responsible county shall pay the service providing local education agency an amount equal to the lesser of:

(i) The local current expense per student in the financially responsible county; or

(ii) The local current expense per student in the service providing local education agency.

(2) If the service providing local education agency determines that a child in an out–of–county living arrangement is a student with a disability who needs an LRE–C or LRE–F placement, the financially responsible county shall pay the service providing local education agency for each such child an amount equal to the lesser of:

(i) Three times the local current expense per student in the financially responsible county; or

(ii) Three times the local current expense per student in the service providing local education agency.

(3) (i) If the local current expense per student in the financially responsible county is less than the local current expense per student in the service providing local education agency, the State shall pay to the service providing local education agency the difference for each student in an out–of–county living arrangement who attends a public school in the service providing local education agency.

(ii) The necessary funds shall be provided in the appropriation to the State Board.

(4) If the service providing local education agency determines that a child

in an out–of–county living arrangement is disabled and needs a nonpublic educational program as provided by § 8–406 of this article, the financially responsible county shall pay for each such child the amount provided by § 8–415(d)(3) of this article.

(d) (1) Each service providing local education agency shall notify the State Superintendent of the name of each child in an out-of-county living arrangement as of December 31 of each year and make a preliminary determination of the financially responsible county for each child. The service providing local education agency shall send a copy of this notice to the financially responsible county by January 31, and at the same time shall send the notice to the State Superintendent.

(2) The county which was initially determined to be financially responsible may appeal that determination to the State Superintendent within 30 days of the date on which the notice was mailed.

(3) The State Superintendent shall decide all appeals which are made under paragraph (2) of this subsection, and make a final determination regarding the financially responsible county for each child in an out-of-county living arrangement.

(4) By January 15 of each year each county board shall provide the State Superintendent the data necessary to compute the local current expense per student under this section.

(5) If by May 15 a financially responsible county fails to make the required payment to a service providing local education agency, the State Superintendent shall deduct from the next payment of State aid to the financially responsible county an amount equal to the amount owed under this paragraph and shall pay those funds to the service providing local education agency.

(e) (1) Except as provided in paragraph (2) of this subsection, out-of-state agencies that place a child in a foster care home or residential facility in Maryland shall be liable for the costs of the child's education, including transportation.

(2) The provisions of paragraph (1) of this subsection do not apply to out-of-state agencies that place a child for adoption.

(f) The State Board may adopt regulations which implement this section.

§4–122.1.

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

(2) "Informal kinship care" means a living arrangement in which a relative of a child, who is not in the care, custody, or guardianship of the local department of social services, provides for the care and custody of the child due to a serious family hardship.

(3) "Least restrictive environment C (LRE–C)" means a setting in which a

child is enrolled in a comprehensive school and receives special education and related services in regular education settings less than 40% of the school day.

(4) "Least restrictive environment F (LRE–F)" means a setting in which a child receives special education and related services for greater than 50% of the school day in a public separate day facility that does not include programs for students without disabilities.

(5) "Local current expense per student" means all expenditures made by a county from county appropriations, except State, federal, and other aid, for public elementary and secondary education in the prior fiscal year, divided by the full–time equivalent enrollment, as defined in § 5–202(a) of this article.

(6) "Receiving agency" means the local education agency for the county where the relative of a child in an informal kinship care relationship resides.

(7) "Relative" means an adult related to the child by blood or marriage within the fifth degree of consanguinity.

(8) "Sending agency" means the local education agency for a county where the parent or legal guardian of a child in an informal kinship care relationship resides, subject to the following conditions:

(i) If the parents or legal guardians of the child live apart, the sending agency is the local education agency in the county where the parent or legal guardian who has been awarded custody of the child resides;

(ii) If custody has not been awarded to a parent or legal guardian, the sending agency is the local education agency of the county where the parent or legal guardian with whom the child lives when not in an informal kinship care relationship resides;

(iii) If custody has been awarded to both parents or legal guardians, and the parents or legal guardians reside in different counties, the local education agencies of both counties shall be considered a sending agency and shall pay one–half the amount as computed in accordance with subsection (d) of this section, except that if a child receives a public education in a county where a parent resides, this subparagraph shall not apply; and

(iv) If custody has been awarded to both parents or legal guardians, and one parent resides in a county and the other resides out of state, the local education agency of the county shall be considered the sending agency.

(9) "Serious family hardship" means:

(i) Death of a parent or legal guardian of the child;

(ii) Serious illness of a parent or legal guardian of the child;

(iii) Drug addiction of a parent or legal guardian of the child;

(iv) Incarceration of a parent or legal guardian of the child;

(v) Abandonment by a parent or legal guardian of a child; or

(vi) Assignment of a parent or legal guardian of a child to active military duty.

(b) Subsection (d) of this section shall apply to the education funding of a child in an informal kinship care relationship if the fiscal impact of the requirements of § 7–101(c) of this article to a county exceeds 0.1% of a county board's total operating budget for a fiscal year.

(c) (1) A child in an informal kinship care relationship shall receive an appropriate education from the receiving agency.

(2) The receiving agency shall include a child enrolled as the result of an informal kinship care relationship in its full–time equivalent enrollment as provided by § 5–202(a) of this article.

(d) (1) Subject to subsection (b) of this section, and except as provided in paragraph (3) of this subsection, for each child in an informal kinship care relationship enrolled in a public school program, the sending agency shall pay the receiving agency an amount equal to the lesser of:

(i) The local current expense per student under the jurisdiction of the sending agency; or

(ii) The local current expense per student under the jurisdiction of the receiving agency.

(2) If the receiving agency determines that a child in an informal kinship care relationship is a student with a disability who needs an LRE–C or LRE–F placement, the sending agency shall pay the receiving agency for each such child an amount equal to the lesser of:

(i) Three times the local current expense per student under the jurisdiction of the sending agency; or

(ii) Three times the local current expense per student under the jurisdiction of the receiving agency.

(3) If the receiving agency determines that a child in an informal kinship care relationship is disabled and needs a nonpublic educational program as provided by § 8–406 of this article, the sending agency shall pay for each such child the amount provided by § 8–415(d)(3) of this article.

(e) (1) Each receiving agency shall:

(i) Notify the State Superintendent of the name of each child in an informal kinship care relationship as of December 31 of each year; and

(ii) Subject to subsection (b) of this section, make a preliminary determination of the sending agency that is financially responsible for each child under subsection (d) of this section.

(2) The receiving agency shall send a copy of the notice required under paragraph (1) of this subsection to the sending agency by January 31, and, at the same time, shall send notice to the State Superintendent.

(3) The sending agency that was determined to be financially responsible under this subsection may appeal that determination to the State Superintendent within 30 days of the date on which the notice was mailed.

(4) The State Superintendent shall decide all appeals that are made under paragraph (3) of this subsection and make a final determination regarding the sending agency's financial responsibility for each child in an informal kinship care relationship under the jurisdiction of the receiving agency.

(5) By January 15 of each year, each county board shall provide the State Superintendent the data necessary to compute the local current expense per student under this section.

(6) If by May 15 a sending agency has failed to make the required payment to a receiving agency, the State Superintendent shall deduct from the next payment of State aid to the sending agency an amount equal to the amount owed under this section and shall pay those funds to the receiving agency.

(f) The State Board shall adopt regulations to implement this section.

§4–123.

(a) (1) A county board may enter into an agreement for the cooperative or joint administration of programs with one or more:

(i) County boards;

(ii) Other educational institutions or agencies; and

(iii) Boards of county commissioners or county councils.

(2) Agreements made under this section may include the cooperative or joint administration of programs that relate to:

(i) Personnel;

(ii) Purchasing;

(iii) Accounting;

(iv) Data processing;

(v) Printing;

(vi) Insurance;

(vii) Building maintenance; and

(viii) Transportation.

(b) If an agreement made under this section establishes a separate administrative entity to conduct or administer the joint or cooperative undertaking with power to employ persons, receive and spend money, or receive and spend federal or State grants and appropriations, the agreement shall specify the following:

(1) The duration of the agreement;

(2) The organization, composition, and nature of any separate administrative entity established;

(3) A statement of the powers of the entity and the manner of representation and participation of each cooperating board or agency in the program and that, if a joint board is established, each public agency party to the agreement shall be represented on it;

(4) The purpose of the administrative entity;

(5) The manner of financing the joint or cooperative undertaking and of establishing and maintaining its budget, including the manner for receiving, holding, and disbursing federal and other grants and appropriations, and the responsibilities of each cooperating unit of government involved for the payment of the share of the employer in any pension, retirement, or insurance plan administered by any of the participants;

(6) The manner of acquiring, holding, and disposing of property used in the joint or cooperative undertaking;

(7) The method to be used in accomplishing the partial or complete termination of the agreement and for disposing of property on partial or complete termination; and

(8) Any other necessary and proper matters.

(c) (1) Before any agreement made under subsection (b) of this section becomes effective, it shall:

(i) Be approved by the county governing body; and

(ii) Be submitted to the Attorney General.

(2) If the Attorney General finds that the agreement is not in proper form or not compatible with the laws of this State, the Attorney General shall give written details to the governing body of each public agency concerned as to how the proposed agreement fails to meet the requirements of law.

(d) A cooperative entity established under subsection (b) of this section may administer only the programs and exercise only the powers and duties specifically delegated to it by the public bodies party to the agreement.

(e) An agreement made under this section does not relieve any county board or other participant of any obligation or responsibility imposed on it by law, except that actual and timely performance by a joint board or other administrative entity established by an agreement under this section may be offered by the board in satisfaction of the obligation or responsibility.

§4–124.

(a) A county board may adopt regulations requiring the posting of signs designating the areas within 1,000 feet of public and nonpublic elementary and secondary schools as "drug–free school zones".

(b) The signs shall be designed in order to provide notice of the provisions of § 5–627 of the Criminal Law Article.

(c) In Anne Arundel County, Baltimore City, and Prince George's County, all new and replacement signs shall include a hotline number to report information concerning suspected illegal drug activity.

§4–125.

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

(2) "Bonus points" means established bonus or percentage points used during the bid evaluation process to adjust the bid price submitted by minority business enterprises for the purpose of ascertaining the lowest bidder.

(3) "Mandatory set–asides" means a procedure designating a certain percentage of total contract dollars for award to minority business enterprises.

(4) "Mandatory subcontracting" means a procedure mandating that a certain percentage of the dollar amount of designated contracts be subcontracted to minority business enterprises.

(5) "Minority business enterprise" means any business enterprise:

(i) 1. That is at least 51 percent owned by one or more minority individuals; or

2. In the case of any publicly owned corporation, at least 51 percent of the stock of which is owned by one or more minority individuals; and

(ii) Whose management and daily business operations are controlled by one or more minority individuals.

(6) "Percentage points" means established percentage points given for minority business enterprise participation in a sealed proposal process.

(7) "Restrictive bidding" means competitive bidding of designated contracts that are restricted to minority business enterprises.

(8) "Restrictive price quotations" means negotiated small procurements that are restricted to minority business enterprises.

(b) The Board of Education of Prince George's County shall undertake and complete an internal and market fact–finding process by January 1, 1990, to assess the appropriate scope of a minority business enterprise program for the board. The results of the fact–finding process, including statistical data, supporting documentation, and reports, shall be reported to the Prince George's County Delegation of the General Assembly by January 31, 1990.

(c) If the fact–finding required by subsection (b) of this section demonstrates a compelling governmental interest to adopt a remedial minority business enterprise program, the county board, by resolution and by implementing rules and regulations, shall establish a minority business enterprise program to facilitate the participation of certified minority business enterprises in contracts awarded by the county board. The program shall include specific goals and the definition of "minority individual".

(d) In establishing a minority business enterprise program, the county board is authorized to use incentives to achieve the designated goals of the program, including but not limited to:

(1) Mandatory set–aside procedures;

(2) Mandatory subcontracting procedures with reasonable waiver provisions;

(3) The application of bonus points;

(4) The application of percentage points;

(5) Restrictive bidding;

(6) Restrictive price quotations;

(7) The reduction or waiver of bonding requirements; and

(8) Incentives to encourage maximum participation by:

(i) Small businesses;

(ii) A variety of different businesses; and

(iii) Businesses located within Prince George's County.

(e) (1) The county board may appoint a minority business enterprise officer to administer any minority business enterprise program established, who shall submit reports to the board.

(2) It is the responsibility of the minority business enterprise officer to conduct outreach programs to assist the minority business enterprise community in participating in any minority business enterprise program established under this section.

(f) The county board shall advise the Prince George's County Delegation of the General Assembly regarding the substance of any minority business enterprise program that it establishes.

(g) (1) The program shall be evaluated every 2 years.

(2) The results of any evaluation under this subsection shall be submitted to the Prince George's County Delegation of the General Assembly.

§4–125.1.

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

(2) "Certified county–based business participation" has the meaning stated in § 10A–101 of the Code of Public Local Laws of Prince George's County.

(3) "Certified county–based minority business participation" has the meaning stated in § 10A–101 of the Code of Public Local Laws of Prince George's County.

(4) "Chief Executive Officer" means the superintendent of the Prince George's County public school system as defined in § 4–102(a)(3) of this subtitle.

(5) "County–based business" has the meaning stated in § 10A–101 of the Code of Public Local Laws of Prince George's County.

(6) "County–based minority business enterprise" has the meaning stated in § 10A–101 of the Code of Public Local Laws of Prince George's County.

(7) "County–based small business" has the meaning stated in § 10A–101

of the Code of Public Local Laws of Prince George's County.

(8) "County board" means the Prince George's County Board of Education.

(9) (i) "Procurement" means the process of buying, leasing, lease–purchasing, or otherwise obtaining supplies, services, or construction.

(ii) "Procurement" includes all functions that relate to the process of obtaining supplies, services, or construction, including:

1. Description of requirements;

2. Selection and solicitation of sources; and

3. Preparation, award, and execution of a contract.

(10) "Program" means the Certified County–Based Business Participation Program that may be established under this section.

(b) This section applies only in Prince George's County.

(c) The county board, after consultation with the Chief Executive Officer, may establish and implement a Certified County–Based Business Participation Program to be used in county board procurement.

(d) If the county board exercises the authority granted in subsection (c) of this section, the county board and the Chief Executive Officer shall:

(1) Consult with the Prince George's County Council, or its agencies or agents, on the establishment and implementation of the Program; and

(2) Establish goals and requirements for the Program that may include:

(i) Minimum percentages for certified county–based business participation;

(ii) Utilization of county–based small businesses;

(iii) Minimum goals and incentives for maximizing certified county–based minority business participation; and

(iv) The goals established under § 4–125(d) of this subtitle.

(e) To achieve the designated goals of the Program, the county board and the Chief Executive Officer may use incentives and bonuses, including:

(1) Mandatory set–aside procedures;

(2) Mandatory subcontracting procedures with reasonable waiver

provisions;

(3) The application of bonus points;

(4) The application of percentage points;

(5) Restrictive bidding;

(6) Restrictive price quotations;

(7) The reduction or waiver of bonding requirements; and

(8) Incentives to encourage maximum participation by:

(i) Certified county–based small businesses; and

(ii) A variety of different certified county–based businesses.

(f) If the county board exercises the authority granted in subsection (c) of this section, the county board and the county council shall enter into a binding memorandum of understanding outlining the county board's goals and commitment to implementing the Program.

(g) On or before December 1, 2015, and each year thereafter, the county board, after consultation with the Chief Executive Officer, shall submit a report to the Prince George's County delegations to the House of Delegates and Senate of Maryland, the Prince George's County Council, and the Prince George's County Executive, in accordance with § 2–1246 of the State Government Article, that specifies:

(1) The respective percentages and dollar amounts of certified county–based business participation, certified county–based minority business participation, and certified county–based small business participation in county board procurement for the previous fiscal year; and

(2) The efforts by the county board and the Chief Executive Officer in the previous fiscal year to encourage greater certified county–based business participation, certified county–based minority business participation, and certified county–based small business participation in county board procurement.

§4–126.

(a) In this section, "alternative financing methods" includes:

(1) Sale–leaseback arrangements, in which a county board agrees to transfer title to a property, including improvements, to a private entity that simultaneously agrees to lease the property back to the county board and, on a specified date, transfer title back to the county board;

(2) Lease–leaseback arrangements, in which a county board leases a

property to a private entity that improves the property and leases the property, with the improvements, back to the county board;

(3) Public–private partnership agreements, in which a county board contracts with a private entity for the acquisition, design, construction, improvement, renovation, expansion, equipping, or financing of a public school, and may include provisions for cooperative use of the school or an adjacent property and generation of revenue to offset the cost of construction or use of the school;

(4) Performance–based contracting, in which a county board enters into an energy performance contract to obtain funding for a project with guaranteed energy savings over a specified time period;

(5) Preference–based arrangements, by which a local governing body gives preference first to business entities located in the county and then to business entities located in other counties in the State for any construction that is not subject to prevailing wage rates under Title 17, Subtitle 2 of the State Finance and Procurement Article; and

(6) Design–build arrangements, that permit a county board to contract with a design–build business entity for the combined design and construction of qualified education facilities, including financing mechanisms where the business entity assists the local governing body in obtaining project financing.

(b) Except when prohibited by local law, in order to finance or to speed delivery of, transfer risks of, or otherwise enhance the delivery of public school construction, a county may:

(1) Use alternative financing methods;

(2) Engage in competitive negotiation, rather than competitive bidding, in limited circumstances, including construction management at–risk arrangements and other alternative project delivery arrangements, as provided in regulations adopted by the Board of Public Works;

(3) Accept unsolicited proposals for the development of public schools in limited circumstances, as provided in regulations adopted by the Board of Public Works; and

(4) Use quality–based selection, in which selection is based on a combination of qualifications and cost factors, to select developers and builders, as provided in regulations adopted by the Board of Public Works.

(c) The Board of Public Works shall adopt regulations requiring a project that qualifies for alternative financing methods under this section to meet requirements regarding the advantages of the project to the public that include provisions addressing:

(1) The probable scope, complexity, or urgency of the project;

(2) Any risk sharing, added value, education enhancements, increase in funding, or economic benefit from the project that would not otherwise be available;

(3) The public need for the project; and

(4) The estimated cost or timeliness of executing the project.

(d) Projects that qualify for alternative financing methods under this subsection:

(1) Shall meet the educational standards, design standards, and procedural requirements under this article and under regulations adopted by the Board of Public Works; and

(2) Consistent with the requirements of this article, shall be approved by:

(i) The county governing body;

(ii) The State Superintendent of Schools; or

(iii) The Interagency Committee on School Construction and the Board of Public Works.

(e) Use of alternative financing methods under this section may not be construed to prohibit the allocation of State funds for public school construction to a project under the Public School Construction Program.

(f) A county board may not use alternative financing methods under this section without the approval of the county governing body.

(g) The Board of Public Works shall adopt regulations recommended by the Interagency Committee on School Construction to implement the provisions of this section, including:

(1) Guidelines for the content of proposals, for the acceptance and evaluation of unsolicited proposals, and for accepting competing unsolicited proposals;

(2) Requirements for the content and execution of a comprehensive agreement governing an arrangement authorized under this section;

(3) Guidelines for content and issuance of solicitations;

(4) Requirements for the prequalification of bidders or offerors;

(5) Requirements for public notice of solicited and unsolicited proposals and proposed execution of a comprehensive agreement;

(6) Regulations that require compliance with requirements applicable to qualified projects that would otherwise be in effect under the State procurement law if

the procurement were competitively bid; and

(7) (i) Regulations that require that contracts and subcontracts adhere to the requirements of Title 17, Subtitle 2 and Title 14 of the State Finance and Procurement Article if the requirements would otherwise be applicable; and

(ii) Regulations that specify elements to be included in any preference–based arrangement adopted by a local governing body that gives preference first to business entities located in the county and then to business entities located in other counties in the State for any construction that is not subject to prevailing wage rates under Title 17, Subtitle 2 of the State Finance and Procurement Article.

§4–127.

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

(2) "Recyclable materials" means those materials that:

(i) Would otherwise become solid waste for disposal in a refuse disposal system; and

(ii) May be collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

(3) "Recycling" means any process in which materials that would otherwise become solid waste are collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

(b) This section applies only in Prince George's County.

(c) The Prince George's County Board of Education shall develop and implement a recycling program for all facilities under the jurisdiction of the county board.

(d) In developing the recycling program under subsection (c) of this section, the county board shall address:

(1) The recyclable materials to be separated;

(2) The strategy for the collection, processing, marketing, and disposition of recyclable materials;

(3) The strategy for the collection, processing, and disposition of the polystyrene trays used in public school cafeterias; and

(4) Methods for promoting and determining compliance with the recycling program.

§4–128.

A county board of education is subject to the requirements relating to employees who return from military services in § 1–203 of the Local Government Article.

§4–129.

The right of an employee of a county board of education to engage in political activity is subject to Title 1, Subtitle 3 of the Local Government Article.

§4–130.

(a) (1) In this section, "student work product" means the work created by an individual while enrolled as a student at a public school in the State.

(2) "Student work product" includes:

(i) Written reports, essays, tests, and homework;

(ii) Personal class notes;

(iii) Art projects; and

(iv) Computer software.

(b) A county board may not claim ownership rights, property rights, or the copyright to the student work product of a student enrolled in a public school under the jurisdiction of the county board.

§4–131.

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

(2) (i) "Covered information" means information or material that:

1. Personally identifies an individual student in this State or that is linked to information or material that personally identifies an individual student in this State; and

2. Is gathered by an operator through the operation of a site, a service, or an application.

(ii) "Covered information" includes a student's:

1. Educational and disciplinary record;

2. First and last name;

3. Home address and geolocation information;

4. Telephone number;

5. Electronic mail address or other information that allows physical or online contact;

6. Test results, grades, and student evaluations;

7. Special education data;

8. Criminal records;

9. Medical records and health records;

10. Social Security number;

11. Biometric information;

12. Socioeconomic information;

13. Food purchases;

14. Political and religious affiliations;

15. Text messages;

16. Student identifiers;

17. Search activity;

18. Photos; and

19. Voice recordings.

(3) "Operator" means a person who is operating in accordance with a contract or an agreement with a public school or local school system in the State to provide an Internet Web site, an online service, an online application, or a mobile application that:

(i) Is used primarily for a PreK–12 school purpose;

(ii) Is issued at the direction of a public school, a teacher, or any other employee of a public school, local school system, or the Department; and

(iii) Was designed and marketed primarily for a PreK–12 school purpose.

(4) "Persistent unique identifier" means a unique reference number used as an identifier in computer software that is stored across different usage sessions.

(5) (i) "PreK–12 school purpose" means an activity that:

1. Takes place at the direction of a public school, a teacher, an administrator, or a local school system; or

2. Aids in the administration of public school activities.

(ii) "PreK–12 school purpose" includes:

1. Instruction in the classroom;

2. Home instruction;

3. Administrative activities;

4. Collaboration among students, public school employees, and parents;

5. Maintaining, developing, supporting, improving, or diagnosing the operator's site, service, or application; and

6. An activity that is for the use and benefit of the public school.

(6) (i) "Targeted advertising" means presenting advertisements to an individual student that are selected based on information obtained or inferred from the student's online behavior, usage of applications, or covered information.

(ii) "Targeted advertising" does not include advertisements presented to an individual student at an online location:

1. Based on the student's current visit to the online location without collection or retention of the student's online activities over time; or

2. In response to a single search query without collection or retention of the student's online activities over time.

(b) This section does not apply to a general audience Internet Web site, general audience online service, general audience online application, or general audience mobile application, even if log–in credentials created for an operator's site, service, or application may be used to access the general audience site, service, or application.

(c) An operator shall:

(1) Protect covered information from unauthorized access, destruction, use, modification, or disclosure;

(2) Implement and maintain reasonable security procedures and practices to protect covered information; and

(3) If covered information is under the authority of a public school or local school system in accordance with a contract or an agreement, delete within a reasonable time the covered information if the public school or local school system requests deletion of the covered information.

(d) (1) An operator may not knowingly engage in any of the following activities with respect to the operator's site, service, or application:

(i) Engage in targeted advertising if the advertising is based on information, including covered information and persistent unique identifiers, that the operator has acquired because of the use of the operator's site, service, or application;

(ii) Except in furtherance of a PreK–12 school purpose, use information, including covered information and persistent unique identifiers, created or gathered by the operator's site, service, or application, to make a profile about a student;

(iii) Subject to paragraph (2) of this subsection and except as provided in subsection (f) of this section, sell a student's information; or

(iv) Except as provided in subsection (e) of this section, disclose covered information.

(2) Nothing in this subsection shall be construed to prohibit the operator's use of information for maintaining, developing, supporting, improving, or diagnosing the operator's site, service, or application.

(3) For purposes of paragraph (1)(ii) of this subsection, making a profile of a student does not include the collection and retention of account information that remains under the authority of a student, a student's parent or guardian, a public school, or a local school system.

(e) Notwithstanding subsection (d)(1)(iv) of this section, an operator may disclose a student's covered information:

(1) If the disclosure is made only in furtherance of the PreK–12 school purpose of the site, service, or application and the recipient of the covered information:

(i) Does not further disclose the information; and

(ii) Is legally required to comply with subsections (c) and (d)(1) of this section;

(2) To ensure legal or regulatory compliance;

(3) To take precautions against liability;

(4) To respond to or participate in judicial process;

(5) To protect the safety of users or others or the security or integrity of the site, service, or application;

(6) To a service provider, provided the operator contractually:

(i) Prohibits the service provider from using any covered information for any purpose other than providing the contracted service to, or on behalf of, the operator;

(ii) Except for a purpose expressly permitted under this subsection, prohibits the service provider from disclosing covered information provided by the operator with a third party; and

(iii) Requires the service provider to comply with the requirements of subsections (c) and (d)(1)(i) through (iii) of this section;

(7) If subsection (d)(1)(i) through (iii) of this section is not violated;

(8) If federal or State law requires the operator to disclose the information, and the operator complies with the requirements of federal and State law in protecting and disclosing the information;

(9) For a legitimate research purpose as:

(i) Required by federal or State law; or

(ii) Allowed by federal or State law and under the direction of a public school, local school system, or the Department, if a student's covered information is not used for advertising or to make a profile on the student for a purpose other than a PreK–12 school purpose; or

(10) To a State or local education agency, including public schools and local school systems, for a PreK–12 school purpose, as permitted by federal and State law.

(f) If an operator of a site, a service, or an application used for a PreK–12 school purpose is merged with or acquired by another entity, the successor entity is subject to this section for previously collected covered information.

(g) Nothing in this section prohibits an operator from:

(1) Using aggregated or de–identified covered information:

(i) To develop or improve an educational product or service within any site, service, or application the operator owns; or

(ii) To demonstrate the effectiveness of the operator's products or services; or

(2) Sharing aggregated or de–identified covered information for the

development or improvement of educational sites, services, or applications.

(h) (1) Except for subsection (d)(1)(iii) of this section and subject to paragraph (2) of this subsection, nothing in subsections (d) and (e) of this section may be construed to prohibit the use or disclosure of a student's covered information by an operator.

(2) An operator may use or disclose covered information under paragraph (1) of this subsection if the operator:

(i) Provided clear and conspicuous notice of the use or disclosure of the student's covered information to the student or the student's parent or guardian; and

(ii) Obtained the affirmative consent of the student, if the student is at least 18 years old, or the student's parent or guardian to use or disclose the student's covered information.

(i) This section may not be construed to limit the authority of a law enforcement agency to obtain content or information from an operator as authorized by federal or State law or in accordance with an order of a court of competent jurisdiction.

(j) This section does not limit the ability of an operator to:

(1) Use a student's covered information for adaptive learning or customized student learning purposes;

(2) Use recommendation engines to recommend to a student additional content or services relating to an educational, other learning, or employment opportunity purpose within an operator's site, service, or application if the recommendation is not determined in whole or in part by payment or other consideration from a third party;

(3) Respond to a student's search query, other request for information, or request for feedback if the information or response is not determined in whole or in part by payment or other consideration from a third party; or

(4) Use or retain covered information to:

(i) Ensure legal or regulatory compliance; or

(ii) Take precautions against liability.

(k) This section may not be construed to prohibit an operator of an Internet Web site, an online service, an online application, or a mobile application from marketing educational products directly to parents if the marketing was not a result of the use of covered information obtained by the operator through the provision of services covered under this section.

(l) This section may not be construed to impose a duty on a provider of an electronic store, a gateway, marketplace, or any other means of purchasing or downloading software or applications to review or enforce compliance of this section.

(m) This section may not be construed to impose a duty on a provider of an interactive computer service, as defined in Chapter 5, Title 47 of the United States Code, to review or enforce compliance with this section by third–party content providers.

(n) This section may not be construed to impede the ability of students to download, export, transfer, or otherwise save or maintain their own data or documents.

(o) The provisions of this section may not be construed to prohibit an Internet service provider from providing Internet connectivity to public schools, students, or students' families.

§4–201.

(a) (1) This section does not apply to Baltimore City.

(2) Subsections (b), (c), (d), and (f) of this section do not apply in Prince George's County.

(3) Subsections (b)(2) and (3) of this section do not apply in Washington County.

(b) (1) The term of a county superintendent is 4 years beginning on July 1. A county superintendent continues to serve until a successor is appointed and qualifies.

(2) By February 1 of the year in which a term ends, the county superintendent shall notify the county board whether the superintendent is a candidate for reappointment.

(3) In the year in which a term begins, the county board shall appoint a county superintendent between February 1 and June 30. However, if the county board decides to reappoint the incumbent superintendent, the county board shall take final action at a public meeting no later than March 1 of that year.

(4) If a county board is unable to appoint a county superintendent by July 1 of a year in which a term begins, the provisions of subsection (d) of this section apply.

(c) (1) An individual may not be appointed as county superintendent unless he:

(i) Is eligible to be issued a certificate for the office by the State Superintendent;

(ii) Has graduated from an accredited college or university; and

(iii) Has completed 2 years of graduate work at an accredited college or university, including public school administration, supervision, and methods of teaching.

(2) The appointment of a county superintendent is not valid unless approved in writing by the State Superintendent.

(3) If the State Superintendent disapproves an appointment, he shall give his reasons for disapproval in writing to the county board.

(d) If a vacancy occurs in the office of county superintendent, the county board shall appoint an interim county superintendent who serves until July 1 after his appointment.

(e) (1) The State Superintendent may remove a county superintendent for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Insubordination;

(iv) Incompetency; or

(v) Willful neglect of duty.

(2) Before removing a county superintendent, the State Superintendent shall send the county superintendent a copy of the charges against the county superintendent and give the county superintendent an opportunity within 10 days to request a hearing.

(3) If the county superintendent requests a hearing within the 10–day period:

(i) The State Superintendent promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Superintendent sends the county superintendent a notice of the hearing; and

(ii) The county superintendent shall have an opportunity to be heard publicly before the State Superintendent in the county superintendent's own defense, in person or by counsel.

(f) On notification of pending criminal charges against a county superintendent as provided under § 4–206 of this subtitle, the county board may suspend the county superintendent with pay until the final disposition of the criminal charges.

§4–201.1.

(a) This section applies only in Prince George's County.

(b) Subject to the provisions of subsection (e) of this section, the Chief Executive Officer of the Prince George's County public school system shall be:

(1) Selected by the County Executive in accordance with subsection (c) of this section; and

(2) Appointed by the county board after agreement on contract terms negotiated by the chair of the county board.

(c) (1) The County Executive shall select a Chief Executive Officer from a list of three nominees recommended by a search committee that is comprised of:

(i) One member of the State Board, appointed by the State Superintendent; and

(ii) Two residents of Prince George's County, appointed by the Governor.

(2) The search committee shall be chaired by a member selected by the State Superintendent.

(d) (1) The term of the Chief Executive Officer is 4 years beginning on July 1.

(2) The Chief Executive Officer continues to serve until a successor is appointed and qualifies.

(3) By February 1 of the year in which a term ends, the Chief Executive Officer shall notify the County Executive and the county board if the Chief Executive Officer is a candidate for reappointment.

(4) (i) In the year a term begins, the County Executive shall select a Chief Executive Officer between February 1 and June 1, and the county board shall complete the appointment on or before June 30.

(ii) If the County Executive decides to select the incumbent Chief Executive Officer, the county board shall complete the reappointment no later than March 1 of that year.

(5) If the county board is unable to appoint a Chief Executive Officer by July 1 of the year a term begins, the provisions of subsection (f) of this section apply.

(e) (1) An individual may not be appointed as Chief Executive Officer unless the individual:

(i) Is eligible to be issued a certificate for the office by the State Superintendent;

(ii) Has graduated from an accredited college or university; and

(iii) Has completed 2 years of graduate work at an accredited college or university, including public school administration, supervision, and methods of teaching.

(2) The appointment of the Chief Executive Officer is not valid unless approved in writing by the State Superintendent.

(3) If the State Superintendent disapproves an appointment, the State Superintendent shall give the reasons for disapproval in writing to the county board and the County Executive.

(f) If a vacancy occurs in the office of Chief Executive Officer, the County Executive shall select and the county board shall appoint an interim Chief Executive Officer to serve until July 1 after the appointment.

(g) On notification of pending criminal charges against the Chief Executive Officer as provided under § 4–206 of this subtitle, the county board may suspend the Chief Executive Officer with pay until the final disposition of the criminal charges.

§4–202.

(a) (1) Except as provided in paragraph (2) of this subsection, each county superintendent is entitled to the compensation set by the county board.

(2) In Prince George's County, the Chief Executive Officer is entitled to the compensation set by the contract with the county board.

(b) (1) The salary of a county superintendent may not be decreased during the superintendent's term of office.

(2) Each county superintendent shall devote full time to public school business.

(c) In Anne Arundel County, the county board may not pay monetary compensation to the county superintendent for sick leave benefits earned while employed by any other board of education or public school system but may allow the county superintendent to use the sick leave in the same manner as sick leave accrued while employed by the county.

§4–203.

(a) Each county board shall provide the office of the county superintendent with adequate quarters and clerical equipment.

(b) The county superintendent and the superintendent's professional assistants shall be provided with the transportation necessary for the effective and efficient performance of their official duties.

(c) (1) The county superintendent and the superintendent's professional assistants are entitled to reimbursement for travel and other expenses.

(2) These expenses may not be included in or counted as a part of their annual salary.

§4–204.

(a) (1) Except as provided in paragraph (2) of this subsection, acting under the rules and regulations of the county board, the county superintendent is responsible for the administration of the superintendent's office.

(2) In Prince George's County, the Chief Executive Officer is responsible for the administration of the office of the Chief Executive Officer, including hiring and setting the salaries of the executive staff.

(b) As the executive officer of the county board, the county superintendent shall see that the following are carried out:

(1) The laws relating to the schools;

(2) The applicable enacted and published bylaws of the State Board;

(3) The policies of the State Board;

(4) The rules and regulations of the county board; and

(5) The policies of the county board.

§4–205.

(a) In addition to the other powers granted and duties imposed under this article, the county superintendent has the powers and duties set forth in this section.

(b) The county superintendent may administer oaths to witnesses in all appeals or cases that come before the county board.

(c) (1) Subject to the authority of the State Board under § 2–205(e) of this article, each county superintendent shall explain the true intent and meaning of:

(i) The school law; and

(ii) The applicable bylaws of the State Board.

(2) Subject to the provisions of § 6–203 and Title 6, Subtitle 4 of this article and without charge to the parties concerned, each county superintendent shall decide all controversies and disputes that involve:

(i) The rules and regulations of the county board; and

(ii) The proper administration of the county public school system.

(3) A decision of a county superintendent may be appealed to the county board if taken in writing within 30 days after the decision of the county superintendent. The decision may be further appealed to the State Board if taken in writing within 30 days after the decision of the county board.

(d) A contract made by a county board is not valid without the written approval of the county superintendent.

(e) (1) Acting as the executive officer of the county board, the county superintendent shall:

(i) Conduct all correspondence;

(ii) Receive all reports from principals and teachers; and

(iii) See that all reports are made and submitted properly.

(2) The county superintendent shall prepare and submit to the county board for adoption:

(i) All reports required of the county board by the State Board or the State Superintendent; and

(ii) The annual report to the people of the county required by § 5–111(b) of this article.

(f) The county superintendent:

(1) Shall advise teachers as to their further study and professional improvement;

(2) Shall develop a program of in–service training for all public school personnel; and

(3) May require attendance at an institution of higher education for future certification and professional improvement instead of in–service training.

(g) The county superintendent and the superintendent's professional assistants shall:

(1) Visit the schools;

(2) Observe their management and instruction;

(3) Give suggestions for their improvement;

(4) Consult with and advise principals and teachers; and

(5) Try in every way to awaken public interest and improve educational conditions in the county.

(h) In accordance with the applicable rules and regulations of the State Board, the county superintendent periodically shall:

(1) Evaluate the program of instruction in the public schools of the county; and

(2) Report the superintendent's findings and recommendations to the county board.

(i) The county superintendent shall prepare and recommend for adoption by the county board:

(1) Curriculum guides;

(2) Courses of study;

(3) Resource material; and

(4) Other teaching aids.

(j) (1) The county superintendent shall prepare lists of the following items needed by the schools:

(i) Textbooks;

(ii) Supplementary readers;

(iii) Materials of instruction;

(iv) Visual and auditory aids;

(v) Stationery and school supplies; and

(vi) School furniture, equipment, and apparatus.

(2) The county superintendent shall recommend the purchase and distribution of these items by the county board.

(k) The county superintendent shall:

(1) Take the initiative in the preparation and presentation of the annual school budget; and

(2) Seek in every way to secure adequate funds from local authorities for the support and development of the public schools in the county.

(l) (1) The county superintendent shall recommend to the county board:

(i) Condemnation of any school building that is unsanitary and unfit for use; and

(ii) Any repairs of or the purchase and sale of land, school sites, or buildings.

(2) Subject to the provisions of § 2–303(f) of this article that relate to approval by the State Superintendent, the county superintendent shall prepare all plans and specifications for remodeling an old building or constructing a new building.

(3) The county superintendent shall recommend to traffic safety officials of the State Highway Administration or of the county appropriate locations for posting flashing caution signs at or near the site of:

(i) A school;

(ii) School construction; or

(iii) School condemnation.

(m) The county superintendent shall provide the clerical help that is needed to issue work permits in accordance with § 3–206 of the Labor and Employment Article.

§4–206.

(a) (1) Except as provided in paragraph (2) of this subsection, a county superintendent shall immediately notify the county board in writing of any criminal charges that are punishable by a period of incarceration brought against the county superintendent.

(2) In Prince George's County, the Chief Executive Officer shall immediately notify the County Executive and the county board in writing of any criminal charges that are punishable by a period of incarceration brought against the Chief Executive Officer.

(b) The notification required under subsection (a) of this section shall include a copy of all charging documents served on the county superintendent or the county superintendent's counsel.

(c) Any county superintendent who violates subsections (a) and (b) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100 and revocation of any professional certification issued by the Department.

§4–301.

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

(b) "Board" means the Baltimore City Board of School Commissioners of the Baltimore City Public School System.

(c) "Bonds" means revenue bonds, refunding bonds, certificates, notes, demand notes, commercial paper, other evidence of indebtedness, and, where applicable, bond anticipation notes.

(d) "Chief Executive Officer" means the Chief Executive Officer of the Baltimore City Board of School Commissioners.

(e) "Costs" as applied to any project means all costs of the project, including:

(1) The cost of acquisition, construction, reconstruction, equipping, maintenance, repair, and renovation;

(2) The cost of acquisition of all land, rights–of–way, property rights, easements, and interests acquired by the board;

(3) Finance charges and interest prior to and during construction and for 1 year after completion of construction;

(4) The cost of architectural, engineering, and legal expenses, plans, specifications, feasibility studies, surveys, estimates of costs and revenue, and other expenses necessary or desirable for determining the feasibility or practicability of construction of any project;

(5) Reserves for the payment of debt service, operating reserves, and repair and replacement funds; and

(6) Administrative expenses and other expenses necessary or allocable to any project, the financing or refinancing of any project, the issuance of bonds, and the placing of any project in operation.

(f) "Project" means the acquisition, construction, reconstruction, equipping, maintenance, repair, or renovation of any public school facility.

(g) "Public school facility" means a building, parking facility, athletic facility, testing facility, or other facility in the City of Baltimore, now existing or hereafter acquired or constructed, that is used by the board in relation to the education of students in the Baltimore City Public School System.

§4–302.

Subject to the applicable provisions of this article and the master plan adopted by the board under § 4–309 of this subtitle, the Mayor and City Council of Baltimore City shall establish and maintain a system of free public schools in Baltimore City.

§4–303.

(a) In order to establish a new partnership between the City of Baltimore and the State to improve the quality of public education in Baltimore City and to encourage more efficient use of the resources of the State and Baltimore City, the Baltimore City Board of School Commissioners is established in accordance with the provisions of this subtitle.

(b) The purpose of the board is to:

(1) Raise the level of academic achievement of the students in the Baltimore City Public School System; and

(2) Improve the management and administration of the public school system in Baltimore City.

(c) The board shall be held accountable for the academic achievement of the public school students in Baltimore City.

(d) (1) The board shall have the authority and be responsible for all functions relating to the Baltimore City Public School System.

(2) Notwithstanding any provision of local law governing the Baltimore City Public School System, the board may adopt rules and regulations and prescribe policies and procedures for the management, maintenance, operation, and control of the Baltimore City Public School System.

(3) The board shall assume responsibility for all of the functions formerly performed by the Superintendent of Public Instruction of Baltimore City and the Board of School Commissioners of Baltimore City.

(4) The board may not be deemed an agency of the State.

§4–304.

(a) There is a Chief Executive Officer of the board.

(b) The Chief Executive Officer shall:

(1) Be responsible for the overall administration of the Baltimore City Public School System;

(2) Report directly to the board;

(3) Be a member of the cabinet of the Mayor; and

(4) Designate individuals with primary responsibility for each of the following functions:

(i) Management and administration of the Baltimore City Public School System;

(ii) Assessment and accountability of the academic performance of the students in the Baltimore City Public School System;

(iii) Provision of services to students with disabilities in accordance with federal and State law;

(iv) Development and implementation of initiatives for educational reform; and

(v) Professional hiring and development.

(c) Notwithstanding the provisions of subsection (b)(4) of this section, the Chief Executive Officer and the board shall be held accountable for the delegated functions.

(d) The board shall employ the Chief Executive Officer and establish the salary of the Chief Executive Officer at an amount commensurate with the credentials, experience, and prior positions of responsibility of the Chief Executive Officer.

(e) The employment contract of the Chief Executive Officer shall provide, at a minimum, that continued employment is contingent on demonstrable improvement in the academic performance of the students in the Baltimore City Public School System and the successful management of the Baltimore City public schools.

(f) The initial contract and any renewal may not exceed 4 years.

§4–305.

(a) There is a Chief Academic Officer in the Baltimore City Public School System who shall:

(1) Be responsible for the development and implementation of the curriculum taught and the instruction provided in the Baltimore City Public School System; and

(2) Report directly to the Chief Executive Officer.

(b) The Chief Executive Officer shall, subject to the approval of the board:

(1) Select the Chief Academic Officer; and

(2) Establish the salary of the Chief Academic Officer.

(c) The employment contract of the Chief Academic Officer shall provide, at a minimum, that continued employment is contingent on demonstrable improvement in the academic performance of the students in the Baltimore City Public School System.

(d) The Chief Academic Officer is not a public officer under the Constitution or the laws of the State.

§4–306.

(a) There is a Chief Financial Officer in the Baltimore City Public School System who shall:

(1) Be responsible for the day–to–day management and oversight of the fiscal affairs of the Baltimore City Public School System; and

(2) Report directly to the Chief Executive Officer.

(b) The Chief Executive Officer shall, subject to the approval of the board:

(1) Select the Chief Financial Officer; and

(2) Establish the salary of the Chief Financial Officer.

(c) The employment contract of the Chief Financial Officer shall provide that continued employment is contingent on the effective fiscal management of the Baltimore City public schools.

(d) The Chief Financial Officer is not a public officer under the Constitution or the laws of the State.

§4–306.1.

(a) In order to provide public school facilities, the board may:

(1) Directly or through the Maryland Stadium Authority acting as its designated agent, acquire, construct, reconstruct, equip, maintain, repair, or renovate facilities at any location in the City of Baltimore, now existing or hereafter acquired and enter into contracts with public or private entities in order to accomplish the acquisition, construction, reconstruction, equipping, maintenance, repair, or renovation;

(2) Issue bonds in accordance with § 4–306.2 of this subtitle;

(3) In accordance with State law and the June 24, 1998, memorandum of understanding between the board and the Mayor and City Council of Baltimore, acquire, hold, and dispose of real and personal property in the exercise of its powers and the performance of its duties under this subtitle;

(4) Enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this subtitle, employ consulting engineers, architects, attorneys, construction and financial experts, and other employees and agents, and determine their compensation;

(5) Receive and accept from the United States of America or any agency of the federal government grants and loans for the purpose of financing or refinancing all or any part of the costs of any project;

(6) Receive and accept aid or contributions from any sources of money, property, labor, or other things of value, to be held, used, and applied for the purposes for which the grants and contributions were made; and

(7) Perform all acts and things necessary to carry out the powers expressly granted by the provisions of this subtitle.

(b) The board shall maintain records identifying the sources and amounts of payments used to support the costs of any project authorized under the provisions of this subtitle.

§4–306.2.

(a) The board may issue bonds for the purpose of financing or refinancing all or any part of the costs of any project.

(b) (1) Except as provided in paragraph (2) of this subsection, the aggregate principal amount of bonds outstanding, including the amount of any reserve fund requirement established for the bonds, may not exceed, as of the date that the bonds are issued, $200,000,000.

(2) The aggregate principal amount of bonds outstanding does not include:

(i) Qualified School Construction Bonds as defined in § 54F of the Internal Revenue Code; or

(ii) Any bonds issued by or contracts entered into in connection with bonds issued by any other person or entity, including the Maryland Stadium Authority to finance construction or renovation of public schools.

(c) Bonds shall be authorized by a resolution of the board and may be secured by a trust agreement by and between the board and a corporate trustee or trustees which may be any trust company or bank having the powers of a trust company within or outside the State.

(d) Before the board may issue a bond under this section, the Mayor and City Council of Baltimore shall pass a resolution approving the board's issuance of the bond and shall forward that resolution to the board.

(e) The resolution of the board authorizing the bonds:

(1) Shall describe the projects which are to be financed or refinanced by the bond;

(2) Shall state the maximum principal amount of the bond;

(3) Shall describe the sources of payment of the bonds;

(4) Shall provide that the proceeds of the bonds shall be invested in accordance with any investment policy approved by the board; and

(5) May provide that the bonds are redeemable before maturity at a price or prices and under terms and conditions or in accordance with a method determined by the board.

(f) The resolution of the board or the trust agreement relating to the bonds may contain provisions that:

(1) Limit the purpose to which the proceeds of any issue of bonds may be applied and restrict the investment of revenues or bond proceeds in government obligations for which principal and interest are unconditionally guaranteed by the United States of America;

(2) Provide for the issuance of additional bonds to finance or refinance any projects, which may not exceed the total value of the outstanding bonds allowed under subsection (b) of this section;

(3) Assign all or any part of the board's funds or assets;

(4) Protect and enforce the rights and remedies of the bondholders that are reasonable and proper and not in violation of the law, including covenants that shall include:

(i) The duties of the board in relation to the project;

(ii) The duties of the board in relation to its funds;

(iii) The custody, safeguarding, and application of all moneys; and

(iv) The rights and remedies of bondholders and trustees, and may restrict the individual right of action by bondholders; and

(5) The board deems reasonable and proper for the security of the bondholders, including covenants pertaining to the issuance of additional parity bonds upon stated conditions.

(g) The bonds shall:

(1) Be dated and bear interest at the fixed or variable rate or rates determined by the method provided in the resolution of the board authorizing the issuance of the bonds;

(2) Mature at a time or times not exceeding the useful life of the projects

for which the bonds are issued, but in no event shall the maturity of the bonds exceed 30 years from their date or dates of issue, as may be determined by the board;

(3) Be issued at, above, or below par value, for cash or other valuable consideration;

(4) Be payable at a time or times, in the denominations and form, either coupon or registered or both, and carry the registration and privileges as to conversion and for the replacement of mutilated, lost, or destroyed bonds as the resolution of the board may provide;

(5) Bear the manual or facsimile signature of the Chief Executive Officer or one of the other members of the board. In case any officer whose manual or facsimile signature appears on any bonds or coupons ceases to be an officer before the delivery of the bonds, the signature or facsimile of the former officer is valid and sufficient for all purposes as if the officer had remained in office until delivery;

(6) Bear the official seal of the board or a facsimile of the seal affixed to the bonds and attested by the manual or facsimile signature of the secretary of the board;

(7) Be payable in lawful money of the United States of America at a designated place;

(8) Be subject to the terms of purchase, payment, redemption, refunding, or refinancing that the resolution of the board provides; and

(9) Be sold in the manner and upon the terms determined by the board including private or negotiated sale.

(h) All bonds issued under the provisions of this subtitle shall have all the qualities and incidents of negotiable instruments under the laws of the State relating to negotiable instruments.

(i) Prior to the preparation of definitive bonds, the board, under like restrictions, may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when the bonds are executed and available for delivery.

(j) (1) Bonds may be issued under the provisions of this subtitle:

(i) Without obtaining the consent of any department, division, commission, board, bureau, or agency of the State; or

(ii) Without any other proceedings or the occurrence of any other conditions other than those proceedings or conditions that are required specifically by provisions of this subtitle.

(2) The provisions of Title 8, Subtitle 2 of the State Finance and

Procurement Article do not apply to bonds issued under the provisions of this subtitle.

(k) The board shall establish one or more trust funds for the deposit of the proceeds of the bonds of any issue.

(l) The board may:

(1) Maintain separate accounts for purposes of identifying the sources of payment of the bonds for the acquisition, development, or improvement of public school facilities; and

(2) Retain the interest revenue or other investment income from the bonds of any issue for the purposes of applying the revenue or income to the costs of acquiring, constructing, reconstructing, renovating, equipping, maintaining, or repairing school facilities.

(m) (1) Any bond issued under this subtitle shall state on its face that the bond does not create or constitute any indebtedness or obligation of the State, of the Mayor and City Council of Baltimore, or of any other political subdivision of the State, except the Baltimore City Board of School Commissioners.

(2) The bonds do not constitute a debt or obligation contracted by the General Assembly or pledge the faith and credit of the State within the meaning of Article III, § 34 of the Maryland Constitution.

(n) The bonds of any issue shall be payable from and secured solely by:

(1) All or any part of the fees or revenues generated by an activity of the board to the extent lawfully available for such purpose;

(2) The proceeds of the bonds and investment earnings thereon;

(3) Any grant or gift received by the board to the extent lawfully available for such purpose;

(4) Reserves or other funds established for the bonds under the resolution or trust agreement;

(5) Any moneys which may lawfully be applied to the payment of the bonds, including without limitation any appropriation by the State or Baltimore City made lawfully available for such purpose; or

(6) Any source of funds to which the board has access to the extent lawfully available for such purpose.

(o) Prior to and during construction and for 1 year after completion of construction of any public school facility for which bonds have been issued, the interest on the bonds may be paid out of the proceeds of the bonds or out of other moneys

allocated for that purpose.

(p) (1) The board may provide, from time to time, for the issuance and sale of bond anticipation notes in accordance with the procedures set forth in Title 19, Subtitle 2, Part III of the Local Government Article for the issuance of bonds.

(2) Except where the provisions of this subtitle would be inapplicable to bond anticipation notes, the term "bonds" used in this subtitle shall include bond anticipation notes, including the provisions pertaining to the exemption from taxation by the State and its political subdivisions.

(q) In connection with the issuance of any bonds, the board may:

(1) Obtain or enter into agreements and contracts for bond insurance, reserve fund insurance, a letter of credit, a line of credit, or any form of additional, substitute, or replacement security for any bonds; and

(2) Pledge or assign all or any part of the funds of the board to the repayment or reimbursement of the provider of the bond insurance, reserve fund insurance, letter of credit, line of credit, or other form of additional, substitute, or replacement security.

(r) Any of the agreements and contracts may contain the covenants, terms, and conditions as may be contained in any trust agreement for any bonds.

(s) Any bank or trust company incorporated under the laws of the State that acts as a depository of the proceeds of the bonds may furnish indemnifying bonds or pledge securities as required by the board.

(t) The resolution providing for the issuance of bonds is a trust agreement if it so stipulates.

(u) All expenses incurred in carrying out the provisions of any trust agreement or any resolution may be treated as a part of the cost of the operations of the board.

(v) Upon the issuance of bonds, the State Comptroller shall withhold from any installment due the board from the general State school fund moneys for deposit to the credit of a sinking fund maintained to pay the principal and interest on the bonds. Such moneys shall be withheld until the bonds are no longer outstanding and unpaid and shall be withheld in installments. The amount of each installment shall be determined at the time the bonds are issued and shall be provided in writing by the board to the State Comptroller, provided that the frequency and amount of such installments shall allow for the timely payment of the principal and interest on the bonds.

§4–306.3.

(a) The exercise of the powers granted by the provisions of this subtitle shall be for the benefit of the students who attend the public schools under the board and for

the improvement of their education, prosperity, health, living conditions, and general welfare.

(b) The board shall not be required to pay any taxes or assessments of any kind whatsoever and its bonds, their transfer, the interest payable on them, and any income derived from them, including any profit realized in their sale or exchange, shall be exempt at all times from every kind and nature of taxation by the State or by any of its political subdivisions, municipal corporations, or public agencies of any kind.

§4–306.4.

The bonds are investment securities.

§4–306.5.

The title to any property acquired or constructed under the provisions of this subtitle shall be held in accordance with State law.

§4–306.6.

(a) The provisions of this subtitle, being necessary for the welfare of the City of Baltimore and its inhabitants, shall be liberally construed to effect the purposes of the provisions.

(b) The provisions of this subtitle are severable, and if any of the provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of the court may not affect or impair any of the remaining provisions.

§4–307.

(a) There is a Research and Evaluation Unit in the Baltimore City Public School System.

(b) Subject to the approval of the board, the Chief Executive Officer shall appoint the Director of the Unit.

(c) The Director of the Unit shall report directly to the Chief Executive Officer and shall be held accountable for the effective and efficient management of the Unit.

(d) The Director of the Unit is not a public officer under the Constitution or the laws of the State.

(e) The Unit shall perform ongoing research and evaluation regarding systemic reform and student achievement.

§4–308.

(a) (1) There is a Parent and Community Advisory Board in the Baltimore City Public School System.

(2) The Advisory Board consists of 14 members, a majority of whom shall be parents of students enrolled in the Baltimore City public schools.

(3) (i) The plaintiffs (parents of students with disabilities) in Vaughn G., et al v. Mayor and City Council, et al case no. MJG–84–1911, United States District Court for the District of Maryland shall appoint three members of the Advisory Board.

(ii) The plaintiffs (parents of students in general education) in Bradford, et al v. Maryland State Board of Education, et al, case no. 94340058/CE189672, Circuit Court for Baltimore City shall appoint two members of the Advisory Board.

(iii) Subject to the approval of the board, the Chief Executive Officer shall appoint seven members of the Advisory Board as follows:

1. Three shall be appointed from a list submitted by the Baltimore City Council of Parent–Teacher Associations;

2. Two shall be appointed from a list submitted by area–based parent networks; and

3. Two shall be appointed from a list submitted by the Title I liaisons.

(iv) The Chief Executive Officer shall appoint two members of the Advisory Board from other parent and community groups in Baltimore City.

(4) If one of the groups specified in paragraph (3)(iii) of this subsection fails to submit a list with a sufficient number of nominees to fill a position, the board shall appoint an individual from other parent and community groups in Baltimore City.

(b) The board and the Chief Executive Officer shall:

(1) Regularly consult with the Advisory Board;

(2) Ensure parental involvement in the development and implementation of the education policies and procedures in the Baltimore City Public School System; and

(3) Ensure increased community involvement and outreach in support of the public schools in the city.

(c) The Chief Executive Officer shall meet with the Parent and Community Advisory Board on at least a quarterly basis.

(d) (1) Each member serves for a term of 2 years.

(2) A member may not serve for more than two consecutive terms.

(3) A member whose term has expired shall remain in office until a successor is appointed.

§4–309.

(a) (1) On or before June 1, 2002, the Chief Executive Officer shall submit a 5–year comprehensive master plan to the board for its review, modification, and final approval.

(2) On or before August 30, 2002, the board shall approve and commence implementation of the master plan.

(3) Following approval of the master plan or by July 30, 2002, whichever is earlier, the master plan shall be submitted to the State Board and to the State Superintendent for their review and approval.

(4) The Chief Executive Officer or designee shall consult with parents, teachers, students, representatives of the business community, and educational instruction and administration experts during the course of the development of the master plan.

(5) (i) The master plan shall be updated annually and submitted to the State Board and the State Superintendent for review and approval on or before August 15 of each year.

(ii) The Chief Executive Officer shall submit with the update required under subparagraph (i) of this paragraph a detailed summary of how the Baltimore City Public School System's current year approved budget and increases in expenditures over the prior year are consistent with the master plan.

(iii) By October 1 of each year, the Chief Executive Officer shall supplement the update with a summary of how the Baltimore City Public School System's actual prior year budget and additional expenditures in the prior year's budget aligned with the master plan.

(6) Notwithstanding any other provision of law or regulation, the master plan requirement shall be the sole master plan required of the Baltimore City Public School System.

(b) The master plan shall provide for the improvement of:

(1) Student achievement in the Baltimore City public schools; and

(2) The management and accountability of the Baltimore City Public School System.

(c) The master plan shall identify the actions necessary to:

(1) Incorporate the key recommendations of the 1992 Towers Perrin/Cresap Management Study report, the 1994 and 1995 MGT of America, Inc. reports, and the report on the December, 2001 final evaluation of the City–State Partnership prepared by Westat;

(2) Address both the compliance efforts as well as the system's efforts to achieve full organizational and instructional integration of special education and general education including the quality indicators that will be used to evaluate the extent of integration and its impact on student performance;

(3) Provide a balanced and efficient allocation of qualified staff to support the necessary educational and managerial functions of the school system and include in an annual status report on the implementation of the master plan a qualitative and fiscal analysis of the staffing of key central and area office functions;

(4) Provide effective curriculum and instructional programs for the Baltimore City Public School System including the development and dissemination of:

(i) A citywide curriculum framework reflecting State learning outcomes, including Maryland School Performance Program standards, and an appropriate developmental sequence for students;

(ii) An effective program that involves school–based practitioners including teachers, mentors, master teachers, and instructional support teachers, as well as the exclusive employee organization representatives in the design and implementation of high quality, differentiated professional development activities derived from analysis of student performance needs and that complies with the National Staff Development Council Standards for content, context, and process; and

(iii) An effective educational program for meeting the needs of students at risk of educational failure;

(5) Review the requirement of a demonstrated student achievement portfolio for the performance–based evaluation system for teachers and principals and incorporate design modifications that will enhance teacher and principal investment in the evaluation instrument;

(6) Provide effective management information systems for the Baltimore City Public School System, including the capacity to accurately track student enrollment, attendance, academic records, discipline records, and compliance with the provisions of the federal Individuals with Disabilities Education Act;

(7) Provide an effective financial management and budgeting system for the Baltimore City Public School System to ensure the maximization and appropriate utilization of all available resources;

(8) Provide effective hiring and assignment of teachers and staff;

(9) Develop an effective system of providing instructional materials and support services;

(10) Develop and evaluate model school reform initiatives;

(11) Develop a process with timelines to govern the distribution of student test data to area executive officers and to principals, as well as the central office resources that will be provided to school level practitioners to validate and analyze the student test data;

(12) Provide appropriate methods for student assessment and remediation;

(13) Develop and implement a student code of discipline as required in § 7–306 of this article;

(14) Incorporate the school system's facilities master plan including information about projects currently underway as well as those planned pursuant to the capital improvement program and update this information annually as the master plan is updated;

(15) Develop a program to train principals and assistant principals in methods of increasing parental involvement at the school level, including strategies for connecting parents to the instructional program of the school and for measuring the level of parental involvement through meaningful indicators;

(16) Include measurable outcomes and time lines for the implementation and evaluation of the reforms made in accordance with the master plan and the reporting of this information to the Governor, the Mayor of Baltimore City, and, in accordance with § 2–1246 of the State Government Article, the General Assembly;

(17) Improve the status of schools that are subject to a State reconstitution notice;

(18) Develop an effective system of teacher input regarding implementation of school reform initiatives, curriculum, instruction, and professional development that includes active and ongoing consultation with classroom teachers at the elementary, middle, and high school levels; and

(19) Institute a formal procedure by which the directors of each of the school system's mentoring programs, including React, Blum, and Peer Mentoring, will provide semi–annual reports to the board and senior management concerning the perspectives of the mentoring programs.

(d) It is the intent of the General Assembly that teachers of Baltimore City public high school students inform students of the federal, State, and Baltimore City election processes and the importance of exercising the right to vote and registering to vote.

§4–310.

(a) Notwithstanding any provision of local law, the board shall adopt rules and regulations governing the procurement of goods and services by the Baltimore City Public School System in accordance with § 5–112 of this article.

(b) The board shall adopt the Minority Business Enterprise and Women Business Enterprise goals of Baltimore City relating to procurement.

§4–311.

(a) (1) Notwithstanding any provision of local law, the board shall establish a personnel system governing certificated and noncertificated employees, including a performance–based system–wide personnel evaluation system for teachers, principals, and administrators.

(2) To carry out the requirements of this section, the board may:

(i) Establish and abolish positions;

(ii) Determine employee qualifications;

(iii) Establish terms of employment, including compensation, benefits, holiday schedules, and leave policies; and

(iv) Determine any other matters concerning employees.

(b) The personnel system shall provide fair and equitable procedures for:

(1) The redress of employee grievances; and

(2) The hiring, promotion, and termination of employees in accordance with law.

§4–312.

The board shall enter into collective bargaining agreements with the appropriate employee organizations as provided under Title 6, Subtitles 4 and 5 of this article.

§4–314.

The geographical boundary of the Baltimore City School System is the same as the geographical boundary of Baltimore City.

§4–315.

(a) (1) The Mayor and City Council of Baltimore City may levy and collect taxes on the assessable property in Baltimore City necessary to pay all the expenses they incur for educational purposes.

(2) These taxes shall be levied and collected as are other taxes.

(b) The Mayor and City Council of Baltimore City may adopt ordinances:

(1) For the protection of public school buildings and other school property; and

(2) To punish any person who disturbs the sessions of the public schools.

§4–316.

(a) Notwithstanding any provision of local law and subject to the applicable provisions of this article, the Baltimore City Board of School Commissioners may:

(1) Examine, appoint, and remove teachers;

(2) Set teacher qualifications;

(3) Set teacher salaries; and

(4) Select textbooks for the public schools in Baltimore City, except that the textbooks may not contain anything of a sectarian or partisan character.

(b) (1) The Baltimore City Board of School Commissioners shall report annually to the State Board on the condition of the schools under its jurisdiction.

(2) The report shall include a statement of:

(i) Expenditures;

(ii) The number of children taught; and

(iii) Any other statistical information the State Board requires.

§4–317.

After a study has been completed to determine whether to close a public school in Baltimore City, the Chief Executive Officer shall inform the Mayor of Baltimore City and the members of the General Assembly who represent Baltimore City regarding the completed study at the same time that the study is submitted to the Baltimore City Board of School Commissioners.

§4–318.

(a) In this section, "Baltimore City school police officer" means any person who, when acting in an official capacity, is authorized by law to make arrests and who is a member of the Baltimore City School Police Force.

(b) There is a Baltimore City School Police Force.

(c) The members of the Baltimore City School Police Force shall be employees of and be appointed by the Baltimore City Board of School Commissioners.

(d) (1) Except as provided in paragraph (3) of this subsection, a Baltimore City school police officer has all the powers of a law enforcement officer in the State.

(2) (i) A Baltimore City school police officer may act in an official capacity only on the premises of schools and any other property used for educational purposes owned, leased, or operated by, or under the control of the Baltimore City Board of School Commissioners.

(ii) A Baltimore City school police officer may not act in an official capacity on any other property unless:

1. Engaged in fresh pursuit of a suspected offender;

2. Requested or authorized to do so by the Police Commissioner of Baltimore City;

3. The exercise of power is necessary to facilitate the orderly flow of traffic to and from property owned, leased, operated by, or under the control of the Baltimore City School System; or

4. Ordered to do so by the Mayor of Baltimore City.

(3) (i) Notwithstanding any other provision of law, a Baltimore City school police officer whose permanent or temporary assignment is at a school or on school property may carry a firearm on the premises of the school to which the officer is assigned before or after regular school hours on school days and on days other than school days.

(ii) The Baltimore City Board of School Commissioners shall establish policies to implement the provisions of subparagraph (i) of this paragraph.

(e) (1) In consultation with the Maryland Police Training Commission, the Civil Service Commission of Baltimore City shall adopt:

(i) Requirements for education, training, human and public relations skills, and moral character that an applicant must meet to qualify for employment as a Baltimore City school police officer; and

(ii) Standards for the performance of duties.

(2) Any requirements adopted by the Civil Service Commission on or after July 1, 1991 may not affect the status of any individual who is a qualified Baltimore City school police officer on that date.

(f) The Baltimore City Board of School Commissioners shall adopt regulations

governing the:

(1) Operation of the Baltimore City School Police Force; and

(2) Conduct of each Baltimore City school police officer.

(g) This section does not:

(1) Make a Baltimore City school police officer a member of the Baltimore City Police Department; or

(2) Affect the salary, benefits, or retirement program of an employee of Baltimore City or the Baltimore City Board of School Commissioners.

§4–319. IN EFFECT

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

(2) "Baltimore City School System" means the system of free public schools in Baltimore City.

(3) "Center" means the Baltimore City Alternative Learning Center.

(b) There is a Baltimore City Alternative Learning Center in the Baltimore City School System.

(c) (1) The Chief Executive Officer of the Baltimore City Board of School Commissioners shall appoint a Director of the Center.

(2) The Director may employ a staff or retain consultants, including psychologists, social workers, guidance counselors, and teachers.

(d) (1) Except as otherwise provided in § 7–305(g) of this article, a student in the Baltimore City School System may be transferred to the Center if the student:

(i) Assaults a teacher, teacher's aide, student teacher, other professional or paraprofessional school employee, or other student;

(ii) Carries a gun, rifle, knife, or other deadly weapon onto school property; or

(iii) Commits any other act that would be a crime if committed by an adult.

(2) The Director shall review recommendations for admission of students to the Center and admit or deny admission for each student based on an assessment of the student's amenability to the services, programs, and treatment available in the Center.

(e) (1) Subject to paragraph (2) of this subsection, a student who is admitted to the Center shall attend classes at the Center until the Director orders the student to be transferred to another school in the Baltimore City School System.

(2) A student may not attend the Center for more than one calendar year.

(f) The Director shall develop and provide the following programs within the Center:

(1) Elementary and secondary education programs;

(2) Special education programs that meet the social and emotional needs of the students at the Center and that require the participation of the parents or guardians of the students; and

(3) Vocational and rehabilitative training programs.

(g) The Chief Executive Officer shall report annually to the members of the Baltimore City Delegation in the General Assembly on the progress of the students in the Center.

4–319. ** CONTINGENCY – IN EFFECT – CHAPTER 414 OF 2005 **

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

(2) "Baltimore City School System" means the system of free public schools in Baltimore City.

(3) "Center" means the Baltimore City Alternative Learning Center.

(b) There is a Baltimore City Alternative Learning Center in the Baltimore City School System.

(c) (1) The Chief Executive Officer of the Baltimore City Board of School Commissioners shall appoint a Director of the Center.

(2) The Director may employ a staff or retain consultants, including psychologists, social workers, guidance counselors, and teachers.

(d) (1) Except as otherwise provided in § 7–305(f) of this article, a student in the Baltimore City School System may be transferred to the Center if the student:

(i) Assaults a teacher, teacher's aide, student teacher, other professional or paraprofessional school employee, or other student;

(ii) Carries a gun, rifle, knife, or other deadly weapon onto school property; or

(iii) Commits any other act that would be a crime if committed by an

adult.

(2) The Director shall review recommendations for admission of students to the Center and admit or deny admission for each student based on an assessment of the student's amenability to the services, programs, and treatment available in the Center.

(e) (1) Subject to paragraph (2) of this subsection, a student who is admitted to the Center shall attend classes at the Center until the Director orders the student to be transferred to another school in the Baltimore City School System.

(2) A student may not attend the Center for more than one calendar year.

(f) The Director shall develop and provide the following programs within the Center:

(1) Elementary and secondary education programs;

(2) Special education programs that meet the social and emotional needs of the students at the Center and that require the participation of the parents or guardians of the students; and

(3) Vocational and rehabilitative training programs.

(g) The Chief Executive Officer shall report annually to the members of the Baltimore City Delegation in the General Assembly on the progress of the students in the Center.

§4–401.

The purpose of the county board is to:

(1) Raise the level of academic achievement of the students in the Prince George's County public school system; and

(2) Raise the level of engagement of the parents, students, and community as a whole.

§4–402.

(a) In addition to the other powers granted to, and duties imposed on, a county superintendent under this article, the Chief Executive Officer has the responsibilities and powers set forth in this section.

(b) The Chief Executive Officer shall be responsible for:

(1) The overall administration of the Prince George's County public school system;

(2) Subject to the provisions of Title 6 of this article, and after a budget is submitted by the county board and approved by the County Council at the beginning of each fiscal year, the day–to–day management and oversight of the fiscal affairs of the Prince George's County public school system, including the management of activities related to:

(i) Administration;

(ii) Mid–level administration;

(iii) Instructional salaries;

(iv) Textbooks and other classroom instructional supplies;

(v) Instructional costs;

(vi) Special education;

(vii) Student personnel services;

(viii) Health services;

(ix) Student transportation;

(x) Operation of plants and equipment;

(xi) Plant maintenance;

(xii) Fixed charges;

(xiii) Food services; and

(xiv) Capital planning and expenditures; and

(3) The development and implementation of the curriculum taught and the instruction provided in the Prince George's County public school system.

(c) The Chief Executive Officer:

(1) Shall hire and set the salaries of a chief operating officer, a chief financial officer, a chief academic officer, a chief of staff, a board liaison, and any other necessary executive staff in the office of the Chief Executive Officer; and

(2) May delegate the responsibilities established under subsection (b) of this section to appropriately qualified individuals as determined and deemed necessary by the Chief Executive Officer.

(d) (1) The Chief Executive Officer shall enter into a memorandum of understanding that relates to the provision of policy analysis and advice to the county

board with the following institutions of higher education:

(i) The University of Maryland, College Park;

(ii) The University of Maryland University College;

(iii) Bowie State University; and

(iv) Prince George's Community College.

(2) The Chief Executive Officer may include additional institutions of higher education in the memorandum of understanding required under paragraph (1) of this subsection.

§4–403.

(a) Except as provided in subsection (b) of this section, the county board may not implement a policy or take any action that contradicts the day–to–day management and oversight of the fiscal affairs of the Prince George's County public school system by the Chief Executive Officer under this subtitle.

(b) Except for personnel matters and appeals of personnel matters in accordance with §§ 4–205(c)(2) and (3) of this title and 6–202 of this article, the county board shall require a two–thirds vote of all voting members of the county board to take an action that is contrary to an action of the Chief Executive Officer.

§5–101.

(a) (1) Subject to the rules and regulations of the State Board and with the advice of the county superintendent, each county board shall prepare an annual budget according to:

(i) The major categories listed in this section; and

(ii) Any other major category required by the State Board.

(2) In addition to the information required by this section, the county fiscal authorities may require the county board to provide details to the service areas and activities levels in the account structure within the "Financial Reporting Manual for Maryland Public Schools".

(3) With the annual budget, each county board shall provide:

(i) The number of full–time equivalent positions included within each major category; and

(ii) A description of any fund balances or other moneys held by any outside source, including an insurer, that are undesignated or unreserved and are under the direction and control of the county board.

(b) The budget shall be prepared to include the following categories:

Part I

(1) Current expense fund, estimated receipts:

(i) Revenue from local sources;

(ii) Revenue from State sources;

(iii) Revenue from federal sources;

(iv) Unliquidated surplus, the actual from the previous fiscal year and the estimated from the current fiscal year, whether accrued from revenues or expenditures; and

(v) Revenue from all other sources with identification of the source.

(2) Current expense fund, requested appropriations:

(i) Administration, which means those activities associated with the general regulations, direction, and control of the county board, including:

1. Executive administration;

2. Business support services; and

3. Centralized support services;

(ii) Mid–level administration, including:

1. The office of the school principal; and

2. Staff providing administration and supervision to the school instructional programs;

(iii) Instructional salaries, which means those activities which deal directly with teaching students, including:

1. Teachers;

2. Aides;

3. Psychological personnel;

4. Guidance counselors; and

5. Library personnel;

(iv) Textbooks and classroom instructional supplies;

(v) Other instructional costs;

(vi) Special education with subcategories and items budgeted in this category to be determined by the State Board with the advice of the county board;

(vii) Student personnel services;

(viii) Health services;

(ix) Student transportation;

(x) Operation of plant and equipment;

(xi) Maintenance of plant;

(xii) Fixed charges;

(xiii) Food services; and

(xiv) Capital outlay.

Part II

(3) School construction fund, estimated receipts:

(i) Revenue from local sources;

(ii) Sale of bonds;

(iii) State General Public School Construction Loan;

(iv) Revenue from State sources;

(v) Revenue from federal sources;

(vi) Unliquidated surplus, the actual from the previous fiscal year and the estimated for the current fiscal year, whether accrued from revenues or expenditures; and

(vii) Funds from all other sources, with identification of the source.

(4) School Construction Fund, requested appropriations:

(i) Land for school sites;

(ii) Buildings and the equipment that will be an integral part of a building by project;

(iii) School site improvement by project;

(iv) Remodeling by project;

(v) Additional equipment by project;

(vi) Debt service; and

(vii) An amount that is adequate to satisfy a final court judgment that, after exhaustion of the rights of appeal, is rendered against the county board of education or any of its officers or employees.

(c) In addition to all other information required by this section, the Montgomery County Board of Education, on request of the County Executive and County Council, shall provide with the annual budget the program implications of recommendations for reductions to or increases in its annual budget, at whatever different levels of funding and accompanied by whatever reasonable supporting detail and analysis, as may be specified by the County Executive and County Council. Prior to the submission of the annual budget, similar information shall be submitted by the Superintendent of Schools upon request by the County Executive or County Council.

(d) The budget document shall contain an addendum showing estimated expenditures for special education as defined by the "Financial Reporting Manual for Maryland Public Schools".

(e) In addition to all other information required by this section, the Cecil County Board of Education, on request of the Cecil County Board of Estimates, shall provide with the annual budget separate information on the number of and costs associated with school–based noninstructional personnel.

(f) (1) In addition to all other information required by this section, the Prince George's County Board of Education shall provide to the County Executive and County Council with the annual budget, information relating to each of the following categories:

(i) Instructional supplies and materials;

(ii) Additional equipment; and

(iii) Replacement equipment.

(2) For the categories specified in paragraph (1) of this subsection, the following information shall be provided for the public school system in the county:

(i) Proposed expenditures for the next school year based on the annual budget;

(ii) Estimated expenditures for the current school year; and

(iii) Actual expenditures for the prior school year.

§5–102.

(a) In this subtitle, "county council" means, in Baltimore City, the Mayor and City Council of Baltimore.

(b) (1) Each county board shall submit an annual school budget in writing to the county commissioners, county council, or the county executive.

(2) The budget shall be submitted not less than 45 days before the date for levying local taxes or on an earlier date on or after March 1 as may be requested by the county fiscal authority.

(c) (1) This subsection applies only to a county that has a county governing body that consists of a county executive and county council.

(2) The county executive shall indicate in writing which major categories of the annual budget of the county board have been denied in whole or reduced in part and the reason for the denial or reduction.

(3) The county council may restore any denial or reduction made by the county executive in the annual budget submitted by the county board.

(4) In Baltimore County, the County Council may not restore any denial or reduction made by the County Executive.

(5) This item applies to Baltimore County and supersedes item (4) of this subsection only if the voters of Baltimore County approve an amendment to the Baltimore County Charter that grants the County Council the authority to restore any denial or reduction made by the County Executive in the budget submitted by the county board. The Baltimore County Council may restore any denial or reduction made by the County Executive if it publicly states the amount the restoration represents in the county tax rate.

(d) (1) In Baltimore City, the City Council may not restore any denial or reduction made by the Mayor.

(2) (i) This paragraph applies to Baltimore City and supersedes paragraph (1) of this subsection only if the voters of Baltimore City approve an amendment to the Baltimore City Charter that grants the City Council the authority to restore any denial or reduction made by the Mayor in the budget submitted by the county board.

(ii) The Baltimore City Council may restore any denial or reduction made by the Mayor if it publicly states the amount the restoration represents in the city tax rate.

(e) (1) Copies of the budget shall be made available to the public, on request, at the time it is submitted by the county board.

(2) A copy of the budget as approved by the county commissioners or county council shall be sent to the State Superintendent within 30 days after approval.

§5–103.

(a) The amount requested in the annual budget of each county board for current expenses for the next school year and that is to be raised by revenue from local sources may not be less than the minimum amount required to be levied under § 5–202(d)(1)(i) of this title.

(b) The county commissioners or county council may provide funds that are more than the amount required by § 5–202(d)(1)(i) of this title to support improved and additional programs.

(c) If a county council or board of county commissioners does not approve the amount requested in the budget that is more than the amount required by § 5–202(d)(1)(i) of this title:

(1) The county council or board of county commissioners:

(i) May not reduce the amount requested in the budget that is dedicated to satisfying a final court judgment; and

(ii) Shall indicate in writing, within 15 days after the adoption of the budget, which major categories of the annual budget have been reduced and the reason for the reduction; and

(2) The county board shall submit to the county governing body, within 30 days after the adoption of the budget, a report indicating how the alterations to the budget will be implemented, accompanied by reasonable supporting detail and analysis.

§5–104.

(a) Each county council or board of county commissioners shall levy and collect a tax on the assessable property of the county which, together with other local revenue available, including income tax revenues and bond money, and together with estimated revenues and funds from all sources, will produce the amounts necessary to meet the appropriations made in the approved annual budget of the county board.

(b) (1) Local funds provided for appropriations shall be paid in accordance with the expenditure requirements, as certified by the county board, to the treasurer of the county board on a monthly basis.

(2) Appropriations for school construction, permanent improvements, and repairs for special purposes may be required to be paid more frequently on the order

of the president and secretary of the county board to the county commissioners, county council, or the county executive.

(c) (1) Notwithstanding any other provision in this article, this subsection applies to Wicomico County.

(2) The Wicomico County Council annually shall pay to the Wicomico County Board the amount of the budget of the county board that has been approved by the County Council:

(i) In 12 equal monthly installments; or

(ii) At the times on which the County Council and county board mutually agree.

(3) Taxes levied under this section shall be retained by the county and any annual deficiencies in the tax are the responsibility of Wicomico County.

(d) (1) Notwithstanding any provision of a county charter that places a limit on that county's property tax rate or revenues and subject to paragraph (2) of this subsection, a county governing body may set a property tax rate that is higher than the rate authorized under the county's charter or collect more property tax revenues than the revenues authorized under the county's charter for the sole purpose of funding the approved budget of the county board.

(2) If the county governing body sets a county property tax rate that is greater than the rate authorized under the county's charter or collects more property tax revenues than the revenues authorized under the county's charter, the county:

(i) May not reduce funding provided to the county board from any other local revenue source below the funding level in the current county budget; and

(ii) Shall appropriate to the county board all property tax revenues exceeding the amount that would have been available if the county charter limitation had applied.

(3) On or before December 31 of any year in which a county sets a property tax rate as provided in this subsection, the county shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, on the property tax rate set, the additional amount of revenues generated, and the appropriation of the additional revenues.

§5–105.

(a) All revenues received by a county board shall be spent by the board in accordance with the major categories of its annual budget as provided under § 5-101 of this subtitle.

(b) (1) (i) A transfer may be made within the major categories without recourse to the county commissioners or county council except that a report of the transfer shall be submitted to the county commissioners or county council within 15 days after the end of each month.

(ii) A report under subparagraph (i) of this paragraph shall include a narrative summary that clearly indicates each transfer.

(2) A transfer between major categories shall be made only with the approval of the county commissioners or county council.

(3) If the county commissioners or county council fail to take action on a request for transfer between major categories within 30 days after the receipt of a written request substantiating the transfer, the failure to take action constitutes approval.

(4) A county board shall submit to the county governing body a report within 15 days after the end of each month if during that month the county board takes any action that would commit the county board to spend more for the current fiscal year in any major category than the amount approved in the annual budget for that category.

(5) A report under paragraph (4) of this subsection shall include a narrative explanation of the action taken, indicating any request for transfer between categories that may become necessary for the fiscal year as a result of the action.

(c) Except as provided in subsection (d) of this section, nonlocal funds received by a county board after the adoption of the annual budget by the county fiscal authority may be spent by the county board if the county fiscal authority is notified and approves of:

(1) The source and amount of the funds; and

(2) The manner of spending the funds.

(d) (1) Funds received by the county board under § 2–608(a)(1) of the Tax – General Article after the adoption of the annual budget by the county fiscal authority may be spent by the county board after approval by the county fiscal authority under paragraph (2) of this subsection.

(2) The county fiscal authority shall approve the amount of funds received by the county board under § 2–608(a)(1) of the Tax – General Article within 30 days after the Comptroller makes the distribution to the county board.

(3) If the county fiscal authority fails to take action within 30 days after the distribution by the Comptroller, the failure to take action constitutes approval.

§5–106.

On or before November 1 and March 1 of each fiscal year, the Anne Arundel County Board shall submit to the Anne Arundel County Council, and the Baltimore City Board of School Commissioners shall submit to the Mayor and City Council of Baltimore a report detailing all expenditures within the major categories of its annual budget. The report also shall detail any action of the county board that would commit the county board to spend more in any major category in the annual budget for the current fiscal year than the amount approved in the annual budget for that category.

§5–107.

(a) If the county commissioners or county council does not appropriate the amount requested by the county board for capital projects, it shall indicate in writing which projects have been reduced, deferred, or eliminated and the reason for the reduction, deferral, or elimination.

(b) (1) The expenditure for school building construction shall be made in accordance with the cost approved by the county commissioners or county council for each project.

(2) A transfer between major categories or of unexpended project balances is subject to the approval of the county commissioners or county council.

(3) If the county commissioners or county council does not take action on a transfer within 30 days after the receipt of a written request substantiating the transfer, the failure to take action constitutes approval.

§5–109.

(a) (1) Each county board shall provide for an annual audit of its financial transactions and accounts.

(2) At the request of the Department, a county board shall conduct an audit under § 5–203 of this title.

(b) (1) The audit shall be made by a certified public accountant or a partnership of certified public accountants who are:

(i) Licensed by the State Board of Public Accountancy; and

(ii) Approved by the State Superintendent.

(2) The audit shall be made in accordance with the standards and regulations adopted by the State Board.

(c) (1) The results of the audit, including the letter of recommendation submitted by the auditor, are a matter of public record.

(2) The results shall be reported within 3 months after the close of the fiscal year for the county board on the form and in the manner required by the State Board to:

(i) The State Superintendent;

(ii) The county fiscal authority;

(iii) The Joint Audit Committee of the General Assembly;

(iv) The Senate Budget and Taxation Committee;

(v) The Senate Education, Health, and Environmental Affairs Committee;

(vi) The House Appropriations Committee; and

(vii) The House Committee on Ways and Means.

(d) In addition to the audit required by this section, the county commissioners or county council may conduct an audit using auditors employed by the county.

§5–110.

(a) In this section, "performance audit" means an assessment of an entity's or program's practices to determine whether the entity or program is operating economically and efficiently and whether corrective actions for improving its performance are appropriate.

(b) In the absence of an agreement between a county governing body and a county school board, the Department at the request of the county governing body shall contract for a performance audit of the county public school system to address the issues raised in the county's request.

(c) The Department shall make reasonable efforts to ensure that a performance audit under this section is completed and the results of the audit are made available to the county board in time to be considered by the county board in the preparation of its budget for the next fiscal year.

(d) The cost of a performance audit under this section shall be shared equally between the county governing body and the county board.

(e) A performance audit for which the Department contracted under subsection (b) of this section:

(1) Shall be conducted in accordance with generally accepted government auditing standards; and

(2) May not include an assessment or evaluation of a county board's efforts

to meet the standards of the Maryland School Performance Program.

(f) Nothing in this section prevents a county governing body and a county school board from making an agreement to perform or contract for a performance audit of school board functions, including an agreement involving the scope of the performance audit or the responsibility for the funding of the performance audit.

§5–111.

(a) (1) Each county board shall make the reports required by the State Board and by the State Superintendent.

(2) The reports shall be made at the time, include the items, and be on the forms required by the State Board and by the State Superintendent.

(b) (1) Each county board shall prepare, publish, and make available to interested parties an annual report on the condition, current accomplishments, and needs for improvement of the schools as well as a statement of the business and financial transactions of the county board.

(2) This report shall be published before the end of the calendar year.

(c) The public schools of each county shall use a uniform method, as required by the county superintendent, for reporting the receipts, expenditures, and balances of the operations and activities conducted by the public schools.

(d) (1) At the request of the county governing body made in writing at least 30 days before the reporting deadline, the county board or superintendent shall report to the county governing body on or before November 1 and March 1 of each fiscal year on the school system's operations, including any adjustment made to the approved annual budget.

(2) A report under this subsection shall be made available to all interested persons.

(e) (1) At the request of the county board made in writing at least 30 days before the reporting deadline the county governing body shall report to the county board on or before November 1 and March 1 of each fiscal year on the county's fiscal status for the immediate fiscal year and the subsequent fiscal year.

(2) A report under this subsection shall be made available to all interested persons.

§5–112.

(a) This section does not apply to:

(1) Contracts for the purchase of books and other materials of instruction

as defined in the State Department of Education Financial Reporting Manual;

(2) Emergency repairs; and

(3) Except as provided in subsection (e) of this section, a county board's participation in contracts for goods or commodities that are awarded by other public agencies or by intergovernmental purchasing organizations if the lead agency for the contract follows public bidding procedures.

(b) (1) Except as provided in paragraph (2) of this subsection, if the cost of any school building, improvement, supplies, or equipment is more than $25,000, the county board, at least 2 weeks before bids are to be filed, shall advertise for bids in a medium accessible to the general public, which includes:

(i) A newspaper of general circulation in the region;

(ii) The Maryland Contract Weekly or comparable State publication; or

(iii) An electronic posting on a bid board and physical posting on the local school system bid board.

(2) If the amount specified in paragraph (1) of this subsection differs from the amount in § 13–109(a) of the State Finance and Procurement Article, the amount in § 13–109(a) of the State Finance and Procurement Article shall apply under paragraph (1) of this subsection.

(3) (i) The county board shall draft specifications that provide a clear and accurate description of the functional characteristics or the nature of an item to be procured, without modifying the county board's requirements.

(ii) The specifications may:

1. Include a statement of any of the county board's requirements; and

2. Provide for the submission of samples, inspection, or testing of the item before procurement.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, specifications that use one or more manufacturer's product to describe the standard of quality, performance, or other characteristics needed to meet the county board's requirements, must allow for the submission of equivalent products.

(ii) Subparagraph (i) of this paragraph does not apply if the county board determines in the written specification that:

1. A particular manufacturer's product is required to maintain

compatibility of service or equipment;

2. A particular manufacturer's product is required to meet the health needs of students;

3. Replacement parts or maintenance are a paramount consideration; or

4. A product is purchased for resale.

(c) (1) A contract for the school building, improvements, supplies, or other equipment shall be awarded to the lowest responsible bidder who conforms to specifications with consideration given to:

(i) The quantities involved;

(ii) The time required for delivery;

(iii) The purpose for which required;

(iv) The competency and responsibility of the bidder;

(v) The ability of the bidder to perform satisfactory service; and

(vi) The plan for utilization of minority contractors.

(2) The county board may reject any and all bids and readvertise for other bids.

(d) (1) In this subsection, the term "minority business enterprise" has the meaning stated in § 14–301 of the State Finance and Procurement Article.

(2) In Montgomery County, by resolution and by implementing regulations, the Montgomery County Board of Education shall establish a minority business utilization program to facilitate the participation of responsible certified minority business enterprises in contracts awarded by the Montgomery County Board of Education in accordance with competitive bidding procedures.

(e) (1) (i) In this subsection, "green product cleaning supplies" means environmentally preferable cleaning and cleaning maintenance products and supplies intended for routine cleaning and cleaning maintenance that perform well and that have positive health and environmental attributes, including:

1. Biodegradability;

2. Low toxicity;

3. Low volatile organic compound content;

4. Reduced packaging;

5. Low life cycle energy use; and

6. Lesser or reduced effects on human health and the environment when compared to competing products that serve the same purpose.

(ii) "Green product cleaning supplies" includes:

1. General purpose cleaners;

2. Bathroom cleaners;

3. Carpet cleaners;

4. Glass cleaners;

5. Floor cleaners, floor finishes, and floor strippers;

6. Wall cleaners;

7. Desk cleaners;

8. Surface cleaners;

9. Window cleaners;

10. Whiteboard cleaners; and

11. Soap.

(iii) "Green product cleaning supplies" does not include:

1. Room deodorizers;

2. Air fresheners;

3. Toilet deodorizers; or

4. Hand cleaners.

(2) (i) Subject to subsection (f) of this section, to the extent practicable, and economically feasible, a county board shall procure green product cleaning supplies for use in its schools.

(ii) In accordance with subsection (b)(3) of this section, a county board shall draft specifications that provide a clear and accurate description of the functional characteristics or nature of the green product cleaning supplies that are to be procured.

(iii) The specifications drafted by a county board under subparagraph (ii) of this paragraph:

1. May not preclude the use when necessary of a disinfectant, disinfecting cleaner, sanitizer, or other antimicrobial product regulated by the Federal Insecticide, Fungicide, and Rodenticide Act under 7 U.S.C. § 136 et seq.; and

2. Shall allow for multiple avenues to obtain green product cleaning supplies certification, including:

A. Green Seal, Green Label, Environmental Choice, TerraChoice, or Ecologo; and

B. Any other nationally recognized independent third–party entity that certifies environmentally preferable products that the county board determines to be appropriate.

(3) (i) Except as provided in paragraph (2)(i) of this subsection, on or before July 1, 2013, a county board shall adopt written policies for the procurement of green product cleaning supplies for use in its schools.

(ii) The written policies shall:

1. Require the use of green product cleaning supplies;

2. On or before July 1, 2014, establish guidelines for purchasing green product cleaning supplies that meet the certification requirements of any established and nationally recognized independent third–party entity that certifies environmentally preferable products and adheres to consensus standards for lesser or reduced effects on human health and the environment when compared to competing products that serve the same purpose;

3. Establish green cleaning practices, including storage, application, frequency of use, and disposal of the supplies to ensure that the occupants of a school building do not suffer any adverse health effects as the result of these practices; and

4. Require staff training on implementing the policy.

(f) On or before June 30 each year, a county board that does not procure green product cleaning supplies for use in its schools because doing so is not practicable or economically feasible shall provide annual written notice of this fact to the Department.

(g) Nonpublic schools may participate under any contracts for goods or commodities that are awarded by county boards, other public agencies, or intergovernmental purchasing organizations, if the lead agency for the contract award follows public bidding procedures.

(h) A contract entered into or purchase made in violation of this section is void.

§5–113.

(a) A county governing body may notify the Department that a local board has not complied with one or more reporting requirements under this subtitle or one of the expenditure limitations of § 5-105 of this subtitle.

(b) The Department shall investigate a complaint filed under this section. If the State Superintendent determines, after taking into account aggravating and mitigating circumstances, that a violation has occurred without reasonable justification, for the next fiscal year following the final determination of a violation, the county board may not make a category expenditure, as defined by the Maryland Board of Education reporting manual, in excess of the category expenditure in the operating budget approved by the county governing body without the prior approval of the county governing body. If the county governing body fails to take action on a request for approval within 30 days after the receipt of a written request, the failure to take action constitutes approval.

§5–114.

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

(2) "Deficit" means a negative fund balance in the General Fund at the end of the fiscal year.

(3) "Structural deficit" means a projected negative fund balance in the General Fund that requires the transfer of reserve funds in order to avoid a deficit.

(b) The State Superintendent and the Department shall monitor the financial status of each local school system.

(c) If a local school system does not file the annual audit results in a timely manner with the State Superintendent as required by § 5–109 of this subtitle, the State Superintendent shall:

(1) Immediately notify:

(i) The Department of Legislative Services;

(ii) The county governing body; and

(iii) The local board and local superintendent or chief executive officer of the local school system; and

(2) Order that the audit report be filed within 10 days.

(d) (1) A local school system may not carry a deficit as reported in the annual

audit under § 5–109 of this subtitle.

(2) If a local school system has a deficit, the State Superintendent shall immediately notify the Governor, the General Assembly, the Department of Legislative Services, and county governing body and shall require the local school system to:

(i) Develop and submit for approval a corrective action cost containment plan within 15 days;

(ii) File monthly status reports with the State Superintendent and county governing body demonstrating actions taken to close the deficit and the effect of the actions taken on the deficit; and

(iii) Include information on the corrective action cost containment plan, actions taken to close the deficit, and status of the deficit in the annual audit under § 5–109 of this subtitle filed with the State Superintendent and county governing body.

(3) (i) If a local school system has a structural deficit and transfers reserve funds into the General Fund in order to avoid a deficit, the local school system immediately shall notify the Governor, the General Assembly, the State Superintendent, the Department of Legislative Services, and the county governing body.

(ii) The State Superintendent shall require a local school system described in subparagraph (i) of this paragraph to submit a corrective action cost containment plan within 15 days and file monthly status reports with the State Superintendent and county governing body demonstrating actions taken to eliminate the structural deficit, the effect of the actions taken on the structural deficit, and a schedule to repay the reserve fund.

(4) The State Superintendent shall include information on any local school system deficit or structural deficit, corrective action cost containment plan, actions taken to close a local school system deficit or structural deficit, and status of any local school system deficit or structural deficit in a quarterly report to the Governor and the General Assembly, in accordance with § 2–1246 of the State Government Article.

(5) If a local school system has a deficit or structural deficit:

(i) The Office of Legislative Audits may request any financial information pertaining to the deficit or structural deficit and the corrective action cost containment plan; and

(ii) The local superintendent or chief executive officer of a local school system shall provide the requested information.

(e) If a local school system fails to comply with the requirements of this section, the State Superintendent, with the approval of the State Board of Education, shall

notify the State Comptroller, who shall withhold 10% of the next installment and each subsequent installment due the local school system from the General State School Fund until the State Superintendent notifies the Comptroller that the local school system is in full compliance with the requirements of this section.

§5–115.

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

(2) (i) "Payee" means any party who receives from the Montgomery County Board of Education an aggregate payment of $25,000 in a fiscal year.

(ii) "Payee" does not include:

1. A Montgomery County public school employee with respect to the employee's compensation; or

2. A Montgomery County public school retiree with respect to the retiree's retirement allowance.

(3) "Searchable Web site" means a Web site created in accordance with this section that displays and searches payment data of the Montgomery County Board of Education.

(b) On or before January 1, 2011, the Montgomery County Board of Education shall develop and operate a single searchable Web site accessible to the public at no cost through the Internet.

(c) The searchable Web site shall contain Montgomery County Board of Education payment data including:

(1) The name of a payee receiving a payment;

(2) The location of a payee by postal zip code; and

(3) The amount of a payment.

(d) The searchable Web site shall allow the user to:

(1) Search data for fiscal year 2010 and each year thereafter; and

(2) Search by the following data fields:

(i) A payee receiving a payment; and

(ii) The zip code of a payee receiving a payment.

(e) This section may not be construed to require the disclosure of information that is confidential under federal, State, or local law.

(f) This section shall be known and may be cited as the "Montgomery County Public Schools Funding Accountability and Transparency Act".

§5–116.

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

(2) (i) "Payee" means any party who receives from the Howard County Board of Education an aggregate payment of $25,000 in a fiscal year.

(ii) "Payee" does not include:

1. A Howard County public school employee with respect to the employee's compensation; or

2. A Howard County public school retiree with respect to the retiree's retirement allowance.

(3) "Searchable Web site" means a Web site created in accordance with this section that displays and searches payment data of the Howard County Board of Education.

(b) On or before January 1, 2012, the Howard County Board of Education shall develop and operate a single searchable Web site accessible to the public at no cost through the Internet.

(c) The searchable Web site shall contain Howard County Board of Education payment data including:

(1) The name of a payee receiving a payment;

(2) The location of a payee by zip code; and

(3) The amount of a payment.

(d) The searchable Web site shall allow the user to:

(1) Search data for fiscal year 2011 and each year thereafter; and

(2) Search by the following data fields:

(i) A payee receiving a payment; and

(ii) The zip code of a payee receiving a payment.

(e) This section may not be construed to require the disclosure of information that is confidential under federal, State, or local law.

(f) This section shall be known and may be cited as the "Howard County Public

Schools Funding Accountability and Transparency Act".

§5–117.

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

(2) (i) "Payee" means any party who receives from the Baltimore County Board of Education an aggregate payment of $25,000 in a fiscal year.

(ii) "Payee" does not include:

1. A Baltimore County public school employee with respect to the employee's compensation;

2. A Baltimore County public school retiree with respect to the retiree's retirement allowance; or

3. A third party payee that accepts employee payroll–related payments including:

A. Recurring payments for payroll taxes;

B. Employee payroll deductions; and

C. Investment–related activities relating to fund balances.

(3) "Searchable Web site" means a Web site created in accordance with this section that displays and searches payment data of the Baltimore County Board of Education.

(b) On or before January 1, 2013, the Baltimore County Board of Education shall develop and operate a single searchable Web site accessible to the public at no cost through the Internet.

(c) The searchable Web site shall contain Baltimore County Board of Education payment data including:

(1) The name of a payee receiving a payment;

(2) The location of a payee by zip code;

(3) The amount of a payment made to the payee during the applicable fiscal year;

(4) The purpose for the payment; and

(5) Whether the payee is a minority business enterprise.

(d) The searchable Web site shall allow the user to:

(1) Search data for fiscal year 2012 and each year thereafter; and

(2) Search by the following data fields:

(i) A payee receiving a payment; and

(ii) The zip code of a payee receiving a payment.

(e) This section may not be construed to require the disclosure of information that is confidential under federal, State, or local law.

(f) This section shall be known and may be cited as the "Baltimore County Public Schools Funding Accountability and Transparency Act".

§5–118.

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

(2) (i) "Payee" means any party who receives from the Prince George's County Board of Education an aggregate payment of $25,000 in a fiscal year.

(ii) "Payee" does not include:

1. A Prince George's County public school employee with respect to the employee's compensation; or

2. A Prince George's County public school retiree with respect to the retiree's retirement allowance.

(3) "Searchable Web site" means a Web site created in accordance with this section that displays and searches payment and budget data of the Prince George's County Board of Education.

(b) On or before January 1, 2013, the Prince George's County Board of Education shall develop and operate a single searchable Web site accessible to the public at no cost through the Internet.

(c) The searchable Web site shall contain Prince George's County Board of Education annual data including:

(1) The name of a payee receiving a payment;

(2) The location of a payee by zip code;

(3) The amount of a payment; and

(4) The budget data prepared under § 5–101 of this subtitle.

(d) The searchable Web site shall allow the user to:

(1) Search data for fiscal year 2012 and each fiscal year thereafter; and

(2) Search by the following data fields:

(i) A payee receiving a payment;

(ii) The zip code of a payee receiving a payment; and

(iii) Individual schools.

(e) This section may not be construed to require the disclosure of information that is confidential under federal, State, or local law.

(f) This section shall be known and may be cited as the "Prince George's County Public Schools Funding Accountability and Transparency Act".

§5–119.

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

(2) (i) "Payee" means any party who receives from the Anne Arundel County Board of Education an aggregate payment of $25,000 in a fiscal year.

(ii) "Payee" does not include:

1. An Anne Arundel County public school employee with respect to the employee's compensation; or

2. An Anne Arundel County public school retiree with respect to the retiree's retirement allowance.

(3) "Searchable Web site" means a Web site created in accordance with this section that displays and searches payment data of the Anne Arundel County Board of Education.

(b) On or before January 1, 2017, the Anne Arundel County Board of Education shall develop and operate a single searchable Web site accessible to the public at no cost through the Internet.

(c) The searchable Web site shall contain Anne Arundel County Board of Education payment data including:

(1) The name of a payee receiving a payment;

(2) The location of a payee by zip code; and

(3) The amount of a payment.

(d) The searchable Web site shall allow the user to:

(1) Search data for fiscal year 2016 and each year thereafter; and

(2) Search by the following data fields:

(i) A payee receiving a payment; and

(ii) The zip code of a payee receiving a payment.

(e) The Board shall post in a timely manner on the searchable Web site the payment data required under this section.

(f) This section may not be construed to require the disclosure of information that is confidential under federal, State, or local law.

(g) This section shall be known and may be cited as the "Anne Arundel County Public Schools Funding Accountability and Transparency Act".

§5–201.

(a) Except for money appropriated for the purposes of § 5-301(b) through (j) of this title, all money appropriated by the General Assembly to aid in support of public schools constitutes the General State School Fund.

(b) Money in the General State School Fund may be appropriated by the General Assembly to the Annuity Bond Fund, as provided in the State budget, and shall be used for principal and interest payments on State debt incurred for public school construction or public school capital improvements.

(c) The State Comptroller shall charge against and, as provided in this section, pay from the General State School Fund the following annual appropriations for:

(1) The support of the Department, including the expenses of the State Board and the support and expenses of the office of the State Superintendent;

(2) The Maryland Teachers' Retirement System;

(3) The education of disabled children;

(4) Subsidized or free feeding programs;

(5) The administration and supervision of career and technology education in public high schools and career and technology centers;

(6) Physical education and recreation;

(7) Case and guidance service for individuals with disabilities who need vocational rehabilitation;

(8) Equivalence examinations;

(9) Public libraries;

(10) Adult education;

(11) The State share of the foundation program as provided in § 5-202 of this subtitle;

(12) Student transportation, as provided in § 5-205 of this subtitle;

(13) The school building construction aid as provided in § 5-301(c) of this title;

(14) The State funding for compensatory education under § 5-207 of this subtitle;

(15) The State funding for students with limited English proficiency under § 5-208 of this subtitle;

(16) The State funding for special education under § 5-209 of this subtitle; and

(17) The Guaranteed Tax Base program under § 5-210 of this subtitle.

(d) Except as provided in this section, the Comptroller may not charge against and pay from the General State School Fund any appropriations made to accomplish the purposes of § 5-301(a), (b), or (d) of this title.

(e) (1) For the purposes of calculating the local share of the foundation program under § 5-202 of this subtitle and regardless of the source of the funds, all funds that a county board or the Mayor and City Council of Baltimore City are authorized to expend for schools may be considered as levied by the county council, board of county commissioners, or the Mayor and City Council of Baltimore except for:

(i) State appropriations;

(ii) Federal education aid payments; and

(iii) The amount of the expenditure authorized for debt service and capital outlay.

(2) Except as provided in this section, these appropriations to a county, academy, college, or university may not be paid from the General State School Fund.

§5–202.

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

(2) "Annual per pupil foundation amount" means:

(i) For fiscal years 2004 through 2008, the sum, rounded to the nearest dollar, of:

1. The fiscal year 2002 per pupil foundation amount of $4,124; and

2. The product of the difference between the target per pupil foundation amount and $4,124 and:

A. 0.40 in fiscal year 2004;

B. 0.52 in fiscal year 2005;

C. 0.71 in fiscal year 2006; and

D. 0.83 in fiscal year 2007; and

(ii) For fiscal year 2008 and each fiscal year thereafter, the target per pupil foundation amount.

(3) "Assessed valuation of real property" means the most recent estimate made by the State Department of Assessments and Taxation before the annual State budget is submitted to the General Assembly, of the assessed value of real property for State purposes as of July 1 of the first completed fiscal year before the school year for which the calculation of State aid is made under this section.

(4) "Assessed value of personal property" means the most recent estimate by the State Department of Assessments and Taxation before the annual State budget is submitted to the General Assembly of the assessed value for county purposes of personal property as of July 1 of the first completed fiscal year before the school year for which the calculation is made under this section.

(5) "Foundation program" means the product of the annual per pupil foundation amount and a county's full–time equivalent enrollment.

(6) "Full–time equivalent enrollment" means the sum of:

(i) The number of students enrolled in grades 1 through 12 or their equivalent in regular day school programs on September 30 of the previous school year;

(ii) Except as provided in item (iii) of this paragraph, the product of the number of students enrolled in kindergarten programs on September 30 of the prior school year and:

1. 0.60 in fiscal year 2004;

2. 0.70 in fiscal year 2005;

3. 0.80 in fiscal year 2006;

4. 0.90 in fiscal year 2007; and

5. 1.00 in fiscal year 2008 and each fiscal year thereafter;

(iii) In Garrett County, the number of students enrolled in kindergarten programs on September 30 of the prior school year; and

(iv) The number of full–time equivalent students, as determined by a regulation of the Department, enrolled in evening high school programs during the previous school year.

(7) "Local contribution rate" means the figure that is calculated as follows:

(i) Multiply the statewide full–time equivalent enrollment by $624, and multiply this product by:

1. 0.46 in fiscal year 2004;

2. 0.47 in fiscal year 2005;

3. 0.48 in fiscal year 2006;

4. 0.49 in fiscal year 2007; and

5. 0.50 in fiscal year 2008 and each fiscal year thereafter;

(ii) Multiply the statewide full–time equivalent enrollment by the amount that the annual per pupil foundation amount exceeds $624, and multiply this product by 0.50;

(iii) Add the two products calculated in items (i) and (ii) of this paragraph, and divide the resulting sum by the sum of the wealth of all of the counties in this State; and

(iv) Round the result obtained in item (iii) of this paragraph to seven decimal places and express as a percent with five decimal places.

(8) "Local share of the foundation program" means the product of the local contribution rate and a county's wealth.

(9) "Net taxable income" means the amount certified by the State Comptroller for the second completed calendar year before the school year for which the calculation of State aid under this section is made, based on tax returns filed on or before:

(i) September 1 after the current calendar year; and

(ii) November 1 after the current calendar year.

(10) "Personal property" means all property classified as personal property under § 8–101(c) of the Tax – Property Article.

(11) "Real property" means all property classified as real property under § 8–101(b) of the Tax – Property Article.

(12) "State share of the foundation program" means the greater of:

(i) The difference between the foundation program and the local share of the foundation program; and

(ii) The result obtained by multiplying the annual per pupil foundation amount by the county's full–time equivalent enrollment, and multiplying this product by:

1. 0.25 in fiscal year 2004;

2. 0.24 in fiscal year 2005;

3. 0.22 in fiscal year 2006;

4. 0.19 in fiscal year 2007; and

5. 0.15 in fiscal year 2008 and each fiscal year thereafter.

(13) "Target per pupil foundation amount" means:

(i) In fiscal years 2008, 2009, and 2010, $6,694;

(ii) Except as provided in items (iii) and (iv) of this paragraph, in subsequent fiscal years:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for All Urban Consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year; or

C. 5%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for All Urban Consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year, the target per pupil foundation amount for the prior fiscal year;

(iii) In fiscal year 2012, $6,694; and

(iv) In each of fiscal years 2013 through 2015:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for All Urban Consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year; or

C. 1%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for All Urban Consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year, the target per pupil foundation amount for the prior fiscal year.

(14) "Wealth" means the sum of:

(i) Net taxable income;

(ii) 100 percent of the assessed value of the operating real property of public utilities;

(iii) 40 percent of the assessed valuation of all other real property; and

(iv) 50 percent of assessed value of personal property.

(b) Subject to the other provisions of this section, each year the State shall distribute the State share of the foundation program to each county board.

(c) Repealed.

(d) (1) (i) Subject to § 5–213.1 of this subtitle, the county governing body shall levy and appropriate an annual tax sufficient to provide an amount of revenue for elementary and secondary public education purposes equal to the local share of the foundation program.

(ii) 1. Except as provided in subsubparagraph 2 of this subparagraph and subject to § 5–213 of this subtitle, the county governing body shall appropriate local funds to the school operating budget in an amount no less than the product of the county's full–time equivalent enrollment for the current fiscal year and

the local appropriation on a per pupil basis for the prior fiscal year.

2. Except as provided in paragraph (3)(ii) of this subsection and subject to subparagraph (iii) of this paragraph, in each fiscal year if a county's education effort, as defined in paragraph (10) of this subsection, is below 100% of the statewide 5–year moving average of education effort, the required maintenance of effort amount for the county shall be adjusted by increasing the per pupil amount by the lesser of:

A. A county's increase in the local wealth per pupil;

B. The statewide average increase in local wealth per pupil; or

C. 2.5%.

(iii) The calculation of local wealth for the purposes of paragraphs (1) and (10) of this subsection shall use the amount certified for net taxable income under subsection (k)(2)(ii) of this section based on tax returns filed on or before:

1. For fiscal years 2015 through 2017, September 1; and

2. For fiscal year 2018 and each fiscal year thereafter, November 1.

(2) Except as provided in paragraph (3)(i) of this subsection, for purposes of this subsection, the local appropriation on a per pupil basis for the prior fiscal year for a county is derived by dividing the county's highest local appropriation to its school operating budget for the prior fiscal year by the county's full–time equivalent enrollment for the prior fiscal year. For example, the calculation of the foundation aid for fiscal year 2003 shall be based on the highest local appropriation for the school operating budget for a county for fiscal year 2002. Program shifts between a county operating budget and a county school operating budget may not be used to artificially satisfy the requirements of this paragraph.

(3) (i) For purposes of this subsection, for fiscal year 1997 and each subsequent fiscal year, the calculation of the county's highest local appropriation to its school operating budget for the prior fiscal year shall exclude:

1. A nonrecurring cost that is supplemental to the regular school operating budget, if the exclusion qualifies under regulations adopted by the State Board;

2. A cost of a program that has been shifted from the county school operating budget to the county operating budget;

3. The cost of debt service incurred for school construction projects; and

4. For a county that shifts the recurring costs associated with providing retiree health benefits for current retirees to the county board, any reduction in those retiree health costs from the amount the county was required to appropriate in the previous year.

(ii) For purposes of the adjustment required under paragraph (1)(ii)2 of this subsection, a county that dedicates to public school construction any additional State funds received from recurring retiree health costs shifted to the county board may exclude those retiree health costs from the highest local appropriation on a per pupil basis.

(4) The county board must present satisfactory evidence to the county government that any appropriation under paragraph (3)(i)1 of this subsection is used only for the purpose designated by the county government in its request for approval.

(5) Any appropriation that is not excluded under paragraph (3)(i)1 of this subsection as a qualifying nonrecurring cost shall be included in calculating the county's highest local appropriation to its school operating budget.

(6) Qualifying nonrecurring costs, as defined in regulations adopted by the State Board, shall include but are not limited to:

(i) Computer laboratories;

(ii) Technology enhancement;

(iii) New instructional program start–up costs; and

(iv) Books other than classroom textbooks.

(7) (i) Subject to subparagraph (ii) of this paragraph, if a county's ability to fund the maintenance of effort requirement in paragraph (1)(ii) of this subsection is impeded, the county shall apply under paragraph (8) of this subsection to the State Board for a waiver.

(ii) If a county fails to apply to the State Board for a waiver from the maintenance of effort requirement and fails to meet the maintenance of effort requirement:

1. The county shall be assessed in accordance with § 5–213 of this subtitle; and

2. The minimum appropriation of local funds required under this subsection for the next fiscal year shall be calculated based on the per pupil local appropriation for the prior fiscal year in which the county met the maintenance of effort requirement under paragraph (1)(ii) of this subsection.

(8) (i) The maintenance of effort requirement in paragraph (1)(ii) of this

subsection does not apply to a county if the county requests and is granted a waiver from the requirement by the State Board based on:

1. A determination under this paragraph that the county's fiscal condition significantly impedes the county's ability to fund the maintenance of effort requirement;

2. Subject to paragraph (9) of this subsection, an agreement between the county and the county board to reduce recurring costs; or

3. Subject to paragraph (10) of this subsection, a determination that a county's ability to meet the maintenance of effort requirement is permanently impeded.

(ii) In order to qualify for a waiver for a fiscal year, a county shall make a request for a waiver to the State Board by the earlier of the seventh day following the end of the legislative regular session or April 20 of the prior fiscal year.

(iii) The State Superintendent shall provide a preliminary assessment of a waiver request to the State Board before a public hearing held in accordance with subparagraph (iv) of this paragraph.

(iv) Before acting on a request for a waiver, the State Board shall hold a public hearing in accordance with regulations adopted by the State Board.

(v) Except as provided in paragraph (9) of this subsection, when considering whether to grant a county's waiver request, the State Board shall consider the following factors:

1. External environmental factors such as a loss of a major employer or industry affecting a county or a broad economic downturn affecting more than one county;

2. A county's tax base;

3. Rate of inflation relative to growth of student population in a county;

4. Maintenance of effort requirement relative to a county's statutory ability to raise revenues;

5. A county's history of exceeding the required maintenance of effort amount under paragraph (1)(ii) of this subsection;

6. An agreement between a county and a county board that a waiver should be granted;

7. Significant reductions in State aid to a county and

municipalities of the county for the fiscal year for which a waiver is requested;

8. The number of waivers a county has received in the past 5 years; and

9. The history of compensation adjustments for employees of the county board and county government.

(vi) The State Board shall inform the county whether the waiver for a fiscal year is approved or denied in whole or in part no later than 30 days after receipt of an application or May 20 of the prior fiscal year, whichever is earlier.

(vii) Except as provided in paragraphs (9) and (10) of this subsection, if a county is granted a waiver from the provisions of this subsection by either the State Board or the General Assembly for any fiscal year, the minimum appropriation of local funds required under this subsection for the next fiscal year shall be calculated based on the per pupil local appropriation for the prior fiscal year in which the county met the maintenance of effort requirement under paragraph (1)(ii) of this subsection.

(9) (i) This paragraph applies to a county that requests a waiver under paragraph (8)(i)2 of this subsection.

(ii) 1. The State Board shall grant a waiver request in the amount that has been agreed on by the county and county board that is attributable to reductions in recurring costs.

2. If the reduction in recurring costs includes reductions in personnel or personnel costs, then the State Board shall grant a waiver request in the amount that has been mutually agreed on by the county, county board, and exclusive employee representative.

(iii) The amount of the agreed on waiver may be less than the entire amount of the reduction in recurring costs.

(iv) The amount of the agreed on waiver may not:

1. Exceed the entire amount of the reduction in recurring costs; or

2. Reduce a county's education appropriation below the amount required in paragraph (1)(i) of this subsection.

(v) The minimum appropriation of local funds required under this subsection for the next fiscal year shall be calculated based on the per pupil local appropriation for the current fiscal year approved by the State Board under this paragraph.

(10) (i) In this paragraph the following terms have the meanings

indicated.

1. "Education appropriation" includes any money redirected to a county board under § 5–213 or § 5–213.1 of this subtitle.

2. "Education effort" means a county's education appropriation divided by the county's wealth.

3. "5–year moving average" means the average of the 5 years before the waiver year.

4. "Waiver year" means the fiscal year for which a waiver from the maintenance of effort requirement in paragraph (1)(ii) of this subsection is requested.

(ii) This paragraph applies to a county that has:

1. Received a waiver under paragraph (8)(i)1 of this subsection from the maintenance of effort requirement; and

2. A required county education appropriation under paragraph (1)(ii) of this subsection for the waiver year that exceeds 100% of the statewide 5–year moving average of education effort times a county's local wealth.

(iii) A county that satisfies the requirements under subparagraph (ii) of this paragraph may request a rebasing waiver from the State Board.

(iv) When considering whether to grant a county's waiver request under this paragraph, the State Board shall consider the following factors:

1. Whether a county has submitted sufficient evidence that the factors in paragraph (8)(v) of this subsection will affect a county's ongoing ability to meet the maintenance of effort requirement;

2. Whether a county is at its maximum taxing authority under the law;

3. Whether a county's education appropriation is commensurate with a county's wealth;

4. Whether a county's history of exceeding the required maintenance of effort has made meeting the maintenance of effort requirement in future years unsustainable; and

5. Whether a county has received a rebasing waiver in the past 5 years.

(v) If the State Board grants a rebasing waiver under this paragraph,

the amount of the waiver for any fiscal year is limited to the lesser of:

1. An amount that would result in a county's education effort for the waiver year falling below the level established in subparagraph (ii)2 of this paragraph; or

2. A. For a county with a 5–year moving average for education effort that is less than or equal to 110% of the statewide 5–year moving average of education effort, 1% of the county's required maintenance of effort requirement;

B. For a county with a 5–year moving average for education effort that is more than 110% and less than or equal to 120% of the statewide 5–year moving average of education effort, 2% of the county's required maintenance of effort requirement; or

C. For a county with a 5–year moving average for education effort that is more than 120% of the 5–year moving statewide average of education effort, 3% of the county's required maintenance of effort requirement.

(vi) 1. If the State Board grants a rebasing waiver under this paragraph, the minimum appropriation of local funds required under this subsection for the next fiscal year shall be calculated based on the per pupil local appropriation for the current fiscal year approved by the State Board under this paragraph.

2. If the State Board grants a rebasing waiver to be implemented over a multiyear period, which may not exceed 3 years, in each year the minimum appropriation of local funds required under this subsection for the next fiscal year shall be calculated based on the per pupil local appropriation for the current fiscal year approved by the State Board under this paragraph.

(vii) If the State Board does not grant a waiver under this paragraph, the minimum appropriation of local funds required under this subsection for the next fiscal year shall be calculated based on the per pupil local appropriation for the prior fiscal year in which the county met the maintenance of effort requirement under paragraph (1)(ii) of this subsection.

(viii) Nothing in this paragraph precludes a county from also requesting a waiver from the maintenance of effort requirement under paragraph (9) of this subsection for the same fiscal year as the waiver requested under this paragraph.

(11) In making the calculations required under this subsection, the Department shall consult with the Department of Budget and Management and the Department of Legislative Services.

(12) (i) A county shall submit to the Superintendent the county's approved budget no later than 7 days after approval of the budget or June 30,

whichever is earlier.

(ii) No later than 15 days after receipt of the county's approved budget the Superintendent shall certify whether the county has met the funding requirements established under this subsection and shall notify the county and county board of that certification.

(13) On or before December 31 of each year the Department shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, on all waiver requests, maintenance of effort calculations made by the Department and the county, the Department's decisions regarding waiver requests, the Department's certification of whether a county has met the requirement, and any other information relating to a county's request for a waiver and the Department's maintenance of effort decisions.

(e) (1) In this subsection, "State financial assistance for public education" means the total financial assistance provided by the State to a county board under the following programs:

(i) Funding for the foundation program under this section;

(ii) In fiscal year 2009, 50% of the funding received under the GCEI adjustment grant program under subsection (f) of this section and in fiscal year 2010, 60% of the funding received under the GCEI adjustment grant program under subsection (f) of this section;

(iii) Transportation aid under § 5–205 of this subtitle;

(iv) Funding for compensatory education under § 5–207 of this subtitle;

(v) Funding for students with limited English proficiency under § 5–208 of this subtitle;

(vi) Funding for special education students under § 5–209 of this subtitle;

(vii) Funding for the guaranteed tax base program under § 5–210 of this subtitle;

(viii) 50% of the State payments for retirement contributions for employees of a local school system in accordance with the provisions of Division II of the State Personnel and Pensions Article; and

(ix) Funding for supplemental grants under this subsection.

(2) (i) For fiscal years 2009 and 2010 only, the State shall provide a supplemental grant to a county board that does not receive at least a 1% increase in

State financial assistance for public education over the amount received by the county board in the previous fiscal year.

(ii) The supplemental grant under this paragraph shall be the amount necessary to increase a county board's State financial assistance for public education by 1% over the amount received by the county board in the previous fiscal year.

(3) (i) Subject to subparagraph (ii) of this paragraph, for fiscal year 2011, and each fiscal year thereafter, a county board shall receive a supplemental grant equal to the amount the county board received under paragraph (2) of this subsection in the prior fiscal year.

(ii) A supplemental grant may not be less than zero.

(f) (1) In this subsection, "GCEI adjustment" means the foundation program for each county multiplied by:

(i) 0.000 in Allegany;

(ii) 0.018 in Anne Arundel;

(iii) 0.042 in Baltimore City;

(iv) 0.008 in Baltimore;

(v) 0.021 in Calvert;

(vi) 0.000 in Caroline;

(vii) 0.014 in Carroll;

(viii) 0.000 in Cecil;

(ix) 0.020 in Charles;

(x) 0.000 in Dorchester;

(xi) 0.024 in Frederick;

(xii) 0.000 in Garrett;

(xiii) 0.000 in Harford;

(xiv) 0.015 in Howard;

(xv) 0.010 in Kent;

(xvi) 0.034 in Montgomery;

(xvii) 0.048 in Prince George's;

(xviii) 0.011 in Queen Anne's;

(xix) 0.002 in St. Mary's;

(xx) 0.000 in Somerset;

(xxi) 0.000 in Talbot;

(xxii) 0.000 in Washington;

(xxiii) 0.000 in Wicomico; and

(xxiv) 0.000 in Worcester.

(2) In addition to the State share of the foundation program, each county board shall receive a grant to reflect regional differences in the cost of education that are due to factors outside of the control of the local jurisdiction.

(3) The amount of the grant to each county board under this subsection shall equal the GCEI adjustment for the county board multiplied times:

(i) 0.50 in fiscal year 2006;

(ii) 0.62 in fiscal year 2007;

(iii) 0.74 in fiscal year 2008;

(iv) 0.86 in fiscal year 2009; and

(v) 1.00 in fiscal year 2010 and each fiscal year thereafter.

(g) Any employer Social Security contributions required by federal law for any employee of a county board or local school system shall remain the obligation of the employer.

(h) (1) The Montgomery County Board shall provide from the Montgomery County Public Schools Employees' Pension System Trust the supplemental retirement allowance required under paragraph (2) of this subsection.

(2) (i) The Montgomery County Board, through the Montgomery County Public Schools Employees' Pension System Trust, shall pay a supplemental retirement allowance to an employee of the county board who retires on or after July 1, 1999, as a member of the Teachers' Pension System of the State of Maryland.

(ii) The supplemental retirement allowance shall equal the product of the member's years of creditable service earned in the Montgomery County Public Schools Employees' Pension System times the sum of:

1. 0.08% of the retiree's average final compensation that does not exceed the Social Security integration level; and

2. 0.15% of the retiree's average final compensation that exceeds the Social Security integration level.

(i) (1) In this subsection, "total direct education aid" means the total financial assistance provided by the State to a county board under the following programs:

(i) Funding for the foundation program including funds for the Geographic Cost of Education under this section;

(ii) Transportation aid under § 5–205 of this subtitle;

(iii) Funding for compensatory education under § 5–207 of this subtitle;

(iv) Funding for students with limited English proficiency under § 5–208 of this subtitle;

(v) Funding for special education students under § 5–209 of this subtitle;

(vi) Funding for the guaranteed tax base program under § 5–210 of this subtitle; and

(vii) Funding for grants provided under this subsection.

(2) For fiscal year 2012 only, if a county board's total direct education aid in the current fiscal year is less than the prior fiscal year by more than 6.5%, then the State shall provide a grant to the county board in an amount necessary to ensure that a decrease in total direct education aid is not more than 6.5%.

(3) For fiscal year 2013 only, if a county board's total direct education aid in the current fiscal year is less than the prior fiscal year by more than 5%, then the State shall provide a grant to the county board in an amount necessary to ensure that a decrease in total direct education aid is not more than 5%.

(4) For fiscal year 2014 only, if a county board's total direct education aid in the current fiscal year is less than the prior fiscal year by more than 1%, then the State shall provide a grant to the county board equal to 25% of the decrease in total direct education aid from the prior fiscal year to the current fiscal year.

(5) (i) For fiscal years 2015 through 2017, a county board is eligible for a State grant under this paragraph if a county board's:

1. Full–time equivalent enrollment is less than 5,000;

2. Full–time equivalent enrollment in the current fiscal year is less than the prior fiscal year; and

3. Total direct education aid in the current fiscal year is less than the prior fiscal year by more than 1%.

(ii) The State shall provide a grant to a county board that is eligible under subparagraph (i) of this paragraph.

(iii) The grant shall be equal to 50% of the decrease in total direct education aid from the prior fiscal year to the current fiscal year.

(j) If a final court judgment requires the State to include in the budget bill money to satisfy a judgment against the county board of education, the State may deduct that amount from any other State funds that would otherwise be paid to the county board of education under this subtitle in the following fiscal year.

(k) (1) This subsection applies to education programs that use wealth to calculate State aid formulas under this subtitle.

(2) The Comptroller shall certify annually the amount of net taxable income based on both:

(i) Tax returns filed on or before September 1; and

(ii) Tax returns filed on or before November 1.

(3) For each fiscal year, State aid shall be calculated as follows:

(i) Once using the amount certified for net taxable income under paragraph (2)(i) of this subsection for tax returns filed on or before September 1; and

(ii) Again using the amount certified for net taxable income under paragraph (2)(ii) of this subsection for tax returns filed on or before November 1.

(4) Subject to paragraph (5) of this subsection, the amount of State aid for a county shall be the greater of the two calculations required under paragraph (3) of this subsection.

(5) If the amount of State aid for a county, using the calculation of State aid under paragraph (3)(ii) of this subsection, is the greater of the two calculations under paragraph (3) of this subsection, payment of any increase in State aid resulting from the difference between the two calculations shall be phased in as follows:

(i) For fiscal year 2014, 20 percent of the difference between the two calculations;

(ii) For fiscal year 2015, 40 percent of the difference between the two

calculations;

(iii) For fiscal year 2016, 40 percent of the difference between the two calculations;

(iv) For fiscal year 2017, 60 percent of the difference between the two calculations;

(v) For fiscal year 2018, 80 percent of the difference between the two calculations; and

(vi) For fiscal year 2019, and each fiscal year thereafter, the full amount of the calculation.

§5–205.

(a) The State shall distribute grants as provided under this section to the county boards to provide transportation services for public school students and disabled children for whom transportation is to be provided under § 8-410 of this article. Appropriations for student transportation shall be budgeted in a separate budget category as provided in § 5-101 of this title. If the amount that is appropriated to a county under this section in a fiscal year is more than the actual cost of providing student transportation services in that county, a county board may apply any excess funds to costs of pupil transportation in subsequent years. None of these funds may be paid to or claimed by any subdivision, nor may any of these funds be reverted to any subdivision. A county board may not transfer State revenues from the student transportation category to any other category as a result of this section.

(b) For the purpose of calculating the 2004 base grants for student transportation to county boards, the following amounts shall be used as the fiscal year 2003 base grant amounts:

(1)	Allegany	$2,838,327
(2)	Anne Arundel	$12,716,216
(3)	Baltimore City	$10,303,967
(4)	Baltimore	$15,715,504
(5)	Calvert	$3,294,141
(6)	Caroline	$1,580,176
(7)	Carroll	$5,738,454
(8)	Cecil	$2,997,774
(9)	Charles	$5,813,595

(10) Dorchester $1,465,299

(11) Frederick $6,620,447

(12) Garrett $1,886,605

(13) Harford $7,277,627

(14) Howard $8,460,292

(15) Kent $985,359

(16) Montgomery $18,663,456

(17) Prince George's $21,018,217

(18) Queen Anne's $1,952,856

(19) St. Mary's $3,673,545

(20) Somerset $1,143,107

(21) Talbot $981,334

(22) Washington $3,784,100

(23) Wicomico $3,001,531

(24) Worcester $1,856,978

(c) (1) In this subsection, "full–time equivalent enrollment" has the meaning stated in § 5–202 of this subtitle.

(2) Subject to the limitations under paragraph (3) of this subsection, for fiscal year 2004 and every year thereafter the amount of a county's base grant for student transportation shall be equal to the amount of the county's base grant for student transportation for the previous year increased by the same percentage as the increase in the private transportation category of the Consumer Price Index for all urban consumers, for the Washington–Baltimore metropolitan area, as of July of the fiscal year preceding the year for which the amount is being calculated, plus an additional amount equal to the product of:

(i) The total amount of funds distributed by the State as base grants for student transportation for the previous fiscal year divided by the statewide full–time equivalent enrollment for the previous fiscal year; and

(ii) The difference between the full–time equivalent enrollment in a county for the current fiscal year and the full–time equivalent enrollment in the county for the previous fiscal year, or, if the full–time equivalent enrollment in a county for

the current fiscal year is less than the full–time equivalent enrollment in the county for the previous fiscal year, zero.

(3) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, the increase in the amount of a base grant for student transportation that is based on the increase in the private transportation category of the Consumer Price Index may not be less than 1 percent nor more than 8 percent of the amount of the grant for the previous year.

(ii) For fiscal year 2011, the increase in the amount of a base grant for student transportation that is based on the increase in the private transportation category of the Consumer Price Index shall be 1 percent of the amount of the grant for the previous year.

(iii) For each of fiscal years 2012 through 2015, the increase in the amount of a base grant for student transportation that is based on the increase in the private transportation category of the Consumer Price Index may not be more than 1 percent of the amount of the grant for the previous year.

(d) For each fiscal year, in addition to the base grant for student transportation provided under subsection (c) of this section, a disabled student transportation grant shall be distributed to each county board. The amount of the grant to each board shall be equal to the product of the number of disabled students requiring special transportation services who are transported by the county board in the previous fiscal year and:

(1) $600 in fiscal year 2004;

(2) $700 in fiscal year 2005;

(3) $800 in fiscal year 2006;

(4) $900 in fiscal year 2007; and

(5) $1,000 in fiscal year 2008 and each fiscal year thereafter.

(e) For the purposes of determining the amount of the grant provided under subsection (d) of this section, the State Board shall develop a procedure and adopt regulations for determining the number of disabled students transported in each jurisdiction in the previous fiscal year.

(f) The State Board shall adopt rules and regulations that provide for the safe operation of the student transportation system of each county board of education.

§5–206.

(a) Repealed.

(b) Repealed.

(c) Repealed.

(d) Repealed.

(e) Repealed.

(f) (1) In fiscal year 2006 and in each fiscal year thereafter, the State shall distribute grants from an appropriation in the State budget or general obligation bonds to county boards under the Aging Schools Program administered by the Interagency Committee on School Construction in amounts equal to the funding level calculated under paragraph (2) of this subsection.

(2) In fiscal year 2013 and in each fiscal year thereafter, the funding level for a county is the following amounts for the following counties:

(i) Allegany County $97,791;

(ii) Anne Arundel County $506,038;

(iii) Baltimore City $1,387,924;

(iv) Baltimore County $874,227;

(v) Calvert County $38,292;

(vi) Caroline County $50,074;

(vii) Carroll County $137,261;

(viii) Cecil County $96,024;

(ix) Charles County $50,074;

(x) Dorchester County $38,292;

(xi) Frederick County $182,622;

(xii) Garrett County $38,292;

(xiii) Harford County $217,379;

(xiv) Howard County $87,776;

(xv) Kent County $38,292;

(xvi) Montgomery County $602,651;

(xvii) Prince George's County $1,209,426;

(xviii) Queen Anne's County $50,074;

(xix) St. Mary's County $50,074;

(xx) Somerset County $38,292;

(xxi) Talbot County $38,292;

(xxii) Washington County $134,904;

(xxiii) Wicomico County ..... $106,627; and

(xxiv) Worcester County ..... $38,292.

§5–207.

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

(2) "Aggregate State funding level for the compensatory education formula" means the product of the compensatory education per pupil amount and the statewide compensatory education enrollment count.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, "compensatory education enrollment count" means the number of students eligible for free or reduced price meals for the prior fiscal year.

(ii) For fiscal years 2017 and 2018, "compensatory education enrollment count" means:

1. The number of students eligible for free or reduced price meals for the prior fiscal year; or

2. For county boards that participate, in whole or in part, in the United States Department of Agriculture community eligibility provision, the number of students equal to the greater of:

A. The sum of the number of students in participating schools identified by direct certification for the prior fiscal year, plus the number of students identified by the income information provided by the family to the school system on an alternative form developed by the Department for the prior fiscal year, plus the number of students eligible for free and reduced price meals from any schools not participating in the community eligibility provision for the prior fiscal year; or

B. Subject to subparagraph (iii) of this paragraph, the number of students eligible for free and reduced price meals at schools not participating in the community eligibility provision for the prior fiscal year, plus the product of the percentage of students eligible for free and reduced price meals at participating schools for the fiscal year prior to opting into the community eligibility provision multiplied by

the prior fiscal year enrollment.

(iii) For the purpose of the calculation under subparagraph (ii)2B of this paragraph, the schools participating in the community eligibility provision during the pilot year may use the percentage of students identified for free and reduced price meals during the pilot year.

(4) "Compensatory education per pupil amount" means 97% of the annual per pupil foundation amount calculated under § 5–202 of this subtitle multiplied by the State share of compensatory education funding.

(5) "Eligible for free or reduced price meals" means eligible for free or reduced price meals based on eligibility requirements established by the United States Department of Agriculture.

(6) "Full–time equivalent enrollment" has the meaning stated in § 5–202 of this subtitle.

(7) "Local wealth per pupil" means a county's wealth divided by the county's full–time equivalent enrollment.

(8) "State share of compensatory education funding" means:

(i) 0.29 in fiscal year 2004;

(ii) 0.37 in fiscal year 2005;

(iii) 0.41 in fiscal year 2006;

(iv) 0.46 in fiscal year 2007; and

(v) 0.50 in fiscal year 2008 and each fiscal year thereafter.

(9) "Statewide wealth per pupil" means the sum of the wealth of all counties divided by the statewide full–time equivalent enrollment.

(10) "Wealth" has the meaning stated in § 5–202 of this subtitle.

(b) Each year the State shall distribute compensatory education grants to county boards.

(c) (1) The amount of the compensatory education grant distributed to a county board shall be calculated as provided in this subsection.

(2) For each county, multiply the compensatory education per pupil amount by the county's compensatory education enrollment count.

(3) For each county, divide the result calculated under paragraph (2) of this subsection by the ratio, rounded to seven decimal places, of local wealth per pupil

to statewide wealth per pupil.

(4) For each county, multiply the result calculated under paragraph (3) of this subsection for the county by the result, rounded to seven decimal places, that results from dividing the aggregate State funding level for the compensatory education formula by the sum of all of the results calculated under paragraph (3) of this subsection for all counties.

(d) (1) If the amount calculated under subsection (c)(4) of this section for any county is less than the minimum compensatory education grant amount determined under paragraph (2) of this subsection, the State shall distribute an additional grant to the county in the amount by which the minimum compensatory education grant amount exceeds the result calculated under subsection (c)(4) of this section.

(2) For purposes of paragraph (1) of this subsection, the minimum compensatory education grant amount for each county is the result obtained by multiplying the compensatory education per pupil amount by the county's compensatory education enrollment count, and multiplying this product by:

(i) 0.50 for fiscal year 2004;

(ii) 0.66 for fiscal year 2005;

(iii) 0.70 for fiscal year 2006;

(iv) 0.76 for fiscal year 2007; and

(v) 0.80 for fiscal year 2008 and each fiscal year thereafter.

§5–208.

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

(2) "Aggregate State funding for the LEP formula" means the product of the LEP per pupil amount and the statewide LEP enrollment count.

(3) "Full-time equivalent enrollment" has the meaning stated in § 5-202 of this subtitle.

(4) "LEP" means limited English proficiency.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, "LEP enrollment count" means the number of students with limited English proficiency for the prior fiscal year.

(ii) For fiscal year 2004, "LEP enrollment count" means the greater of:

1. The number of students with limited English proficiency for

the prior fiscal year; or

2. The number of students with limited English proficiency for the second prior fiscal year.

(6) "LEP per pupil amount" means 99% of the annual per pupil foundation amount calculated under § 5-202 of this subtitle multiplied by the State share of LEP funding.

(7) "Limited English proficiency" means non-English or limited English proficiency under the reporting requirements established by the Department for the Maryland School Performance Program.

(8) "Local wealth per pupil" means a county's wealth divided by the county's full-time equivalent enrollment.

(9) "State share of LEP funding" means:

(i) 0.29 in fiscal year 2004;

(ii) 0.37 in fiscal year 2005;

(iii) 0.41 in fiscal year 2006;

(iv) 0.46 in fiscal year 2007; and

(v) 0.50 in fiscal year 2008 and each fiscal year thereafter.

(10) "Statewide wealth per pupil" means the sum of the wealth of all counties divided by the statewide full-time equivalent enrollment.

(11) "Tier I LEP funding" means:

(i) For fiscal year 2008 and each fiscal year thereafter, $0; and

(ii) For fiscal years 2004 through 2007, the result obtained by multiplying $1,350 by the statewide LEP enrollment count, and multiplying this product by:

1. 1.0 for fiscal year 2004;

2. 0.75 for fiscal year 2005;

3. 0.50 for fiscal year 2006; and

4. 0.25 for fiscal year 2007.

(12) "Tier II LEP funding" means the difference between aggregate State funding for the LEP formula and Tier I LEP funding.

(13) "Tier II LEP per pupil amount" means the result obtained by dividing Tier II LEP funding by the statewide LEP enrollment count.

(14) "Wealth" has the meaning stated in § 5-202 of this subtitle.

(b) (1) For fiscal years 2004 through 2007, the State shall distribute Tier I LEP grants and Tier II LEP grants to county boards.

(2) For fiscal year 2008 and each fiscal year thereafter, the State shall distribute Tier II LEP grants to county boards.

(c) (1) For fiscal years 2004 through 2007, the amount of the Tier I LEP grant distributed to a county board shall be equal to the result obtained by multiplying $1,350 by the county's LEP enrollment count, and multiplying this product by:

(i) 1.0 for fiscal year 2004;

(ii) 0.75 for fiscal year 2005;

(iii) 0.50 for fiscal year 2006; and

(iv) 0.25 for fiscal year 2007.

(2) For fiscal year 2008 and each fiscal year thereafter, the State may not make Tier I LEP grants to county boards.

(d) (1) The amount of the Tier II LEP grant distributed to a county board shall be calculated as provided in this subsection.

(2) For each county, multiply the county's LEP enrollment count by the Tier II LEP per pupil amount.

(3) For each county, divide the result calculated under paragraph (2) of this subsection by the ratio, rounded to seven decimal places, of local wealth per pupil to statewide wealth per pupil.

(4) For each county, multiply the result calculated under paragraph (3) of this subsection for the county by the result, rounded to seven decimal places, that results from dividing Tier II LEP funding by the sum of all of the results calculated under paragraph (3) of this subsection for all counties.

(e) (1) If the amount calculated under subsection (d)(4) of this section for any county is less than the minimum Tier II LEP grant amount determined under paragraph (2) of this subsection, the State shall distribute an additional grant to the county in the amount by which the minimum Tier II LEP grant amount exceeds the result calculated under subsection (d)(4) of this section.

(2) For purposes of paragraph (1) of this subsection, the minimum Tier II

LEP grant amount for each county is the result obtained by multiplying the Tier II LEP per pupil amount by the county's LEP enrollment count, and multiplying this product by:

(i) 0.50 for fiscal year 2004;

(ii) 0.66 for fiscal year 2005;

(iii) 0.70 for fiscal year 2006;

(iv) 0.76 for fiscal year 2007; and

(v) 0.80 for fiscal year 2008 and each fiscal year thereafter.

§5–209.

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

(2) "Aggregate State funding for the special education formula" means the product of the special education per pupil amount and the statewide special education enrollment count.

(3) "Full-time equivalent enrollment" has the meaning stated in § 5-202 of this subtitle.

(4) "Local wealth per pupil" means a county's wealth divided by the county's full-time equivalent enrollment.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, "special education enrollment count" means the number of special education students for the prior fiscal year in a public school operated by a county board other than those students who are enrolled in or attend:

1. The Maryland School for the Blind;

2. The Maryland School for the Deaf; or

3. An educational program operated by the State.

(ii) For fiscal year 2004, "special education enrollment count" means the greater of:

1. The number of special education students for the prior fiscal year; or

2. The number of special education students for the second prior fiscal year.

(6) "Special education student" means a student requiring special

education services as defined in the federal Individuals with Disabilities Education Act.

(7) "Special education per pupil amount" means 74% of the annual per pupil foundation amount calculated under § 5-202 of this subtitle multiplied by the State share of special education funding.

(8) "State share of special education funding" means:

(i) 0.29 in fiscal year 2004;

(ii) 0.37 in fiscal year 2005;

(iii) 0.41 in fiscal year 2006;

(iv) 0.46 in fiscal year 2007; and

(v) 0.50 in fiscal year 2008 and each fiscal year thereafter.

(9) "Statewide wealth per pupil" means the sum of the wealth of all counties divided by the statewide full-time equivalent enrollment.

(10) "Tier I special education funding" means the funds that are distributed under § 8-414 of this article.

(11) "Tier II special education funding" means the difference between the aggregate State funding for the special education formula and Tier I special education funding.

(12) "Tier II special education per pupil amount" means the result obtained by dividing the Tier II special education funding by the statewide special education enrollment count.

(13) "Wealth" has the meaning stated in § 5-202 of this subtitle.

(b) Each year the State shall distribute Tier II special education grants to county boards.

(c) (1) The amount of the Tier II special education grant distributed to a county board shall be calculated as provided in this subsection.

(2) For each county, multiply the county's special education enrollment count by the Tier II special education per pupil amount.

(3) For each county, divide the result calculated under paragraph (2) of this subsection by the ratio, rounded to seven decimal places, of local wealth per pupil to statewide wealth per pupil.

(4) For each county, multiply the result calculated under paragraph (3)

of this subsection by the result, rounded to seven decimal places, that results from dividing Tier II special education funding by the sum of all of the results calculated under paragraph (3) of this subsection for all counties.

(d) (1) If the amount calculated under subsection (c)(4) of this section for any county is less than the minimum Tier II special education grant amount determined under paragraph (2) of this subsection, the State shall distribute an additional grant to the county in the amount by which the minimum Tier II special education grant amount exceeds the result calculated under subsection (c)(4) of this section.

(2) For purposes of paragraph (1) of this subsection, the minimum Tier II special education grant amount for each county is the result obtained by multiplying the Tier II special education per pupil amount by the county's special education enrollment count, and multiplying this product by:

(i) 0.50 for fiscal year 2004;

(ii) 0.66 for fiscal year 2005;

(iii) 0.70 for fiscal year 2006;

(iv) 0.76 for fiscal year 2007; and

(v) 0.80 for fiscal year 2008 and each fiscal year thereafter.

§5–210.

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

(2) "Additional education appropriation" means the difference between a county's education appropriation for the prior fiscal year and the county's local share of the foundation program calculated under § 5-202 of this subtitle.

(3) "Additional education effort" means a county's additional education appropriation divided by the county's wealth, rounded to seven decimal places.

(4) "Full-time equivalent enrollment" has the meaning stated in § 5-202 of this subtitle.

(5) "Guaranteed tax base program per pupil amount" means the lesser of:

(i) 20% of the annual per pupil foundation amount calculated under § 5-202 of this subtitle; and

(ii) The product of a county's additional education effort and the difference between guaranteed wealth per pupil and local wealth per pupil.

(6) "Guaranteed wealth per pupil" means 80% of the statewide wealth per pupil.

(7) "Local wealth per pupil" means a county's wealth divided by the county's full-time equivalent enrollment.

(8) "Statewide wealth per pupil" means the sum of the wealth of all counties divided by the statewide full-time equivalent enrollment.

(9) "Wealth" has the meaning stated in § 5-202 of this subtitle.

(b) For fiscal year 2005 and each fiscal year thereafter, the State shall distribute guaranteed tax base grants to county boards as provided in this section.

(c) A county board is eligible to receive a guaranteed tax base grant if the county's:

(1) Additional education effort is greater than zero; and

(2) Local wealth per pupil is less than the guaranteed wealth per pupil.

(d) The amount of the guaranteed tax base grant shall be equal to the product of the county's guaranteed tax base program per pupil amount and the county's full-time equivalent enrollment multiplied by:

(1) 0.25 in fiscal year 2005;

(2) 0.50 in fiscal year 2006;

(3) 0.75 in fiscal year 2007; and

(4) 1.00 in fiscal year 2008 and each fiscal year thereafter.

§5–211.

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

(2) "Data-based areas" means those areas identified by the State Board through the Maryland School Performance Program for which information is to be tracked for each school, each school system, and the State.

(3) "Maryland School Performance Program" means a performance based education accountability program that focuses on accountability through school improvement in the public schools.

(4) "Recipient school" means a public school that receives a recognition award under this section.

(b) It is the intent of this section to reward a school that shows substantial improvement towards meeting standards established by the State Board for the data-based areas of the Maryland School Performance Program.

(c) (1) To the extent that funds are provided in the State budget, the State Superintendent annually shall distribute recognition awards to elementary and middle schools that show substantial improvement towards meeting standards of the Maryland School Performance Program.

(2) The State Board shall establish guidelines for the determination of eligibility for and distribution of awards under paragraph (1) of this subsection.

(d) (1) The school improvement team of a recipient school shall determine how the award shall be used subject to the following conditions:

(i) Recognition funds are in addition to and may not supplant federal, State, and local funds regularly appropriated for use by the school;

(ii) Recognition funds may not be used for staff bonuses or differential pay increases; and

(iii) Recognition funds shall be expended in accordance with policies and procedures of the school system where the recipient school is located.

(2) The principal of a recipient school shall file with the local school superintendent a report indicating the amount of the award and the uses for which it was expended.

§5–212.

(a) Ten days before the end of July, September, November, January, March, and May, the State Superintendent shall certify to the State Comptroller the amount due at the end of each of these months to each county board for the annual State share of:

(1) Funding for the foundation program under § 5-202 of this subtitle;

(2) Transportation aid under § 5-205 of this subtitle;

(3) Funding for compensatory education under § 5-207 of this subtitle;

(4) Funding for students with limited English proficiency under § 5-208 of this subtitle;

(5) Funding for special education students under § 5-209 of this subtitle;

(6) Funding for the guaranteed tax base program under § 5-210 of this subtitle; and

(7) Any money provided in the Department's budget for special education services under § 8-414 of this article.

(b) Amounts due shall be made in equal payments once every 2 months.

(c) Within 5 days before the end of each of these months, the State Comptroller shall draw the Comptroller's warrant on the State Treasurer for the amount due to the treasurer of each county board.

(d) On receipt of the warrant of the State Comptroller, the State Treasurer immediately shall pay the amount due to the treasurer of each county board.

§5–213.

(a) After notification from the State Superintendent that a county is not complying with the provisions of the State program of public education, the State Comptroller shall withhold any installment due the county from the General State School Fund.

(b) (1) If the Superintendent finds that a county fails to meet the requirements of Subtitle 4 of this title, the Superintendent shall notify the county of such noncompliance.

(2) If a county disputes the finding within 30 days of the issuance of such notice, the dispute shall be promptly referred to the State Board of Education which shall make a final determination.

(3) Upon receipt of certification of noncompliance by the Superintendent or the State Board, the Comptroller shall suspend, until notification of compliance is received, payment of any funds due the county for the current fiscal year, as provided under § 5–202 of this subtitle which are appropriated in the General State School Fund, to the extent that the State's aid due the county in the current fiscal year under that section in the Fund exceeds the amount which the county received in the prior fiscal year.

(c) (1) If the Superintendent finds that a county is not complying with the maintenance of local effort provisions of § 5–202(d)(1)(ii) of this subtitle, the Superintendent shall notify the county of such noncompliance.

(2) If a county disputes the finding within 15 days after the issuance of a notice under paragraph (1) of this subsection, the dispute shall be referred promptly to the State Board, which shall make a final determination.

(3) (i) Within 15 days of receipt of certification of noncompliance by the Superintendent or the State Board and subject to subparagraph (ii) of this paragraph, the Comptroller shall, under § 2–608 of the Tax – General Article, withhold income tax revenue from the county so that the total amount withheld is equal to the amount by which a county failed to meet the maintenance of effort requirement.

(ii) The Comptroller shall distribute the amount withheld under subparagraph (i) of this paragraph directly to the county board.

§5–213.1.

(a) If the Superintendent finds that a county is not complying with the local share of the foundation floor required under § 5–202(d)(1)(i) of this subtitle, the Superintendent shall notify the county of such noncompliance.

(b) If a county disputes the finding within 15 days of the issuance of a notice under subsection (a) of this section, the dispute shall be referred promptly to the State Board, which shall make a final determination.

(c) (1) Within 15 days of receipt of certification of noncompliance by the Superintendent or the State Board and subject to paragraph (2) of this subsection, the Comptroller shall, under § 2–608 of the Tax – General Article, withhold income tax revenue from the county so that the total amount withheld is equal to the State share of the foundation program plus the difference between the amount appropriated by the county under § 5–202(d)(1)(i) of this subtitle and the local share of the foundation program.

(2) The Comptroller shall distribute the amount withheld under paragraph (1) of this subsection directly to the county board.

§5–214.

(a) (1) The State Board may accept for the State:

(i) Any appropriation of money for educational purposes and subsidized or free feeding programs for the public schools that is made out of the federal treasury by an act of Congress; and

(ii) Any additional funds directed to the State Board by an act of Congress or federal regulation.

(2) The State Board is the educational authority for the expenditure and administration of these funds.

(b) (1) All of these funds received by the State shall be received into the State Treasury.

(2) On warrant of the State Comptroller, the State Treasurer may:

(i) Receive and provide for the proper custody of these funds; and

(ii) Make disbursements on the order of the State Board according to the procedure established for the State Treasurer.

§5–215.

(a) The State Board shall distribute grants each year to organizations that:

(1) Promote literacy at an early age during well child visits in a health care setting; and

(2) Solicit the corporate community for funding for promoting literacy at an early age.

(b) An organization that is awarded a grant by the State Board under this section shall use the grant to:

(1) Purchase books to be distributed at well child visits in the health care setting; and

(2) Train pediatricians and other health care providers on methods of promoting literacy to all Maryland children.

(c) In fiscal year 2001 and every fiscal year thereafter, the Governor shall include funds in the State budget to implement this section.

(d) The State Board may adopt regulations to implement this section.

§5–217.

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

(2) "Accreditation" means the determination that a program meets quality standards defined by the accrediting agency beyond State child care regulations.

(3) "Accrediting agency" means a State agency or national organization that has developed a recognized accrediting process.

(4) "Credentialing" means the process through which an individual is awarded a professional certificate based on education and experience.

(5) "Early Childhood Education Enhancement Grant" means a grant that is distributed under subsection (e–1) of this section.

(6) "Full day" means a period of time during the day that:

(i) Meets the needs of families; and

(ii) Is not less than 7 hours or more than 12 hours per day.

(7) "Judy Center" means a site where comprehensive early childhood education services are provided to young children and their families for the purpose of promoting school readiness through collaboration with participating agencies and programs.

(8) "Judy Center Grant" means a grant that is distributed under subsection (d) of this section.

(9) "Local management board" means a local management board as defined under § 8–101(l) of the Human Services Article.

(10) "Participating agencies and programs" includes:

(i) Public prekindergarten and kindergarten programs;

(ii) Head Start programs;

(iii) Family literacy programs and services;

(iv) Local infants and toddlers programs;

(v) Child care centers and family child care homes;

(vi) Family support centers;

(vii) Healthy family sites;

(viii) Parent involvement programs;

(ix) Early childhood programs affiliated with institutions of higher education; and

(x) Other home visiting, community health, family support services, and child care resource and referral agencies.

(11) "Preschool Services Grant" means a grant that is distributed under subsection (e) of this section.

(12) "Program" means the Judith P. Hoyer Early Childhood Education Enhancement Program established under this section.

(b) (1) There is a Judith P. Hoyer Early Childhood Education Enhancement Program in the Department.

(2) The purpose of the Program is to promote school readiness through the development and expansion of collaborative approaches to the delivery of high quality, comprehensive, full–day early childhood education programs and family support services.

(c) (1) The Program shall be funded as provided in the State budget.

(2) Funds that are allocated to the Program in the State budget may be used:

(i) To cover the costs incurred by the Department in implementing and administering the Program;

(ii) For Judy Center Grants, as provided under subsection (d) of this section;

(iii) For Preschool Services Grants, as provided under subsection (e) of this section;

(iv) For Early Childhood Education Enhancement Grants, as provided under subsection (e–1) of this section; and

(v) To fund the statewide implementation of the Department's Early Childhood Assessment System, as provided under subsection (f) of this section.

(d) The Department may distribute a Judy Center Grant to a county board if the county board submits an application to the Department that includes:

(1) A memorandum of understanding between the county board, the participating agencies and programs, and, in the discretion of the county board, the local management board that includes:

(i) The terms of the collaboration to be undertaken by the county board, the participating agencies and programs, and, if applicable, the local management board, including the roles and responsibilities of each of these entities; and

(ii) A plan for establishing ongoing communication between private service providers and public school early education programs; and

(2) Documentation that shows that:

(i) The Department's Early Childhood Assessment System will be implemented at the Center;

(ii) All participating agencies and programs that provide early childhood education services through the Center have voluntarily obtained accreditation or, by the date of the Grant application, have voluntarily initiated and are actively pursuing the process of obtaining accreditation; and

(iii) The Center will provide comprehensive, full–day early childhood education services and family support services.

(e) (1) The Department may distribute a Preschool Services Grant to be used to provide prekindergarten services for 4–year–old children whose birthdays fall on or before September 1 of the school year during which services will be provided and whose family income is below a level set by the Department.

(2) Private providers that have voluntarily obtained accreditation or have voluntarily initiated and are actively pursuing accreditation by the date of the grant application must obtain accreditation before receiving a grant award.

(e–1) The Department may distribute an Early Childhood Education Enhancement Grant to a private provider of early childhood education services to be used:

(1) To assist the provider in voluntarily obtaining accreditation; or

(2) For professional development activities leading to increased competency and appropriate credentialing that is related to early childhood education services.

(f) The Department may distribute funds to a county board for the purpose of implementing the Department's Early Childhood Assessment System in the county's public schools.

(g) (1) The Department shall:

(i) Establish application procedures for obtaining Judy Center Grants, Preschool Services Grants, and Early Childhood Education Enhancement Grants as provided under this section;

(ii) Supervise and monitor the use of Grant funds distributed under this section; and

(iii) Evaluate whether Grant recipients are meeting annual benchmarks established by the Department.

(2) For Judy Center Grants, the Department may award multiyear funding.

(h) A county board that is selected to receive a Judy Center Grant or a private provider that has been selected for a Preschool Services Grant or an Early Childhood Education Enhancement Grant shall:

(1) Administer the Grant award;

(2) Submit fiscal and program reports as required by the Department; and

(3) Coordinate the involvement of participating agencies and programs in any evaluation process conducted by the Department.

(i) Grants awarded under this section may not be used:

(1) To supplant existing funding for any services provided by participating agencies and programs; or

(2) For capital improvements.

(j) The Department shall conduct an evaluation process to measure the effectiveness of:

(1) The Judy Centers; and

(2) Early childhood education services and family support services that are purchased with funds from Preschool Services Grants and Early Childhood Education Enhancement Grants.

(k) The Department shall submit to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly:

(1) On or before November 1 of each year, a report on the implementation of the Program and the participating agencies and programs, including a description of the Program's and the participating agencies' and programs' expenditures, enrollment, and statewide performance data, including school readiness data disaggregated by program and by jurisdiction; and

(2) On or before January 1, 2016, a separate report that includes an evaluation, based on objective performance criteria established by the Department, of the effectiveness of:

(i) The Judy Centers; and

(ii) Early childhood education services and family support services that are purchased with funds from Preschool Services Grants and Early Childhood Education Enhancement Grants.

(l) The Department may adopt regulations as necessary to implement the Program.

§5–301.

(a) In this subtitle, "Interagency Committee" means the Interagency Committee on School Construction established under § 5–302 of this subtitle.

(b) (1) For the purposes of this section other than subsection (c), the Board of Public Works shall define by regulation what constitutes an eligible and ineligible public school construction or capital improvement cost.

(2) (i) The Board of Public Works shall include modular construction as an approved public school construction or capital cost.

(ii) The Board of Public Works, at the recommendation of the Interagency Committee on School Construction, shall adopt regulations that:

1. Define modular construction; and

2. Establish the minimum specifications required for approval of modular construction as a public school construction or capital improvement cost.

(3) The cost of acquiring land may not be considered a construction or capital improvement cost and may not be paid by the State.

(b–1) The Board of Public Works, in consultation with the Department of General Services and the Department of Housing and Community Development, shall adopt regulations establishing criteria designed to enhance indoor air quality for the occupants of relocatable classrooms constructed after July 1, 2014, that are purchased or leased using State or local funds, including specifications that:

(1) Require each unit to include appropriate air barriers to limit infiltration;

(2) Require that each unit be constructed in a manner that provides protection against water damage through the use of proper roofing materials, exterior sheathing, water drainage systems, and flashing;

(3) Require that each unit provide continuous forced ventilation when the unit is occupied;

(4) Require each unit to include a programmable thermostat;

(5) Require each unit to be outfitted with energy efficient lighting and heating and air–conditioning systems; and

(6) Mandate that each unit be constructed with building materials that contain low amounts of volatile organic compounds (VOC) in accordance with industry standards.

(c) The State shall pay the costs in excess of available federal funds of the State share of public school construction projects and public school capital improvements in each county if:

(1) The projects or improvements have been approved by the Board of Public Works; and

(2) Contracts have been executed on or after July 1, 1971 for the projects or improvements.

(d) (1) The Board of Public Works may adopt regulations for the administration of the programs provided for in this section.

(2) The regulations adopted by the Board of Public Works may contain requirements for:

(i) The development and submission of long range plans;

(ii) The submission of annual plans and plans for specific projects;

(iii) The submission of other data or information that is relevant to school construction or capital improvement;

(iv) The approval of sites, plans, and specifications for the construction of new school buildings or the improvement of existing buildings;

(v) Site improvements;

(vi) Competitive bidding;

(vii) The hiring of personnel in connection with school construction or capital improvements;

(viii) The actual construction of school buildings or their improvements;

(ix) The relative roles of different State and local governmental agencies in the planning and construction of school buildings or school capital improvements;

(x) School construction and capital improvements necessary or appropriate for the proper implementation of this section;

(xi) At the recommendation of the Interagency Committee, the establishment of priority public school construction programs;

(xii) Development of cooperative arrangements that permit the sharing of facilities among two or more school systems;

(xiii) The selection of architects and engineers by school systems;

(xiv) The award of contracts by school systems; and

(xv) Method of payments made by the State under the Public School Construction Program.

(3) The regulations adopted by the Board of Public Works shall contain provisions:

(i) Establishing a State and local cost–share formula for each county that identifies the factors used in establishing the formulas;

(ii) Requiring local education agencies to adopt educational facilities master plans and annual capital improvement programs;

(iii) Providing a method for establishing a maximum State construction allocation for each project approved for State funding;

(iv) Referencing the policies stated in § 5–7B–07 of the State Finance

and Procurement Article;

(v) Requiring local school systems to adopt procedures consistent with the minority business enterprise policies of the State as required under the Code of Maryland Regulations;

(vi) Establishing a process for the appeal of decisions by the Interagency Committee to the Board of Public Works;

(vii) Requiring local education agencies to adopt, implement, and periodically update comprehensive maintenance plans; and

(viii) Authorizing the Board of Public Works to withhold State public school construction funds from a local education agency that fails to comply with the requirements of item (vii) of this paragraph.

(4) In adopting any of these requirements, the State Board and the Board of Public Works shall provide for the maximum exercise of initiative by school personnel in each county to ensure that the school buildings and improvements meet both the needs of the local communities and the rules and regulations necessary to ensure the proper operation of this section and the prudent expenditure of State funds.

(e) The Board of Public Works shall develop the rules, regulations, and procedures authorized by this section in consultation with representatives of the county boards and the county governing bodies.

(f) The regulations and procedures of the Board of Public Works adopted under this section and their promulgation are exempt from § 8–127(b) of the State Finance and Procurement Article.

(g) (1) With respect to public school construction or public school capital improvements, including sites for school buildings, the authority, responsibilities, powers, and duties of the following are subject to the regulations adopted by the Board of Public Works under this section:

(i) The State Board;

(ii) The State Superintendent;

(iii) The county governments;

(iv) The county boards; and

(v) All other State or local governmental agencies under this article.

(2) If, as to public school construction or public school capital improvements, there is any conflict between the regulations and procedures of the Board of Public Works and the authority, responsibilities, powers, and duties of the

individuals and agencies specified in paragraph (1) of this subsection, the regulations and procedures of the Board of Public Works shall prevail.

(h) The obligation of the State to pay the costs of public school construction and public school capital improvements extends only to those projects or parts of projects that comply with the regulations and procedures of the Board of Public Works.

(i) (1) This subsection does not apply to the proceeds from the sale, lease, or disposition of public school buildings constructed under contracts executed before February 1, 1971.

(2) Consistent with § 4–115 of this article and regulations adopted by the Board of Public Works to implement § 4–126 of this article, the Board of Public Works may require by regulation that the portion of the proceeds received by a county from the sale, lease, or disposal of any public school building that represent State funds provided within 15 years prior to the date of the transaction shall be used solely as part of the State funding of the construction of future public school buildings in the county in which the sale, lease, or disposal occurred, if the public school building was constructed under a contract executed on or after February 1, 1971.

(3) The part of the proceeds from the sale, lease, or disposal of a public school building that fairly represents the appraised value of land and that part of the cost of the public school building that was funded by the county shall remain as the funds of the county.

(4) A transfer of interest in a public school building in connection with a financing of the cost of construction and improvements to such buildings is not a sale, lease, or disposal of the public school facility.

(j) (1) Whether by budget bill or supplementary appropriation bill, all money appropriated to carry out the purposes of this section is a separate fund that shall be administered by the State Comptroller in accordance with the regulations adopted by the Board of Public Works.

(2) Subject to paragraph (3) of this subsection, any unexpended allocations of funds for previously approved projects shall be transferred to the fund established under paragraph (1) of this subsection.

(3) (i) Any funds approved for a county for a project that has not been contracted for within 2 years of the approval of the project, shall be:

1. Available for another eligible project in the county in the current fiscal year; or

2. Reserved for eligible projects in the county in the next fiscal year, in addition to the new funds allocated for eligible projects in the county in the next fiscal year.

(ii) Any funds reserved under subparagraph (i)2 of this paragraph that have not been used to contract for a project within 2 years of the date the funds were reserved shall be available for allocation to an eligible project in any county.

(4) On or before March 30, June 30, September 30, and December 31 of each year, the Interagency Committee shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, and the Department of Legislative Services on the balance in the fund as of the reporting date as the result of transfers or reversions required under this subsection and any expenditures.

§5–301.1.

(a) (1) There is a solar energy pilot program to promote the use of solar energy systems to generate electricity in public school buildings in the State.

(2) The pilot program shall be implemented and administered by the Interagency Committee on School Construction and shall operate as provided in this section.

(b) The Interagency Committee shall:

(1) Encourage all local boards in the State to study, design, and construct or renovate school buildings that are energy efficient and use solar energy systems to generate electricity to meet some of the school building's electrical energy needs, electrical energy demand, or a combination of the electrical energy needs and electrical energy demand;

(2) Provide grants out of State funds dedicated for this program to local boards to assist in implementing the use of solar energy systems at existing public schools or in new or renovated school building projects; and

(3) Develop a procedure for a local board to apply for a grant in accordance with subsection (c) of this section.

(c) (1) A local board may apply to the Interagency Committee for a grant to cover 90% of the cost to purchase and install a solar energy system to generate a portion of the school building's electrical energy needs or electrical energy demand.

(2) A local board that receives a grant under this subsection shall pay:

(i) 10% of the cost to purchase and install the solar energy system; and

(ii) All architectural or engineering fees for the design and supervision of the installation of the solar energy system.

(3) The Interagency Committee may award a grant under this section for a solar energy system project with the approval of the Board of Public Works.

(d) Local school systems are encouraged to seek private funding to implement the pilot program.

(e) The total savings of electrical energy needs and electrical energy demand costs that result from the installation and use of solar energy systems under this section shall remain with the local school system.

(f) (1) The Interagency Committee and the Maryland Energy Administration shall cooperate with, assist, provide technical assistance to, and advise school systems to identify appropriate existing public school buildings and public school construction projects that would benefit from the installation of solar energy systems.

(2) The Interagency Committee shall adopt procedures necessary to implement this section.

§5–301.2.

(a) The Board of Public Works shall adopt regulations that require the design development documents for the construction or major renovation of school buildings submitted by a county board to the Interagency Committee to include:

(1) An evaluation of the use of solar technologies, including photovoltaic or solar water heating, based on life cycle costs; and

(2) If an evaluation determines that solar technologies are not appropriate for a construction or major renovation project, a report that explains why the use of the technology is not appropriate.

(b) On or before December 31 of each year, the Interagency Committee shall submit a report on the number of public school construction and major renovation projects in each jurisdiction that use solar technologies to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

§5–302.

(a) (1) The Board of Public Works shall establish the Interagency Committee on School Construction as a unit within the Department for administrative and budgetary purposes.

(2) The Interagency Committee consists of the following members:

(i) The State Superintendent of Schools, or the Superintendent's designee;

(ii) A member of the public appointed by the President of the Senate;

(iii) A member of the public appointed by the Speaker of the House;

(iv) The Secretary of the Department of Planning, or the Secretary's designee; and

(v) The Secretary of General Services, or the Secretary's designee.

(3) The State Superintendent of Schools, or the Superintendent's designee, shall be the Chairman of the Interagency Committee.

(4) A member of the Interagency Committee on School Construction may not be:

(i) An individual who is a regulated lobbyist as described in § 5–702(a)(1), (2), (3), or (4) of the General Provisions Article;

(ii) A member of the General Assembly;

(iii) An employee of a county government or board of education; or

(iv) A local elected official.

(5) The Board of Public Works may delegate the administrative and budgetary authority of the Board to the Interagency Committee as determined by the Board to be necessary and appropriate.

(b) (1) The Department or any other State agency may lend its employees to serve as the staff for the Interagency Committee.

(2) These employees shall be paid by the agency that employs them.

(c) The Executive Director of the Interagency Committee shall be appointed by the Interagency Committee with the approval of the Board of Public Works.

(d) (1) (i) The Interagency Committee shall prepare projections of school construction and capital improvement needs for submission to the Capital Debt Affordability Committee under § 8–112(c)(3) of the State Finance and Procurement Article.

(ii) The projections shall be prepared in accordance with the regulations adopted by the Board under § 5–301 of this subtitle.

(2) (i) The Board of Public Works or the Interagency Committee shall notify each county board and each local governing body of the annual allocation of school construction funds recommended to the Board of Public Works by the Governor under the consolidated capital debt program of the State Finance and Procurement Article.

(ii) The notification shall be made immediately after the Governor has recommended the allocations so that each county may structure its respective school construction and capital improvement priorities in accordance with the annual

allocation and any amendments.

(e) (1) Before May 1 of each year, the Board of Public Works may not approve public school construction projects that comprise more than 75% of the preliminary school construction allocation, determined under § 8–113 of the State Finance and Procurement Article, for the following fiscal year.

(2) On or before December 31 of each year, the Interagency Committee shall provide recommendations to the Board of Public Works for public school construction projects that comprise 75% of the preliminary school construction allocation, determined under § 8–113 of the State Finance and Procurement Article, for the following fiscal year.

(3) On or before March 1 of each year, the Interagency Committee shall provide recommendations to the Board of Public Works, the presiding officers and the budget committees of the General Assembly, and the Department of Legislative Services for public school construction projects that comprise 90% of the school construction allocation included in the capital budget submitted by the Governor for the following fiscal year.

(4) The remaining public school construction allocation for the following fiscal year may be allocated by the Board of Public Works as provided in regulation.

(f) (1) The Interagency Committee on School Construction is a public body and subject to Title 3 of the General Provisions Article.

(2) Deliberations and decisions regarding the eligibility of projects and allocation of funding shall be considered quasi–legislative functions for the purposes of the Open Meetings Law.

§5–303.

(a) (1) For the purposes of this section, replacement cost shall be determined by the product of the area of a building that is over 40 years old times the current cost per square foot of building construction which may not include:

(i) Specialized costs of demolition;

(ii) Site development;

(iii) The fees of architects and engineers; or

(iv) Air conditioning.

(2) All existing area that is not at least 40 years old shall be excluded from this calculation.

(b) If a county board finds, after preparing feasibility and life cycle cost studies,

that it is appropriate and economically beneficial to renovate an existing school building that, in whole or part, has been in continuous educational use for 40 years or more and the cost of the proposed renovation work is not more than the replacement cost of the building or part of a building of the same area and purpose, the Interagency Committee on School Construction and the Board of Public Works shall consider a request for State funding on the basis of these findings.

(c) Before it is considered for funding, the project shall be:

(1) Justified as to need and continued purpose; and

(2) Included in an annual capital improvement program that has been approved by the Interagency Committee on School Construction and the Board of Public Works.

§5–304.

(a) The indebtedness of a county may not be considered to be increased by the receipt of money by a county from participation in the General Public School Construction Loan of 1956 or any similar act.

(b) A county may not be required to levy ad valorem taxes on its taxable basis for the purpose of repaying to the State any money received by the county as a result of these acts during the calendar year 1958 or after or the interest or carrying charges with respect to this money.

(c) All money received by a county during the calendar year 1958 or after because of the participation of the county in the General Public School Construction Loan of 1956 or any similar act shall be deducted from the funds due the county under the applicable provisions of State law that relate to the:

(1) Income tax;

(2) Tax on racing;

(3) Recordation tax;

(4) Tax on amusements;

(5) License tax; and

(6) School building construction aid program under § 5-301(c) of this subtitle, provided that money may not be deducted for any general public school construction loans that no longer require repayment by the county under § 5-301(c) of this subtitle.

(d) All obligations in connection with funds received by a county from the General Public School Construction Loan of 1956 or any similar act are self-liquidating

obligations, incurred for self-liquidating projects within the meaning of those terms as used in any charter or public general or public local law of this State.

(e) Any law that is inconsistent with the provisions of this section is repealed to the extent of the inconsistency.

§5–305.

(a) Each county board shall keep:

(1) All money for the construction of public school buildings and public school facilities and the purchase of land for public schools in a separate account from that used for current expenses; and

(2) A separate and independent accounting system for all public school construction money.

(b) (1) In Anne Arundel County, the county board may borrow from one fund to meet temporary cash requirements of another fund or to reimburse another fund for services performed.

(2) This borrowing or reimbursement is subject to the county charter.

§5–305.1.

Notwithstanding any other provision of law, the Anne Arundel County Board may include capital projects that are to be funded over a period of 2 fiscal years in the capital budget, whether or not part of the funding period falls in a calendar year that is an election year for county officials.

§5–306.

(a) This section supplements the provisions of §§ 5–101 through 5–107 of this title and does not supersede or impair those provisions.

(b) Before December 1 of each odd–numbered calendar year, the Montgomery County Board shall prepare and submit to the Montgomery County Executive a 6–year capital improvements program.

(c) The capital improvements program shall include:

(1) A statement of the objectives of the capital programs and the relationship of these programs to the long–range development plans adopted by the county;

(2) Recommended capital projects and a proposed construction schedule;

(3) An estimate of cost and a statement of all funding sources; and

(4) All anticipated capital projects and programs of the county board, including substantial improvements and extensions of projects previously authorized.

(d) The County Executive shall include the 6–year program of the county board, with the recommended revisions and modifications of the County Executive, in the comprehensive 6–year program submitted each even–numbered calendar year to the Montgomery County Council under § 302 of the Montgomery County charter.

(e) (1) On or before adoption of its annual budget and appropriations resolution in each even–numbered calendar year, the County Council shall adopt a 6–year capital improvements program for the county board as a part of the comprehensive 6–year program.

(2) This 6–year capital improvements program shall be adopted after public hearings on the 6–year programs or capital budgets of the county and other agencies.

(3) In its adoption, the County Council may make amendments, revisions, and modifications.

(4) The County Council may amend an approved capital improvements program at any time by an affirmative vote of six council members.

(5) Any amendment, revision, or modification may not become final until it is submitted to the county board for written comment with at least 30 days' notice.

§5–307.

(a) The Interagency Committee on Public School Construction shall assist the Prince George's County Board of Education in developing an education facility master plan that encourages and supports the neighborhood school concept to improve the quality of education for all students in Prince George's County.

(b) The education facility master plan under subsection (a) of this section shall be updated annually.

(c) To the extent the Prince George's County Board of Education and the county consider appropriate, the neighborhood school concept of the education facility master plan may include interagency utilization of neighborhood schools, including joint use of school facilities and property of:

(1) The Maryland–National Capital Park and Planning Commission;

(2) The Prince George's County library system;

(3) The Prince George's County Health Department;

(4) The Prince George's County Police Department;

(5) The Prince George's County Department of Social Services; and

(6) The Prince George's County Department of Family Services.

(d) Notwithstanding any other provision of law, the Prince George's County Board of Education may construct a school facility planned for joint use by the county board and a public agency listed in subsection (c) of this section on property owned by a public agency other than the county board.

§5–308.

(a) Notwithstanding the provisions of Title 10, Subtitle 3 of the State Finance and Procurement Article, this State may not require reimbursement of debt service from a county for a school that:

(1) Was initially constructed on or before February 1, 1971;

(2) Is no longer used for school purposes;

(3) Has had title transferred to a county government; and

(4) Is being used for local governmental purposes other than public education; provided, however, that if a former school building is sold by a county government the State shall be reimbursed for outstanding debt service, and if more than 10 percent of usable space within a former school is rented for an amount exceeding the cost of operating and maintaining such space, such rental profit shall be used toward retiring outstanding bonded indebtedness.

(b) This State shall require reimbursement of outstanding debt service from a county for a school that:

(1) Was constructed under this subtitle;

(2) Was initially constructed or substantially altered by addition(s), alterations, or renovations and the cost of the construction at the time of execution exceeded $100,000 and the work was accomplished after February 1, 1971;

(3) Is no longer used for school purposes;

(4) Has had title transferred to a county government;

(5) Is being used for local governmental purposes by the State or a county or by any instrumentality of the State or a county other than public education; and

(6) Has outstanding debt which exceeds $5,000.

§5–309.

It is the intent of the General Assembly that the Department and the Public School

Construction Program encourage local education agencies to reuse recently used school designs, when educationally appropriate and cost effective over the useful life of the project, within each county and across local school system boundaries.

§5–310.

(a) Each fiscal year, the Interagency Committee shall survey the condition of school buildings identified by the Department.

(b) The Department of General Services shall conduct the inspections of individual school buildings that the Interagency Committee requires to complete the survey required in subsection (a) of this section.

(c) The Interagency Committee shall report to the Governor and the General Assembly, on or before October 1 of each year, in accordance with § 2-1246 of the State Government Article, on the results of the survey for the prior fiscal year.

§5–311.

On or before July 1 of each year, the Department of General Services shall provide a report to the Department and each local education agency that describes existing State purchasing contracts that local education agencies may use to purchase school furniture, equipment, commodities, and services.

§5–312.

(a) In this section, "high performance building" has the meaning stated in § 3–602.1 of the State Finance and Procurement Article.

(b) This section applies to the construction of new schools that have not initiated a Request For Proposal for the selection of an architectural and engineering consultant on or before July 1, 2009.

(c) Except as provided in subsection (d) of this section, a new school that receives State public school construction funds shall be constructed to be a high performance building.

(d) (1) The Board of Public Works shall establish a process to allow a school system to obtain a waiver from complying with subsection (c) of this section.

(2) The waiver process shall:

(i) Include a review by the Interagency Committee to determine if the construction of a high performance building is not practicable; and

(ii) Require the approval of a waiver by the Interagency Committee.

(e) For fiscal years 2010 through 2014 only, the State shall pay 50% of the

local share of the extra costs, identified and approved by the Interagency Committee, that are incurred in constructing a new school to meet the high performance building requirements of this section.

(f) The Board of Public Works shall adopt regulations to implement the requirements of this section.

§5–313.

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

(2) "Program" means the Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms.

(3) "Significant enrollment growth" means full–time equivalent enrollment growth in a local school system that has exceeded 150% of the statewide average over the past 5 years.

(4) "Significant number of relocatable classrooms" means an average of more than 300 relocatable classrooms in a local school system over the past 5 years.

(b) (1) There is a Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms.

(2) The purpose of the Program is to provide grants for public school construction in local school systems that are experiencing significant enrollment growth or a significant number of relocatable classrooms.

(c) (1) The Program shall be implemented and administered by the Interagency Committee on School Construction in accordance with this section.

(2) Grants awarded by the Interagency Committee under the Program:

(i) Shall be matched by local funds equal to the required local cost–share established in accordance with § 5–301(d)(3) of this subtitle; and

(ii) Shall be approved by the Board of Public Works.

(d) The Interagency Committee shall:

(1) Provide grants from State funds dedicated for the Program to county boards for public school construction in local school systems that are experiencing significant enrollment growth or a significant number of relocatable classrooms;

(2) Develop a procedure for a county board to apply for a grant under the Program;

(3) Develop eligibility requirements for a county board to receive a grant under the Program, including a requirement for a county board to provide funds to

match a grant award; and

(4) Develop a process to allocate grant awards under the Program that allocate funds based on each eligible county board's proportionate share of the total full–time equivalent enrollment of the county boards that are eligible to participate in the Program.

(e) Beginning in fiscal year 2016 and each fiscal year thereafter, in addition to the annual amount otherwise provided in the capital improvement program of the Public School Construction Program, the Governor shall provide an additional $20,000,000 annually in the capital improvement program of the Public School Construction Program that may be used only to award grants under the Program.

(f) The State funding provided under the Program is supplemental to and is not intended to take the place of funding that would otherwise be appropriated for public school construction purposes to a county board from any other source.

(g) The Interagency Committee shall adopt procedures necessary to implement this section.

§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 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 subparagraph (i) of this paragraph for review and approval by the State Superintendent of Schools on or before:

1. October 15, 2012;

2. October 15, 2013; and

3. October 15, 2014.

(3) (i) On or before October 15, 2015, each county board shall submit a plan to the Department.

(ii) Beginning in 2016, 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 30 days before submitting a plan or update to the Department, a county board shall provide a copy of the proposed plan or update, with a copy of the final plan or update to follow, to the:

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

2. County commissioners.

(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;

(8) A description of how the county board plans to ensure and measure the academic proficiency of students in the core academic subjects listed in § 7–203 of this article at various points during the elementary and secondary education of the students; and

(9) 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 or update 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 or update.

(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)(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) (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.

(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.

(m) The Department may provide technical assistance to county boards in developing and implementing a plan.

(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.

(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.

§5–501.

(a) For fiscal year 2001 and each fiscal year thereafter, to be considered for funding under this subtitle, an educational institution must qualify as a State-aided educational institution under this subtitle.

(b) To qualify as a State-aided educational institution, an educational institution shall submit to the Department the following documentation:

(1) The names of the members of an independent governing board for the institution;

(2) Proof of status as a nonprofit organization;

(3) A copy of the most recent independent annual audit or copies of the most recent internally generated financial statements until the annual audit is available;

(4) A detailed operating budget that:

(i) For an educational institution other than the Baltimore Zoo, indicates that less than 50% of the operating budget comes from State grants;

(ii) Specifies all sources of income, including grants received, names of granting agencies, and the amount of each grant; and

(iii) Specifies all expenditures;

(5) Plans for the use of any grant funds that may be awarded by the State-aided educational institutions grants programs;

(6) Evidence of the provision of a direct service to Maryland school groups

or to individuals with disabilities, including:

(i) Data on age levels of students to be served;

(ii) Data on the projected number of students and teachers to be served both statewide and by local jurisdiction; and

(iii) Plans of the institution to support the goals of the Maryland Schools for Success Program and the Maryland School Performance Program; and

(7) Evidence of liability insurance coverage.

§5–502.

An educational institution that seeks to qualify as a State-aided educational institution for funding in the fiscal year following the upcoming fiscal year shall submit before May 1 to the Maryland State Department of Education:

(1) An augmentation request describing:

(i) Who will be served;

(ii) The objectives of the educational program; and

(iii) The anticipated outcomes;

(2) An application for qualification as a State-aided educational institution; and

(3) Supporting documentation as described in § 5-501 of this subtitle.

§5–503.

The Department shall review applications for qualification as a State-aided educational institution and shall submit a list of the qualified institutions to the State Superintendent of Schools in June.

§5–504.

The State Superintendent shall:

(1) Review and comment on the institutions on the list of qualified institutions and the extent and manner in which each would forward the goals of the Maryland Schools for Success Program and the Maryland School Performance Program; and

(2) Present the list of qualified institutions and comments on each institution to the State Board at the July meeting for review and comment by the Board at the August meeting.

§5–505.

After the August meeting, the State Board shall submit to the Governor:

(1) The list of qualified institutions;

(2) The Superintendent's comments on each institution; and

(3) The Board's comments, if any, on each institution.

§5–506.

The Department shall adopt regulations to implement this subtitle.

§5–601.

The provisions of this subtitle do not apply to a county otherwise authorized to issue bonds to fund public school construction under other provisions of the Code.

§5–602.

(a) In this subtitle, "construction or improvement" means the planning, design, engineering, alteration, construction, reconstruction, enlargement, expansion, extension, improvement, replacement, rehabilitation, renovation, upgrading, repair, or capital equipping.

(b) A county may issue bonds to finance any or all of the costs of construction or improvement of public schools in the county provided that the construction and improvement contracts and subcontracts comply with the requirements of Title 17, Subtitle 2 and Title 14 of the State Finance and Procurement Article if the requirements would otherwise be applicable.

(c) (1) Bonds shall be authorized by a resolution of the governing body of the county.

(2) The resolution shall:

(i) Generally describe the public school construction or improvements to be financed through the sale of the bonds;

(ii) State the maximum principal amount of the bonds;

(iii) Describe the sources of repayment of the bonds;

(iv) State the maximum term of the bonds, which may not exceed 30 years; and

(v) Describe any terms or conditions under which the bonds may be redeemed before maturity.

(d) The bonds shall:

(1) Be dated and bear interest at a rate specified in the resolution;

(2) Mature within 30 years of the date of issuance of the bonds;

(3) Be issued at, above, or below par value, for cash or other consideration;

(4) Be payable at a time, in the denomination, in registered form, within the meaning of § 19–204 of the Local Government Article, as specified in the resolution;

(5) Carry the registration and privileges as to conversion and for the replacement of mutilated, lost, or destroyed bonds, as specified in the resolution;

(6) Be payable in lawful money of the United States of America at a designated place;

(7) Be subject to the terms and conditions specified in the resolution; and

(8) Be sold in the manner, including private or negotiated sale, and upon the terms, specified in the resolution.

(e) The county may enter into agreements with agents, banks, fiduciaries, insurers, or others to:

(1) Enhance the marketability of and security for the bonds; or

(2) Secure any tender option granted to the holders of the bonds.

(f) If any officer whose signature appears on a bond ceases to be an officer before delivery of the bonds, the signature is valid and sufficient for all purposes.

(g) The bonds, their issue, and their sale may be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article.

(h) (1) Except as provided in paragraph (2) of this subsection, the net proceeds of the sale of the bonds may only be applied to the construction or improvement of public school facilities, as described in the resolution authorizing the issuance of the bonds.

(2) If the net proceeds of the sale of any bonds exceeds the amount needed for the construction or improvement of the public school facilities, as described in the resolution, the excess funds shall be applied to:

(i) The payment of interest on the bonds;

(ii) The payment of the next principal maturity of the bonds;

(iii) The redemption of any part of the bonds that are redeemable before maturity; or

(iv) If authorized by a resolution issued by the governing body of the county, the construction or improvement of other public school facilities.

(i) Bonds issued under this subtitle are negotiable instruments under the laws of this State.

(j) Before the preparation of bonds, the county may issue bond anticipation notes in accordance with Title 19, Subtitle 2, Part III of the Local Government Article.

§5–603.

(a) Bonds issued under this subtitle constitute an irrevocable pledge of the full faith and credit and unlimited taxing power of the county to the payment of the principal of and interest on the bonds when the bonds become payable.

(b) (1) Except as provided in paragraph (2) of this subsection, in every fiscal year in which any of the bonds are outstanding, the county shall levy ad valorem taxes on all assessable property within the corporate limits of the county in an amount sufficient to make payments, when due, on the principal of and interest on the bonds.

(2) If other funds are available to pay the principal of and interest on the bonds, the county may reduce the taxes that would otherwise need to be levied under this section.

(c) The county may apply funds received from any source to the payment of the principal of and interest on the bonds.

§5–604.

Bonds issued under this subtitle are exempt from State, county, and municipal taxation.

§6–101.

Unless an individual is eligible to be issued a certificate by the State Superintendent, an individual may not be employed as a county superintendent, assistant superintendent, supervisor, principal, or teacher.

§6–101.1.

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

(2) (i) "Military spouse" means the spouse of a service member or veteran.

(ii) "Military spouse" includes a surviving spouse of:

1. A veteran; or

2. A service member who died within 1 year before the date on which the application for an educator certificate is submitted.

(3) "Service member" means an individual who is an active duty member of:

(i) The armed forces of the United States;

(ii) A reserve component of the armed forces of the United States; or

(iii) The National Guard of any state.

(4) (i) "Veteran" means a former service member who was discharged from active duty under circumstances other than dishonorable within 1 year before the date on which the application for an educator certificate is submitted.

(ii) "Veteran" does not include an individual who has completed active duty and has been discharged for more than 1 year before the application for an educator certificate is submitted.

(b) The State Superintendent shall expedite educator certification for a service member, veteran, or military spouse.

(c) To qualify for expedited educator certification under this section, a service member, veteran, or military spouse shall:

(1) Submit an application for educator certification;

(2) Hold a valid educator license or certificate in good standing issued in another state;

(3) Meet the applicable qualifications for certification in COMAR 13A.12.01.04 and .05; and

(4) Pay the applicable certification fee.

(d) (1) Subject to paragraph (2) of this subsection, the State Superintendent, at the request of a local school system, may issue a temporary educator certificate to a service member, veteran, or military spouse who holds a valid educator certificate or license in good standing issued in another state but who does not meet the qualifications for educator certification in this State.

(2) A temporary educator certificate issued under this subsection authorizes the service member, veteran, or military spouse, for a limited period of time, as determined by the State Superintendent, to be employed as an educator in the State while the service member, veteran, or military spouse completes additional requirements for certification in this State.

(e) The Department shall publish prominently on its Web site the process for obtaining expedited educator certification under this section.

(f) The State Board may adopt regulations to carry out this section.

§6–102.

(a) Teachers' certificates shall be of two classes:

(1) First class; and

(2) Second class.

(b) Each teacher's certificate issued by the State Superintendent shall be second class when issued.

(c) Each county superintendent shall classify the certificate of each teacher employed by the school system of the superintendent's county at least once every 2 years.

(d) In determining the class of the certificate of a teacher, the county superintendent shall consider:

(1) Scholarship;

(2) Executive ability;

(3) Personality; and

(4) Teaching efficiency.

(e) Each county superintendent shall keep a record of the kind, grade, and class of certificate held by each teacher employed by the school system of the superintendent's county.

§6–103.

(a) The State Superintendent shall keep a complete record of the academic preparation, professional training, and teaching experience of each applicant to whom a certificate is issued.

(b) The State Superintendent shall keep a complete record of the credentials, certificates, or diplomas on which certificates have been issued or renewed.

(c) The State Superintendent shall keep a complete record and file of:

(1) Each certificate issued; and

(2) Each certificate in force.

§6–104.

(a) This section applies to the appointment, assignment, compensation, promotion, transfer, dismissal, and any other matter that relates to the employment of public school employees in this State.

(b) The State Superintendent, a county board, a county superintendent, or an assistant to any one of these may not make any distinction or discriminate in favor of or against any public school employee of this State because of race, religion, color, ancestry or national origin, sex, age, marital status, sexual orientation, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment except, as to sex, if the employment of a certain sex is reasonably necessary because of the nature of the employment.

§6–105.

(a) Each teacher in a public school of this State shall have a duty-free lunch period each regularly scheduled school day.

(b) This duty-free period shall be for at least 30 minutes, unless the students have a regular lunch period of less than 30 minutes in which case the duty-free period shall be the same as the regular lunch period.

(c) Each county board may employ teacher aides to carry out the purposes of this section.

§6–106.

(a) Each county board may use volunteer aides in school activities in its county.

(b) A volunteer aide may not be used to supplant educational personnel but shall be used to assist regular employees in their assignments.

(c) Each county superintendent shall establish guidelines for the use of volunteer aides in the school system of the superintendent's county.

(d) A volunteer aide is considered an agent of the county board for the limited purposes of:

(1) Comprehensive liability insurance coverage under § 4–105 of this article; and

(2) Workers' compensation coverage under the Maryland Workers' Compensation Act.

§6–107.

(a) A county board may make an agreement or financial arrangement with an

institution of higher education that satisfies the conditions of § 11-202 of this article, to provide classroom or administrative office experience for student teachers and student interns.

(b) The institution of higher education and the county board where the student teaching center program is adopted shall:

(1) Approve or select jointly the supervising teachers, who are employees of the county board, to serve in the program; and

(2) Adopt an agreed, continuing, in-service improvement program for the supervising teachers.

(c) (1) While the student teacher is assigned as a student teacher, he shall be given the same authority as if he were a certificated employee of the county board to which he is assigned.

(2) The authority of the student teacher extends to:

(i) Every aspect of student management or discipline;

(ii) The handling of records of students; and

(iii) Any other aspect of authority granted to a certificated employee of a county board.

(d) Student teachers and student interns are considered agents of the county board for the limited purposes of:

(1) Comprehensive liability insurance coverage under § 4-105 of this article; and

(2) Workers' compensation coverage under the Maryland Workers' Compensation Act, but this coverage is not to exceed the salary of a first year teacher in the county school system.

§6–108.

(a) Whether or not an individual receives compensation for the individual's services, an employee of a county health department functioning as a school nurse or school health aide, or a member of the administrative, educational, or support staff of, or an individual who serves under a contract for services to, any public, private or parochial school shall have the immunity from liability described under § 5-803 of the Courts and Judicial Proceedings Article.

(b) A county superintendent or any employee of a county school system who presents or enters findings of fact, recommendations, or reports or who participates in an employee dismissal, disciplinary, administrative, or judicial proceeding relating to

a school system employee that results from these actions shall have the immunity from liability described under § 5-803 of the Courts and Judicial Proceedings Article.

§6–109.

(a) A county superintendent and any other employee of a county board who handles funds of the school system shall give bond to secure the interests of the State and the county board as their interests may appear in the penal sum required by the county board.

(b) (1) The bond shall have the security of any guaranty, deposit, trust, or other similar company authorized under the laws of this State to act in this capacity.

(2) The cost or fee for this security shall be paid by the county board.

(3) The executed bond shall be filed with the State Comptroller.

(c) The bond shall contain provisions that the employee shall perform faithfully the duties of the employee's office and pay over and apply all money that comes into the employee's possession or control to the person and in the manner that the county board, under the provisions of this article, directs.

(d) (1) The requirements in subsection (a) of this section may be satisfied by the purchase of surety insurance or surety self-insurance provided by a pool established under Title 19, Subtitle 6 of the Insurance Article.

(2) The surety insurance or self-insurance shall be in an amount required by the county board.

§6–110.

Teachers' professional organizations are recommended as important means of raising the standard of public education by:

(1) Mutual conference;

(2) Interchange of views; and

(3) Suggestions as to systems of teaching and discipline.

§6–111.

(a) An employee of a county board who is absent due to physical disability that results from an assault while in the scope of board employment shall be kept on full pay status instead of sick leave during the period of absence.

(b) Each county board shall establish rules and regulations for the entitlement and use of assault leave, including a requirement that an employee provide:

(1) A signed statement that justifies the use of assault leave; and

(2) If medical attention is required, a certificate from a licensed physician that states the nature and duration of the disability.

§6–112.

(a) There is a program of State and local aid to teachers who pursue certification or renewal of certification by the National Board for Professional Teaching Standards known as the State and Local Aid Program for Certification by the National Board for Professional Teaching Standards.

(b) Each school year, the State Board shall select, consistent with the amount provided in the State budget for the Program, a maximum of 1,000 teachers to participate in the Program.

(c) The State Board may provide aid under the Program to a participant for up to one retake of an unsuccessful entry on the National Board for Professional Teaching Standards assessment.

(d) The State Board shall adopt regulations to implement and administer the Program established under this section, including:

(1) Procedures for submitting applications for aid; and

(2) Criteria for the selection of recipients of aid.

(e) (1) Except as provided in subsection (c) of this section, each teacher selected by the State Board to receive aid shall receive from the State an amount equal to the certification fee charged by the National Board for Professional Teaching Standards.

(2) Each county shall pay to the State one–third of the cost of certification for each teacher who participates in the Program who teaches in the county.

(3) (i) A teacher who does not complete all the requirements for assessment by the National Board for Professional Teaching Standards shall reimburse the State the full amount of the aid received to participate in the Program.

(ii) The State shall reimburse the county the amount received under paragraph (2) of this subsection on receipt of the reimbursement of aid from a teacher under this paragraph.

(iii) The provisions of subparagraph (i) of this paragraph do not apply to a teacher who completes all the requirements for assessment by the National Board for Professional Teaching Standards but who does not receive certification.

(f) The State Board shall establish a statewide staff development plan that

utilizes the skills and knowledge of teachers who have obtained National Board certification.

§6–112.1.

(a) In this section, "Board" means the State Board of Audiologists, Hearing-Aid Dispensers, and Speech-Language Pathologists.

(b) There is a program of county aid to audiologists and speech-language pathologists who:

(1) Provide audiology and speech-language services on a third-party billing basis in schools; and

(2) Are licensed by the Board.

(c) Each audiologist and speech-language pathologist who meets the requirements of subsection (b) of this section shall receive from the county board an amount equal to the initial licensing fee or renewal of license fee charged by the Board.

(d) The State Board shall adopt regulations to implement and administer the program established under this section.

(e) An audiologist or speech-language pathologist shall reimburse the county board the full amount of the aid received if the audiologist or speech-language pathologist does not:

(1) Complete all the requirements for renewal of a license by the Board; or

(2) Provide audiology or speech-language pathology services on a third-party billing basis in a school.

§6–113.

(a) A county board may not knowingly hire or retain any individual who has been convicted of a crime involving:

(1) An offense under § 3–307 or § 3–308 of the Criminal Law Article or an offense under the laws of another state that would constitute a violation of § 3–307 or § 3–308 of the Criminal Law Article if committed in the State;

(2) Child sexual abuse under § 3–602 of the Criminal Law Article, or an offense under the laws of another state that would constitute child sexual abuse under § 3–602 of the Criminal Law Article if committed in this State; or

(3) A crime of violence as defined in § 14–101 of the Criminal Law Article, or an offense under the laws of another state that would be a violation of § 14–101 of the Criminal Law Article if committed in this State.

(b) A local school system contract shall provide that a contractor or subcontractor for the local school system may not knowingly assign an employee to work on school premises with direct, unsupervised, and uncontrolled access to children, if the employee has been convicted of a crime identified under subsection (a) of this section.

§6–114.

The State Superintendent, a county board, or a county superintendent may not print or have printed a teacher's or other employee's Social Security number on any type of identification card.

§6–115.

(a) Subject to the requirements of this section, the Department may assign a unique identification number to each teacher employed by a public school in the State.

(b) The identification number must be randomly generated and may not provide personally identifiable information about the individual to whom it is assigned.

(c) The identification number shall be limited to use in reporting for educational purposes only:

(1) To match data from multiple data collections and years; and

(2) To meet State and federal reporting requirements.

§6–116.

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

(2) "Eligible school" means a public school identified for restructuring under the accountability regulations of the State Board.

(3) "Employer school system" means the local school system where an applicant to the Program is employed at the time of selection as a fellow.

(4) "Fellow" means an individual selected to participate in the Program.

(5) "Program" means the Principal Fellowship and Leadership Development Program.

(6) "Receiving school" means a public school where a fellow is placed.

(7) "Receiving school system" means the local school system in which the public school where a fellow is placed is located.

(b) There is a statewide elementary and secondary education Principal Fellowship and Leadership Development Program in the Department.

(c) (1) The Department shall develop criteria for the selection of:

(i) Fellows; and

(ii) Receiving schools.

(2) Subject to the approval of the State Board, the State Superintendent may require a school system in corrective action to participate in the Program.

(3) A principal in a local school system in the State may not participate in the Program in an eligible school within the same local school system.

(4) (i) A county superintendent may nominate a principal or assistant principal from within the local school system to participate in the Program in an eligible school within a different local school system.

(ii) A county superintendent may not nominate a principal or assistant principal from within the local school system to participate in the Program in an eligible school within the local school system.

(5) The placement of a fellow in an eligible school satisfies the alternative governance requirement of the accountability regulations of the State Board.

(d) (1) A fellow shall receive an annual compensation that consists of:

(i) A salary at the level and step the fellow would have received according to the salary scale of the employer school system; and

(ii) A $20,000 annual stipend.

(2) For each year of the fellow's placement in a receiving school, the Department shall issue a grant to the receiving school system in an amount that covers:

(i) The annual stipend; and

(ii) If the fellow's salary at the level and step on the salary scale of the receiving school system as of July 1 is less than that of the level and step on the salary scale of the employer school system, the amount of the difference.

(3) The receiving school system shall reimburse the employer school system for:

(i) The salary of the fellow;

(ii) The annual stipend; and

(iii) The fringe benefit costs associated with the fellow's annual salary including the stipend.

(e) (1) Each year the State Superintendent shall select from a list of qualified applicants a maximum of 10 fellows and place them in public schools identified for restructuring in accordance with the selection criteria.

(2) Each fellow shall make a commitment to serve for 3 years if selected.

(f) (1) Subject to the approval of both the State Superintendent and the county superintendent, the fellow may select, from among qualified employees of the receiving school system, the assistant principals in the receiving school where the fellow is placed.

(2) In order to address orderly succession in school leadership, the fellow shall, subject to the approval of both the State Superintendent and the county superintendent of the receiving school system, select a qualified employee of the receiving school system, on or before the start of the third year of the fellow's placement, to serve as the assistant principal in the receiving school who will assume leadership of the school after the fellow's departure.

(3) Provided that the assistant principal selected under paragraph (2) of this subsection has demonstrated satisfactory performance, the assistant principal shall become the principal of the school after the departure of the fellow.

(g) The Department shall act as a fiscal agent for State funds appropriated under this section.

§6–117.

(a) The Department shall develop guidelines for the establishment of comprehensive induction programs for new teachers employed by hard-to-staff schools, as that term is defined by the Department.

(b) The guidelines shall include provisions concerning the following:

(1) Mentoring;

(2) Professional development training and support;

(3) Eligibility criteria for teachers to participate in the program; and

(4) The standards to determine which schools are considered hard-to-staff schools.

(c) Funding to support the development of the guidelines required under this section shall be as provided in the State budget.

§6–118.

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

(2) "NBC teacher" means a teacher who is certified by the National Board for Professional Teaching Standards.

(3) "Program" means the National Board Certified Teacher Pilot Program.

(4) "Eligible school" means a Maryland public school that is a:

(i) Title I school; or

(ii) School identified for school improvement, corrective action, or restructuring under the accountability regulations of the State Board.

(b) There is a National Board Certified Teacher Pilot Program in the State.

(c) (1) To participate in the Program an eligible school in the State must have at least three teachers who have:

(i) Agreed to pursue certification by the National Board for Professional Teaching Standards; and

(ii) Signed a letter of intent to teach at the school for 3 years.

(2) (i) The State Superintendent shall select three public school systems to participate in the Program for a period of 3 years.

(ii) In consultation with the respective county board, the State Superintendent shall select five eligible schools from among the school systems selected to participate in the Program.

(3) (i) A county board shall give preference to an NBC teacher in employing a staff development teacher at an eligible school.

(ii) The State may reimburse the county board for the board's cost of employing one staff development teacher at an eligible school, not to exceed $62,000 annually.

(4) Candidates for National Board certification under this subsection shall be included in the State and local aid program for certification by the National Board of Professional Teaching Standards established under § 6–112 of this subtitle.

(d) For fiscal years 2008 through 2010, the Governor shall include in the annual budget submission $320,000 for the Program.

(e) The State Board shall adopt regulations to implement and administer the Program established under this section.

(f) On or before October 1 of the years 2008 through 2010, the Department shall submit a report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the effectiveness of the Program.

§6–119.

(a) The State Board shall develop guidelines for an incentive program to encourage public school systems to:

(1) Adopt a teacher support system that provides year-long assistance and support to teachers through a teacher consulting program in which consulting teachers are fully trained and apply rigorous teaching standards; and

(2) Improve teacher retention during the first 5 years of service.

(b) In developing the guidelines under subsection (a) of this section, the State Board shall conduct an assessment of the advisability and feasibility of providing competitive grants to county boards to assist in the development and implementation of a teacher support incentive program.

(c) It is the intent of the General Assembly that, if money becomes available, the Governor include an appropriation in the State budget for grants for teacher support incentive programs established in accordance with the guidelines developed under this section.

§6–120.

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

(2) "Alternative teacher preparation program" means a program established by a county board and approved by the State Superintendent that:

(i) Leads to a participant receiving a Resident Teacher Certificate issued by the Department; and

(ii) Includes teaching assignments with supervision and mentoring by a qualified teacher.

(3) "Program" means the Maryland Alternative Teaching Opportunity Program.

(4) "Qualified candidate" means a teaching candidate who:

(i) Is enrolled in an alternative teacher preparation program;

(ii) Intends to teach in a public school in the State in the field of:

1. Science;

2. Mathematics; or

3. Special education;

(iii) Has made a commitment to a local board to teach in a public school for at least 3 years; and

(iv) Participates in a preresidency internship program for a period of 4 to 8 weeks on or after January 1, 2007.

(b) (1) There is a Maryland Alternative Teaching Opportunity Program in the Department.

(2) The purpose of the Program is to encourage the use of alternative teacher preparation programs to meet the demand for qualified teachers in science, mathematics, and special education.

(c) (1) A county board may apply to the Department to participate in the Program.

(2) When selecting participants, the Department shall take into account:

(i) The shortage of teachers in science, mathematics, and special education in a school system;

(ii) The percentage of conditional teachers in a school system; and

(iii) Geographic diversity.

(3) Subject to the availability of funds, each fiscal year the Department shall designate the number of qualified candidates in each local school system that may participate in the Program.

(4) The total number of qualified candidates that may participate in the Program statewide may not exceed 100 in any fiscal year.

(d) (1) The Department and the county board shall share in the cost of providing a per diem stipend to an eligible qualified candidate who participates in a preresidency internship program.

(2) The Department's share of the per diem stipend shall be no more than 50% of a local school system's long-term degreed substitute per diem rate, for a maximum of 40 days.

(e) State funds provided under this Program shall supplement and may not supplant local funding provided for the same purpose.

(f) On October 1, 2008, and each year thereafter, the Department shall submit to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly, a report regarding:

(1) The school systems participating in the Program and the number of

per diem stipends awarded;

(2) The teaching assignments of resident teachers participating in the Program; and

(3) The retention rate of resident teachers participating in the Program during their first 5 years of teaching.

§6–121.

(a) The Department shall establish teacher certification for career professionals in specialized fields.

(b) The Department shall adopt regulations to implement this section.

§6–201.

(a) (1) Subject to paragraph (2) of this subsection, the county board shall employ individuals in the positions that the county board considers necessary for the operation of the public schools in the county.

(2) In Prince George's County, the Chief Executive Officer of the Prince George's County public school system shall hire and set the salaries of a chief operating officer, a chief financial officer, a chief academic officer, a chief of staff, a board liaison, and any other necessary executive staff in the office of the Chief Executive Officer.

(b) (1) Except as provided in subsection (a) of this section, the county superintendent shall nominate for appointment by the county board:

(i) All professional assistants of the office of county superintendent; and

(ii) All principals, teachers, and other certificated personnel.

(2) As to these personnel, the county superintendent shall:

(i) Assign them to their positions in the schools;

(ii) Transfer them as the needs of the schools require;

(iii) Recommend them for promotion; and

(iv) Suspend them for cause and recommend them for dismissal in accordance with § 6–202 of this subtitle.

(c) (1) Except in Worcester County and Baltimore City, the county superintendent shall appoint clerical and other nonprofessional personnel.

(2) In Worcester County, the County Superintendent shall appoint clerical

and other nonprofessional personnel with the advice and consent of the county board.

(3) Notwithstanding any provision of local law, in Baltimore City, the appointment, tenure, and compensation of clerical and other nonprofessional personnel shall be determined in accordance with the personnel system established by the Baltimore City Board of School Commissioners under § 4–311 of this article.

(d) (1) Supervisory and administrative personnel shall be appointed in each county in accordance with ratios established by the rules and regulations of the State Board and within the ratio established under § 2–205(m) of this article.

(2) These personnel shall include:

(i) Supervising or helping teachers;

(ii) Supervisors of pupil personnel I;

(iii) Supervisors of pupil personnel II; and

(iv) Visiting teachers.

(e) An individual may not be appointed as a professional assistant or to any position listed in subsection (d) of this section unless he holds the appropriate certificate from the State Superintendent issued in accordance with the rules and regulations of the State Board.

(f) Subject to the provisions of this article, the qualifications, tenure, and compensation of each appointee shall be determined by the county board.

(g) The county superintendent shall see that each regular appointee of the county board devotes his entire time to his duties.

§6–201.1.

The Department shall:

(1) Develop an informational form that lists and explains the various paths that can be taken in order to obtain certification and tenure in the State; and

(2) Post the form on its Web site.

§6–202.

(a) (1) On the recommendation of the county superintendent, a county board may suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other professional assistant for:

(i) Immorality;

(ii) Misconduct in office, including knowingly failing to report suspected child abuse in violation of § 5–704 of the Family Law Article;

(iii) Insubordination;

(iv) Incompetency; or

(v) Willful neglect of duty.

(2) Before removing an individual, the county board shall send the individual a copy of the charges against him and give him an opportunity within 10 days to request a hearing.

(3) If the individual requests a hearing within the 10–day period:

(i) The county board promptly shall hold a hearing, but a hearing may not be set within 10 days after the county board sends the individual a notice of the hearing; and

(ii) The individual shall have an opportunity to be heard before the county board, in person or by counsel, and to bring witnesses to the hearing.

(4) The individual may appeal from the decision of the county board to the State Board.

(5) Notwithstanding any provision of local law, in Baltimore City the suspension and removal of assistant superintendents and higher levels shall be as provided by the personnel system established by the Baltimore City Board of School Commissioners under § 4–311 of this article.

(b) (1) Except as provided in paragraph (3) of this subsection, the probationary period of employment of a certificated employee in a local school system shall cover a period of 3 years from the date of employment and shall consist of a 1–year employment contract that may be renewed by the county board.

(2) (i) A county board shall evaluate annually a nontenured certificated employee based on established performance evaluation criteria.

(ii) Subject to subparagraph (iii) of this paragraph, if the nontenured certificated employee is not on track to qualify for tenure at any formal evaluation point:

1. A mentor promptly shall be assigned to the employee to provide the employee comprehensive guidance and instruction; and

2. Additional professional development shall be provided to the employee, as appropriate.

(iii) Nothing in this paragraph shall be construed to prohibit a county

board from assigning a mentor at any time during a nontenured certificated employee's employment.

(3) (i) Subject to subparagraph (ii) of this paragraph, if a certificated employee has achieved tenure in a local school system in the State and moves to another local school system in the State, that employee shall be tenured if the employee's contract is renewed after 1 year of probationary employment in the local school system to which the employee relocated if:

1. The employee's final evaluation in the local school system from which the employee departed is satisfactory or better; and

2. There has been no break in the employee's service between the two systems of longer than 1 year.

(ii) A local school system may extend the probationary period for a certificated employee subject to subparagraph (i) of this paragraph for a second year from the date of employment if:

1. The employee does not qualify for tenure at the end of the first year based on established performance evaluation criteria; and

2. The employee demonstrates a strong potential for improvement.

(4) (i) The State Board shall adopt regulations that implement the provisions of paragraphs (1) and (2) of this subsection and define the scope of a mentoring program and professional development that will be aligned with the 3–year probationary period.

(ii) The State Board shall adopt regulations to establish standards for effective mentoring, including provisions to ensure that mentors provide mentoring that:

1. Is focused;

2. Is systematic;

3. Is ongoing;

4. Is of high quality;

5. Is geared to the needs of each employee being mentored;

6. Includes observations; and

7. Includes feedback.

(c) (1) In this subsection, "student growth" means student progress assessed

by multiple measures and from a clearly articulated baseline to one or more points in time.

(2) (i) Subject to subparagraph (iii) of this paragraph, the State Board shall adopt regulations that establish general standards for performance evaluations for certificated teachers and principals that include observations, clear standards, rigor, and claims and evidence of observed instruction.

(ii) The regulations adopted under subparagraph (i) of this paragraph shall include default model performance evaluation criteria.

(iii) Before the proposal of the regulations required under this paragraph, the State Board shall solicit information and recommendations from each local school system and convene a meeting wherein this information and these recommendations are discussed and considered.

(3) Subject to paragraph (6) of this subsection:

(i) A county board shall establish performance evaluation criteria for certificated teachers and principals in the local school system based on the general standards adopted under paragraph (2) of this subsection that are mutually agreed on by the local school system and the exclusive employee representative.

(ii) Nothing in this paragraph shall be construed to require mutual agreement under subparagraph (i) of this paragraph to be governed by Subtitles 4 and 5 of this title.

(4) Subject to paragraph (7) of this subsection, the performance evaluation criteria developed under paragraph (3) of this subsection:

(i) Shall include data on student growth as a significant component of the evaluation and as one of multiple measures; and

(ii) May not be based solely on an existing or newly created single examination or assessment.

(5) (i) An existing or newly created single examination or assessment may be used as one of the multiple measures.

(ii) No single criterion shall account for more than 35% of the total performance evaluation criteria.

(6) If a local school system and the exclusive employee representative fail to mutually agree under paragraph (3) of this subsection, the default model performance evaluation criteria adopted by the State Board under paragraph (2)(ii) of this subsection shall take effect in the local jurisdiction 6 months following the final adoption of the regulations.

(7) Any performance evaluation criteria developed under this subsection may not require student growth data based on State assessments to be used to make personnel decisions before the 2016–2017 school year.

§6–203.

(a) For all proceedings before a county board under § 6–202 of this subtitle and §§ 4–205(c) and 7–305 of this article, the county board may have the proceedings heard first by a hearing examiner.

(b) (1) Except as provided in paragraph (2) of this subsection, for proceedings before a county board under § 6–202 of this subtitle, the hearing examiner shall be an attorney admitted to practice before the Maryland Court of Appeals.

(2) In Anne Arundel County, for proceedings before the Anne Arundel County Board under § 6–202 of this subtitle, the hearing examiner may, but need not, be an attorney.

(3) The hearing examiner shall be chosen by the county board.

(4) In Calvert and Charles counties, the hearing examiner may not be the attorney to the county board or be connected in any way with that attorney.

(5) In Carroll and Howard counties, the hearing examiner may not be a partner or an employee of the law firm representing the county board.

(c) The hearing examiner shall submit to the county board and appellant:

(1) A record of the proceedings and exhibits; and

(2) The hearing examiner's findings of fact, conclusions of law, and recommendation.

(d) Parties to the proceedings before the hearing examiner may make arguments before the county board.

(e) (1) After it reviews the record and the recommendation of the hearing examiner, the county board shall make a decision.

(2) The decision may be appealed to the State Board as provided in this article.

(f) Each county board shall adopt reasonable rules and regulations to regulate the proceedings before the hearing examiner.

§6–204.

(a) For the purpose of establishing compensation rates and the basic rates for vacation and sick leave credit earnings, all professional personnel who previously were

employed by a county school system or the public library system in this State and who are appointed to positions in the Department shall be given credit as employees of the Department for the years of service as employees of the county school system or public library system from which they transferred.

(b) For the purpose of establishing vacation and sick leave credit earnings, this section applies to all professional personnel employed by the Department before July 1, 1972.

§6–301.

A teacher or principal whose certificate is rated by a county superintendent as second class under § 6-102 of this title may not receive a salary increment based on experience.

§6–302.

(a) An individual who is employed as a teacher, librarian, principal, director of education, or supervisor of vocational education on the staffs of the following institutions or in the following programs, or an individual who is employed as a central office director, superintendent, specialist, or coordinator of education for the following institutions or programs, shall be paid the annual salary determined under subsection (b) of this section:

(1) Any institution that is under the jurisdiction of:

(i) The Department of Juvenile Services; or

(ii) The Department of Health and Mental Hygiene;

(2) Any vocational rehabilitation program operated by the State Department of Education; and

(3) Any correctional education program operated by the Department of Labor, Licensing, and Regulation in a facility of the Department of Public Safety and Correctional Services.

(b) (1) There shall be a single, statewide institutional educator pay plan for the positions described under subsection (a) of this section. The pay plan shall be established by the Department of Budget and Management as provided in paragraph (2) of this subsection.

(2) In establishing and administering the pay plan, the Secretary of Budget and Management on an annual basis shall review the salaries of public school teachers, librarians, and administrators in the six jurisdictions with the highest number of institutional educator positions and shall recommend salaries at levels that will be adequate to recruit and retain qualified institutional educators. The pay plan shall include classifications and pay grades based on the duties, responsibilities,

education, and training required. The Secretary's recommendations shall be made by December 1 of each year for implementation on July 1 of the following fiscal year.

(3) The Secretary of Budget and Management shall submit any recommendations to the Governor for approval.

§6–303.

(a) There is an Institutional Educator Pay Plan Advisory Committee.

(b) (1) The Advisory Committee shall consist of:

(i) Five employee educators whose positions are included in the Institutional Educator Pay Plan established under § 6–302 of this subtitle from each of the following units:

1. The Division of Workforce Development and Adult Learning in the Department of Labor, Licensing, and Regulation;

2. The Division of Rehabilitative Services in the Department of Education;

3. The Department of Juvenile Services;

4. The Department of Health and Mental Hygiene; and

5. The Juvenile Services Education Program in the Department of Education; and

(ii) Any additional agency representatives appointed by the Secretary of Budget and Management.

(2) The State Director of the Correctional Education Association shall recommend to the Secretary of Budget and Management individuals to serve as the institutional educator members of the Advisory Committee. The Secretary shall take these recommendations into consideration, but may appoint any individual who is an institutional educator under § 6–302(a) of this subtitle.

(c) Each member of the Advisory Committee:

(1) Shall serve a 3–year term; and

(2) (i) Shall serve without compensation; but

(ii) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

(d) The Advisory Committee shall designate:

(1) One member as chairperson; and

(2) The time and place of its meetings.

(e) The Advisory Committee shall review and comment on the Institutional Educator Pay Plan recommendations made by the Secretary of Budget and Management prior to the submission of the recommendations to the Governor.

§6–304.

(a) The salary of a teacher and the salary of a Prince George's County Board classified employee shall be paid:

(1) At least monthly during the school year; and

(2) On or before the tenth day of the month after the month for which the salary is due.

(b) A teacher may not receive payment for services unless all of the current records required by the county superintendent are made and submitted properly.

§6–305.

Remuneration of an employee on account of sickness or accident of the employee shall be paid and treated as sick pay and not as continuation of salary.

§6–306. IN EFFECT

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

(2) "County grant for national certification" means an annual grant distributed to a teacher certified by the National Board for Professional Teaching Standards established:

(i) Outside of the collective bargaining process; or

(ii) As part of a collective bargaining agreement with the local employee organization.

(3) "School–based employee" means a certificated employee who works directly with students or teachers at a public school.

(b) (1) For fiscal year 2000 and each subsequent fiscal year, the Governor shall include in each year's operating budget funding for the stipends and bonuses provided in this subsection.

(2) A classroom teacher or other nonadministrative school–based employee in a public school identified by the State Board as having comprehensive needs who holds a standard professional certificate or an advanced professional

certificate who is employed by a county board and who holds a certificate issued by the National Board for Professional Teaching Standards shall receive a stipend from the State in an amount equal to the county grant for national certification, up to a maximum of $2,000 per qualified individual.

(3) A classroom teacher or other nonadministrative school–based employee in a school not identified by the State Board as having comprehensive needs who holds a standard professional certificate or an advanced professional certificate who is employed by a county board and who holds a certificate issued by the National Board for Professional Teaching Standards shall receive a stipend from the State in an amount equal to the county grant for national certification, up to a maximum of $1,000 per qualified individual.

(4) A classroom teacher who holds an advanced professional certificate and teaches in a public school identified by the State Board as a school having comprehensive needs shall receive a stipend from the State in the amount of $1,500 for each year that the teacher performs satisfactorily in the classroom.

(5) (i) 1. The State Board shall establish a program to support locally negotiated incentives, governed under Subtitles 4 and 5 of this title, for highly effective classroom teachers and principals to work in public schools that are:

A. In improvement, corrective action, or restructuring;

B. Categorized by the local school system as a Title I school; or

C. In the highest 25% of schools in the State based on a ranking of the percentage of students who receive free and reduced priced meals.

2. The program established under subsubparagraph 1 of this subparagraph may include financial incentives, leadership changes, or other incentives.

(ii) 1. The State Board shall adopt guidelines to implement this paragraph.

2. Nothing in this paragraph shall be construed to prohibit a local school system from employing more stringent standards than the guidelines adopted under this subparagraph.

(c) An individual who receives a stipend or bonus under subsection (b) of this section may not be deemed an employee of the State.

(d) The employer of an individual who receives a stipend or bonus under subsection (b) of this section shall pay the increase in fringe benefit costs associated with the stipend or bonus.

(e) The Department shall act as fiscal agent for funds disbursed under this

section.

6–306. ** TAKES EFFECT JULY 1, 2016 PER CHAPTER 489 OF 2015 **

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

(2) "County grant for national certification" means an annual grant distributed to a teacher certified by the National Board for Professional Teaching Standards established:

(i) Outside of the collective bargaining process; or

(ii) As part of a collective bargaining agreement with the local employee organization.

(3) "School–based employee" means a certificated employee who works directly with students or teachers at a public school.

(b) (1) For fiscal year 2000 and each subsequent fiscal year, the Governor shall include in each year's operating budget funding for the stipends and bonuses provided in this subsection.

(2) A classroom teacher or other nonadministrative school–based employee in a public school identified by the State Board as having comprehensive needs who holds a standard professional certificate or an advanced professional certificate who is employed by a county board and who holds a certificate issued by the National Board for Professional Teaching Standards shall receive a stipend from the State in an amount equal to the county grant for national certification, up to a maximum of $2,000 per qualified individual.

(3) A classroom teacher or other nonadministrative school–based employee in a school not identified by the State Board as having comprehensive needs who holds a standard professional certificate or an advanced professional certificate who is employed by a county board and who holds a certificate issued by the National Board for Professional Teaching Standards shall receive a stipend from the State in an amount equal to the county grant for national certification, up to a maximum of $1,000 per qualified individual.

(4) (i) 1. The State Board shall establish a program to support locally negotiated incentives, governed under Subtitles 4 and 5 of this title, for highly effective classroom teachers and principals to work in public schools that are:

A. In improvement, corrective action, or restructuring;

B. Categorized by the local school system as a Title I school; or

C. In the highest 25% of schools in the State based on a ranking of the percentage of students who receive free and reduced priced meals.

2. The program established under subsubparagraph 1 of this subparagraph may include financial incentives, leadership changes, or other incentives.

(ii) 1. The State Board shall adopt guidelines to implement this paragraph.

2. Nothing in this paragraph shall be construed to prohibit a local school system from employing more stringent standards than the guidelines adopted under this subparagraph.

(c) An individual who receives a stipend or bonus under subsection (b) of this section may not be deemed an employee of the State.

(d) The employer of an individual who receives a stipend or bonus under subsection (b) of this section shall pay the increase in fringe benefit costs associated with the stipend or bonus.

(e) The Department shall act as fiscal agent for funds disbursed under this section.

§6–401.

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

(b) "Board" means the Public School Labor Relations Board established under Subtitle 8 of this title.

(c) "Employee organization" means an organization that:

(1) Includes certificated employees of a public school employer or individuals of equivalent status in Baltimore City; and

(2) Has as one of its main purposes the representation of the employees in their relations with that public school employer.

(d) (1) "Home and hospital teacher" means a teacher employed by a public school employer to provide instructional services to a public school student who is unable to function effectively in the classroom setting due to the student's medical, physical, or emotional condition.

(2) A home and hospital teacher may teach in:

(i) A private home;

(ii) A hospital;

(iii) A therapeutic center;

(iv) A school; or

(v) Any other appropriate site.

(e) (1) "Public school employee" means a certificated professional individual who is employed by a public school employer or an individual of equivalent status in Baltimore City, except for a county superintendent or an individual designated by the public school employer to act in a negotiating capacity as provided in § 6–408(c) of this subtitle.

(2) In Montgomery County, "public school employees" include:

(i) Certificated and noncertificated substitute teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 1978, and each year after; and

(ii) Home and hospital teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 2000, and each year after.

(3) In Baltimore County, "public school employee" includes a secondary school nurse, an elementary school nurse, and a special school nurse.

(4) In Frederick County, "public school employee" includes a social worker employed by a public school employer.

(5) In Prince George's County, "public school employee" includes home and hospital teachers and Junior Reserve Officer Training Corps (JROTC) instructors.

(6) In Baltimore County, Calvert County, Charles County, and Garrett County, "public school employee" includes Junior Reserve Officer Training Corps (JROTC) instructors.

(7) In Carroll County, "public school employee" includes:

(i) A registered nurse; and

(ii) Supervisory noncertificated employees as defined under § 6–501(i) of this title.

(f) "Public school employer" means a county board of education or the Baltimore City Board of School Commissioners.

§6–402.

(a) Public school employees may form, join, and participate in the activities of employee organizations of their own choice for the purpose of being represented on all matters that relate to salaries, wages, hours, and other working conditions.

(b) An employee organization may establish reasonable:

(1) Restrictions as to who may join; and

(2) Provisions for the dismissal of individuals from membership.

§6–403.

A public school employee may refuse to join or participate in the activities of employee organizations.

§6–404.

(a) Each public school employer shall designate, as provided in this subtitle, which employee organization, if any, shall be the exclusive representative of all public school employees in a specified unit in the county.

(b) (1) Except as provided in paragraph (2) of this subsection, the public school employer shall determine the composition of the unit in negotiation with any employee organization that requests negotiation concerning the composition of the unit.

(2) In St. Mary's County, licensed registered school nurses, Junior Reserve Officers' Training Corps (JROTC) teachers, and supervisory noncertificated employees of the public school employer shall be included in the unit.

(c) (1) There may not be more than two units in a county.

(2) In Baltimore County, one of the units shall consist of employees who are administrative and supervisory certificated employees. The second unit shall consist of all other public school employees as defined under § 6–401(e)(1) and (3) of this subtitle.

(d) All eligible public school employees shall:

(1) Be included in one of these units; and

(2) Have the rights granted in this subtitle.

§6–405.

(a) The designation of an employee organization as an exclusive representative shall be made as provided in this section.

(b) If an employee organization certifies to the public school employer that it has a membership enrollment of at least 30 percent of the total number of public school employees in a specified unit in a county as of June 1 of the year in which certification is made, this certification is a request for recognition as exclusive representative of all public school employees in the specified unit in the county.

(c) If another employee organization certifies that it has a membership enrollment of at least 10 percent of the total number of public school employees in the unit as of the same June 1, an election shall be held in which the public school employees in the unit shall be offered the opportunity to choose:

(1) One of the employee organizations as the exclusive representative of all public school employees in the unit; or

(2) Not to have exclusive representation.

(d) If no other employee organization certifies that it has a membership enrollment of at least 10 percent of the total number of public school employees in the unit, on the request of the employee organization under subsection (b) of this section, an election shall be held and the ballot shall offer a choice between:

(1) Exclusive representation by the organization; and

(2) Not to have exclusive representation.

(e) The public school employer shall designate the employee organization described in subsection (b) of this section as the exclusive representative of all public school employees in the specified unit in a county if:

(1) No other employee organization certifies that it has a membership enrollment of at least 10 percent of the total number of public school employees in the unit;

(2) The employee organization does not request an election under subsection (d) of this section; and

(3) The employee organization certifies that it has a membership enrollment of the majority of the public school employees in the unit in the county.

(f) (1) The Board shall adopt rules and regulations for:

(i) Verifying the number of certificated employees of the public school employer or individuals of equivalent status in Baltimore City who are members in good standing of an employee organization on the date of the certification or who have signed a petition under this section; and

(ii) Holding elections under this section and the certification of their results.

(2) The Board shall provide for supervision of these elections.

(3) The elections shall be held:

(i) In each school facility where public employees are assigned on a

regularly scheduled school day;

(ii) In a manner assuring the secrecy of the ballot; and

(iii) On a regular working day for public school employees, between June 1 and June 15, inclusive, except in Baltimore City where the elections shall be held between November 1 and November 15 following the date on which certification of required membership enrollment is made.

(4) In any election held under this section, the employee organization that receives the largest number of votes cast in a unit shall be declared to be the exclusive representative of all public school employees in the unit. If the largest number of votes in the election is cast not to have exclusive representation, a representative may not be designated for the unit.

(5) The public school employer shall provide any assistance required in holding the elections.

§6–406.

(a) (1) The designation of an exclusive representative shall be for at least 2 years.

(2) After this initial period, the organization shall be the exclusive representative until another election is held.

(b) (1) An election after the initial period of representation may be held:

(i) Only after the end of the 2-year period; and

(ii) On petition signed by more than 20 percent of the public school employees in the unit of the county.

(2) This election shall be held in the same manner as provided in § 6-405 of this subtitle.

(3) All signatures on a petition requesting an election shall be obtained within 90 days before the election date.

§6–407.

(a) An employee organization designated as an exclusive representative shall be the negotiating agent of all public school employees in the unit in the county.

(b) (1) An employee organization designated as an exclusive representative shall represent all employees in the unit fairly and without discrimination, whether or not the employees are members of the employee organization.

(2) In addition, in Montgomery County the exclusive representative shall

represent fairly and without discrimination all persons actually employed as substitute teachers without regard to whether they are included in § 6–401(e) of this subtitle as public school employees.

(c) (1) Subject to subsection (d) of this section, the public school employer shall negotiate with the employee organization designated as the exclusive representative for the public school employees in a unit, a requirement of a reasonable service or representation fee, to be charged nonmembers for representing them in negotiations, contract administration, including grievances, and other activities as are required under subsection (b) of this section.

(2) The service or representation fee may not exceed the annual dues of the members of the organization.

(3) An employee who is a substitute teacher and who works on a short–term day–to–day basis is not required to pay a service or representation fee.

(4) An employee whose religious beliefs are opposed to joining or financially supporting any collective bargaining organization is:

(i) Not required to pay a service or representation fee; and

(ii) Required to pay an amount of money as determined in paragraph (2) of this subsection to a nonreligious, nonunion charity or to such other charitable organization as may be mutually agreed upon by the employee and the exclusive representative, and who furnishes to the public school employer and the exclusive representative written proof of such payment.

(5) The exclusive representative shall establish and maintain a procedure that provides nonmembers with:

(i) An adequate explanation of the basis for the service or representation fee; and

(ii) An opportunity to challenge the amount of the fee.

(6) An employee who is a home or hospital teacher and who works on a short–term day–to–day basis is not required to pay a service or representation fee.

(7) The public school employer shall:

(i) Deduct the service or representation fee from the earnings of the nonmember employees in accordance with a schedule provided by the exclusive representative; and

(ii) Promptly transmit the amount deducted to the exclusive representative.

(d) When negotiating the implementation of a service or representation fee under this section, the public school employer and the exclusive bargaining representative shall negotiate whether the fee is applicable to current employees.

(e) (1) This subsection applies to a county in which a service or representation fee was not negotiated before July 1, 2013.

(2) The following employees in a unit are eligible to vote on ratification of the implementing agreement that provides for a service or representation fee:

(i) Members of the employee organization; and

(ii) Nonmembers affected by the service or representation fee.

(3) The implementing agreement that provides for a service or representation fee shall be ratified by a majority of votes cast by the employees eligible to vote under paragraph (2) of this subsection.

(f) In a county in which a service or representation fee has been negotiated before July 1, 2013, the fee shall be implemented under the provisions of the agreement negotiated before July 1, 2013, and consistent with the requirements of this section without the need for further negotiations.

§6–408.

(a) When a public school employer and an employee organization negotiate under this section, the public school employer and the employee organization shall:

(1) Confer in good faith, at all reasonable times;

(2) Honor and administer existing agreements;

(3) Make every reasonable effort to conclude negotiations with a final written agreement in a timely manner; and

(4) Reduce to writing the matters agreed on as a result of the negotiations.

(b) The agreements may provide for binding arbitration of the grievances arising under the agreement that the parties have agreed to be subject to arbitration.

(c) (1) On request a public school employer or at least two of its designated representatives shall meet and negotiate with at least two representatives of the employee organization that is designated as the exclusive negotiating agent for the public school employees in a unit of the county on all matters that relate to salaries, wages, hours, and other working conditions, including procedures regarding employee transfers and assignments.

(2) Except as provided in paragraph (3) of this subsection, a public school

employer or at least two of its designated representatives may negotiate with at least two representatives of the employee organization that is designated as the exclusive negotiating agent for the public school employees in a unit of the county on other matters that are mutually agreed to by the employer and the employee organization.

(3) A public school employer may not negotiate the school calendar, the maximum number of students assigned to a class, or any matter that is precluded by applicable statutory law.

(4) A matter that is not subject to negotiation under paragraph (2) of this subsection because it has not been mutually agreed to by the employer and the employee organization may not be raised in any action taken to resolve an impasse under subsection (e) of this section.

(5) (i) If a public school employer and an employee organization dispute whether a proposed topic for negotiation is a mandatory, a permissive, or an illegal topic of bargaining, either party may submit a request for a decision in writing to the Board for final resolution of the dispute.

(ii) A request for a decision shall:

1. Clearly identify each topic of bargaining for which the party is requesting a decision; and

2. Be made before the Board determines that an impasse has been reached.

(iii) If the Board receives a request for a decision, within 7 days after receipt of the request, the Board shall issue a letter to the public school employer and the employee organization that requests written briefs in support of their respective positions.

(iv) Within 7 days after receipt of a request from the Board for written briefs, the public school employer and the employee organization shall deliver to the Board a written brief on the issue of whether the topic is mandatory, permissive, or illegal in nature.

(v) After receipt of written briefs from the public school employer and the employee organization, the Board shall:

1. Consider the merits of each party's arguments;

2. Render a decision determining whether the topic of negotiation is mandatory, permissive, or illegal; and

3. Issue the written decision to the parties within 14 days after receiving the written briefs.

(vi) 1. The Board may adopt regulations, guidelines, and policies to carry out its rights and responsibilities under this section.

2. To resolve disputes under this section, the Board shall develop a balancing test to determine whether the impact of the matter on the school system as a whole outweighs the direct impact on the teachers or employees.

(6) In Montgomery County, the exclusive negotiating agent for the public school employees in a unit and the public school employer shall meet and negotiate under this section the salaries, wages, hours, and other working conditions of all persons actually employed as substitute teachers or home and hospital teachers.

(d) The designation of representatives by the employer under this section does not prevent the designated employee organization from appearing before or making proposals to the public school employer at a public meeting or hearing.

(e) (1) If, on the request of either party, the Board determines from the facts that an impasse is reached in negotiations between a public school employer and an employee organization that is designated as an exclusive negotiating agent, the Board shall within 10 calendar days:

(i) Request last and best offers from the public school employer and the employee organization, which may not include items or topics not previously raised in the bargaining process; and

(ii) Order the public school employer and the employee organization to commence mediation within 14 days after the Board's determination that an impasse has been reached.

(2) The last and best offers shall list separately every term or condition of employment in dispute and the demand of the party making the last and best offer.

(3) Within 5 calendar days after an order to mediate, the parties shall select a mediator by:

(i) Agreement; or

(ii) Alternate striking from a list of seven neutral parties furnished by:

1. The Federal Mediation and Conciliation Service; or

2. The American Arbitration Association.

(4) The mediator shall conclude the mediation within 25 days after convening the first mediation session.

(5) If the public school employer and the employee organization do not

reach agreement before concluding the mediation, the mediator shall issue a written offer to both parties and the Board of settlement of all matters raised.

(6) Within 5 days after receiving the proposed settlement, the public school employer and the employee organization each shall notify the mediator of its intent to:

(i) Accept the written proposed settlement;

(ii) Accept the written proposed settlement in part, as mutually agreed on by the public school employer and the employee organization; or

(iii) Decline the proposed settlement and request arbitration before the Board.

(7) The public school employer and the employee organization shall share the costs of the mediator equally.

(8) If either party declines the proposed settlement and requests arbitration, the Board shall, within 5 calendar days, set a date for an arbitration hearing before the Board.

(9) The Board shall:

(i) Open the arbitration record within 20 days after receiving either party's decision to decline the mediator's proposal;

(ii) Convene a hearing;

(iii) Hear testimony from and receive supporting written evidence, as provided in an order of the Board, from the public school employer, the employee organization, and the mediator;

(iv) Administer oaths to witnesses deemed relevant and called by the Board;

(v) Issue subpoenas to compel the production of relevant and nonprivileged documents and other tangible evidence that would also be subject to production before a hearing or at a hearing under Title 4 of the General Provisions Article; and

(vi) Receive, hear, and consider all evidence considered relevant by the Board, whether or not offered through an attorney, including:

1. The wages, hours, working conditions, or other terms and conditions of employment of similar public employees in comparable surrounding jurisdictions and comparable jurisdictions outside the State; and

2. The ability of the public school employer and the county

served by the public school employer to pay, considering their existing resources, the costs of the final offers proposed and other personnel costs.

(10) The Board shall conclude the hearing by issuing a written order within 20 days after the arbitration record is opened.

(11) The Board shall issue the written award that selects and adopts:

(i) The complete final offer of the public school employer;

(ii) The complete final offer of the employee organization; or

(iii) The mediator's complete offer of settlement.

(12) The Board's written award is final and binding on the public school employer and the employee organization.

(13) The public school employer and the employee organization shall share the costs of the hearing equally.

(14) Any negotiated provision or decision of the Board is subject to the other provisions of this article concerning the fiscal relationship between the public school employer and the county commissioners, county council, and Mayor and City Council of Baltimore City.

§6–408.1.

If a fiscal authority does not approve enough funds to implement the negotiated agreement, the public school employer shall renegotiate the funds allocated for these purposes by the fiscal authority with the employee organization before the public school employer makes a final determination in accordance with a timetable and procedure established by the Board.

§6–409.

A public school employer and employee organization may not interfere with, intimidate, restrain, coerce, or discriminate against any public school employee because of the exercise of his rights under §§ 6-402 and 6-403 of this subtitle.

§6–410.

(a) An employee organization may not call or direct a strike.

(b) (1) Any employee organization designated as an exclusive representative that violates any provision of this section shall have its designation as exclusive representative revoked by the public school employer and the employee organization and any other employee organization that violates any provision of this section is ineligible to be designated as exclusive representative for a period of 2 years after the

violation.

(2) If an employee organization violates any provision of this section, the public school employer shall stop making payroll deductions for dues of the organization for 1 year after the violation.

§6–411.

(a) This subtitle does not supersede any other provision of the Code or the rules and regulations of public school employers that establish and regulate tenure.

(b) This subtitle does not make the State labor laws in Titles 3 and 7 of the Labor and Employment Article apply to public school employment.

§6–501.

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

(b) "Board" means the Public School Labor Relations Board established under Subtitle 8 of this title.

(c) "Confidential employee" includes an individual whose employment responsibilities require knowledge of the public school employer's posture in the collective negotiation process, as determined by the public school employer in negotiations with an employee organization that requests negotiation on this issue.

(d) "Employee organization" means an organization that:

(1) Includes noncertificated employees of a public school employer; and

(2) Has as one of its main purposes the representation of the employees in their relations with that public school employer.

(e) "Management personnel" includes an individual who is engaged mainly in executive and managerial functions, as determined by the public school employer in negotiation with an employee organization that requests negotiation on this issue.

(f) "Noncertificated employee", in Montgomery County, means only a full–time employee.

(g) (1) "Public school employee" means a noncertificated individual who is employed for at least 9 months a year on a full–time basis by a public school employer.

(2) "Public school employee" includes a noncertificated employee in Baltimore City notwithstanding that the noncertificated employee does not work for at least 9 months a year on a full–time basis.

(3) "Public school employee" does not include:

(i) Management personnel;

(ii) A confidential employee; or

(iii) Any individual designated by the public school employer to act in a negotiating capacity as provided in § 6–510(c) of this subtitle.

(h) (1) "Public school employer" means the county board in each county.

(2) "Public school employer" includes the Baltimore City Board of School Commissioners.

(i) "Supervisory employee" includes any individual who responsibly directs the work of other employees, as determined by the public school employer in negotiation with an employee organization that requests negotiation on this issue.

§6–503.

(a) Public school employees may form, join, and participate in the activities of employee organizations of their own choice for the purpose of being represented on all matters that relate to salaries, wages, hours, and other working conditions.

(b) An employee organization may establish reasonable restrictions as to who may join and reasonable provisions for the dismissal of individuals from membership, except that these restrictions and provisions may not discriminate with regard to the terms or conditions of membership because of race, color, marital status, creed, sex, age, or national origin.

§6–504.

(a) A public school employee may refuse to join or participate in the activities of employee organizations.

(b) (1) Subject to subsection (e) of this section, the public school employer, with respect to noncertificated employees, shall negotiate a structure of required reasonable service or representation fees to be charged nonmembers for representation in negotiations and grievance matters by employee organizations.

(2) An employee whose religious beliefs are opposed to joining or financially supporting any collective bargaining organization is:

(i) Not required to pay a service or representation fee; and

(ii) Required to pay an amount of money that is equal to the service or representation fee to a nonreligious, nonunion charity or to such other charitable organization as may be mutually agreed upon by the employee and the employee organization, and who furnishes to the public school employer and the employee organization written proof of the payment.

(c) The employee organization shall establish and maintain a procedure that provides nonmembers with:

(1) An adequate explanation of the basis for the service or representation fee; and

(2) An opportunity to challenge the amount of the fee.

(d) The public school employer shall:

(1) Deduct the service or representation fee from the earnings of the nonmember employees in accordance with a schedule provided by the employee organization; and

(2) Promptly transmit the amount deducted to the employee organization.

(e) When negotiating the implementation of a service or representation fee under this section, the public school employer and the exclusive bargaining representative shall first negotiate whether the fee is applicable to current employees.

(f) (1) This subsection applies to a county in which a service or representation fee was not negotiated before July 1, 2013.

(2) The following employees in a unit are eligible to vote on ratification of the implementing agreement that provides for a service or representation fee:

(i) Members of the employee organization; and

(ii) Nonmembers affected by the service or representation fee.

(3) The implementing agreement that provides for a service or representation fee shall be ratified by a majority of votes cast by the employees eligible to vote under paragraph (2) of this subsection.

(g) In a county in which a service or representation fee has been negotiated before July 1, 2013, the fee shall be implemented under the provisions of the agreement negotiated before July 1, 2013, and consistent with the requirements of this section without the need for further negotiations.

§6–505.

(a) (1) Each public school employer may designate, as provided in this subtitle, which employee organization, if any, shall be the exclusive representative of all public school employees in a specified unit in the county.

(2) In Baltimore City, Garrett County, and Frederick County, the public school employer shall designate, as provided in this subtitle, which employee organization, if any, shall be the exclusive representative of all public school employees

in a specified unit in the county.

(b) The public school employer shall determine the composition of the unit in negotiation with any employee organization that requests negotiation concerning the composition of the unit.

(c) (1) Except as provided in paragraphs (3) and (5) of this subsection, there may not be more than three units in a county and a unit may not include both supervisory and nonsupervisory employees.

(2) If a county has more than three recognized units and, as of July 1, 1974, the units have exclusive representation for collective negotiations, these units may continue as negotiating units.

(3) In Baltimore County, there shall be three units, including one unit of supervisory employees as defined in § 6–501(i) of this subtitle.

(4) In Carroll County, beginning on October 1, 2007:

(i) There shall be no more than three units; and

(ii) All units shall be nonsupervisory units.

(5) In Baltimore City, the public school employer may designate a fourth unit composed of all Baltimore City school police officers, as defined in § 4–318 of this article, up to and including the rank of lieutenant.

(d) (1) All eligible public school employees shall:

(i) Be included in one of these units; and

(ii) Have the rights granted in this subtitle.

(2) Except for an individual who is designated as management personnel or a confidential employee under this subtitle, each public school employee is eligible for membership in one of the negotiating units.

§6–506.

(a) The designation of an employee organization as an exclusive representative shall be made as provided in this section.

(b) If an employee organization certifies to the public school employer that it has a membership enrollment of at least 30 percent of the total number of public school employees in a specified unit in a county as of June 1 of the year in which certification is made, this certification is a request for recognition as exclusive representative of all public school employees in the specified unit in the county.

(c) If another employee organization certifies that it has a membership

enrollment of at least 10 percent of the total number of public school employees in the unit as of the same June 1, an election shall be held in which the public school employees in the unit shall be offered the opportunity to choose:

(1) One of the employee organizations as the exclusive representative of all public school employees in the unit; or

(2) Not to have exclusive representation.

(d) If no other employee organization certifies that it has a membership enrollment of at least 10 percent of the total number of public school employees in the unit, on the request of the employee organization under subsection (b) of this section, an election shall be held and the ballot shall offer a choice between:

(1) Exclusive representation by the organization; and

(2) Not to have exclusive representation.

(e) The public school employer shall designate the employee organization described in subsection (b) of this section as the exclusive representative of all public school employees in the specified unit in a county if:

(1) No other employee organization certifies that it has a membership enrollment of at least 10 percent of the total number of public school employees in the unit;

(2) The employee organization does not request an election under subsection (d) of this section; and

(3) The employee organization certifies that it has a membership enrollment of the majority of the public school employees in the unit in the county.

(f) (1) The Board shall adopt rules and regulations for:

(i) Verifying the number of public school employees who are members in good standing of an employee organization on the date of the certification or who have signed a petition under this section; and

(ii) Holding elections under this section and the certification of their results.

(2) The Board shall provide for supervision of these elections.

(3) The elections shall be held:

(i) In each school facility where public school employees are assigned on a regularly scheduled school day;

(ii) In a manner assuring the secrecy of the ballot; and

(iii) On a regular working day for public school employees, between June 1 and June 15, inclusive.

(4) In all elections held under this section, the employee organization that receives a majority of the votes cast in a unit shall be declared to be the exclusive representative of all public school employees in the unit. If a majority of the votes in the election are cast not to have exclusive representation, a representative may not be designated for the unit.

(5) The two choices on the ballot that receive the most votes shall be placed on a ballot for a runoff election that shall be held in the same manner as the original election if:

(i) More than one employee organization is on the ballot;

(ii) No employee organization obtains a majority of the votes; and

(iii) A majority of the votes is not for "not to have exclusive representation".

(6) The public school employer shall provide any assistance required in conducting the elections.

§6–507.

(a) (1) The designation of an exclusive representative shall be for at least 2 years.

(2) After this initial period, the organization shall be the exclusive representative until another election is held.

(b) (1) An election after the initial period of representation may be held:

(i) Only after the end of the 2-year period; and

(ii) On petition signed by more than 20 percent of the public school employees in the unit of the county.

(2) This election shall be held in the same manner as provided in § 6-506 of this subtitle.

(3) All signatures on a petition requesting an election shall be obtained within 90 days before the election date.

§6–508.

(a) Employee organizations recognized by the public school employer as the exclusive representative of all public school employees in a specified unit on July 1, 1978 shall continue to be the exclusive representative:

(1) For the rest of the 2-year initial period as provided by § 6-507 of this subtitle; and

(2) Beyond the 2-year period until another election is held as provided under § 6-507 of this subtitle.

(b) Any collective negotiation agreement that has been entered into by an exclusive representative and a public employer as of July 1, 1978 shall continue in effect for the term of the agreement.

§6–509.

(a) An employee organization designated as an exclusive representative shall be the negotiating agent of all public school employees in the unit in the county.

(b) An employee organization designated as an exclusive representative shall represent all employees in the unit fairly and without discrimination, whether or not the employees are members of the employee organization.

(c) All public school employees have the rights granted under this subtitle.

§6–510.

(a) When a public school employer and an employee organization negotiate under this section, the public school employer and the employee organization shall:

(1) Confer in good faith, at all reasonable times;

(2) Honor and administer existing agreements;

(3) Make every reasonable effort to conclude negotiations with a final written agreement in a timely manner; and

(4) Reduce to writing the matters agreed on as a result of the negotiations.

(b) The agreements may provide for binding arbitration of the grievances arising under the agreement that the parties have agreed to be subject to arbitration.

(c) (1) On request, a public school employer or at least two of its designated representatives shall meet and negotiate with at least two representatives of the employee organization that is designated as the exclusive negotiating agent for the public school employees in a unit of the county on all matters that relate to salaries, wages, hours, and other working conditions, including the discipline and discharge of an employee for just cause.

(2) Except as provided in paragraph (3) of this subsection, a public school employer or at least two of its designated representatives may negotiate with at least two representatives of the employee organization that is designated as the exclusive

negotiating agent for the public school employees in a unit of the county on other matters that are mutually agreed to by the employer and the employee organization.

(3) A public school employer may not negotiate the school calendar, the maximum number of students assigned to a class, or any matter that is precluded by applicable statutory law.

(4) A matter that is not subject to negotiation under paragraph (2) of this subsection because it has not been mutually agreed to by the employer and the employee organization may not be raised in any action taken to resolve an impasse under subsection (e) of this section.

(5) (i) If a public school employer and an employee organization dispute whether a proposed topic for negotiation is a mandatory, a permissive, or an illegal topic of bargaining, either party may submit a request for a decision in writing to the Board for final resolution of the dispute.

(ii) A request for a decision shall:

1. Clearly identify each topic of bargaining for which the public school employer or employee organization is requesting a decision; and

2. Be made before the Board determines that an impasse has been reached.

(iii) If the Board receives a request for a decision, within 7 days after receipt of the request, the Board shall issue a letter to the public school employer and the employee organization that requests written briefs in support of their respective positions.

(iv) Within 7 days after receipt of a request from the Board for written briefs, the public school employer and the exclusive representative shall deliver to the Board a written brief on the issue of whether the topic at issue is mandatory, permissive, or illegal in nature.

(v) After receipt of the written briefs from the public school employer and the employee organization, the Board shall:

1. Consider the merits of each party's arguments;

2. Render a decision determining whether the topic of negotiation is mandatory, permissive, or illegal; and

3. Issue the written decision to the parties within 14 days after receiving the written briefs.

(vi) 1. The Board may adopt regulations, guidelines, and policies to carry out its rights and responsibilities under this section.

2. To resolve disputes under this section, the Board shall develop a balancing test to determine whether the impact of the matter on the school system as a whole outweighs the direct impact on the employees.

(d) The designation of representatives by the employer under this section does not prevent an employee organization from appearing before or making proposals to the public school employer at a public meeting or hearing.

(e) (1) If, on the request of either party, the Board determines from the facts that an impasse is reached in negotiations between a public school employer and an employee organization that is designated as an exclusive negotiating agent, the Board shall within 10 calendar days:

(i) Request last and best offers from the public school employer and the employee organization, which may not include items or topics not previously raised in the bargaining process; and

(ii) Order the public school employer and the employee organization to commence mediation within 14 days after the Board's determination that an impasse has been reached.

(2) The last and best offers shall list separately every term or condition of employment in dispute and the demand of the party making the last and best offer.

(3) Within 5 calendar days after an order to mediate, the parties shall select a mediator by:

(i) Agreement; or

(ii) Alternate striking from a list of seven neutral parties furnished by:

1. The Federal Mediation and Conciliation Service; or

2. The American Arbitration Association.

(4) The mediator shall conclude the mediation within 25 days after convening the first mediation session.

(5) If the public school employer and the employee organization do not reach agreement before concluding the mediation, the mediator shall issue a written offer to both parties and the Board of settlement of all matters raised.

(6) Within 5 days after receiving the proposed settlement, the public school employer and the employee organization each shall notify the mediator of its intent to:

(i) Accept the written proposed settlement;

(ii) Accept the written proposed settlement in part, as mutually agreed on by the public school employer and the employee organization; or

(iii) Decline the proposed settlement and request arbitration before the Board.

(7) The public school employer and the employee organization shall share the costs of the mediator equally.

(8) If either party declines the proposed settlement and requests arbitration, the Board shall, within 5 calendar days, set a date for an arbitration hearing before the Board.

(9) The Board shall:

(i) Open the arbitration record within 20 days after receiving either party's decision to decline the mediator's proposal;

(ii) Convene a hearing;

(iii) Hear testimony from and receive supporting written evidence, as provided in an order of the Board, from the public school employer, the employee organization, and the mediator;

(iv) Administer oaths to witnesses deemed relevant and called by the Board;

(v) Issue subpoenas to compel the production of relevant and nonprivileged documents and other tangible evidence that would also be subject to production before a hearing or at a hearing under Title 4 of the General Provisions Article; and

(vi) Receive, hear, and consider all evidence considered relevant by the Board, whether or not offered through an attorney, including:

1. The wages, hours, working conditions, or other terms and conditions of employment of similar public employees in comparable surrounding jurisdictions and comparable jurisdictions outside the State; and

2. The ability of the public school employer and the county served by the public school employer to pay, considering their existing resources, the costs of the final offers proposed and other personnel costs.

(10) The Board shall conclude the hearing by issuing a written order within 20 days after the arbitration record is opened.

(11) The Board shall issue the written award that selects and adopts:

(i) The complete final offer of the public school employer;

(ii) The complete final offer of the employee organization; or

(iii) The mediator's complete offer of settlement.

(12) The Board's written award is final and binding on the public school employer and the employee organization.

(13) The public school employer and the employee organization shall share the costs of the hearing equally.

(14) Any negotiated provision or decision of the Board is subject to the other provisions of this article concerning the fiscal relationship between the public school employer and the county commissioners and county council.

§6–511.

If the fiscal authority does not approve enough funds to implement the negotiated agreement, the public school employer shall renegotiate the funds allocated for these purposes by the fiscal authority with the employee organization before the public school employer makes a final determination in accordance with the timetable and procedure established by the Board.

§6–512.

A public school employer and employee organization may not interfere with, intimidate, restrain, coerce, or discriminate against any public school employee because of the exercise of his rights under §§ 6-503 and 6-504 of this subtitle.

§6–513.

(a) An employee organization may not call or direct a strike.

(b) (1) Any employee organization designated as an exclusive representative that violates any provision of this section shall have its designation as exclusive representative revoked by the public school employer and the employee organization and any other employee organization that violates any provision of this section is ineligible to be designated as exclusive representative for a period of 2 years after the violation.

(2) If an employee organization violates any provision of this section, the public school employer shall stop making payroll deductions for dues of the organization for 1 year after the violation.

§6–514.

This subtitle does not make the State labor laws in Titles 3 and 7 of the Labor

and Employment Article apply to public school employment.

§6–601.

The Interstate Agreement on Qualifications of Educational Personnel is enacted into law and entered into with all jurisdictions legally joining in the Agreement in the form substantially as set forth in § 6-604 of this subtitle.

§6–602.

(a) The "designated state official" for this State, under the terms of the Agreement set forth in § 6-604 of this subtitle, is the State Superintendent.

(b) The State Superintendent may enter into contracts under Article III of the Agreement only if the State Board approves the text of the contract.

§6–603.

(a) A copy of each contract made on behalf of this State under the Agreement shall be kept on file in the offices of the State Superintendent and the Secretary of State.

(b) The State Superintendent shall publish each contract in convenient form.

§6–604.

INTERSTATE AGREEMENT ON QUALIFICATIONS OF EDUCATIONAL PERSONNEL

Article I

Purpose, Findings, and Policy

1. The states party to this Agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this Agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant

number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states of origin, can increase the available educational resources. Participation in this compact can increase the availability of educational manpower.

Article II
Definitions

As used in this Agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

2. "Designated state official" means the education official of a state selected by that state to negotiate and enter into, on behalf of his state, contracts pursuant to this Agreement.

3. "Accept," or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

4. "State" means a state, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

5. "Originating state" means a state (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

6. "Receiving state" means a state (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

Article III
Interstate Educational Personnel Contracts

1. The designated state official of a party state may make one or more contracts on behalf of his state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this Agreement. A designated state official may enter into a contract pursuant to this article only with states in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his own state.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this Agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this Agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program prior to January 1, 1954.

5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.

6. A contract committee composed of the designated state officials of the contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

Article IV
Accepted and Approved Programs

1. To the extent that contracts made pursuant to this Agreement deal with the academic or other educational training requirements for the proper qualification of educational personnel, the principles set forth in this article shall govern.

2. The approval, by the appropriate state or local authorities pursuant to the laws of a sending state, of a program of educational training shall have such effect on the qualification of educational personnel within that state as its laws provide.

3. Acceptance of a program of educational preparation or training for purposes of this Agreement shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

Article V

Interstate Cooperation

The party states agree that:

1. They will, so far as practicable, prefer the making of multilateral contracts pursuant to Article III of this Agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

Article VI
Agreement Evaluation

The designated state officials of any party state may meet from time to time as a group to evaluate progress under the Agreement, and to formulate recommendations for changes.

Article VII
Other Arrangements

Nothing in this Agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

Article VIII
Effect and Withdrawal

1. This Agreement shall become effective when enacted into law by two states. Thereafter it shall become effective as to any state upon its enactment of this Agreement.

2. Any party state may withdraw from this Agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

3. No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

Article IX
Construction and Severability

This Agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Agreement shall be severable and if any phrase, clause, sentence, or provision of this Agreement is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Agreement shall be held contrary to

the constitution of any state participating therein, the Agreement shall remain in full force and effect as to the state affected as to all severable matters.

§6–701.

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

(b) "Board" means the Professional Standards and Teacher Education Board.

(c) "Review board" means the entity composed of, and appointed by, the Professional Standards and Teacher Education Board under § 6-707 of this subtitle.

§6–702.

There is a Professional Standards and Teacher Education Board in the State Department of Education.

§6–703.

(a) (1) The Board consists of 25 members.

(2) Of the 25 Board members:

(i) 8 shall be public school classroom teachers, as follows:

1. 6 shall be chosen from a list of nominees provided by the statewide teachers' organization representing a majority of teachers in the State for collective bargaining purposes; and

2. 2 shall be chosen from a list of nominees provided by a statewide teachers' organization representing teachers in at least one jurisdiction within the State for collective bargaining purposes other than the majority organization provided for in item 1 of this subparagraph;

(ii) 1 shall be a certified nonpublic school classroom teacher, chosen from a list of nominees provided by the Association of Independent Schools;

(iii) 6 shall be teacher education faculty members from colleges of the State, chosen from a list of nominees provided by:

1. The Maryland Association of Teacher Educators; and

2. The Maryland Association of Colleges of Teacher Education;

(iv) 4 shall be administrative or supervisory staff members of public schools, as follows:

1. 2 shall be chosen from a list of nominees provided by the Public School Superintendents' Association of Maryland;

2. 1 shall be chosen from a list of nominees provided by the Maryland Association of Secondary Principals; and

3. 1 shall be chosen from a list of nominees provided by the Maryland Association of Elementary School Administrators;

(v) 2 shall be administrative or supervisory staff of the approved nonpublic schools of the State, chosen from a list of nominees provided by the Association of Independent Schools;

(vi) 1 shall be a member of a local board of education, chosen from a list of nominees provided by the Maryland Association of Boards of Education;

(vii) 2 shall be representatives of the general public, as follows:

1. 1 shall be chosen from a list of nominees provided by the Speaker of the House of Delegates of Maryland; and

2. 1 shall be chosen from a list of nominees provided by the President of the Senate of Maryland; and

(viii) 1 shall be the State Superintendent or a designee of the State Superintendent.

(3) The Board shall include all the members of the Professional Standards and Teacher Education Advisory Board serving on July 1, 1991.

(b) (1) The Governor, with the advice and consent of the Senate of Maryland, shall appoint the members of the Board described in subsection (a)(2)(i) through (vii) of this section.

(2) In making the appointments required under this subsection, the Governor shall ensure that the Board is representative of:

(i) The geographic regions of the State; and

(ii) Minority populations of the State as defined in § 9-301 of the State Government Article.

(c) (1) The term of an appointed member is 3 years.

(2) The terms of the appointed members are staggered as required by the terms provided for members of the Board on October 1, 1991.

(3) At the end of a term, a member continues to serve until a successor is appointed.

(4) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(d) The Governor may remove a member for incompetence or misconduct.

(e) From among its members, the Board annually shall elect a chairman.

(f) A majority of the members of the Board then serving on the Board is a quorum.

(g) The staff for the Board shall be provided by the State Board.

§6–704.

(a) (1) In accordance with Title 10, Subtitle 1 of the State Government Article, both the State Board and the Board shall develop for consideration rules and regulations for:

(i) Except as provided in item (iii) of this paragraph, the certification of teachers and other professional personnel in accordance with this article;

(ii) Requirements for preparation of teachers and other education personnel; and

(iii) The certification of social workers employed by a local school employer as professional personnel.

(2) Rules and regulations developed by the State Board shall be reviewed by the Board.

(3) Rules and regulations developed by the Board shall be reviewed by the State Board.

(4) Rules and regulations that are initiated by either the State Board or the Board and submitted for review to each other shall be acted upon within 60 days of their receipt by the other party.

(5) Recommendations on rules and regulations that are initiated by the Board shall be implemented unless disapproved by three-fourths of the members of the State Board.

(6) Recommendations on rules and regulations that are initiated by the State Board shall be implemented unless disapproved by the Board.

(7) If the rules or regulations are disapproved under paragraph (6) of this subsection, the rules or regulations shall be implemented if they are approved by three-fourths of the members of the State Board.

(8) An individual who is otherwise qualified may not be denied the right to receive credentials from the Board, to receive training to become a teacher, or to practice teaching in any school because that individual is totally or partially blind.

(9) A county board may not refuse to contract with or engage a teacher because of blindness if the blind teacher is capable of performing the duties of the position for which he has applied.

(10) The right of a school psychologist, who is certified by the Board to practice school psychology consistent with the provisions of that certification, may not be limited by Title 18 of the Health Occupations Article with respect to the practice of school psychology in an educational institution.

(b) (1) The Board may establish a fee, not to exceed $10, for issuance or renewal of a teacher certificate.

(2) The Board may not require a fee:

(i) For the addition of any new area of certification to a currently valid certificate; or

(ii) Except for the fee authorized under this subsection, for the evaluation of credentials for the certification of teachers.

§6–704.1.

(a) On or before July 1, 2016, the Board shall require a certificate holder applying for renewal of a certificate as a school counselor to have obtained, by a method determined by the Board, the knowledge and skills required to understand and respond to the social, emotional, and personal development of students, including knowledge and skills relating to:

(1) The recognition of indicators of mental illness and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse; and

(2) The identification of professional resources to help students in crisis.

(b) The Board shall adopt regulations to implement the provisions of this section.

§6–705.

(a) Subject to the rules and regulations that are implemented according to § 6-704 of this subtitle, the State Superintendent may make an agreement with the appropriate educational authority of any other state to provide for reciprocity in the certification of teachers.

(b) Subject to the regulations of the Board, the State Superintendent may accept the accreditation for certification purposes of a program for teacher preparation if:

(1) The accreditation is granted by a recognized national accrediting agency; and

(2) The institution preparing the teachers is in another state.

§6–706.

In addition to the powers set forth elsewhere in this subtitle, the Board may adopt regulations in accordance with Title 10, Subtitle 1 of the State Government Article to carry out the provisions of this subtitle.

§6–707.

(a) (1) From among its members, the Board shall appoint a Review Board.

(2) The Review Board consists of five members which shall be composed of:

(i) The State Superintendent;

(ii) The local board of education member;

(iii) Two of the public school teacher members; and

(iv) One of the teacher education faculty members.

(3) One member of the Review Board shall be appointed to act as a liaison between the Board and the Review Board.

(b) (1) The term of a member of the Review Board is 1 year.

(2) Upon the recommendation of the State Superintendent, a member of the Review Board may be reappointed once.

(3) The term of office shall be from September 1 of the calendar year in which the appointment is made.

§6–708.

(a) The Review Board shall:

(1) Make recommendations to the Board on appeals from rulings of the certification staff; and

(2) Submit its findings to the Board.

(b) The Board shall make the final determination for each appellate case.

§6–801.

In this subtitle, "Board" means the Public School Labor Relations Board established under § 6–802 of this subtitle.

§6–802.

There is a Public School Labor Relations Board established as an independent unit of State government.

§6–803.

(a) The Board shall consist of the following five members appointed by the Governor, with the advice and consent of the Senate:

(1) One member who:

(i) Represents the public;

(ii) Has experience in labor relations;

(iii) Is not an officer or employee of a board of education or an employee organization representing public school system employees;

(iv) Is not an elected official of the State, a county, or an employee organization representing public school employees; and

(v) Is known for objective and independent judgment;

(2) Two members, including one member chosen from a list of candidates submitted by the organization representing a majority of public school employees in the State for collective bargaining purposes and another member chosen from a list of candidates submitted by a statewide organization representing public school employees in at least one jurisdiction within the State for collective bargaining purposes other than the majority organization under this paragraph, who:

(i) Are not employees of the State or a public school employee organization; and

(ii) Are known for objective and independent judgment; and

(3) Two members chosen from a list of candidates submitted by the Maryland Association of Boards of Education and the State Superintendents Association of Maryland, who:

(i) Are not officers or employees of the State or county or State boards of education and are not officers or employees of employee organizations representing employees of public school systems in Maryland; and

(ii) Are known for objective and independent judgment.

(b) Before taking office each member shall take the oath required by Article I, Section 9 of the Maryland Constitution.

(c) The Public School Labor Relations Board shall elect a chair from among its members.

(d) (1) The term of a member is 5 years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 2010.

(3) At the end of a term a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the remainder of that term.

(e) The Governor may remove a member only for incompetence or misconduct.

§6–804.

A member of the Board shall be entitled to:

(1) Compensation in accordance with the State budget; and

(2) Reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

§6–805.

The Board shall share an executive director with the Higher Education Labor Relations Board and the State Labor Relations Board.

§6–806.

(a) The Board shall administer and enforce the provisions of Subtitles 4 and 5 of this title.

(b) The Board may:

(1) Adopt regulations, guidelines, and policies to carry out the rights and responsibilities of the Board under this title; and

(2) Make recommendations for legislative action regarding the operation of this title.

§6–807.

(a) In deciding matters covered under the provisions of Subtitles 4 and 5 of this title, the Board:

(1) May:

(i) Conduct hearings;

(ii) Subpoena witnesses and documents;

(iii) Administer oaths;

(iv) Take the testimony or deposition of a person under oath; and

(v) Conduct investigations; and

(2) Shall decide controversies and disputes.

(b) (1) If a person fails to comply with an order issued by the Board, a member of the Board may petition the circuit court to order the person to comply with the Board's order.

(2) The Board may not be required to post bond in an action under paragraph (1) of this subsection.

(c) Each hearing and determination of an appeal or complaint by the Board is a contested case, subject to the provisions of Title 10, Subtitle 2 of the State Government Article.

(d) A prior order, action, or opinion issued by the State Board before the enactment of this section may be considered as precedent in matters arising after the enactment of this section, but it is not binding on the Board.

§7–101.

(a) All individuals who are 5 years old or older and under 21 shall be admitted free of charge to the public schools of this State.

(b) (1) Except as provided in § 7–301 of this title and in paragraph (2) of this subsection, each child shall attend a public school in the county where the child is domiciled with the child's parent, guardian, or relative providing informal kinship care, as defined in subsection (c) of this section.

(2) (i) Upon request and in accordance with a county board's policies concerning residency, a county superintendent may allow a child to attend school in the county even if the child is not domiciled in that county with the child's parent or guardian.

(ii) Regardless of where the child is currently domiciled, a county superintendent shall allow a child to remain at the school that the child is attending, if:

1. The child is a child who is:

A. In the custody of, committed to, or otherwise placed by a local department of social services or the Department of Juvenile Services; and

B. Subject to the educational stability provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008;

2. The child is not subject to the educational stability provisions of the federal McKinney–Vento Homeless Assistance Act as a child awaiting foster care placement as defined by the Department in regulation;

3. The child is not in any of the following placements:

A. A detention facility;

B. A forestry camp;

C. A training school;

D. A State–owned and State–operated facility that accommodates more than 25 children; or

E. Any other facility operated primarily for the detention of children who are determined to be delinquent;

4. The local department of social services or the Department of Juvenile Services determines, in consultation with the local school system, that it is in the best interests of the child to continue at that school; and

5. The local department of social services or the Department of Juvenile Services pays for the cost of transporting the child to and from school.

(iii) 1. The Department of Human Resources and the Department of Juvenile Services each shall adopt regulations establishing factors that shall be considered in determining the best interests of a child under this section.

2. The Department shall adopt regulations to implement the educational stability provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008.

(3) If a child fraudulently attends a public school in a county where the child is not domiciled with the child's parent or guardian, the child's parent or guardian shall be subject to a penalty payable to the county for the pro rata share of tuition for the time the child fraudulently attends a public school in the county.

(4) Nothing in this section alters the requirements for out–of–county placements contained in § 4–122 and Title 8, Subtitles 3 and 4 of this article or in any other State or federal law.

(c) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Informal kinship care" means a living arrangement in which a relative of a child, who is not in the care, custody, or guardianship of the local department of social services, provides for the care and custody of the child due to a serious family hardship.

(iii) "Relative" means an adult related to the child by blood or marriage within the fifth degree of consanguinity.

(iv) "Serious family hardship" means:

1. Death of a parent or legal guardian of the child;

2. Serious illness of a parent or legal guardian of the child;

3. Drug addiction of a parent or legal guardian of the child;

4. Incarceration of a parent or legal guardian of the child;

5. Abandonment by a parent or legal guardian of the child; or

6. Assignment of a parent or legal guardian of a child to active military duty.

(2) (i) A county superintendent shall allow a child who is a resident of this State to attend a public school in:

1. A county other than the county where the child is domiciled with the child's parent or legal guardian if the child lives with a relative providing informal kinship care in the county and the relative verifies the informal kinship care relationship through a sworn affidavit; or

2. A school attendance area other than the school in the school attendance area where the child is domiciled with the child's parent or legal guardian if the child lives with a relative providing informal kinship care in the school attendance area and the relative verifies the informal kinship care relationship through a sworn affidavit.

(ii) 1. After allowing a child to enroll under subparagraph (i) of this paragraph, subsequently a county superintendent may require that the affidavit be accompanied by supporting documentation of one or more serious family hardships and, where possible, the telephone number and address of any authority who is legally authorized to reveal information which can verify the assertions in the affidavit.

2. If supporting documentation is required under subsubparagraph 1 of this subparagraph, the documentation shall be consistent with local, State, and federal privacy and confidentiality policies and statutes.

(3) The affidavit shall include:

(i) The name and date of birth of the child;

(ii) The name and address of the child's parent or legal guardian;

(iii) The name and address of the relative providing informal kinship care;

(iv) The date the relative assumed informal kinship care;

(v) The nature of the serious family hardship and why it resulted in informal kinship care;

(vi) The kinship relation to the child of the relative providing informal kinship care;

(vii) The name and address of the school the child previously attended;

(viii) Notice that the county superintendent may verify the facts given by the relative providing informal kinship care in the affidavit and conduct an audit of the case after the child has been enrolled in the county public school system;

(ix) Notice that if fraud or misrepresentation is discovered during an audit, the county superintendent shall remove the child from the public school or county public school system roll; and

(x) Notice that any person who willfully makes a material misrepresentation in the affidavit shall be subject to a penalty payable to the county for three times the pro rata share of tuition for the time the child fraudulently attends a public school in the county.

(4) The affidavit shall be in the following form:

(i) I, the undersigned, am over eighteen (18) years of age and competent to testify to the facts and matters set forth herein.

(ii) _____ (name of child), whose date of birth is _____, is living with me because of the following serious family hardship: (check each that is applicable)

_____ death of father/mother/legal guardian
_____ serious illness of father/mother/legal guardian
_____ drug addiction of father/mother/legal guardian
_____ incarceration of father/mother/legal guardian
_____ abandonment by father/mother/legal guardian
_____ assignment of a parent or legal guardian of a child to active military duty

(iii) The name and last known address of the child's parent(s) or legal guardian is:

_____

_____

_____

(iv) My kinship relation to the child is _____

(v) My address is:

_____

Street Apt. No.

_____

City State Zip Code

(vi) I assumed informal kinship care of this child for 24 hours a day and 7 days a week on _____(day/month/year).

(vii) The name and address of the last school that the child attended is:

_____

_____

(viii) The county superintendent may verify the facts contained in the foregoing affidavit and conduct an audit on a case–by–case basis after the child has been enrolled in the county public school system. If the county superintendent discovers fraud or misrepresentation, the child shall be removed from the public school or county public school system roll.

(ix) I solemnly affirm under the penalties of perjury that the contents of the foregoing are true to the best of my knowledge, information, and belief.

_____

Signature of affiant

_____

(Day/month/year)

(x) Any person who willfully makes a material misrepresentation in this affidavit shall be subject to a penalty payable to the county for three times the pro rata share of tuition for the time the child fraudulently attends a public school in the county.

(5) (i) Instructions that explain the necessity for both an affidavit and, when appropriate, the supporting documentation of the serious family hardship resulting in informal kinship care shall:

1. Be attached to affidavit forms that comply with paragraph (4) of this subsection; and

2. Include language encouraging the relative providing informal kinship care to submit the affidavit and, when appropriate, the supporting documentation prior to September 30 of each year.

(ii) The affidavit forms, with attached instructions, shall be made available free of charge at the offices of each county board of education, each local department of social services, and each local area agency on aging.

(6) If a change occurs in the care or in the serious family hardship of the child, the relative providing informal kinship care for the child shall notify the local school system in writing within 30 days after the change occurs.

(7) (i) An informal kinship care affidavit may be filed during a school year.

(ii) The relative providing informal kinship care shall file an affidavit annually at least 2 weeks prior to the beginning of the school year for each year the child continues to live with the relative because of a serious family hardship.

(8) Unless the court appoints a guardian for the child or awards custody of the child to someone other than the relative providing informal kinship care, the relative providing informal kinship care shall make the full range of educational decisions for the child.

(9) The relative providing informal kinship care shall make reasonable efforts to inform the parent or legal guardian of the child of the informal kinship care relationship.

(10) The parent or legal guardian of a child in an informal kinship care relationship shall have final decision making authority regarding the educational needs of the child.

(d) Section 4–122.1 of this article shall apply to the education funding of a child in an informal kinship care relationship if the fiscal impact of the requirements of subsections (b) and (c) of this section exceed 0.1% of a county board's total operating budget for a fiscal year.

(e) (1) By the 2007–2008 school year, each county board shall provide full–day kindergarten programs for all kindergarten students in that county.

(2) In the comprehensive master plan that is submitted under § 5–401 of this article, a county board shall identify the strategies that will be used in that county to ensure that full–day kindergarten programs are provided to all kindergarten students in that county by the 2007–2008 school year.

§7–101.1.

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

(2) "Economically disadvantaged background" means a family whose income would make a child eligible for free or reduced price meals if the child were in kindergarten.

(3) "Eligible child" means a child:

(i) Who is from an economically disadvantaged background;

(ii) Whose parent or guardian seeks to enroll the child in a public prekindergarten program; and

(iii) Who is 4 years old on September 1 of the school year in which the parent or legal guardian seeks to enroll the child in a public prekindergarten program.

(4) "Eligible for free or reduced price meals" means eligible for free or reduced price meals based on eligibility requirements established by the United States Department of Agriculture.

(b) By the 2007-2008 school year, all eligible children shall be admitted free of charge to publicly funded prekindergarten programs established by each of the county boards.

(c) The requirements set forth in § 7-101(b) of this subtitle regarding the domicile of a child and the residency of the child's parent or guardian shall apply to prekindergarten programs established by county boards as required by this section.

(d) In the comprehensive master plan that is submitted under § 5-401 of this article, a county board shall identify the strategies that will be used in that county to ensure that publicly funded prekindergarten programs are available to all eligible children in that county by the 2007-2008 school year.

§7–101.2.

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

(2) "Additional eligible child" means a child:

(i) Who is from an economically disadvantaged background;

(ii) Whose parent or legal guardian seeks to enroll the child in a publicly funded prekindergarten program established under this section; and

(iii) Who is 4 years old on September 1 of the school year in which the parent or legal guardian seeks to enroll the child in a publicly funded prekindergarten program established under this section.

(3) "Economically disadvantaged background" means a family whose income is no more than 300% of the federal poverty guidelines.

(4) "Fund" means the Prekindergarten Expansion Fund.

(5) "Judy Center" has the same meaning as provided in § 5–217 of this article.

(6) "Program" means the Prekindergarten Expansion Grant Program.

(7) "Qualified vendor" means:

(i) If partnering with a county board under a memorandum of understanding, a State accredited or nationally accredited child care center or a nonpublic school approved by the Department to provide prekindergarten services;

(ii) A county board that provides prekindergarten services under § 7–101.1 of this subtitle; and

(iii) A Judy Center or private provider of preschool services that meets the grant requirements under § 5–217 of this article.

(b) (1) There is a grant program known as the Prekindergarten Expansion Grant Program in the State.

(2) The purpose of the Program is to broaden the availability of prekindergarten and school readiness services throughout the State for children and their families in coordination with the following programs:

(i) The publicly funded prekindergarten program established under § 7–101.1 of this article; and

(ii) The Judith P. Hoyer Early Childhood Education Enhancement Program established under § 5–217 of this subtitle.

(3) The Department shall administer the Program.

(4) (i) The Program shall be a competitive grant program to provide funds to qualified vendors.

(ii) The Department shall take measures to achieve geographic diversity among participating qualified vendors.

(iii) Priority for participation in the Program shall be given to qualified vendors:

1. That are located in areas of the State that have an unmet need for prekindergarten or comprehensive early childhood education services;

2. That include a plan for long–term sustainability, including community and business partnerships and matching funds to the extent possible; and

3. That incorporate parental engagement and the benefits of educational activities beyond the classroom into the vendors' programs.

(iv) Prekindergarten Expansion Grants may be used to expand prekindergarten services, including:

1. Establishing or expanding existing half–day prekindergarten for additional eligible children as defined in this section;

2. Establishing or expanding full–day prekindergarten for eligible children as defined in § 7–101.1 of this subtitle or additional eligible children as defined in this section;

3. Establishing or expanding existing Judy Centers for the families of eligible children as defined in § 7–101.1 of this subtitle or additional eligible children as defined in this section who are located in Title I school attendance areas; and

4. Expanding existing half–day prekindergarten programs into full–day prekindergarten programs for eligible children as defined in § 7–101.1 of this subtitle or additional eligible children as defined in this section.

(v) The Department may establish:

1. Additional eligibility criteria for the selection of qualified vendors;

2. Application and award processes including the submission date for applications, renewal procedures, and application review processes for making awards under the Program; and

3. Any other policies and procedures necessary to implement the Program.

(5) A qualified vendor that has received a Prekindergarten Expansion Grant in the current year shall be awarded a grant in the next year if the qualified vendor continues to satisfy the requirements established under this section.

(c) Before approving qualified vendors for prekindergarten services to receive a grant under this section, a qualified vendor shall certify to the Department that for each classroom funded under this section the vendor will:

(1) Maintain a student–to–teacher ratio of no more than 10 to 1 with an average of 20 children per classroom;

(2) Provide in each classroom at least one teacher certified in early childhood education by the State and at least one teacher's aide who has at least a high school degree; and

(3) Operate an educational program for:

(i) 5 days per week;

(ii) 180 days per year, in accordance with the public school calendar

established by the local school board; and

(iii) 1. For half–day programs, at least 2.5 hours per day; or

2. For full–day programs, at least 6.5 hours per day.

(d) (1) Funds for the Program shall be as provided in the State budget.

(2) The amount of State funds provided for the Program each fiscal year shall be at least as much as was appropriated in the prior fiscal year.

(3) The Governor may provide funds to the Department to administer the Program.

(e) Grants awarded under this section may not be used:

(1) To supplant existing funding for prekindergarten services; or

(2) For capital improvements.

(f) The Department shall:

(1) Leverage Child Care Subsidy Program funds when making grant awards to private providers that participate in the Child Care Subsidy Program;

(2) Encourage private providers that receive grants to pursue level 5 in the Department's voluntary quality rating and improvement system known as "Maryland EXCELS";

(3) Supervise and monitor the use of grant funds distributed under this section; and

(4) Evaluate whether grant recipients are meeting annual benchmarks established by the Department.

(g) (1) There is a Prekindergarten Expansion Fund.

(2) The purpose of the Fund is to provide funds to the Program.

(3) The Department shall administer the Fund.

(4) (i) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(ii) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(5) The Fund consists of:

(i) Money appropriated in the State budget to the Fund;

(ii) Investment earnings of the Fund; and

(iii) Any other money from any other source, including donations, accepted for the benefit of the Fund.

(6) The Fund may be used only for grants made by the Department for the Program.

(7) (i) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(ii) Investment earnings of the Fund shall be paid into the Fund.

(8) Expenditures from the Fund may be made only in accordance with the State budget.

(h) In accordance with § 2–1246 of the State Government Article, the Department shall report to the General Assembly by November 1 of each year on the implementation of the Program.

§7–102.

(a) The Prince George's County Board shall develop an affidavit of disclosure form to be completed and signed by the parents or guardians of a student who is entering the public schools of Prince George's County.

(b) By regulation, the county board shall make completion of an affidavit of disclosure a prerequisite for admission to the public schools.

(c) The purpose of the affidavit of disclosure is limited to ascertaining from the parents or guardians of a student in the public schools:

(1) Their legal residence; and

(2) The duration of their residency in this State.

(d) The parents or guardians who complete the affidavit of disclosure shall attest to the truth of the information in the affidavit by their signature which shall be witnessed by the individuals designated by the county board under appropriate rules and regulations.

(e) (1) Failure to complete the affidavit of disclosure truthfully by a parent or guardian is a misdemeanor.

(2) Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $250.

§7–103.

(a) Except as provided in subsections (b), (e), and (f) of this section, each public school under the jurisdiction of a county board:

(1) (i) Shall be open for pupil attendance for at least 180 actual school days and a minimum of 1,080 school hours during a 10–month period in each school year; or

(ii) If normal school attendance is prevented because of conditions described in subsection (b) of this section, shall be open for at least 1,080 hours during a 10–month period;

(2) Shall be open for pupil attendance a minimum of 3 hours during each school day; and

(3) May not be open on Saturdays, Sundays, or holidays in order to meet the 180–day or 1,080–hour requirement of this subsection.

(b) (1) If a county board submits a written application to the State Board that describes a demonstrated effort by the county board to comply with subsection (a) of this section, the State Board may permit:

(i) Adjustments in the length of the school year;

(ii) Exceptions from the requirement that the school year be completed within a 10–month period;

(iii) Adjustments in the length of the school day; and

(iv) Schools to be open on holidays.

(2) These adjustments may be granted only if normal school attendance is prevented because of:

(i) Natural disaster;

(ii) Civil disaster; or

(iii) Severe weather conditions.

(3) Education funding from State or local sources may not be reduced if there are less than 180 school days in any year because of an approved application under this subsection.

(4) In case of emergency, the State Board may open schools on holidays.

(c) (1) The following days are public school holidays:

(i) Thanksgiving Day and the day after;

(ii) Christmas Eve and from then through January 1;

(iii) Martin Luther King, Jr. Day;

(iv) Presidents' Day;

(v) The Friday before Easter and from then through the Monday after Easter;

(vi) Memorial Day; and

(vii) Primary and general election days.

(2) If the federal and State observances of a holiday are on different days, the board of education of each county shall determine which date shall be the date of observance for the public schools within the county.

(3) The public schools shall devote a part of the day to appropriate exercises for the following days:

(i) Washington's Birthday;

(ii) Lincoln's Birthday;

(iii) Veterans' Day;

(iv) Columbus Day;

(v) Arbor Day; and

(vi) Any other day of national significance.

(4) Notwithstanding any other provisions of this article, the public schools, in the following counties, may remain open and in session on primary and general election days:

(i) Calvert;

(ii) Caroline;

(iii) Dorchester;

(iv) Kent;

(v) Talbot; and

(vi) Worcester.

(d) Except as provided in subsection (e) of this section, the State Board shall divide the school year into the terms it considers appropriate.

(e) (1) The county boards of Allegany, Anne Arundel, Calvert, Howard, Montgomery, and Prince George's counties, and the Board of School Commissioners of Baltimore City, may elect to operate one or more schools within the county or Baltimore City on a year–round basis, provided that the 180–day and the minimum hour requirements under this section are met.

(2) Nothing in this section precludes a county board from conducting a year–round pilot study or program that is funded by the county board.

(f) Publicly funded prekindergarten programs are not subject to the requirements of subsection (a) of this section.

§7–103.1.

(a) The State Board shall explore the use of innovative school scheduling models, including extended year, year–round schooling, or other school scheduling models that do not allow for prolonged lapses in instructional time, in low–performing or at–risk public schools.

(b) The State Board shall encourage county boards to use the school scheduling models that are determined to be most effective in enhancing student achievement in low–performing or at–risk public schools.

§7–104.

(a) Principals and teachers in each public elementary and secondary school in this State may require all students to be present and participate in opening exercises on each morning of a school day and to meditate silently for approximately 1 minute.

(b) During this period, a student or teacher may read the holy scripture or pray.

§7–105.

(a) This section is enacted so that the love of freedom and democracy, shown in the devotion of all true and patriotic Americans to their flag and country, shall be instilled in the hearts and minds of the youth of America.

(b) Each county board shall:

(1) Require the display of an American flag on the site of each public school building in its county while the school is in session;

(2) Buy all necessary flags, staffs, and appliances for the flags; and

(3) Adopt rules and regulations for the proper custody, care, and display

of the flag.

(c) Each county board shall:

(1) Provide each public school classroom with an American flag;

(2) Prepare a program for each public school classroom for the beginning of each school day that provides for the salute to the flag and other patriotic exercises that are approved by the United States government; and

(3) Require all students and teachers in charge to stand and face the flag and while standing give an approved salute and recite in unison the pledge of allegiance as follows: "I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

(d) Any student or teacher who wishes to be excused from the requirements of subsection (c)(3) of this section shall be excused.

(e) Each county board may provide for any other patriotic exercises it considers appropriate under the regulations and instruction that best meet the requirements of the different grades in the schools.

(f) Any individual who commits an act of disrespect, either by word or action, is in violation of the intent of this section.

§7–106.

(a) On the recommendation of the county superintendent and subject to the provisions of this article, each county board shall adopt procedures for the selection and purchase of the following necessary items, at the lowest price consistent with good quality, for use in the public schools:

(1) Textbooks;

(2) Supplementary readers;

(3) Materials of instruction;

(4) Visual and auditory aids;

(5) Stationery; and

(6) School supplies.

(b) (1) Each county board shall adopt procedures for the selection and purchase for use in each public school library or media center of a collection of books and auditory and visual materials concerning African American history.

(2) The collection in each library or media center shall be appropriate for students in each age group and reading level in the school.

(c) Each county board shall furnish the materials and supplies listed in subsection (a) of this section:

(1) Free of cost for use in the public schools; and

(2) In sufficient quantities for the different grades in the public schools.

§7–107.

On application and at no expense to the county or State, each county board may allow any private or parochial school to connect its facilities to a closed-circuit educational television system that is maintained for the use of the public school system for any program presented by way of the system.

§7–108.

(a) Each county board shall encourage the use of public school facilities for community purposes.

(b) (1) If written application is made to the county superintendent, the county board shall provide for the use of a public school facility for:

(i) The presentation and discussion of public questions;

(ii) Public speaking;

(iii) Lectures; or

(iv) Other civic, educational, social, or recreational purposes or church affiliated civic purposes.

(2) These meetings shall be open to the public.

(3) The county board may refuse the use of any school facility for these purposes if it appears that the use is likely to:

(i) Provoke or add to a public riot or breach of the peace; or

(ii) Create a clear and present danger to the peace and welfare of the county or State.

(c) Each county board may permit a partisan political organization that has polled 10 percent or more of the entire vote cast in this State in the last general election to use public school facilities for programs and meetings that relate to a political campaign for nomination or election of a candidate to public office.

(d) Each county board may permit the use of public school facilities for religious or other lawful purposes.

(e) Subject to § 7–109 of this subtitle, school facilities may be used only at times that will not interfere with regular school sessions or other bona fide school activities.

(f) In Montgomery County, nonschool use of school facilities for public and community purposes and the manner by which costs associated with such use are apportioned may be regulated by local law consistent with the use criteria set forth in § 7–110 of this subtitle and not inconsistent with any other provisions of this article. The local law authorized by this subsection may provide for an interagency coordinating board and for the appointment of its members by Montgomery County. Membership may include the Superintendent of Schools, the President of Montgomery College, the members of the Montgomery County Planning Board, and such other members as may be provided by the local law.

(g) In Talbot County, the county board may enter into a lease with an organization that operates a community–based educational and recreational program to use a public school facility if:

(1) The county board does not anticipate a need for the public school facility during the term of the lease;

(2) The county board determines that the public school system will benefit if the organization operates a community–based educational and recreational facility at the public school facility; and

(3) The lease term is not longer than 99 years.

§7–109.

(a) If the program and public school facility comply with the rules and regulations of the Department that govern group child care centers, each county board:

(1) Shall give priority to nonprofit child care programs for use of public school facilities before and after school hours;

(2) May make space available during school hours; and

(3) May lease any part of public school property for the construction or operation of a child care center if:

(i) The county board determines that the property will not be needed for public school use during the term of the lease; and

(ii) The term of the lease is not greater than 20 years.

(b) Each county board shall adopt rules and regulations for implementing this

program that are consistent with the rules and regulations of the Department that govern group child care centers.

(c) Any additional costs incurred in the administration or support of these child care services shall be paid by the sponsoring organizations in accordance with an annual agreement with the county board that made the facilities available.

§7–110.

(a) (1) A reasonable charge for heating, lighting, and janitorial services for use of public school facilities under §§ 7-108 and 7-109 of this subtitle may be made.

(2) Charges for commercial use of surplus school space may include rent and recovery of capital costs, in addition to those items in paragraph (1) of this subsection.

(b) (1) The person who applies for the use of school facilities shall be responsible for all damage to the property, other than ordinary wear and tear.

(2) If the person does not pay for damages to the property, the county board may refuse any other application by that person for the use of the property until the damage is repaired without expense to the county board.

(c) (1) The person who applies for the use of school facilities shall leave the facilities after their use as clean as they were before the use.

(2) If the person does not leave the facilities as clean as they were before the use, the county board may refuse to allow the person to use the facilities again.

§7–111.

(a) Subject to subsection (b) of this section, each public school under the jurisdiction of a county board that provides access to its buildings and grounds or its student information directory to any person or group which makes students aware of occupational or educational options shall provide access on the same basis to official recruiting representatives of the military forces of this State and the United States for the purpose of informing students of educational and career opportunities available in the military.

(b) (1) A public school subject to this section shall provide notice to each student and to the parent or guardian of each student enrolled at the school that, in accordance with federal law, the student or the parent or guardian of the student may request that the student's name, address, and telephone number not be released to military recruiters.

(2) The notice described under paragraph (1) of this subsection shall:

(i) Be included in a clear and conspicuous manner and in the same

size type as the other statements on the card requesting emergency contact information that is distributed by the public school to each student or parent or guardian of the student; and

(ii) Request that the student or the parent or guardian of the student indicate if the student's name, address, and telephone number is not to be released to military recruiters by checking the box "Do not release contact information".

(3) On or before October 1 and March 1 of each school year, the principal of each public school in a county shall submit a list to the county board that includes the name, address, and telephone number of each student whose contact information is not released to military recruiters as directed under paragraph (2)(ii) of this subsection.

(c) (1) In this subsection, "ASVAB" means the Armed Services Vocational Aptitude Battery.

(2) Each public school in the State that administers the ASVAB shall choose "Option 8" as the score reporting option for military recruiter contact to prohibit the general release of any student information to military recruiters.

(3) Each public school that administers the ASVAB shall:

(i) Send a written notice to the ASVAB representative coordinating the school's administration of the ASVAB of the requirement set forth in paragraph (2) of this subsection; and

(ii) Notify students taking the ASVAB and the parent or guardian of students taking the ASVAB of the release of student information requirements set forth in paragraphs (2) and (4) of this subsection.

(4) A student or a student's parent or guardian may choose to release the student's personal information and ASVAB scores to recruiting representatives of the military services by individually submitting the required forms to the military services authorizing the release of the information.

§7–112.

When a county board publishes a listing or a description of a course or courses for an individual school or for the county school system, the county board shall include as a part of the listing or description specific information concerning:

(1) The content of any course or any section of a course for which there are alternative activities available for a student who does not wish to participate in the course or section of the course;

(2) The content of the alternative activities that are available; and

(3) The methods by which a student can gain access to the alternative

activities for a course or a section of a course.

§7–112.1.

(a) Subject to the requirements of this section, the Department may develop a standardized course numbering system to facilitate the collection of data on student participation in courses offered by the public schools.

(b) The course numbering system shall be available for adoption by each county school system on a voluntary basis.

(c) If the Department requires a data collection involving course numbers, a county school system that has not adopted the State standardized course numbering system shall be responsible for providing a translation between the county school system's course numbers and those in the State standardized course numbering system.

§7–113.

A public school may not print or have printed a student's Social Security number on any type of identification card.

§7–114.

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

(2) "Private noncollegiate institution" means a school or other institution that is not under the general control and supervision of a county board of education.

(3) "Unpaid work–based learning experience" means a program that provides a student with structured employer–supervised learning that:

(i) Occurs in the workplace;

(ii) Links with classroom instruction;

(iii) Is coordinated by a county board or private noncollegiate institution; and

(iv) Is conducted in accordance with the terms of an individual written work–based learning agreement between the county board of education or private noncollegiate institution placing a participating student and the employer of that participating student.

(b) A student who has been placed with an employer in an unpaid work–based learning experience coordinated by a county board or private noncollegiate institution is a covered employee of that employer, as defined in Title 9 of the Labor and Employment Article, for the purposes of coverage under the State workers' compensation laws.

(c) (1) The participating employer where a student is placed in an unpaid work–based learning experience under this section shall secure workers' compensation coverage for that student.

(2) The participating employer may satisfy its obligation to secure workers' compensation coverage under this subsection if the county board or private noncollegiate institution that places the student in the unpaid work–based learning experience chooses to secure workers' compensation coverage for that student.

(d) (1) The county board or private noncollegiate institution that places a student with an employer in an unpaid work–based learning experience under this section may secure workers' compensation coverage for that student.

(2) Subject to subsection (e) of this section, if a county board or private noncollegiate institution chooses to secure workers' compensation coverage under this subsection, the participating employer shall reimburse the county board or private noncollegiate institution in an amount equal to the lesser of:

(i) The cost of the premium for the workers' compensation insurance coverage; or

(ii) A fee of $250.

(e) The Allegany County Board, the Cecil County Board, and the Howard County Board may waive the requirement for reimbursement under subsection (d)(2) of this section.

§7–115.

(a) To facilitate the transfer of school-aged student dependents of military personnel to and from the public schools of this State, the State Board shall pursue reciprocity agreements with other states regarding the terms of those student transfers.

(b) A reciprocity agreement shall include procedures for:

(1) The timely transfer of student records;

(2) Awarding credit for completed course work;

(3) Allowing a student to satisfy the graduation requirements of § 7-205 of this title through successful completion of comparable courses in another state; and

(4) Allowing a student to satisfy the requirements of the Maryland high school assessments through successful performance on comparable exit-level or high standard assessments administered in another state.

§7–116.

(a) The purpose of this section is to:

(1) Acknowledge 36 U.S.C. § 106, which designates September 17 of each year as "Constitution Day and Citizenship Day" to commemorate the signing of the United States Constitution on September 17, 1787; and

(2) Celebrate "Constitution Day and Citizenship Day" in the public schools and help instill in students knowledge of the history, importance, and enduring meaning of the United States Constitution and of the Maryland Constitution on the citizens of the State.

(b) (1) In accordance with Pub. L. 108–447 § 111(b), each county board may establish a program of education to be held on "Constitution Day and Citizenship Day" each year to teach students about:

(i) The United States Constitution; and

(ii) The Maryland Constitution.

(2) The program of education may include:

(i) Special assemblies, discussions, presentations, and events commemorating the United States Constitution and the Maryland Constitution;

(ii) The opportunity for eligible students to register to vote; and

(iii) Efforts to reinforce existing curricula.

§7–119.

(a) (1) In this section, "classroom teacher" means a teacher who is primarily responsible and accountable for the students in that class.

(2) "Classroom teacher" does not include:

(i) Curriculum specialists;

(ii) Guidance counselors;

(iii) Librarians;

(iv) Media specialists;

(v) Instructional aides;

(vi) Attendance personnel;

(vii) Health services personnel;

(viii) Psychologists;

(ix) Social workers;

(x) Clerical personnel;

(xi) Community college staff; or

(xii) Any other individual whose job does not require skill in the field of education and who is not responsible for the day–to–day instruction of the same group of students.

(b) (1) By the beginning of the 2012–2013 academic year, the Department shall develop a uniform data collection method to track the number of students who regularly participate in a classroom teacher's class.

(2) The uniform data collection method developed under paragraph (1) of this subsection shall reflect the number of students who participate in a classroom teacher's class as of September 30 of each year.

(c) Beginning with the 2012–2013 academic year, each county board shall:

(1) Implement the uniform data collection method developed under subsection (b) of this section; and

(2) Report the results of the data collection to the Department on or before December 1 of each year.

(d) On or before January 31 of each year, the Department shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the data obtained under subsection (c)(2) of this section.

§7–120.

(a) In this section, "multiple–birth children" means twins, triplets, quadruplets, quintuplets, or more.

(b) This section applies only to children entering kindergarten through second grade.

(c) (1) The parent or guardian of multiple–birth children may request that the multiple–birth children or certain groups of the multiple–birth children be placed in the same classroom or separate classrooms if the children are in the same grade level at the same school.

(2) The parent or guardian shall make the request in writing to the school principal within 14 days after:

(i) The first day of school; or

(ii) If the children were enrolled in the school after the school year has commenced, the first day of attendance of the children.

(d) Except as provided in subsection (e) of this section, a school shall provide the classroom placement requested by the parent or guardian under subsection (c) of this section.

(e) At the end of 30 days, if the principal of the school, in consultation with the teacher of each classroom in which the children are placed, determines that the requested classroom placement is disruptive to the school, the principal may determine the appropriate classroom placement for the children.

(f) The school may:

(1) Recommend to a parent or guardian the appropriate classroom placement for the multiple–birth children; or

(2) Provide professional educational advice to assist a parent or guardian regarding classroom placement for the multiple–birth children.

(g) A county board may not adopt a classroom placement policy of automatically separating or placing together multiple–birth children.

§7–201.

(a) The State Board shall develop and implement a program to be administered by the county boards in which each student who enters his first year in any primary grade in a public school is evaluated to identify any learning disability regardless of cause.

(b) The State Board shall provide guidance and coordinate the development and implementation of educational programs based on the needs of disabled students in the public schools.

§7–202.

(a) The State Board shall require a minimum level of reading ability for each grade 2 through 12 that rises for each succeeding grade.

(b) If a county board, based on local assessment of student progress and in conjunction with the Maryland education accountability program, finds that a student in grade 3, 7, or 9 through 11 who is not moderately, severely, or profoundly intellectually limited has not met either a minimum grade level competency or the minimum reading level as required by the State Board for the previous grade, the student shall be:

(1) Kept in the current grade; or

(2) Enrolled in an appropriate reading assistance program as part of his instructional program.

(c) The provisions of this section may not be the sole reason for withholding grade advancement more than once in grades 2 through 7.

(d) The State Board shall adopt bylaws to implement this section.

§7–203.

(a) The State Board, the State Superintendent, each county board, and each public school shall implement a program of education accountability for the operation and management of the public schools.

(b) (1) In this subsection, "grade band assessment" means one assessment of a middle school student's knowledge in a core academic subject area during grades 6 through 8.

(2) The education accountability program shall include the following:

(i) The State Board and the State Superintendent shall assist each county board to establish educational goals and objectives that conform with statewide educational objectives for subject areas including reading, writing, mathematics, science, and social studies;

(ii) With the assistance of its county board, each public school shall survey current student achievement in reading, language, mathematics, science, social studies, and other areas to assess its needs;

(iii) 1. The State Board and the State Superintendent shall implement assessment programs in reading, language, mathematics, science, and social studies that include written responses;

2. The assessment program required in this subsection shall:

A. Provide information needed to improve public schools by enhancing the learning gains of students and academic mastery of the skills and knowledge set forth in the State's adopted curricula or common core curricula;

B. Inform the public annually of the educational progress made at the school, local school system, and State levels; and

C. Provide timely feedback to schools and teachers for the purposes of adapting the instructional program and making placement decisions for students; and

3. Beginning in the 2014–2015 school year, the following assessments shall be implemented and administered annually:

A. At the middle school level, a statewide, comprehensive, grade band assessment program that measures the learning gains of each public school student towards achieving mastery of the standards set forth in the common core curricula or the State's adopted curricula for the core content areas of reading, language, mathematics, science, and social studies; and

B. At the high school level, a statewide, standardized, end–of–course assessment that is aligned with and that measures each public school student's skills and knowledge of the State's adopted curricula for the core content areas of reading, language, mathematics, science, and social studies;

(iv) Each public school shall establish as the basis for its assessment of its needs, project goals and objectives that are in keeping with the goals and objectives established by its county board and the State Board;

(v) With the assistance of its county board, the State Board, and the State Superintendent, each public school shall develop programs to meet its needs on the basis of the priorities it sets;

(vi) Evaluation programs shall be developed at the same time to determine if the goals and objectives are being met; and

(vii) A reevaluation of programs, goals, and objectives shall be undertaken regularly.

(3) (i) After the 2014–2015 school year, the State Board shall determine whether the assessments at the middle school and high school levels required under paragraph (2)(iii)3 of this subsection adequately measure the skills and knowledge set forth in the State's adopted curricula for the core content areas of reading, language, mathematics, science, and social studies.

(ii) If the State Board makes a determination under subparagraph (i) of this paragraph that an assessment does not adequately measure the skills and knowledge set forth in the State's adopted curricula for a core content area, the Department shall develop a State–specific assessment in that core content area to be implemented in the 2016–2017 school year.

(c) National standardized testing may not be the only measure for evaluating educational accountability.

(d) The Department shall assist each county board to establish an education accountability program by providing:

(1) Guidelines for development and implementation of the program by the county boards; and

(2) Assistance and coordination where it is needed and requested by the county boards.

(e) (1) The Department shall survey a statewide, representative sample of public schools and public school teachers annually to measure:

(i) The amount of instructional time spent on social studies and science instruction in elementary schools;

(ii) The availability and use of appropriate instructional resources and teaching technology in social studies and science classrooms;

(iii) The availability and use of appropriate professional development for social studies and science teachers; and

(iv) The number of secondary school social studies and science classes that are taught by teachers who are:

1. Certified in the subject being taught; and

2. Not certified in the subject being taught.

(2) The Department shall:

(i) Compile the results of the survey conducted under paragraph (1) of this subsection; and

(ii) Publish the results on the Department's Web site.

(f) The State Superintendent shall send the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly a report each January that includes:

(1) Documentation of the progress of the Department, the county boards, and each public school in this State towards their respective goals and objectives; and

(2) Recommendations for legislation that the State Board and the State Superintendent consider necessary to improve the quality of education in this State.

(g) On the recommendation of the State Superintendent, the State Board shall include in its annual budget request the funds it considers necessary to carry out the provisions of this section.

§7–203.1.

(a) (1) For fiscal years 2003 and 2004, the Department shall distribute grants to qualified distressed counties, as defined in § 1–101 of the Economic Development Article, for the administration of the Preliminary Scholastic Aptitude Test to 10th grade students.

(2) For fiscal year 2005 and each subsequent fiscal year, the Department shall distribute grants to each county for the administration of the Preliminary Scholastic Aptitude Test to 10th grade students.

(b) Subject to the availability of funding in the State budget, the amount of each county's grant shall be in an amount sufficient for the administration of the test to all 10th grade students in the county.

§7–203.2.

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

(2) (i) "Four–year adjusted cohort" means a group of students who are entering the ninth grade for the first time from a cohort that is subsequently adjusted by adding any students who transfer into the cohort later during the ninth grade and the next three years and subtracting any students who transfer out, emigrate to another country, or die during that same period.

(ii) "Four–year adjusted cohort" also includes students retained in grade and only counted once as members of their original cohort.

(3) "Graduation rate" means the percentage obtained from applying the graduation rate formula.

(4) (i) "Graduation rate formula" means the number of students who graduate on time with a Maryland high school diploma divided by the number of students in the four–year adjusted cohort.

(ii) "Graduation rate formula" does not include students who graduate on time with a GED or other certificate not aligned with State standards.

(5) (i) "On time" means on or before the conclusion of a four–year adjusted cohort's fourth year of high school.

(ii) "On time" includes a senior summer session in a jurisdiction that offers senior summer sessions.

(6) (i) "Transfer out" means a student who the county board confirms, via written documentation, has enrolled in another high school or other educational program from which that student is expected to receive a Maryland high school diploma.

(ii) "Transfer out" does not include a student enrolled in:

1. A GED program; or

2. An alternative education program that does not issue or provide credits toward a Maryland high school diploma.

(b) The purpose of this section is to:

(1) Initiate a process by which the State may achieve the goal of collecting, maintaining, analyzing, and publicly reporting data relating to the graduation rates of students in public high schools as an essential step in addressing gaps in educational achievement among a diverse student population; and

(2) Explicitly delineate the duties and responsibilities of the Department and the county boards in this regard.

(c) (1) Beginning on or before September 1, 2011, and each year thereafter, a county board shall:

(i) Collect, maintain, and analyze graduation rates for public schools, local school systems, and the State; and

(ii) Report the information required under item (i) of this paragraph to the public and the Department in the aggregate and disaggregated by:

1. Hispanic or Latino of any race;

2. For individuals who are nonHispanic or nonLatino only:

A. American Indian or Alaska Native;

B. Asian;

C. Black or African American;

D. Native Hawaiian or other Pacific Islander;

E. White; or

F. Two or more races;

3. Students who are limited English proficient;

4. Students who receive free and reduced priced meals; and

5. Students who receive special education services.

(2) Beginning on or before October 1, 2011, and each year thereafter, the Department shall:

(i) Compile the information received under paragraph (1) of this subsection and calculate a graduation rate for the State; and

(ii) Post the information obtained under this subsection for each county on its Web site in the aggregate and disaggregated by:

1. Hispanic or Latino of any race;

2. For individuals who are nonHispanic or nonLatino only:

A. American Indian or Alaska Native;

B. Asian;

C. Black or African American;

D. Native Hawaiian or other Pacific Islander;

E. White; or

F. Two or more races;

3. Students who are limited English proficient;

4. Students who receive free and reduced priced meals; and

5. Students who receive special education services.

(d) (1) The county boards and the Department may develop and implement additional indicators to collect, maintain, analyze, and publicly report data regarding alternative high school completions.

(2) The Department shall ensure that the information collected under paragraph (1) of this subsection is comparable for public schools and local school systems in the State.

(e) The Department shall:

(1) Implement training for administrators and other personnel responsible for collecting, maintaining, analyzing, and publicly reporting data regarding four–year adjusted cohorts and graduation rates;

(2) Implement a standard process for verifying the accuracy of data including:

(i) Statistical checks and analyses; and

(ii) On–site audits of record–keeping procedures;

(3) Implement a public awareness campaign including outreach to civic associations, community–based groups, and parent organizations and the solicitation of suggestions and community support regarding the need for collecting, maintaining, analyzing, and publicly reporting accurate data regarding four–year adjusted cohorts and graduation rates;

(4) Provide technical support to the county boards with collecting, maintaining, analyzing, and publicly reporting graduation rate data; and

(5) Serve as a central repository for this data.

§7–204.

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

(2) "Criterion-referenced test" means a measuring instrument that meets common standards or criteria including validity, reliability, objectivity, efficiency, and usefulness.

(3) "Measurement" means a procedure for determining quantity.

(4) "Standardized test" means a measuring instrument that:

(i) Is designed to measure important common outcomes of representative courses of study;

(ii) Is administered according to specific detailed directions prescribed in a manual;

(iii) Is scored by an objective procedure;

(iv) Provides norms for comparison of individual scores with representative group scores; and

(v) Provides information needed for judging the value of the test.

(5) "Test" means a method, technique, or instrument that measures the amount, status, or level of progress achieved toward an instructional objective.

(6) "Test objectivity" means a set of conditions leading to standard procedure and interpretation, and the elimination of all elements of personal bias.

(7) "Test reliability" means the consistency with which a test can be trusted to give the same or similar scores or descriptions of behaviors at different times.

(8) "Test validity" means the extent to which an appraisal technique actually measures the element it is designed to measure.

(b) (1) The State Board shall conduct a comprehensive, in-depth assessment of State mandated testing and measurement programs.

(2) The assessment shall include for each State mandated testing or measurement program an evaluation of:

(i) Costs of materials for administering the testing and measurement programs;

(ii) The efficiency and effectiveness of the testing and measurement programs;

(iii) Administrative procedures and costs associated with the testing and measurement programs;

(iv) Allocation of time devoted to testing and measurement; and

(v) Methods for scoring and utilization of test results.

(3) The assessment shall include an analysis of the validity, reliability, and objectivity of all testing and measurement instruments including:

(i) Standardized tests;

(ii) Criterion-referenced tests; and

(iii) The functional testing program established under § 7-203 of this subtitle.

(c) (1) For any test instrument authorized for use in a State mandated testing and measurement program, the Board shall recommend procedures and standards for determining test validity, test reliability, and test objectivity.

(2) On or before December 1, 1992, the Board shall make a report of its findings and recommendations to the Governor, and in accordance with § 2-1246 of the State Government Article, to the General Assembly.

§7–205.

(a) The promotion of students in a public school and graduation from a public high school shall be in accordance with:

(1) Policies established by the county board; and

(2) The rules and regulations of the State Board.

(b) (1) Each student who graduates from a public high school shall receive the same type of diploma or certificate, regardless of the high school attended or the course taken.

(2) The diploma or certificate shall state that the student has completed a program of studies satisfactorily in accordance with the requirements of the State Board.

§7–205.1.

(a) The State Board shall establish high school curriculum and graduation requirements for all public schools in accordance with this section.

(b) (1) Beginning with the 2015–2016 school year, all students shall be assessed using acceptable college placement cut scores no later than 11th grade to determine whether the student is ready for college–level credit–bearing course work in English Language Arts, Literacy, and Mathematics.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Department, in collaboration with local school systems and public community colleges, shall develop and implement, by the 2016–2017 school year, transition courses or other instructional opportunities to be delivered in the 12th grade to students who have not achieved college and career readiness by the end of the 11th grade.

(ii) The implementation of transition courses or other instructional opportunities required under subparagraph (i) of this paragraph:

1. Shall include an assessment or reassessment of the student after completion of the course; and

2. May not preclude or replace enrollment in a course otherwise required for graduation from high school.

(c) (1) Beginning with the 9th grade class of 2014, and subject to paragraph (2) of this subsection and subsection (e) of this section, each student shall enroll in a mathematics course in each year of high school that the student attends high school.

(2) The Department shall adopt regulations that establish the mathematics and math–related courses that fulfill the requirements of this subsection, which may include math–related career and technology program courses.

(d) It is the goal of the State that all students achieve mathematics competency in Algebra II.

(e) A student who is enrolled in a credit–bearing mathematics transition course under subsection (b)(2) of this section:

(1) Subject to item (2) of this subsection, shall be considered to meet the requirements of subsection (c) of this section; and

(2) May not be considered to meet the requirements of subsection (c) of this section if other credit–bearing courses required for graduation have not been met.

§7–205.2.

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

(2) "Automated external defibrillator" has the meaning stated in § 13–517 of this article.

(3) "Psychomotor skills" means the use of hands–on practicing to support cognitive learning.

(b) Beginning with students entering grade 9 in the 2015–2016 school year, a student shall complete, as part of the health or physical education curriculum, instruction in cardiopulmonary resuscitation that includes hands–only cardiopulmonary resuscitation and the use of an automated external defibrillator.

(c) Beginning in the 2015–2016 school year, each county board shall provide, as part of the health or physical education curriculum, instruction in cardiopulmonary resuscitation that includes hands–only cardiopulmonary resuscitation and the use of an automated external defibrillator in every public school that enrolls students in any of the grades 9 through 12 in the county.

(d) The instruction required under subsections (b) and (c) of this section shall:

(1) Use an instructional program that is:

(i) Developed by the American Heart Association or the American Red Cross; or

(ii) Approved by the Department and the county board and is nationally recognized and based on the most current national evidence–based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator; and

(2) Incorporate the psychomotor skills necessary to perform cardiopulmonary resuscitation and to use an automated external defibrillator.

(e) (1) If the instruction required under subsections (b) and (c) of this section is offered for certification, the course must be conducted by an individual who is certified by the American Heart Association, the American Red Cross, or a similar nationally recognized entity as an instructor of cardiopulmonary resuscitation and the use of an automated external defibrillator.

(2) If the instruction required under subsections (b) and (c) of this section is not offered for certification, a teacher who is not a certified instructor of cardiopulmonary resuscitation and the use of an automated external defibrillator may facilitate, provide, or oversee the instruction.

(f) The Department shall develop a process to monitor the implementation of the requirements established under this section.

§7–205.3. IN EFFECT

// EFFECTIVE UNTIL JUNE 30, 2018 PER CHAPTERS 568 AND 569 OF 2014 //

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

(2) "Eligible employer" means an employer that has a position available for a high school student over the summer and meets the criteria developed under subsection (c)(2) of this section.

(3) "Eligible school system" means a local school system that has a large number of students who are not on track to meet the Maryland College and Career Ready Standards in high school, as determined by the Department.

(4) "Eligible student" means a student who is interested in obtaining workforce skills and training and is:

(i) Required to take a transition course under § 7–205.1 of this subtitle;

(ii) Struggling to achieve mathematics competency in Algebra II before graduation, as determined by a guidance counselor at the student's school; or

(iii) Struggling to achieve college and career readiness before graduation, as determined by a guidance counselor at the student's school, and in accordance with criteria developed by the Department.

(5) "Program" means the Summer Career Academy Pilot Program.

(b) (1) There is a Summer Career Academy Pilot Program in the State.

(2) The Program shall begin in the summer of 2015 and last for 3 years.

(3) The purpose of the Program is to provide students who are interested in obtaining workforce skills and training and who are struggling academically to meet graduation requirements an opportunity to advance the skills of the State's workforce during summer employment and to grow the State's economy through the promotion of sustainable employment for students after graduation.

(c) (1) The Department shall develop criteria for the selection of:

(i) Eligible school systems; and

(ii) Eligible students.

(2) The Department shall collaborate with the Department of Labor, Licensing, and Regulation, the Department of Economic Competitiveness and Commerce, and representatives of the business community to develop criteria for and identify eligible employers.

(d) (1) (i) The State Superintendent may select up to four eligible school

systems each year to participate in the Program.

(ii) Each eligible school system may only be selected to participate in the Program for 1 year.

(2) (i) For the summer of 2015, each county superintendent from an eligible school system may select up to 60 students to participate in the Program.

(ii) For the summers of 2016 and 2017, each county superintendent from an eligible school system may select up to 100 students to participate in the Program.

(e) A student selected to participate in the Program:

(1) Shall be assigned a summer career counselor to assist with the Program;

(2) Shall be assigned a summer employment opportunity with an eligible employer;

(3) Shall receive a stipend of up to $4,500 for the summer that is proportional to the time worked; and

(4) On successful completion of the Program, may choose to receive:

(i) A $500 completion grant; or

(ii) A $2,000 scholarship toward the cost of tuition at an institution of higher education in the State.

(f) (1) Funding for the Program shall be as provided in the State budget.

(2) If in any year sufficient funds are not provided in the State budget to fully fund the stipends and completion grants or scholarships provided in subsection (e) of this section, the Department shall reduce the number of students participating in the Program accordingly.

(g) On or before December 1 of the years 2015 through 2017, the Department shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, regarding the effectiveness of the Program including:

(1) The number of students participating in the Program from each eligible school system;

(2) Wage information regarding payments disbursed to students participating in the Program;

(3) Feedback from students participating in the Program on ways to improve the Program;

(4) The types of workforce skills and training that the students participating in the Program were able to acquire; and

(5) Recommendations to expand or discontinue the Program.

§7–206.1.

(a) An individual honorably discharged from military service may apply to obtain a high school diploma if the individual withdrew from a regular full-time public or private high school accredited by the State Board to enlist in the armed forces of the United States during:

(1) World War II;

(2) The Korean Conflict; or

(3) The Vietnam Conflict.

(b) To obtain a high school diploma under subsection (a) of this section, the individual shall apply to the county board in the county where the individual resides or where the school from which the individual withdrew was located.

(c) Each county board shall adopt rules and regulations to establish procedures for awarding diplomas under this section.

§7–207.

(a) (1) There is a program of State Merit Scholastic Awards.

(2) The awards shall be issued annually by the Governor.

(b) (1) On or before April 1 of each year, the principal of each senior high school shall present to the Governor a list of nominees for a State Merit Scholastic Award.

(2) The list shall consist of the names of the top 5 percent of the students in the graduating class.

(c) Each nominee shall be recommended for scholastic achievement.

(d) The Governor shall issue to each student nominated for the award an appropriate certificate that recognizes the excellence of scholastic achievement of the student.

§7–301. IN EFFECT

(a) This section does not apply to a child under the age of 17 years who:

(1) Has obtained a Maryland high school diploma, an equivalent

out–of–state high school diploma, or a GED;

(2) Is a student with disabilities and has completed the requirements for a Maryland high school certificate of completion;

(3) Is receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age;

(4) Has completed an instruction program under item (3) of this subsection;

(5) Is severely ill and requires home or hospital instruction;

(6) Is married;

(7) Is in military service;

(8) Is committed by court order to an institution without an educational program;

(9) Provides financial support to the child's family as documented by a local department of social services;

(10) Subject to the approval of the county superintendent, has been expelled under § 7–305 of this subtitle;

(11) Is pregnant or a parent and is enrolled in an alternative educational program;

(12) Attends an alternative educational program;

(13) Subject to written parental consent and written agreement with the county board, attends a public school on a part–time basis and attends a private career school as defined under § 10–101 of this article; or

(14) Is waived from the provisions of this section by the State Superintendent.

(a–1) (1) Except as otherwise provided in this section, each child who resides in this State and is 5 years old or older and under 17 shall attend a public school regularly during the entire school year.

(2) In accordance with regulations of the State Board of Education, a child who resides in this State and is 5 years old may be exempted from mandatory school attendance for 1 year if the child's parent or guardian files a written request with the local school system asking that the child's attendance be delayed due to the child's level of maturity.

(3) Except as provided in subsection (f) of this section or in regulations

of the State Board of Education, each child who resides in this State shall attend a kindergarten program regularly during the school year prior to entering the first grade unless the child is otherwise receiving regular, thorough instruction in the skills and studies usually taught in a kindergarten program of a public school.

(b) A county superintendent, school principal, or an individual authorized by the county superintendent or principal may excuse a student for a lawful absence.

(c) Each person who has legal custody or care and control of a child who is 5 years old or older and under 17 shall see that the child attends school or receives instruction as required by this section.

(d) (1) This section applies to any child who has a mental, emotional, or physical handicap.

(2) This section does not apply to a child:

(i) Whose mental, emotional, or physical condition makes the child's instruction detrimental to the child's progress; or

(ii) Whose presence in school presents a danger of serious physical harm to others.

(3) With the advice of the school principal, supervisor, pupil personnel supervisor, or visiting teacher and with the written recommendation of a licensed physician or a State Department of Education certified or licensed psychologist, the county superintendent may:

(i) Make other appropriate provisions for the free education of any student excepted from attendance under paragraph (2) of this subsection; or

(ii) Permit the parents or guardians of that student to withdraw the child from public school, for as long as the attendance of the child in a public school would be detrimental to the child's progress or the child's presence in school would present a danger of serious physical harm to others.

(4) If a child is withdrawn from a public school under this subsection, the county board shall make other appropriate provisions for the education of the child.

(5) If an appropriate educational placement is not available immediately, the county board shall make interim provisions for the education of the child until an appropriate placement becomes available.

(e) (1) Any person who induces or attempts to induce a child to be absent unlawfully from school or employs or harbors any child who is absent unlawfully from school while school is in session is guilty of a misdemeanor and on conviction is subject to a fine not to exceed $500 or imprisonment not to exceed 30 days, or both.

(2) Any person who has legal custody or care and control of a child who is 5 years old or older and under 17 who fails to see that the child attends school or receives instruction under this section is guilty of a misdemeanor and:

(i) For a first conviction is subject to a fine not to exceed $50 per day of unlawful absence or imprisonment not to exceed 10 days, or both; and

(ii) For a second or subsequent conviction is subject to a fine not to exceed $100 per day of unlawful absence or imprisonment not to exceed 30 days, or both.

(3) (i) As to any sentence imposed under this section, the court may suspend the fine or the prison sentence and establish terms and conditions that would promote the child's attendance.

(ii) The suspension authority provided for under subparagraph (i) of this paragraph is in addition to and not in limitation of the suspension authority under § 6–221 of the Criminal Procedure Article.

(e–1) (1) This subsection applies only:

(i) In a county in which the circuit administrative judge has established a Truancy Reduction Pilot Program under § 3–8C–02 of the Courts Article; and

(ii) To the extent that funds are provided in an annual State budget for a Truancy Reduction Pilot Program.

(2) A charge under this section may be filed in the juvenile court and assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts Article.

(3) (i) For a person with legal custody or care and control of a child at the time of an alleged violation of this section, it is an affirmative defense to a charge under this section that the person made reasonable and substantial efforts to see that the child attended school as required by law but was unable to cause the child to attend school.

(ii) If the court finds the affirmative defense is valid, the court shall dismiss the charge under this section against the defendant.

(4) The court may condition marking a charge under this section stet on participation of the defendant in the appropriate Truancy Reduction Pilot Program under Title 3, Subtitle 8C of the Courts Article.

(f) A child may be exempted from attending kindergarten if a parent or guardian of the child files a written request with the local school system and verifies that the child is enrolled:

(1) Full time in a licensed child care center;

(2) Full time in a registered family child care home; or

(3) Part time in a Head Start 5 year old program.

(g) Subject to data being available through the Maryland Longitudinal Data System established under § 24–702 of this article and except as otherwise provided in this section, a child under the age of 17 years shall return to attendance at a public school regularly during the school year as required by this section, if the child:

(1) Is no longer participating in GED courses; and

(2) Has not obtained a passing score on the GED test that resulted in the issuance of a Maryland high school diploma.

7–301. ** TAKES EFFECT JULY 1, 2017 PER CHAPTER 494 OF 2012 **

(a) This section does not apply to a child under the age of 18 years who:

(1) Has obtained a Maryland high school diploma, an equivalent out–of–state high school diploma, or a GED;

(2) Is a student with disabilities and has completed the requirements for a Maryland high school certificate of completion;

(3) Is receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age;

(4) Has completed an instruction program under item (3) of this subsection;

(5) Is severely ill and requires home or hospital instruction;

(6) Is married;

(7) Is in military service;

(8) Is committed by court order to an institution without an educational program;

(9) Provides financial support to the child's family as documented by a local department of social services;

(10) Subject to the approval of the county superintendent, has been expelled under § 7–305 of this subtitle;

(11) Is pregnant or a parent and is enrolled in an alternative educational program;

(12) Attends an alternative educational program;

(13) Subject to written parental consent and written agreement with the county board, attends a public school on a part–time basis and attends a private career school as defined under § 10–101 of this article; or

(14) Is waived from the provisions of this section by the State Superintendent.

(a–1) (1) Except as otherwise provided in this section, each child who resides in this State and is 5 years old or older and under 18 shall attend a public school regularly during the entire school year.

(2) In accordance with regulations of the State Board of Education, a child who resides in this State and is 5 years old may be exempted from mandatory school attendance for 1 year if the child's parent or guardian files a written request with the local school system asking that the child's attendance be delayed due to the child's level of maturity.

(3) Except as provided in subsection (f) of this section or in regulations of the State Board of Education, each child who resides in this State shall attend a kindergarten program regularly during the school year prior to entering the first grade unless the child is otherwise receiving regular, thorough instruction in the skills and studies usually taught in a kindergarten program of a public school.

(b) A county superintendent, school principal, or an individual authorized by the county superintendent or principal may excuse a student for a lawful absence.

(c) Each person who has legal custody or care and control of a child who is 5 years old or older and under 18 shall see that the child attends school or receives instruction as required by this section.

(d) (1) This section applies to any child who has a mental, emotional, or physical handicap.

(2) This section does not apply to a child:

(i) Whose mental, emotional, or physical condition makes the child's instruction detrimental to the child's progress; or

(ii) Whose presence in school presents a danger of serious physical harm to others.

(3) With the advice of the school principal, supervisor, pupil personnel supervisor, or visiting teacher and with the written recommendation of a licensed physician or a State Department of Education certified or licensed psychologist, the county superintendent may:

(i) Make other appropriate provisions for the free education of any student excepted from attendance under paragraph (2) of this subsection; or

(ii) Permit the parents or guardians of that student to withdraw the child from public school, for as long as the attendance of the child in a public school would be detrimental to the child's progress or the child's presence in school would present a danger of serious physical harm to others.

(4) If a child is withdrawn from a public school under this subsection, the county board shall make other appropriate provisions for the education of the child.

(5) If an appropriate educational placement is not available immediately, the county board shall make interim provisions for the education of the child until an appropriate placement becomes available.

(e) (1) Any person who induces or attempts to induce a child to be absent unlawfully from school or employs or harbors any child who is absent unlawfully from school while school is in session is guilty of a misdemeanor and on conviction is subject to a fine not to exceed $500 or imprisonment not to exceed 30 days, or both.

(2) Any person who has legal custody or care and control of a child who is 5 years old or older and under 18 who fails to see that the child attends school or receives instruction under this section is guilty of a misdemeanor and:

(i) For a first conviction is subject to a fine not to exceed $50 per day of unlawful absence or imprisonment not to exceed 10 days, or both; and

(ii) For a second or subsequent conviction is subject to a fine not to exceed $100 per day of unlawful absence or imprisonment not to exceed 30 days, or both.

(3) (i) As to any sentence imposed under this section, the court may suspend the fine or the prison sentence and establish terms and conditions that would promote the child's attendance.

(ii) The suspension authority provided for under subparagraph (i) of this paragraph is in addition to and not in limitation of the suspension authority under § 6–221 of the Criminal Procedure Article.

(e–1) (1) This subsection applies only:

(i) In a county in which the circuit administrative judge has established a Truancy Reduction Pilot Program under § 3–8C–02 of the Courts Article; and

(ii) To the extent that funds are provided in an annual State budget for a Truancy Reduction Pilot Program.

(2) A charge under this section may be filed in the juvenile court and assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts Article.

(3) (i) For a person with legal custody or care and control of a child at the time of an alleged violation of this section, it is an affirmative defense to a charge under this section that the person made reasonable and substantial efforts to see that the child attended school as required by law but was unable to cause the child to attend school.

(ii) If the court finds the affirmative defense is valid, the court shall dismiss the charge under this section against the defendant.

(4) The court may condition marking a charge under this section stet on participation of the defendant in the appropriate Truancy Reduction Pilot Program under Title 3, Subtitle 8C of the Courts Article.

(f) A child may be exempted from attending kindergarten if a parent or guardian of the child files a written request with the local school system and verifies that the child is enrolled:

(1) Full time in a licensed child care center;

(2) Full time in a registered family child care home; or

(3) Part time in a Head Start 5 year old program.

(g) Subject to data being available through the Maryland Longitudinal Data System established under § 24–702 of this article and except as otherwise provided in this section, a child under the age of 18 years shall return to attendance at a public school regularly during the school year as required by this section, if the child:

(1) Is no longer participating in GED courses; and

(2) Has not obtained a passing score on the GED test that resulted in the issuance of a Maryland high school diploma.

§7–302.

(a) The principal or head teacher of each public or private school in this State shall report immediately to the county superintendent, the supervisor of pupil personnel, or any other official designated by the county superintendent the name of each child enrolled in his school who has been absent or irregular in attendance, without lawful excuse, or who shows evidence of maladjustment, so that the causes may be studied and solutions worked out.

(b) On receipt of a report from a principal or head teacher of a public school that a student has been habitually truant without lawful excuse, the appropriate

representative of the school system:

(1) Shall initiate an investigation into the cause of the child's truancy;

(2) May provide counseling regarding the availability of social, health, and educational services; and

(3) Following the investigation or intervention:

(i) May notify the Department of Juvenile Services that the student has been habitually truant, without lawful excuse;

(ii) Shall notify the appropriate local department that the student has been habitually truant, without lawful excuse, if a court has given the notice authorized by § 3–819(b–1) of the Courts Article; and

(iii) Shall notify the Department of Juvenile Services that the student has been habitually truant, without lawful excuse, if a court has given the notice authorized by § 3–8A–19(d)(6) of the Courts Article.

(c) The county superintendent, the superintendent's designee, or the supervisor of pupil personnel shall provide to the local education agency information regarding the number of students identified as being habitually truant.

§7–302.1.

To the extent possible, the appropriate representative of a county board shall provide to each individual who no longer attends a public high school in the county and has not obtained a high school certificate or diploma:

(1) Information concerning alternative education programs; and

(2) GED program requirements and testing locations.

§7–302.2.

(a) In this section, "truant student" means a student:

(1) Who is unlawfully absent from school for more than:

(i) 8 days in any quarter;

(ii) 15 days in any semester; or

(iii) 20 days in a school year; and

(2) Whose absences for purposes of item (1) of this subsection are unlawful absences as defined by regulation.

(b) Each county board shall develop a system of active intervention for truant students.

(c) (1) Each truant student attending kindergarten through 12th grade shall immediately be referred to the county board's system of active intervention developed under this section.

(2) This section does not prohibit a county board from intervening in the case of a student who is frequently absent from school for both lawful and unlawful purposes, but is not a truant student.

§7–303.

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

(2) "Criminal gang" has the meaning stated in § 9–801 of the Criminal Law Article.

(3) "Law enforcement agency" means the law enforcement agencies listed in § 3–101(e) of the Public Safety Article.

(4) "Local school system" means the schools and school programs under the supervision of the local superintendent.

(5) "Local superintendent" means:

(i) The county superintendent, for the county in which a student is enrolled, or a designee of the superintendent, who is an administrator; or

(ii) The superintendent of schools for the:

1. Archdiocese of Baltimore;

2. Archdiocese of Washington; and

3. Catholic Diocese of Wilmington.

(6) "Reportable offense" means:

(i) A crime of violence, as defined in § 14–101 of the Criminal Law Article;

(ii) Any of the offenses enumerated in § 3–8A–03(d)(4) of the Courts Article;

(iii) A violation of § 4–101, § 4–102, § 4–203, or § 4–204 of the Criminal Law Article;

(iv) A violation of §§ 5–602 through 5–609, §§ 5–612 through 5–614,

§ 5–617, § 5–618, § 5–627, or § 5–628 of the Criminal Law Article;

(v) A violation of § 4–503, § 9–504, or § 9–505 of the Criminal Law Article;

(vi) A violation of § 6–102, § 6–103, § 6–104, or § 6–105 of the Criminal Law Article;

(vii) A violation of § 9–802 or § 9–803 of the Criminal Law Article;

(viii) A violation of § 3–203 of the Criminal Law Article;

(ix) A violation of § 6–301 of the Criminal Law Article;

(x) A violation of § 9–302, § 9–303, or § 9–305 of the Criminal Law Article;

(xi) A violation of § 7–105 of the Criminal Law Article;

(xii) A violation of § 6–202 of the Criminal Law Article; or

(xiii) A violation of § 10–606 of the Criminal Law Article.

(7) "School principal" means the principal of the public or nonpublic school in which a student is enrolled, or a designee of the principal, who is an administrator.

(8) (i) "School security officer" includes a school principal, another school administrator, a law enforcement officer, or other individual employed by a local school system or a local government who is designated by the county superintendent or a school principal to help maintain the security and safety of a school.

(ii) "School security officer" does not include a teacher.

(9) "Student" means an individual enrolled in a public school system or nonpublic school in the State who is 5 years of age or older and under 22 years of age.

(b) If a student is arrested for a reportable offense or an offense that is related to the student's membership in a criminal gang, the law enforcement agency making the arrest:

(1) Shall notify the following individuals of the arrest and the charges within 24 hours of the arrest or as soon as practicable:

(i) The local superintendent;

(ii) The school principal; and

(iii) For a school that has a school security officer, the school security officer; and

(2) May notify the State's Attorney of the arrest and charges.

(c) The State's Attorney shall promptly notify either the local superintendent or the school principal of the disposition of the reportable offense required to be reported under subsection (b) of this section.

(d) Except by order of a juvenile court or other court upon good cause shown, the information obtained by an individual pursuant to subsections (b) and (c) of this section:

(1) Is confidential and may not be redisclosed by subpoena or otherwise except as provided pursuant to subsections (e) and (f) of this section; and

(2) May not be made part of the student's permanent educational record.

(e) (1) Notwithstanding the provisions of subsection (d) of this section, nothing shall prohibit a local superintendent or school principal from transmitting the information obtained pursuant to subsections (b) and (c) of this section as a confidential file to the local superintendent of another public school system in the State or another nonpublic school in the State in which the student has enrolled or been transferred in order to carry out the purposes of this section if the disposition of the reportable offense was a conviction or an adjudication of delinquency or the criminal charge or delinquency petition is still pending.

(2) A local superintendent or school principal who transmits information about a student under this subsection shall include in the transmittal information regarding any educational programming and related services provided to the student.

(f) The State Board shall adopt regulations to ensure that information obtained by a local superintendent, a school principal, or a school security officer under subsections (b), (c), and (e) of this section is:

(1) Used to provide appropriate educational programming and related services to the student and to maintain a safe and secure school environment for students and school personnel;

(2) Transmitted only to school personnel of the school in which the student is enrolled as necessary to carry out the purposes set forth in item (1) of this subsection; and

(3) Destroyed when the student graduates or otherwise permanently leaves school or turns 22 years old, whichever occurs first.

(g) (1) Except as otherwise provided in paragraph (2) of this subsection, the local superintendent and the school principal shall consider prohibiting a student who is arrested for a reportable offense involving rape or a sexual offense from attending the same school or riding on the same school bus as the alleged victim of the reportable offense if such action is necessary or appropriate to protect the physical or psychological

well–being of the alleged victim.

(2) If a student is arrested for a reportable offense involving rape or a sexual offense and is convicted of or adjudicated delinquent for the rape or sexual offense, the student may not attend the same school or ride on the same school bus as the victim.

(h) Nothing in this section is intended to limit the manner in which a local school obtains information or uses information obtained by any lawful means other than that set forth in subsections (b), (c), and (e) of this section.

(i) Each public school that enrolls students in grades six through twelve in the State shall designate at least one school security officer.

§7–304.

(a) The purpose of this section is to require each county board of education to provide a continuum model of prevention and intervention activities and programs that encourage and promote positive behavior and reduce disruption.

(b) Each county board of education and the Board of School Commissioners of Baltimore City shall establish special programs in the county and Baltimore City for students in the public school system who exhibit disruptive classroom behavior.

(c) Two or more county boards may establish special programs for their joint use.

§7–304.1.

(a) In this section, "Positive Behavioral Interventions and Support Program" means the research–based, systems approach method adopted by the State Board to build capacity among school staff to adopt and sustain the use of positive, effective practices to create learning environments where teachers can teach and students can learn.

(b) (1) Subject to paragraph (3) of this subsection, each county board shall require an elementary school that has a suspension rate that exceeds the standard specified in paragraph (2) of this subsection to implement:

(i) A positive behavioral interventions and support program; or

(ii) An alternative behavior modification program in collaboration with the Department.

(2) An elementary school is subject to this subsection if it has a suspension rate that exceeds:

(i) 18 percent of its enrollment for the 2005–2006 school year;

(ii) 16 percent of its enrollment for the 2006–2007 school year;

(iii) 14 percent of its enrollment for the 2007–2008 school year;

(iv) 12 percent of its enrollment for the 2008–2009 school year; and

(v) 10 percent of its enrollment for the 2009–2010 school year and each school year thereafter.

(3) An elementary school that has already implemented a positive behavioral interventions and support program or a behavior modification program shall expand its existing program if it has a suspension rate that exceeds the standard specified in paragraph (2) of this subsection.

(c) (1) Subject to paragraph (3) of this subsection, each county board shall require a school that has a truancy rate that exceeds the standard specified in paragraph (2) of this subsection to implement:

(i) A positive behavioral interventions and support program; or

(ii) An alternative, research–based, positive, and effective behavior modification program in collaboration with the Department.

(2) A school is subject to this subsection if it has a truancy rate that exceeds:

(i) 8 percent of its enrollment for the 2008–2009 school year;

(ii) 6 percent of its enrollment for the 2009–2010 school year;

(iii) 4 percent of its enrollment for the 2010–2011 school year;

(iv) 2 percent of its enrollment for the 2011–2012 school year; and

(v) 1 percent of its enrollment for the 2012–2013 school year and each school year thereafter.

(3) A school that has already implemented a positive behavioral interventions and support program or a behavior modification program shall expand its program if it has a truancy rate that exceeds the standard specified in paragraph (2) of this subsection.

(d) The State Board shall adopt regulations to implement the provisions of this section.

§7–305. IN EFFECT

(a) (1) Except as provided in subsection (b) of this section, in accordance with the rules and regulations of the county board, each principal of a public school may

suspend for cause, for not more than 10 school days, any student in the school who is under the direction of the principal.

(2) The student or the student's parent or guardian promptly shall be given a conference with the principal and any other appropriate personnel during the suspension period.

(3) The student or the student's parent or guardian promptly shall be given a community resources list provided by the county board in accordance with § 7–310 of this subtitle.

(b) (1) Except as provided in paragraph (2) of this subsection, a student may not be suspended or expelled from school solely for attendance–related offenses.

(2) Paragraph (1) of this subsection does not apply to in–school suspensions for attendance–related offenses.

(c) At the request of a principal, a county superintendent may suspend a student for more than 10 school days or expel the student.

(d) (1) If a principal finds that a suspension of more than 10 school days or expulsion is warranted, the principal immediately shall report the matter in writing to the county superintendent.

(2) The county superintendent or the county superintendent's designated representative promptly shall make a thorough investigation of the matter.

(3) If after the investigation the county superintendent finds that a longer suspension or expulsion is warranted, the county superintendent or the county superintendent's designated representative promptly shall arrange a conference with the student and his parent or guardian.

(4) The student or the student's parent or guardian promptly shall be given a community resources list provided by the county board in accordance with § 7–310 of this subtitle.

(5) If after the conference the county superintendent or the county superintendent's designated representative finds that a suspension of more than 10 school days or expulsion is warranted, the student or the student's parent or guardian may:

(i) Appeal to the county board within 10 days after the determination;

(ii) Be heard before the county board, its designated committee, or a hearing examiner, in accordance with the procedures established under § 6–203 of this article; and

(iii) Bring counsel and witnesses to the hearing.

(6) Unless a public hearing is requested by the parent or guardian of the student, a hearing shall be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the board.

(7) The appeal to the county board does not stay the decision of the county superintendent.

(8) The decision of the county board is final.

(e) (1) Any student expelled or suspended from school:

(i) Shall remain away from the school premises during those hours each school day when the school the student attends is in session; and

(ii) May not participate in school sponsored activities.

(2) The expelled or suspended student may return to the school premises during the prohibited hours only for attendance at a previously scheduled appointment, and if the student is a minor then only if accompanied by his parent or guardian.

(3) Any person who violates paragraph (1) or (2) of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100 for each violation.

(4) (i) If a student has been suspended or expelled, the principal or a designee of the principal may not return the student to the classroom without conferring with the teacher who referred the student to the principal, if the student was referred by a teacher, other teachers as appropriate, other appropriate school personnel, the student, and the student's parent or guardian.

(ii) If the disruptive behavior results in action less than suspension, the principal or a designee of the principal shall confer with the teacher who referred the student to the principal prior to returning the student to that teacher's classroom.

(5) A county superintendent may deny attendance to any student who is currently expelled from another school system for a length of time equal to that expulsion.

(6) A school system shall forward information to another school system relating to the discipline of a student, including information on an expulsion of the student, on receipt of the request for information.

(f) (1) In this subsection, "firearm" means a firearm as defined in 18 U.S.C. § 921.

(2) Except as provided in paragraph (3) of this subsection, if the county

superintendent or the superintendent's designated representative finds that a student has brought a firearm onto school property, the student shall be expelled for a minimum of 1 year.

(3) The county superintendent may specify, on a case by case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the county board, for a student who has brought a firearm onto school property.

(4) The State Board shall adopt regulations to implement this subsection.

(g) (1) The discipline of a child with a disability, including the suspension, expulsion, or interim alternative placement of the child for disciplinary reasons, shall be conducted in conformance with the requirements of the Individuals with Disabilities Education Act of the United States Code.

(2) If a child with a disability is being considered for suspension or expulsion, the child or the child's parent or guardian shall be given a community resources list attached to the procedural safeguards notice required by regulation of the State Board.

(h) (1) This subsection does not apply if the student is referred to the Department of Juvenile Services.

(2) If a student violates a State or local law or regulation and during or as a result of the commission of that violation damaged, destroyed, or substantially decreased the value of school property or property of another that was on school property at the time of the violation, as part of a conference on the matter with the student, the student's parent or guardian and any other appropriate person, the principal shall require the student or the student's parent to make restitution.

(3) The restitution may be in the form of monetary restitution not to exceed the lesser of the fair market value of the property or $2,500, or the student's assignment to a school work project, or both.

7–305. ** CONTINGENCY – NOT IN EFFECT – CHAPTER 347 OF 1995 **

(a) (1) Except as provided in subsection (b) of this section, in accordance with the rules and regulations of the county board, each principal of a public school may suspend for cause, for not more than 10 school days, any student in the school who is under the direction of the principal.

(2) The student or the student's parent or guardian promptly shall be given a conference with the principal and any other appropriate personnel during the suspension period.

(3) The student or the student's parent or guardian promptly shall be given a community resources list provided by the county board in accordance with §

7–310 of this subtitle.

(b) (1) Except as provided in paragraph (2) of this subsection, a student may not be suspended or expelled from school solely for attendance–related offenses.

(2) Paragraph (1) of this subsection does not apply to in–school suspensions for attendance–related offenses.

(c) At the request of a principal, a county superintendent may suspend a student for more than 10 school days or expel the student.

(d) (1) If a principal finds that a suspension of more than 10 school days or expulsion is warranted, the principal immediately shall report the matter in writing to the county superintendent.

(2) The county superintendent or the county superintendent's designated representative promptly shall make a thorough investigation of the matter.

(3) If after the investigation the county superintendent finds that a longer suspension or expulsion is warranted, the county superintendent or the county superintendent's designated representative promptly shall arrange a conference with the student and his parent or guardian.

(4) The student or the student's parent or guardian promptly shall be given a community resources list provided by the county board in accordance with § 7–310 of this subtitle.

(5) If after the conference the county superintendent or the county superintendent's designated representative finds that a suspension of more than 10 school days or expulsion is warranted, the student or the student's parent or guardian may:

(i) Appeal to the county board within 10 days after the determination;

(ii) Be heard before the county board, its designated committee, or a hearing examiner, in accordance with the procedures established under § 6–203 of this article; and

(iii) Bring counsel and witnesses to the hearing.

(6) Unless a public hearing is requested by the parent or guardian of the student, a hearing shall be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the board.

(7) The appeal to the county board does not stay the decision of the county superintendent.

(8) The decision of the county board is final.

(e) (1) Any student expelled or suspended from school:

(i) Shall remain away from the school premises during those hours each school day when the school the student attends is in session; and

(ii) May not participate in school sponsored activities.

(2) The expelled or suspended student may return to the school premises during the prohibited hours only for attendance at a previously scheduled appointment, and if the student is a minor then only if accompanied by his parent or guardian.

(3) Any person who violates paragraph (1) or (2) of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100 for each violation.

(4) (i) If a student has been suspended or expelled, the principal or a designee of the principal may not return the student to the classroom without conferring with the teacher who referred the student to the principal, if the student was referred by a teacher, other teachers as appropriate, other appropriate school personnel, the student, and the student's parent or guardian.

(ii) If the disruptive behavior results in action less than suspension, the principal or a designee of the principal shall confer with the teacher who referred the student to the principal prior to returning the student to that teacher's classroom.

(5) A county superintendent may deny attendance to any student who is currently expelled from another school system for a length of time equal to that expulsion.

(6) A school system shall forward information to another school system relating to the discipline of a student, including information on an expulsion of the student, on receipt of the request for information.

(f) (1) The discipline of a child with a disability, including the suspension, expulsion, or interim alternative placement of the child for disciplinary reasons, shall be conducted in conformance with the requirements of the Individuals with Disabilities Education Act of the United States Code.

(2) If a child with a disability is being considered for suspension or expulsion, the child or the child's parent or guardian shall be given a community resources list attached to the procedural safeguards notice required by regulation of the State Board.

(g) (1) This subsection does not apply if the student is referred to the Department of Juvenile Services.

(2) If a student violates a State or local law or regulation and during or as a result of the commission of that violation damaged, destroyed, or substantially decreased the value of school property or property of another that was on school property at the time of the violation, as part of a conference on the matter with the student, the student's parent or guardian and any other appropriate person, the principal shall require the student or the student's parent to make restitution.

(3) The restitution may be in the form of monetary restitution not to exceed the lesser of the fair market value of the property or $2,500, or the student's assignment to a school work project, or both.

§7–306.

(a) Notwithstanding any bylaw, rule, or regulation made or approved by the State Board, a principal, vice principal, or other employee may not administer corporal punishment to discipline a student in a public school in the State.

(b) The State Board of Education shall:

(1) Establish guidelines that define a State code of discipline for all public schools with standards of conduct and consequences for violations of the standards; and

(2) Assist each county board with the implementation of the guidelines.

(c) (1) Subject to the provisions of subsections (a) and (b) of this section, each county board shall adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning.

(2) The regulations adopted by a county board under this subsection:

(i) Shall provide for educational and behavioral interventions, counseling, and student and parent conferencing; and

(ii) Shall provide alternative programs, which may include in-school suspension, suspension, expulsion, or other disciplinary measures that are deemed appropriate.

§7–307.

(a) (1) A principal, teacher, school security guard, or other school system personnel in any public school may take reasonable action necessary to prevent violence on school premises or on a school-sponsored trip, including intervening in a fight or physical struggle that takes place in his or her presence, whether the fight is among students or other individuals.

(2) The degree and force of the intervention may be as reasonably necessary to prevent violence, restore order and to protect the safety of the combatants

and surrounding individuals.

(b) A principal, teacher, school security guard, or other school system personnel who is hurt while taking preventive action or intervening in a fight under this section:

(1) Shall be compensated by the county board for any necessary medical expenses that result directly from the preventive action or intervention; and

(2) May not lose any compensation for time lost from school duties that results directly from the preventive action or intervention, but compensation may be reduced by any payments made under the Maryland Workers' Compensation Act.

(c) In any suit, claim, or criminal charge brought by a parent or other claimant of one of the combatants against the principal, teacher, school security guard, or other school system personnel because of the preventive action or intervention, the county board:

(1) Shall provide legal counsel for the principal, teacher, school security guard, or other school system personnel or may provide reimbursement for the reasonable expenses of the legal defense of any criminal charge if the county board considers it appropriate; and

(2) Shall save the principal, teacher, school security guard, or other school system personnel harmless from any award or decree against him.

§7–308.

(a) A principal, assistant principal, or school security guard of a public school may make a reasonable search of a student on the school premises or on a school-sponsored trip if the searcher has a reasonable belief that the student has in the student's possession an item, the possession of which is a criminal offense under the laws of this State or a violation of any other State law or a rule or regulation of the county board.

(b) (1) Subject to the provisions of paragraph (2) of this subsection, a county board may authorize a teacher of a public school to make a reasonable search of a student on a school-sponsored trip if the teacher has a reasonable belief that the student has in the student's possession an item, the possession of which is a criminal offense under the laws of this State or a violation of any other State law or a rule or regulation of the county board.

(2) To qualify to conduct a search under this subsection, a teacher shall be designated in writing by a principal and receive training to conduct a search commensurate with the training received by a principal.

(c) A search under subsection (a) or (b) of this section shall be made in the presence of a third party.

(d) (1) A principal, assistant principal, or school security guard of a public school may make a search of the physical plant of the school and its appurtenances including the lockers of students.

(2) The right of the school official to search the locker shall be announced or published previously in the school.

(e) The Department shall adopt rules and regulations relating to the searches permitted under this section.

§7–309.

(a) (1) In this section, "residential child care program" means a program that:

(i) Provides care for children 24 hours a day within a structured set of services and activities designed to achieve objectives related to the needs of the children served; and

(ii) Is licensed by the Department of Health and Mental Hygiene, the Department of Human Resources, or the Department of Juvenile Services.

(2) A "residential child care program" includes:

(i) Group homes;

(ii) Alternative living units; and

(iii) Emergency shelter care.

(b) Each licensed operator of a residential child care program who has legal custody or care and control of a child who is at least 5 years old and under the age of 16 years and receives State funding as provided in § 5-526 of the Family Law Article:

(1) Shall enroll the child in the local school system where the residential child care program is located unless the residential child care program operates an approved educational program in accordance with the licensing regulations that govern the residential child care program;

(2) Shall expeditiously initiate and monitor the transfer of the academic records of a child in the operator's care from the transferring school to insure that the academic records are transferred to the school that the child will be attending while living in the operator's care;

(3) (i) May request a meeting with the child's teachers; and

(ii) Shall meet the child's teachers at the time of enrollment and at any other time the school or a teacher requests; and

(4) Shall sign the child's report card, insure that the report card is

returned to school, and include a copy of the report card in the child's case record.

§7–310.

(a) Each county board shall develop and disseminate to each public school within the county board's jurisdiction a community resources list.

(b) The community resources list may include the name and contact information of local and statewide social services and nonprofit health care providers that provide nondiscriminatory services to children and families in need of assistance.

§7–401.

(a) With the assistance of the county health department, each county board shall provide:

(1) Adequate school health services;

(2) Instruction in health education, including the importance of physical activity in maintaining good health; and

(3) A healthful school environment.

(b) The Department of Education and the Department of Health and Mental Hygiene jointly shall:

(1) Develop public standards and guidelines for school health programs; and

(2) Offer assistance to the county boards and county health departments in their implementation.

(c) (1) (i) Each county board shall designate a school health services program coordinator.

(ii) A county board may authorize the county health department to designate the school health services program coordinator.

(2) The school health services program coordinator shall:

(i) Implement State and local health policies in the public schools;

(ii) Ensure that public schools adhere to local health services guidelines; and

(iii) Communicate State and local health policies to the parents and guardians of public school students.

(3) The county board shall grant the school health services program

coordinator the authority to carry out the provisions of this subsection.

(4) The Department of Education shall conduct at least two meetings annually with all school health services program coordinators in the State.

(d) On or before December 1, 2015, and every 5 years thereafter, the Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly a summary of the information reported to the State Superintendent during the COMAR certification process.

§7–402.

(a) The Department of Education in consultation with the Department of Health and Mental Hygiene shall adopt regulations requiring a physical examination for children entering the Maryland Public School System for the first time.

(b) The regulations shall require each child entering the Maryland Public School System for the first time to have a physical examination completed within:

(1) The 9-month period before entering the public school system; or

(2) The 6-month period after entering the public school system.

(c) The physical examination required under subsection (b) of this section shall be completed by:

(1) A physician; or

(2) A certified nurse practitioner.

(d) (1) For each school year each public school shall report to the county board or county health department the number of children entering the public school system for the first time who have not had a physical examination because of:

(i) The lack of access to health care;

(ii) Insufficient financial resources; or

(iii) Any other reason, including a religious reason, as the public school deems appropriate.

(2) The county board or county health department shall report the information obtained under paragraph (1) of this subsection to the Department of Health and Mental Hygiene.

§7–403.

(a) (1) In cooperation with the State Board and the Medical and Chirurgical Faculty of Maryland, the Department of Health and Mental Hygiene shall adopt rules

and regulations regarding blood tests for lead poisoning required of children entering schools.

(2) In cooperation with the State Board and the Statewide Advisory Commission on Immunizations, the Department of Health and Mental Hygiene shall adopt rules and regulations regarding immunizations required of children entering schools.

(3) These rules and regulations shall:

(i) Be adopted in compliance with the Administrative Procedure Act;

(ii) Provide that any child may have the immunization administered by his personal physician; and

(iii) 1. By September 2003, in areas designated as at risk for lead poisoning, as determined under § 18–106 of the Health – General Article, when a child enters a public prekindergarten program, kindergarten program, or first grade, require the parent or legal guardian of the child to provide documentation from a health care provider, on a form developed by the Department of Health and Mental Hygiene, certifying that the child has undergone blood testing for lead poisoning administered in accordance with the guidelines of the Centers for Disease Control and Prevention in the screening of young children for lead poisoning: Guidance for State and Local Public Health Officials (November 1997) and any subsequent guidelines; and

2. By September 2003, require a program or school to report the name, last known address, and telephone number of each child for whom certified documentation of a lead test is not provided under item 1 of this item, as determined by regulation, to the local health department in the jurisdiction where the child resides.

(4) Any requirement for the administration of pertussis vaccine shall be consistent with § 18–332(b) of the Health – General Article.

(b) (1) Unless the Secretary of Health and Mental Hygiene declares an emergency or an epidemic of disease, a child whose parent or guardian objects to immunization on the ground that it conflicts with the parent's or guardian's bona fide religious beliefs and practices may not be required to present a physician's certification of immunization in order to be admitted to school.

(2) The Secretary of Health and Mental Hygiene shall adopt rules and regulations for religious exemptions under this subsection.

§7–404.

(a) (1) Each county board or county health department shall provide hearing and vision screenings for all students in the public schools.

(2) Each county health department shall provide and fund hearing and vision screenings for all students:

(i) In any private school that has received a certificate of approval under § 2–206 of this article; and

(ii) In any nonpublic educational facility in this State approved as a special education facility by the Department.

(b) (1) Unless evidence is presented that a student has been tested within the past year, the screenings required under subsection (a) of this section shall be given in the year that a student enters a school system, enters the first grade, and enters the eighth or ninth grade.

(2) Further screening shall be done in accordance with:

(i) The bylaws adopted by the State Board; or

(ii) Policies adopted by a county board or a county health department.

(c) The results of the hearing and vision screenings required by this section shall be:

(1) Made a part of the permanent record file of each student;

(2) Given to the parents of any student who fails the screenings; and

(3) Reported to the county board or the county health department.

(d) On a form provided by the county board or the county health department, a parent or guardian shall report to the county board or the county health department on the recommended services received by a student who failed the screenings.

(e) The county board or the county health department shall report to the Department of Health and Mental Hygiene the results of the hearing and vision screenings and, to the extent practicable, the number of students receiving the recommended services.

(f) In cooperation with the Department of Health and Mental Hygiene, the Department of Education shall adopt standards, rules, and regulations to carry out the provisions of this section.

(g) A student whose parent or guardian objects in writing to hearing and vision screening on the ground that it conflicts with the tenets and practice of a recognized church or religious denomination of which he is an adherent or member may not be required to take these screenings.

§7–406.

(a) An individual who has tuberculosis in a communicable stage may not work in any capacity in a public, private, or parochial school.

(b) (1) A school employee may be required to furnish a current certification to the school administration that the employee is free of tuberculosis in a communicable stage.

(2) The health officer of a county or the Baltimore City Commissioner of Health may require an employee to furnish the certification when:

(i) The employee is first employed; and

(ii) At any other time that the health officer or the Baltimore City Commissioner of Health deems necessary.

(3) This certification shall be based on results of specific tests.

(4) The types of tests and the intervals between these tests shall:

(i) Be regulated by the health officer or Commissioner; and

(ii) Conform to the standards of the Department of Health and Mental Hygiene.

§7–407.

(a) In this section, "industrial quality eye protective device" means a device that meets the standards of the American Standard Safety Code for Head, Eye, and Respiratory Protection, Z 2.1-1959, adopted by the American Standards Association, Incorporated.

(b) Each student and teacher in a school or other educational institution shall be required to wear an industrial quality eye protective device at all times while working in:

(1) A career and technology classroom or laboratory that involves the use of or exposure to:

(i) Hot molten metal;

(ii) Milling, sawing, turning, shaping, cutting, or stamping of any solid material;

(iii) Heat treatment, tempering, or kiln firing of any metal or other material;

(iv) Gas or electric arc welding;

(v) Repair or servicing of any vehicle;

(vi) Any caustic or explosive material; or

(2) A chemical or combined chemical-physical laboratory that involves any caustic or explosive chemical or hot liquid or solid.

(c) (1) The school may furnish industrial quality eye protective devices to its students and teachers and to any visitor to its classrooms or laboratories specified in subsection (b) of this section.

(2) The school may buy these protective eye devices in large quantities and sell them at cost to its students and teachers.

§7–408.

(a) The State Superintendent shall require each county superintendent to hold a fire drill in each public school at least 10 times each school year and at least once every 60 days.

(b) Each public school shall:

(1) Keep records of these fire drills; and

(2) Send a copy to the county superintendent.

§7–409.

(a) Each public school shall have a program of physical education that is given in a planned and sequential manner to all students, kindergarten through grade 12, to develop their good health and physical fitness and improve their motor coordination and physical skills.

(b) (1) The Department shall:

(i) Employ a full–time director of physical education;

(ii) Subject to paragraph (2) of this subsection, adopt regulations that require a public school building that is newly constructed or completely renovated and occupied on or after January 1, 2013, to include a gymnasium and adequate support space for physical education instruction; and

(iii) Adopt guidelines for facilities for physical education programs.

(2) The regulations adopted under paragraph (1)(ii) of this subsection shall include a process by which a local school system that is conducting a complete renovation of a public school building may request a waiver, based on land or zoning constraints, from the requirement to include a gymnasium.

(c) Each local school system may develop and implement an annual Wellness Policy Implementation and Monitoring Plan to be used to:

(1) Establish baseline student data for the health–related components of physical fitness;

(2) Assist students with the development of personal physical fitness plans;

(3) Encourage appropriate interventions for students identified as having unhealthy levels of physical fitness;

(4) Identify effective practices for improvement of student health–related physical fitness; and

(5) Encourage partnerships with health agencies to address student health–related issues in the State.

(d) The Department shall:

(1) Develop a procedure to monitor and measure the implementation of a local school system's Wellness Policy Implementation and Monitoring Plan;

(2) Provide feedback and technical assistance to each local school system that implements a Wellness Policy Implementation and Monitoring Plan;

(3) Identify and distribute to each local school system effective wellness policy practices for physical activity and physical education; and

(4) Provide staff support to each local school system that implements a Wellness Policy Implementation and Monitoring Plan.

(e) Each local school system that implements a Wellness Policy Implementation and Monitoring Plan under subsection (c) of this section shall submit to the Department:

(1) The local school system's Wellness Policy Implementation and Monitoring Plan, that shall include:

(i) Policy goals;

(ii) Activities;

(iii) Expected outcomes; and

(iv) Measurements for physical activity and physical education; and

(2) An annual report on the local school system's progress toward achieving the policy goals of the implementation plan.

(f) (1) The Department shall establish an Advisory Council on Health and Physical Education.

(2) The Advisory Council shall consist of the following members, selected by each organization from which the member is a representative:

(i) A representative from the Department;

(ii) A representative from the Maryland Parent–Teacher Association;

(iii) A representative from the Maryland State Teachers Association;

(iv) A representative from the Public School Superintendents Association of Maryland;

(v) Representatives from each local school system;

(vi) A representative from the Maryland Association of Boards of Education;

(vii) A representative from the Maryland Association of Counties;

(viii) A representative from the Governor's Council on Physical Fitness and Sport;

(ix) A representative of the Professional Organization for Health, Physical Education, Recreation, and Dance;

(x) A representative from an institution of higher education having a health and physical education teacher education program;

(xi) A representative from Special Olympics of Maryland;

(xii) A representative from the Department of Health and Mental Hygiene;

(xiii) A representative from the American Academy of Pediatrics; and

(xiv) Representatives from the following health organizations:

1. The American Heart Association;

2. The American Cancer Society; and

3. The American Diabetes Association.

(3) From among its members, the Council shall elect a chair, vice chair, and any other officers necessary to carry out the Advisory Council's functions.

(4) The Department shall provide staff and other necessary support to the Advisory Council using existing resources.

(5) A member of the Advisory Council may not receive compensation for serving on the Advisory Council, but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(6) The Advisory Council shall meet at least twice each year and may hold additional meetings at the discretion of the chair or at the request of a majority of the members.

(7) The Advisory Council shall:

(i) Develop and coordinate programs in collaboration with public schools to educate students regarding the importance of:

1. Physical activity and physical movement;

2. The relationship of physical activity to a healthy lifestyle and improved fitness;

3. The relationship between healthy eating, physical activity, and maintaining a healthy weight; and

4. The value of physical activity and its relationship to improved academic achievement and stress reduction;

(ii) Identify promising health and physical education practices in the State;

(iii) Build a network of health and physical education professionals to share information and strengthen partnerships;

(iv) Support successful health and physical education programs in the State and encourage the expansion of those programs; and

(v) Consult with organizations represented on the Advisory Council as appropriate.

(8) The Advisory Council may:

(i) Seek, accept, and expend funds from any source, including donations, State appropriations, and federal grants; and

(ii) Seek, accept, and use services from individuals, corporations, and government entities.

§7–410.

Each public school shall have a program of safety education that is organized and administered under the bylaws, rules, and regulations of the State Board.

§7–411.

(a) The State Board shall develop and implement a program of drug education in the public schools.

(b) (1) This program shall be started before the sixth grade in each public school by teachers who are trained in the field of drug education.

(2) The State Board shall establish standards for determining how a teacher is considered to be "trained in the field of drug education" for the purposes of this section.

(c) This program shall be coordinated with other State agencies that are responsible for drug abuse education and control.

§7–411.1.

(a) The State Board shall encourage the county boards to incorporate age–appropriate lessons on dating violence, diabetes and its treatment and prevention, oral disease prevention, and dental health promotion into the county boards' health education curriculum.

(b) On or before December 1, 2015, and every 5 years thereafter, the Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly a summary of the information reported to the State Superintendent during the COMAR certification process.

§7–412.

(a) If a student seeks information to overcome any form of drug abuse, as defined in § 8-101 of the Health - General Article, from a teacher, counselor, principal, or other professional educator employed by an educational institution that has received a certificate of approval under § 2-206 of this article, a statement, whether oral or written, made by the student or an observation or conclusion derived from the statement is not admissible against the student in any proceeding.

(b) A rule, regulation, or order may not require disclosure of any report, statement, observation, conclusion, or other information that has been assembled or obtained by an educator through this contact.

§7–413.

(a) (1) By the fall of 1978, the State Board shall develop and implement a

program of health education that deals specifically with the abuse of alcohol.

(2) This program may be included in the drug education program under § 7-411 of this subtitle.

(b) This program shall be coordinated with other State agencies that are responsible for alcohol abuse education and control.

§7–414.

(a) (1) Each county board may offer instruction in the safe operation of a motor vehicle to high school students who are 15 years old or older.

(2) The instruction shall be given as provided by Title 16, Subtitle 5 of the Transportation Article.

(3) Each county board shall determine whether the course is an elective or a required course.

(4) The State Board shall determine what credit, if any, is allowed to successful students of the course.

(b) The principal of each school that offers the driver education course shall arrange the time set aside for actual driving instruction so that it does not interfere with other school work.

(c) (1) Each motor vehicle used for instruction shall bear the identification required by the Motor Vehicle Administration.

(2) If practicable, the actual driving instruction shall be conducted on private or public property that is removed from State roads.

§7–415.

(a) (1) There is a School Health Program.

(2) The general purpose of the Program is to implement a program in two areas of this State in which portions of the population currently are underserved.

(3) The Program is designed to:

(i) Improve the health of school age children in this State; and

(ii) Provide reports on the performance of the Program.

(4) Each of the two areas of this State shall be served by separate and equal component parts. One part of the Program will be operated in Baltimore City and the other in Caroline County.

(b) (1) The specific purposes and objectives of the Program operated in Baltimore City are:

(i) To encourage and promote appropriate and cost effective use of health care services;

(ii) To reduce unnecessary use of hospital emergency room services;

(iii) To demonstrate the efficacy of involving parents, students, and community organizations in school health programs, particularly with regard to recruiting and retaining students in school health programs; and

(iv) To assess whether school health programs could be used as a basis for advising other family members of the student of other sources of primary care.

(2) The specific purposes and objectives of the Program operated in Caroline County are:

(i) To concentrate on the early identification, health counseling, and referral for mental health problems to prevent suicides;

(ii) To assess whether school health programs could be used as a basis for advising other family members of the student of other sources of primary care; and

(iii) To provide the following health and referral services for students:

1. First aid;

2. Physical exams and sports physicals;

3. Care for minor and chronic illnesses;

4. Immunizations;

5. Preventive health education services;

6. Referrals for counseling at the County Health Department; and

7. Social services referrals.

(c) (1) Funds for this Program shall be used to acquire:

(i) For the Baltimore City Program, the services of one full-time nurse practitioner, physician assistant, or other appropriate health care provider; and

(ii) For the Caroline County Program, the services of one full-time nurse practitioner, physician assistant, or other appropriate health care provider.

(2) The local subdivisions shall be reimbursed for the purchase of necessary supplies for the Program.

(3) The Department of Health and Mental Hygiene or the Baltimore City Health Department shall designate a part-time health research design analyst:

(i) To work with the local subdivisions to collect and analyze data during the Program period; and

(ii) Subject to § 2-1246 of the State Government Article, to prepare the reports to the General Assembly and the Secretary of Health and Mental Hygiene on July 1, 1992, July 1, 1997, and July 1, 2001 on the status and success of the Program.

(d) The Program staff shall develop or appropriately adapt an existing parental consent form for the provision of health services.

§7–415.1. IN EFFECT

// EFFECTIVE UNTIL SEPTEMBER 30, 2018 PER CHAPTER 406 OF 2015 //

(a) In this section, "Program" means the Youth Wellness Leadership Pilot Program in Prince George's County.

(b) This section applies only in Prince George's County.

(c) There is a Youth Wellness Leadership Pilot Program in Prince George's County.

(d) The Prince George's County Board of Education, after consultation with the Department of Health and Mental Hygiene, shall establish the Program for 125 students in public high schools in Prince George's County.

(e) The Prince George's County Board of Education may collaborate with local community organizations involved in youth–led health and wellness advocacy programs.

(f) The purpose of the Program is to:

(1) Promote youth–led health and wellness advocacy skills; and

(2) Teach students who participate in the Program skills in the following areas:

(i) Health and wellness;

(ii) Academic performance;

(iii) Peer education;

(iv) Leadership;

(v) Career development; and

(vi) Economic well–being.

(g) The Prince George's County Board of Education shall report annually to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means, in accordance with § 2–1246 of the State Government Article, on the effectiveness of the Program.

(h) To implement the provisions of this section, the Prince George's County Board of Education may use funds donated from a local community organization specified in subsection (e) of this section.

§7–416.

(a) (1) In Baltimore City, the nurse practitioner, physician assistant, or other appropriate health care provider shall be assigned to Walbrook Senior High School, P.S. 411.

(2) The range of services provided by the nurse practitioner, physician assistant, or other appropriate health care provider with appropriate physician collaboration should, to the extent feasible, include:

(i) Total health assessment including history, physical examination, and neurological evaluation for all entering students and handicapped students, provided however, that existing health records of the student shall be used if available;

(ii) Referral to and follow–up with identified primary care sources for each student in the targeted population;

(iii) Follow–up on treated sports injuries;

(iv) Management of selected minor illnesses and injuries in the school according to treatment protocols which will be developed; and

(v) Establishment of working relationships with all teachers, especially health education teachers.

(b) The nurse practitioner, physician assistant, or other appropriate health care provider shall, to the extent practicable:

(1) Participate actively in the School Screening Committee;

(2) Be responsible for the basic medical evaluation and certification for student placement;

(3) Concentrate on early identification, health counseling, and referral for:

(i) Venereal disease;

(ii) Drug abuse;

(iii) Alcoholism;

(iv) Handicapping conditions; and

(v) Mental health problems;

(4) Evaluate the relationship between use of the school health clinic services and use of hospital emergency room services;

(5) Establish working relationships with parents, students, and community organizations to demonstrate the efficacy of involving parents, students, and community organizations in school health clinics to enhance recruitment and retention of students;

(6) Evaluate, to the extent possible, the effect of participation in the program on the physical and mental well–being and school performance of the students;

(7) Assess, to the extent possible, whether school health programs could be used as a basis for advising other family members of the student of other sources of primary care;

(8) Be responsible to the Bureau of School Health of the Baltimore City Health Department; and work closely with the school principal and staff;

(9) Continue to function within the Baltimore City Health Department when the schools are not in session, by managing his or her caseload of school–age children in the community, including follow–through on referrals made during the school year, and the assessment of selected children in summer programs for certification of school placement; and

(10) Be a part of the well–child clinic delivery system provided by the Baltimore City Health Department.

(c) (1) Physician consultation and collaboration in medical management of care shall be available at all times on site or by telephone.

(2) Other consultant services in the school health program, in the maternal child health program, or in the community health nursing program will be available as needed by the nurse practitioner, physician assistant, or other appropriate health care provider.

§7–417.

(a) In Caroline County the nurse practitioner, physician assistant, or other appropriate health care provider will be assigned, to the extent practicable, to elementary and middle schools.

(b) The services provided by the nurse practitioner, physician assistant, or other appropriate health care provider shall, to the extent practicable, include:

(1) Assessment of the health status of all targeted students in the selected elementary and middle schools including history, physical examination, neuro-developmental evaluation, and all required early and periodic screening, diagnosis, and treatment programs;

(2) Provision of health care including well-child care and treatment of common injuries and illnesses; and

(3) Integration of health care with existing health care providers and health education programs directed at students, teachers, and parents.

(c) The nurse practitioner, physician assistant, or other appropriate health care provider shall:

(1) Collaborate with board certified or board eligible pediatricians in the health management of the school children;

(2) Concentrate on the early identification, health counseling, and referral for mental health problems, with an emphasis on suicide prevention; and

(3) Assess, to the extent possible, whether school health programs could be used as a basis for advising other family members of the student of other sources of primary care.

§7–419.

(a) A county board shall keep a copy of each inspection report concerning the asbestos inspection of each public school in the county.

(b) Each public school shall keep for review during regular school hours upon request by any member of the public a copy of the inspection report concerning the asbestos inspection at the public school.

§7–420.

(a) The Department shall establish procedures for the administration of the Centers for Disease Control and Prevention Youth Risk Behavior Surveillance System survey.

(b) The Department may omit up to a maximum of one–third of the survey questions if the Department considers the content of the questions inappropriate.

(c) (1) The Department shall require a local school system to utilize passive parental consent before administering the survey.

(2) The local school system shall provide each parent with:

(i) A statement that:

1. Notifies the parent that:

A. The survey is confidential;

B. The answers will be kept private;

C. The student's name will not be required on the survey response sheet; and

D. The survey is designed to identify risk behaviors that may include safety behaviors such as use of helmets and seat belts, depression and mental health, use of tobacco, alcohol, or other drugs, nutrition and physical activity, and sexual behavior; and

2. Explains how a parent can obtain a copy of the survey questions that will be administered and more information regarding the survey, including the mailing address, telephone number, and Web site address of the Centers for Disease Control and Prevention; and

(ii) Subject to subsection (d) of this section, a denial of permission form that may be returned by the parent to the school.

(d) (1) For the academic year during which the survey will be conducted, the denial of permission form shall be a part of the request for emergency contact information that is distributed by the public school to each student or parent or guardian of the student.

(2) The denial of permission form shall be distributed only to a student or the parent or guardian of a student who may be subject to the survey administered under this section.

§7–421.

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

(2) "Health practitioner" means a physician or other individual authorized by law to prescribe prescription drugs or devices.

(3) "Medication" means an asthma inhaler or other emergency drug that

is dispensed for a student only on the prescription of a health practitioner and pertains to the student's asthma or other airway-constricting disease.

(4) "Self-administer" means the application or consumption of medication in a manner directed by the health practitioner without additional assistance or direction.

(b) (1) Subject to the provisions of this subsection, each public school system shall adopt a written policy authorizing a student to possess and self-administer medication while:

(i) In school;

(ii) At school-sponsored activities; or

(iii) On a school bus or other school property.

(2) (i) A student who self-administers medication must have a prior written order from the student's health care provider and, if the student is a minor, the prior written approval of the student's parent or guardian.

(ii) The health care provider's order must be maintained in the student's educational record at the school.

(3) A student's parent or guardian must obtain written verification from the student's health care provider confirming that the student has the knowledge and skills to safely possess and self-administer the medication.

(4) The written statements required under this subsection shall be provided to the school at least annually.

(5) The school nurse shall assess the student's ability to demonstrate the skill level necessary to ensure proper and effective use of the medication in school.

(6) A student may be subject to disciplinary action if the student does not use the medication in a safe and proper manner.

(c) The Department shall provide each public school system with written State guidelines to implement this section.

§7–422.

(a) Each public school that receives notice of a contaminated drinking water supply from the school's supplier of water, in accordance with § 9-410 of the Environment Article or otherwise, shall send notice of the drinking water contamination to the parent or legal guardian of each student attending the school.

(b) The notice shall:

(1) Be sent by the school within 10 business days after receipt of the notice of contamination from the school's water supplier;

(2) Be in writing;

(3) Identify the contaminants and their levels in the school's water supply; and

(4) Describe the school's plan for dealing with the water contamination problem until the school's water is determined by the appropriate authority to be safe for consumption.

§7–423.

(a) This section only applies to vending machines in public schools that sell food items of minimal nutritional value, as defined by the Department.

(b) By August 1, 2006, vending machines in public schools shall have and use a timing device to automatically prohibit or allow access to vending machines in accordance with the nutrition policies established by the county board.

§7–424.

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

(2) "Bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:

(i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well–being and is:

1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or

2. Threatening or seriously intimidating; and

(ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or

2. Substantially disrupts the orderly operation of a school.

(3) "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

(b) (1) The Department shall require a county board to report incidents of

bullying, harassment, or intimidation against students attending a public school under the jurisdiction of the county board.

(2) An incident of bullying, harassment, or intimidation may be reported by:

(i) A student;

(ii) The parent, guardian, or close adult relative of a student; or

(iii) A school staff member.

(c) (1) The Department shall create a standard victim of bullying, harassment, or intimidation report form.

(2) Each victim of bullying, harassment, or intimidation report form shall:

(i) Identify the victim and the alleged perpetrator, if known;

(ii) Indicate the age of the victim and alleged perpetrator;

(iii) Describe the incident, including alleged statements made by the alleged perpetrator;

(iv) Indicate the location of the incident;

(v) Identify any physical injury suffered by the victim and describe the seriousness and any permanent effects of the injury;

(vi) Indicate the number of days a student is absent from school, if any, as a result of the incident;

(vii) Identify any request for psychological services initiated by the victim or the victim's family due to psychological injuries suffered; and

(viii) Include instructions on how to fill out the form and the mailing address to where the form shall be sent.

(3) A county board shall distribute copies of the victim of bullying, harassment, or intimidation report form to each public school under the county board's jurisdiction.

(d) (1) Each county board shall submit summaries of report forms filed with the county board to the State Board on or before January 31 each year.

(2) A county board shall delete any information that identifies an individual.

(e) The information contained in a victim of bullying, harassment, or

intimidation report form in accordance with subsection (c) of this section:

(1) Is confidential and may not be redisclosed except as otherwise provided under the Family Educational Rights and Privacy Act or this section; and

(2) May not be made a part of a student's permanent educational record.

(f) (1) The Department shall submit a report on or before March 31 each year to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2–1246 of the State Government Article, consisting of a summary of the information included in the victim of bullying, harassment, or intimidation report forms filed with the county boards the previous year.

(2) The report submitted by the Department shall include, to the extent feasible:

(i) A description of the act constituting the bullying, harassment, or intimidation;

(ii) The age of the victim and alleged perpetrator;

(iii) The allegation of the alleged perpetrator's motive;

(iv) A description of the investigation of the complaint and any corrective action taken by the appropriate school authorities;

(v) The number of days a student is absent from school, if any, as a result of the incident; and

(vi) The number of false allegations reported.

§7–424.1.

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

(2) "Bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:

(i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well–being and is:

1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attribute, socioeconomic status, familial status, or physical or mental ability or disability; or

2. Threatening or seriously intimidating; and

(ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or

2. Substantially disrupts the orderly operation of a school.

(3) "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

(b) (1) By March 31, 2009, the State Board, after consultation with and input from local school systems, shall develop a model policy prohibiting bullying, harassment, or intimidation in schools.

(2) The model policy developed under paragraph (1) of this subsection shall include:

(i) A statement prohibiting bullying, harassment, and intimidation in schools;

(ii) A statement prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation;

(iii) A definition of bullying, harassment, or intimidation that is either the same as set forth in subsection (a)(2) of this section or a definition that is not less inclusive than that definition;

(iv) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation;

(v) Standard consequences and remedial actions for persons found to have made false accusations;

(vi) Model procedures for reporting acts of bullying, harassment, and intimidation;

(vii) Model procedures for the prompt investigation of acts of bullying, harassment, and intimidation;

(viii) Information about the types of support services available to the student bully, victim, and any bystanders; and

(ix) Information regarding the availability and use of the bullying, harassment, or intimidation form under § 7–424 of this subtitle.

(c) (1) Each county board shall establish a policy prohibiting bullying, harassment, or intimidation at school based on the model policy.

(2) The policy shall address the components of the model policy specified in subsection (b)(2) of this section.

(3) A county board shall develop the policy in consultation with representatives of the following groups:

(i) Parents or guardians of students;

(ii) School employees and administrators;

(iii) School volunteers;

(iv) Students; and

(v) Members of the community.

(d) Each county board shall publicize its policy in student handbooks, school system Web sites, and any other location or venue the county board determines is necessary or appropriate.

(e) Each county board policy shall include information on the procedure for reporting incidents of bullying, harassment, or intimidation, including:

(1) A chain of command in the reporting process; and

(2) The name and contact information for an employee of the Department, designated by the Department, who is familiar with the reporting and investigation procedures in the applicable school system.

(f) Each county board shall submit its policy to the State Superintendent by July 1, 2009.

(g) Each county board shall develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation in schools:

(1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and

(2) A teacher and administrator development program that trains teachers and administrators to implement the policy.

(h) (1) A school employee who reports an act of bullying, harassment, or intimidation under this section in accordance with the county board's policy established under subsection (c) of this section is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation under this section.

(2) The provisions of this section may not be construed to limit the legal rights of a victim of bullying, harassment, or intimidation.

§7–424.2.

(a) (1) In this section, "school security officer" includes a school principal, another school administrator, a law enforcement officer, or other individual employed by a local school system or a local government who is designated by the county superintendent or a school principal to help maintain the security and safety of a school.

(2) "School security officer" does not include a teacher.

(b) By March 31, 2011, the State Board, after consultation with and input from the Department of Juvenile Services, the Department of State Police, the Department of Human Resources, and local school systems, shall develop a model policy to address gangs, gang activity, and similar destructive or illegal group behavior in schools.

(c) The model policy developed under subsection (b) of this section shall include:

(1) A statement prohibiting gang activity in schools;

(2) A statement prohibiting reprisal or retaliation against individuals who report suspected gang activity;

(3) A definition of gang and gang activity;

(4) Standard consequences and remedial actions for individuals engaged in gang activity or similar destructive or illegal group behavior;

(5) Standard consequences and remedial actions for individuals found to have made false accusations;

(6) Model procedures for reporting suspected gang activity or similar destructive or illegal group behavior;

(7) Model procedures for the prompt investigation of suspected gang activity or similar destructive or illegal group behavior;

(8) Information about the types of support services, including family support services, for a student suspected of participating in gang activity; and

(9) Recommendations concerning gang prevention and intervention services and programs for students that maximize community participation and the use of federal funding.

(d) (1) Each local school system shall establish a policy or regulations to address gangs, gang activity, and similar destructive or illegal group behavior in schools based on the model policy.

(2) The policy or regulations shall address the components of the model

policy specified in subsection (c) of this section.

(3) Each local school system shall develop the policy or regulations in consultation with representatives of the following groups:

(i) Parents or guardians of students;

(ii) School employees and administrators;

(iii) School volunteers;

(iv) Students;

(v) Local law enforcement;

(vi) Gang prevention and intervention programs;

(vii) The Office of the Public Defender;

(viii) The Maryland State's Attorneys Association; and

(ix) Members of the community.

(e) Each local school system shall submit its policy or regulations to the State Superintendent by September 1, 2011.

(f) Each local school system shall publicize its policy or regulations in student handbooks, on school system Web sites, and at any other location or venue the local school system determines is necessary or appropriate.

(g) Each local school system shall develop the following educational programs in its efforts to address gangs, gang activity, and similar destructive or illegal group behavior in schools:

(1) An educational gang awareness program for students, staff, volunteers, and parents; and

(2) A teacher and administrator development program that trains teachers and administrators to implement the policy or regulations.

(h) (1) A school employee shall report any incidence of suspected gang activity or similar destructive or illegal group behavior promptly to the principal and, for a school that has a school security officer, to the school security officer.

(2) The principal and the school security officer may take appropriate action to maintain a safe and secure school environment, including the provision of appropriate intervention services.

(i) (1) Each county superintendent shall require regular school security

meetings for each middle school and high school to ensure coordination of gang prevention, intervention, and suppression efforts.

(2) The following individuals shall participate in the meetings described in paragraph (1) of this subsection:

(i) School principals;

(ii) School security officers;

(iii) Guidance counselors;

(iv) Local law enforcement officers;

(v) Representatives from the county State's Attorney's Office;

(vi) Representatives from the Office of the Public Defender;

(vii) Gang prevention and intervention program representatives; and

(viii) Any other individuals that the county superintendent considers appropriate.

(j) Each county superintendent shall enter into a memorandum of understanding with the county State's Attorney's Office to foster coordination of gang prevention, intervention, and suppression efforts.

(k) On or before January 1, 2011, and each year thereafter, the Department shall submit a report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the implementation of State and local policies and regulations to address gangs, gang activity, and similar destructive or illegal group behavior described in this section.

§7–424.3.

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

(2) "Bullying, harassment, and intimidation" means any intentional written, verbal, or physical act, including an electronic communication, that:

(i) 1. Physically harms an individual;

2. Damages an individual's property;

3. Substantially interferes with an individual's education or learning environment; or

4. Places an individual in reasonable fear of harm to the individual's person or property; and

(ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or

2. Substantially disrupts the orderly operation of a school.

(3) "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

(4) "Nonpublic school" means a nonpublic school that participates in State–funded education programs.

(b) By March 31, 2012, each nonpublic school shall adopt a policy prohibiting bullying, harassment, and intimidation.

(c) The policy adopted under subsection (b) of this section shall include:

(1) A statement prohibiting bullying, harassment, and intimidation in the school;

(2) A statement prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation;

(3) A definition of bullying, harassment, and intimidation that is either the same as set forth in subsection (a) of this section or a definition that is not less inclusive than that definition;

(4) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation, including:

(i) Specific penalties for persons who repeatedly commit acts of bullying, harassment, or intimidation; and

(ii) A requirement that persons who commit acts of bullying, harassment, or intimidation receive educational and therapeutic services concerning bullying prevention;

(5) Standard consequences and remedial actions for persons found to have made false accusations;

(6) Standard procedures for reporting acts of bullying, harassment, or intimidation, including a chain of command in the reporting process;

(7) Standard procedures for the prompt investigation of acts of bullying, harassment, or intimidation;

(8) Standard procedures for protecting victims of bullying, harassment, or intimidation from additional acts of bullying, harassment, or intimidation, and from

retaliation; and

(9) Information about the types of support services available to a student bully or victim and any bystanders.

(d) A nonpublic school is encouraged to develop the policy adopted under subsection (b) of this section in consultation with the following groups:

(1) Parents or guardians of students;

(2) School employees and administrators;

(3) School volunteers; and

(4) Students.

(e) A nonpublic school is encouraged to publicize the policy adopted under subsection (b) of this section in student handbooks, on the school's Web site, and any other location or venue the school determines is necessary or appropriate.

(f) A nonpublic school is encouraged to develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation:

(1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and

(2) A teacher and administrator development program that trains teachers and administrators to implement the policy adopted under subsection (b) of this section.

(g) An employee of a nonpublic school who reports an act of bullying, harassment, or intimidation in accordance with the nonpublic school's policy adopted under subsection (b) of this section is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation in accordance with the policy.

(h) The provisions of this section may not be construed to:

(1) Limit the legal rights of a victim of bullying, harassment, or intimidation; or

(2) Require a statewide policy in nonpublic schools relating to bullying, harassment, and intimidation.

§7–425.

(a) (1) Each county board shall develop and implement an automated external defibrillator program that meets the requirements of § 13–517 of this article for each high school and middle school in the county.

(2) The program required under paragraph (1) of this subsection shall include provisions that:

(i) Ensure that an automated external defibrillator is provided on site; and

(ii) An individual trained in the operation and use of an automated external defibrillator is present at all school–sponsored athletic events.

(b) The Department, in consultation with the Department of Health and Mental Hygiene, the Maryland State School Health Council, and the Maryland Institute for Emergency Medical Services Systems, shall adopt regulations that:

(1) Establish guidelines for periodic inspections and annual maintenance of the automated external defibrillators; and

(2) Assist county boards in carrying out the provisions of this section.

§7–426.

(a) The Department and the Department of Health and Mental Hygiene shall jointly establish guidelines for public schools regarding providing emergency medical care to students with special health needs.

(b) The guidelines shall include:

(1) Procedures for the emergency administration of medication and the proper follow–up emergency procedures;

(2) A description of parental or caregiver responsibilities, including:

(i) School notification of a child's special health care needs or diagnosis;

(ii) Providing appropriate medication and delivery devices and medical condition indication devices including Medic Alert bracelets or necklaces;

(iii) Parental consent for the administration of medications; and

(iv) Providing an emergency card for medical emergencies with current contact names and telephone numbers;

(3) A description of school responsibilities, including:

(i) Training for school health services personnel, teachers, coaches, transportation personnel, and other appropriate school personnel;

(ii) Providing and distributing the required notices and forms for notification, consent for the administration of medications, medical emergency contact

information, and any other appropriate material; and

(iii) Providing outreach and education for parents and other caregivers regarding providing emergency medical care to students with special health needs;

(4) A description of student responsibilities that are age and condition appropriate; and

(5) Any other issue that is relevant to the emergency medical care of students with special health needs.

(c) The Department and the Department of Health and Mental Hygiene shall:

(1) Provide technical assistance to schools to:

(i) Implement the guidelines established under this section; and

(ii) Train school personnel at the local level; and

(2) Develop a process to monitor the implementation of the guidelines established under this section.

§7–426.1.

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

(2) "Anaphylactic allergy" means a food allergy that causes a severe, systematic reaction resulting in circulatory collapse or shock that may be fatal.

(3) "Employee" means an individual who is employed by a local board of education, including part–time employees, certified and noncertified substitute teachers employed by the local board of education for at least 7 days each school year, maintenance workers, and administrative staff.

(4) "Self–administer" means the application or consumption of medications in a manner prescribed by a health practitioner who is licensed, certified, or otherwise authorized under the Health Occupations Article to prescribe medications and medication delivery devices by the individual for whom the medication was prescribed without additional assistance or direction.

(b) In consultation with a school health professional, the principal of a public school that has a child attending the school who has been identified to the school as having an anaphylactic allergy shall:

(1) Monitor the strategies developed in accordance with the Maryland State school health service guidelines to reduce the risk of exposure to anaphylactic causative agents in classrooms and common areas;

(2) Designate a peanut– and tree nut–free table in the cafeteria; and

(3) Establish procedures for self–administration of medication by the child if the child is determined to be capable of and responsible for self–administration by the principal, parent or guardian of the child, and physician of the child.

(c) A school may revoke the authority of a child to self–administer medication if the child endangers himself or herself or another child through misuse of the medication.

(d) Except for any willful or grossly negligent act, an employee who responds in good faith to the anaphylactic reaction of a child in accordance with this section is immune from civil liability for any act or omission in the course of responding to the reaction.

(e) If a child has authority to self–administer medication in accordance with subsection (b)(3) of this section, a local county board may require the parent or guardian of the child to sign a statement acknowledging that the school or its employee incurs no liability as a result of injury arising from self–administration by the child.

§7–426.2.

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

(2) "Anaphylaxis" means a sudden, severe, and potentially life–threatening allergic reaction that occurs when an individual is exposed to an allergen.

(3) "Auto–injectable epinephrine" means a portable, disposable drug delivery device that contains a premeasured single dose of epinephrine that is used to treat anaphylaxis in an emergency situation.

(b) Each county board shall establish a policy for public schools within its jurisdiction to authorize the school nurse and other school personnel to administer auto–injectable epinephrine, if available, to a student who is determined to be or perceived to be in anaphylaxis, regardless of whether the student:

(1) Has been identified as having an anaphylactic allergy, as defined in § 7–426.1 of this subtitle; or

(2) Has a prescription for epinephrine as prescribed by an authorized licensed health care practitioner under the Health Occupations Article.

(c) The policy established under subsection (b) of this section shall include:

(1) Training for school personnel on how to recognize the symptoms of anaphylaxis;

(2) Procedures for the emergency administration of auto–injectable epinephrine;

(3) The proper follow–up emergency procedures;

(4) A provision authorizing a school nurse to obtain and store at a public school auto–injectable epinephrine to be used in an emergency situation; and

(5) A requirement that each public school develop and implement a method for notifying the parents or guardians of students of the school's policy under this section at the beginning of each school year.

(d) Except for any willful or grossly negligent act, a school nurse or other school personnel who respond in good faith to the anaphylactic reaction of a child in accordance with this section may not be held personally liable for any act or omission in the course of responding to the reaction.

(e) (1) Each public school shall submit, on the form that the Department requires, a report to the Department on each incident at the school or at a related school event that required the use of auto–injectable epinephrine.

(2) The Department shall develop and disseminate a standard form to report each incident requiring the use of auto–injectable epinephrine at a public school.

§7–426.3.

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

(2) "Anaphylaxis" means a sudden, severe, and potentially life–threatening allergic reaction that occurs when an individual is exposed to an allergen.

(3) "Auto–injectable epinephrine" means a portable, disposable drug delivery device that contains a premeasured single dose of epinephrine that is used to treat anaphylaxis in an emergency situation.

(4) "School personnel" means individuals who are employed by a nonpublic school, including part–time employees, teachers and substitute teachers employed by the school for at least 7 days each school year, a school nurse, registered nurse case manager, delegating nurse, and administrative staff.

(b) Each nonpublic school in the State may establish a policy authorizing school personnel to administer auto–injectable epinephrine, if available, to a student who is determined to be or perceived to be in anaphylaxis, regardless of whether the student:

(1) Has been identified as having an anaphylactic allergy, as defined in § 7–426.1 of this subtitle; or

(2) Has a prescription for epinephrine as prescribed by an authorized licensed health care practitioner under the Health Occupations Article.

(c) The policy established under subsection (b) of this section shall include:

(1) Training for school personnel on how to recognize the signs and symptoms of anaphylaxis by a licensed health care practitioner who is authorized to administer auto–injectable epinephrine and who has been trained in an established protocol on how to recognize the signs and symptoms of anaphylaxis;

(2) Procedures for the emergency administration of auto–injectable epinephrine;

(3) The proper follow–up emergency procedures;

(4) A provision authorizing a school nurse or other licensed health care practitioner to obtain and, school personnel to store, at a nonpublic school auto–injectable epinephrine to be used in an emergency situation;

(5) A requirement that the nonpublic school develop and implement a method for notifying the parents or guardians of students of the school's policy under this section at the beginning of each school year; and

(6) An ongoing process for oversight and monitoring by a licensed health care practitioner of the implementation of the policy established under subsection (b) of this section.

(d) Except for any willful or grossly negligent act, school personnel who respond in good faith to the anaphylactic reaction of a child in accordance with this section may not be held personally liable for any act or omission in the course of responding to the reaction.

§7–427.

(a) The Department, in collaboration with the Department of Health and Mental Hygiene, shall provide awareness and training for Directors of Student Services in local education agencies on self–mutilation, including injury by cutting.

(b) The Department of Health and Mental Hygiene shall provide to the Department:

(1) Resource information on self–mutilation, including injury by cutting, to be distributed to local school supervisors of health, counseling, and psychology; and

(2) Materials for distribution that describe local, State, and national resources to which students, parents, counselors, and school personnel can refer for information on self–mutilation, including injury by cutting.

§7–428.

(a) The Department, in collaboration with the Department of Health and Mental Hygiene, shall provide awareness and training for Directors of Student Services in local education agencies on inhalant abuse.

(b) The Department of Health and Mental Hygiene shall provide to the Department:

(1) Resource information on inhalant abuse to be distributed to local school supervisors of health, counseling, and psychology; and

(2) Materials for distribution that describe local, State, and national resources to which students, parents, counselors, and school personnel can refer for information on inhalant abuse.

§7–429.

(a) This section applies only in Howard County.

(b) The county board shall cause to be conducted a test and inspection of the water for bacteria in each public school in the county that is served by well water.

(c) On receipt of the results of each test and inspection, the county board shall post the information on its public Web site.

§7–430.

(a) The Maryland Police Training Commission, in consultation with the Department, shall develop a cultural competency model training curriculum for law enforcement officers assigned to public schools.

(b) (1) The cultural competency model training curriculum shall teach behaviors, attitudes, and policies that enable law enforcement officers to understand, communicate with, and effectively interact with the individuals, organizations, and institutions in the community in which the public school to which a law enforcement officer is assigned is located.

(2) The cultural competency model training curriculum shall include:

(i) Personal exposure to the individuals, organizations, and institutions within the assigned community; and

(ii) Knowledge of government and community services available to help prevent juvenile arrests.

(c) A law enforcement officer who is assigned to patrol a school building or school grounds is encouraged to complete the cultural competency model training

curriculum established under subsection (b) of this section before the law enforcement officer begins an assignment in a public school.

§7–431.

Each county board shall provide each student in grades six through twelve with the telephone number of the Maryland Youth Crisis Hotline by:

(1) Printing the telephone number prominently in the school handbook; and

(2) Printing the telephone number on a student's school identification card, if provided.

§7–432.

(a) The Department, in collaboration with the Department of Health and Mental Hygiene, shall provide awareness and training for Directors of Student Services in local education agencies on human trafficking, including strategies for the prevention of trafficking of children.

(b) The Department of Health and Mental Hygiene, in consultation with experts in the field of human trafficking prevention, shall provide to the Department:

(1) Resource information on human trafficking, including strategies for prevention of trafficking of children, to be distributed to local school supervisors of health, counseling, and psychology; and

(2) Materials for distribution that describe local, State, and national resources to which students, parents, counselors, and school personnel can refer for information on human trafficking, including strategies for prevention of trafficking of children.

§7–433.

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

(2) "Concussion" means a traumatic injury to the brain causing an immediate and, usually, short–lived change in mental status or an alteration of normal consciousness resulting from:

(i) A fall;

(ii) A violent blow to the head or body; or

(iii) The shaking or spinning of the head or body.

(3) "Youth sports program" means a program organized for recreational athletic competition or instruction for participants who are under the age of 19 years.

(b) (1) The Department shall develop policies and implement a program to provide awareness to coaches, school personnel, students, and the parents or guardians of students, in collaboration with the Department of Health and Mental Hygiene, each county board, the Maryland Public Secondary Schools Athletic Association, the Maryland Athletic Trainers' Association, the Brain Injury Association of Maryland, and representatives of licensed health care providers who treat concussions, on:

(i) The nature and risk of a concussion or head injury;

(ii) The criteria for removal from and return to play;

(iii) The risks of not reporting injury and continuing to play; and

(iv) Appropriate academic accommodations for students diagnosed as having sustained a concussion or head injury.

(2) The program shall include a process to verify that a coach has received information on the program developed under paragraph (1) of this subsection.

(3) (i) Before a student enrolled in a public school system in the State may participate in an authorized interscholastic athletic activity, the county board shall provide a concussion and head injury information sheet to the student and a parent or guardian of the student.

(ii) The student and the parent or guardian of the student shall sign a statement acknowledging receipt of the information sheet.

(iii) The Department shall create the information sheet and acknowledgment statement required under this paragraph.

(4) The Department may use materials available from the Centers for Disease Control and Prevention, the Brain Injury Association of Maryland, or any other appropriate entity to carry out the requirements of this subsection.

(c) (1) A student who is suspected of sustaining a concussion or other head injury in a practice or game shall be removed from play at that time.

(2) A student who has been removed from play may not return to play until the student has obtained written clearance from a licensed health care provider trained in the evaluation and management of concussions.

(d) (1) Before an individual participates in an authorized athletic activity on school property, the county board shall provide, or require that a third party provide:

(i) Information on concussions and head injuries to the individual and, if applicable, a parent or guardian of the individual; and

(ii) Notice that acknowledgment of the receipt of the information by

the individual and, if applicable, the parent or guardian of the individual, is required.

(2) The information required under paragraph (1) of this subsection shall be in the form of:

(i) A separate information sheet; or

(ii) A notice on the registration form for a youth sports program stating that information on concussion and head injury is available, including directions on how to receive the information electronically.

(3) The individual and, if applicable, the parent or guardian of the individual shall:

(i) Acknowledge receipt of the information by:

1. Signature;

2. Checking an acknowledgment box on the registration form; or

3. Another method of written or electronic acknowledgment; and

(ii) Return the acknowledgment to the county board or third party.

(e) A youth sports program that uses a public school facility shall provide annually to the county board or the board's agent a statement of intent to comply for all of its athletic activities with the requirements for the management of a concussion or other head injury of a participant under this section.

§7–434.

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

(2) "Heat acclimatization" means enhancing an individual's exercise heat tolerance and ability to exercise safely and effectively in warm to hot conditions.

(3) "Practice" means a period of time a student athlete engages in physical activity during a coach–supervised, school–approved sports– or conditioning–related activity, including warm–up, stretching, weight training, and cool–down periods.

(4) "Preseason practice" means the initial 14 days of practice for a student athlete.

(5) "Recovery period" means the time between the end of one practice or walk–through and the beginning of the next practice or walk–through.

(6) "Student athlete" means a student who participates in an athletic

program for high school students in a State secondary school that is a member of the Maryland Public Secondary Schools Athletic Association.

(7) (i) "Walk–through" means a teaching opportunity when an athlete is not wearing protective equipment, including helmets, shoulder pads, catcher's gear, or shin guards, or using other sports–related equipment.

(ii) "Walk–through" does not include any part of a practice period.

(b) (1) The Department, in collaboration with the Department of Health and Mental Hygiene, each county board, the Maryland Public Secondary Schools Athletic Association, the Maryland Athletic Trainers' Association, and representatives of licensed health care providers who treat student athletes, shall develop a model policy for preseason–practice heat acclimatization guidelines for student athletes.

(2) Each local board shall adopt preseason–practice heat acclimatization guidelines for student athletes.

(c) The preseason–practice heat acclimatization guidelines shall include requirements for the duration of a practice time, a walk–through, and a recovery period during preseason practice.

§7–436.

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

(2) (i) "Athletic activity" means:

1. Interscholastic athletics;

2. An athletic contest or competition that is sponsored by or associated with a school; and

3. Practices and scrimmages.

(ii) "Athletic activity" includes cheerleading and sports sponsored by school–affiliated organizations.

(3) "Sudden cardiac arrest" means a condition in which the heart suddenly and unexpectedly stops beating.

(4) "Youth sports program" means a program organized for recreational athletic competition or instruction for participants who are under the age of 19 years.

(b) Nothing in this section may be construed to create, establish, expand, reduce, contract, or eliminate any civil liability on the part of a county board employee, school employee, or youth sports program volunteer.

(c) (1) The Department shall develop policies and implement a program to

provide awareness to coaches, school personnel, students, and the parents or guardians of students, in collaboration with the Department of Health and Mental Hygiene, each county board, the Maryland Public Secondary Schools Athletic Association, the Maryland Athletic Trainers' Association, Parent Heart Watch, and licensed health care providers who treat heart issues, on:

(i) The nature and warning signs of sudden cardiac arrest, including fainting, difficulty breathing, chest pains, dizziness, and abnormal heart rate; and

(ii) The risks associated with continuing to play or practice after experiencing a symptom of sudden cardiac arrest.

(2) The program shall include a process to verify that a coach has received information on the program developed under paragraph (1) of this subsection.

(3) (i) Before a student enrolled in a public school system in the State may participate in an authorized athletic activity, the county board shall provide a sudden cardiac arrest symptoms and warning signs information sheet to the student and a parent or guardian of the student.

(ii) The student and the parent or guardian of the student shall sign a statement acknowledging receipt of the information sheet.

(iii) The Department shall create the information sheet and acknowledgment statement required under this paragraph.

(4) The Department may use materials available from the Centers for Disease Control and Prevention, Parent Heart Watch, Sudden Arrhythmia Death Syndromes Foundation, or any other appropriate entity to carry out the requirements of this subsection.

(d) A public school may hold an informational meeting before the start of each athletic season regarding the symptoms and warning signs of sudden cardiac arrest.

(e) (1) Before an individual participates in an authorized athletic activity on school property, the county board shall provide, or require that a third party provide:

(i) Information on sudden cardiac arrest to the individual and, if applicable, a parent or guardian of the individual; and

(ii) Notice that acknowledgment of the receipt of the information by the individual and, if applicable, the parent or guardian of the individual, is required.

(2) The information required under paragraph (1) of this subsection shall be in the form of:

(i) A separate information sheet; or

(ii) A notice on the registration form for a youth sports program stating that information on sudden cardiac arrest is available, including directions on how to receive the information electronically.

(3) The individual and, if applicable, the parent or guardian of the individual shall:

(i) Acknowledge receipt of the information by:

1. Signature;

2. Checking an acknowledgment box on the registration form; or

3. Another method of written or electronic acknowledgment; and

(ii) Return the acknowledgment to the county board or third party.

(f) (1) A youth sports program that uses a public school facility shall provide annually to the county board or the board's agent a statement of intent to comply for all its athletic activities with the requirements of subsection (e) of this section.

(2) A youth sports program that does not use a public school facility is encouraged to follow the guidelines of this section.

§7–437. IN EFFECT

// EFFECTIVE UNTIL JUNE 30, 2017 PER CHAPTER 373 OF 2015 //

(a) In this section, "Program" means the English Language Learner Liaison Pilot Program in the Department.

(b) There is an English Language Learner Liaison Pilot Program in the Department.

(c) The Department shall establish the Program in Prince George's County.

(d) The purpose of the Program is to:

(1) Collaborate with the appropriate employees of a local school system to address the specific needs of English language learner students and the families of those students;

(2) Identify students who:

(i) Are not English proficient;

(ii) Have birth and school records from another country; and

(iii) Have a primary language other than English spoken in the home of the student;

(3) Counsel, in collaboration with school–based counselors, English language learner students regarding academic and social concerns;

(4) Monitor the progress of English language learner students in mastering age–appropriate skills in English proficiency with the goal of passing grade level English proficiency tests;

(5) Provide educational and cultural information on language acquisition to employees of a local system;

(6) Conduct workshops and in–service training on cross–cultural communication and other multicultural topics for employees of a local system;

(7) Coordinate with school–based counselors to provide crisis intervention to international students and English language learner students and the families of those students; and

(8) Provide information as appropriate to English language learner students and the families of those students on college and career readiness, career and technical training, and career path counseling.

(e) The Department shall report annually to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means, in accordance with § 2–1246 of the State Government Article, on the effectiveness of the Program.

§7–4A–01.

In this subtitle, "Council" means the Maryland Council on Advancement of School–Based Health Centers.

§7–4A–02.

(a) There is a Maryland Council on Advancement of School–Based Health Centers in the Department.

(b) The purpose of the Council is to improve the health and educational outcomes of students who receive services from school–based health centers by advancing the integration of school–based health centers into:

(1) The health care system at the State and local levels; and

(2) The educational system at the State and local levels.

(c) (1) Staff support for the Council shall be provided by the Department.

(2) The Department may seek the assistance of organizations with expertise in school–based health care or other matters within the duties of the Council provided in § 7–4A–05 of this subtitle to provide additional staffing resources to the Department and the Council.

§7–4A–03.

(a) The Council consists of the following 15 voting members and 6 ex officio members:

(1) One member of the Senate of Maryland, appointed by the President of the Senate, as an ex officio member;

(2) One member of the House of Delegates, appointed by the Speaker of the House, as an ex officio member;

(3) The Secretary of Health and Mental Hygiene, or a designee of the Secretary, as an ex officio member;

(4) The State Superintendent of Schools as an ex officio member;

(5) The Executive Director of the Maryland Health Benefit Exchange as an ex officio member;

(6) The Chairman of the Maryland Community Health Resources Commission, or a designee of the Chairman, as an ex officio member; and

(7) The following 15 members, appointed by the Governor:

(i) The President of the Maryland Assembly on School–Based Health Care, or a designee of the President;

(ii) Three representatives of school–based health centers, nominated by the Maryland Assembly on School–Based Health Care:

1. From a diverse array of sponsoring organizations; and

2. For at least one of the representatives, from a nursing background;

(iii) One representative of the Public Schools Superintendents Association of Maryland;

(iv) One representative of the Maryland Association of Boards of Education;

(v) One elementary school principal of a school that has a school–based health center;

(vi) One secondary school principal of a school that has a school–based health center;

(vii) One representative of the Maryland Hospital Association;

(viii) One representative of the Maryland Association of County Health Officers;

(ix) One representative of a federally qualified health center, nominated by the Mid–Atlantic Association of Community Health Centers;

(x) One representative of a managed care organization;

(xi) One representative of a commercial health insurance carrier;

(xii) One pediatrician, nominated by the Maryland Chapter of the American Academy of Pediatrics; and

(xiii) One parent or guardian of a student who utilizes services at a school–based health center.

(b) In making the appointments required under this section, the Governor shall ensure that the Council is representative of:

(1) The geographic regions of the State; and

(2) Minority populations of the State.

(c) (1) The term of a member appointed under subsection (a) of this section is 3 years.

(2) The terms of voting members are staggered as required by the terms provided for members of the Council on October 1, 2015.

(3) At the end of a term, a member shall continue to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun shall serve for the rest of the term or until a successor is appointed and qualifies.

(d) The Governor shall appoint a successor in the event of a vacancy on the Council.

(e) From among the members of the Council, the voting members of the Council shall elect a chair for a 2–year term.

(f) A member of the Council may not receive compensation but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

§7–4A–04.

(a) A majority of the members then serving on the Council is a quorum.

(b) The Council shall determine the times and places of its meetings and any other necessary operating procedures in accordance with the Open Meetings Act.

(c) (1) The Council may establish workgroups to advise the Council on specific issues, including behavioral health, oral health, and primary care.

(2) (i) The chair of the Council shall appoint the members of a workgroup established by the Council under paragraph (1) of this subsection.

(ii) The chair of the Council may appoint the following individuals to a workgroup:

1. Members of the Council with expertise in the issue to be studied; and

2. Members of the public, including consumers and stakeholder group representatives, with expertise in the area to be studied.

§7–4A–05.

(a) The Council shall develop policy recommendations to improve the health and educational outcomes of students who receive services from school–based health centers by:

(1) Supporting local community efforts to establish or expand school–based health center capacity in primary care, behavioral health, and oral health;

(2) Integrating school–based health centers into existing and emerging patient–centered models of care;

(3) Promoting the inclusion of school–based health centers in networks of managed care organizations and commercial health insurance carriers;

(4) Advancing the public health goals of State and local health officials;

(5) Promoting the inclusion of school–based health centers into networks of school health services and coordinated student service models for the range of services offered in school settings;

(6) Supporting State and local initiatives to promote student success;

(7) Reviewing and revising best practice guidelines; and

(8) Supporting the long–term sustainability of school–based health

centers.

(b) The Council shall review the collection and analysis of school–based health center data collected by the Department to:

(1) Make recommendations on best practices for the collection and analysis of the data; and

(2) Provide guidance on the development of findings and recommendations based on the data.

(c) The Council shall conduct other activities the Council considers appropriate to meet the purpose of the Council.

(d) On or before December 31 of each year, the Council shall report the findings and recommendations of the Council to the Department of Health and Mental Hygiene, the State Department of Education, and, in accordance with § 2–1246 of the State Government Article, the General Assembly on improving the health and educational outcomes of students who receive services from school–based health centers.

§7–4B–01.

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

(b) "Adapted program" means a program that is developed for a student with a disability.

(c) "Allied sports or unified program" means a program that is specifically designed to combine groups of students with and without disabilities together in physical activity.

(d) "Mainstream athletic program" means intramural or interscholastic athletic activity that is developed and offered to students in accordance with criteria established by the State Board.

(e) "Mainstream physical education program" means a physical education program that is developed and offered to students in accordance with criteria established by the State Board.

(f) "Student with a disability" means a student who meets the definition of a "handicapped person" as defined in 45 C.F.R. § 84.3(j).

§7–4B–02.

(a) Subject to subsection (b) of this section, the State Board and each county board shall:

(1) Ensure that students with disabilities have an equal opportunity to:

(i) Participate in mainstream physical education programs; and

(ii) Try out for and, if selected, participate in mainstream athletic programs;

(2) Ensure the provision of reasonable accommodations necessary to provide students with disabilities equal opportunity to participate, to the fullest extent possible, in mainstream physical education and mainstream athletic programs; and

(3) Ensure that adapted, allied, or unified physical education and athletic programs are available and adequately funded by the county board.

(b) An exception to the requirements under subsection (a) of this section may be made when the inclusion of a student:

(1) Presents an objective safety risk to the student or to others, based on an individualized assessment of the student; or

(2) Fundamentally alters the nature of the school's mainstream physical education or mainstream athletic program.

(c) The provision of adapted, allied, or unified programs for students with disabilities does not mitigate the duty of a county board to provide an individual student with a disability an equal opportunity to be fully included in mainstream physical education and mainstream athletic programs.

§7–4B–03.

(a) A county board shall:

(1) Develop policies and procedures to promote and protect the inclusion of students with disabilities into mainstream physical education and mainstream athletic programs; and

(2) Provide the opportunity for students with disabilities to participate in extracurricular or interscholastic competition, as demonstrated by:

(i) Equivalent opportunities for participation in extracurricular or interscholastic athletic programs; or

(ii) Evidence indicating that the interests and abilities of students with disabilities have been fully and effectively accommodated by the county board's implemented programs.

(b) The State Board shall adopt a model policy to assist a county board with the implementation of this section.

§7–4B–04.

(a) The Department shall monitor the compliance of county boards with the provisions of this subtitle.

(b) The Department may investigate and take corrective action in response to complaints from parents, guardians, or legal representatives of students with disabilities who allege a violation of the provisions of this subtitle.

§7–4B–05.

(a) On or before May 15 of each year, each county board shall submit to the Department a report of the school system's compliance with the provisions of this subtitle.

(b) The first annual report completed by a county board in accordance with subsection (a) of this section shall include:

(1) The number of students with disabilities that participate in the school system's mainstream physical education or mainstream athletic programs; and

(2) A description of plans by the county board to affirmatively engage students with disabilities in mainstream physical education or mainstream athletic programs.

(c) Reports submitted by a county board subsequent to the report submitted under subsection (b) of this section shall be consistent with regulations adopted by the State Board.

(d) On or before August 1 of each year, the Department shall, subject to § 2–1246 of the State Government Article, submit to the General Assembly a report of compliance with the provisions of this subtitle.

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§7–4B–06.

(a) The Department shall adopt regulations as necessary to implement this subtitle.

(b) The Department shall provide technical assistance to county boards concerning the provisions of this subtitle.

§7–501.

The General Assembly finds and declares that:

(1) A statewide Youth Suicide Prevention School Program is essential to address the continuing problem of youth suicide throughout the State;

(2) The youth suicide problem often exists in combination with other problems, including drug abuse and alcohol use;

(3) A suicide prevention program for young people must emphasize a partnership between educational programs at the State and local levels and community suicide prevention and crisis center agencies;

(4) It is of vital importance that a statewide Youth Suicide Prevention School Program be established with shared responsibility at both the State and county levels, and that this cooperation shall be a major tool in efforts to achieve the successful prevention of youth suicide; and

(5) County suicide prevention and crisis center agencies along with local education agencies are best suited for developing and implementing programs for statewide youth suicide prevention.

§7–502.

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

(b) "Program" means a Youth Suicide Prevention School Program established under this subtitle.

(c) "Youth service bureau" means a program defined under § 9–233 of the Human Services Article.

§7–503.

(a) (1) There is a statewide Youth Suicide Prevention School Program administered by the Department in cooperation with:

(i) Participating local education agencies;

(ii) Local community agencies involved in suicide prevention;

(iii) Local community mental health programs; and

(iv) Youth service bureaus.

(2) On or before October 1, 1986, the Department may establish a demonstration Youth Suicide Prevention School Program in cooperation with local education agencies in the following political subdivisions:

(i) Anne Arundel County;

(ii) Baltimore City;

(iii) Baltimore County;

(iv) Harford County;

(v) Howard County; and

(vi) Montgomery County.

(b) Any political subdivision in the State may apply for assistance or grant funds under this subtitle to establish a local Youth Suicide Prevention School Program.

§7–504.

(a) (1) The Department shall adopt regulations that set eligibility guidelines for State funding of Youth Suicide Prevention School Programs under this subtitle.

(2) The regulations shall:

(i) Establish procedures for developing local programs, in cooperation with local education agencies, youth service bureaus, and community mental health centers; and

(ii) Establish standards and policies for programs to offer:

1. Individual, family, and group counseling related to youth suicide prevention;

2. Referral, crisis intervention, and information for students, parents, and school personnel; and

3. Training for school personnel, and others responsible for counseling or supervising student activities.

(b) A Youth Suicide Prevention School Program established under this subtitle shall plan, fund, and implement educational programs, which may include any of the following:

(1) Classroom instruction designed to achieve any of the following objectives:

(i) Encourage sound decision making and promote ethical development;

(ii) Increase pupils' awareness of the relationship between drug and alcohol use and youth suicide;

(iii) Teach pupils to recognize signs of suicidal tendencies, and other facts about youth suicide;

(iv) Inform pupils of available community youth suicide prevention services;

(v) Enhance school climate and relationships between teachers, counselors, and pupils; and

(vi) Further cooperative efforts of school personnel and community youth suicide prevention program personnel;

(2) School or community based alternative programs outside of the classroom, including:

(i) Positive peer group programs;

(ii) A 24-hour "hotline" telephone service, staffed by trained professional counselors;

(iii) Programs to collect data on youth suicide attempts;

(iv) Intervention and follow-up;

(v) Mental health programs to promote mental health awareness and encourage pupils to seek help as soon as it is needed; and

(vi) Parent education and training programs; and

(3) Teacher training programs.

(c) Any program established under this subtitle shall:

(1) Assist in increasing the awareness, among school personnel and community leaders, of the incidence of teenage suicide;

(2) Train school personnel in individual and schoolwide strategies for teenage suicide prevention;

(3) Develop and implement school-based teenage suicide prevention programs and pilot projects;

(4) Develop and implement school-based pilot mental health programs and peer-to-peer support to address the needs of students suffering from mental illness; and

(5) Through cooperative efforts, utilize community resources in the development and implementation of teenage suicide prevention programs under this subtitle.

(d) The Department may assist local school systems in implementing pilot peer-to-peer mental health awareness programs.

§7–505.

(a) The Department shall:

(1) As to each program receiving State funding:

(i) Monitor its operations; and

(ii) Evaluate annually its effectiveness.

(2) Review and either approve or disapprove the application for State funding of a proposal program.

(b) (1) The funding of an eligible program shall be a shared responsibility of this State and local education agencies.

(2) Each eligible program shall submit to the Department a proposed annual budget for review and approval, at the times that the Department specifies.

(3) The proposed budget of the Department shall list the eligible programs and estimate the amount of State funds to be allocated to each.

(4) The Department shall seek federal funds for Youth Suicide Prevention School Programs under the Garret Lee Smith Memorial Act.

(c) The State funds designated for Youth Suicide Prevention School Programs may be included in the budgets of:

(1) The Department; and

(2) The Department of Health and Mental Hygiene.

§7–506.

(a) The local education agency and the local health department shall identify funds from public and private agencies for development and implementation of the Program.

(b) The Department shall submit an annual report to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly regarding the current status and effectiveness of the Programs established under this subtitle.

(c) The Governor shall include funds in the budget to carry out the provisions of this subtitle.

§7–601.

(a) The State Board shall adopt and publish standards for the administration of the subsidized and free feeding program.

(b) The standards shall:

(1) Provide for eligibility requirements for the program; and

(2) Require each county board to provide a reduced price lunch program.

§7–602.

(a) There is a State Free Feeding Program.

(b) (1) Each year the State Superintendent shall determine the amount of State money required to provide a program of subsidized and free feeding programs in accordance with the standards adopted by the State Board under this subtitle.

(2) The amount included for this Program in the annual State budget, including any federal funds, and as submitted to and appropriated by the General Assembly, shall be distributed to the county boards under § 5-212 of this article.

§7–603.

Each public school in this State shall provide a program of subsidized or free feeding programs for children who meet the standards adopted by the State Board under this subtitle.

§7–604.

Funds appropriated for the subsidized or free feeding program shall be used to reimburse each county board for the difference between costs and all available reimbursements and other funds, including the amounts paid by children.

§7–605.

(a) The General Assembly finds the following policies desirable in the administration and application of the school feeding programs:

(1) Private organizations and corporations should be encouraged to participate in the program;

(2) The identity of children who participate in free or subsidized feeding programs should remain anonymous and positive procedures should be adopted to accomplish this; and

(3) Applications for participants in the program should be brief and simple, based on a statement of present income and family size or of participation in a social services or welfare program.

(b) There may not be discrimination among these programs for elementary, junior high, and high school students.

§7–701.

(a) The State Board shall require each county board to provide in each elementary school a free and reduced price breakfast, unless the school is exempted under § 7-702 of this subtitle.

(b) The free and reduced price breakfast required to be provided under this section shall meet the standards of the United States Department of Agriculture.

§7–702.

The State Superintendent shall exempt any elementary school from the requirements of this subtitle if:

(1) (i) The school has made a breakfast program available for at least 3 consecutive months; and

(ii) The participation is less than 25 percent of the number of students eligible for free and reduced price meals in each month;

(2) (i) The county board approves an alternative nutrition program that the school has instituted;

(ii) The school regularly conducts an assessment of the alternative program that provides evidence of success in achieving program objectives; and

(iii) The school submits an annual report of the assessment to the county board and the State;

(3) (i) The school requests an exemption for reasons of a compelling nature to the county board; and

(ii) After review and approval, the county board submits the request for exemption to the State Superintendent; or

(4) (i) The school has less than 15 percent of its enrollment approved for free and reduced price meals.

(ii) This exemption shall continue from year to year without the need for reapplication, until there is a 10 percent increase in the number of students approved for free and reduced price meals.

§7–703.

(a) The free and reduced price breakfast program under this subtitle shall be suspended if the per meal reimbursement that the federal government provides for the breakfast program is:

(1) Reduced below the rate prescribed on July 1, 1979; or

(2) Adjusted by the Secretary of the United States Department of Agriculture, as of the most recent July 1 under the national Child Nutrition Act, and the per meal reimbursement is below the adjusted rate.

(b) The reimbursement for each meal under subsection (a) of this section shall be determined as follows:

(1) Multiply the number of reduced price breakfasts served statewide times the federal reimbursement rate for those breakfasts;

(2) Multiply the number of free breakfasts served statewide times the federal reimbursement rate for those breakfasts; and

(3) Divide the total of paragraphs (1) and (2) of this subsection by the total number of free and reduced price breakfasts.

§7–704.

(a) In this section, "Program" means the Maryland Meals for Achievement In-Classroom Breakfast Program.

(b) (1) There is a school breakfast program in the State, known as the Maryland Meals for Achievement In-Classroom Breakfast Program.

(2) The Program is a joint effort of the Department and the county boards or sponsoring agencies for eligible nonpublic schools.

(c) (1) The purpose of the Program is to provide funding for a school that makes an in-classroom breakfast available to all students in the school.

(2) The funding is intended to complement the funding received by a school from the federal government for a school breakfast program.

(d) The Department shall:

(1) Develop an application form for a school that desires to participate in the Program;

(2) Ensure that the schools that participate in the Program represent geographic and socioeconomic balance statewide;

(3) Ensure that a school that participates in the Program is a school at which at least 40% of the registered students are eligible for the federal free or reduced price meal program;

(4) Select schools to participate in the Program, ensuring that an annual evaluation of the Program is conducted by the Department;

(5) Annually review and set the meal reimbursement rate for schools

that participate in the Program to complement the federal meal reimbursement rate determined under § 7-703 of this subtitle; and

(6) Disburse the Program funds to the county board or the sponsoring agency.

(e) A county board or a sponsoring agency for an eligible nonpublic school shall:

(1) Apply to the Department for funds for schools within the jurisdiction of the board or for schools that are under the sponsoring agency that:

(i) Are eligible to participate in the Program; and

(ii) Apply to the board or to the sponsoring agency to participate in the Program; and

(2) Submit an annual report to the Department on the Program, including the manner in which the funds have been expended.

(f) A school that participates in the Program shall:

(1) Implement an in-classroom breakfast program in which all students in the school may participate regardless of family income;

(2) Serve a breakfast that meets the guidelines of the Department and the nutritional standards of the United States Department of Agriculture for schools that participate in the federal school breakfast program;

(3) Serve the breakfast in the classroom upon the arrival of students to the school;

(4) Collect the data that the county board or the sponsoring agency and the Department require from participants in the Program; and

(5) Submit an annual report to the county board or the sponsoring agency.

(g) The employee organization that is the exclusive representative of the certificated public school employees of a county board and the employee organization that is the exclusive representative of the noncertificated employees of a county board and the county board shall negotiate the terms of the participation of the employees in the Program.

§7–801.

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

(2) "Nonpublic school" means an elementary or secondary school in Calvert County that does not receive State aid.

(3) "Public school bus" includes any other conveyance used to transport students to a public school.

(b) (1) At its own expense, a county governing body may provide transportation for public school students in addition to the transportation provided by the State.

(2) In Montgomery County, a fee may not be charged for transporting public school students to school from their designated bus stop locations or from school to their designated bus stop locations.

(c) (1) Subject to the requirements of paragraph (2) of this subsection, in Calvert County the county board may provide transportation to and from school on a public school bus for a student who attends a nonpublic school.

(2) Transportation offered by the Calvert County Board under this section shall be offered to a student attending a nonpublic school:

(i) If there is sufficient capacity on the school bus;

(ii) If the student resides on, along, or near a public highway in the county on which a public school bus or conveyance operates;

(iii) If the student resides in the public school transportation district served by the public school bus;

(iv) Only on the routes, school days, and hours of transportation that coincide with the routes, school days, and hours of transportation for students attending public schools in the county; and

(v) In the case of a student who attends a nonpublic school that is not on the public school bus route, only to the public school on the route which is nearest to the nonpublic school.

(3) The Calvert County Board is not responsible for the safety of any nonpublic school student who is transported on a public school bus under this subsection after the student is discharged from the public school bus, and the board may not be held liable in any civil action arising from an act or omission that occurs after the student is discharged from the public school bus.

§7–802.

If an individual meets all other requirements established by the State Board, he may not be prohibited from operating a school bus solely because of his age.

§7–803.

(a) Each county board may establish a procedure to provide for the use of its

school buses, on application, for the transportation of individuals 60 years old or older to civic, educational, social, or recreational activities if this use:

(1) Does not interfere with the transportation of school children; and

(2) Is available to all individuals 60 years old or older.

(b) Each county may:

(1) Contract with its county board for the use of school buses; and

(2) Include funds in the county budget to pay the expenses, including payment of school bus drivers and insurance, incurred by the county board in the use of school buses as provided in this section.

§7–804.

(a) In this section, "school vehicle" has the meaning stated in § 11–154 of the Transportation Article.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, unless it fails to meet the applicable school bus and motor vehicle safety standards, a school vehicle may be operated for 12 years.

(2) (i) In Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester counties, unless it fails to meet the applicable school bus and motor vehicle safety standards, a school vehicle may be operated for 15 years.

(ii) A school vehicle operating under subparagraph (i) of this paragraph shall be maintained as provided in subsection (c) of this section.

(3) Any school vehicle in operation or accepted before July 1, 2004, or under contract to be purchased before July 1, 2004, that meets the specifications of the Department and of the Motor Vehicle Administration for transit style school vehicles may be operated for 15 years.

(c) Notwithstanding the 12–year limitation in subsection (b)(1) of this section, a school vehicle may be operated for additional years if:

(1) The school vehicle is maintained under a preventive maintenance plan approved by the Motor Vehicle Administration and the Automotive Safety Enforcement Division of the Department of State Police that includes an inspection at the end of the 12th year and a minimum of 2 inspections by the Motor Vehicle Administration each year thereafter;

(2) Any structural repairs to the school vehicle necessitated by accident, metal fatigue, or any other cause are certified by an independent expert approved

by the Motor Vehicle Administration to meet or exceed the manufacturer's original manufacturing standards;

(3) The school vehicle is equipped with:

(i) The body originally placed on the chassis by the manufacturer;

(ii) An 8 light warning system;

(iii) A left side stop arm;

(iv) A fire–retardant driver's seat;

(v) Fire–retardant barriers in the case of a school vehicle with a front engine; and

(vi) A fire–retardant rear seating area in the case of a school vehicle with a rear engine; and

(4) The State Superintendent grants approval.

(d) If a school vehicle passes an inspection that is required under subsection (c)(1) of this section:

(1) The inspection shall be valid in the county in which the inspection was completed; and

(2) If ownership of the school vehicle is transferred to a person who operates the school vehicle in a county in which school vehicles are authorized under subsection (b)(2) of this section to be operated for 15 years, the inspection shall be valid in that county for the length of time that the inspection would have been valid in the county where the inspection was completed.

§7–805.

(a) A school bus may be used to transport any student who lives within the mileage limit, if a mileage limit has been established by a local board of education, and if:

(1) The school bus is not filled to capacity;

(2) No additional bus stop is added to the route to transport the student; and

(3) The transportation officer or his designee has identified a specific existing hardship that would justify allowing the student to be transported.

(b) The transportation allocation of a county may not be reduced because of compliance with this section.

§7–806.

(a) In Baltimore County, the Superintendent of Schools shall establish a Pupil Transportation Safety Advisory Committee.

(b) The Pupil Transportation Safety Advisory Committee shall be composed of at least the following:

(1) Two parent members, appointed by the Superintendent;

(2) A representative of the Baltimore County Police Department;

(3) A representative of the Baltimore County Highway Department;

(4) A representative of the Baltimore County traffic engineering office; and

(5) A representative of the State Highway Administration.

(c) The committee shall be available to advise the pupil transportation staff of the Baltimore County Board of Education with regard to matters of safety of school bus stops and the safety of student walking conditions.

§7–807.

(a) This section applies only to Baltimore County.

(b) A school bus driver shall pick up or discharge a student at a designated bus stop that is located along a public road or highway in a manner that does not require the student to walk across the public road or highway:

(1) If the student is an elementary school student and the public road or highway has a posted speed limit of 35 miles per hour or greater; and

(2) If the student is a secondary school student and the public road or highway has a posted speed limit of 40 miles per hour or greater.

(c) A public awareness campaign concerning school bus pick up and discharge shall be conducted by the Baltimore County Board of Education and the Transportation Department of the Baltimore County Public Schools, in conjunction with the Baltimore County Police Department, 1 month prior to the opening of school and during the first month of each school year.

§7–808.

(a) In this section, "school bus" has the meaning stated in § 11–153 of the Transportation Article.

(b) A school bus shall be constructed with materials that enable it to meet all the criteria of the school bus seat upholstery fire block test established by the

National School Transportation specifications and procedures adopted at the most recent National Congress on School Transportation.

(c) The Motor Vehicle Administration, with the advice of the Department, shall adopt regulations to promote fire safety standards of school buses.

§7–809.

In Montgomery County, notwithstanding any other provision of law, the Montgomery County Board of Education may utilize a school bus with doors that lock to transport students in the county if the school bus's locking system prevents the school bus from being operated when any bus exit is locked.

§7–901.

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

(b) "Computer-based technology" means computer hardware or software used by teachers and students in the delivery of an instructional program.

(c) "Eligible consortium" includes a local educational agency and a public or private nonprofit organization.

(d) "Instructional programming" means the full range of audio and video text, graphics, or additional state-of-the-art communications distributed through interactive, command and control, or passive methods for the purpose of education and instruction.

(e) "Students" means students from a broad range of backgrounds and circumstances, including:

(1) Disadvantaged students;

(2) Students with diverse racial, ethnic, and cultural backgrounds;

(3) Students with disabilities;

(4) Students with limited English proficiency;

(5) Students who have dropped out of school; and

(6) Academically talented students.

(f) "Technology" means the latest state-of-the-art technology products and services, including:

(1) Closed circuit television systems;

(2) Educational television and radio broadcasting;

(3) Cable television;

(4) Satellite;

(5) Copper and fiber-optic transmission;

(6) Computer and computer-based technology;

(7) Video and audio laser and CD ROM discs;

(8) Video and audio tapes or other technologies; and

(9) Web-based resources and courses.

§7–902.

The General Assembly finds that:

(1) Technology applications can propel the State's school systems into immediate and dramatic reform, without which the State will not meet the very ambitious National Education Goals;

(2) Creative uses of technology can reshape the State's outdated method of providing education and empower teachers to create an environment where students can be challenged through rigorous, rich classroom instruction at a pace that suits the learning style of each individual student;

(3) The acquisition and use of technology in education throughout the State has been enhanced by:

(i) The increased exposure of students and teachers to the power of technology as a cost–effective tool to improve student learning and achievement;

(ii) The ability of the State and county boards to invest in and support needed technologies;

(iii) The increased networking infrastructure and Internet access in schools and in classrooms; and

(iv) The increased availability of technology–enhanced curriculum, staff development, and administrative support resources and services in the educational marketplace;

(4) Advancements in technology offer new and interesting possibilities to promote new partnerships among teachers, students, parents, communities, and industry in the quest for knowledge and the process for learning;

(5) The use of technology will cultivate and maintain a technologically literate citizenry and internationally competitive workforce when used as an essential

tool in the learning process;

(6) In support of the overall national technology policy, the State Department of Education and the Department of Economic Competitiveness and Commerce must assume a vital leadership and coordinating role in providing the State's vision and strategy to infuse advanced technology throughout all educational programs;

(7) State support can ease the burden at the local level by enabling the acquisition of advanced technology, teacher training and support, Web–based distance–learning resources, and market development for new educational products;

(8) Continuing professional development for teachers and administrators requires constant access to the latest advancements in technology to keep teachers and administrators excited and knowledgeable about the unfolding opportunities for the classroom; and

(9) The increasing use of new technologies and telecommunications systems in business has increased the gap between schooling and workforce preparation.

§7–903.

It is the purpose of this subtitle:

(1) To offer incentives and opportunities for creative public and private partnerships within the marketplace to develop state-of-the-art educational technology products and services that promote the use of advanced technologies in the classroom;

(2) To avoid duplication and the development of incompatible systems by strengthening and building upon existing telecommunications infrastructure dedicated to educational purposes;

(3) To provide Maryland public school students with equal opportunities to develop a strong academic foundation;

(4) To facilitate expanded educational choices not otherwise available to Maryland public school students through on-line courses and services; and

(5) To expand professional development opportunities available to educational staff in Maryland public schools through on-line courses and services.

§7–904.

(a) The State Superintendent may:

(1) Procure and develop curriculum-based learning resources using state-of-the-art technologies and techniques designed to increase the achievement

levels of all students in all subject areas;

(2) Procure and develop long-term comprehensive instructional programming and associated support resources that ensure maximum access by all educational institutions;

(3) Develop standards for teachers and other school system employees for the offering of courses or services on the Internet or through other developing technologies;

(4) Review courses and courseware to assure quality and alignment with the Maryland content standards and other appropriate standards;

(5) Track and issue periodic reports on the type and frequency of courses or services utilized by teachers and other professionals under this section; and

(6) Award grants to eligible private or public consortia to enable eligible consortia to develop state-of-the-art technology-enhanced instructional products, resources, and services for use in the classroom, including:

(i) The development, production, and distribution of instructional programming for students;

(ii) Staff development programming for teachers; and

(iii) Incorporation of creative state-of-the-art applications of technology-enhanced learning resources, such as:

1. Computer software;

2. Databases;

3. Films;

4. Transparencies;

5. Multimedia video and audio discs;

6. Telecommunications;

7. Educational television;

8. Print resources; and

9. Web-based resources and courses.

(b) In accordance with Subtitle 10A of this title, the State Superintendent shall award a grant for the implementation of a pilot program to introduce elementary age students to computer technology and train teachers to integrate that technology into

their curriculum.

§7–905.

In awarding grants under § 7-904(a) of this subtitle, the State Superintendent shall give priority to applications describing programs or systems that are developed:

(1) For statewide application at a reasonable cost;

(2) In consultation with classroom teachers; and

(3) Through consultation and collaboration with appropriate educational entities to ensure relevance to State content standards and to other appropriate State standards.

§7–906.

(a) Notwithstanding any other provision of law, any royalties or fees paid to any county board or to the Department as a result of assistance provided under this subtitle shall be used by the county board or Department for further development of curriculum-based learning resources authorized under this subtitle.

(b) (1) The State Superintendent shall allow an eligible consortium to receive a financial benefit from the distribution of programming assisted under this subtitle.

(2) An eligible consortium that receives a financial benefit shall use the benefit:

(i) To support further development of curriculum-specific programming; and

(ii) To provide greater access to a wider audience of educational programming.

§7–907.

(a) The State Superintendent and the Secretary of Commerce may provide assistance to an eligible consortium to enable the eligible consortium to establish, promote, advance, improve, and participate in projects for the purpose of encouraging the understanding and use of technology in connection with education.

(b) An eligible consortium assisted under subsection (a) of this section shall develop:

(1) An interactive video, audio, and text communications database;

(2) Connectivity between elementary and secondary schools, colleges, and universities;

(3) A means to provide information to teachers, administrators, parents, and other interested community entities on State and local educational technology initiatives;

(4) A staff demonstration project; and

(5) A significant contribution and participation from business and industry, local government, teacher associations, administrator associations, regional high technology councils, and community leaders.

§7–908.

The State Superintendent, in collaboration with the Secretary of Commerce, may:

(1) Provide direction and support for the conduct of research on advanced educational technologies;

(2) Provide support for long–term comprehensive educational applications of advanced high performance computer and communication technologies and video technologies in support of the core subjects of the National Education Goals;

(3) Ensure that high performance computing and telecommunications networks (or information highways) are developed with consideration to the needs of elementary and secondary education to facilitate educational uses, to provide access to classrooms and libraries in elementary and secondary schools, and to improve student learning; and

(4) Assess the effectiveness of technology in education programs.

§7–909.

(a) The State Superintendent may award grants to or enter into contracts with eligible consortia for research projects intended to develop educational applications using advanced technologies.

(b) (1) To obtain a grant or a contract under this section, an eligible consortium shall submit to the State Superintendent an application at the time and in the form that the State Superintendent requires.

(2) The State Superintendent shall require an application submitted under paragraph (1) of this subsection clearly to define:

(i) The scope and content of the subject matter of the research; and

(ii) The relevance of the advanced technology to the content for purposes of improving both the educational system and the State's economic competitiveness.

§7–910.

(a) The State Superintendent and the Secretary of Commerce jointly shall ensure that specifications used in all grants and procurement contracts for technology–based instructional products require equivalent access for students with disabilities, including blindness, in accordance with the technical standards for electronic and information technology issued under Subsection (a)(2) of Section 508 of the federal Rehabilitation Act of 1973, 29 U.S.C. § 794d(a)(2).

(b) (1) This subsection does not apply to teacher–developed instructional materials until fiscal year 2005.

(2) Invitations for bids, requests for proposals, procurement contracts, grants, or modifications to contracts or grants issued by the State or any local school system shall include notice of the equivalent access requirement whenever funds awarded may be used to develop or obtain technology–based instructional products.

(c) The State and each local school system shall also ensure that the equivalent access standards are included in guidelines used for design specifications for and evaluation and selection of technology–based instructional products.

(d) (1) Following an evaluation of technology–based instructional products, the State or local school system shall select the available product that best meets the specifications and has the greatest functionality for equivalent access for students with disabilities, including blindness.

(2) If a product that meets the equivalent access standards is not available, or if obtaining an available product would fundamentally alter the nature of the instructional activity or would result in an undue burden, the local school system may obtain a product that does not meet the equivalent access standards but provides the best equivalent access functionality.

(3) The Department shall:

(i) Monitor compliance with the requirements of accessibility of technology–based instructional products set forth in COMAR 13.A.05.02; and

(ii) Report its findings, in accordance with § 2–1246 of the State Government Article, to the General Assembly on or before December 31 of each year.

(e) If technology–based instructional products are provided to students without disabilities and not to a student with a disability, the State or local school system shall implement an alternative method of instruction, including use of other technology–based instructional products, if available, designed to enable a student with a disability to achieve the same instructional outcomes consistent with the student's IEP Plan, as defined in § 8–408 of this article, or the student's 504 Plan, as provided under the federal Rehabilitation Act of 1973.

§7–9A–01.

In this subtitle, "digital content" means any online information subscription database and electronic resource applicable to the Maryland PreK–12 curriculum.

§7–9A–02.

The General Assembly finds that:

(1) Technology applications can propel the State's schools into immediate and dramatic reform without which the State will not meet the ambitious No Child Left Behind goals, the Department's Strategic Plan, or the Department's Technology Plan;

(2) Access to appropriate high quality digital content supports the preparation of the State's students for the current and future workforce with the knowledge and skills necessary for the success of and the socioeconomic benefit to the State;

(3) Providing equitable access to digital content for the State's students and educators helps to prepare students to pursue high–level careers in science, technology, engineering, and mathematics for the good of the State and the nation;

(4) Creative uses of technology can provide an environment where students are challenged through rigorous, relevant learning experiences that address the learning styles of each student; and

(5) There is a need to provide equitable access to high quality digital content across districts and schools through the Internet and through developing technologies.

§7–9A–03.

There is a MDK12 Digital Library in the Department.

§7–9A–04.

The purposes of the MDK12 Digital Library are to:

(1) Provide equitable access to digital content for all Maryland K–12 students and educators;

(2) Improve school library programs with advanced digital technologies;

(3) Create fiscal efficiencies in the purchase of digital content through enhanced cooperation among schools and the Department; and

(4) Support effective teaching and learning by connecting digital content with the Maryland content standards, workforce development, and science, technology, engineering, and mathematics initiatives.

§7–9A–05.

(a) (1) The MDK12 Digital Library is a purchasing consortium for the acquisition of digital content.

(2) (i) The MDK12 Digital Library shall be administered by a steering committee that consists of:

1. One representative from each member local school system;

2. One representative from the Department; and

3. One individual selected by member private nonprofit schools to represent all member private nonprofit schools.

(ii) Each representative from each of the member local school systems shall be a school library administrator or the designee of a school library administrator.

(iii) The steering committee shall:

1. Establish criteria to evaluate and select digital content;

2. Make a good faith estimate of the digital content that they intend to purchase under each bid and provide the estimate to the Department by the date requested;

3. Collect and analyze usage data to report on program effectiveness and determine professional development requirements;

4. Request and award bids for the purchase and distribution of digital content to acquire better pricing through volume purchases; and

5. Identify vendors of digital content.

(3) Subject to paragraph (4) of this subsection, members of the MDK12 Digital Library may include the public school systems of the State and private nonprofit schools that are approved by the Department.

(4) The MDK12 Digital Library members shall agree to:

(i) Report digital content usage data to the steering committee;

(ii) Solely utilize the pricing agreements established by the steering committee;

(iii) Not place independent orders with identified vendors for prices less than those negotiated by the steering committee; and

(iv) Notify the steering committee and the Department if a vendor verbally or by writing offers a better price than that negotiated by the steering committee.

(b) The State Board and the State Superintendent shall encourage local school systems and member private nonprofit schools to:

(1) Provide professional development for school librarians and other educators to effectively use digital content in teaching and learning;

(2) Support student use of digital content through school libraries in collaboration with classroom and resource teachers;

(3) Promote the availability of digital content to students, educators, and parents; and

(4) Instruct students and educators how to access digital content.

(c) The MDK12 Digital Library may develop programs to support all residents of the State in collaboration with the State Library Resource Center under § 23–201 of this article and the Maryland Digital Library under § 11–801 of this article.

(d) The Department shall employ one half–time position to coordinate the MDK12 Digital Library.

(e) On or before October 1 of each year, the MDK12 Digital Library Steering Committee shall submit a report regarding the financial status and operations of the MDK12 Digital Library during the prior fiscal year to the Department.

§7–1001.

(a) There is a Maryland Technology Academy in the Department.

(b) The purpose of the Academy is to:

(1) Provide intensive learning opportunities for teachers in the State each year on how to use technology to significantly impact student learning; and

(2) Promote the overall improvement of public schools in the State.

(c) Under the direction and supervision of the Department, the Academy shall arrange for the conducting of 3- to 5-week summer sessions each year for elementary, middle, and high school teachers in the State.

(d) The summer sessions shall utilize an intensive curriculum in technology that is structured in such a manner to require the participating teachers to:

(1) Examine and discuss technological research and engage in practicing the use of technology in the classroom and school setting;

(2) Participate in and critique demonstrations of the use of technology;

(3) Prepare and present a technology-based project in an area of interest; and

(4) Develop an understanding and knowledge of how to collect and analyze student data to determine effective uses of technology and how the use of technology impacts student learning.

(e) The Academy shall organize the summer sessions on the basis of:

(1) Creating participant teams of elementary, middle, and high school teachers as well as instructors from colleges of education; and

(2) Utilizing instructors from institutions of higher education as well as teacher experts, national experts, and outside consultants.

(f) The Academy shall provide opportunities for teachers, after their completion of a summer session, to continue to learn about the uses and impact of technology in the classroom through the establishment of appropriate conferences, study groups, distance-learning activities, and peer coaching sessions.

(g) The Department shall establish guidelines for the application and selection of participants in the Academy and any other appropriate matter to implement the provisions of this subtitle.

(h) Funds for the Academy shall be as provided in the annual budget of the Department.

§7–1002.

(a) The Department shall provide Maryland virtual learning opportunities that include:

(1) Offering a distance–learning program to provide Maryland public school students with equal opportunities to develop a strong academic foundation;

(2) Offering expanded educational choices not otherwise available to students through online courses and services; and

(3) Expanding the professional development opportunities available to educational staff in Maryland public schools through online courses and services.

(b) (1) (i) A county board may request that the Department develop or review and approve online courses and services under paragraph (2) of this subsection.

(ii) Within 15 days after the receipt of a request under subparagraph (i) of this paragraph, the Department shall determine whether the development or

review and approval of the online courses and services shall be delegated to a county board under paragraph (2)(ii) of this subsection.

(iii) If the Department does not delegate the development or review and approval of the online courses and services to a county board, the Department shall develop or review and approve online courses and services under paragraph (2) of this subsection within 120 days after the receipt of a request made by a county board under subparagraph (i) of this paragraph.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Department shall:

1. A. Develop online courses and services; or

B. Review and approve online courses and services;

2. Develop standards for teachers and other school system employees for the offering of courses or services on the Internet or through other developing technologies; and

3. Review courses and courseware to assure quality and alignment with the Maryland content standards and other appropriate standards.

(ii) Subject to subparagraph (v) of this paragraph, the Department may delegate the authority to develop or review and approve online courses and services to a county board.

(iii) If the Department delegates the authority to develop or review and approve online courses and services to a county board, the county board may impose reasonable fees to be paid by the vendor to cover the cost of reviewing and approving online courses and services.

(iv) A county board shall remit 15% of the fees collected under subparagraph (iii) of this paragraph to the Department.

(v) 1. A county board shall request approval of the online course from the Department when the county board has completed the development or review and approval of online courses and services.

2. Within 45 days after a request under subsubparagraph 1 of this subparagraph, the Department shall approve or disapprove the online course based on criteria and guidelines developed by the Department.

(3) (i) The development, review, and approval of an online course or service conducted under this subsection shall include an assessment regarding the accessibility of the online course or service to individuals with disabilities, including the blind.

(ii) The Department may contract with a third party to:

1. Develop an assessment regarding accessibility required under subparagraph (i) of this paragraph; or

2. Conduct an assessment of course accessibility required under subparagraph (i) of this paragraph that will determine the approval or denial status of the course and provide feedback to the course provider.

(c) (1) There is a Maryland Virtual Learning Opportunities Fund.

(2) The State Board may set reasonable fees for:

(i) Developing or reviewing online courses and services;

(ii) Processing approvals for online courses and services;

(iii) Developing an assessment regarding the accessibility of an online course or service to individuals with disabilities, including the blind; and

(iv) Assessing an online course for its accessibility to individuals with disabilities, including the blind.

(3) The fees charged shall be set so as to produce funds to support maintenance of Maryland virtual learning opportunities.

(4) The State Board shall pay all funds collected under this subtitle to the Comptroller of the State.

(5) The Comptroller shall distribute the fees to the Maryland Virtual Learning Opportunities Fund.

(6) The Fund is a continuing, nonlapsing fund not subject to § 7–302 of the State Finance and Procurement Article.

(7) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this subtitle.

(8) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2–1220 of the State Government Article.

(d) The State Board may adopt regulations to implement the provisions of this section.

(e) The Department shall submit to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly, on or before September 1, 2004, a report on the progress of the Maryland Virtual Learning Opportunities Program, including a description of the available online courses and services.

§7–10A–01.

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

(b) "Pilot program" means the Educational Technology Pilot Program.

(c) "Program provider" means a nonprofit organization that, as determined by the State Superintendent:

(1) Exclusively focuses on the improvement of performance management and the use of technology for other nonprofit organizations and schools;

(2) Has demonstrated experience in providing a range of assistance to nonprofit community-based organizations and schools including:

(i) Assessing performance and the use of technology;

(ii) Developing recommendations to improve performance and the use of technology; and

(iii) Implementing those recommendations;

(3) Has demonstrated the ability to identify areas for program improvement related to the use of technology in classrooms and by administrators;

(4) Has demonstrated the ability to develop an implementation plan for recommended improvements;

(5) Has demonstrated the ability to assist with and provide on-site, hands-on guidance with the implementation of the recommendations; and

(6) Has demonstrated the ability to create an on-line community that allows teachers, parents, policymakers, and other stakeholders to communicate and provide support during and following the assessment and implementation process.

§7–10A–02.

There is an Educational Technology Pilot Program in the Department.

§7–10A–03.

The purpose of the pilot program is to introduce elementary age students to computer technology and train teachers to integrate such technology into their curriculum.

§7–10A–04.

In accordance with § 7-10A-05 of this subtitle, the State Superintendent and program providers, chosen by the State Superintendent, shall develop a plan to

implement the pilot program in two elementary schools in the following school systems:

(1) Baltimore City;

(2) Dorchester County;

(3) Prince George's County;

(4) Somerset County; and

(5) St. Mary's County.

§7–10A–05.

The plan to implement the pilot program shall:

(1) Provide a useful educational medium for students in the pilot program;

(2) Be capable of being implemented at a reasonable cost;

(3) Encourage and develop students' familiarity with computer technology and train teachers to integrate such technology into their curriculum;

(4) Add to the increased performance of the students participating in the program; and

(5) Provide performance indicators that illustrate how teachers' familiarity with technology and teaching resources within the pilot program have increased.

§7–10A–06.

On approval of the plan to implement the pilot program into a school system, the State Superintendent shall provide a grant to the county board of the school system in which the pilot program will be implemented.

§7–10A–07.

Funding for the State Superintendent to carry out the provisions of this subtitle shall be as provided in the State budget.

§7–10A–08.

In the counties in which the pilot program is implemented, each county board shall issue a report on the status of, and the benefits accrued from, the pilot program, to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly within 2 years from the date the State Superintendent awards a grant to the county board under this subtitle.

§7–10B–01.

In this subtitle, "Council" means the Maryland Advisory Council for Virtual Learning.

§7–10B–02.

(a) There is a Maryland Advisory Council for Virtual Learning in the Department.

(b) The Department shall provide staff support for the Council.

§7–10B–03.

The mission of the Council is to encourage and support the education of students in accordance with national standards of online learning and State law.

§7–10B–04.

(a) The Council consists of the following members:

(1) The State Superintendent or the State Superintendent's designee;

(2) The Director of the Maryland Virtual Learning Opportunities Office within the Department;

(3) Two members of the Senate of Maryland appointed by the President of the Senate;

(4) Two members of the House of Delegates of Maryland appointed by the Speaker of the House;

(5) The following members appointed by the Governor:

(i) One local superintendent of schools;

(ii) One representative of the Maryland Association of Boards of Education;

(iii) One representative of the Maryland Parent Teacher Association;

(iv) Two representatives of virtual learning providers;

(v) One representative of the business community;

(vi) One parent of a student participating in digital learning opportunities;

(vii) One school teacher engaged in digital instruction;

(viii) One member of the Baltimore Teachers Union;

(ix) One member of the Maryland State Education Association; and

(x) One charter school advocate; and

(6) Six members appointed by the Department that are employees of local schools that have excelled in the ability to incorporate technology into the classroom.

(b) In making the appointments required under this section, the Governor and the Department shall ensure that the Council is representative of:

(1) All geographic areas of the State; and

(2) All levels of education, including early childhood learning, elementary school, middle school, and high school.

(c) (1) The term of a member appointed under this section is 3 years.

(2) The terms of members shall be staggered.

(3) At the end of a term, a member shall continue to serve until a successor is appointed.

(4) A member who is appointed after a term has begun shall serve for the remainder of the term or until a successor is appointed.

(d) The Governor or the Department shall appoint a successor in the event of a vacancy on the Council.

(e) From among the members of the Council, a chair shall be elected for a 3–year term.

(f) A member of the Council may not receive compensation but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

§7–10B–05.

(a) A majority of the members then serving on the Council is a quorum.

(b) (1) The Council shall meet at least 4 times during each academic year.

(2) The Council may hold additional meetings in order to carry out its responsibilities.

§7–10B–06.

(a) The Council shall make recommendations regarding:

(1) High quality professional development for teachers and principals regarding digital instruction or blending digital content with traditional classroom instruction;

(2) Funding strategies to provide high quality, innovative options in course providers and delivery;

(3) Student assessment and accountability;

(4) Infrastructure necessary to support digital learning;

(5) Mobile learning and mobile learning applications;

(6) Aligning resources and digital learning initiatives of all State agencies;

(7) Coordination of digital learning programs to prevent redundancy and inefficiency;

(8) Planning for changes in technology and digital learning;

(9) Expanded curriculum for mathematics, science, foreign language, and advanced placement courses;

(10) Increasing education opportunities for at–risk, home–bound, special needs, and alternative education students; and

(11) Implementation plans for providing digital learning opportunities to all students in the State.

(b) The Council shall perform any other tasks to carry out the mission of the Council.

(c) On or before December 1 of each year, the Council shall report its recommendations to the State Superintendent and, in accordance with § 2–1246 of the State Government Article, the House Committee on Ways and Means and the Senate Education, Health, and Environmental Affairs Committee.

§7–1101.

(a) In this subtitle the following terms have the meanings indicated.

(b) "Behavior intervention plan" means a proactive plan designed to address problem behavior exhibited by a student in the educational setting through the use of positive behavioral interventions, strategies, and supports.

(c) "Exclusionary time out" means the circumstance in which a student is removed to a designated time-out room or other area for a fixed period not to exceed 30 minutes.

(d) "Functional behavior assessment" means the systematic process of:

(1) Describing problematic behavior exhibited in the educational setting, including identification of environmental and other factors and settings that contribute to or predict:

(i) The occurrence or nonoccurrence of the behavior; and

(ii) The maintenance of the behavior over time; and

(2) Using the information gathered to guide the development of an effective and efficient behavior intervention plan.

(e) (1) "Mechanical restraint" means the use of any device or material attached or adjacent to the student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove.

(2) "Mechanical restraint" does not include a protective or stabilizing device ordered by a physician when it is used as prescribed.

(f) "Nonpublic school" means a school that receives funds from the Department for the purpose of providing special education and related services to students with disabilities.

(g) (1) "Physical restraint" means the use of physical force, without the use of any device or material, to restrict the free movement of all or a portion of a student's body.

(2) "Physical restraint" does not include:

(i) Briefly holding a student in order to calm or comfort the student;

(ii) Holding a student's hand or arm to escort the student safely from one area to another;

(iii) Moving a disruptive student who is unwilling to leave the area when other methods such as counseling have been unsuccessful; or

(iv) Breaking up a fight in the school building or on school grounds.

(h) "Seclusion" means the confinement of a student in a locked room, closet, box, or other space from which the student is physically prevented from leaving.

§7–1102.

(a) The State Superintendent shall appoint a task force to propose regulations to the State Board regarding student behavior intervention practices.

(b) The task force shall consist of:

(1) Representatives of the Department;

(2) Representatives of local school systems, including teachers, administrators, school psychologists, and social workers;

(3) Representatives of advocacy communities;

(4) Representatives from nonpublic special education facilities; and

(5) Individuals with knowledge of and expertise in positive behavioral interventions.

(c) The task force shall consider:

(1) The circumstances under which, and the schools or types of schools in which, physical restraint, mechanical restraint, and seclusion shall be prohibited;

(2) The definitions of involuntary and other types of time out;

(3) The use of physical restraint, mechanical restraint, voluntary time out, and involuntary time out, including:

(i) The types of permissible and prohibited physical holds and mechanical restraints;

(ii) The size and characteristics of a time out room or other area; and

(iii) The amount of time and examples of circumstances under which students may be placed in physical restraint, voluntary time out, and involuntary time out;

(4) The circumstances under which review of a student's individualized education program would occur if restraints or involuntary time out are used with the student as a behavior intervention;

(5) The circumstances under which the special education evaluation process shall be initiated for students not in special education who are restrained or placed in involuntary time out as a behavior intervention;

(6) The circumstances under which a functional assessment and a behavior intervention plan will be conducted for the students described in items (4) and (5) of this subsection;

(7) Appropriate behavioral interventions, including but not limited to crisis intervention and prevention techniques;

(8) Definitions of "positive behavioral supports" and "behavior

interventions and strategies plan";

(9) How to document properly the need for and use of behavioral interventions with students, including notice requirements to parents;

(10) Training requirements for school staff regarding behavioral interventions, including the need to individualize behavioral interventions based on a student's behavioral, medical, and psychological history and disability characteristics;

(11) Minimum requirements for policies and procedures to be developed by local school systems, State operated programs, and nonpublic schools; and

(12) Standards for monitoring compliance by local school systems, State operated programs, and nonpublic schools with the requirements of this subtitle.

(d) The Department shall submit proposed regulations to the State Board of Education on or before December 31, 2002.

§7–1103.

Each local school system, State operated program, and nonpublic school shall develop policies and procedures in compliance with this subtitle and the regulations adopted by the Department.

§7–1104.

The State Superintendent shall consult with representatives of institutions of higher education and the Professional Standards and Teacher Education Board under Title 6, Subtitle 7 of this article with respect to the training requirements for teachers to ensure that sufficient training is available regarding positive behavioral interventions and strategies consistent with professionally accepted practices and standards for persons entering the field of education.

§7–1301.

(a) The definitions in § 1–101 of this article do not apply to the Interstate Compact set forth in § 7–1303 of this subtitle.

(b) In the Interstate Compact set forth in § 7–1303 of this subtitle, unless the context clearly requires otherwise, "article", "section", and "subsection" mean an article, section, and subsection, respectively, of the Interstate Compact.

§7–1302.

On behalf of this State, the Governor shall execute, with the other member states, the Interstate Compact substantially as it appears in § 7–1303 of this subtitle.

§7–1303.

The State of Maryland and other states, hereinafter "member states", hereby enter into an Interstate Compact, as set forth below, for the purpose of facilitating the timely enrollment and transfer of children of military families in elementary and secondary schools due to the frequent movement and deployment of their parents. This Interstate Compact shall be known and may be cited as the Interstate Compact on Educational Opportunity for Military Children.

ARTICLE I
PURPOSE

It is the purpose of this Compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district or variations in entrance or age requirements;

B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment;

C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;

D. Facilitating the on–time graduation of children of military families;

E. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this Compact;

F. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under this Compact;

G. Promoting coordination between this Compact and other compacts affecting military children; and

H. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.

ARTICLE II

DEFINITIONS

As used in this Compact, unless the context clearly requires a different construction:

A. "Active duty" means full–time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211;

B. "Children of military families" means school–aged children, enrolled in kindergarten through 12th grade, in the household of an active duty member;

C. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to Article VIII of this Compact;

D. "Deployment" means the period 1 month prior to the service members' departure from their home station on military orders through 6 months after return to their home station;

E. "Educational records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs;

F. "Extracurricular activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities;

G. "Interstate Commission on Educational Opportunity for Military Children" means the commission that is created under Article IX of this Compact, which is generally referred to as the Interstate Commission;

H. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through 12th–grade public educational institutions;

I. "Member state" means a state that has enacted this Compact;

J. "Military installation" means a base, camp, post, 1 station, yard, center, home port facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility that is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory. Such term does not include any facility used primarily for civil works, rivers, harbor projects, or flood control projects;

K. "Nonmember state" means a state that has not enacted this Compact;

L. "Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought;

M. "Rule" means a written statement by the Interstate Commission promulgated pursuant to Article XII of this Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule;

N. "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought;

O. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory;

P. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through 12th grade;

Q. "Transition" means:

1. The formal and physical process of transferring from school to school; or

2. The period of time in which a student moves from one school in the sending state to another school in the receiving state;

R. "Uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and public health services; and

S. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

ARTICLE III

APPLICABILITY

A. Except as otherwise provided in Section B, this Compact shall apply to the children of:

1. Active duty members of the uniformed services as defined in this Compact, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211;

2. Members or veterans of the uniformed services who are severely

injured and medically discharged or retired for a period of 1 year after medical discharge or retirement; and

3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of 1 year after death.

B. The provisions of this Interstate Compact shall only apply to local education agencies as defined in this Compact.

C. The provisions of this Compact shall not apply to the children of:

1. Inactive members of the National Guard and military reserves;

2. Members of the uniformed services now retired, except as provided in Section A;

3. Veterans of the uniformed services, except as provided in Section A; and

4. Other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

ARTICLE IV

EDUCATIONAL RECORDS AND ENROLLMENT

A. Unofficial or "hand–carried" educational records – In the event that official educational records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial educational records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial educational records pending validation by the official educational records as quickly as possible.

B. Official educational records/transcripts – Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official educational record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official educational records to the school in the receiving state within 10 days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

C. Immunizations – Compacting states shall give 30 days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunization(s)

required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within 30 days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

D. Kindergarten and first–grade entrance age – Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on the student's validated level from an accredited school in the sending state.

ARTICLE V

PLACEMENT AND ATTENDANCE

A. Course placement – When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses.

B. Educational program placement – The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in like programs in the sending state. Such programs include, but are not limited to:

1. Gifted and talented programs; and

2. English as a second language (ESL).

This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services –

1. In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on the

student's current Individualized Education Program (IEP).

2. In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A. Sections 12131–12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility – Local education agency administrative officials shall have flexibility in waiving course/program prerequisites or other preconditions for placement in courses/programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities – A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the Compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

ARTICLE VI

ELIGIBILITY

A. Eligibility for enrollment –

1. Special power of attorney relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

3. A transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent may continue to attend the school in which the child was enrolled while residing with the custodial parent.

B. Eligibility for extracurricular participation – State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

ARTICLE VII

GRADUATION

In order to facilitate the on–time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

A. Waiver requirements – Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required course work so that graduation may occur on time;

B. Exit exams –

1. States shall accept:

i. Exit or end–of–course exams required for graduation from the sending state;

ii. National norm–referenced achievement tests; or

iii. Alternative testing, in lieu of testing requirements for graduation in the receiving state; and

2. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her senior year, then the provisions of Article VII, Section C shall apply; and

C. Transfers during senior year – Should a military student transferring at the beginning or during his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this Compact, the member state shall use best efforts to facilitate the on–time graduation of the student in accordance with Sections A and B of this Article.

ARTICLE VIII

STATE COORDINATION

A. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the

state's participation in and compliance with this Compact and Interstate Commission activities. While each member state may determine the membership of its own state council, its membership must include at least the State Superintendent of Schools, a superintendent of a school district with a high concentration of military children, a representative from a military installation, one representative each from the legislative and executive branches of government, and representatives of other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

B. 1. The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this Compact.

2. In Maryland, the military family education liaison shall be located in the Maryland State Department of Education.

C. The Compact commissioner responsible for the administration and management of the state's participation in the Compact shall be appointed by the Governor in consultation with the State Superintendent of Schools.

D. The Compact commissioner and the military family education liaison designated herein shall be ex officio members of the state council, unless either is already a full voting member of the state council.

ARTICLE IX

INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

A. The member states hereby create the "Interstate Commission on Educational Opportunity for Military Children". The activities of the Interstate Commission are the formation of public policy and are a discretionary state function.

B. The Interstate Commission shall:

1. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this Compact; and

2. Consist of one Interstate Commission voting representative from each member state who shall be that state's Compact commissioner.

C. 1. Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

2. A majority of the total member states shall constitute a quorum for the transaction of business unless a larger quorum is required by the bylaws of the Interstate Commission.

3. A representative shall not delegate a vote to another member state. In the event the Compact commissioner is unable to attend a meeting of the Interstate Commission, the Governor or state council may delegate voting authority to another person from their state for a specified meeting.

4. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.

D. The Interstate Commission shall:

1. Consist of ex officio, nonvoting representatives who are members of interested organizations. Such ex officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel, and other interstate compacts affecting the education of children of military members;

2. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings;

3. Establish an executive committee, whose members shall include the officers of the Interstate Commission and such other members of the Interstate Commission as determined by the bylaws. Members of the executive committee shall serve a 1–year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. The executive committee shall oversee the day–to–day activities of the administration of the Compact including enforcement and compliance with the provisions of the Compact, its bylaws and rules, and other such duties as deemed necessary. The U.S. Department of Defense shall serve as an ex officio, nonvoting member of the executive committee;

4. Establish bylaws and rules that provide for conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests;

5. Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the Compact. The Interstate Commission and its committees may close a meeting, or portion thereof,

where it determines by two–thirds vote that an open meeting would be likely to:

i. Relate solely to the Interstate Commission's internal personnel practices and procedures;

ii. Disclose matters specifically exempted from disclosure by federal and state statute;

iii. Disclose trade secrets or commercial or financial information which is privileged or confidential;

iv. Involve accusing a person of a crime or formally censuring a person;

v. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

vi. Disclose investigative records compiled for law enforcement purposes; or

vii. Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding;

6. Cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, that is closed pursuant to this provision. The Interstate Commission shall keep minutes that shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission;

7. Collect standardized data when possible concerning the educational transition of the children of military families under this Compact as directed through its rules that shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules; and

8. Create a process that permits military officials, education officials, and parents to inform the Interstate Commission if and when there are alleged violations of the Compact or its rules or when issues subject to the jurisdiction of the Compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the Interstate Commission or any member state.

ARTICLE X

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

A. To provide for dispute resolution among member states;

B. To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this Compact. The rules shall have the force and effect of statutory law and shall be binding in the Compact states to the extent and in the manner provided in this Compact;

C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the Interstate Compact, its bylaws, rules, and actions;

D. To enforce compliance with the Compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;

E. To establish and maintain offices that shall be located within one or more of the member states;

F. To purchase and maintain insurance and bonds;

G. To borrow, accept, hire, or contract for services of personnel;

H. To establish and appoint committees, including but not limited to an executive committee as required by Article IX, Section D, that shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder;

I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, determine their qualifications, and to establish the Interstate Commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;

J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of them;

K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed;

L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

M. To establish a budget and make expenditures;

N. To adopt a seal and bylaws governing the management and operation of the Interstate Commission;

O. To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission;

P. To coordinate education, training, and public awareness regarding the Compact, its implementation, and operation for officials and parents involved in such activity;

Q. To establish uniform standards for the reporting, collecting, and exchanging of data;

R. To maintain corporate books and records in accordance with the bylaws;

S. To perform such functions as may be necessary or appropriate to achieve the purposes of this Compact; and

T. To provide for the uniform collection and sharing of information between and among member states, schools, and military families under this Compact.

ARTICLE XI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact, including but not limited to:

1. Establishing the fiscal year of the Interstate Commission;

2. Establishing an executive committee and such other committees as may be necessary;

3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;

4. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission and ensuring reasonable notice of each such meeting;

5. Establishing the titles and responsibilities of the officers and staff of the Interstate Commission;

6. Providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of the Compact after the payment and reserving of all of its debts and obligations; and

7. Providing "start–up" rules for initial administration of the Compact.

B. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice–chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice–chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission, provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.

C. Executive Committee, Officers, and Personnel –

1. The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to:

i. Managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission;

ii. Overseeing an organizational structure within, and appropriate procedures for the Interstate Commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

iii. Planning, implementing, and coordinating communications and activities with other state, federal, and local government organizations in order to advance the goals of the Interstate Commission.

2. The executive committee may, subject to the approval of the Interstate Commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a member of the Interstate Commission. The executive director shall hire and supervise such other persons as may be authorized by the Interstate Commission.

D. The Interstate Commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities, provided that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

1. The liability of the Interstate Commission's executive director and employees or Interstate Commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

2. The Interstate Commission shall defend the executive director and its employees and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

3. To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. Rulemaking Authority. The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this Compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this Act, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force and effect.

B. Rulemaking Procedure. Rules shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act" of 1981, Uniform Laws Annotated, Vol. 15, p.1 (2000), as amended, as may be appropriate to the operations of the Interstate Commission.

C. Judicial Review. Not later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate Commission's authority.

D. Rejection of Rules. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any compacting state.

ARTICLE XIII

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

A. Oversight.

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this Compact that may affect the powers, responsibilities, or actions of the Interstate Commission.

3. The Interstate Commission shall be entitled to receive all service of process in any such proceeding and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this Compact, or its promulgated rules.

B. Default, Technical Assistance, Suspension and Termination. If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or its bylaws or promulgated rules, the Interstate Commission shall:

1. Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default; and

2. Provide remedial training and specific technical assistance regarding the default.

C. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the Compact upon an affirmative vote of a majority of the member states and all rights, privileges, and benefits conferred by this Compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

D. Suspension or termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the Governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

E. The state that has been suspended or terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination.

F. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or that has been suspended or terminated from the Compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

G. The defaulting state may appeal the action of the Interstate Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

H. Dispute Resolution.

1. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes that are subject to the Compact and that may arise among member states and between member and nonmember states.

2. The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

I. Enforcement.

1. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws, against a member

state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.

ARTICLE XIV

FINANCING OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

B. The Interstate Commission may levy and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff that must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

C. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the Interstate Commission pledge the credit of any of the member states, except by and with the authority of the member state.

D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE XV

MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

A. Any state is eligible to become a member state.

B. The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than ten of the states. The effective date shall be no earlier than December 1, 2007. Thereafter it shall become effective and binding as to any other member state upon enactment of the Compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to

adoption of the Compact by all states.

C. The Interstate Commission may propose amendments to the Compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XVI

WITHDRAWAL AND DISSOLUTION

A. Withdrawal.

1. Once effective, the Compact shall continue in force and remain binding upon each and every member state, provided that a member state may withdraw from the Compact by specifically repealing the statute which enacted the Compact into law.

2. Withdrawal from this Compact shall be by the enactment of a statute repealing the same, but shall not take effect until 1 year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other member jurisdiction.

3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this Compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including obligations the performance of which extend beyond the effective date of withdrawal.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the Compact or upon such later date as determined by the Interstate Commission.

B. Dissolution of Compact.

1. This Compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the Compact to one member state.

2. Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force and effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVII

SEVERABILITY AND CONSTRUCTION

A. The provisions of this Compact shall be severable and, if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

B. The provisions of this Compact shall be liberally construed to effectuate its purposes.

C. Nothing in this Compact shall be construed to prohibit the applicability of other Interstate Compacts to which the states are members.

ARTICLE XVIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other Laws.

1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this Compact.

2. All member states' laws conflicting with this Compact are superseded to the extent of the conflict.

B. Binding Effect of the Compact.

1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

2. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

3. In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

§7–1401.

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

(b) "Sponsor" means the Department or a county school board, having a fiduciary responsibility for the operation of the virtual school.

(c) "Virtual school" means a public school established by the Department or by a county board under § 4–109 of this article in which the school uses technology to deliver a significant portion of instruction to its students via the Internet in a virtual

or remote setting.

§7–1402.

(a) Subject to the approval of the Department, a county board may establish a virtual school.

(b) A virtual school is subject to all applicable federal and State laws and regulations governing the operation of a public school.

(c) A student who is eligible for enrollment in a public school in the State may enroll in a virtual school.

§7–1403.

(a) A virtual school shall provide each enrolled student:

(1) Access to a sequential curriculum approved by the State Board that meets or exceeds the standards adopted by the county board in the county of the virtual school's principal place of business;

(2) The same length of time for learning opportunities per academic year that is required for public school students, unless the virtual school can show that a student has demonstrated mastery or completion of the subject area; and

(3) Regular assessment in the core areas of instruction as required by regulations adopted by the State Board under § 7–1408 of this subtitle.

(b) A curriculum adopted under subsection (a) of this section shall have an interactive program with significant online components.

§7–1404.

(a) A virtual school shall provide to the parent or guardian of each enrolled student:

(1) Instructional materials, including software; and

(2) Information on the closest public facility that offers access to a computer, printer, and Internet connection.

(b) A virtual school may not provide funds for the purchase of instructional programs or materials to a student or to a student's parent or guardian.

§7–1405.

A teacher employed by a virtual school shall have a teacher's certificate issued by the State Superintendent under Title 6 of this article.

§7–1406.

A virtual school shall maintain an administrative office in the State that shall be considered its principal place of business.

§7–1407.

A virtual school shall be evaluated each year by its sponsor based on the following criteria:

(1) The extent to which the school demonstrates increases in student achievement according to county and State academic standards; and

(2) The accountability and viability of the virtual school, as demonstrated by its academic, fiscal, and operational performance.

§7–1408.

The State Board shall adopt regulations to carry out the provisions of this subtitle, including establishing minimum criteria for the establishment and approval of a virtual school.

§7–1501.

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

(b) "Center" means the Maryland Center for School Safety.

(c) "Governing Board" means the Governing Board of the Maryland Center for School Safety.

§7–1502.

(a) There is a Maryland Center for School Safety.

(b) The Center is an independent unit within State government.

(c) The Center shall be based at Bowie State University.

(d) The head of the Center is the executive director, who shall be appointed by the Governing Board.

(e) The Center may employ the additional staff necessary to carry out the Center's functions as provided in the State budget.

(f) The Center may establish a satellite office at an institution of higher education located in each of the following regions:

(1) The Eastern Shore;

(2) Western Maryland; and

(3) The Baltimore Region.

(g) The Center shall perform the following functions and duties:

(1) Collaborate with local school systems in the State, law enforcement agencies, State and local government, community organizations, parents, and other stakeholders to provide a comprehensive, coordinated approach to school safety;

(2) In partnership with stakeholders:

(i) Disseminate information on best practices, programs, and resources;

(ii) Provide technical assistance and training;

(iii) Collaborate on collection, analysis, and integration of statewide data; and

(iv) Promote interagency efforts that support safe schools for all students, school staff, parents, and community members;

(3) Establish a Safe School Information and Best Practices Clearinghouse of up–to–date, research–based, and data–driven information on effective strategies for creating and maintaining safe schools;

(4) Identify safe school professional staff development best practices;

(5) Initiate collaborative partnerships and facilitate coordination among local school systems, law enforcement agencies, State and local government, and community organizations to leverage existing resources to deliver school safety services uniformly to local school systems;

(6) Provide technical assistance and consultation to local school systems, State and local government, and community organizations on best practices for safe schools and violence prevention;

(7) Develop a Web site containing a searchable database of definitive research, books, videos, white papers, speakers, Web sites, and other school safety resources;

(8) Develop criteria that may be applied consistently and uniformly in local school systems for coding unsafe incidents and serious or violent offenses;

(9) Research and recommend the use of common assessment tools to be used to identify specific problems and needs of schools and neighborhoods to facilitate intervention before assessed findings become problematic;

(10) Assist local school systems to conduct a thorough assessment of their school safety data, school building layouts, and use of human resources for monitoring purposes to determine the need for:

(i) Surveillance and other security technology; and

(ii) Innovations to maximize the use of human resources to monitor activity and influence positive relationship building;

(11) Maintain and maximize relationships with emergency responders, law enforcement personnel, parents, and other emergency preparedness stakeholders to ensure seamless execution in an emergency event, including:

(i) Consolidate resources among stakeholders to maximize support and secure necessary skills to ensure emergency plan implementation;

(ii) Conduct collaborative training and preparation exercises; and

(iii) Identify improvements and ensure nonduplication of effort in emergency response procedures;

(12) Provide safety information on traveling to and from school to parents and students twice a year that includes data related to bus and pedestrian safety, strategies for ensuring personal safety, efforts of the local school system or school to improve safety, and information on the available options for reporting incidents or concerns;

(13) Utilize and update an existing clearinghouse of law enforcement resources that are available to support school safety to ensure that it includes information regarding the purpose and process for accessing available funding;

(14) Assist local school systems to improve and monitor traffic control measures in the immediate vicinity of schools to reduce the potential for pedestrian and vehicle accidents;

(15) Assist the Department to evaluate and update current data systems to ensure they are best suited for providing useful information on school safety issues;

(16) Assist local school systems to monitor local school system and individual school behavior data to ensure fairness in the application of consequences for student misbehavior;

(17) Assist the Department and local school systems:

(i) To prepare an annual report that combines multiple school safety data systems into one format for public review; and

(ii) To incorporate new data points into existing data collection

systems;

(18) Assist in the development of safety and security criteria for the design and operation of school facilities;

(19) Provide technical assistance to local school systems in the review of safety and security audits and the implementation of improvements in school facilities; and

(20) Foster coordination among all entities responsible for ensuring the safety and security of school facilities in the State.

§7–1503.

(a) There is a Governing Board of the Center.

(b) The Governing Board shall include the following members:

(1) The State Superintendent, or the State Superintendent's designee;

(2) The Secretary of State Police, or the Secretary's designee;

(3) The Attorney General, or the Attorney General's designee;

(4) The Secretary of the Department of Disabilities, or the Secretary's designee;

(5) A representative of local superintendents of schools, appointed by the Public School Superintendents' Association of Maryland;

(6) A representative of the Maryland Association of Boards of Education, appointed by the Association;

(7) A school psychologist or sociologist, appointed by the State Superintendent of Schools; and

(8) Four members of the public, including at least a parent of a public school student, a representative of a nonpublic school, and a representative of school bus drivers, appointed by the Governor with the advice and consent of the Senate.

(c) The Governor shall appoint a chair of the Governing Board from among its members.

(d) A member appointed by the Governor:

(1) Serves at the pleasure of the Governor;

(2) Serves for a term of 3 years and until a successor is appointed and qualifies; and

(3) May be reappointed but may not serve more than two consecutive terms.

(e) A member of the Governing Board:

(1) May not receive compensation as a member of the Governing Board; but

(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Governing Board shall:

(1) Develop an implementation plan to phase in the establishment and operation of the Center;

(2) Provide general oversight and direction to the Center; and

(3) Approve the annual budget for the Center.

§7–1504.

(a) The Governor shall provide $500,000 in the annual State budget to carry out the provisions of this subtitle.

(b) Subject to subsection (c) of this section, the operation of the Center shall be supported by:

(1) Funds as provided by the Governor in the annual State budget;

(2) Grants or other assistance from local education agencies;

(3) Federal grants; and

(4) Any other grants or contributions from public or private entities received by the Center.

(c) The Governing Board shall distribute 10% of each grant received by the Center as follows:

(1) If the grant is designated for the Center, in equal amounts to Bowie State University and, if satellite offices are established under § 7–1502(f) of this subtitle, the institutions of higher education where satellite offices are located;

(2) If the grant is designated for the Center office at Bowie State University or for a satellite office, to the institution of higher education where the designated office is located; or

(3) If the grant is designated for a combination of Center offices, to the

institutions of higher education where the designated offices are located.

§7–1505.

(a) The Governing Board shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on or before December 15 of each year.

(b) The report shall include:

(1) A list of all the activities of the Center; and

(2) An update on the current status and effectiveness of the Center.

§7–1601.

In this subtitle, "Council" means the State Early Childhood Advisory Council.

§7–1602.

(a) There is a State Early Childhood Advisory Council in the Department.

(b) The purposes of the Council are to:

(1) Coordinate efforts among early childhood care and education programs;

(2) Conduct needs assessments concerning early childhood education and development programs; and

(3) Develop a statewide strategic report regarding early childhood education and care.

§7–1603.

(a) The Council consists of the following members:

(1) One member of the Senate of Maryland, appointed by the President of the Senate;

(2) One member of the House of Delegates, appointed by the Speaker of the House;

(3) The State Superintendent of Schools, or the Superintendent's designee;

(4) The Secretary of Health and Mental Hygiene, or the Secretary's designee;

(5) The Director of the Head Start State Collaboration, or the Director's designee;

(6) The Executive Director of the Governor's Office for Children, or the Executive Director's designee;

(7) The Assistant State Superintendent of the Division of Early Childhood Development, or the Assistant State Superintendent's designee;

(8) The Director of the Office of Child Care within the Division of Early Childhood Development, or the Director's designee;

(9) The Assistant State Superintendent of the Division of Special Education/Early Intervention Services, or the Assistant State Superintendent's designee;

(10) The following members, appointed by the Governor:

(i) One representative of a local education agency;

(ii) One representative of an institution of higher education in the State;

(iii) One representative of the Maryland State Child Care Association;

(iv) One representative of the Maryland State Family Child Care Association;

(v) One representative of the Maryland Association for the Education of Young Children;

(vi) One representative of the Maryland School Age Child Care Alliance;

(vii) One representative of a nonpublic prekindergarten provider;

(viii) One representative of a Head Start agency in the State;

(ix) One representative of a local management board;

(x) One representative of the State Interagency Coordinating Council;

(xi) One representative of the Ready at Five Partnership;

(xii) One representative of the Maryland Parent Teacher Association;

(xiii) One representative of the Maryland Library Association;

(xiv) One representative of the business community with demonstrated leadership in early childhood care and education;

(xv) One representative of the Maryland Family Network;

(xvi) One representative of the Office of Child Care Advisory Council;

(xvii) One representative of the Maryland State Education Association;

(xviii) One representative of the Service Employees International Union;

(xix) One representative of the Department of Disabilities;

(xx) One representative of the Social Services Administration of the Department of Human Resources;

(xxi) One representative of a philanthropic institution;

(xxii) One representative of the Maryland Association of Elementary School Principals;

(xxiii) One representative of a local government agency that provides services to children;

(xxiv) One representative of a local Community Action Agency;

(xxv) One representative of the Maryland Chapter of the American Academy of Pediatrics;

(xxvi) One representative who provides school health services to children;

(xxvii) One representative of the Maryland Developmental Disabilities Council;

(xxviii) One representative of the Maryland Council for American Private Education;

(xxix) One representative from the Maryland Association of Boards of Education;

(xxx) One representative from the Home Visiting Alliance; and

(xxxi) One representative who advocates for homeless children; and

(11) One ex–officio member, appointed by the Council.

(b) (1) A member appointed by the Governor shall serve at the pleasure of the Governor for staggered 4–year terms.

(2) A member may serve up to two consecutive 4–year terms.

(3) A member selected to fill a vacancy serves only for the balance of the term remaining at the time of appointment.

§7–1604.

(a) The Governor shall designate the chair of the Council.

(b) The Department shall provide staff for the Council.

(c) A member of the Council:

(1) May not receive compensation as a member of the Council; but

(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

§7–1605.

(a) The Council shall meet at least three times per calendar year.

(b) Meetings shall be:

(1) Open to the general public;

(2) Held in a place accessible to the general public; and

(3) Announced in advance.

(c) Minutes shall be kept of all Council meetings.

§7–1606.

The Council may adopt procedures and bylaws as necessary to ensure the orderly transaction of business.

§7–1607.

(a) A member of the Council appointed by the Governor who fails to attend at least 50% of the regularly scheduled meetings of the Council during any consecutive 12–month period shall be considered to have resigned.

(b) (1) On or before January 15 of each calendar year, the chair of the Council shall forward to the Governor:

(i) The name of any member considered to have resigned under subsection (a) of this section; and

(ii) A statement describing the member's history of attendance during the preceding 12–month period.

(2) Except as provided in paragraph (3) of this subsection, after receiving the chair's notice, the Governor shall appoint a successor for the remainder of the term of the resigning member.

(3) If a member has been unable to attend meetings for reasons satisfactory to the Governor, the Governor may waive the resignation.

§7–1608.

(a) The Council shall:

(1) Conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and services for children from birth to school entry, including:

(i) The availability of high–quality prekindergarten services for low–income children in the State;

(ii) Health–related barriers to school readiness and early childhood educational success; and

(iii) An assessment of the availability of high–quality early childhood education and development programs that serve children with and without disabilities together;

(2) Identify opportunities for, and barriers to, collaboration and coordination among federally funded and State–funded child development, child care, and early childhood education programs;

(3) Assess the capacity and effectiveness of 2–year and 4–year public and private institutions of higher education in the State toward supporting the development of early childhood educators, including the extent to which the institutions have articulation agreements, professional development and career advancement plans, and practice or internships for students to spend time in a Head Start or prekindergarten program;

(4) Make recommendations:

(i) For increasing the overall participation of children in existing federal, State, and local child care and early childhood education programs, including outreach to underrepresented and special populations;

(ii) Regarding the establishment of a unified data collection system for public early childhood education and development programs and services throughout the State;

(iii) Regarding statewide professional development and career advancement plans for early childhood educators in the State; and

(iv) For improvements to State early learning standards and how to undertake efforts to develop high–quality comprehensive early learning standards, as appropriate;

(5) Hold public hearings and provide an opportunity for public comment on the activities described in items (1) through (4) of this subsection; and

(6) Perform any other duties that may be requested by the Governor.

(b) (1) On or before December 1, 2015, the Council shall submit to the Governor, the State Superintendent of Schools, and, in accordance with § 2–1246 of the State Government Article, the General Assembly, a statewide strategic report on the activities described in subsection (a)(1) through (4) of this section.

(2) After submission of the report required under paragraph (1) of this subsection, the Council shall continue to meet periodically to review implementation of the report's recommendations and any changes in State and local needs after submission of the report.

§8–101.

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

(b) "Disadvantaged child" means a child who:

(1) Because of environmental conditions, is not achieving at a level that is scholastically up to his potential abilities;

(2) Has to compensate for his inability to profit from the normal educational program;

(3) Is 3 years old or older and under 19 and has not graduated from high school;

(4) Has the potential to complete successfully a regular educational program leading to graduation from a high school; and

(5) Because of home and community environment, is subject to language, cultural, and economic disadvantages that make his completion of the regular program leading to graduation unlikely without special efforts by school authorities to provide stimulation of his potential in addition to the efforts involved in providing the regular

educational programs.

(c) "Program of compensatory education" means a program adopted by a county board for any of the grades prekindergarten through 12 that:

(1) Is in the form required by this subtitle;

(2) Supplements the regular educational programs of the county board;

(3) Includes a plan for the identification of disadvantaged children; and

(4) Has the purpose of providing stimulation of the intellectual abilities of disadvantaged children.

§8–102.

To the extent that funds are provided in the State budget or are available from other sources, the State Board may establish programs of compensatory education of the following types:

(1) New or modified teacher training curricula to incorporate instruction in methods and techniques:

(i) Developed by competent authorities; and

(ii) Designed to enable teachers to identify and teach disadvantaged children effectively;

(2) Research and consultative projects undertaken to assist State agencies and the county boards in carrying out their responsibilities under this subtitle; and

(3) Evaluation, demonstration, and distribution of findings that are related to programs of compensatory education independently or in cooperation with any public or private agency or organization that engages in research and development designed to overcome disadvantage.

§8–103.

The State Superintendent shall:

(1) Supervise and control each program of compensatory education provided in this State;

(2) Take any action necessary to coordinate these programs;

(3) Approve or disapprove, as may be appropriate, each county program application; and

(4) Provide technical and consultative assistance to the county boards.

§8–104.

(a) The State Board shall establish standards to guide county boards in applying for:

(1) Any State funds that are provided in the State budget specifically for the purposes of this subtitle; and

(2) Funds provided under the federal Elementary and Secondary Education Act of 1965.

(b) These standards apply to the extent that they do not conflict with the federal Elementary and Secondary Education Act of 1965 or regulations adopted under that Act.

§8–105.

Each county board that applies for State funds under this subtitle shall include a comprehensive compensatory education plan in its application that:

(1) Emphasizes a preventive program aimed at disadvantaged or potentially disadvantaged children; and

(2) Has as an ultimate goal:

(i) Teaching disadvantaged or potentially disadvantaged children to read;

(ii) Awakening their interest in learning;

(iii) Giving them a sense of success in school achievement;

(iv) Preventing their alienation from the school; and

(v) Preventing their early departure from school.

§8–106.

State funds to assist in developing and implementing the programs authorized under this subtitle may be provided in the State budget.

§8–107.

A child who participates in a program of compensatory education under this subtitle also may participate in any other potentially beneficial program that is offered in the public schools or otherwise.

§8–201.

In this subtitle, "gifted and talented student" means an elementary or secondary student who is identified by professionally qualified individuals as:

(1) Having outstanding talent and performing, or showing the potential for performing, at remarkably high levels of accomplishment when compared with other students of a similar age, experience, or environment;

(2) Exhibiting high performance capability in intellectual, creative, or artistic areas;

(3) Possessing an unusual leadership capacity; or

(4) Excelling in specific academic fields.

§8–202.

The General Assembly finds that:

(1) A gifted and talented student needs different services beyond those normally provided by the regular school program in order to develop the student's potential; and

(2) Gifted and talented students are to be found in youth from all cultural groups, across all economic strata, and in all areas of human endeavor.

§8–203.

The State Board shall encourage each county board to develop and implement programs for gifted and talented students.

§8–204.

To the extent funds are provided in the State budget or are available from other sources, the State Board shall provide guidance, consultative and technical assistance, and fiscal support for programs that include:

(1) Teacher training to incorporate instruction in methods and techniques that are designed to enable teachers to identify and teach gifted and talented students;

(2) Research undertaken to help develop new or modified curricula for gifted and talented students; and

(3) Evaluation, demonstration, and distribution of findings that are related to programs for gifted and talented students.

§8–301.

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

(b) "Blind child" means a child 6 years old or older and under 19 who has a visual impairment and because of that impairment cannot progress satisfactorily in an ordinary public or private school.

(c) "Deaf child" means a child 6 years old or older and under 19 who has a hearing impairment and because of that impairment cannot progress satisfactorily in an ordinary public or private school.

§8–302.

(a) This section does not apply to a child whose physical condition makes his instruction under this section inexpedient or impracticable.

(b) Each deaf or blind child shall attend a school or classes for the deaf or blind 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.

(c) A superintendent or principal of a school for the deaf or blind or an individual authorized by a superintendent or principal may excuse a deaf or blind child for a necessary absence.

(d) Each person who has a deaf or blind child under his control shall see that the child attends school or receives instruction as required by this section.

§8–303.

The Department, each county board, the Maryland School for the Deaf, and the Maryland School for the Blind shall work together to meet the educational needs of deaf and blind children.

§8–304.

(a) There is a Maryland School for the Deaf.

(b) The governance of the Maryland School for the Deaf is vested in the Board of Trustees of the Maryland School for the Deaf.

(c) (1) The Board of Trustees shall consist of 19 members appointed by the Governor with the advice and consent of the Senate.

(2) Of the 19 members, at least 6 members shall be deaf.

(3) Each member of the Board shall:

(i) Be a resident of the State;

(ii) Be a member of the general public; and

(iii) Have demonstrated an active interest in the education of deaf children.

(4) Each geographic region of the State shall be represented by at least 1 member of the Board.

(d) (1) The term of a member is 6 years.

(2) The terms of the members are staggered as required by the terms provided for the members of the Board on October 1, 1992.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member may not serve more than 2 consecutive terms.

(e) The Board may:

(1) Apply for, accept, and spend any gift or grant from the federal government, any foundation, or any other person; and

(2) Maintain, manage, and invest any gifts or grants that it accepts.

(f) The Board shall establish an annual operating budget.

(g) (1) There is a branch of the Maryland School for the Deaf.

(2) This branch shall be located near the population center of this State.

(3) The branch shall be administered and operated as part of and is subject to the Maryland School for the Deaf.

(h) (1) The Maryland School for the Deaf shall adopt written standards for the admission of students.

(2) The standards shall define and distinguish between students who are bona fide Maryland residents and those who are out-of-state students, for purposes of admission and tuition.

(i) The Maryland School for the Deaf shall admit free of charge students who:

(1) Are bona fide Maryland residents; and

(2) Meet its admission standards.

(j) (1) The Maryland School for the Deaf may admit for tuition out-of-state students who meet its admission standards.

(2) The School shall establish tuition rates on an annual basis.

§8–305.

Each local education agency in the State shall notify the parents or guardians of each hearing impaired child of the availability of the educational programs offered by the Maryland School for the Deaf.

§8–306.

(a) The Maryland School for the Blind shall adopt written standards for the admission and dismissal of students.

(b) The standards and any amendments shall be submitted to the State Board for approval under § 2-206 of this article.

(c) The State Board may require modifications to the standards as it considers necessary.

§8–307.

(a) If the Maryland School for the Blind refuses to admit a child or dismisses a child, a parent or guardian of the child may make a written request to the Office of Administrative Hearings that a review be conducted to determine if the decision was appropriate.

(b) A review shall be conducted pursuant to the provisions of § 8-413 of this title.

§8–307.1.

Each local education agency in the State shall notify the parents or guardians of each blind or visually impaired child, including children with multiple disabilities, of the availability of the educational programs offered by the Maryland School for the Blind.

§8–308.

Under § 2-206 of this article, the Maryland School for the Deaf and the Maryland School for the Blind shall keep the State Board fully informed as to the educational program and administrative policies of the schools under their jurisdiction.

§8–309.

Teachers and any other professional personnel at the Maryland School for the Blind shall be paid an annual salary that is at least equal to the salary received by public school teachers and professional personnel of similar training and experience in

the county in which the school is located.

§8–310.

(a) (1) Each county board shall pay the Maryland School for the Blind an amount equal to the local share of the basic cost, as defined in § 8-415(d)(1) of this title, for each blind child who is sent to the school from the county each year to support the cost of instructional programming.

(2) Each county governing body shall include a child sent to the Maryland School for the Blind under paragraph (1) of this subsection in the full-time equivalent enrollment used for calculating the required local funds appropriated under § 5-202(d) of this article.

(b) The Board of Directors of the Maryland School for the Blind shall give each county board on April 1 and October 1 of each year a statement that contains:

(1) The number of blind children who are attending from the county; and

(2) The name of each blind child from the county and charged to the county.

§8–310.1.

(a) The Maryland School for the Deaf shall establish and operate a program of enhanced services for deaf students who have other moderate to severe disabilities.

(b) The Maryland School for the Deaf shall include a description of the program in the written agreement with the Department of Education required under § 8-310.2 of this subtitle.

(c) The costs of providing enhanced services to a child under the program shall be paid to the school and be provided jointly by the State and by the county in which the child is domiciled as provided in subsection (d) of this section.

(d) (1) The child shall be jointly placed in the enhanced program, in accordance with procedures for students with disabilities, by the local school system and the Maryland School for the Deaf.

(2) The county in which a child placed in the enhanced program is domiciled shall pay the local share of the "basic cost", as defined in § 8-415(d)(1) of this title, of the education for that child.

(3) The State shall pay the remaining cost of providing services under the program to the child.

§8–310.2.

(a) The Department of Education and the Maryland School for the Deaf shall enter into a written agreement.

(b) The agreement shall provide for monitoring and review by the Department of the Maryland School for the Deaf, including:

(1) Review by the Department of the annual budget approved by the Board of the Maryland School for the Deaf;

(2) Monitoring by the Department of the Maryland School for the Deaf's program of enhanced services for deaf students who have other moderate to severe disabilities, including the criteria approved by the Board of the Maryland School for the Deaf for the admission of students to the program;

(3) Consultation between the Department and the Maryland School for the Deaf on issues of deaf education;

(4) Assistance from the Department in developing agreements between the Maryland School for the Deaf and local school systems and other State and local agencies for provision of services to deaf children; and

(5) Monitoring by and assistance from the Department regarding other aspects of the Maryland School for the Deaf's educational program and services to deaf children as required by federal or State law.

(c) (1) The Maryland School for the Deaf may enter into written agreements with State and local agencies, including local school systems, for the purpose of providing services to deaf children.

(2) This subsection in no way abrogates the obligation of the local school systems to provide alternative programs for deaf and hard of hearing students.

§8–310.3.

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

(2) "Four-year average annual full-time equivalent enrollment" means:

(i) The average number of students enrolled annually in grades prekindergarten through grade 12 at the Maryland School for the Deaf during 4 consecutive school years as determined by dividing the aggregate monthly enrollment during the 4-year period by the number of months school is in session during the 4-year period; and

(ii) One-half the average number of children served annually by the Maryland School for the Deaf's Early Intervention Program during 4 consecutive school

years as determined by dividing the Program's aggregate monthly enrollment during the 4-year period by the number of months school is in session during the 4-year period.

(3) "Growth in the per pupil basic current expense figure" means the change in the per pupil basic current expense figure from the prior fiscal year to the current fiscal year divided by the per pupil basic current expense figure from the prior fiscal year.

(4) "Per pupil basic current expense figure" means the figure calculated for each fiscal year by the Department in accordance with § 5-202 of this article.

(5) "Weighted enrollment growth" means the product of 0.2 times the change in the 4-year average annual full-time equivalent enrollment from the 3rd through the 6th prior school years to the 2nd through the 5th prior school years divided by the 4-year average annual full-time equivalent enrollment from the 3rd through the 6th prior school years.

(b) (1) Except as provided in paragraph (2) of this subsection, the Maryland School for the Deaf shall receive an appropriation equal to or greater than the sum of:

(i) 75% of the prior year appropriation multiplied by the product of:

1. The sum of the weighted enrollment growth plus one; and

2. The sum of the growth in the per pupil basic current expense figure plus one; and

(ii) 25% of the prior year appropriation multiplied by the sum of the weighted enrollment growth plus one.

(2) The minimum appropriation required under paragraph (1) of this subsection may be reduced to the extent reductions are made to the administrative expenses of the Maryland School for the Deaf.

§8–311.

(a) Any person who has a deaf or blind child under his control and who violates any provision of § 8–302 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $5 for each offense.

(b) Any person who induces or attempts to induce a deaf or blind child to absent himself unlawfully from school, or who employs or harbors a deaf or blind child who is absent unlawfully from school, while the school is in session, is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50 for each offense.

(c) (1) Before a State's Attorney enforces this section, the State's Attorney shall have the child examined by two physicians to determine whether the child is unable to progress satisfactorily on account of the child's hearing or sight impairment

or from some other cause.

(2) One of the physicians shall be an appropriate specialist.

(3) If the examination by the physicians indicates that the failure to progress satisfactorily in school is due to a hearing or sight impairment, the State's Attorney shall enforce the provisions of this section.

(4) These medical examinations shall be paid for by the county in which the child who is examined resides.

§8–313.

(a) There shall be a single, uniform pay plan for teachers and other professional personnel at the campuses of the Maryland School for the Deaf. The pay plan shall be established by the Secretary of Budget and Management after considering recommendations from the Board of Trustees of the Maryland School for the Deaf. The Secretary shall include in the pay plan classifications and pay grades based on the duties, responsibilities, education, and training required.

(b) In determining its recommendations for the pay plan, the Board of Trustees, in consultation with the faculty and staff of the School for the Deaf, shall review the salaries of public school teachers and other professional personnel in Frederick and Howard counties and shall recommend to the Secretary of Budget and Management salaries that will be adequate to recruit and retain qualified teachers and professional personnel at the Maryland School for the Deaf.

(c) The Board of Trustees shall provide their recommendations to the Secretary of Budget and Management on or before the June 1 prior to the July 1 of the first fiscal year in which the pay plan will take effect.

(d) Beginning with the third fiscal year the pay plan is in effect and in every third fiscal year thereafter, the Secretary of Budget and Management shall adjust the pay plan if necessary, to ensure that salaries in the pay plan are adequate to recruit and retain qualified educators and other professional personnel.

(e) On or before the September 1 preceding the beginning of the fiscal year for which adjustments to the pay plan may be made under this subsection, the Board of Trustees of the Maryland School for the Deaf shall review the salaries of public school teachers and other professional personnel in Frederick and Howard counties and shall recommend adjustments to the pay plan to the Secretary of Budget and Management.

(f) The Secretary of Budget and Management shall review the recommendations of the Board of Trustees prior to making adjustments to the pay plan authorized by this Act.

(g) The Secretary of Budget and Management shall incorporate these adjustments into the budget recommendations for the Governor's review and approval

for inclusion in the annual budget request.

§8–314.

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

(2) "Board" means the Board of Directors of the Maryland School for the Blind.

(3) "Superintendent" means the State Superintendent of Schools.

(b) The Maryland School for the Blind, a body corporate of the State the charter of which was established on May 19, 1853, shall be governed by the Board.

(c) (1) The Board consists of 25 members.

(2) Of the 25 members of the Board:

(i) Subject to confirmation by the Senate of Maryland, five members, including one member of the Senate of Maryland and one member of the Maryland House of Delegates, shall be appointed jointly by the Governor and the Superintendent, with recommendations from the Chairman of the Board; and

(ii) 20 members shall be elected according to the charter and bylaws of the Maryland School for the Blind.

(3) (i) The term of a member is 3 years.

(ii) No member of the Board appointed after June 1, 1999, except the Chairman, may be reappointed for more than 2 additional terms.

(iii) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(iv) Any vacancy shall be filled in the same manner in which the vacating member was appointed.

§8–315.

(a) The Maryland School for the Blind shall establish and operate a program of enhanced services for blind students who have other severe disabilities.

(b) The Maryland School for the Blind shall include a description of the program in the written agreement with the Department of Education required under § 8-316 of this subtitle.

(c) The costs of providing enhanced services to a child under the program shall be shared by the State and by the county in which the child is domiciled as provided in subsection (d) of this section.

(d) (1) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, the Department, in consultation with the Maryland School for the Blind, shall determine on an individual basis those students who are eligible for the enhanced program described in this section.

(ii) Students served in the enhanced program shall be students who are at risk of requiring nonpublic placement in an out-of-state special education facility, including students who are blind/deaf or students with other severe and multiple disabilities.

(iii) For fiscal year 1999, the number of students enrolled in the enhanced program shall not exceed 20 Maryland students.

(2) (i) The county in which a child placed in the enhanced program is domiciled shall pay the local share of the "basic cost", as defined in § 8-415(d)(1) of this title, of the education for that child.

(ii) A county which pays the local share of the "basic cost" as provided in subparagraph (i) of this paragraph shall not pay the tuition required in § 8-310 of this subtitle.

(3) (i) Subject to subparagraph (ii) of this paragraph, the State shall pay the cost of serving a student in the enhanced program based on an individual cost sheet completed by the Department for each student enrolled in the program.

(ii) For fiscal year 1999, the State's share of the total cost of the enhanced program shall not exceed $750,000.

§8–316.

(a) The Department of Education and the Maryland School for the Blind shall enter into a written agreement.

(b) The agreement shall provide for monitoring and review by the Department of the Maryland School for the Blind, including:

(1) Review by the Department of the annual budget approved by the Board of the Maryland School for the Blind;

(2) Monitoring by the Department of the Maryland School for the Blind's program of enhanced services for blind students who have severe disabilities, including the criteria approved by the Board of the Maryland School for the Blind for the admission of students to the program;

(3) Consultation between the Department and the Maryland School for the Blind on issues of blind education;

(4) Assistance from the Department in developing agreements between

the Maryland School for the Blind and local school systems and other State and local agencies for provision of services to blind children; and

(5) Monitoring by and assistance from the Department regarding other aspects of the Maryland School for the Blind's educational program and services to blind children as required by federal or State law.

(c) (1) The Maryland School for the Blind may enter into written agreements with State and local agencies, including local school systems, for the purpose of providing services to blind children.

(2) This subsection in no way abrogates the obligation of the local school systems to provide alternative programs for blind students.

§8–317.

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

(2) "4-year average annual full-time equivalent enrollment" means:

(i) The average number of students enrolled annually in grades prekindergarten through grade 12 at the Maryland School for the Blind during 4 consecutive school years as determined by dividing the aggregate monthly enrollment during the 4-year period by the number of months school is in session during the 4-year period; and

(ii) One-half the average number of children served annually by the Maryland School for the Blind's Early Intervention Program during 4 consecutive school years as determined by dividing the Program's aggregate monthly enrollment during the 4-year period by the number of months school is in session during the 4-year period.

(3) "Growth in the per pupil basic current expense figure" means the change in the per pupil basic current expense figure from the prior fiscal year to the current fiscal year divided by the per pupil basic current expense figure from the prior fiscal year.

(4) "Per pupil basic current expense figure" means the figure calculated for each fiscal year by the Department in accordance with § 5-202 of this article.

(5) Except as provided in subsection (c) of this section, "prior year appropriation" means the State appropriation to the Maryland School for the Blind in the prior fiscal year less any funding provided under § 8-315 of this subtitle in the prior fiscal year.

(6) "Weighted enrollment growth" means the product of 0.2 times the change in the 4-year average annual full-time equivalent enrollment from the 3rd through the 6th prior school years to the 2nd through the 5th prior school years

divided by the 4-year average annual full-time equivalent enrollment from the 3rd through the 6th prior school years.

(b) (1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, the Maryland School for the Blind shall receive an appropriation equal to or greater than the sum of:

(i) 75% of the prior year appropriation multiplied by the product of:

1. The sum of the weighted enrollment growth plus one; and

2. The sum of the growth in the per pupil basic current expense figure plus one; and

(ii) 25% of the prior year appropriation multiplied by the sum of the weighted enrollment growth plus one.

(2) The minimum appropriation required under paragraph (1) of this subsection may be reduced to the extent reductions are made to the administrative expenses of the Maryland School for the Blind.

(c) The "prior year appropriation" used to calculate the fiscal year 2000 appropriation to the Maryland School for the Blind shall be $11,585,436.

§8–318.

For information purposes, the budget submitted by the Governor to the General Assembly shall include a detailed account of the operating and administrative budget for the Maryland School for the Blind, which shall include a complete list of revenue sources and expenditures for:

(1) Salaries, wages, and fringe benefits;

(2) Technical and special fees;

(3) Communications;

(4) Travel;

(5) Contractual services;

(6) Supplies and materials;

(7) Equipment;

(8) Fixed charges; and

(9) Other expenses.

§8–319.

(a) Notwithstanding § 4–114 of this article and subject to regulations adopted by the Board of Public Works, for fiscal years 2013 through 2028, the Maryland School for the Blind shall be eligible for funding under the Public School Construction Program in accordance with Title 5, Subtitle 3 of this article.

(b) The Board of Public Works shall adopt regulations for funding school construction and school capital improvements at the Maryland School for the Blind in accordance with the requirements set forth in Title 5, Subtitle 3 of this article that apply to school construction and school capital improvement projects funded for county boards of education.

§8–401.

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

(2) "Child with a disability" means a child who has been determined through appropriate assessment as having autism, deaf–blindness, hearing impairment, including deafness, emotional disability, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, visual impairment, including blindness, and who because of that impairment needs special education and related services.

(3) "Free appropriate public education" means special education and related services that:

(i) Are provided at public expense, under public supervision and direction, at no cost to the parents;

(ii) Meet the standards of the State Board regulations and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

(iii) Includes preschool, elementary, and secondary education; and

(iv) Are provided in conformance with the requirements of the child's individualized education program.

(4) (i) "Related services" means transportation and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education.

(ii) "Related services" includes the early identification and assessment of disabling conditions in children.

(iii) "Related services" does not include a surgically implanted medical device or the replacement of the device.

(5) "Special education" means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including:

(i) Instruction in the classroom, in the home, in hospitals and institutions, and in other settings; and

(ii) Instruction in physical education.

(b) In this subtitle the domicile of a child with a disability is the county in which the parent or guardian who has legal custody of the child is domiciled.

§8–402.

(a) (1) A child with a disability who has been placed by a local school system or private noncollegiate institution with an employer in an unpaid work assignment as part of an individualized education program is a covered employee, as defined in Title 9 of the Labor and Employment Article, of the employer for the purposes of workers' compensation.

(2) A resident in a facility as defined under § 10–101(g) of the Health – General Article is not a covered employee, as defined in Title 9 of the Labor and Employment Article, of the employer for the purposes of workers' compensation.

(b) Compensation for injury or death to a child with a disability under this section shall be based on the federal minimum wage in effect at the time of the child's injury.

(c) A local school system or private noncollegiate institution that places a child with a disability with an employer in an unpaid work assignment pursuant to the child's individualized education program may secure workers' compensation coverage for that child.

§8–403.

(a) The State and each local school system shall make a free appropriate public education available to each child with a disability, as provided by this subtitle.

(b) Appropriate special education and related services are available to a child with a disability from birth through the end of the school year in which the child turns 21 years of age.

§8–404.

(a) The State Board shall adopt, as regulations, standards for the identification, evaluation, educational placement, and the provision of a free appropriate public education of each child in this State who has begun the school year under the age of 21 and is found to need special education and related services, whether or not the child is receiving nonduplicative services from another governmental agency.

(b) Before these standards are adopted, the State Board shall consult with public and private agencies and persons who are concerned with and knowledgeable about the educational needs of children with disabilities who require special education and related services.

(c) The standards for the education of a child with a disability who is enrolled in a school that is operated by an agency other than a local school system may not be lower than the standards for the education of a child with a disability who is enrolled in a school that is operated by a local school system. The standards for the approval of schools located in jurisdictions outside Maryland shall be the same as standards applicable to the approval of schools within Maryland. However, no school located in a jurisdiction outside Maryland shall be approved if the charges for pupils approved by the Department are higher than charges for pupils from any other state for the same services, unless waived by the State Superintendent.

(d) The standards shall include:

(1) The required qualifications for teachers, administrators, and other professionals serving a child with a disability;

(2) Procedures for the identification, evaluation, educational placement, and provision of a free appropriate public education for a child with a disability who requires the provision of special education and related services;

(3) Guidelines for curricula, instructional materials, equipment, and the organization, administration, and supervision of the program, including accounting, auditing, and reporting procedures;

(4) Provisions for local, regional, and State day and residential centers for children with disabilities who cannot be served appropriately in the public schools;

(5) Coordination of these special education services with services given by any other government agency; and

(6) Guidelines for approval of placement in nonpublic schools or facilities if appropriate public services are not available.

§8–405.

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

(2) "Accessible copy" includes a copy of a document provided to an individual in a format as defined in § 8–408 of this subtitle.

(3) "Extenuating circumstance" means:

(i) A death in the family;

(ii) A personal emergency;

(iii) A natural disaster; or

(iv) Any other similar situation defined by the Department.

(b) (1) When a team of qualified professionals and the parents meet for the purpose of discussing the identification, evaluation, educational program, or the provision of a free appropriate public education of a child with a disability:

(i) The parents of the child shall be afforded the opportunity to participate and shall be provided reasonable notice in advance of the meeting; and

(ii) Reasonable notice shall be at least 10 calendar days in advance of the meeting, unless an expedited meeting is being conducted to:

1. Address disciplinary issues;

2. Determine the placement of the child with a disability not currently receiving educational services; or

3. Meet other urgent needs of a child with a disability to ensure the provision of a free appropriate public education.

(2) (i) At the initial evaluation meeting, the parents of the child shall be provided, in plain language, a verbal and written explanation of the parents' rights and responsibilities in the individualized education program process and a program procedural safeguards notice.

(ii) The parents may request the information provided under subparagraph (i) of this paragraph at any subsequent meeting.

(c) The individualized education program team shall determine, on at least an annual basis, whether the child requires extended year services in order to ensure that the child is not deprived of a free appropriate public education by virtue of the normal break in the regular school year.

(d) (1) (i) Except as provided in paragraph (2) of this subsection, and subject to subparagraphs (ii) and (iii) of this paragraph, at least 5 business days before a scheduled meeting of the individualized education program team or other multidisciplinary education team for any purpose for a child with a disability, appropriate school personnel shall provide the parents of the child with an accessible copy of each assessment, report, data chart, draft individualized education program, or other document that either team plans to discuss at the meeting.

(ii) Subject to subparagraph (i) of this paragraph, an assessment, report, data chart, or other document prepared by a school psychologist or other medical professional that either team plans to discuss at the meeting may be provided to the

parents of the child orally and in writing prior to the meeting.

(iii) The parents of a child may notify appropriate school personnel that they do not want to receive the documents required to be provided under subparagraph (i) of this paragraph.

(2) (i) Subject to subparagraph (ii) of this paragraph, appropriate school personnel are not required to comply with paragraph (1) of this subsection in the event of an extenuating circumstance.

(ii) In the event of an extenuating circumstance, appropriate school personnel who fail to comply with paragraph (1) of this subsection shall document the extenuating circumstance and communicate that information to the parents of the child.

(e) (1) Not later than 5 business days after a scheduled meeting of the individualized education program team or other multidisciplinary team for a child with a disability, appropriate school personnel shall provide the parents of the child with a copy of the completed individualized education program.

(2) If the individualized education program has not been completed by the 5th business day after the meeting, the parents shall be provided with the draft copy of the individualized education program.

(3) The completed or draft individualized education program shall be provided to the parents in an accessible format.

(f) To fulfill the purposes of this section, school personnel may provide the documents required under this section through:

(1) Electronic delivery;

(2) Home delivery with the student; or

(3) Any other reasonable and legal method of delivery.

(g) Failure to comply with this section does not constitute a substantive violation of the requirement to provide a student with a free appropriate public education.

(h) The Department shall adopt:

(1) Regulations that define what information should be provided in the verbal and written explanations of the parents' rights and responsibilities in the individualized education program process; and

(2) Any other regulations necessary to carry out subsection (b)(2) of this section.

§8–406.

(a) In this section, "wraparound services":

(1) Means individualized services, excluding regular school programs or services, that are provided to a child with a disability and the child's family; and

(2) Includes the following services:

(i) Behavioral aide in home;

(ii) Education tutoring;

(iii) Family therapy;

(iv) Medication management;

(v) Respite care;

(vi) Vocational mentoring; and

(vii) Environmental accessibility adaptations.

(b) (1) A child with a disability who needs special education and related services that cannot be provided in a public county, regional, or State program shall be placed in an appropriate nonpublic educational program that offers these services.

(2) A child with a disability who needs special education and related services is eligible for an appropriate nonpublic educational placement under this section if a State or local agency provides documentation that the child cannot attend a public school in the local school system:

(i) Because of the child's home circumstances; or

(ii) Subject to subsection (d)(1) and (2) of this section, because of medical necessity.

(c) (1) The cost of the nonpublic educational program shall be paid by the State and the county in which the child is domiciled in accordance with § 8-415(d) of this subtitle, as appropriate.

(2) Subject to availability of funding in the State budget, for a child who qualifies for a nonpublic educational program under subsection (b)(2) of this section and who requires wraparound services in order to receive special education and related services in the least restrictive environment, the cost of providing the services shall be paid by the State and the county in which the child is domiciled in accordance with § 8-415(d) of this subtitle, if a State or local agency documents that the child's parent or legal guardian is unable to provide the wraparound services.

(d) (1) Payment or reimbursement for a nonpublic program may not be provided if the payment or reimbursement would require an additional contribution from the State under § 8-415(d)(2) of this subtitle unless the Department approves:

(i) The nonpublic program;

(ii) The placement of the child in the program;

(iii) The cost of the program; and

(iv) The amount of payment or reimbursement.

(2) For wraparound services, payment or reimbursement may not be provided in accordance with § 8-415(d) of this subtitle if:

(i) The child is eligible for funding for out-of-state placement of children under departmental regulations; or

(ii) Alternative federal, State, or local funding is available.

(3) Department approval is not required for a nonpublic program if:

(i) The local school system approves the placement of the child in the program; and

(ii) The local school system makes the payment or reimbursement from local funds.

(4) The State Board shall adopt regulations that establish standards and guidelines for approvals required by paragraph (3) of this subsection.

(e) A nonpublic 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 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 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.

§8–407.

All proceedings held and decisions made pursuant to this subtitle shall be in conformance with applicable federal law.

§8–408.

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

(2) "Assessment" means the process of collecting data to be used by an IEP team to determine a student's need for special education and related services.

(3) "Braille" means the system of reading and writing through touch commonly known as Standard English Contracted Braille.

(4) "Child who is blind or visually impaired" means a child who:

(i) Has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision so that the widest diameter of the visual field subtends an angle no greater than 20 degrees;

(ii) Has a medically indicated expectation of visual deterioration; or

(iii) Has a medically diagnosed limitation in visual functioning that restricts the child's ability to read and write standard print at levels expected of other children of comparable ability and grade level.

(5) "Individualized education program" and "IEP team" have the same meaning as provided by the Individuals with Disabilities Education Act.

(6) "National Instructional Materials Access Center" means the center established under § 674(e) of the federal Individuals with Disabilities Education Improvement Act of 2004.

(7) "NIMAS" means the National Instructional Materials Accessibility Standard established by the federal Secretary for Education under 20 U.S.C. 1412 to be used in the preparation of electronic files suitable and used solely for efficient conversion into specialized formats.

(8) "Orientation and mobility" means instruction provided to a child who is blind or visually impaired to enable the child to attain systematic orientation to and safe movement within the child's school, home, and community environments.

(9) "Print instructional materials" means printed textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by the Department or county board for use by students in the classroom.

(10) "Specialized formats" means braille, large print, audio, or digital text that is used by blind or visually impaired individuals.

(b) (1) In developing the individualized education program for a child who is blind or visually impaired, provisions shall be made for instruction in braille and the use of braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media, including an evaluation of the child's future needs for instruction in braille or the use of braille, that such instruction or use is not appropriate for the child.

(i) A child may not be denied the opportunity for instruction in braille reading and writing solely because the child has some remaining vision.

(ii) This section does not require the exclusive use of braille if other reading and writing media are appropriate to the child's educational needs. The use of other reading and writing media does not preclude the use of braille or the instruction of braille.

(2) For the purpose of achieving successful implementation of this subsection, the State Board and the Professional Standards and Teacher Education Board shall adopt certification standards for teachers of blind and visually impaired students.

(3) (i) The Department shall collaborate with and provide support to the Instructional Resources Center to develop procedures to coordinate the statewide availability of textbooks and supplementary instructional materials that may be accessed using specialized formats that use NIMAS.

(ii) 1. The procedures developed under subparagraph (i) of this paragraph shall require the Department and a county board to include, in any procurement contract or other document or agreement used to purchase print instructional materials from a publisher, a provision that requires the publisher to:

A. On or before the delivery of the print instructional materials, prepare and provide the National Instructional Materials Access Center electronic files containing the contents of the print instructional materials using NIMAS; or

B. Purchase instructional materials from that publisher that are produced in, or may be rendered in, specialized formats.

2. A publisher may not be required to provide an electronic copy of any instructional material copyrighted before July 1, 2007.

(iii) The State Board shall coordinate with the National Instructional Materials Access Center to facilitate the timely transfer to the Instructional Resources Center of:

1. Electronic files or instructional materials sent by publishers for the Instructional Resources Center to convert the instructional materials into specialized formats; and

2. Electronic files or instructional materials purchased from a publisher in a specialized format.

(iv) Beginning on July 1, 2007, the Instructional Resources Center shall make reasonable efforts to provide the instructional materials in specialized formats to students who are blind or visually impaired for use on the first day of classes each year or in a timely manner.

(4) Beginning in fiscal year 2008 and annually thereafter, the Governor shall include $150,000 in the annual budget submission for the Instructional Resources Center established by the Department.

(5) On or before September 1, 2012, the State Board shall establish standards for the mastery of braille for use in English, language arts, and mathematics instruction of blind and visually impaired students in pre–kindergarten through grade 12.

(c) (1) (i) Orientation and mobility instruction shall be included in the individualized education program of a child who is blind or visually impaired, unless the IEP team determines, in accordance with paragraph (2) of this subsection, that orientation and mobility instruction is not appropriate for the child.

(ii) A child may not be denied orientation and mobility instruction solely because the child has some remaining vision.

(2) (i) 1. If the IEP team objects to the inclusion of orientation and mobility instruction in the child's individualized education program because the IEP team has determined that orientation and mobility instruction is not appropriate for the child, the IEP team shall order an orientation and mobility assessment to be conducted in accordance with paragraph (3) of this subsection.

2. An orientation and mobility assessment shall be conducted by a qualified individual in accordance with regulations adopted by the Department.

(ii) Within 30 days after the date of receipt of an orientation and mobility assessment, the IEP team that ordered the assessment shall meet to consider the results of the assessment and determine whether orientation and mobility instruction is appropriate for the child.

(iii) If the IEP team determines that orientation and mobility instruction is not appropriate for the child, the IEP team may not include orientation and mobility instruction in the child's individualized education program.

(iv) The determination of an IEP team regarding the provision of

orientation and mobility instruction under this paragraph shall be binding for the entire school year in which the determination is made, unless there are significant changes in the circumstances of the child.

(3) An orientation and mobility assessment, at a minimum, shall:

(i) Contain input from the child's parent or guardian;

(ii) Contain input from the child's classroom teacher; and

(iii) Consider, at a minimum, the child's:

1. Age;

2. Current and future needs;

3. Ability to function in familiar and unfamiliar areas; and

4. Ability to function under various lighting conditions.

(4) Each local school system shall provide verbal and written notice to the parent or guardian of a child who is blind or visually impaired of the availability of orientation and mobility instruction at least one time each year.

(5) (i) Orientation and mobility instruction provided in accordance with this subsection shall be provided by a qualified individual.

(ii) 1. On or before January 1, 2017, the Department shall adopt regulations that define how an individual is deemed qualified under subparagraph (i) of this paragraph.

2. The Department may not adopt a regulation under subsubparagraph 1 of this subparagraph that has the effect of prohibiting a blind or visually impaired individual from being qualified to provide orientation and mobility instruction or conduct an orientation and mobility assessment.

(d) On or before March 1, 2017, the Department shall provide guidelines to each local school system on conducting orientation and mobility assessments in accordance with subsection (c)(3) of this section.

(e) The State Board shall adopt regulations:

(1) Consistent with § 7–910 of this article; and

(2) To implement the provisions of this section.

§8–410.

(a) Each local school system shall provide or arrange for the transportation

during the regular school year of each child with a disability who is in a placement approved in conformity with this subtitle and applicable regulations of the State Board and standards in:

(1) A public school;

(2) A school maintained by a State agency; and

(3) A nonpublic school.

(b) (1) Except as provided in paragraph (2) of this subsection, the local school system of the county in which the child with a disability resides shall certify and pay the cost of his daily or other reasonable transportation to school under the rules and regulations adopted by the State Board if:

(i) The school is outside this State or the county in which the child resides; and

(ii) State aid has provided for the education of the child under this subtitle.

(2) If a local management board, as established under Title 8, Subtitle 3 of the Human Services Article, funds the placement of a child in a school that is outside the State or the county in which the child resides without consulting the local school system, the local management board shall certify and pay the cost of the student's daily or other reasonable transportation to school.

(c) (1) The rules and regulations adopted by the State Board shall take into consideration any hardship cases that reasonably may require additional expenses to guarantee adequate transportation during the regular school year.

(2) In addition to providing advice to the Motor Vehicle Administration under § 25-110 of the Transportation Article regarding the adoption by the Administration of rules and regulations relating to the safe operation of school vehicles, including vehicles and equipment appropriate for transporting a child with a disability, the Department shall adopt guidelines which set minimum standards to meet in each of the following categories:

(i) The qualifications for hiring and training of drivers and aides, including private contract personnel, involved in handling and transporting a child with a disability to a nonpublic special education facility; and

(ii) The appropriate length of time and distance for transporting a child with a disability to a nonpublic special education facility.

(d) (1) By July 1 of each year any local school system that has 25 or more children with disabilities attending nonpublic education facilities 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.

(2) The State Department shall annually:

(i) Review each applicable local school system's plan or procedures for transporting children with disabilities to nonpublic special education facilities for compliance with the State Department's guidelines; and

(ii) Advise a local school system as to whether its plan or procedures are in compliance.

(e) In both the adoption of guidelines under subsection (c)(2) of this section and the annual review under subsection (d) of this section of each applicable county's plan or procedures for transporting children with disabilities to nonpublic special education facilities, the State Department shall:

(1) Take into consideration the particular circumstances and needs of each applicable local school system, including the differences among urban and rural school systems; and

(2) Recognize the need for flexibility on an individual child basis.

§8–411.

(a) (1) Each year the Governor shall place an item in the State budget for the education and training of children with disabilities who are under the age of 6.

(2) The appropriation by the General Assembly shall be spent under the supervision and control of the Department.

(b) The Department shall adopt standards and issue rules and regulations based on these standards for:

(1) Identification, evaluation, early intervention, and education of children with disabilities;

(2) Qualifications of service providers and teachers;

(3) Curriculum and equipment; and

(4) General supervision and operation of the program provided in this section.

§8–412.

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

(2) "Child" means an individual who is eligible to receive education services in accordance with the Individuals with Disabilities Education Act and applicable State law and regulation.

(3) "Educational decision making process" means all procedures relating to the identification, evaluation, or educational placement of a child and the provision of a free appropriate public education, including the appeal procedures provided for by § 8–413 of this subtitle.

(4) "Local school superintendent" means the school system superintendent or the administrative head in charge of a public agency as defined in paragraph (7) of this subsection that provides educational services to children.

(5) (i) "Parent" means:

1. A child's natural parents;

2. A child's adoptive parents;

3. A guardian;

4. A person acting as a parent of a child such as a relative or a stepparent with whom a child lives;

5. A foster parent with whom a child lives if the foster parent has been granted limited guardianship for educational decision making purposes by the court that has placed the child in foster care; or

6. Any other individual who is legally responsible for a child's welfare.

(ii) "Parent" does not include a social worker or other employee of a public agency who is responsible for the education or care of the child.

(6) "Parent surrogate" means a person who is appointed by the local school superintendent to act in place of a parent of a child in the educational decision making process.

(7) (i) "Public agency" includes the State Department of Education, local education agencies, and other agencies that are responsible for providing education to a child with a disability, including the Department of Health and Mental Hygiene, the Behavioral Health Administration, the Developmental Disabilities Administration, the Department of Juvenile Services, the Maryland School for the Deaf, the Department of Labor, Licensing, and Regulation, and the Department of Public Safety and Correctional Services.

(ii) For the purpose of this section, the Maryland School for the Blind shall be considered a public agency.

(8) "Unaccompanied homeless youth" means a homeless youth, as defined by the McKinney–Vento Homeless Assistance Act, who is not in the physical custody of a parent or guardian.

(9) "Unavailable" means that a public agency, after reasonable efforts, cannot discover the physical whereabouts of a child's parent.

(10) "Unknown" means that a public agency, after reasonable efforts, cannot identify the child's parent.

(11) "Ward of the State" means a child for whom a State or county agency or official has been appointed legal guardian, or who has been committed by a court of competent jurisdiction to the legal custody of a State or county agency or official with the express authorization that the State or county agency or official make educational decisions for the child.

(b) Public agency personnel shall request that the local school superintendent appoint a parent surrogate to represent a child at any point in the educational decision making process if it is suspected that the child may be disabled and if:

(1) The child is a ward of the State;

(2) The child is an unaccompanied homeless youth; or

(3) (i) The parents of the child are unknown or unavailable; and

(ii) The child's rights have not been transferred in accordance with § 8–412.1 of this subtitle.

(c) Any request to the local school superintendent for the appointment of a parent surrogate under subsection (b) of this section shall include:

(1) The name, date of birth, sex, legal domicile, and present residence of the child;

(2) A statement that the child is eligible for the appointment of a parent surrogate in accordance with subsection (b) of this section;

(3) Documentation, as applicable, of the efforts made over the course of 15 business days to identify the parent if unknown or to locate the parent if unavailable that include, at a minimum:

(i) A search of telephone directories; and

(ii) Letters sent by certified mail; and

(4) The name and qualifications of the proposed parent surrogate whom the public agency considers to be qualified to represent the child in the educational

decision making process.

(d) The local school superintendent shall ensure that the person proposed to serve as the child's parent surrogate:

(1) Has no interest that conflicts with the interests of the child to be entrusted to that person; and

(2) Has knowledge and skills that ensure adequate representation of the child.

(e) (1) The local school superintendent shall appoint a parent surrogate not more than 30 days after a determination of need, if the local school superintendent finds:

(i) The child is eligible for the appointment of a parent surrogate in accordance with subsection (b) of this section; and

(ii) The proposed parent surrogate is qualified to represent the child in the educational decision making process in accordance with subsection (d) of this section.

(2) If the local school superintendent finds that the child is not eligible for the appointment of a parent surrogate in accordance with subsection (b) of this section, the local school superintendent shall notify the requesting individual of this finding and specify the reasons in writing.

(3) If the local school superintendent finds that the proposed parent surrogate is not qualified to represent the child in the educational decision making process in accordance with subsection (d) of this section, the local school superintendent may:

(i) Request public agency personnel to propose the appointment of another parent surrogate who is qualified; or

(ii) Select and appoint a parent surrogate who is qualified.

(4) (i) The local school superintendent shall notify the State Superintendent in writing of the parent surrogate appointment.

(ii) The notice shall occur within 30 days after the day on which the appointment is made.

(iii) The notification shall include the child's name, the name of the parent surrogate, and any other information deemed applicable.

(f) (1) A child entrusted to a parent surrogate shall be represented by that parent surrogate in the educational decision making process.

(2) A parent surrogate is not liable to the child entrusted to that parent surrogate or to the parent of that child for any damages that result from acts or omissions of that parent surrogate constituting ordinary negligence.

(3) This immunity does not apply to liability covered by any applicable insurance, to the extent of that coverage, or to acts or omissions constituting gross, willful, or wanton negligence.

(g) (1) The local school superintendent may terminate the appointment of a previously assigned parent surrogate for good cause.

(2) When the local school superintendent terminates the appointment of the parent surrogate, the local school superintendent shall state the reasons for the action and notify the State Superintendent, in writing, of the termination of a previously appointed parent surrogate.

(3) The local school superintendent shall submit the name and qualifications of another individual who is assigned as the new parent surrogate if the child continues to require a parent surrogate in accordance with subsection (b) of this section.

(h) The State Board shall adopt rules and regulations in accordance with the Administrative Procedure Act on the qualifications, selection, appointment, training, compensation, removal, and replacement necessary to implement this section.

§8–412.1.

(a) When a child with a disability reaches the age of 18 years, all rights accorded to parents under the federal Individuals with Disabilities Education Act shall transfer to the child if the child has not been adjudged incompetent under State law and if there is documentation that:

(1) The parents are unavailable or unknown as defined in § 8-412 of this subtitle, the child would be eligible for a parent surrogate, and the child requests that the parental rights be transferred to the child;

(2) The parents have not participated in the special education decision making process for the child after repeated attempts by the local school system to involve the parents over the previous year as described in COMAR 13A.05.01.07C(7);

(3) The parents have affirmatively rejected participation in the special education decision making process;

(4) The parents cannot participate in the special education decision making process due to prolonged hospitalization, institutionalization, or serious illness or infirmity of one or both of the parents and the parents have consented to the transfer of rights to the child;

(5) The parents cannot participate in the special education decision making process due to extraordinary circumstances beyond the control of the parents and the parents have consented to the transfer of rights to the child; or

(6) The child is living outside of the parents' home and is not in the care or custody of another public agency as defined in § 8-412 of this subtitle.

(b) A child with disabilities who reaches the age of 18 years and is living at home with the child's parents and whose parents do not consent to the transfer of rights to the child may file for due process in accordance with § 8-413 of this subtitle to determine whether the rights should be transferred to the child.

(c) If a child with disabilities who has reached the age of 18 years has been represented by a parent surrogate as defined in § 8-412 of this subtitle, any notice required by the federal Individuals with Disabilities Education Act shall be provided to both the child and to the parent surrogate and all other rights accorded to the parent surrogate under that Act shall transfer to the child if the child has not been adjudged incompetent under State law and the child requests that the rights transfer to the child.

§8–413.

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

(2) "Administrative law judge" means an individual serving in the role of an impartial hearing officer as required under the federal Individuals with Disabilities Education Act.

(3) "Due process complaint" means a written request for a due process hearing filed by the parent of a child with a disability, as defined in § 8-412 of this subtitle, or a public agency, to resolve a dispute over the identification, evaluation, educational placement, or the provision of free appropriate public education, in accordance with federal law.

(4) "Federal law" means the Individuals with Disabilities Education Act and regulations adopted under that Act.

(5) "Parent" means:

(i) A child's natural or adoptive parents, a guardian, or a person acting as a parent of a child, such as a relative or a stepparent with whom the child lives;

(ii) A foster parent with whom a child lives if the foster parent has been granted limited guardianship for educational decision making purposes by the court that placed the child in foster care;

(iii) Another individual who is legally responsible for the child's welfare; or

(iv) A parent surrogate appointed in accordance with § 8-412 of this subtitle.

(6) "Public agency" means the State Department of Education, a local school system, or any State agency responsible for providing education to students with disabilities, including the Maryland School for the Blind and the Maryland School for the Deaf.

(7) "Resolution session" means a preliminary meeting the public agency shall convene with the child's parent in accordance with federal law.

(b) (1) The parent of a child with a disability or a public agency may formally request mediation at any time to resolve any disagreement between the parties regarding the child's special education services or program.

(2) If a parent files a due process complaint against a public agency concerning the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education, any party shall be given the opportunity to request mediation of those aspects of the decision subject to dispute.

(3) The request for mediation may not be used to deny or delay the parent's rights under federal law or this section.

(4) Any party to the mediation has the right to be accompanied and advised by counsel.

(5) Mediation shall be conducted in accordance with departmental regulations.

(6) A mediation agreement shall be in writing and is enforceable in a court of competent jurisdiction in accordance with federal law.

(c) (1) Before conducting a due process hearing in accordance with subsection (d) of this section, the public agency shall provide the parent with an opportunity to resolve the due process complaint at a resolution session in accordance with federal law.

(2) A resolution session agreement shall be in writing and enforceable in a court of competent jurisdiction in accordance with federal law.

(3) A written resolution agreement may be voided by the parties within 3 business days of execution in accordance with federal law.

(d) (1) A parent of a child with disabilities shall file a due process complaint with the Office of Administrative Hearings and the public agency.

(2) A public agency shall file a due process complaint with the Office of Administrative Hearings and the parent.

(3) Except as provided in paragraph (4) of this subsection, the complaining party shall file a due process complaint within 2 years of the date the party knew or should have known about the action that forms the basis of the due process complaint.

(4) The statute of limitations described under paragraph (3) of this subsection does not apply to a parent who is prevented from requesting a due process hearing due to:

(i) Specific misrepresentations made by the public agency that it had resolved the problem that formed the basis of the due process complaint; or

(ii) The public agency's withholding of information that the public agency was required to provide to the parent.

(5) In order to conduct a hearing, the Office of Administrative Hearings shall appoint an administrative law judge who:

(i) Is an administrative law judge in the Office of Administrative Hearings; and

(ii) Meets the requirements of a due process hearing officer in accordance with federal law.

(6) Unless the parent and the public agency otherwise agree, during the course of any administrative or judicial proceeding, the child must remain in the last approved placement in accordance with federal law.

(7) If the hearing concerns the initial admission of a child into a public school, the child with the consent of the parent must be placed in the public school program until the proceedings have been completed.

(e) (1) The administrative law judge appointed under subsection (d) of this section shall conduct the hearing in accordance with federal law, Title 10 of the State Government Article, and the Office of Administrative Hearings Rules of Administrative Procedure, and may:

(i) After review of the educational records of the child, dismiss any request for review which does not relate to a matter described in subsection (d)(1) of this section;

(ii) Require the parties to attend a prehearing conference prior to the due process hearing;

(iii) Hear any testimony that it considers relevant;

(iv) Require an independent evaluation or call an impartial expert witness in the diagnosis or education of students with disabilities whose testimony shall be on the record and whose costs shall be paid by the State Education Agency;

and

(v) Administer oaths to witnesses at the hearing on request of a party.

(2) The provisions of the Family Educational Rights and Privacy Act and 34 C.F.R. Part 99 shall apply to school records sought by the impartial expert witness.

(3) If the parties cannot agree on an impartial expert witness, each party shall be given the opportunity to submit a list of possible experts, and the administrative law judge shall decide which impartial expert witness to call.

(f) (1) Any party to the hearing has the right to:

(i) Be accompanied and be advised by counsel and individuals with special knowledge or training with respect to the problems of children with disabilities;

(ii) Present evidence and confront, cross-examine, and compel the attendance of witnesses;

(iii) Prohibit the introduction of any evidence at the hearing which has not been disclosed to all parties at least 5 days before the hearing;

(iv) Obtain a written or electronic verbatim record of the hearing; and

(v) Obtain written findings of fact and decisions.

(2) Parents involved in the hearings must be given the right to:

(i) Have the child who is the subject of the hearing present; and

(ii) Open the hearing to the public.

(g) (1) The decision of the administrative law judge shall be made on substantive grounds based on the determination of whether the child received a free appropriate public education.

(2) In matters alleging a procedural violation, an administrative law judge may find that the child did not receive a free appropriate public education only if the procedural inadequacies:

(i) Impeded the child's right to a free appropriate public education;

(ii) Significantly impeded the parents' opportunity to participate in the educational decision making process regarding the provision of a free appropriate public education to the parents' child; or

(iii) Caused a deprivation of educational benefits.

(h) The hearing shall be held and a written decision shall be issued within the time periods established by federal law. The administrative law judge may grant a specific extension of time at the request of either party.

(i) If, at the time of the due process complaint, the child who is the subject of the hearing is not enrolled and attending an approved educational program or, if the due process complaint is over the placement or manifestation determination of a child, due to a violation of the rules of conduct, an expedited hearing shall occur within 20 school days of the date the hearing is requested and shall result in a decision within 10 school days of the hearing.

(j) Within 120 calendar days of the issuance of the hearing decision, any party to the hearing may file an appeal from a final decision of the Office of Administrative Hearings to the federal District Court for Maryland or to the circuit court for the county in which the child resides.

(k) (1) A public agency is not required to pay for the cost of education, including special education and related services, for a child with a disability at a private or nonpublic school if the public agency made a free appropriate public education available to the child and the parent of the child elected to place the child in such a school or facility.

(2) If the parent of a child with a disability, who previously received special education and related services under the authority of a public agency, enrolls the child in a nonpublic school or facility without the consent of or referral by the public agency, an administrative law judge or a court may require the public agency to reimburse the parent for the costs of the placement enrollment if the administrative law judge or court determines that the public agency had not made a free appropriate public education available to the child in a timely manner prior to that enrollment.

(3) Reimbursement may be reduced or denied by the administrative law judge or court in accordance with federal law.

§8–414.

Beginning in fiscal year 1982, the funding level provided by this State and its counties for special education and related services for children with disabilities may not be less than the funding level for these services in fiscal year 1981 required under §§ 8–417 through 8–417.6 of this subtitle, as those sections were codified on June 30, 1981.

§8–415.

(a) Reserved.

(b) Reserved.

(c) Reserved.

(d) (1) In this subsection, "basic cost" as to each county, means the average amount spent by the county from county, State, and federal sources for the public education of a nonhandicapped child. "Basic cost" does not include amounts specifically allocated and spent for identifiable compensatory programs for disadvantaged children.

(2) As provided in paragraphs (3) and (4) of this subsection, the State and the counties shall share collectively in the cost of educating children with disabilities in nonpublic programs under § 8–406 of this subtitle.

(3) (i) Subject to the limitation under subparagraph (ii) of this paragraph, for each of these children domiciled in the county, the county shall contribute for each placement the sum of:

1. The local share of the basic cost;

2. An additional amount equal to 200 percent of the basic cost; and

3. A. For fiscal year 2009, an additional amount equal to 20 percent of the approved cost or reimbursement in excess of the sum of items 1 and 2 of this subparagraph; and

B. For fiscal year 2010 and each subsequent fiscal year thereafter, an additional amount equal to 30 percent of the approved cost or reimbursement in excess of the sum of items 1 and 2 of this subparagraph.

(ii) The amount that a county is required to contribute under subparagraph (i) of this paragraph may not exceed the total cost or reimbursement amount approved by the Department.

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

§8–416.

(a) (1) There is a Maryland Infants and Toddlers Program in the Department.

(2) The purpose of the Program is to provide a statewide, community–based interagency system of comprehensive early intervention services to eligible infants and toddlers, from birth until the beginning of the school year following a child's 4th birthday, and their families.

(b) The Department shall be the lead agency for supervising and monitoring the Program.

(c) The Program shall include the early intervention services provided or supervised by the Department, the Department of Health and Mental Hygiene,

including the Early Hearing Detection and Intervention Program established under Title 13, Subtitle 6 of the Health – General Article, the Department of Human Resources, and the Governor's Office for Children.

(d) The Program shall be administered in accord with the applicable requirements of Part C of the Individuals with Disabilities Education Act and other applicable federal and State laws.

(e) An interagency coordinating council shall be appointed by the Governor, with the advice and consent of the Senate, and shall:

(1) Advise and assist the Department in the supervision and monitoring of the Program; and

(2) Submit an annual report to the Governor and the federal government.

(f) Local lead agencies shall be established or designated in each county and Baltimore City to administer the Program in their subdivision, under the direction of the Department.

(g) (1) In each county, the county executive or county commissioners, as appropriate, or in Baltimore City, the Mayor, shall establish a local interagency coordinating council to advise and assist the local lead agency in the development and implementation of policies that constitute the local Program.

(2) (i) In each county, the county executive or county commissioners, as appropriate, or in Baltimore City, the Mayor, may designate the local management board to serve as the local interagency coordinating council or establish the local interagency coordinating council as a part of that board.

(ii) Where a local management board and a local interagency coordinating council coexist, they shall work cooperatively.

(h) (1) For fiscal year 2004, the annual per child cost of the Program is $4,044.

(2) For fiscal year 2005 and each succeeding fiscal year, the annual per child cost of the Program shall be the amount in paragraph (1) of this subsection increased by the same percentage as the increase in the implicit price deflator for State and local government expenditures, as of July of the second fiscal year preceding the year for which the amount is being calculated.

(3) For each fiscal year, if sufficient funds are not available to provide grants in accordance with the formula under paragraph (4) of this subsection, the Governor shall include in the annual budget bill an appropriation for the Maryland Infants and Toddlers Program in an amount not less than the amount of the appropriation for the Program as approved in the State budget as enacted by the General Assembly for the prior fiscal year.

(4) Subject to the availability of funding for the Program in the State budget, the Department shall distribute a grant to the local lead agency for the Program in each county in an amount equal to the product of:

(i) The annual per child cost multiplied by the number of children in the county who received services under the Program in the second fiscal year preceding the year for which the amount is being calculated; and

(ii) .20 for fiscal year 2007 and each succeeding fiscal year.

(i) The Department shall adopt regulations necessary to carry out the provisions of this section.

§8–417.

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

(2) "Nonpublic general education school" means a nonpublic school approved under COMAR 13A.09.10 pursuant to § 2-206 of this article and operated in conjunction with residential or nonresidential child care programs licensed or approved by the Department, the Department of Health and Mental Hygiene, the Department of Human Resources, or the Department of Juvenile Services.

(3) "Nonresidential child care program" means a program that:

(i) Provides services for children in a nonresidential setting, designed to achieve objectives related to the needs of children at risk of out-of-home placement; and

(ii) Is licensed or approved by the Department of Health and Mental Hygiene, the Department of Human Resources, or the Department of Juvenile Services.

(4) "Residential child care program" means a program that:

(i) Provides care for children 24 hours a day within a structured set of services and activities designed to achieve objectives related to the needs of the children served; and

(ii) Is licensed by the Department of Health and Mental Hygiene, the Department of Human Resources, or the Department of Juvenile Services.

(b) (1) The Department of Education, as the fiscal agent of the Children's Cabinet Fund under Title 8, Subtitle 5 of the Human Services Article, shall administer and implement a redesigned rate setting process for nonpublic general education schools, residential child care programs, and nonresidential child care programs.

(2) The Department of Human Resources, the Department of Juvenile Services, the Department of Budget and Management, the Department of Health and

Mental Hygiene, and the Governor's Office for Children shall participate with the Department in the development and implementation of rates in programs licensed or approved by those agencies to the extent required by federal and State law.

(c) (1) A decision as to the amount or implementation of rates established under this section may be appealed by sending a written request for appeal to the Children's Cabinet.

(2) The request shall set forth the specific objections to the decision as to the amount or implementation of rates established under this section.

(3) The Children's Cabinet or designees shall issue a final, binding opinion upholding, reversing, or modifying the rates set by the Interagency Rates Committee within 30 days after receipt of the request for appeal.

§8–418.

A local school system shall provide to the parents or guardians of a child with a disability verbal and written information about access to habilitative services, including a copy of the Maryland Insurance Administration's Parents' Guide to Habilitative Services, at the following times:

(1) The transition meeting for a child moving from the Maryland Infants and Toddlers Program to a local school system;

(2) A child's initial individualized education program meeting;

(3) At least one time each year at a child's individualized education program meeting; and

(4) On the approval or denial of a parent's or guardian's request for a related service to enable a child with a disability to benefit from special education.

§8–419.

(a) (1) Each county board shall develop and publish on its Web site a list of all special education service delivery models in the local school system.

(2) The county board shall clearly state that all decisions regarding the placement of a child with a disability in a special education service delivery model under paragraph (1) of this subsection will be made by an individualized education program team in consultation with the parents or guardians of the child and consistent with the least restrictive environment requirements of the federal Individuals with Disabilities Education Act.

(b) On request, the county board shall provide a written copy of the information provided under subsection (a) of this section.

§8–501.

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

(b) "Child in State–supervised care" means a child who is in the custody of, committed to, or otherwise placed by a placement agency.

(c) "Noncollegiate educational institution" has the meaning stated in § 2-206 of this article.

(d) "Notice" means that written, verbal, or other communication regarding the identification of a child in State-supervised care has been effectuated.

(e) "Placement agency" means:

(1) A local department of social services;

(2) The Department of Health and Mental Hygiene;

(3) The Department of Juvenile Services; or

(4) A private agency that:

(i) Engages in the placement of children in homes or with individuals; and

(ii) Is licensed by the Social Services Administration under § 5-507 of the Family Law Article.

(f) "Receiving school" means a public school or a noncollegiate educational institution affiliated with a residential child care program or treatment facility that has an educational program approved by the Department in which a child in State-supervised care is newly enrolled or seeks to enroll.

(g) "Sending school" means a public school or a noncollegiate educational institution affiliated with a residential child care program or treatment facility that has an educational program approved by the Department in which a child in State-supervised care was enrolled prior to enrolling, or seeking to enroll, in a receiving school.

§8–502.

It is the intent of the General Assembly that the State promote the education and well-being of children in State-supervised care by facilitating:

(1) The prompt enrollment of children in State-supervised care in an appropriate public school or noncollegiate educational institution affiliated with a residential child care program or treatment facility; and

(2) The prompt transfer of the educational records of children in State-supervised care.

§8–503.

(a) Prior to or concurrent with the placement or modification of the placement of a child in State-supervised care, a placement agency responsible for the child in State-supervised care or the placement agency's designee shall provide notice to a receiving school regarding the enrollment or imminent enrollment of the child in State-supervised care.

(b) The parent, education guardian, parent surrogate, foster parent, court-appointed attorney, or court-appointed special advocate acting on behalf of the child in State-supervised care may provide notice to a receiving school regarding the enrollment or imminent enrollment of the child in State-supervised care.

(c) After receiving notice under subsection (a) or (b) of this section, a receiving school shall fulfill the requirements of § 8-504(a) of this subtitle.

§8–504.

(a) Within 2 school days after receiving notice under § 8-503 of this subtitle, a receiving school shall:

(1) Inform the sending school of the enrollment or imminent enrollment of the child in State-supervised care;

(2) Request, in writing, the educational records of the child in State-supervised care from the sending school;

(3) Provide a copy of the request made under item (2) of this subsection to the child in State-supervised care or the responsible adult acting on behalf of the child in State-supervised care; and

(4) Inform the child in State-supervised care, or the responsible adult acting on behalf of the child in State-supervised care, of the rights conferred by this subtitle.

(b) After receiving notice under subsection (a) of this section, a sending school shall:

(1) Immediately inform the receiving school orally of the grade level in which the child in State-supervised care was last enrolled;

(2) Immediately inform the receiving school orally of the status of the child in State-supervised care under the federal Rehabilitation Act of 1973 codified at 29 U.S.C. § 794 (§ 504) or under the federal Individuals with Disabilities Education Act codified at 20 U.S.C. § 1400; and

(3) Within 3 school days following receipt of notice from the receiving school, send by mail or transmit electronically to the receiving school a copy of:

(i) A completed student withdrawal or transfer record of the child in State-supervised care;

(ii) The academic records of the child in State-supervised care;

(iii) The immunization records of the child in State-supervised care; and

(iv) If applicable, the most recent individualized education plan or § 504 plan and the most recent assessment of the child in State-supervised care.

(c) Notwithstanding subsection (b)(3) of this section, a placement agency or school employee may hand carry the documents listed in subsection (b)(3) of this section from a sending school to a receiving school.

§8–505.

(a) Each county board shall establish a dispute resolution process to address disputes regarding the requirements imposed and the rights conferred by this subtitle.

(b) During the dispute resolution process the child in State-supervised care shall remain enrolled in the receiving school.

(c) A child in State-supervised care who is the subject of a dispute shall be provided appropriate educational services including the implementation of an existing individualized education program.

(d) The Department shall adopt regulations to implement this section on or before January 1, 2006.

§8–506.

(a) The Department shall ensure that each county board takes reasonable measures to implement this section.

(b) A county board shall inform:

(1) Principals, teachers, and other school personnel in the county of the requirements imposed by this subtitle;

(2) Children in State-supervised care and responsible adults acting on behalf of children in State-supervised care of the rights conferred by this subtitle; and

(3) Other interested parties of the requirements imposed and the rights conferred by this subtitle.

(c) The Department shall adopt regulations to implement this section on or before January 1, 2006.

§8–507.

(a) In this section, "basic cost" means the average amount spent by a county board from county and State funds for the public education of a nondisabled child.

(b) A county board shall reimburse the Department of Juvenile Services or the Department of Human Resources the amount of the basic cost calculated under subsection (a) of this section for each child who was domiciled in the county prior to the placement if:

(1) The Department of Juvenile Services or the Department of Human Resources places a child who is in State–supervised care in a nonpublic residential placement that also provides the education program for the child;

(2) The child does not meet the criteria for shared State and local payment of educational costs as provided in §§ 8–406 and 8–415 of this title; and

(3) The child was included in the full–time equivalent enrollment of the county as calculated under § 5–202 of this article.

§8–601.

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

(b) "Eligible child" means a child who:

(1) Is a resident of the State;

(2) Is identified by an otolaryngologist or a licensed audiologist as having a hearing loss;

(3) Has no immediate access to a hearing aid; and

(4) Is under the age of 3 years.

(c) "Licensed audiologist" means an individual who is licensed to practice audiology under Title 2 of the Health Occupations Article.

(d) "Loan Bank" means the Hearing Aid Loan Bank.

(e) "Otolaryngologist" means an individual who:

(1) Is licensed to practice medicine under Title 14 of the Health Occupations Article; and

(2) Specializes in otolaryngology.

(f) "Program" means the Hearing Aid Loan Bank Program.

§8–602.

(a) There is a Hearing Aid Loan Bank Program in the Department.

(b) The Program is established for the purpose of lending hearing aids on a temporary basis to a parent or legal guardian of an eligible child to ensure that children under the age of 3 years will have maximum auditory input during the critical period of language learning.

(c) The Program shall employ an otolaryngologist or a licensed audiologist.

§8–603.

(a) There is a permanent Hearing Aid Loan Bank in the Department.

(b) The Program shall provide and maintain:

(1) A pool of hearing aids in the Loan Bank to lend to a parent or legal guardian of an eligible child;

(2) Testing and programming equipment for hearing aids in the Loan Bank; and

(3) Supplies for repair and reconditioning of hearing aids in the Loan Bank.

§8–604.

(a) The Program shall lend a suitable hearing aid to a parent or legal guardian of an eligible child on receipt of:

(1) A prescription from an otolaryngologist or a licensed audiologist; and

(2) Any documents required by the Program to prove that the child is an eligible child.

(b) (1) Except as provided in paragraph (2) of this subsection, the loan period shall be for not more than 6 months.

(2) The Program may extend the original loan period for additional 3–month periods if, prior to each extension, the Program determines that:

(i) The child does not have immediate access to another hearing aid under Medicaid, the Maryland Children's Health Program, or private health insurance;

(ii) The child's parent or legal guardian currently does not have the financial means to obtain immediate access to another hearing aid; and

(iii) The child's parent or legal guardian is making reasonable efforts to obtain access to another hearing aid.

(c) A parent or legal guardian who borrows a hearing aid for an eligible child shall:

(1) Be the custodian of the hearing aid;

(2) Return the hearing aid immediately to the Loan Bank on the expiration of the loan period or receipt of a suitable permanent hearing aid, whichever occurs first;

(3) Be responsible for the proper care and use of the hearing aid;

(4) Be responsible for any damage to or loss of the hearing aid; and

(5) Sign a written agreement provided by the State Superintendent that states the term and conditions of the loan.

(d) The Program shall ensure that the eligible child's otolaryngologist or licensed audiologist instructs the parent or legal guardian about the proper care and use of a hearing aid provided under the Program.

§8–605.

The State Board shall adopt regulations to implement the provisions of this subtitle, including regulations that:

(1) For the purpose of implementing § 8–604(a) of this subtitle, identify the types of documents that the Program may require a parent or legal guardian to submit to prove that a child is an eligible child; and

(2) For the purpose of implementing § 8–604(b)(2) of this subtitle, establish factors that the Program shall consider when evaluating whether a parent or legal guardian:

(i) Has the financial means to obtain immediate access to another hearing aid; or

(ii) Is making reasonable efforts to obtain immediate access to another hearing aid.

§8–606.

(a) Beginning in 2011, no later than December 31 each year, the State Superintendent shall submit a report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly regarding the implementation of this subtitle.

(b) The annual report shall include the following information:

(1) The number and ages of children who received hearing aids through the Program that year;

(2) The number of children who received hearing aids through the Program that year and subsequently received hearing aids through Medicaid, the Maryland Children's Health Program, or private insurance;

(3) The length of each original loan;

(4) The number of times that each original loan was extended and the length of each extension;

(5) The number of times that hearing aids were not properly returned to the Loan Bank; and

(6) Any other information that the State Superintendent believes is relevant to evaluating the costs and benefits of the Program.

§8–701.

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

(b) "At-risk youth" means an individual who meets at least two of the eligibility criteria determined by the Department and an operator that may include:

(1) Being eligible for free or reduced price meals;

(2) A record of suspensions, office referrals, or chronic truancy;

(3) A failure to achieve a proficient or advanced level on State assessments in reading or mathematics, or both;

(4) Having a disability;

(5) A referral from a teacher, counselor, social worker, or community-based service organization;

(6) The head of household is a single parent;

(7) The head of household is not a custodial parent;

(8) The adjusted gross family income is below the federally established poverty guidelines;

(9) The family receives temporary cash assistance under the State Family Investment Program; or

(10) A member of the family has been incarcerated.

(c) "Board" means the Board of Trustees of Residential Boarding Education Programs.

(d) "Operator" means a private nonprofit or public entity that develops and operates a program.

(e) "Program" means a residential boarding education program that includes:

(1) A remedial curriculum for middle school grades;

(2) A college-preparatory curriculum for high school grades;

(3) Extracurricular activities such as athletics and cultural events;

(4) College admissions counseling;

(5) Health and mental health services;

(6) Tutoring;

(7) Community service opportunities; and

(8) A residential student life program.

§8–702.

A residential boarding education program for at-risk youth shall be operated under the supervision of the Department.

§8–703.

A student shall be eligible to participate in a program if the student is:

(1) A disadvantaged child as defined in § 8-101 of this title;

(2) An at-risk youth;

(3) A resident of the State; and

(4) Currently enrolled in grade 5 or grade 6.

§8–704.

(a) The Department may contract with an operator to provide at-risk youth in the State with the opportunity to participate in a program.

(b) The operator shall meet the qualifications established by the Department including:

(1) Previous experience with a comparable program;

(2) Measured success with a comparable program; and

(3) The capacity to finance and secure private funds for the development of a campus for the program.

(c) (1) The operator shall adopt written standards for the admission and dismissal of students.

(2) The standards and any amendments shall be submitted to the State Board for approval.

(3) The State Board may require modifications to the standards as it considers necessary.

(d) The operator shall submit its charter and bylaws to the State Board for approval.

(e) The operator shall conduct an outreach program for each local education agency in the State to:

(1) Provide information to the local education agency about the program; and

(2) Encourage student recruitment and participation from each county in the State.

§8–705.

(a) The Board shall govern a program.

(b) (1) The Board consists of 25 members.

(2) Of the 25 members:

(i) 5 shall be appointed by the Governor, with the advice of the State Superintendent and the advice and consent of the Senate; and

(ii) 20 shall be selected in accordance with the charter and bylaws of the program.

(c) (1) The term of a member is 3 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2006.

(3) At the end of a term, a member continues to serve until a successor is appointed or selected and qualifies.

(4) A member may not serve for more than 3 consecutive full terms.

(5) A vacancy shall be filled in the same manner in which the vacating member was appointed or selected.

(d) The Board shall determine its officers.

§8–706.

A program shall be subject to:

(1) The same accountability mandates of the federal No Child Left Behind Act as other public schools in the State; and

(2) The requirements of 20 U.S.C. § 1400, et seq. and § 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

§8–707.

Teachers and any other professional personnel at the program shall be paid an annual salary that is at least equal to the salary received by public school teachers and professional personnel of similar training and experience in the county in which the school is located.

§8–708.

(a) The Board shall submit to the Department on or before July 1 of each year:

(1) The name of each student who participated in the program during the preceding year;

(2) The name of each student projected to participate in the program during the upcoming year;

(3) The county in which each student who participated in the program during the preceding year was domiciled;

(4) The county in which each student projected to participate in the program during the upcoming year is domiciled;

(5) The total number of students that participated in the program during the preceding year;

(6) The total number of students projected to participate in the program during the upcoming year;

(7) The actual operation budget for the preceding year; and

(8) The projected operating budget for the upcoming year.

(b) The Department shall report:

(1) On or before April 1 and October 1 of each year, to each county board regarding:

(i) The number of students who are participating in the program from the county; and

(ii) The name of each student from the county who is being charged to the county; and

(2) On or before December 1 of each year, to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly regarding:

(i) The information provided under subsection (a) of this section; and

(ii) Whether the funds appropriated under § 8-710 of this subtitle should be increased or decreased.

§8–709.

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

(2) "Cost per pupil" means the amount of money spent by a county board for the operating expenses of public education in the county from county and State sources divided by the full-time equivalent enrollment of the county as defined in § 5-202(a) of this article.

(3) "State sources" means funds provided to a county board in accordance with §§ 5-202, 5-207, 5-208, 5-209, and 5-210 of this article.

(b) Students participating in a program shall be included in the enrollment of the county in which the student is domiciled for the purposes of calculating State aid under §§ 5-202, 5-207, 5-208, 5-209, and 5-210 of this article.

(c) (1) To support the cost of instructional programming for a program, each county board shall pay to the Department an amount equal to 85% of the cost per pupil for each student who participates in a program but is domiciled in the county.

(2) Each county governing body shall include a student participating in a program in the full-time equivalent enrollment used for calculating the required local funds appropriated under § 5-202(d) of this article.

(d) The Department shall disburse the funds received in accordance with this section to the program.

§8–710.

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

(2) "Change in the per pupil amount" means the change in the per pupil foundation amount from the prior fiscal year to the current fiscal year divided by the per pupil foundation amount from the prior fiscal year.

(3) "Per pupil allocation" means the per pupil figure calculated each fiscal year under subsection (c) of this section to cover the transportation, boarding, and administrative costs of a program.

(4) "Per pupil foundation amount" means the figure calculated for each fiscal year by the Department in accordance with § 5–202 of this article.

(b) In addition to the funds disbursed in accordance with § 8–709 of this subtitle, the Governor shall appropriate funds to the Department in accordance with this section to cover the transportation, boarding, and administrative costs of a program.

(c) (1) Subject to paragraph (4) of this subsection, beginning in fiscal year 2009, the Governor shall appropriate at least $2,000,000 to the Department in order for a program to serve up to 80 students.

(2) For each additional 10 students enrolled in a program, as reported by the Department, the Governor shall appropriate an additional $250,000.

(3) For fiscal year 2014 and each fiscal year thereafter, for each student enrolled in a program, as reported by the Department, the Governor shall appropriate an additional amount that is at least equal to the prior year per pupil amount multiplied by the change in the per pupil amount plus one.

(4) The total amount of funds appropriated under this subsection may not exceed an amount adequate to fund the per pupil allocation for 400 students for any fiscal year.

(d) This section may not be construed to prohibit a program from receiving funds from private, federal, or other sources.

§9–101.

(a) There is a Maryland Public Charter School Program.

(b) The general purpose of the Program is to establish an alternative means within the existing public school system in order to provide innovative learning opportunities and creative educational approaches to improve the education of students.

§9–102.

In this title, "public charter school" means a public school that:

(1) Is nonsectarian in all its programs, policies, and operations;

(2) Is a school to which parents choose to send their children;

(3) Except as provided in §§ 9–102.1, 9–102.2, and 9–102.3 of this title, is open to all students on a space–available basis and admits students on a lottery basis if more students apply than can be accommodated;

(4) Is a new public school or a conversion of an existing public school;

(5) Provides a program of elementary or secondary education or both;

(6) Operates in pursuit of a specific set of educational objectives;

(7) Is tuition–free;

(8) Is subject to federal and State laws prohibiting discrimination;

(9) Is in compliance with all applicable health and safety laws;

(10) Is in compliance with § 9–107 of this title;

(11) Operates under the supervision of the public chartering authority from which its charter is granted and in accordance with its charter and, except as provided in §§ 9–104.1 and 9–106 of this title, the provisions of law and regulation governing other public schools;

(12) Requires students to be physically present on school premises for a period of time substantially similar to that which other public school students spend on school premises; and

(13) Is created in accordance with this title and the appropriate county board policy.

§9–102.1.

(a) The State Board may grant a waiver from § 9–102(3) of this title to a public charter school if the public charter school:

(1) Is located on property within a federal military base in the State; and

(2) Will admit students with parents who are not assigned to the base to at least 35% of its total available space as part of the initial cohort of students in a grade.

(b) If a public charter school is granted a waiver under subsection (a) of this section, subject to the requirement set forth in subsection (a)(2) of this section, the public charter school shall:

(1) Admit all students on a lottery basis in accordance with § 9–102.2 of this title; and

(2) Take reasonable steps to maintain the 35% to 65% ratio intended as part of the initial cohort of students in a grade.

§9–102.2.

(a) A public charter school may give greater weight to a student's lottery status as part of a lottery held under § 9–102(3) of this title and in accordance with an application submitted under § 9–104 of this title if the student is:

(1) Eligible for free or reduced price meals;

(2) A student with disabilities;

(3) A student with limited English proficiency;

(4) Homeless, as defined under the federal McKinney–Vento Homeless Assistance Act; or

(5) A sibling of a student currently enrolled in the public charter school for which the sibling is applying.

(b) Notwithstanding § 9–102(3) of this title, a public charter school may give priority to the sibling of a student admitted through the lottery process or a currently enrolled student for any spaces in the school that become available throughout the school year.

(c) (1) Subject to the approval of the public chartering authority and § 9–104 of this title, a public charter school may propose a geographic attendance area with a median income that is equal to or less than the median income of the county for the public charter school.

(2) Subject to paragraph (4) of this subsection, a public charter school may provide guaranteed placement through a lottery to students who live within the geographic attendance area for up to 35%, as proposed by the public charter school and approved by the public chartering authority, of the available space of the public charter school.

(3) Subject to paragraphs (2) and (4) of this subsection, the public charter school shall:

(i) Admit students on a lottery basis to its remaining available space;

and

(ii) Take reasonable steps to maintain the ratio intended under paragraph (2) of this subsection as part of the initial cohort of students accepted through the lottery process.

(4) If a public charter school does not fill 100% of its available space under paragraphs (2) and (3) of this subsection, the public charter school may admit more than the percentage of students established under paragraph (2) of this subsection from the geographic attendance area established under this section.

(d) (1) Subject to the approval of the public chartering authority, paragraph (2) of this subsection, and § 9–104 of this title, a public charter school may provide guaranteed placement through a lottery to up to 35%, as proposed by the public charter school and approved by the public chartering authority, of the available space of the public charter school to students who attended a public charter school during the previous school year that is operated by the same operator.

(2) A public charter school shall qualify under paragraph (1) of this subsection if:

(i) The operator operates two or more public charter schools in the county; and

(ii) When combined, the public charter schools operated by the operator form an integrated multiyear academic program.

(3) Subject to paragraph (1) of this subsection, the public charter school shall:

(i) Admit students on a lottery basis to its remaining available space; and

(ii) Take reasonable steps to maintain the ratio intended under paragraph (1) of this subsection as part of the initial cohort of students accepted through the lottery process.

(4) If a public charter school does not fill 100% of its available space under paragraphs (1) and (3) of this subsection, the public charter school may admit more than the percentage of students established under paragraph (1) of this subsection.

§9–102.3.

(a) In accordance with § 9–104 of this title, a county board may grant a waiver from § 9–102(3) of this title to:

(1) A converted public charter school that:

(i) Subject to subsection (b) of this section, provides guaranteed placement through a lottery to students who live within the geographic attendance area established by the county board;

(ii) Is a low–performing school as identified by the county board;

(iii) Is above the county average rate for the percentage of students who are eligible for free and reduced price meals; and

(iv) Meets a strategic need of the local school system, as identified in the county board's public charter school policy developed under § 9–110 of this title, that shall include at least one of the following elements:

1. Serving a high–need population;

2. Increasing student performance;

3. Increasing enrollment; or

4. Increasing student diversity; or

(2) A converted public charter school that is seeking renewal of an existing charter contract that was granted under item (1) of this subsection.

(b) If a public charter school does not fill 100% of its available space under subsection (a)(1) of this section, the public charter school shall admit students on a lottery basis to its remaining available space.

§9–103.

The public chartering authority for the granting of a charter shall be a county board of education.

§9–104.

(a) (1) An application to establish a public charter school shall be submitted to the county board of the county in which the public charter school will be located.

(2) An application to establish a public charter school may be submitted to a county board by:

(i) The staff of a public school;

(ii) A parent or guardian of a student who attends a public school in the county;

(iii) A nonsectarian nonprofit entity;

(iv) A nonsectarian institution of higher education in the State; or

(v) Any combination of persons specified in items (i) through (iv) of this paragraph.

(3) An application shall include:

(i) A plan to provide a rigorous program of instruction that includes an equivalent method for satisfying any requirements from which the public charter school operator intends to seek a waiver under § 9–106 of this title; and

(ii) A description of how a weighted lottery or the provision of guaranteed placement will be implemented under §§ 9–102.2 and 9–102.3 of this title.

(4) A public chartering authority may not grant a charter under this title to:

(i) A private school;

(ii) A parochial school;

(iii) A home school; or

(iv) A school that operates fully online.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, the county board shall review the application and render a decision within 120 days of receipt of the application and in accordance with the application procedures adopted by the county board.

(ii) For a restructured school:

1. The county board shall review the application and render a decision within 30 days of receipt of the application;

2. The county board may apply to the State Board for an extension of up to 15 days from the time limit imposed under item 1 of this subparagraph;

3. If an extension is not granted, and 30 days have elapsed, the decision may be appealed to the State Board in accordance with § 4–205(c) of this article; and

4. If an extension has been granted, and 45 days have elapsed, the decision may be appealed to the State Board in accordance with § 4–205(c) of this article.

(6) (i) A public chartering authority may approve an application to operate a public charter school on a contingent basis subject to the conditions of subparagraph (ii) of this paragraph.

(ii) The contingent approval granted under subparagraph (i) of this paragraph may be contingent on:

1. A public charter school's ability to meet any timelines established by the public chartering authority for the securing of a facility; and

2. Final approval by the public chartering authority regarding the suitability of the facility secured by the public charter school.

(b) (1) If an application to establish a public charter school includes a description of the implementation of a weighted lottery that gives priority to students in a specific geographic attendance area in accordance with § 9–102.2 or § 9–102.3 of this title, the public chartering authority may approve or reject this provision separately from the application as a whole.

(2) A decision of a public chartering authority under paragraph (1) of this subsection may not be appealed to the State Board.

(c) (1) An application to establish a public charter school may include a staffing model, including provisions for staff recruitment, training, evaluation, and professional development.

(2) A public charter school may submit a staffing model as provided in paragraph (1) of this subsection with a renewal application or with an amendment to an existing charter.

(d) (1) If the county board denies an application to establish a public charter school, the applicant may appeal the decision to the State Board, in accordance with § 4–205(c) of this article.

(2) The State Board shall render a decision within 120 days of the filing of an appeal under this subsection.

(3) If the county board denies an application to establish a public charter school and the State Board reverses the decision, the State Board shall remand the matter to the county board and may direct the county board to grant a charter and may, if necessary, mediate with the county board and the applicant to implement the charter.

§9–104.1.

(a) In this section, "eligible public charter school" means a public charter school that has been in existence for at least 5 years and demonstrates to the public chartering authority a history of:

(1) Sound fiscal management; and

(2) Student achievement that exceeds the average in the local school

system in which the public charter school is located on:

(i) Statewide assessments; and

(ii) Other measures developed by the State Board.

(b) The State Board shall develop standards and criteria by which an eligible public charter school shall be assessed by a public chartering authority.

(c) (1) An eligible public charter school may submit to a public chartering authority:

(i) An application for renewal of an existing charter contract that incorporates the provisions of subsection (e) of this section; or

(ii) Subject to paragraph (2) of this subsection, an application for an addendum to an existing charter contract that incorporates the provisions of subsection (e) of this section.

(2) An eligible public charter school may not submit an application under paragraph (1)(ii) of this subsection more than one time during the duration of an existing charter contract.

(d) If the public chartering authority determines that a public charter school is not an eligible public charter school, the public charter school may appeal the decision to the State Board in accordance with § 4–205(c) of this article.

(e) If an eligible public charter school and a public chartering authority mutually agree to an alternative means by which the eligible public charter school will satisfy the intent of the policies of the public chartering authority, an eligible public charter school is exempt from:

(1) Textbook, instructional program, curriculum, professional development, and scheduling requirements;

(2) A requirement to establish a school community council;

(3) Except for Title I schools, a requirement to establish a school improvement plan;

(4) Except for schools with a school activity fund, a requirement to provide school activity fund disclosure statements; and

(5) Except for prekindergarten classes, class size or staffing ratios.

(f) A public chartering authority and an eligible public charter school may jointly develop and mutually agree to a communication process and supervision methodology that flows among the county board, the operator, and the administration

of the eligible public charter school.

(g) (1) An eligible public charter school may not be assigned a principal without the written consent of the operator of the eligible public charter school.

(2) (i) Staff members shall be assigned or transferred to an eligible public charter school if the staff member expresses in writing that the staff member wants to work in that eligible public charter school and the eligible public charter school requests in writing that the staff member be assigned or transferred to the eligible public charter school, provided there is an existing vacancy.

(ii) A transfer authorized under subparagraph (i) of this paragraph shall take place as designated by the agreement of the local bargaining unit in the local school system.

(h) Nothing in this section may be construed to take precedence over an agreement of a local bargaining unit in a local school system.

(i) Except as otherwise provided in this section, an eligible public charter school is subject to the provisions of this title.

§9–105.

A member of the professional staff of a public charter school shall be subject to the same certification provisions established in regulations for the professional staff of other public schools.

§9–106.

(a) Subject to subsection (b) of this section, a public charter school shall comply with the provisions of law and regulation governing other public schools.

(b) Subject to subsection (d) of this section, a public charter school may seek a waiver of the requirements under subsection (a) of this section from:

(1) A county board for policies that are the policies of the county board; and

(2) The State Board for policies that are the policies of the State Board.

(c) If a waiver is denied under this section, the county board or the State Board, as appropriate, shall provide the reason for the denial in writing to the public charter school.

(d) A waiver may not be granted from provisions of law or regulation relating to:

(1) Audit requirements;

(2) The measurement of student academic achievement, including all assessments required for other public schools and other assessments mutually agreed upon by the public chartering authority and the school; or

(3) The health, safety, or civil rights of a student or an employee of the public charter school.

§9–107.

(a) A public chartering authority may not grant a charter to a public charter school whose operation would be inconsistent with any public policy initiative, court order, or federal improvement plan governing special education that is applicable to the State.

(b) A public chartering authority shall ensure that the authorizing process for a public charter school and the charter application address the roles and responsibilities of the county board and the applicants and operators of the public charter school with respect to children with disabilities.

(c) The public chartering authority shall ensure that, prior to opening a public charter school, the operators of the school are informed of the human, fiscal, and organizational capacity needed to fulfill the school's responsibilities related to children with disabilities.

§9–108.

(a) Employees of a public charter school:

(1) Are public school employees, as defined in §§ 6–401(e) and 6–501(g) of this article;

(2) Are employees of a public school employer, as defined in §§ 6–401(f) and 6–501(h) of this article, in the county in which the public charter school is located; and

(3) Shall have the rights granted under Title 6, Subtitles 4 and 5 of this article.

(b) If a collective bargaining agreement under Title 6, Subtitle 4 or Subtitle 5 of this article is already in existence in the county where a public charter school is located, the employee organization, public school employer, and the public charter school may mutually agree to negotiate amendments to the existing agreement to address the needs of the particular public charter school, including amendments to work days, work hours, school year, procedures for transfers that are consistent with the instructional mission of the school, and extra duty assignments.

§9–109.

(a) A county board shall disburse to a public charter school an amount of county, State, and federal money for elementary, middle, and secondary students that is commensurate with the amount disbursed to other public schools in the local jurisdiction.

(b) The State Board or the county board may give surplus educational materials, supplies, furniture, and other equipment to a public charter school.

§9–110.

(a) (1) Each county board shall develop a public charter school policy and provide it to the State Board.

(2) The policy required under paragraph (1) of this subsection shall include guidelines and procedures regarding:

(i) Evaluation of public charter schools;

(ii) Revocation of a charter;

(iii) Reporting requirements; and

(iv) Financial, programmatic, or compliance audits of public charter schools.

(3) The policy required under paragraph (1) of this subsection, including any updates or amendments made to the policy, shall be provided to the Department and made available on request and posted on the Web site of the county board.

(b) (1) The Department shall designate a staff person to function as a contact person for the Maryland Public Charter School Program.

(2) The staff person designated as a contact person under paragraph (1) of this subsection shall:

(i) Provide technical assistance to the operator of a public charter school to help the school meet the requirements of federal and State laws, including 20 U.S.C. § 1400, et seq. and § 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; and

(ii) Gather information from public charter schools in the State regarding innovative approaches to education and best practices taking place at public charter schools that may be shared with and disseminated to other public schools in the State.

(c) The Department shall report annually by December 1 to the General Assembly in accordance with § 2–1246 of the State Government Article regarding:

(1) Any updates or amendments made to a public charter school policy under subsection (a) of this section; and

(2) Implementation of this title.

§9–111.

(a) (1) If, with the approval of the State Superintendent, a county board determines that a school site or building no longer is needed for school purposes and after the county commissioners or county council have provided the required notice under § 4–115 of this article, the county board shall inform the public charter schools in the county that the school site or building is available for occupation and use by a public charter school on the terms determined by the county board.

(2) Each county board:

(i) Shall establish a procedure to determine which public charter school may occupy and use an available school site or building if more than one public charter school notifies the county board of an interest in occupying and using a school site or building; and

(ii) May consider the utilization rate of surrounding school sites and buildings when authorizing a public charter school to occupy a school site or building.

(b) A public charter school that occupies or uses a school site or building under subsection (a) of this section may not sell, dispose of, or otherwise transfer the school site or building.

§9–112.

Any portion of a building or property occupied and used by a public charter school shall be exempt from property taxes under § 7–202 of the Tax – Property Article for the duration of the occupation and use of the building or property as a public charter school.

§10–101.

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

(b) "Charter" means the Maryland Charter for Higher Education.

(c) "Commission" means the Maryland Higher Education Commission.

(d) "For–profit institution of higher education" means an institution of higher education that generally limits enrollment to graduates of secondary schools, awards degrees at the associate, baccalaureate, or graduate level, and is not a public or private nonprofit institution of higher education.

(e) "Governing board" means:

(1) The Board of Regents of the University System of Maryland;

(2) The Board of Regents of Morgan State University;

(3) The Board of Trustees of St. Mary's College of Maryland; and

(4) The Board of Trustees of Baltimore City Community College.

(f) "Governing body" means:

(1) A governing board;

(2) A board of trustees of a community college;

(3) The governing entity of private nonprofit institutions of higher education;

(4) The governing entity of a for–profit institution of higher education; or

(5) The governing entity of a regional higher education center.

(g) "Independent institution of higher education" means a private nonprofit institution of higher education that generally limits enrollment to graduates of secondary schools, serves a public purpose, and awards degrees at the associate, baccalaureate, or graduate level.

(h) (1) "Institution of higher education" means an institution of postsecondary education that generally limits enrollment to graduates of secondary schools, and awards degrees at either the associate, baccalaureate, or graduate level.

(2) "Institution of higher education" includes public, private nonprofit, and for–profit institutions of higher education.

(i) (1) "Institution of postsecondary education" means a school or other institution that offers an educational program in the State for individuals who are at least 16 years old and who have graduated from or left elementary or secondary school.

(2) "Institution of postsecondary education" does not include:

(i) Any adult education, evening high school, or high school equivalence program conducted by a public school system of the State; or

(ii) Any apprenticeship or on–the–job training program subject to approval by the Apprenticeship and Training Council.

(j) "Private career school" means a privately owned and privately operated institution of postsecondary education other than an institution of higher education

that furnishes or offers to furnish programs, whether or not requiring a payment of tuition or fee, for the purpose of training, retraining, or upgrading individuals for gainful employment as skilled or semiskilled workers or technicians in recognized occupations or in new and emerging occupations.

(k) (1) "Private nonprofit institution of higher education" means a private nonprofit institution of higher education that generally limits enrollment to graduates of secondary schools and awards degrees at the associate, baccalaureate, or graduate level.

(2) "Private nonprofit institution of higher education" includes an independent institution of higher education.

(l) "Program" or "educational program" means an organized course of study that leads to the award of a certificate, diploma, or degree.

(m) "Public senior higher education institution" means:

(1) The constituent institutions of the University System of Maryland and the University of Maryland Center for Environmental Science;

(2) Morgan State University; and

(3) St. Mary's College of Maryland.

(n) "Regional higher education center" means a higher education facility in the State that:

(1) Is operated by a public institution of higher education in the State or a private nonprofit institution of higher education operating under a charter granted by the General Assembly and includes participation by two or more institutions of higher education in the State;

(2) Consists of an array of program offerings from institutions of higher education approved to operate in the State by the Commission or by an act of the General Assembly that specifically satisfies the criteria set forth in § 10–212(b) of this title;

(3) Offers multiple degree levels; and

(4) Is either approved by the Commission to operate in the State or is established by statute.

(o) "Secretary" means the Secretary of Higher Education.

(p) "State Plan for Higher Education" means the plan for postsecondary education and research required to be developed by the Maryland Higher Education Commission under § 11–105(b) of this article.

§10–201.

This subtitle is the Maryland Charter for Higher Education which is a statement of policy for higher education in Maryland.

§10–202.

Public higher education in Maryland should be based on the following principles:

(1) The people of Maryland expect quality in all aspects of public higher education: teaching, research, and public service;

(2) Public higher education should be accessible to all those who seek and qualify for admission;

(3) Public higher education should provide a diversity of quality educational opportunities;

(4) Adequate funding by the State is critical if public higher education is to achieve its goal;

(5) The people of Maryland are entitled to efficient and effective management of public higher education; and

(6) The people of Maryland are entitled to capable and creative leadership in public higher education.

§10–203.

(a) It is the goal of the State that public senior higher education institutions be funded at 100 percent of funding guidelines developed by the Maryland Higher Education Commission.

(b) Funding policies shall allocate State resources efficiently while providing incentives for quality and institutional diversity.

(c) Funding proposals for public senior higher education institutions shall include:

(1) Base funding in accordance with the role and mission of the institution, as approved by the Maryland Higher Education Commission;

(2) Special initiative funding:

(i) For academic programs at historically African American colleges and universities; and

(ii) For the reward of academic innovation and enhancement; and

(3) Capital funding to support construction, operation, and maintenance of a physical plant that is consistent with each institution's mission.

(d) (1) Funding proposals for regional higher education centers may include:

(i) Ongoing operating support to provide access to affordable postsecondary education in unserved and underserved areas of the State;

(ii) Incentive funding to promote collaboration among the institutions of higher education and regional higher education centers; and

(iii) Capital funding to support construction, operation, and maintenance of a physical plant consistent with the approved mission statement of the center.

(2) Operating funds for each regional higher education center that is administered by the University System of Maryland shall be included in the appropriation of the system office as a separate line item in the Governor's operating budget.

(e) Student financial aid programs should be developed in order to provide reasonable access to the appropriate academic programs for individuals who exhibit financial need, who are educationally disadvantaged, or who exhibit special merit.

§10–204.

Public institutions of higher education shall:

(1) Provide postsecondary education to students;

(2) Transmit culture and extend knowledge through general higher education;

(3) Teach and train students for careers and advanced study;

(4) Protect academic freedom;

(5) Promote civic responsibility;

(6) Enhance economic development of the State through research, training, and extension services to business and industry;

(7) Provide public services for citizens of the State; and

(8) Assure that women and minorities are equitably represented among faculty, staff, and administration, so that the higher education community reflects the diversity of the State's population.

§10–205.

(a) It is the goal of the State that at least 55% of Maryland's adults age 25 to 64 will hold at least an associate's degree by the year 2025.

(b) It is the goal of the State that all degree–seeking students enrolled in a public community college earn an associate's degree before leaving the community college or transferring to a public senior higher education institution.

(c) Institutions of higher education should utilize educational resources to provide the greatest possible benefit to the citizens of the State and to foster economic development.

(d) In each region of the State, institutions of higher education should cooperate to assure an effective and efficient education system.

(e) In developing missions and programs, the Maryland Higher Education Commission and each governing board and its constituent institutions shall consider the role, mission, and function of other public senior higher education institutions, particularly those institutions offering unique programs and services in the same geographical region.

§10–206.

The Governor and General Assembly shall:

(1) Establish broad policy regarding higher education;

(2) Delegate implementation of the policy to appropriate boards, commissions, institutions, and officials;

(3) Provide for the adequate financing of public higher education; and

(4) Demand accountability and effective management from public institutions of higher education.

§10–207.

The Maryland Higher Education Commission shall:

(1) Advise the Governor and General Assembly on statewide higher education policy;

(2) Conduct statewide planning for higher education;

(3) Coordinate and arbitrate among different segments of higher education in the State;

(4) Review, negotiate as necessary, and grant final approval of mission

statements for each public institution of higher education and each regional higher education center that requests or receives State funding;

(5) Assess the adequacy of operating and capital funding for public higher education and establish operating funding guidelines based on comparison with peer institutions and on other relevant criteria;

(6) Establish and maintain a higher education information system for planning, coordination, and evaluation purposes;

(7) Coordinate the State's program of performance accountability reporting for public institutions of higher education; and

(8) Administer statewide programs of student financial assistance for higher education.

§10–208.

The governing boards of public senior higher education institutions shall, with respect to institutions under their jurisdiction:

(1) Set education policy and adopt mission statements;

(2) Establish goals that are consistent with the roles and missions approved for the institutions;

(3) Select presidents;

(4) Establish guidelines for admission standards that are consistent with the roles and missions approved for the institutions;

(5) Set guidelines for tuition and mandatory fees;

(6) Evaluate and approve short-range and long-range plans; and

(7) Evaluate and approve institutional budget submissions.

§10–209.

(a) The University System of Maryland shall provide through its various campuses and programs a continuum of educational services, including undergraduate education, graduate education, professional programs, and research.

(b) The goal of the University System of Maryland is to achieve and sustain national eminence with each component fulfilling a distinct and complementary mission.

(c) The University System of Maryland shall:

(1) Promote excellence at each campus, in accordance with the skills of the faculty, the needs of the region, and the academic programs offered;

(2) Develop a mission for each campus which builds upon the unique strength of the campus and embodies a diversity of programs;

(3) Recruit and retain nationally and internationally prominent and diverse faculty members;

(4) Actively pursue research funding and private support;

(5) Promote economic development by creating a well educated work force through undergraduate, graduate, and professional education, targeted research, education extension services, and technical assistance;

(6) Increase access for economically disadvantaged and minority students;

(7) Stimulate outreach to the community and the State through close relationships with public elementary and secondary schools, business and industry, and governmental agencies;

(8) Encourage collaboration among institutions for the benefit of the students; and

(9) Address and respond to continuing higher education needs in order to maintain an educated work force in the State.

(d) (1) The Board of Regents of the University System of Maryland shall appoint a Chancellor who shall be the Chief Executive Officer of the University System of Maryland and the Chief of Staff for the Board. The Chancellor and the staff of the Board shall serve as coordinators and system planners for the University.

(2) The Chancellor shall:

(i) Advise the Board of Regents on systemwide policy;

(ii) Conduct systemwide planning;

(iii) Coordinate and arbitrate among the institutions and centers of the University;

(iv) Assist the institutions in achieving performance goals in accordance with the Accountability Reporting Program; and

(v) Provide technical assistance to institutions and centers such as legal and financial services.

(e) Each campus of the University System of Maryland shall have a president who is the chief executive officer of the institution.

(f) The University System of Maryland shall:

(1) Maintain and enhance the College Park campus as the State's flagship campus with programs and faculty nationally and internationally recognized for excellence in research and the advancement of knowledge;

(2) Admit as freshmen to the College Park campus highly qualified students who have academic profiles that suggest exceptional ability;

(3) Provide access to the upper division undergraduate level of the College Park campus for students who have excelled in completing lower division study; and

(4) Provide the College Park campus with the level of operating funding and facilities necessary to place it among the upper echelon of its peer institutions.

(g) The University System of Maryland shall maintain and enhance a coordinated Higher Education Center for Research and Graduate and Professional Study, in the Baltimore area. Based on their joint graduate and research programs, the University of Maryland, Baltimore and the University of Maryland Baltimore County shall be considered a single research institution for the purposes of determining peer institutions. Funding guidelines for the professional schools of the University of Maryland, Baltimore shall be based on peer comparisons separately established for each school.

(h) The University System of Maryland may recognize University College as a campus for continuing higher education.

§10–210.

(a) The community colleges of the State shall provide a diverse range of education services, with particular emphasis on community centered programs and programs that afford open access to persons with a variety of educational backgrounds.

(b) The community colleges of the State shall:

(1) Provide a core curriculum of general education, including courses in the arts and sciences, that should be available to all students;

(2) Provide lower level undergraduate courses, in accordance with credit transfer guidelines set by the Maryland Higher Education Commission, for students who aspire to continue their education at a senior institution;

(3) Provide technical and career education programs;

(4) Provide training in skills and fields of study of importance to the region's business community;

(5) Provide a wide variety of continuing education programs to benefit

citizens of the community;

(6) Provide developmental and remedial education for citizens with needs in these areas; and

(7) Provide public services to the community's citizens.

§10–211.

(a) The private nonprofit institutions of higher education in the State are an important educational resource and are vital to the provision of postsecondary education in the State.

(b) The State shall continue to provide financial aid as provided by law to private nonprofit institutions of higher education to foster this important educational resource.

(c) (1) In this subsection, "cultural diversity" means the inclusion of those racial and ethnic groups and individuals that are or have been underrepresented in higher education.

(2) On or before July 1 of each year, each private nonprofit institution of higher education eligible for State aid under § 17–103 of this article shall submit a report on the institution's programs to promote and enhance cultural diversity on its campus to the Maryland Independent College and University Association.

(3) (i) On or before September 1 of each year, the Maryland Independent College and University Association shall submit a report on the status of the programs reported to the Association under paragraph (2) of this subsection to the Commission.

(ii) The report submitted to the Commission under subparagraph (i) of this paragraph shall include an analysis of the best practices used by private nonprofit institutions of higher education to promote and enhance cultural diversity on their campuses.

§10–212.

(a) Regional higher education centers in the State are important educational resources and are vital to the delivery of postsecondary education in the State.

(b) A regional higher education center shall:

(1) Provide access to affordable higher education programs to citizens in unserved or underserved areas of the State;

(2) Respond to the needs of businesses and industries in the areas in which they serve; and

(3) Encourage participation by institutions of higher education for the benefit of students and serve the needs of, and provide programs to, elementary and secondary schools, business and industry, and governmental agencies.

(c) The governing body of a regional higher education center may submit a request for proposals for the offering of a baccalaureate degree program at the center in accordance with § 16-108 of this article.

§10–213.

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

(2) "Business entity" means a person that conducts or operates a trade or business in the State.

(3) "Partnerships Program" means the Higher Education/Business Partnerships Program established under this section.

(b) (1) In order to improve the accessibility of businesses to resources of the public senior higher education institutions of the State, the University System of Maryland, Morgan State University, and St. Mary's College of Maryland, under the direction of the Governor and in consultation with the Department of Economic Competitiveness and Commerce, shall develop and implement a Higher Education/Business Partnerships Program.

(2) The goals of the Partnerships Program shall be to provide opportunities for businesses to better utilize resources that the public senior higher education institutions of the State have to offer and to foster continuing links between the institutions and the business community throughout the State.

(c) Under the Partnerships Program, the public senior higher education institutions of the State shall enter into agreements with business entities for cooperative arrangements for any one or more of the following activities:

(1) Employment of a graduate student in an eligible work–study job by a business entity in a business sector that is related to the student's field of study and is consistent with the strategic economic development goals established for the State with specific eligibility criteria determined by the institution and the Department of Economic Competitiveness and Commerce;

(2) Sponsored research administered by the institution; and

(3) Sponsorship by the business entity of business–specific training developed or conducted by the faculty of the institution.

§11–101.

There is a Maryland Higher Education Commission.

§11–102.

(a) The Commission consists of 12 members appointed by the Governor with the advice and consent of the Senate.

(b) (1) One member of the Commission shall be:

(i) A regularly enrolled student in good standing at a Maryland institution of higher education to which the Commission has issued a certificate of approval under this title or that may operate without a certificate of approval under § 11–202.1 of this title; and

(ii) A resident of Maryland.

(2) To the extent possible, the position of student member shall be rotated among all segments of higher education on an equal basis.

(3) The student member may not be the Chairperson of the Student Advisory Council.

(c) (1) In making appointments to the Commission, the Governor shall consider representation from all parts of the State.

(2) Except as provided in subsection (b) of this section, the members of the Commission shall be residents of the State and shall be appointed from the general public.

(d) (1) (i) Except for the student member, each member of the Commission serves for a term of 5 years and until a successor is appointed and qualifies.

(ii) The student member serves for a term of 1 year, beginning July 1 and ending June 30, and until a successor is appointed and qualifies.

(2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(e) Except for the student member, a member may be reappointed but may not serve more than 2 consecutive full terms.

(f) Each member of the Commission:

(1) Serves without compensation; and

(2) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

(g) During a term of service on the Commission, a member may not be employed, except for the student member as a part-time student employee, by any agency or institution of postsecondary education or be a member of the governing board of any

agency or institution of postsecondary education that is subject to the jurisdiction of the Commission.

§11–103.

(a) Each year from among the members of the Commission:

(1) The Governor shall designate a chairperson; and

(2) The Commission shall elect other officers as it requires.

(b) (1) The Commission shall meet regularly at such times and places as it determines.

(2) A majority of the members then serving on the Commission shall constitute a quorum for the transaction of business.

(3) No formal action may be taken by the Commission without the approval of a majority of the members of the Commission then serving on the Commission.

(4) The Commission shall make all necessary and proper rules for the transaction of business, and shall keep an accurate and complete record of all meetings.

§11–104.

(a) (1) In accordance with paragraph (2) of this subsection, the Governor shall appoint, with the advice and consent of the Senate, a Secretary of Higher Education.

(2) (i) The Commission shall submit to the Governor the names of 3 nominees for the position of Secretary from which the Governor shall make the appointment.

(ii) The Governor may reject the list and request the Commission to submit the names of additional nominees.

(b) (1) The Secretary shall:

(i) Select, organize, and direct the staff of the Commission;

(ii) Perform the duties the Commission assigns;

(iii) See that the policies and decisions of the Commission are carried out;

(iv) Serve at the pleasure of the Commission; and

(v) Be a member of the Governor's Executive Council.

(2) (i) After consideration of the recommendations of the Commission, the Governor shall include in the annual budget request the salary for the Secretary.

(ii) The Secretary is entitled to the salary provided in the State budget.

(c) The Secretary may hire the additional staff provided in the State budget.

(d) (1) Each employee of the Commission shall join the Teachers' Pension System of the State of Maryland or the Employees' Pension System of the State of Maryland.

(2) Any employee of the Commission who is determined by the Secretary to hold a professional position may join the optional retirement program under Title 30 of the State Personnel and Pensions Article.

§11–105.

(a) In addition to any other powers granted and duties imposed by this title and subject to any restrictions imposed by law, the Commission has the powers and duties set forth in this section.

(b) (1) The Commission shall coordinate the overall growth and development of postsecondary education in the State.

(2) (i) In consultation with the governing boards and agencies concerned with postsecondary education in the State, the Commission shall develop and periodically update an overall plan consistent with the Charter, known as the State Plan for Higher Education, that shall identify:

1. The present and future needs for postsecondary education and research throughout the State;

2. The present and future capabilities of the different institutions and segments of postsecondary education in the State; and

3. The long–range and short–range objectives and priorities for postsecondary education and methods and guidelines for achieving and maintaining them.

(ii) The Commission shall ensure that the State Plan for Higher Education complies with the State's equal educational opportunity obligations under State and federal law, including Title VI of the Civil Rights Act.

(iii) In developing the State Plan for Higher Education, the Commission shall incorporate the goals and priorities for higher education identified in this Division III and, for the University System of Maryland, including those identified in §§ 10–209 and 12–106 of this article.

(3) (i) The Commission shall submit to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly a quadrennial review of the plan by July 1, 2009, and by July 1 of each fourth year thereafter.

(ii) The quadrennial review shall include a report on the status and needs of postsecondary education in the State.

(4) In the year immediately following the quadrennial review of the State Plan for Higher Education and in accordance with Subtitle 3 of this title, the Commission shall review, negotiate as necessary, and approve the appropriate role, function, and mission of each public institution of postsecondary education in the State.

(5) (i) With respect to the College Park campus of the University of Maryland, the Commission shall direct the Board of Regents of the University of Maryland to develop and implement a plan for the enhancement of that campus as the State's flagship campus with programs and faculty nationally and internationally recognized for excellence in research and the advancement of knowledge.

(ii) With respect to the constituent institutions of the University System of Maryland in the Baltimore region, the Commission shall direct the Board of Regents of the University of Maryland to maintain and enhance a coordinated Higher Education Center for Research and Graduate and Professional Study in the Baltimore area.

(iii) With respect to Morgan State University, the Commission shall direct the Board of Regents of Morgan State University to develop and implement a plan for the enhancement of that institution as the State's public urban university with the appropriate programs, faculty, and facilities.

(6) The Commission has statewide coordinating responsibility for the community colleges and shall establish general policies for their operation.

(7) The Commission has authority to approve regional higher education centers to operate in the State and has statewide coordinating responsibility for regional higher education centers.

(8) The Commission may distribute strategic incentive funds to an institution of higher education or a regional higher education center to encourage attainment of the goals and priorities set forth in the State Plan for Higher Education.

(9) The Commission has statewide coordinating responsibilities for institutions of higher education to ensure the State achieves the goals established under § 10–205 of this article.

(c) With respect to the community colleges, the Commission:

(1) May provide grants-in-aid for the planning of new community colleges

and new programs in existing community colleges;

(2) Shall administer programs of State support and financial assistance for the community colleges;

(3) Shall assist and represent the community colleges in seeking and administering federal moneys available to them;

(4) May designate any community college instructional program as a statewide or regional program;

(5) Shall assure that courses and programs offered are within the scope of the mission of the community colleges;

(6) Shall assure that State funds for community colleges are spent prudently and in accordance with State guidelines;

(7) Shall provide centralized data processing assistance; and

(8) Shall coordinate relationships between the community colleges, the State and county public school systems, and the private high schools to:

(i) Facilitate cooperation among them in the guidance and admission of students to the community colleges; and

(ii) Arrange for the most advantageous use of facilities.

(d) (1) A regional higher education center must be approved by the Commission before the center is authorized to operate in the State.

(2) With respect to the regional higher education centers, the Commission:

(i) May require submission of strategic plans in accordance with guidelines adopted by the Commission;

(ii) May provide grants to regional higher education centers for ongoing operating expenses and lease payments in accordance with the funding formula in paragraph (4) of this subsection;

(iii) Shall administer programs of State support and financial assistance for the regional higher education centers;

(iv) Shall assure that courses and programs offered are within the scope of the approved missions of the regional higher education centers and specifically satisfy the criteria set forth in § 10–212(b) of this article; and

(v) Except as provided in paragraph (3) of this subsection, shall assure that State funds for the regional higher education centers are:

1. Spent prudently and in accordance with State guidelines; and

2. Consistent with the State Plan for Higher Education and the approved mission statements of the regional higher education centers.

(3) With respect to the regional higher education centers administered by the University System of Maryland, the University System of Maryland shall assure that State funds for the regional higher education centers are spent prudently and in accordance with State guidelines.

(4) (i) 1. In this paragraph the following words have the meanings indicated.

2. "Degree–seeking student" means a student enrolled in a 2+2, baccalaureate, master's, or doctoral degree program at a regional higher education center.

3. "2+2 program" means a collaborative program between a community college and a 4–year university that leads to a bachelor's degree.

(ii) As funding is provided in the annual State budget, the Commission shall calculate the amount of the annual apportionment for each regional higher education center administered by the Commission using the following funding formula:

1. A base allocation for each center of $200,000;

2. Incentive funding for degree–seeking, full–time equivalent students that is tied to the inflation–adjusted fiscal year 2005 General Fund appropriations per full–time equivalent student at the Universities at Shady Grove;

3. Lease funding for centers with leased space that have not received State capital funding support; and

4. Special funding for one–time projects or start–up costs.

(iii) The Commission shall adopt regulations to implement the funding formula in this paragraph.

(e) (1) The Commission is the State Postsecondary Education Commission under Title XII of the Higher Education Act of 1965.

(2) The Commission is the State approving agency for purposes of implementing educational benefit programs administered by the Veterans Administration.

(3) The Commission is responsible for receiving and allocating federal

funds that, under federal law or regulation, must be allocated among segments by a statewide authority.

(f) (1) The Commission is responsible for:

(i) Developing a program of desegregation and equal educational opportunity, including developing an enhancement plan, for historically African American colleges and universities;

(ii) Monitoring the progress made under, and assuring compliance with, the goals, measures, and commitments contained in the desegregation and equal education opportunity plan;

(iii) Making recommendations concerning needed resources for achieving the goals and objectives under this subsection;

(iv) Requiring reports from each governing board concerning progress toward equal opportunity in all activities and programs under its jurisdiction; and

(v) Reporting to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly regarding the progress of compliance with desegregation and equal education opportunity plans.

(2) In carrying out its responsibilities under this subsection, the Commission may:

(i) Designate a division or office to coordinate and monitor the equal opportunity activities of public institutions of higher education in the State;

(ii) Require the governing boards of public institutions of higher education to submit plans, reports, and data, in the format and using such forms as the Commission prescribes; and

(iii) Evaluate the effectiveness of institutional efforts and methods.

(g) The Commission shall:

(1) Administer State funds for private nonprofit institutions of higher education in the State; and

(2) Assure that the purposes for which these funds were appropriated are achieved.

(h) The Commission:

(1) May secure, compile, and evaluate information on any matter within its authority, in the format it requires, from any person, agency, regional higher education center, or institution subject to its authority;

(2) May engage in research, data compilation, and publication of reports concerning postsecondary education in the State;

(3) Through its representatives, may visit at any reasonable times and make reasonable inspections of any institution of postsecondary education or regional higher education center subject to its authority;

(4) In consultation with the segments of higher education, shall develop guidelines to assess the adequacy of operating and capital funding based on comparisons with institutions designated as peer institutions and other appropriate factors; and

(5) In consultation with the Department of Budget and Management, annually shall make recommendations consistent with the Charter and the plan under subsection (b) of this section on the appropriate level of funding for higher education.

(i) (1) On or before a date set by the Commission, each of the following governing boards and agencies shall submit to the Commission its annual operating budget requests and proposals for capital projects, by constituent institutions and affiliated regional higher education centers for the next fiscal year:

(i) The Board of Regents of the University System of Maryland;

(ii) The Board of Regents of Morgan State University;

(iii) The Board of Trustees of St. Mary's College of Maryland;

(iv) The State Advisory Council for Title I of the Higher Education Act of 1965;

(v) The Board of Trustees of Baltimore City Community College;

(vi) The Board of the Maryland Higher Education Investment Program; and

(vii) The governing body of each regional higher education center.

(2) In consultation with the Department of Budget and Management, the Commission shall present to the Governor, on or before a date set by the Governor, and simultaneously submit a copy to the General Assembly, a consolidated operating and capital budget for higher education that includes the operating and capital budget requests of the governing boards and institutions listed in paragraph (1) of this subsection, the operating budget request of the Commission, a report on the current funding of the adopted sets of peer institutions, and recommendations regarding the funding of higher education.

(3) In cooperation with the Department of Budget and Management, and without affecting the authority or responsibility of the Department under the State

Finance and Procurement Article, the Commission shall:

(i) Review proposals for capital projects and improvements proposed by the public institutions of higher education in this State, by the Maryland Independent College and University Association, and by the regional higher education centers; and

(ii) Develop and submit to the Governor and the General Assembly recommendations as to these projects, which shall be consistent with the State Plan for Higher Education provided for in this section.

(4) In submitting recommendations pursuant to paragraph (2) of this subsection, the Commission shall comment on the overall level of funding for higher education in order to achieve the goals established in the State Plan for Higher Education, and may comment regarding funding priorities among segments of higher education and, within public senior higher education, among institutions. In reviewing the various budgets and submitting recommendations thereon, the Commission:

(i) May not require, of any segment or institution, a detailed budget presentation that tends to duplicate other presentations required in the budget process;

(ii) As to the funding priority of any institution, may comment only on the entity as a whole and not on any separate unit of the institution; and

(iii) As to the operating and capital budgets of the Board of Regents of the University System of Maryland and the Board of Regents of Morgan State University:

1. May review and comment only within the broad context of the State Plan for Higher Education; and

2. May not recommend against a budget item approved by the Board of Regents unless the item is clearly inconsistent with the State Plan for Higher Education.

(5) (i) In this paragraph, "higher education" means:

1. The University System of Maryland;

2. Morgan State University;

3. St. Mary's College of Maryland;

4. All funding for the Maryland Higher Education Commission, including the funding of:

A. The Joseph A. Sellinger Program;

B. The Senator John A. Cade Funding Formula;

C. Fringe benefits provided under aid to community colleges; and

D. All scholarship and grant programs administered by the Commission; and

5. Baltimore City Community College.

(ii) It is the intent of the General Assembly that, barring unforeseen economic conditions, the Governor shall include in the annual budget submission for fiscal year 2000 and each year thereafter, an amount of General Fund State support for higher education equal to or greater than the amount appropriated in the prior year.

(iii) It is the goal of the State that General Fund and capital State support for higher education be funded annually in amounts that are no less than the following percentages of total General Fund State revenues:

1. 12.5 percent in fiscal year 2000;

2. 13.5 percent in fiscal year 2001;

3. 14.5 percent in fiscal year 2002;

4. 15 percent in fiscal year 2003; and

5. 15.5 percent in fiscal year 2004.

(j) (1) In this subsection, "community college" includes the Carroll County Community College and the Calvert County and St. Mary's County branch campuses of the College of Southern Maryland established under the authority granted by § 16-103(l) of this article, and does not include the Baltimore City Community College.

(2) The Commission shall administer the general public junior or community college and regional community college construction program in accordance with this section and regulations approved by the Board of Public Works.

(3) (i) Whenever a county desires, or whenever the counties that support a regional community college desire, to participate in the financial assistance provided by the State for the general public junior or community college and regional community college construction program, the jurisdiction or jurisdictions shall file with the Commission a petition and such information as the Commission requires, together with a complete proposal for each project for which financial assistance is desired.

(ii) The Commission shall submit to the Department of Budget and Management a copy of each petition and project proposal.

(4) On receipt of the recommendations of the Department of Budget and Management on each petition and project proposal, the Commission shall make a written report to the Board of Public Works describing the request or requests for financial assistance received and recommending a disposition for each request.

(5) The Board of Public Works shall approve each grant and shall certify the amount of the grant to the Treasurer and the Comptroller. The Comptroller shall issue a warrant to the Treasurer to pay the grant to or on behalf of the petitioning jurisdiction or jurisdictions, when needed, for design and construction or the acquisition of real property or interests in land. The decision of the Board of Public Works shall be in such form as the Board deems advisable and shall be final and conclusive.

(6) The amount of the grant shall be a percentage of total design and construction costs, including site acquisition and development costs, as follows:

(i) For a regional community college established under § 16-202 of this article, 75 percent; or

(ii) For a public junior or community college that is not a regional community college, the greater of:

1. A percentage equal to that percentage of the foundation program that the State pays to the petitioning jurisdiction under § 5-202(b) of this article up to a maximum of 70 percent; or

2. 50 percent.

(7) The Commission shall adopt regulations in accordance with Title 10, Subtitle 1 of the State Government Article concerning the administration of the general public junior or community college and regional community college construction program.

(k) Subject to the provisions in Subtitle 2 of this title, the Commission may:

(1) Review any educational program offered at an institution of postsecondary education; and

(2) Establish guidelines relating to matters of general educational policy.

(l) Subject to the provisions of Title 18 of this article, the Commission shall administer the various scholarship, grant-in-aid, and tuition assistance programs established by law.

(m) (1) Subject to paragraph (2) of this subsection, the Commission shall administer existing programs for interstate and regional cooperation, including reciprocity agreements on matters that affect postsecondary education, and may propose such new programs as it deems appropriate to the educational needs of the State.

(2) (i) This paragraph shall apply only to a public institution of higher education.

(ii) In order to provide higher educational opportunities at minimum cost to students and the State, the Commission is authorized to participate in the Southern Regional Education Board Interstate Agreement, also known as the Academic Common Market, to provide an opportunity for qualified nonresident students to enroll in selected programs and curricula on a resident tuition and fee charge basis.

(iii) Notwithstanding any other provision of this article, the Commission is specifically authorized to create guidelines for the waiver of the collection of nonresident tuition and fee charges for students from other states that are enrolled in programs and curricula approved by the Commission as part of a regional or interstate agreement.

(iv) Before participating in any interstate agreement under this subsection, the Commission shall consult with:

1. The Board of Regents of the University System of Maryland;

2. The Board of Regents of Morgan State University;

3. The Board of Trustees of St. Mary's College of Maryland; and

4. The affected community colleges.

(v) Any interstate reciprocal agreement entered into by the Commission involving the states of Pennsylvania and West Virginia shall supersede the provisions of § 16–310 of this article to the extent that the provisions of § 16–310 of this article are inconsistent with the reciprocal interstate agreement.

(3) The Commission is authorized to participate in the State Authorization Reciprocity Agreement (SARA).

(n) Subject to the provisions of § 11-401 of this title, the Commission shall serve as the repository for records of defunct institutions of postsecondary education.

(o) (1) The Commission may require an application or renewal fee from an institution of postsecondary education seeking:

(i) Certification to operate in the State;

(ii) An exemption from certification to operate in the State under § 11–202.1(b) of this title; or

(iii) Except for actions relating to programs offered at a regional

higher education center, approval of any academic program action taken under Subtitle 2 of this title.

(2) (i) The revenues from application and renewal fees shall be distributed to a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(ii) Subject to subparagraph (iii) of this paragraph, the special fund may be used only to carry out the provisions of Subtitle 2 of this title.

(iii) At the end of each fiscal year, any amount in excess of $100,000 shall revert to the General Fund.

(iv) Any investment earnings of the fund shall be credited to the General Fund.

(3) Subject to the provisions of § 11–203 of this title, the Commission may require bonds or other financial guaranties from institutions of postsecondary education seeking certification or recertification to operate in the State.

(p) Subject to the provisions of § 11-402 of this title, the Commission shall regulate the solicitation of students by institutions of postsecondary education.

(q) The Commission shall recommend to the Governor and General Assembly appropriate revisions to the Charter.

(r) The Commission shall arbitrate to resolve differences among the segments of higher education in the State.

(s) The Commission shall establish and maintain a higher education information system for planning, coordination, and evaluation purposes.

(t) The Commission shall assist the Department of Health and Mental Hygiene in implementing the vaccination requirements adopted under § 18-102(c) of the Health - General Article.

(u) The Commission may adopt any rule or regulation necessary to carry out its powers and duties.

(v) The Commission shall perform any other duty delegated to it in accordance with law.

§11–106.

(a) (1) The Commission shall establish:

(i) A Faculty Advisory Council;

(ii) A Student Advisory Council;

(iii) A Segmental Advisory Council;

(iv) A Financial Assistance Advisory Council;

(v) A Maryland Digital Library Advisory Council; and

(vi) A Private Career School Advisory Council.

(2) These Councils shall meet periodically for the purpose of reviewing such matters as are referred by the Commission or the Secretary for their consideration and advice.

(3) The Councils may make reports and recommendations to the Commission.

(b) (1) The Commission may appoint continuing advisory committees that represent various groups in the higher education community.

(2) Advisory committees may make recommendations to the Commission on matters of statewide importance that affect their constituencies.

§11–106.1. IN EFFECT

// EFFECTIVE UNTIL JUNE 30, 2022 PER CHAPTER 327 OF 2012 //

(a) There is a Student Transfer Advisory Committee.

(b) The Committee consists of the following members:

(1) The Secretary of Higher Education, or the Secretary's designee;

(2) The Chancellor of the University System of Maryland, or the Chancellor's designee;

(3) The President of St. Mary's College of Maryland, or the President's designee;

(4) The President of Morgan State University, or the President's designee;

(5) The Executive Director of the Maryland Association of Community Colleges, or the Executive Director's designee;

(6) The President of the Maryland Independent College and University Association, or the President's designee;

(7) The Assistant Secretary for the Division of Workforce Development and Adult Learning in the Department of Labor, Licensing, and Regulation, or the Assistant Secretary's designee;

(8) The Assistant State Superintendent for Career and College Readiness in the State Department of Education, or the Assistant State Superintendent's designee;

(9) A representative of the Student Advisory Council, appointed by the Secretary;

(10) A representative from the Maryland Association of Private Career Schools, appointed by the Secretary; and

(11) A representative from a for–profit institution of higher education that operates in the State, appointed by the Secretary.

(c) The members of the Committee may elect a chair and other officers of the Committee, as needed.

(d) The Commission shall provide staff for the Committee.

(e) A member of the Committee:

(1) May not receive compensation as a member of the Committee; but

(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Committee shall review and analyze:

(1) Articulation and student support services, including admission and advising practices; and

(2) Any other student transfer related issues as referred to the Committee by the Commission.

(g) The Committee shall meet at least four times per year.

(h) On or before December 1, 2013, and in each odd–numbered year thereafter, the Committee shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

§11–107.

(a) The Commission may authorize the Secretary, acting through the Attorney General, to seek an injunction or other judicial remedy for any violation of this title or of the rules and regulations adopted under this title.

(b) (1) If an institution of postsecondary education is required to have a certificate of approval from the Commission and is operating without a certificate of approval, the Secretary may:

(i) Issue an order to cease and desist;

(ii) Issue a notice of violation and impose a penalty of up to $5,000; and

(iii) Acting through the Attorney General, seek an injunction or other judicial remedy.

(2) In imposing a penalty under this subsection, the Secretary shall consider:

(i) The seriousness of the violation;

(ii) The harm caused by the violation;

(iii) The good faith of the institution and any corrective actions taken;

(iv) Any history of previous violations; and

(v) Other pertinent circumstances.

(c) For any institution of postsecondary education required to have Commission approval before offering a program, if the institution offers an unapproved program, the Secretary may require the institution to refund all tuition and fees paid by students who enrolled in the program, and may revoke the certificate of approval of any institution that fails to make a required refund within the time specified by the Secretary.

(d) The remedies provided in this section are in addition to any other remedies provided by law.

§11–201.

The Commission shall establish minimum requirements for issuing certificates, diplomas, and degrees by institutions of postsecondary education.

§11–202.

(a) (1) Except as provided in § 11–202.1 of this subtitle, an institution of postsecondary education may not commence or continue to operate, do business, or function without a certificate of approval from the Commission.

(2) Except as provided in §§ 11–202.1 and 11–202.2 of this subtitle, an institution of higher education that enrolls Maryland students in a fully online distance education program in the State may not commence or continue enrollment of Maryland students without registering with the Commission as provided under § 11–202.2 of this subtitle.

(3) An institution required to register under paragraph (2) of this subsection that is not accredited by an accrediting body recognized and approved by

the United States Department of Education may not receive a registration from the Commission.

(b) The Commission shall issue a certificate of approval to an institution of postsecondary education if it finds that:

(1) The facilities, conditions of entrance and scholarship, and educational qualifications and standards are adequate and appropriate for:

(i) The purposes of the institution; and

(ii) The programs, training, and courses to be offered by the institution; and

(2) The proposed programs to be offered by the institution meet the educational needs of the State.

(c) (1) If the Commission believes that an institution of postsecondary education that applies for a certificate of approval does not meet the conditions or standards necessary for the issuance of the certificate, the Commission shall give the institution written notice of the specific deficiencies.

(2) (i) Within 20 days of receipt of a notice of deficiencies, the institution may request a hearing before the Commission.

(ii) Within 60 days of receipt of the request the Commission shall hold a hearing to determine if the certificate of approval should be issued.

(3) If, within 6 months from the date on which the application for certification was submitted to the Commission, the institution has received neither a certificate of approval under subsection (b) of this section nor written notice of deficiencies under this subsection, the institution may request within 20 days a hearing before the Commission to determine if the certificate of approval should be issued.

(c–1) (1) If the Commission believes that an institution of higher education that is required to register under subsection (a)(2) of this section or § 11–202.2 of this subtitle does not meet the conditions or standards necessary for the issuance of the registration, the Commission shall give the institution written notice of the specific deficiencies within 6 months after receipt of an application for registration.

(2) (i) Within 20 days after receipt of a notice of deficiencies, the institution may request a hearing before the Commission.

(ii) Within 60 days after receipt of the request for a hearing under subparagraph (i) of this paragraph, the Commission shall hold a hearing to determine if the registration should be issued.

(3) (i) If, after 6 months from the date on which the application for registration was submitted to the Commission, the institution has received neither a registration nor written notice of deficiencies under this subsection, the institution may request a hearing within 20 days before the Commission.

(ii) Within 60 days after receipt of the request for a hearing under subparagraph (i) of this paragraph, the Commission shall hold a hearing to determine if the registration should be issued.

(4) After a hearing held under this subsection, the Commission shall render a decision within 30 days.

(d) (1) Any institution of postsecondary education that is denied a certificate of approval by the Commission after a hearing granted under subsection (c) of this section or any institution of higher education that is denied a registration after a hearing granted under subsection (c–1) of this section has the right to judicial review provided by Title 10, Subtitle 2 of the State Government Article.

(2) The decision of the Commission shall be presumed correct, and the institution has the burden of proving otherwise.

(3) The Commission shall be a party to the proceeding.

§11–202.1.

(a) A private nonprofit institution of higher education operating under a charter granted by the General Assembly may operate without a certificate of approval from the Commission.

(b) (1) Subject to the requirements imposed by this section, and except as prohibited in paragraph (2) of this subsection, a religious educational institution may operate without a certificate of approval from the Commission and may enroll Maryland students in a fully online distance education program in the State without a registration from the Commission if the institution:

(i) Is established for religious educational purposes;

(ii) Provides educational programs only for religious vocations or purposes;

(iii) Offers only sectarian instruction designed for and aimed at individuals who hold or seek to learn the particular religious faiths or beliefs taught by the institution;

(iv) Does not offer instruction in nonsectarian or general education; and

(v) States on the certificate or diploma the religious nature of the

award.

(2) A religious educational institution that is accredited by an accrediting body recognized by the United States Department of Education may not operate without a certificate of approval from the Commission.

(c) Each religious educational institution authorized to operate without a certificate of approval or without a registration under subsection (b) of this section:

(1) Shall submit to the Commission, every 2 years, a renewal application that includes a financial statement reviewed by an independent accountant retained by the institution and a copy of the current catalog of courses; and

(2) May not commence or continue to operate, do business, or function unless the Commission determines on the basis of the financial statement submitted by the institution that the institution possesses adequate financial resources to support the institution's educational program.

(d) The Commission shall adopt regulations establishing procedures and standards for the submission and evaluation of the application for exemption, renewal application, and reports and financial statements submitted by religious educational institutions.

(e) A religious educational institution seeking to operate without a certificate of approval under subsection (b) of this section that is denied the right to operate has the right to judicial review as provided by the Administrative Procedure Act.

(f) Nothing in this section precludes a religious educational institution authorized to operate without a certificate of approval under subsection (b) of this section from seeking a certificate of approval from the Commission.

(g) A religious educational institution authorized to operate without a certificate of approval under subsection (b) of this section shall disclose on all transcripts, catalogs, advertisements, and publications of the institution that the institution does not have a certificate of approval from the Commission.

(h) With regard to a religious educational institution authorized to operate without a certificate of approval under subsection (b) of this section, a person may not:

(1) Make a statement, whether verbal or written, that the institution is approved by, or has a certificate of approval from, the Commission, including a statement on any certificate, diploma, academic transcript, or other document issued by the institution or in any advertisement or publication, or on a Web site; or

(2) Enroll a student in the institution unless, before enrollment, the person gives written notice to and obtains a written acknowledgment from the student that:

(i) The institution's instructional program is only designed for and aimed at persons who hold or seek to learn the particular religious faith or beliefs of the church or religious institution, and provides only educational programs for religious vocations or purposes;

(ii) An institution of higher education is not required to accept for transfer credits earned at the institution;

(iii) An institution of higher education is not required to recognize an award earned at the institution;

(iv) A potential employer may determine that an award earned at the institution does not meet minimum educational requirements for employment;

(v) With respect to a religious counselor program, State licensing boards are not required to recognize the program as a prerequisite of licensure; and

(vi) If applicable, the institution:

1. Is not accredited; or

2. Is accredited by an accrediting body that is not recognized by the United States Department of Education.

(i) The written acknowledgment obtained from a student under subsection (h) of this section shall be:

(1) In a form approved by the Commission;

(2) Signed by both the student and a representative of the institution; and

(3) Permanently retained in the student's file by the institution.

(j) A person who violates subsection (g), (h), or (i) of this section is liable for a penalty of up to $5,000 for each violation.

§11–202.2.

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

(2) "Fully online distance education program in the State" means a program, originating outside the State, offered by an out–of–state institution in which:

(i) A student domiciled in Maryland enrolls;

(ii) 51% or more of the program is offered through electronic distribution; and

(iii) The Commission determines that the portion of the program

offered at a location in the State, if any, does not require a certificate of approval under § 11–202 of this subtitle for the institution to operate in the State.

(3) "Out–of–state institution" means an institution of higher education whose primary campus exists outside Maryland and whose authority to grant degrees is conferred by another state.

(b) (1) An institution of higher education that enrolls Maryland students in a fully online distance education program in the State shall file an application to register with the Commission before or within 3 months of enrolling the first Maryland student.

(2) This section does not apply to an institution of higher education that enrolls Maryland students in a fully online distance education program in the State that:

(i) Is subject to program review by the Commission under § 11–206 or § 11–206.1 of this subtitle;

(ii) Participates in the Southern Regional Education Board's Electronic Campus; or

(iii) Participates in the State Authorization Reciprocity Agreement (SARA).

(3) (i) After filing an application under paragraph (1) of this subsection, an institution that has enrolled a Maryland student before obtaining a registration under this section may continue to operate without a registration while the Commission considers the institution's application, conducts a hearing concerning the institution's application, or participates in judicial review regarding an institution's application.

(ii) An institution that continues to operate without a registration under subparagraph (i) of this paragraph shall furnish a performance bond or other form of financial guarantee to the State in an amount set by regulation that is in addition to and separate from a performance bond or other form of financial guarantee required under § 11–203 of this subtitle.

(c) Each institution of higher education required to register under this section shall:

(1) Be accredited by an accrediting body recognized and approved by the United States Department of Education;

(2) Submit to the Commission:

(i) Every 2 years, a financial statement reviewed by an independent accountant retained by the institution;

(ii) An affidavit from the president or chief executive officer of the

institution affirming:

1. That the institution has not filed for bankruptcy protection under Title 11 of the United States Code during its existence; and

2. The willingness of the president or the chief executive officer to abide by the provisions of this section;

(iii) Proof of good business standing in the state in which the central administration of the institution is incorporated; and

(iv) Proof of good academic standing submitted by:

1. The regulatory higher education entity in the state in which the central administration of the institution is located; or

2. If the state in which the institution is located does not have a regulatory higher education entity, the accrediting body that accredited the institution;

(3) Promptly notify the Commission of a change in ownership or a change in majority control;

(4) Comply with the Principles of Good Practice for distance education established by the Commission through regulation;

(5) Make public and post on the institution's Web site:

(i) Whether the institution is registered in Maryland; and

(ii) The process by which to make complaints against the institution;

(6) Comply with the refund policy and procedures established by the Commission; and

(7) Be subject to complaint investigation by the Office of the Attorney General or the Commission or both.

(d) The refund policy and procedures established by the Commission shall allow for:

(1) (i) At least 2 weeks of required orientation or preenrollment instruction in a fully online distance education program in the State at no charge for a student who has completed less than 24 credits of college–level learning from an accredited institution; and

(ii) A prorated refund methodology that provides a refund to any student not covered by item (i) of this paragraph who has completed 60% or less of a course, term, or program within the applicable billing period; or

(2) A prorated refund methodology that provides a refund to any student who has completed 60% or less of a course, term, or program within the applicable billing period.

(e) (1) Subject to paragraph (2) of this subsection, the Commission shall require the payment of a fee set by regulation, as a condition of registration.

(2) (i) Subject to subparagraph (ii) of this paragraph, the fees charged shall be:

1. A fixed amount for all institutions regardless of type, location, or student enrollment; and

2. Set to cover the approximate cost of implementing a system of registration.

(ii) Notwithstanding subparagraph (i) of this paragraph, the Commission may charge an institution that enrolls not more than 20 Maryland students a fee that is less than the amount of the fee charged to other institutions.

(f) The Commission shall make public and post on its Web site:

(1) A list of registered institutions of higher education that offer fully online distance education programs in the State; and

(2) If the Commission denies or revokes the registration of an institution, the name of the denied or revoked institution.

(g) On or before December 1 each year, the Commission shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly:

(1) The number of institutions of higher education that apply for registration under this section;

(2) The type and size of the institutions that apply;

(3) The number of institutions approved for registration;

(4) The number of institutions denied registration;

(5) The number of Maryland students enrolled in institutions required to register under this section;

(6) The results of the requirements of § 11–202.3 of this subtitle;

(7) The number of institutions found to be in violation of the requirement to register under this section;

(8) Any fines imposed, and in what amounts, on institutions that violate this section; and

(9) Any fine revenues collected from institutions for violation of this section.

§11–202.3.

At least twice a year, the Commission shall peruse federal databases and other information sources to determine whether there are Maryland students who are enrolled in a fully online distance education program offered by an institution of higher education that is required to register with the Commission under § 11–202.2 of this subtitle, but that has failed to register with the Commission.

§11–203.

(a) The Commission may require any institution of postsecondary education that is required to obtain a certificate of approval or an institution of higher education that is required to register under § 11–202.2 of this subtitle to furnish a performance bond or other form of financial guarantee for either the certificate of approval or the registration to the State conditioned that the institution will:

(1) Perform faithfully all agreements or contracts it makes with its students; and

(2) Comply with this article.

(b) Any bond or guarantee required under this section shall be in the form and amount the Secretary requires.

(c) (1) The total liability of a surety on a bond or guarantee under this section may not exceed the amount of the bond or guarantee.

(2) If the total amount of claims filed against a bond or guarantee exceeds the amount of the bond or guarantee, the surety shall pay the amount of the bond or guarantee to the Secretary for distribution to the claimants.

(d) (1) By rule and regulation, the Commission may create and provide for the operation of three separate guaranty funds for:

(i) For–profit institutions of higher education;

(ii) Private career schools; and

(iii) Institutions of higher education that are required to register under § 11–202.2 of this subtitle.

(2) (i) The private career school fund shall be used:

1. To reimburse any student at a private career school who is entitled to a refund of tuition and fees because the institution has failed to perform faithfully any agreement or contract with the student or failed to comply with any provision of this article; or

2. For any other function directly related to the original purpose of the fund deemed appropriate by the Secretary.

(ii) The for–profit institution of higher education fund shall be used to reimburse any student at a for–profit institution of higher education who is entitled to a refund of tuition and fees because the institution has failed to perform faithfully any agreement or contract with the student or failed to comply with any provision of this article.

(iii) 1. The fund for institutions of higher education that are required to register under § 11–202.2 of this subtitle shall be used to reimburse any student at any of these institutions who is entitled to a refund of tuition and fees because the institution has failed to perform faithfully any agreement or contract with the student or failed to comply with any provision of this article.

2. A. After 3 years of claims history during which no claim against the fund has been sustained on behalf of a Maryland student participating in a fully online distance education program offered in the State by an institution registered under § 11–202.2 of this subtitle, the Commission shall exempt that institution from the requirement to contribute to the fund.

B. Notwithstanding subsubsubparagraph A of this subsubparagraph, an institution shall be required to contribute to the fund following a claim against the fund being sustained on behalf of a Maryland student participating in a fully online distance education program offered in the State by the institution.

3. Notwithstanding subsubparagraph 2 of this subparagraph, a student who takes courses from an institution exempted from contribution to the fund under subsubparagraph 2 of this subparagraph may make a claim against the fund in accordance with subsubparagraph 1 of this subparagraph.

(iv) 1. The funds shall be continuing, nonlapsing funds, not subject to § 7–302 of the State Finance and Procurement Article.

2. Any unspent portions of the funds may not be transferred or revert to the General Fund of the State, but shall remain in the funds to be used for the purposes specified in this subsection.

3. No other State money may be used to support the funds.

(v) The Commission shall be subrogated to and may enforce the claim of any student to the extent of any actual or authorized reimbursement from the funds.

(3) (i) Each for–profit institution of higher education or private career school that is required to obtain a certificate of approval and, subject to paragraph (2)(iii)2 of this subsection, each institution of higher education required to register under § 11–202.2 of this subtitle shall pay an annual fee into the appropriate fund.

(ii) The Commission shall determine the amount of the fee based on the probable amount of money needed for the funds for each fiscal year. If the moneys in the guaranty funds are insufficient to satisfy duly authorized claims, the participating institutions may be reassessed and shall pay the additional amounts required.

(iii) The Commission may not issue a certificate of approval or registration to, and shall revoke any certificate of approval or registration previously issued to, an institution that fails to pay any annual fee or reassessment.

(iv) The Commission shall deposit into the appropriate fund any penalty assessed against a for–profit institution of higher education, institution of higher education required to register under § 11–202.2 of this subtitle, or private career school, respectively, under the terms of § 11–204 of this subtitle.

(4) (i) The funds shall be maintained by the State Comptroller who may deposit the assets of the funds in any manner that is consistent with the purposes of the funds.

(ii) All interest or other return on fund investments shall be credited to the funds.

(5) The Commission, through the Attorney General, may enforce any claim to which the Commission has been subrogated under this subsection.

(e) On or before December 1 each year, the Commission shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, regarding:

(1) The number of claims made against each guaranty fund established under this section;

(2) The type, size, and program of the institutions against which the claims are made;

(3) The number of claims that are approved and the associated payouts from the funds; and

(4) The number of claims that are denied.

§11–204.

(a) If the Commission believes that an institution of postsecondary education does not meet the conditions or standards on which its certificate of approval,

registration, or any other approval issued by the Commission or Secretary, was based, the Commission shall give the institution written notice specifying the deficiencies believed to exist.

(b) (1) The notice shall specify the alleged deficiencies, and direct the institution to correct them within a period of not less than 30 days.

(2) If the institution requests a hearing, the Commission shall hold a hearing on the matter within 60 days of receipt of the request, subject to the requirement that any request for a hearing must be received by the Commission within 20 days of the institution's receipt of the notice of deficiencies.

(3) Subject to subsection (f) of this section, action on the notice of deficiencies shall be stayed until a determination is made after the hearing.

(4) Notwithstanding § 11–206(b)(3) of this subtitle, at the discretion of the Secretary, action on any approval request by an institution issued a notice of deficiencies may be stayed until a determination is made after the hearing.

(c) (1) If a hearing is not requested within the specified time period, or if the notice of deficiencies is upheld in whole or in part after a hearing, the Commission may reprimand the institution or suspend or revoke the institution's certificate of approval or any other approval issued by the Commission or Secretary.

(2) (i) Instead of or in addition to reprimanding a for–profit institution of higher education, institution of higher education required to register under § 11–202.2 of this subtitle, or private career school, or suspending or revoking any approval issued to a for–profit institution of higher education or private career school or registration issued to an institution of higher education under § 11–202.2 of this subtitle, the Commission may impose a penalty of up to $5,000 for each violation as specified in regulations adopted by the Commission.

(ii) In accordance with the provisions of this section, the Commission shall deposit any penalty assessed against a for–profit institution of higher education, institution of higher education required to register under § 11–202.2 of this subtitle, or private career school into the respective guaranty fund if such funds exist. Otherwise, all penalties shall be deposited into the General Fund of the State.

(d) (1) In addition to any other sanction imposed under this section, an institution of higher education that is required to register under § 11–202.2 of this subtitle that willfully and knowingly violates the provisions of this subtitle shall be:

(i) Subject to revocation of registration; and

(ii) Prohibited from enrolling Maryland students in fully online distance education programs in the State.

(2) Maryland students who attend an institution prohibited from

enrolling Maryland students under paragraph (1)(ii) of this subsection shall be allowed to complete a fully online distance education program in the State that is in progress.

(3) If an institution is required to register under § 11–202.2 of this subtitle and the institution does not file an application to register with the Commission within 3 months of enrolling its first Maryland student or the institution enrolls additional Maryland students in violation of this section, the institution shall be subject to a fine not exceeding $20,000.

(e) In imposing any sanctions under this section, the Commission shall consider:

(1) The seriousness of the deficiency;

(2) The harm caused by the deficiency;

(3) The good faith of the institution and any corrective actions taken;

(4) Any history of previous deficiencies; and

(5) Other pertinent circumstances.

(f) (1) An institution that is aggrieved by an order of the Commission has the right to judicial review provided by Title 10, Subtitle 2 of the State Government Article.

(2) The decision of the Commission shall be presumed correct and the institution has the burden of proving otherwise.

(3) The Commission shall be a party to the proceeding.

(g) (1) The Secretary may at any time following written notice of the deficiencies and prior to the Commission's final decision seek an injunction or other judicial remedy in accordance with § 11–107 of this title, if the Secretary determines that the public interest requires enforcement of the provisions of this article or any applicable regulations.

(2) If a court grants relief prior to a hearing that was requested on a timely basis, the Commission shall schedule a hearing in regard to the notice of deficiencies within 2 weeks of the issuance of the court's order, unless the institution requests a delay.

§11–205.

(a) The Commission may summarily order the revocation or suspension of a certificate of approval of a private career school if:

(1) The school's owner or director, or any person in whose name the approval is issued, is convicted of a crime of moral turpitude or a crime relating to the

operation of the school if:

(i) The conviction is final; and

(ii) The period for appeal has expired;

(2) An agency that exercises concurrent authority over the private career school has revoked any approval to operate required by law; or

(3) Without prior approval of the Commission, the certificate of approval of a school is sold, pledged, or transferred, or there is a change of ownership of a school.

(b) The Commission may summarily order a revocation or suspension of a certificate of approval of a private career school under subsection (a) of this section only if it gives the school:

(1) Prior oral or written notice of the proposed revocation or suspension and a brief, informal opportunity for response;

(2) Prior or prompt subsequent written notice of the revocation or suspension and the findings on which the revocation or suspension is based; and

(3) After the revocation or suspension is effective, an opportunity to be heard promptly before the Commission.

(c) (1) In any hearing held on the grounds for revocation under subsection (a) of this section, the Commission may limit the issues to be determined to whether:

(i) The alleged conviction in fact occurred;

(ii) The alleged revocation under subsection (a)(2) of this section in fact occurred; or

(iii) The alleged sale, pledge, or transfer, or change of ownership of the private career school in fact occurred.

(2) Notwithstanding paragraph (1) of this subsection, in any hearing held on the grounds for revocation under subsection (a) of this section, a private career school may present matters in mitigation of the offense alleged by the Commission.

§11–206.

(a) This section does not apply to:

(1) New programs proposed to be implemented by public and private nonprofit institutions of higher education using existing program resources in accordance with § 11–206.1 of this subtitle; and

(2) Programs offered by institutions of higher education that operate in the

State without a certificate of approval in accordance with § 11–202.1(b) of this subtitle.

(b) (1) Prior to the proposed date of implementation, the governing body of an institution of postsecondary education shall submit to the Commission each proposal for:

(i) A new program; or

(ii) A substantial modification of an existing program.

(2) The Commission shall review each such proposal and:

(i) With respect to each public institution of postsecondary education, either approve or disapprove the proposal;

(ii) Except as provided in § 16–108(c) of this article, with respect to each private nonprofit or for–profit institution of higher education, either recommend that the proposal be implemented or that the proposal not be implemented; and

(iii) With respect to a private career school, either approve or disapprove the proposal.

(3) If the Commission fails to act within 60 days of the date of submission of the completed proposal, the proposal shall be deemed approved.

(4) Except as provided in paragraph (3) of this subsection, a public institution of postsecondary education and private career school may not implement a proposal without the prior approval of the Commission.

(5) (i) Except as provided in paragraph (3) of this subsection, and subject to subparagraph (ii) of this paragraph, a program that has not received a positive recommendation by the Commission may be implemented by:

1. Subject to the provisions of § 17–105 of this article, a private nonprofit institution of higher education; or

2. A for–profit institution of higher education.

(ii) If a private nonprofit or for–profit institution of higher education implements a proposal despite the recommendation from the Commission that a program not be implemented, the institution shall notify both prospective students of the program and enrolled students in the program that the program has not been recommended for implementation by the Commission.

(6) (i) If the Commission disapproves a proposal, the Commission shall provide to the governing body that submits the proposal a written explanation of the reasons for the disapproval.

(ii) After revising a proposal to address the Commission's reasons for disapproval, the governing body may submit the revised proposal to the Commission for approval.

(c) (1) Prior to discontinuation, each institution of postsecondary education that proposes to discontinue an existing program shall provide written notification to the Commission specifying:

(i) The name of the program; and

(ii) The expected date of discontinuation.

(2) By rule or regulation, the Commission may require the payment by a private career school of a refund to any student or enrollee who, because of the discontinuation of an ongoing program, is unable to complete such program.

(d) The Commission shall review and make recommendations on programs in private nonprofit and for–profit institutions of higher education.

(e) (1) In this subsection, "governing board" includes the board of trustees of a community college.

(2) The Commission shall adopt regulations establishing standards for determining whether 2 or more programs are unreasonably duplicative.

(3) The Commission may review existing programs at public institutions of postsecondary education if the Commission has reason to believe that academic programs are unreasonably duplicative or inconsistent with an institution's adopted mission.

(4) The Commission may make a determination that an unreasonable duplication of programs exists on its own initiative or after receipt of a request for determination from any directly affected public institution of postsecondary education.

(5) (i) If the Commission makes a determination under paragraph (4) of this subsection the Commission may:

1. Make recommendations to a governing board on the continuation or modification of the programs;

2. Require any affected governing board to submit a plan to resolve the duplication; and

3. Negotiate, as necessary, with any affected governing board until the unreasonable duplication is eliminated.

(ii) Notwithstanding the provisions of subparagraph (i) of this paragraph, if the Commission determines that 2 or more existing programs offered

by institutions under the governance of different governing boards are unreasonably duplicative, the governing boards of the institutions of postsecondary education at which the programs are offered shall have 180 days from the date of the Commission's determination to formulate and present to the Commission a joint plan to eliminate the duplication.

(iii) If in the Commission's judgment the plan satisfactorily eliminates the duplication, the governing board of the affected institutions shall be so notified and shall take appropriate steps to implement the plan.

(iv) If in the Commission's judgment the plan does not satisfactorily eliminate the duplication, or if no plan is jointly submitted within the time period specified in paragraph (6) of this subsection, the governing board of the affected institutions shall be so notified. The Commission may then seek to eliminate the duplication by revoking the authority of a public institution of postsecondary education to offer the unreasonably duplicative program.

(6) (i) Prior to imposing a sanction under paragraph (5) of this subsection, the Commission shall give notice of the proposed sanction to the governing board of each affected institution.

(ii) 1. Within 20 days of receipt of the notice, any affected institution may request an opportunity to meet with the Commission and present objections.

2. If timely requested, the Commission shall provide such opportunity prior to the Commission's decision to impose a sanction.

(iii) The Commission's decision shall be final and is not subject to further administrative appeal or judicial review.

§11–206.1.

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

(2) "Public institution of higher education" means:

(i) A public senior higher education institution; and

(ii) A community college.

(3) "Private nonprofit institution of higher education" has the meaning stated in § 10–101(k) of this article.

(b) (1) A president of a public institution of higher education may propose to establish a new program or abolish an existing program if the action:

(i) Is consistent with the institution's adopted mission statement

under Subtitle 3 of this title; and

(ii) Can be implemented within the existing program resources of the institution.

(2) A president of a private nonprofit institution of higher education may propose to establish a new program if the action:

(i) Is consistent with the mission statement published in the official catalog of the private nonprofit institution; and

(ii) Can be implemented within the existing resources of the institution.

(3) The president of a public institution of higher education shall report any programs that are proposed to be established or abolished in accordance with paragraph (1) of this subsection to:

(i) The institution's governing board; and

(ii) The Maryland Higher Education Commission.

(4) The president of a private nonprofit institution of higher education shall report any programs that are proposed to be established in accordance with paragraph (2) of this subsection to the Commission.

(5) Upon receipt of a proposed new program, the Commission shall notify all other institutions of higher education in the State.

(c) The governing board of a public institution of higher education shall:

(1) Review the actions taken under subsection (b) of this section;

(2) Ensure that any new program proposed to be established by a president:

(i) Is consistent with the institution's approved mission statement under Subtitle 3 of this title;

(ii) Meets a regional or statewide need consistent with the Maryland State Plan for Postsecondary Education;

(iii) Meets criteria for the quality of new programs, developed in consultation with the Commission; and

(iv) Can be implemented within the existing program resources of the institution, verified by a process established in consultation with the Commission.

(d) The Board of Regents of the University System of Maryland shall approve

the proposed new program within 60 days if the program meets the criteria in subsection (c)(2) of this section, subject to the provisions of subsections (e) and (f) of this section.

(e) Within 30 days of receipt of a notice of an institution's intent to establish a new program in accordance with subsection (b) of this section, the Commission may file, or the institutions of higher education in the State may file with the Commission, an objection to implementation of a proposed program provided the objection is based on:

(1) Inconsistency of the proposed program with the institution's approved mission for a public institution of higher education and the mission statement published in the official catalog of a private nonprofit institution of higher education;

(2) Not meeting a regional or statewide need consistent with the Maryland State Plan for Postsecondary Education;

(3) Unreasonable program duplication which would cause demonstrable harm to another institution; or

(4) Violation of the State's equal educational opportunity obligations under State and federal law.

(f) (1) If an objection is filed under subsection (e) of this section by the Commission or an institution within 30 days of receipt of a notice of an institution's intent to establish a new program, the Commission shall immediately notify the institution's governing board and president.

(2) The Commission shall determine if an institution's objection is justified based on the criteria in subsection (e) of this section.

(3) An objection shall be accompanied by detailed information supporting the reasons for the objection.

(4) If the Commission determines that an objection is justified, the Commission shall negotiate with the institution's governing board and president to modify the proposed program in order to resolve the objection.

(5) If the objection cannot be resolved within 30 days of receipt of an objection, the Commission shall make a final determination on approval of the new program for a public institution of higher education or a final recommendation on implementation for a private nonprofit institution of higher education.

(g) (1) The Commission shall:

(i) Identify programs established under subsection (b) of this section that are inconsistent with the State Plan for Higher Education; and

(ii) Identify low productivity programs at public institutions of higher education.

(2) If the Commission identifies any programs that meet the criteria set forth in paragraph (1) of this subsection, the Commission shall notify the president of the institution.

(3) If the Commission notifies a president of an institution under paragraph (2) of this subsection, within 60 days the president of the institution shall provide to the Commission in writing:

(i) An action plan to abolish or modify the program; or

(ii) Justification for the continuation of the program.

(h) The Commission and the governing boards of the public institutions of higher education shall jointly develop a definition and accepted criteria for determining low productivity programs.

(i) The Commission shall:

(1) Monitor the program development and review process established under this section;

(2) Report annually to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the nature and extent of any duplication or proliferation of programs; and

(3) Make available a copy of the report under item (2) of this subsection to the public institutions of higher education and the private nonprofit institutions of higher education.

§11–206.2.

(a) In this section, "Graduate Professional Certificate Program" means a program that:

(1) Offers and awards a graduate certificate for successful completion of the number of courses required by the appropriate national professional association or state licensure or certification board for business and health professions and occupations; and

(2) Satisfies the requirements beyond the baccalaureate level for licensure or certification in a profession or occupation.

(b) An institution of higher education may establish a Graduate Professional Certificate Program if the institution offers a degree program directly related to the area of licensure or certification.

(c) (1) The president of an institution of higher education shall notify the governing board of the institution and the Commission of the institution's intent to offer a Graduate Professional Certificate Program.

(2) The Program shall be approved by the Commission and implemented consistent with the provisions of this section.

§11–207.

(a) The Commission shall:

(1) Establish procedures for transfer of students between the public segments of postsecondary education;

(2) Recommend cooperative programs among segments of postsecondary education to assure appropriate flexibility in the higher education system; and

(3) In conjunction with the governing boards, establish standards for articulation agreements.

(b) The Commission, in collaboration with the public institutions of higher education, shall develop and implement a statewide transfer agreement whereby at least 60 credits of general education, elective, and major courses that a student earns at any community college in the State toward an associate's of art or associate's of science degree shall be transferrable to any public senior higher education institution in the State for credit toward a bachelor's degree by July 1, 2016.

(c) The Commission, in collaboration with the public institutions of higher education, shall develop and implement a statewide reverse transfer agreement whereby at least 30 credits that a student earns at any public senior higher education institution in the State toward a bachelor's degree are transferrable to any community college in the State for credit toward an associate's degree by July 1, 2016.

(d) The Commission and each public institution of higher education shall develop and implement incentives for students to obtain an associate's degree before enrolling in a public senior institution of higher education.

(e) The Commission may recommend procedures and guidelines for consideration by the governing boards of institutions of postsecondary education on:

(1) Improvement and coordination of student financial assistance programs; and

(2) Other subjects of general interest and concern to the higher education community in the State.

§11–208.

(a) In this section, "national accreditation" means teacher education accreditation by an accrediting agency recognized by the U.S. Department of Education and endorsed by the Department.

(b) (1) After July 1, 2004, an institution of higher education in this State may not offer a program of undergraduate or graduate studies that would certify a recipient to teach unless the institution has received:

(i) National accreditation; or

(ii) A waiver under paragraph (2) of this subsection.

(2) The State Superintendent may grant a waiver from the national accreditation requirements to:

(i) Any liberal arts college with a full-time equivalent enrollment of not more than 2,000 students; and

(ii) Any nationally recognized professional school of fine arts specializing in music or art.

(c) (1) By July 1, 2000, an institution of higher education in the State that offers a program of undergraduate or graduate studies that would certify a recipient to teach must:

(i) File its intent to seek national accreditation;

(ii) Certify to the Department that it has national accreditation; or

(iii) Have received a waiver under subsection (b)(2) of this section.

(2) The accreditation process for an institution of higher education subject to this section shall be conducted in accordance with the protocol established by a nationally recognized accrediting agency and the Department.

(d) (1) In conjunction with accrediting agencies, the Department shall develop and administer a program of technical support to assist institutions of higher education in the State that seek accreditation under this section.

(2) In addition to the technical support provided to an institution of higher education under paragraph (1) of this subsection, the Department shall pay:

(i) Any fee that an accrediting agency charges an institution of higher education in connection with the accreditation process;

(ii) Any training fee that an accrediting agency charges a State representative who serves with a review team of an accrediting agency in conjunction

with an accreditation visit to an institution of higher education in the State; and

(iii) One-half of the expenses incurred by an institution of higher education in connection with the accreditation visit of a review team of an accrediting agency.

(e) The Department shall adopt regulations to implement this section.

(f) The Governor shall provide sufficient funds in the Department's annual budget for the additional costs incurred by the Department under this section.

§11–209.

(a) In this section, "near completer" means an individual who has completed some college credits but does not have a college degree and is no longer attending an institution of higher education.

(b) The Commission, in collaboration with institutions of higher education, shall create a statewide communication campaign to identify near completers in the State and to encourage near completers to re–enroll in an institution of higher education to earn a degree.

(c) The communication campaign shall:

(1) Make use of a variety of marketing media, including billboards, brochures, and electronic resources;

(2) Provide a centralized contact point for near completers to get information about and assistance with re–enrolling;

(3) Make readily available contact information for each public institution of higher education in the State; and

(4) Focus on near completers who:

(i) Earned a minimum grade point average of 2.0 on a scale of 4.0 while in college; and

(ii) 1. Earned at least 45 credit hours if the individual attended a community college; or

2. Earned at least 90 credit hours if the individual attended a senior higher education institution.

(d) (1) The Commission shall develop and implement a plan that would provide an incentive to:

(i) A near completer to re–enroll and earn a degree; and

(ii) A college to identify and graduate near completers.

(2) The incentive plan shall use all available resources, including institutional funds, private sector funds, and State funds.

(e) The Commission and institutions of higher education may implement other near completer initiatives in addition to the campaign and incentive plan required under this section.

(f) By December 1, 2013, the Commission shall submit a report, in accordance with § 2–1246 of the State Government Article, to the General Assembly on the details of the statewide communication campaign and the incentive plan, including the expected timeline for implementation.

§11–301.

In this subtitle, "governing board" includes the board of trustees of a community college.

§11–302.

(a) (1) The president of each public institution of higher education is responsible for developing a mission statement.

(2) The president shall submit the mission statement to the institution's governing board.

(3) Upon the direction of the governing board, the president shall update the mission statement every 4 years in the year immediately following the quadrennial review of the State Plan for Higher Education as set forth in § 11-105 of this title.

(b) (1) The governing board:

(i) Shall review the mission statement and may require the president to prepare a revised mission statement;

(ii) May adopt the mission statement as submitted or with amendments; and

(iii) Shall submit the statement to the Commission.

(2) (i) In the case of constituent institutions of the University System of Maryland, the Chancellor of the University System of Maryland shall review the statement prior to its consideration by the Board of Regents and make recommendations.

(ii) Before adopting the mission statements, the Board of Regents shall review the statements individually and on a systemwide basis to assure that:

1. They are consistent with the Charter and the systemwide plan; and

2. They will promote the efficient and effective use of the institution's and System's resources.

(iii) The Board shall consolidate the statements into an adopted systemwide statement.

(c) (1) Each regional higher education center shall:

(i) Develop a mission statement;

(ii) Submit the mission statement to the governing body of the center; and

(iii) Upon direction of the governing body, update the mission statement every 4 years in the year immediately following the quadrennial review of the State Plan for Higher Education as set forth in § 11-105 of this title.

(2) The governing body of each regional higher education center:

(i) Shall review the mission statement and may require the preparation of a revised mission statement;

(ii) May adopt the mission statement as submitted or with amendment; and

(iii) Shall submit the statement to the Commission.

(d) (1) The Commission shall review the mission statement to determine whether the mission statement is consistent with the State Plan for Higher Education.

(2) The mission statement shall be deemed approved within 30 days of receipt unless the Commission finds the statement is not consistent with the State Plan for Higher Education.

(3) (i) If the Commission finds that the statement is not consistent with the State Plan for Higher Education, the Commission shall return the statement together with its objections that include the specific areas of inconsistency with the State Plan for Higher Education to the governing board.

(ii) The governing board and the institution president shall negotiate with the Commission and amend the statement or prepare a new statement.

§11–303.

(a) The Commission, with the assistance of the presidents of the institutions required to develop mission statements under this subtitle, shall establish and

periodically update the format of mission statements of the institutions of higher education to include specific short- and long-range goals and measurable objectives to be achieved through the implementation of the institution's performance accountability plan as required under § 11-304 of this subtitle.

(b) The mission statements developed by the presidents of the constituent institutions of the University System of Maryland shall include information necessary to meet the requirements of the program development and review process established under § 11-206.1 of this title.

(c) The Commission, with the assistance of the regional higher education centers required to develop mission statements under this subtitle, shall establish and periodically update the format of mission statements to include specific short- and long-range goals and measurable objectives consistent with the policies and guidelines of the Commission.

§11–304.

(a) (1) The president of each public institution shall prepare a performance accountability plan.

(2) The president shall submit the plan to the institution's governing board.

(3) The president shall update the accountability plan as appropriate and upon the direction of the governing board.

(b) (1) The governing board:

(i) Shall review the accountability plan;

(ii) May amend and shall adopt or disapprove the plan; and

(iii) Shall submit the plan to the Commission.

(2) In the case of the constituent institutions of the University System of Maryland, the Chancellor of the University System of Maryland shall review the plan prior to its consideration by the Board of Regents and make recommendations.

(c) (1) The governing board shall submit the performance accountability plan of the institution to the Commission for review and comment.

(2) The Commission may disapprove the accountability plan and require the governing board to reconsider the plan if the Commission finds:

(i) The plan does not conform to the format or guideline established by the Commission;

(ii) The measurement techniques embodied in the plan are invalid or unreliable; or

(iii) The plan is not reasonably related to the institution's mission statement.

§11–305.

Performance accountability plans developed under this subtitle shall:

(1) Be based on the institutional mission statement and shall include a statement of the outcomes which each institution expects to achieve;

(2) Include multiyear studies which shall include quantifiable indices of student academic performance and development including graduation and retention rates and the results of academic program reviews;

(3) Identify institutional performance objectives appropriate to the mission of the institution in addition to those related to student learning and include reports based on regional and professional accreditation and certification;

(4) In the case of public senior higher education institutions, designate a set of peer institutions to which the institution's performance will be compared; and

(5) Make provision for improvements, as needed, as a result of the performance accountability report.

§11–306.

(a) Every year the president of each public institution of higher education shall submit to its governing board a written report on the attainment by the institution of the objectives in the performance accountability plan of the institution.

(b) The governing board shall:

(1) Submit the report to the Commission; and

(2) Hold each president accountable for meeting the objectives in the performance accountability plan.

§11–307.

The Commission shall:

(1) Compile and review the reports of the institutions and system; and

(2) Present the reports, together with the comments and recommendations of the Commission, to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly of Maryland.

§11–308.

The Commission may adopt regulations to carry out the provisions of this subtitle, including regulations that establish:

(1) Deadlines for submission of mission statements, performance accountability plans, and annual reports; and

(2) Formats and guidelines for the preparation of plans and reports.

§11–401.

(a) Before any institution of postsecondary education operating in this State discontinues operation, its chief administrative officer shall file with the Commission the original or legible copies of all essential records of the academic achievements of all former students of the institution.

(b) The records shall present, as separate documents:

(1) The academic record of each former student; and

(2) Any other academic information usually required by institutions of postsecondary education when considering students for transfer or advanced study.

(c) The Commission shall maintain a permanent file of all records filed with it under this section.

§11–402.1.

An institution of higher education may not pay a commission, a bonus, or any other incentive payment based on success in securing enrollments or the award of financial aid to a person or entity engaged in student recruitment or admission activity.

§11–403.

(a) The Commission shall maintain a list of State higher education institutions, including community colleges, offering tuition waivers to members of the Maryland National Guard.

(b) The list required under this section shall:

(1) Include the tuition waiver policy of each institution and a contact name and telephone number;

(2) Be updated at least annually; and

(3) Be shared with the military department for distribution to members of the Maryland National Guard.

§11–404.

(a) (1) Except as provided in paragraph (2) of this subsection, an institution of higher education approved by the Commission to operate in the State that does not possess regional accreditation from the Commission on Accreditation of the Middle States Commission on Higher Education or another regional accrediting body approved by the Commission shall require its students to sign a letter of acknowledgment that the transfer of credits may be difficult if the student intends to transfer the credits to a regionally accredited institution of higher education in the State.

(2) An institution of higher education in the State that does not possess regional accreditation from a regional accrediting body referenced in paragraph (1) of this subsection is exempt from the requirements of this section if the institution of higher education has written articulation agreements with three or more regionally accredited institutions of higher education in the State.

(b) The institution shall keep on file the letter of acknowledgment required under subsection (a) of this section while the student attends the institution and for 2 years or more after the student completes the course.

(c) The Commission shall:

(1) Create a template for the letter of acknowledgment required under subsection (a) of this section; and

(2) Post the template on the Commission's Web site.

§11–405.

(a) In this section, "Fund" means the Nurse Support Program Assistance Fund.

(b) (1) There is a Nurse Support Program Assistance Fund in the Commission.

(2) The Fund is a continuing, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(3) The Treasurer shall separately hold and the Comptroller shall account for the Fund.

(4) The Fund shall be invested and reinvested in the same manner as other State funds.

(5) Any investment earnings of the Fund shall be paid into the Fund.

(c) The Fund consists of revenue generated through an increase, as approved by the Health Services Cost Review Commission, to the rate structure of all hospitals in accordance with § 19-211 of the Health - General Article.

(d) Expenditures from the Fund shall be made by an appropriation in the annual State budget or by approved budget amendment as provided under § 7-209 of the State Finance and Procurement Article.

(e) The money in the Fund shall be used for competitive grants and statewide grants to increase the number of qualified bedside nurses in Maryland hospitals in accordance with guidelines established by the Commission and the Health Services Cost Review Commission.

(f) The guidelines established under subsection (e) of this section shall provide that a portion of the competitive grants and statewide grants be used to attract and retain minorities to nursing and nurse faculty careers in Maryland.

§11–406.

(a) In this section, "cultural diversity" means the inclusion of those racial and ethnic groups and individuals that are or have been underrepresented in higher education.

(b) (1) (i) Each public institution of higher education in the State shall develop and implement a plan for a program of cultural diversity.

(ii) If an institution of higher education already has a program of cultural diversity, the institution of higher education shall develop and implement a plan for improving the program.

(iii) A plan developed and implemented under this subsection shall include an implementation strategy and a time line for meeting goals within the plan.

(2) A plan developed under paragraph (1) of this subsection shall include:

(i) A description of the way the institution addresses cultural diversity among its student, faculty, and staff populations;

(ii) A description of how the institution plans to enhance cultural diversity, if improvement is needed;

(iii) A process for reporting campus–based hate crimes, as defined under Title 10, Subtitle 3 of the Criminal Law Article and consistent with federal requirements under 20 U.S.C. 1092(f), known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; and

(iv) A summary of any resources, including State grants, needed by the institution to effectively recruit and retain a culturally diverse student body.

(3) A plan developed under paragraph (1) of this subsection shall enhance cultural diversity programming and sensitivity to cultural diversity through instruction and training of the student body, faculty, and staff at the institution of

higher education.

(c) (1) On or before July 1 of each year, each institution shall submit the plan developed under subsection (b) of this section to the governing body of the institution for the governing body's review.

(2) On or before September 1 of each year, the governing body of an institution shall submit a progress report regarding the institution's implementation of its plan to the Commission.

(d) (1) The Commission shall review the progress report submitted by each governing body under subsection (c) of this section to monitor compliance with the diversity goals of the State Plan for Higher Education.

(2) On or before December 1 of each year, the Commission shall submit a report, in accordance with § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee, the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Committee on Ways and Means on the extent to which the institutions of higher education in the State are in compliance with the diversity goals of the State Plan for Higher Education.

§11–407.

(a) The Commission may require reasonable annual reports and data from a for–profit institution of higher education as the Commission generally requires of other institutions of higher education.

(b) The Commission may not require a for–profit institution of higher education to report to the Commission on matters that concern information, data, or documents, however styled, that are proprietary to the institution or that constitute a trade secret.

§11–501.

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

(b) "Commission" means the Maryland Fire–Rescue Education and Training Commission.

(c) "Emergency services" means fire, rescue, and ambulance services.

(d) "Schools" means the Maryland Fire and Rescue Institute, any emergency services training academy operated by any city, county, or municipal government, any community college offering emergency services education and training courses, any public school offering emergency services education and training courses, and any private or governmental institution or body providing emergency services education and training courses.

§11–502.

(a) There is a Maryland Fire-Rescue Education and Training Commission in the Maryland Higher Education Commission.

(b) (1) The Commission consists of 13 members appointed by the Governor with the advice and consent of the Senate. Of the members:

(i) Each shall be qualified to deal with the matters within the authority of the Commission;

(ii) Six shall be volunteer emergency services personnel or instructors;

(iii) Three shall be emergency services instructors who are career personnel representing the academies;

(iv) Three shall be career emergency services personnel who are not instructors; and

(v) One shall be a member of the general public.

(2) Each member serves for a term of 4 years and until a successor is appointed and qualifies. These terms are staggered as required by the terms of the members serving on July 1, 1978.

(3) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(4) A member may be removed by the Governor:

(i) For neglect of duty; or

(ii) If the Governor believes the member's continued membership is not in the public interest.

(5) Each member of the Commission:

(i) Serves without compensation; but

(ii) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

(c) (1) The Governor shall designate one of the members of the Commission as the chairman of the Commission. The chairman serves at the pleasure of the Governor.

(2) Each year, the Commission shall elect a vice chairman and any other officer it requires.

(3) The Commission:

(i) Shall meet at least once every 2 months;

(ii) May meet at any other time the chairman designates; and

(iii) May adopt rules for the conduct of its meetings.

(4) A quorum consists of 7 members, one of whom shall be the chairman or vice chairman.

§11–503.

(a) Subject to the authority of the Secretary, the Commission shall:

(1) Keep minutes of its meetings and any other records it considers necessary;

(2) Cooperate with and assist schools in coordinating and improving all emergency services education and training activities;

(3) Cooperate with the University of Maryland in developing a program for accrediting emergency services instructors;

(4) Consult with emergency services instructors and personnel to develop minimum uniform education and training standards for emergency services instructors, personnel, and schools;

(5) Cooperate with schools to help standardize course content and reciprocity of college credits for emergency services education and training;

(6) Cooperate with appropriate government agencies to develop and maintain a current master plan for emergency services education and training;

(7) Cooperate with the Maryland Fire and Rescue Institute to develop and operate a system for collecting, analyzing, and exchanging information on emergency services education and training;

(8) Encourage, promote, and review new techniques, methods, and procedures for emergency services;

(9) Cooperate with and review material from other states and federal agencies on emergency services education and training;

(10) Recommend to the Secretary rules and regulations necessary or appropriate to accomplish the purposes and objectives of the Commission;

(11) Review any proposed or adopted national standards or certification programs for emergency services and recommend to the Secretary the actions that

should be taken regarding them;

(12) Prepare an annual report on the activities of the Commission to the Secretary, the Governor, and, subject to § 2-1246 of the State Government Article, the General Assembly; and

(13) Provide a place of storage for the records of the Commission and the original Governor's Commission on Fire Services.

(b) The Maryland Higher Education Commission shall provide staff services for the Commission.

§11–601.

(a) (1) By August 1, 1993, the governing body of each institution of higher education shall adopt and submit to the Commission a written policy on sexual assault.

(2) The policy adopted under paragraph (1) of this subsection shall apply to each student, faculty member, and employee of the institution and inform the students, faculty members, and employees of their rights and duties under the policy.

(b) (1) Each institution of higher education shall post at appropriate locations on each campus and distribute to its students, faculty members, and employees a copy of the policy adopted under subsection (a) of this section.

(2) Each institution of higher education shall implement the policy adopted under subsection (a) of this section.

(c) The sexual assault policy required under subsection (a) of this section shall conform with § 485(f) of the Higher Education Act of 1965 as amended and Title IX of the Education Amendments of 1972 and shall include procedures for reporting an incident of sexual assault and for taking disciplinary actions against a violator of the policy, including provisions for:

(1) Informing a victim of a sexual assault of the right to file criminal charges with the appropriate law enforcement official;

(2) The prompt assistance of campus authorities, at the request of the victim, in notifying the appropriate law enforcement officials and disciplinary authorities of an incident of sexual assault;

(3) Designation of the nearest hospitals equipped with the Department of State Police Sexual Assault Evidence Collection Kit;

(4) Full and prompt cooperation from campus personnel in obtaining appropriate medical attention, including transporting the victim to the nearest designated hospital;

(5) Offering counseling to a victim of sexual assault from mental health services provided by the institution, other victim service entities, or the nearest State designated rape crisis program;

(6) After a campus sexual assault has been reported, and upon the request of the alleged victim, the transfer of the alleged victim to alternative classes or housing, if such alternatives are available and feasible;

(7) Prohibiting the imposition of a campus conduct action, except for a mandatory intervention for substance abuse, for a violation of the alcohol or drug use policies of the institution of higher education for a student who reports to the institution or a law enforcement officer an incidence of sexual assault or who participates in an investigation of a sexual assault as a witness if:

(i) The institution of higher education determines the violation occurred during or near the time of the alleged sexual assault;

(ii) The student is determined to have made the report of sexual assault or is participating in an investigation as a witness in good faith; and

(iii) The institution of higher education determines that the violation was not an act that was reasonably likely to place the health or safety of another individual at risk;

(8) Prohibiting the institution of higher education from retaliating against a student who files a complaint for sexual assault or who participates as a witness in an investigation of a sexual assault; and

(9) Pursuing formalized agreements with:

(i) The local law enforcement agency that complies with the relevant provisions of Title IX of the Education Amendments of 1972 and clearly states when a school will refer a matter to local law enforcement; and

(ii) A State designated rape crisis program, federally recognized sexual assault coalition, or both that formalizes a commitment to provide trauma–informed services to victims of sexual assault and improve the overall response to sexual assault by the institution of higher education.

(d) The Commission shall:

(1) Coordinate the development of the sexual assault policies; and

(2) Periodically review and make recommendations for changes in these policies.

(e) (1) The Commission, in consultation with institutions of higher education, shall establish procedures for the administration of a sexual assault campus climate

survey by each institution of higher education.

(2) The procedures shall require each institution of higher education to provide for the completion of the survey by various methods, including online.

(f) On or before March 1, 2016, and at least every 2 years thereafter, each institution of higher education shall:

(1) Develop an appropriate sexual assault campus climate survey using nationally recognized best practices for research and climate surveys; and

(2) Administer the sexual assault campus climate survey to students in accordance with the procedures established under subsection (e) of this section.

(g) (1) On or before June 1, 2016, and every 2 years thereafter, each institution of higher education shall submit to the Commission:

(i) A report on school specific results of the sexual assault survey; and

(ii) A report aggregating the data collected by the institution regarding sexual assault complaints made to the institution, including the:

1. Types of misconduct;

2. Outcome of each complaint;

3. Disciplinary actions taken by the institution;

4. Accommodations made to students in accordance with the sexual assault policy established under subsection (c) of this section; and

5. Number of reports involving alleged nonstudent perpetrators.

(2) In reporting the data under paragraph (1) of this subsection, the institution of higher education shall make reasonable efforts to protect student privacy.

(3) An institution of higher education shall submit the data required under paragraph (1) of this subsection together with the reporting requirements of the federal Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013.

(h) On or before October 1, 2016, and every 2 years thereafter, the Commission shall:

(1) Report to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs

Committee, the Senate Budget and Taxation Committee, the House Health and Government Operations Committee, and the House Appropriations Committee on the reports required under subsection (g) of this section; and

(2) Publish the reports required under subsection (g) of this section on the Commission's Web site and in any other location or venue the Commission determines is necessary or appropriate.

(i) Nothing in this subtitle shall be construed to confer a private cause of action upon any person to enforce the provisions of this subtitle.

§11–701.

In cooperation with the State's public and private nonprofit institutions of postsecondary education, the Governor's P–20 Leadership Council of Maryland, the Maryland State Department of Education, and the local school systems, the Commission shall establish and administer a College Preparation Intervention Program.

§11–702.

The purpose of the College Preparation Intervention Program is to raise the level of academic preparedness of economically and environmentally disadvantaged students to enable them to attend and succeed in college.

§11–703.

The College Preparation Intervention Program may include activities to:

(1) Improve diagnosis of basic skill deficiencies of middle and high school students to enhance the preparedness of the students for college;

(2) Establish a testing program, using presently administered tests to the extent possible, to evaluate achievement levels and assess the preparation of high school students who are potentially college bound;

(3) Compile a list of courses of study recommended for college preparation and distribute copies of the list to the high school students and their parents;

(4) Provide information regarding college preparation to high school students in a timely manner so the student can make course changes to be better prepared for college;

(5) Improve information to high schools and local school systems concerning the performance of their graduates at the college level in at least the following areas:

(i) The adequacy of preparation of the students in basic skills on the

students' entry into college;

(ii) The campus enrollment and transfer patterns of students;

(iii) The program choices of the students;

(iv) The performance of the students on achievement tests; and

(v) The rate of retention and graduation of students; and

(6) Assist high schools and local school systems in the use of this information to improve student outcomes.

§11–704.

Each year, the Commission shall submit a report to the Governor and the General Assembly of Maryland addressing the status of the College Preparation Intervention Program.

§11–705.

The Governor shall include in the annual budget bill an appropriation of at least $750,000 from the General Fund of the State for the College Preparation Intervention Program.

§11–801.

(a) There is a Maryland Digital Library in the Commission.

(b) The purpose of the Maryland Digital Library is to:

(1) Strengthen the academic library cooperation in the State; and

(2) Create fiscal efficiencies through enhanced cooperation among academic libraries.

(c) The Maryland Digital Library consists of the academic libraries in public and private nonprofit institutions of postsecondary education that hold a certificate of approval from the Commission.

§11–802.

On receipt of recommendations from the Maryland Digital Library Advisory Council the Commission may encourage each academic library at a public or private nonprofit institution of postsecondary education to:

(1) Increase shared access to information of critical value in Internet-accessible electronic form and in library collections of books, journals, sound recordings, and other traditional forms of material;

(2) Optimize effective use of funding in the acquisition and creation of digital resources;

(3) Digitize unique collections in the academic library to create Internet and other on-line resources beneficial to elementary, secondary, and higher education;

(4) Train librarians and staff to improve services in the information technology environment; and

(5) Develop programs that support training library users to access Internet and electronic materials.

§11–803.

The Maryland Digital Library, in collaboration with the county libraries, Enoch Pratt Free Library, the Maryland State Archives, and elementary and secondary school libraries, may develop programs to support all residents of the State.

§11–804.

On or before October 1 of each year, the Maryland Digital Library Advisory Council shall submit a report regarding the financial status and operations of the Maryland Digital Library over the past fiscal year to the Commission.

§11–901.

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

(b) "Committee" means the Instructional Materials Access Guidelines Committee.

(c) (1) "Instructional material" means textbooks and other materials written and published primarily for use by students in postsecondary instruction that are required or essential to a student's success in a course of study in which a student with a disability is enrolled.

(2) "Instructional material" does not include materials for which software is not commercially available at a reasonable price to permit the conversion of existing electronic files of the materials into a format that is compatible with braille translation software or alternative media for students with disabilities, including mathematics and science materials.

(d) "Library" means the Maryland Library for the Blind and Physically Handicapped.

(e) "Printed instructional material" means instructional material in book or other printed form.

(f) (1) "Structural integrity" means material composed of all of the textual printed instructional material.

(2) "Structural integrity" includes the text of the material, sidebars, the table of contents, chapter headings and subheadings, footnotes, indexes, glossaries, and bibliographies.

(3) "Structural integrity" does not include material composed of nontextual elements such as pictures, illustrations, graphs, or charts.

§11–902.

(a) On or before December 1, 2007, in order to coordinate the distribution of instructional materials to blind and other print disabled students, the Maryland Library for the Blind and Physically Handicapped shall convene an Instructional Materials Access Guidelines Committee.

(b) The Committee consists of:

(1) The Secretary of Higher Education, or the Secretary's designee;

(2) The Secretary of Disabilities, or the Secretary's designee;

(3) The State Superintendent, or the State Superintendent's designee; and

(4) The following 14 members appointed by the Governor:

(i) One member representing the Library;

(ii) Five members representing publishers of textbooks used in higher education who may include representatives of the Association of American Publishers;

(iii) Three members, one representing each of the following institutions of higher education:

1. The University System of Maryland;

2. A community college; and

3. A 4–year private nonprofit institution of higher education;

(iv) Two representatives who have knowledge regarding accessible formats for blind and other print disabled individuals;

(v) One representative of the student population at institutions of higher education in the State who is blind or print disabled; and

(vi) Two members from Maryland organizations representing blind

or other persons with print disabilities.

(c) At least two of the members of the Committee, in addition to the student member, shall be blind or print disabled.

(d) The Governor shall designate the Chair of the Committee.

(e) (1) A member of the Committee shall serve for a period of 3 years.

(2) The Committee shall expire on December 1, 2010.

(f) The Department, the Department of Disabilities, and the Maryland Higher Education Commission shall provide staff for the Committee.

(g) (1) The Committee shall:

(i) Assist the Library in establishing guidelines to facilitate the delivery of instructional materials to blind and print disabled students at institutions of higher education in the State;

(ii) Review the guidelines established under item (i) of this paragraph each year; and

(iii) Assist the Library in revising the guidelines as necessary based on changes in technology or any other pertinent factors.

(2) The guidelines shall include:

(i) A method by which a course instructor, in consultation with the individual at the Library or institution designated to make the request for materials under this subtitle, designates which course materials are considered required or essential to student success;

(ii) A determination of the availability of technology for the conversion of mathematics and science materials;

(iii) The procedures and standards relating to distribution of files and materials;

(iv) Available electronic formats;

(v) A list of justifications for which a publisher may reasonably be exempted from complying with the provisions of this subtitle;

(vi) Procedures for granting a publisher an exemption when it is determined that a publisher is unable to comply with the requirements of this subtitle for a justifiable reason included in the list required under item (v) of this paragraph;

(vii) A requirement that the review of the future recommendations of

the Alternative Formats Solutions Initiative of the Association of American Publishers determine whether to recommend the incorporation of these recommendations into the guidelines; and

(viii) Any other information the Committee determines to be relevant.

§11–903.

(a) On the request of an eligible blind or print disabled student, the Library shall request that a publisher that offers for sale electronic or print instructional materials used by students enrolled in institutions of higher education in the State provide the instructional materials to the Library in an electronic format.

(b) Except as otherwise provided in this subtitle, on or after January 1, 2008, on the receipt of a request under subsection (a) of this section, a publisher shall have 15 business days from the date of the request to:

(1) Provide the requested instructional materials in an electronic format; or

(2) Provide the reason that an electronic format cannot be provided within 15 business days.

(c) Except as provided in subsection (d) of this section, if a publisher responds under subsection (b)(2) of this section that an electronic format cannot be provided within 15 business days, the publisher shall indicate to the Library:

(1) When the instructional materials will be provided in an electronic format; or

(2) The specific reason, consistent with the guidelines established under § 11–902(g) of this subtitle, why the instructional materials may not be provided to the Library within the required time frame.

(d) A publisher is not required to provide instructional materials in an electronic format if the instructional materials were:

(1) Generated by faculty; or

(2) Copyrighted before July 1, 2004.

§11–904.

(a) The electronic format of printed instructional material provided by a publisher to the Library for use by a student with a disability under this subtitle shall:

(1) Maintain the structural integrity of the printed instructional material;

(2) Be compatible with commonly used braille translation or speech

synthesis software, if necessary; and

(3) Include corrections and revisions as necessary.

(b) If the Library and a publisher cannot in good faith agree on an electronic format that maintains the structural integrity of the printed instructional material as required under subsection (a) of this section, the publisher shall provide the instructional material in an electronic format that maintains as much of the structural integrity of the printed instructional material as possible.

(c) Except as provided in subsection (i) of this section, the Library or institution shall submit to a publisher a written request for an electronic format of instructional material that includes:

(1) Certification that the institution has purchased the printed instructional material for use by a student with a disability or that a student with a disability attending or registered to attend the institution has purchased the instructional material;

(2) Certification that the student has a disability that prevents the student from using standard instructional materials;

(3) Certification that the electronic format of the printed instructional material will be used by a student in connection with a course in which the student is registered or enrolled at the institution; and

(4) The signature of the individual designated by the Library or institution to request the electronic format of the instructional material under this subtitle.

(d) On receipt of a written request under subsection (c) of this section, the publisher shall provide the Library with the electronic format of the printed instructional material at no additional cost and in a timely manner.

(e) Except as provided in subsection (i) of this section, a publisher receiving a written request under subsection (c) of this section may require the Library to provide the publisher with a copy of an agreement that:

(1) States that the student requesting and using the electronic format of the instructional material provided by the publisher will use the material solely for the student's personal educational use;

(2) States that the student has agreed not to copy, duplicate, or distribute the electronic copy of the instructional material for use by other individuals; and

(3) Is signed by the student requesting and using the electronic copy.

(f) (1) If the Library or an institution permits a student to directly use the electronic format of the instructional material, the Library or institution shall take

the following steps to protect the electronic copy from duplication and distribution in violation of the Copyright Revisions Act of 1976:

(i) The disk or file shall be copy–protected or contain other reasonable security measures; and

(ii) The Library or institution shall require a student using the electronic copy to sign the agreement under subsection (e) of this section.

(2) An institution may not make the electronic format of the instructional material available on a server unless the following security measures are followed:

(i) A security process, including an identification and password system, is installed to permit only authorized students with disabilities access to the protected materials; and

(ii) Other technical security measures are installed to prevent a student from downloading the electronic format of the instructional material unless the student has signed the agreement under subsection (e) of this section.

(3) A publisher may install technical security measures to prevent the unauthorized copying, modification, distribution, or use of the electronic format of the instructional material if the security measures do not interfere with the student's use of electronic copy.

(g) (1) The Library, an institution, or any component of an institution shall notify the publisher each time the Library, institution, or a component of the institution intends to duplicate an electronic format or a specialized format produced from the electronic format for use of the protected material by other students with disabilities.

(2) For each additional student for whom the Library, an institution, or a component of an institution intends to duplicate an electronic format under paragraph (1) of this subsection, the Library, institution, or component of an institution shall follow the request procedures in this section.

(h) (1) An institution may assist a student with a disability to transcribe or arrange for the transcription of printed instructional material into braille using the electronic format of the instructional material.

(2) If a braille copy is transcribed under paragraph (1) of this subsection, the institution shall have the right to share the braille copy of the printed instructional material with other students with disabilities at the institution.

(i) (1) A member of the faculty of an institution of higher education may request from the Library instructional materials in an electronic format.

(2) For a request on behalf of a faculty member, the Library is not required to provide to a publisher the certifications specified under subsection (c) of this section.

§11–905.

Beginning in fiscal year 2009 and each fiscal year thereafter, the Governor shall include in the annual budget submission $200,000 for the Library to carry out its obligations under this subtitle.

§11–906.

(a) Nothing in this subtitle shall be construed to require the Committee, the Library, or a publisher of instructional materials to:

(1) Convert instructional materials into accessible formats for blind and print disabled students; or

(2) Require a publisher to provide any format other than an electronic format provided under § 11–904 of this subtitle.

(b) A publisher of instructional material may not be required to:

(1) Perform any act that would constitute an infringement of a copyright under the Copyright Revision Act of 1976;

(2) Provide an electronic format of instructional material if the publisher:

(i) Publishes or manufactures a version of the instructional material that is accessible to students with disabilities;

(ii) Chooses to provide an electronic format of instructional material directly to a student in a timely manner; or

(iii) Has not previously produced a digital version of the fully edited and typeset instructional material, including instructional material produced by a method that does not require the creation of a digital file; or

(3) Provide an electronic format of instructional material that is no longer in print or available and offered for sale by the publisher.

§11–1001.

(a) The Commission shall attempt to use to the greatest extent feasible minority business enterprises to provide brokerage and investment management services to the Commission for any fund established under this Division III consistent with minority business purchasing standards applicable to units of State government under the State Finance and Procurement Article and consistent with the fiduciary duties of the Commission.

(b) For purposes of this section, brokerage and investment management services shall include services relating to all allocated asset classes.

(c) (1) To assist the Commission in achieving the goal described under subsection (a) of this section, the Commission shall undertake measures to remove any barriers that limit full participation by minority business enterprises in brokerage and investment management services opportunities afforded by the Commission for any fund established under this Division III.

(2) The measures undertaken by the Commission shall include the use of a wide variety of media, including the Commission's Web site, to provide notice to a broad and varied range of potential providers about the brokerage and investment management services opportunities afforded by the Commission.

(d) In conjunction with the Governor's Office of Minority Affairs, the Commission shall develop guidelines to assist the Commission in identifying and evaluating qualified minority business enterprises in order to help the Commission achieve the objective for greater use of minority business enterprises for brokerage and investment management services for any fund established under this Division III.

(e) On or before September 1 each year, the Commission shall submit a report to the Governor's Office of Minority Affairs and, subject to § 2–1246 of the State Government Article, the General Assembly on:

(1) The identity of the minority business enterprise brokerage and investment management services firms used by the Commission in the immediately preceding fiscal year;

(2) The percentage and dollar value of the Commission's assets in any fund established under this article that are under the investment control of minority business enterprise brokerage and investment management services firms in each allocated asset class; and

(3) The measures the Commission undertook in the immediately preceding fiscal year in accordance with subsection (c)(2) of this section.

§11–1101. IN EFFECT

// EFFECTIVE UNTIL SEPTEMBER 30, 2019 PER CHAPTER 201 OF 2015 //

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

(b) "Nonprofit organization" means an organization that is exempt or eligible for exemption from taxation under § 501(c)(3) of the Internal Revenue Code.

(c) "Program" means the Maryland Higher Education Outreach and College Access Pilot Program.

§11–1102. IN EFFECT

// EFFECTIVE UNTIL SEPTEMBER 30, 2019 PER CHAPTER 201 OF 2015 //

There is a Maryland Higher Education Outreach and College Access Pilot Program.

§11–1103. IN EFFECT

// EFFECTIVE UNTIL SEPTEMBER 30, 2019 PER CHAPTER 201 OF 2015 //

The purposes of the Program are to:

(1) Encourage low–income Maryland high school students to attend and complete college;

(2) Connect potential college and university students with nonprofit organizations that have a history of successful higher education outcomes for targeted youth;

(3) Create an equal matching fund for nonprofit organizations to access in order to increase college outreach services to low–income students;

(4) Provide funding for nonprofit organizations that are already established in communities to provide targeted outreach to encourage low–income students to enroll in college; and

(5) Establish a 2–year pilot program to determine if the Program can lead to an increase in low–income students attending and succeeding in college.

§11–1104. IN EFFECT

// EFFECTIVE UNTIL SEPTEMBER 30, 2019 PER CHAPTER 201 OF 2015 //

(a) The Commission shall administer the Program.

(b) To carry out the purposes of the Program, the Commission shall:

(1) Establish a grant program to be published on the Commission's Web site through which nonprofit organizations may learn about eligibility, application, and compliance requirements and apply for funding as provided under this subtitle;

(2) Develop application requirements and review and approve applications;

(3) Develop a process for verifying that matching funds are available; and

(4) Allocate funding to approved nonprofit organizations on a competitive basis.

§11–1105. IN EFFECT

// EFFECTIVE UNTIL SEPTEMBER 30, 2019 PER CHAPTER 201 OF 2015 //

(a) To be eligible for participation in the Program, a nonprofit organization shall:

(1) Be located in the State;

(2) Have a contract or memorandum of understanding with a local school system or an institution of higher education or must establish one if one does not exist; and

(3) Demonstrate an equal match for funds requested.

(b) A nonprofit organization that receives funding through the Program shall:

(1) Submit data on outreach programs;

(2) Track student progress through the higher education system; and

(3) Submit annual reports to the Commission on or before October 1 following the fiscal year in which funds were received.

§11–1106. IN EFFECT

// EFFECTIVE UNTIL SEPTEMBER 30, 2019 PER CHAPTER 201 OF 2015 //

(a) The Commission shall prepare a report on the Program that includes:

(1) A summary of the reports received regarding the Program;

(2) The amount of funds distributed each fiscal year; and

(3) If an eligible wait list exists, the number of nonprofit organizations on the wait list.

(b) On or before December 1, 2017, and December 1, 2018, the Commission shall submit a copy of the report required under subsection (a) of this section to the General Assembly, in accordance with § 2–1246 of the State Government Article.

§12–101.

(a) In order to foster the development of a consolidated system of public higher education, to improve the quality of education, to extend its benefits and to encourage the economical use of the State's resources, the University System of Maryland is established in accordance with the provisions of this title.

(b) (1) In this title the following words have the meanings indicated.

(2) "Board" or "Board of Regents" means the Board of Regents of the University System of Maryland.

(3) "Centers" or "institutes" means the following components of the System under the jurisdiction of the Board of Regents:

(i) University of Maryland Center for Environmental Science;

(ii) Cooperative Extension Service and the Agricultural Experiment Station;

(iii) Statewide Medical Education and Training System;

(iv) Fire and Rescue Institute; and

(v) Any other center, component, or institute established and operated by the System in accordance with its mission.

(4) "Chancellor" means the Chief Executive Officer of the University System of Maryland and the Chief of Staff for the Board of Regents.

(5) "Computer–based instructional technology" means computer hardware or software used by faculty and students in the delivery of the instructional program.

(6) "Constituent institutions", "institutions", or "campuses" means the following public senior higher education institutions under the jurisdiction of the Board of Regents:

(i) University of Maryland, Baltimore;

(ii) University of Maryland Baltimore County;

(iii) University of Maryland, College Park;

(iv) University of Maryland Eastern Shore;

(v) University of Maryland University College;

(vi) Bowie State University;

(vii) Coppin State University;

(viii) Frostburg State University;

(ix) Salisbury University;

(x) Towson University; and

(xi) University of Baltimore.

(7) "President" means the Chief Executive Officer of a constituent

institution of the University System of Maryland.

(8) "Quasi–endowment funds" means funds that the University System of Maryland retains and manages in the same manner as an endowment.

(9) "Technology" means the latest state–of–the–art technology products and services, including:

(i) Copper and fiber optic transmission;

(ii) Computer;

(iii) Video and audio laser and CD–ROM discs;

(iv) Video and audio tapes or other technologies; and

(v) Technology used for online learning.

(10) "University" or "University of Maryland" or "University of Maryland System" means the University System of Maryland.

§12–102.

(a) (1) There is a body corporate and politic known as the University System of Maryland.

(2) The University is an instrumentality of the State and a public corporation.

(3) The University is an independent unit of State government.

(4) The exercise by the University of the powers conferred by this subtitle is the performance of an essential public function.

(b) The government of the University System of Maryland is vested in the Board of Regents of the University System of Maryland.

(c) The Board of Regents consists of 17 members as follows:

(1) (i) Except as provided in subparagraph (ii) of this paragraph, one member shall be a full-time student in good academic standing at an institution under the jurisdiction of the Board; and

(ii) A student member who is in good academic standing at the University of Maryland University College shall be exempt from the full-time student requirement in subparagraph (i) of this paragraph;

(2) One member shall be the State Secretary of Agriculture ex officio; and

(3) The remaining members of the Board shall be residents of the State and shall be appointed from the general public.

(d) In making appointments to the Board, the Governor shall consider representation from all parts of the State.

(e) Except for the Secretary of Agriculture, each member of the Board shall be appointed by the Governor, with the advice and consent of the Senate.

(f) (1) Except for the student member, each appointed member serves for a term of 5 years from July 1 of the year of appointment and until a successor is appointed and qualifies. These members may be reappointed.

(2) The student member shall be appointed for a term of 1 year, from July 1, and may be reappointed if the student remains a student at any campus of the University System of Maryland.

(3) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(g) Except for the Secretary of Agriculture, a member may not serve more than 2 consecutive full terms.

(h) Each member of the Board:

(1) Serves without compensation; and

(2) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

§12–103.

(a) Each year, the Board of Regents shall elect from among the members of the Board of Regents:

(1) A chairperson; and

(2) Any other officer it requires.

(b) (1) The Board shall determine the time and place of its meetings and may adopt rules for the conduct of its meetings.

(2) The Governor, the State Treasurer, and the State Comptroller shall be notified of all meetings of the Board and may sit with the Board at any meeting.

(3) The Secretary of Budget and Management, the Chairmen of the Senate Finance and Budget and Taxation Committees, and the Chairmen of the House Ways and Means and Appropriations Committees shall be invited to sit with the Board at any meetings of the Board at which requests for appropriations are prepared.

(4) A majority of the voting members shall constitute a quorum for the transaction of business.

(5) No formal action may be taken by the Board without the approval of a majority of the voting members of the Board.

§12–104.

(a) In addition to any other powers granted and duties imposed by this title, and subject to the provisions of Title 11 of this article and any other restriction imposed by law by specific reference to the University System of Maryland, or by any trust agreement involving a pledge of property or money, the Board of Regents has the powers and duties set forth in this section.

(b) In addition to the powers set forth elsewhere in this title, the University may:

(1) Exercise all the corporate powers granted Maryland corporations under the Maryland General Corporation Law;

(2) Adopt and alter an official seal;

(3) Sue and be sued, complain, and defend in all courts;

(4) Maintain an office at the place the Board of Regents may designate;

(5) Enter into contracts of any kind, and execute all instruments necessary or convenient with respect to its carrying out the powers in this subtitle to accomplish the purposes of the University;

(6) Subject to the provisions of subsection (h) of this section, acquire, hold, lease, use, encumber, transfer, exchange, or dispose of real and personal property;

(7) Borrow money from any source to acquire personal property as provided in § 12-105(c) of this subtitle; and

(8) In addition to the powers set forth in Title 19 of this article and subject to the approval of the Board of Public Works, borrow money from any source for any corporate purpose, including working capital for its operations, reserve funds or interest, and mortgage, pledge, or otherwise encumber the property or funds of the University, and contract with or engage the services of any person in connection with any financing, including financial institutions, issuers of credit, or insurers.

(c) The Board of Regents:

(1) Is responsible for the management of the University System of Maryland and has all the powers, rights, and privileges that go with that responsibility, including the power to conduct or maintain any institutions, schools, or

departments in the University at the locations the Board determines;

(2) Shall consult with the presidents in developing policies, guidelines, and plans for the University System of Maryland; and

(3) May not be superseded in its authority by any other State agency or office in managing the affairs of the University System of Maryland or of any constituent institutions and centers under the Board's jurisdiction.

(d) In addition to the powers conferred on it by this title, the Board has all the powers conferred on it by:

(1) The act of incorporation of the Maryland College of Agriculture;

(2) The Charter of the University of Maryland; and

(3) The charter of any constituent institution.

(e) (1) The Board may:

(i) Apply for, accept, and spend any gift or grant from the federal government, any foundation, or any other person; and

(ii) Maintain and manage gift and endowment funds.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Board may maintain and manage quasi–endowment funds.

(ii) The Board may only make a one–time transfer of no more than $50,000,000 from the non–State supported fund balance held and invested by the State Treasurer to the quasi–endowment fund.

(3) On or before November 1 each year, the Board shall submit to the Governor, the Comptroller, the State Treasurer, and, in accordance with § 2–1246 of the State Government Article, the General Assembly, an annual investment performance report comparing the various components of the University's gift, endowment, and quasi–endowment investment portfolio to appropriate benchmarks.

(f) (1) The Board may establish new institutions, regional higher education centers, and branches subject to:

(i) The concurrence of the Maryland Higher Education Commission; and

(ii) The approval of the Governor and the General Assembly.

(2) Without the approval of the Governor and the General Assembly, the Board may not change the name of any constituent institution.

(3) Subject to the approval of the Governor and the General Assembly, the Board may merge, consolidate, or close any constituent institution.

(4) In its discretion, the Board may establish, merge, consolidate, or close any center or institute.

(g) (1) With the approval of the Board of Public Works, the Board of Regents may sell or exchange any part of its properties.

(2) Money received from the sale of property may be used, if approved by the Board of Public Works, only to purchase or improve property and facilities. This money may not be applied to the Annuity Bond Fund Account.

(h) With the approval of the Board of Public Works, the Board of Regents may acquire by purchase or exchange, any real property or interests in real property.

(i) (1) Title 12, Subtitle 1 of the State Government Article ("Maryland Tort Claims Act") applies to claims or actions against the University System of Maryland and its employees.

(2) Subject to all exclusions and limitations in that subtitle, the immunity of the University System of Maryland is waived to the extent of any applicable liability insurance purchased by the University or the State Treasurer.

(3) Nothing in this subsection shall be construed to waive or abrogate sovereign immunity with respect to any claim that is not covered by or exceeds the limits of an insurance policy.

(4) Nothing in this subsection shall be construed to waive or abrogate the immunity of the University System of Maryland under the Eleventh Amendment to the United States Constitution.

(j) (1) Subject to Title 3 of the General Provisions Article, the Board may make rules and regulations, and prescribe policies and procedures, for the management, maintenance, operation, and control of the University System of Maryland.

(2) Except with respect to grievance appeals under Title 13, Subtitle 2 of this article, Title 10, Subtitles 1 and 2 of the State Government Article ("Administrative Procedure Act") are not applicable to the University.

(k) (1) Except as provided in subsections (f) and (g) of this section, the Board:

(i) May delegate any part of its authority over the affairs of the University to the Chancellor or the presidents, or to any advisory bodies that the Board establishes under § 12-201 of this title; and

(ii) Consistent with the goals, objectives, and priorities of the Board

of Regents and its legal responsibility for the efficient management of the University, shall delegate to the president of each constituent institution authority needed to manage that institution, including authority to make and implement policies promoting the mission of that institution, including the authority to establish policies appropriate to the institution's mission, size, location, and financial resources.

(2) Any delegation of authority may be modified or rescinded by the Board of Regents at any time in whole or in part.

(3) The Board of Regents shall develop policies and guidelines that:

(i) Provide direction to the presidents of the constituent institutions on compliance with applicable law and policy;

(ii) Establish and monitor high standards of operation, including meeting appropriate quality benchmarks, using resources wisely and efficiently, managing personnel equitably, adhering to institutional mission, and meeting the educational needs of the students; and

(iii) Hold each president accountable for meeting the objectives in the institution's performance accountability plan developed in accordance with Title 11, Subtitle 3 of this article.

(l) By September 1 of each year, the Board shall submit an annual position accountability report to the Department of Budget and Management, Department of Legislative Services, the Maryland Higher Education Commission, and, in accordance with § 2-1246 of the State Government Article, the General Assembly, reporting the total positions created and the cost and the funding source for any positions created by the University in the previous fiscal year.

(m) The Board of Regents shall distribute appropriated strategic incentive funds to constituent institutions to encourage attainment of their approved mission.

(n) (1) The Board of Regents and the Chancellor are encouraged to meet periodically with the boards of visitors of the constituent institutions to develop close working relationships.

(2) To the extent possible and appropriate, the Board of Regents should include members of boards of visitors actively in all searches for campus presidents and invite members of boards of visitors to participate in meetings of the Board of Regents and its committees.

(o) Subject to Title 11, Subtitle 2 of this article, the Board of Regents may authorize the University of Maryland Center for Environmental Science to:

(1) Award graduate degrees in marine and environmental sciences jointly with another public senior higher education institution; and

(2) Award post baccalaureate certificates.

§12–104.1.

(a) In this section, "high impact economic development activity" means an initiative, transaction, or other undertaking by the University System of Maryland or one of its constituent institutions to create or facilitate:

(1) 20 or more new jobs in the State of Maryland;

(2) The award or completion of at least $1,000,000 in externally funded research or other projects;

(3) The establishment or relocation of one or more new companies to be registered or incorporated in the State and doing business in the State;

(4) The production of at least $1,000,000 of annual gross revenue;

(5) The licensing and potential commercialization of a promising new technology or other product; or

(6) An academic program to meet workforce demand in a documented labor shortage field.

(b) To promote the economic interests of the State as mandated in §§ 10–205(c) and 15–107 of this article, the University System of Maryland shall utilize its powers as a public corporation established in § 12–104 of this subtitle to undertake high impact economic development activities that support:

(1) Job creation and workforce development;

(2) Technology transfer, commercialization, and entrepreneurship; and

(3) Increased sponsored research funding and other revenues.

(c) In order for an activity to qualify as a high impact economic development activity:

(1) The president of a constituent institution, or the president's designee, shall forward a request to the Chancellor for certification that the activity meets the criteria defined in subsection (a) of this section; and

(2) The Chancellor, or the Chancellor's designee, shall notify the Board of Regents and the Board of Public Works of any certified activity for review.

(d) (1) Notwithstanding any other provision of law, for any high impact economic activity within the scope of § 5–310 or § 10–305 of the State Finance and Procurement Article, the Board of Regents shall be fully responsible for administering the review and comment process prescribed in those sections.

(2) In administering the review and comment process prescribed in §§ 5–310 and 10–305 of the State Finance and Procurement Article, the Board of Regents shall include in that process the appropriate legislative committees and units of State government, which may include:

(i) Committees of the General Assembly;

(ii) The Board of Public Works;

(iii) The Maryland Historic Trust;

(iv) The Department of Planning;

(v) The Department of the Environment; and

(vi) The Department of Natural Resources.

(3) The Board of Regents shall adopt policies and procedures to ensure that the notice and opportunity for review are conducted in a manner that provides a reasonable period to complete while not impairing the institution's capacity for the expeditious and successful pursuit of a high impact economic development activity.

(e) On or before October 1 of each year, the Board of Regents shall report to the Board of Public Works and, in accordance with § 2–1246 of the State Government Article, the Senate Finance Committee, the House Economic Matters Committee, the Senate Budget and Taxation Committee, and the House Appropriations Committee on the high impact economic development activities undertaken under this section during the preceding fiscal year.

§12–105.

(a) (1) In consultation with the institutions and the Chancellor, the Board shall:

(i) Establish standards for funding based on differences in the size and mission of the constituent institutions;

(ii) Review, modify, as necessary, and approve consolidated budget requests for appropriations for the University System of Maryland with respect to:

1. The operating budget; and

2. The capital budget; and

(iii) Submit these requests for appropriations organized by constituent institutions to the Commission, Governor, and General Assembly.

(2) After the Board submits the requests for appropriations to the Commission, Governor, and General Assembly, on a date set by the Governor, the

President of the University of Maryland, College Park shall have the opportunity to meet with the Governor to present the institution's annual budget request and proposals for capital projects for the next fiscal year to:

(i) Discuss how the requests for appropriations submitted by the Board impacts the mission of the University of Maryland, College Park as the State's flagship institution; and

(ii) Recommend that the Governor approve or enhance the requests for appropriations submitted by the Board.

(b) (1) The title to any land acquired by the University System of Maryland shall be in the State of Maryland for the use of the University System of Maryland.

(2) All property of the University is the property of the State.

(c) (1) The Board may borrow money to acquire interests in personal property, including fixtures, for the University System of Maryland, on such terms and conditions as the Board considers proper.

(2) Such borrowing may be secured by the personal property acquired or revenues derived from such property.

(3) (i) Such borrowing does not create or constitute any indebtedness or obligation of the State or any political subdivision of the State other than the University.

(ii) Such borrowing does not constitute a debt or obligation contracted by the General Assembly or pledge the faith and credit of the State within the meaning of Article III, § 34 of the Maryland Constitution.

(d) (1) All income of the University shall be deposited:

(i) In the State Treasury; or

(ii) As the State Treasurer directs.

(2) By an approved budget amendment, the University may spend, or encumber, within the fiscal year in which they are received, revenues received in excess of those estimated for any fiscal year.

(3) All unexpended or unencumbered balances of the University's revenues:

(i) Shall be reported to the Comptroller at the end of the fiscal year for which the appropriation was made;

(ii) Do not revert to the general treasury of the State at the end of

each fiscal year; and

(iii) Shall be available for expenditure through an appropriation contained in a budget bill or through an approved budget amendment.

(4) The provisions of this subsection may not be interpreted in any way that would diminish the authority of the Board of Regents under § 12–104(c) of this subtitle.

(5) The interest or other income from the investment of any funds of the University shall be credited to the University, provided that any interest estimated to be earned on the State appropriation must be offset by an equivalent reduction in State General Fund support, and such amount will be reported annually, subject to § 2–1246 of the State Government Article, to the General Assembly.

(e) The University shall provide the Board of Public Works, and any member of the General Assembly, with any information on any phase of operation of the University that may be requested.

(f) The Legislative Auditor shall audit all expenditures and accounts of the University System of Maryland, in accordance with §§ 2–1220 through 2–1227 of the State Government Article.

(g) (1) Notwithstanding any other provision of law, and except as provided in paragraph (2) of this subsection, the University shall use the statewide Financial Management Information System as administered by the Executive Branch as its accounting, budgeting, personnel, and payroll system.

(2) The University may use an internal Financial Management Information System software program and State–approved interfaces for its accounting, budgeting, personnel, and payroll systems.

§12–106.

(a) (1) In consultation with the presidents of the constituent institutions, the Chancellor shall develop an overall plan that:

(i) Is consistent with the State Plan for Higher Education in accordance with the Charter and with the constituent institutions' approved mission statements;

(ii) Sets forth both long-range and short-range goals, objectives, and priorities for postsecondary education, research, and service provided by the University System of Maryland and methods and guidelines for achieving and maintaining them;

(iii) Incorporates the following priorities:

1. A. Enhance the mission of the University of Maryland,

College Park as the State's flagship campus with programs and faculty nationally and internationally recognized for excellence in research and the advancement of knowledge;

B. Admit to the campus freshmen who have academic profiles that suggest exceptional ability;

C. Provide access to the upper division undergraduate level of the campus for students who have excelled in completing lower division study; and

D. Provide the campus with the level of operating funding and facilities necessary to place it among the upper echelon of its peer institutions;

2. Maintain and enhance an academic health center and a coordinated Higher Education Center for Research and Graduate and Professional Study in the Baltimore area, comprised of the University of Maryland, Baltimore and the University of Maryland Baltimore County, with a focus on science and technology;

3. Enhance and support high quality undergraduate, teacher preparation, and masters programs at the regional comprehensive institutions, recognizing and supporting the unique mission of each of these institutions;

4. Support Towson University as the largest comprehensive institution;

5. Enhance the historically African American institutions and recognize the role of the University of Maryland Eastern Shore as the State's 1890 land grant institution;

6. Encourage and enhance, including the use of technology, regional higher education centers, such as the Shady Grove Center in Montgomery County, as points of collaboration and access for underserved areas of the State; and

7. Recognize and promote the unique potential of the University of Maryland University College to be a national and global leader in the new international marketplace of electronic and continuing education; and

(iv) Incorporates the goals and duties of the University System of Maryland identified in §§ 10-209 and 12-107 of this article.

(2) The Board shall review, modify, as necessary, and approve the overall plan.

(3) By July 1 of each year, the Board shall submit to the Maryland Higher Education Commission, to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly an annual review of the plan.

(b) The Board of Regents shall, on an ongoing basis, review and determine

whether any University programs are inconsistent with the University's mission or whether any constituent institution's programs are inconsistent with that institution's mission. The Board shall also assure that the University's programs are not unproductive or unreasonably duplicative, taking into account the missions of the institutions, student demand, and efficient use of the University's resources.

(c) Except as provided in subsection (d) of this section, with respect to each institution under its jurisdiction, and subject to the provisions of Title 11 of this article, in consultation with the Chancellor, the Board shall:

(1) Review and approve before implementation each proposal for:

(i) Any new program; and

(ii) Any substantial expansion, curtailment, or discontinuance of any existing program;

(2) Review existing programs and make necessary determinations for the continuation or modification, or the elimination of unreasonable duplication, in existing programs;

(3) Prescribe minimum admission standards;

(4) Establish general guidelines for tuition and fees;

(5) Establish and implement:

(i) Procedures for transfer of student and faculty between constituent institutions;

(ii) Cooperative programs among the constituent and other institutions to assure appropriate flexibility in the University System of Maryland; and

(iii) Standards for the reciprocal acceptance of credits; and

(6) (i) Review annually the long-range and short-range plans, goals, and objectives of each constituent institution for consistency with the objectives and priorities of the Board;

(ii) Monitor the progress of each constituent institution toward approved goals and objectives; and

(iii) Hold the president accountable for progress toward the goals and objectives.

(d) With respect to each institution under its jurisdiction, and subject to the provisions of Title 11 of this article, in consultation with the Chancellor, the Board

shall:

(1) Review each new program proposed to be established and implemented within existing program resources in accordance with § 11-206.1 of this article;

(2) Ensure that the new program:

(i) Is consistent with the institution's adopted mission statement in accordance with Title 11, Subtitle 3 of this article;

(ii) Meets a regional or statewide need consistent with the Maryland State Plan for Postsecondary Education;

(iii) Meets criteria for the quality of new programs, developed in consultation with the Maryland Higher Education Commission; and

(iv) Can be implemented within existing program resources of the institution, verified by a process established in consultation with the Maryland Higher Education Commission; and

(3) Approve the proposed new program within 60 days if the program meets the criteria in item (2) of this subsection, subject to the requirements of § 11-206.1(e) and (f) of this article.

(e) With respect to the program approval provisions in this title and Title 11 of this article, the Board of Regents shall take action as a Board to approve or disapprove a new program, and may consult with the Chancellor and appropriate University staff.

(f) In consultation with the Chancellor and the presidents, the Board may adopt policies providing for:

(1) The discipline, suspension, expulsion, or reinstatement of any student; and

(2) The recognition and conduct of student organizations and athletic programs and activities.

§12–107.

(a) In consultation with the Maryland Higher Education Commission and the Chancellor, the Board shall undertake good faith efforts to:

(1) Achieve the goals, measures, and commitments contained in any applicable equal educational opportunity plan adopted by the State;

(2) Devote ample resources to achieving the equal employment opportunity goals and objectives; and

(3) Assure that women and minorities are equitably represented among

the student body, faculty, staff, and administration of the University System, so that the University reflects the diversity of the State's population.

(b) In carrying out its responsibilities under this section, the Board may:

(1) Designate an office to coordinate and monitor the equity activities and programs of the constituent institutions;

(2) Require the constituent institutions to submit plans, reports, and data in the format the Board prescribes; and

(3) Conduct studies of the effectiveness of institutional efforts and methods.

§12–108.

(a) (1) The Board of Regents shall appoint a Chancellor of the University System of Maryland.

(2) The Chancellor is the Chief Executive Officer of the University System of Maryland and the Chief of Staff for the Board.

(b) (1) The Chancellor shall:

(i) Advise the Board of Regents on systemwide policy;

(ii) Conduct systemwide planning;

(iii) Coordinate and arbitrate among the institutions and centers of the University;

(iv) Assist the institutions in achieving performance goals in accordance with their adopted performance accountability plan;

(v) Provide technical assistance to institutions and centers such as legal and financial services;

(vi) Perform the duties the Board assigns; and

(vii) See that the policies of the Board are carried out.

(2) The Chancellor serves at the pleasure of the Board.

(3) The Chancellor is entitled to the compensation established by the Board.

(c) The Chancellor may:

(1) Have the additional staff provided in the University budget; and

(2) (i) Create any position within the system administration office and within existing funds available to the system administration office, to the extent the cost of the position, including the cost of any fringe benefits, is funded from existing funds.

(ii) This paragraph may not be construed to require any additional State General Fund support.

(iii) The total number of positions authorized under this paragraph shall be limited as specified annually in the State budget bill.

(d) (1) Each employee of the Board shall join the Teachers' Pension System of the State of Maryland or the Employees' Pension System of the State of Maryland.

(2) As an alternative, any employee in a position determined by the Board to be a professional position may join the optional retirement program under Title 30 of the State Personnel and Pensions Article.

§12–109.

(a) In consultation with the Chancellor and after a thorough search, the Board of Regents shall appoint a qualified person as president of each constituent institution.

(b) The president of each constituent institution is entitled to the compensation established by the Board of Regents.

(c) The president of each constituent institution serves at the pleasure of the Board of Regents.

(d) The president of each constituent institution shall:

(1) Serve as the chief executive officer of the institution;

(2) Be responsible and accountable to the Board for the discipline and successful conduct of the institution and supervision of each of its departments; and

(3) Take every initiative in:

(i) Implementing the policies of the Board and the constituent institution; and

(ii) Promoting the institution's development and efficiency.

(e) Subject to the authority and applicable regulations and policies of the Board of Regents, each president shall:

(1) Develop a plan of institutional mission in accordance with Title 11, Subtitle 3 of this article;

(2) Have the authority to develop new academic programs and curtail or eliminate existing programs in accordance with the procedures set forth in §§ 11-206 and 11-206.1 of this article;

(3) Formulate operating and capital budget requests designed to further the mission of the institution;

(4) Appoint, promote, fix salaries, grant tenure, assign duties, and terminate personnel;

(5) Subject to the provisions of subsection (g) of this section, have authority to create any position within existing funds available to the University, to the extent the cost of the position, including the cost of any fringe benefits, is funded from existing funds;

(6) Establish admissions standards;

(7) Set tuition and fees;

(8) Administer financial aid;

(9) Enter into contracts and cooperative agreements;

(10) Have the authority to accept gifts and grants and maintain and manage endowment income;

(11) Have the authority to recommend change in the name or status of the institution;

(12) Regulate and administer athletic and student activities;

(13) In compliance with State, federal, and Board mandates and policies, oversee affirmative action and equal employment opportunities;

(14) Establish organizations for the administration of campus alumni affairs;

(15) Be responsible for all academic matters;

(16) Have the authority to establish and appoint an institutional board to:

(i) Provide advice to the president;

(ii) Assist in community relations;

(iii) Assist in institutional development; or

(iv) Provide any other assistance requested by the president;

(17) Establish traffic regulations for the campus;

(18) Designate one or more representatives to participate as a party in collective bargaining on behalf of the institution in accordance with Title 3 of the State Personnel and Pensions Article; and

(19) Perform any other duties assigned by the Board.

(f) (1) The institutional boards established under subsection (e)(16) of this section shall be known as boards of visitors. Each board shall submit a report by October 1 of each year to:

(i) The Governor;

(ii) The Chairman of the Board of Regents of the University System of Maryland;

(iii) The Secretary of the Maryland Higher Education Commission; and

(iv) The presiding officers of the Maryland General Assembly.

(2) Except as provided in paragraph (3) of this subsection, each report submitted under paragraph (1) of this subsection shall include the comments of the appropriate board on the institution's progress toward meeting its goals consistent with its mission.

(3) The report of the University of Maryland, College Park Board of Visitors shall include:

(i) The Board of Visitors' evaluation of the status of the effort by the University System of Maryland and the State in meeting the requirements of the Maryland Charter for Higher Education set forth in § 10–209 of this article which require the University System of Maryland to:

1. Provide the College Park campus with the level of operating funding and facilities necessary to place it among the upper echelon of its peer institutions;

2. Maintain and enhance the College Park campus as the State's flagship campus with programs and faculty nationally and internationally recognized for excellence in research and the advancement of knowledge;

3. Admit as freshmen to the College Park campus highly qualified students who have academic profiles that suggest exceptional ability; and

4. Provide access to the upper division undergraduate level of the College Park campus for students who have excelled in completing lower division

study;

(ii) A status report on the University's effort to achieve national eminence;

(iii) A status report on success in attaining federal research grants, private gifts, and other sources of nonstate revenue; and

(iv) Other matters in support of institutional priorities as determined by the Board of Visitors.

(4) The institutional boards of visitors are encouraged to meet periodically with the Chancellor and Board of Regents to develop close working relationships.

(g) Subsection (e)(5) of this section may not be construed to require any additional State General Fund support.

§12–110.

(a) (1) Upon the recommendation of the Chancellor who shall consult with the presidents, and in accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the Board of Regents shall establish general standards and guidelines governing the appointment, compensation, advancement, tenure, and termination of all faculty and administrative personnel in the University System of Maryland.

(2) These standards and guidelines shall recognize the diverse missions of the constituent institutions.

(b) The Board of Regents may establish different standards of compensation based on the size and missions of the constituent institutions.

(c) Subject to such standards and guidelines, and in accordance with the requirements of Title 3 of the State Personnel and Pensions Article, a president may:

(1) Prescribe additional personnel policies; and

(2) Approve individual personnel actions affecting the terms and conditions of academic and administrative appointments.

§12–111.

(a) Except as otherwise provided by law, appointments of the University System of Maryland are not subject to or controlled by the provisions of the State Personnel and Pensions Article that govern the State Personnel Management System.

(b) In accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the Board of Regents shall establish general policies and guidelines

governing the appointment, compensation, advancement, tenure, and termination of all classified personnel.

(c) The policies established under subsection (b) of this section shall include consideration of hiring a contractual employee to fill a vacant position in the same or similar classification in which the contractual employee is employed.

§12–112.

(a) (1) Except as provided in § 11-203(e) of the State Finance and Procurement Article, the University is exempt from Division II of the State Finance and Procurement Article.

(2) (i) Subject to review and approval by the Board of Public Works and the Administrative, Executive, and Legislative Review Committee of the General Assembly, the Board of Regents shall develop policies and procedures governing procurements by the University.

(ii) The policies and procedures developed under subparagraph (i) of this paragraph shall promote the purposes of the State procurement law as set forth in § 11-201 of the State Finance and Procurement Article.

(b) The Board of Regents shall develop an information technology plan for the University System of Maryland that includes information technology policies and standards, including policies and standards for information management and telecommunication systems, that are functionally compatible with the State Information Technology Plan established under Title 3, Subtitle 4 of the State Finance and Procurement Article.

(c) By January 1, 2007, the Board of Regents shall develop a nonvisual access clause for use in the procurement of computer-based instructional technology.

(d) The nonvisual access clause developed under subsection (c) of this section shall be consistent with the standards developed by the Department of Budget and Management in accordance with the provisions of § 3-412 of the State Finance and Procurement Article.

§12–113.

(a) Consistent with § 15–107 of this article and any other applicable law, the Board of Regents may establish, invest in, finance, and operate businesses or business entities when the Board finds that doing so would further one or more goals of the University and is related to the mission of the University.

(b) (1) A business entity established, invested in, financed, or operated in accordance with this section may not be considered an agency or instrumentality of the State or a unit of the Executive Branch for any purpose.

(2) A financial obligation or liability of a business entity established, invested in, financed, or operated in accordance with this section may not be a debt or obligation of the State or University.

(c) (1) Subject to the requirements of this section, an institution may establish, invest in, finance, or operate a corporation, foundation, consortium, or other entity that is intended to support a high impact economic development activity, as defined in § 12–104.1 of this subtitle.

(2) Notwithstanding the provisions of §§ 5–501 through 5–504 of the General Provisions Article and subject to § 5–525 of the General Provisions Article, an official or employee of a public institution of higher education may be a director, official, or employee of an entity intended to support a high impact economic development activity, if the individual's participation advances the interests of the institution.

(3) Division II of the State Finance and Procurement Article does not apply to transactions between an entity established, financed, or operated under this subsection and the institution or consortium of institutions that established, financed, or operated the entity.

(4) (i) The Board of Regents shall adopt policies and procedures governing the establishment of high impact economic development entities to ensure that the institution's participation in the entity furthers the interests of the institution, the University System of Maryland, and the State.

(ii) The policies and procedures under subparagraph (i) of this paragraph shall include requirements for:

1. Recognition of the entity by the Board of Regents;

2. An annual audit of the entity by an independent certified public accountant; and

3. Adequate safeguards with regard to conflicts of interest, proper contracting practices, and other fundamental ethical and business practice standards.

(d) The Board of Regents shall submit to the Governor, and in accordance with § 2–1246 of the State Government Article, the General Assembly, an annual report on:

(1) The business entities established in accordance with this section;

(2) Funds invested in, and financing provided to, business entities established in accordance with this section;

(3) Ownership interests in any business entities established in accordance with this section; and

(4) The current status of the business entities.

§12–114.

(a) There is a University Textbook Consortium within the University System of Maryland.

(b) The purpose of the University Textbook Consortium is to enable constituent institutions to receive a volume discount on the purchase of textbooks and other educational supplies.

(c) The University System Office or its designee shall coordinate the purchase and distribution of textbooks and other educational supplies to participating institutions.

(d) Participation in the University Textbook Consortium by constituent institutions is voluntary.

§12–115.

(a) In this section, "candidate", "contribution", and "political committee" have the meanings stated in § 1-101 of the Election Law Article.

(b) The restrictions in this section apply from the date of a member's appointment to the Board of Regents until the end of the member's tenure on the Board.

(c) (1) A member of the Board of Regents may not, for the benefit of the Governor, Lieutenant Governor, Attorney General, or Comptroller, a member of the General Assembly, or a candidate for election to the office of Governor, Lieutenant Governor, Attorney General, Comptroller, or member of the General Assembly, engage in the following activities:

(i) Soliciting or transmitting a political contribution from any person, including a political committee;

(ii) Serving on a fund–raising committee or a political committee;

(iii) Acting as a treasurer for a candidate or official or as treasurer or chair of a political committee;

(iv) Organizing or establishing a political committee for the purpose of soliciting or transmitting contributions from any person; or

(v) Forwarding tickets for fund–raising activities, or other solicitations for political contributions, to a potential contributor.

(2) This section does not prohibit a member of the Board of Regents from:

(i) Making a personal political contribution;

(ii) Informing any entity of a position taken by a candidate or official; or

(iii) Engaging in other activities not specifically prohibited under paragraph (1) of this subsection.

(3) A member of the Board of Regents may not be a candidate for a public office while serving on the Board.

§12–116.

(a) There is a University of Maryland Agriculture and Natural Resources Internship Program.

(b) The purpose of the University of Maryland Agriculture and Natural Resources Internship Program is to:

(1) Provide students in the College of Agriculture and Natural Resources at the University of Maryland, College Park with at least one semester, where appropriate, of work experience relevant to their major, including on-farm experience for students interested in careers related to production of agriculture; and

(2) Promote careers in agriculture and natural resources in the State.

(c) The University of Maryland, College Park or the Dean of the College of Agriculture and Natural Resources at the University of Maryland, College Park shall inform the Department of Agriculture on the University's plan to implement the requirements of this section.

(d) The Maryland Agricultural Commission shall work through its members representing specific sectors of agriculture and natural resources to promote, and where possible, to establish internships with farms and businesses in their respective sectors.

§12–201.

(a) (1) The Board shall establish:

(i) A Council of University System Presidents;

(ii) A Council of University System Faculty;

(iii) A Council of University System Staff; and

(iv) A University System Student Council.

(2) These councils shall serve in an advisory capacity to the Chancellor and may, from time to time, make reports and recommendations to the Board.

(b) The Board may appoint committees to advise it in exercising its authority.

§13–101.

(a) It is the intent of the General Assembly that the University of Maryland University College:

(1) Operate as Maryland's open university serving nontraditional students who reside in Maryland, the United States, and throughout the world;

(2) Provide the citizens of Maryland with affordable, open access higher education; and

(3) Continue as a leader in distributed higher education.

(b) (1) There is a University of Maryland University College which is not a new constituent institution of the University System of Maryland.

(2) As a constituent institution of the University System of Maryland, the University of Maryland University College is an instrumentality of the State.

(3) The exercise by the University of Maryland University College of its powers, including its overseas operations, is the performance of an essential public function.

(c) The provisions of § 12-105(a) of this article do not apply to the overseas operations of the University of Maryland University College. The institution may spend the appropriation without the approval of the Board of Public Works and without submitting a detailed budget schedule to the Board of Public Works.

(d) The University of Maryland University College shall prepare an annual financial information statement for the next following fiscal year and shall submit the statement to the Department of Budget and Management each year before October 1. The annual financial information statement shall include for the next following fiscal year:

(1) An estimate of the total revenues of the University of Maryland University College, including revenues from tuitions, fees, gifts, grants, and interest income;

(2) An estimate of the value of services which the other units of the University of Maryland and other State agencies provide to the University of Maryland University College; and

(3) An estimate of the total cost of salaries and personnel benefits for employees of the University of Maryland University College.

(e) (1) The interest or income from the investment of the funds of the

University of Maryland University College by the State Treasurer shall be credited to the University of Maryland University College.

(2) Any unexpended or unencumbered balance of the annual appropriation for the University of Maryland University College, except any appropriation from the General Fund of the State, shall not revert to the General Fund of the State at the end of the State's fiscal year.

(f) The University of Maryland University College may:

(1) Purchase, lease, or rent motor vehicles for use in overseas programs; and

(2) Purchase, lease, or rent mechanical or electronic data or information processing equipment and related services for its overseas programs.

(g) (1) Each year the University of Maryland University College shall cause an independent certified public accountant to prepare audited financial statements of the University of Maryland University College in accordance with generally accepted auditing standards accompanied by the auditor's report on the statements.

(2) The provisions of § 12-105(f) of this article do not apply to the University of Maryland University College overseas programs.

§13–102.

(a) (1) There is a Maryland Statewide Medical Education and Training System in the University of Maryland.

(2) The System includes the centers for training in comprehensive medical care specifically provided for in the State budget by funds designated and identified for the development of these centers.

(3) Each center shall be established cooperatively with an existing medical or educational institution in this State.

(b) (1) The Dean of the University of Maryland School of Medicine and each cooperating institution jointly shall appoint a director and faculty for each center.

(2) Each center shall appoint an advisory council to provide the highest possible degree of support and advice from the lay and professional communities.

(c) (1) In cooperation with the director of the center and the staff of the cooperating institution, the University of Maryland School of Medicine shall plan, implement, and expand a medical education and training program at each center.

(2) The Dean of the University of Maryland School of Medicine is responsible for the fiscal administration of the program and shall review and approve

the budget proposed by each center.

(d) (1) The University of Maryland is responsible for:

(i) Selecting and assigning students to the centers; and

(ii) Curriculum development and accreditation of the centers.

(2) The University may assign to those centers that it believes have developed appropriate faculty, facilities, and primary care curricula:

(i) Third and fourth year medical students;

(ii) Residency trainees; and

(iii) Students who are in primary care programs of other health professions.

(e) The University of Maryland School of Medicine shall provide for periodic, systematic evaluation of the Maryland Statewide Medical Education and Training System.

(f) (1) This section does not restrict any health care institution from starting or operating any training program jointly with any other person, whether or not the institution participates in this program.

(2) Any institution that participates with the University of Maryland under this section is free to engage in any other educational training programs.

§13–103.

(a) There is a Maryland Fire and Rescue Institute in the University of Maryland.

(b) (1) The head of the Institute is the Director.

(2) The Director:

(i) Shall report directly to the President of the University of Maryland, College Park; and

(ii) May adopt rules and regulations necessary to carry out this section.

(c) The Institute shall:

(1) Provide classroom education and training for career and volunteer fire and rescue personnel, both at the Institute and throughout this State;

(2) Cooperate with other agencies that provide training for fire and rescue personnel;

(3) Train instructors;

(4) Prepare or adopt materials for training fire and rescue personnel;

(5) Develop new fire and rescue training techniques;

(6) Develop and implement specialized courses in fire fighting, including industrial fire fighting;

(7) Maintain statistics and records on fire and rescue education, training, and related matters;

(8) Develop programs to inform the public about the tasks performed by fire and rescue personnel;

(9) Establish guidelines for instructional material to school systems in the State concerning fire and rescue education;

(10) Provide disaster training for fire and rescue personnel; and

(11) Cooperate with the Maryland Institute for Emergency Medical Services Systems to provide basic training for rescue personnel and emergency medical technicians.

(d) The Institute shall have the funds provided in the State budget.

§13–104.

(a) In this section, "Fund" means the Small Business Development Center Network Fund.

(b) There is a Small Business Development Center Network Fund.

(c) The purpose of the Fund is to provide matching funds for federal grant funds and to support the operations of the Small Business Development Center Network in the University of Maryland.

(d) The Fund is a special, continuous, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(e) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The proceeds of the Fund shall be invested and reinvested.

(g) Any investment earnings of the Fund shall be credited to the General Fund

of the State.

(h) The Fund consists of:

(1) Any money appropriated to the Fund;

(2) Any federal grant funds; and

(3) Any other money from any other source accepted for the benefit of the Fund.

(i) Money in the Fund may only be expended to support the operations of the Small Business Development Center Network.

(j) For the fiscal year beginning July 1, 2013, and each fiscal year thereafter, the Governor shall include in the annual budget bill a General Fund appropriation of at least $950,000 to the Fund.

§13–201.

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

(b) "Day" means, except as otherwise provided, a working day, Monday through Friday, regardless of work schedule, weekend work, or midweek days off.

(c) "Grievance" means any cause of complaint arising between a classified employee or associate staff employee and his employer on a matter concerning discipline, alleged discrimination, promotion, assignment, or interpretation or application of University rules or departmental procedures over which the University management has control. However, if the complaint pertains to the general level of wages, wage patterns, fringe benefits, or to other broad areas of financial management and staffing, it is not a grievable issue.

§13–202.

(a) If authorized by the Board of Regents or its designee, nurses and graduates of registered nurse education programs assigned to positions in the medical system of the Baltimore City campus may be scheduled to work flexible biweekly schedules with the normal biweekly work period of 80 hours; however, nursing personnel may not be required to work a flexible biweekly schedule.

(b) If authorized by the Board of Regents or its designee, the campuses of the University may enter into agreements or understandings with employees who are eligible for overtime compensation under federal law that the employees will receive voluntarily compensatory time off in accordance with the federal Fair Labor Standards Amendments of 1985.

(c) The University's policy regarding compensatory time off awarded under

the provisions of subsection (b) of this section shall be in accordance with regulations regarding compensatory time off adopted by the Department of Budget and Management, where appropriate.

§13–203.

(a) If, following informal discussion with the supervisor, a dispute remains unresolved, the grievance procedure is available. There are three steps in the grievance procedure.

(b) (1) Step One. Step one is the initiation of a complaint. Grievances shall be initiated within 30 calendar days of the action involved, or within 30 calendar days of the employee having reasonable knowledge of the act, unless these time limits are further delimited as stated in § 13-205 of this subtitle. Appeals within the grievance procedure shall be timed from receipt of the written opinion of management or from when such opinion is due, whichever comes first. An aggrieved employee or the employee's designated representative may present the grievance in writing to the department head or chairman or designee for formal consideration. If the grievance is presented to the department head or chairman or designee, within 5 days after the receipt of the written grievance a conference shall be held with the aggrieved or the employee's designated representative and within 5 days after the conclusion of the conference a decision shall be rendered in writing to the aggrieved or the employee's designated representative. If the aggrieved employee is not satisfied with the decision rendered at this step, the employee or the employee's designated representative may appeal in writing to step two within 5 days.

(2) Both employee and department head or chairman or designee shall continue to review the matter, either privately or with the help of others in the employee's immediate work unit who are directly involved in the grievance. Each department head or chairman or designee shall use judgment in keeping superiors informed of the status of each grievance and, if necessary, request guidance, advisory committees, or other assistance consistent with departmental policy. If either the employee or the department head or chairman or designee feels the need for aid in arriving at a solution, the campus personnel department may be requested to provide resource staff or any other available resource personnel may be invited to participate in further discussions. The addition of such participants does not relieve the department head or chairman or designee and the employee from responsibility for resolving the problem.

(c) Step Two. The appeal shall be submitted to the president of the constituent institution or the president's designated representative within 5 days after the receipt of the written decision at step one. The president or the president's designated representative shall hold a conference with the aggrieved or the employee's designated representative within 10 days of receipt of the written grievance appeal and render a written decision within 15 days after the conclusion of the conference.

(d) Step Three. In the case of any still unresolved grievance between an

employee and the constituent institution, the aggrieved employee, after exhausting all available procedures provided by the constituent institution, may submit the grievance to either arbitration or to the Chancellor who may delegate this responsibility to the Office of Administrative Hearings in accordance with Title 10, Subtitle 2 of the State Government Article. In either case, the appeal shall be submitted within 10 days after the receipt of any written decision pertaining to that grievance and issued by the constituent institution. If the grievance is arbitrated, the parties shall select an arbitrator by mutual agreement. If they are unable to reach a mutual agreement, an arbitrator shall be supplied by the American Arbitration Association by their procedures. Any fees resulting from arbitration are assessed by the arbitrator equally between the two parties. The arbitration award is advisory to the Chancellor or administrative law judge, as appropriate, and an additional appeal or hearing may not be considered. The Chancellor or administrative law judge, as appropriate, shall make the final decision that is binding on all parties.

(e) The Chancellor or administrative law judge, as appropriate, shall have the power to award back pay in any grievance and the president of the constituent institution shall enforce such order. In any reclassification case in which the Chancellor or administrative law judge, as appropriate, or his designated representative, determines that an employee has been misclassified, the Chancellor or administrative law judge, as appropriate, may, in his discretion, award back pay to the employee for a period not to exceed one year prior to the initial filing of the grievance.

(f) (1) During any stage of a complaint, grievance, or other administrative or legal action that concerns State employment by a full-time or part-time employee of an institution, or by a temporary or contractual employee of an institution, the employee may not be subjected to coercion, discrimination, interference, reprisal, or restraint by or initiated on behalf of an institution solely as a result of that employee's pursuit of a grievance, complaint, or other administrative or legal action that concerns State employment.

(2) An employee of an institution may not intentionally take or assist in taking an act of coercion, discrimination, interference, reprisal, or restraint against another employee solely as a result of that employee's pursuit of a grievance, complaint, or other administrative or legal action that concerns State employment.

(3) An employee who violates the provisions of this subsection is subject to disciplinary action, including termination of employment.

§13–204.

A decision may not be made at any step of the grievance procedure that conflicts with or modifies a policy approved by the Board of Regents of the University or with any applicable statute or with any administrative regulation issued under appropriate statutory authority or that otherwise delimits the lawfully delegated authority of University officials unless prior approval has been obtained from the responsible official.

§13–205.

(a) Within 5 days from the date on which the employee receives the charges for removal as evidenced by the return receipt or other evidence of delivery of the charges to the employee an employee who is suspended under charges for removal may request an opportunity to be heard in his own defense. Within 30 days if possible after receipt, the president or the president's designated representative shall investigate the charges and give the employee an opportunity to be heard. Testimony shall be taken under oath and both the department head or chairman or designee and the employee have the right of representation by counsel and the right to present witnesses and give evidence. Within 15 days following the conclusion of the conference, the written decision shall be rendered to the employee. In the case of appeals from charges pending removal, the department head or chairman or designee may request through appropriate channels the Attorney General's representative to the University to serve as counsel. In case no hearing is timely requested, the Campus Director of Personnel shall act upon the charges or order such other actions as are indicated by the findings in the case. If a hearing is timely requested and the removal is upheld, step three of the grievance procedure shall be available to the removed individual. The appeal shall be submitted within 10 days after receipt of the written University decision.

(b) Within 5 days, an employee who is notified of demotion may file a written answer with the president or the president's designated representative and request an investigation of the demotion. Within 20 days, if possible, after receipt, the president or the president's designated representative shall investigate the demotion and give the employee an opportunity to be heard. Within 15 days following the conclusion of the investigation, the written decision shall be rendered to the employee. If an investigation is timely requested and the demotion is upheld, step three of the grievance procedure is available to the demoted employee. The appeal shall be submitted within 10 days after receipt of the written University decision.

(c) (1) Rejection on Original Probation. Within 5 days of the notice of rejection, an employee who is rejected on original probation may file a written request with the president or the president's designated representative for a hearing. Within 20 days, if possible, after receipt, the president or the president's designated representative shall conduct a hearing. Within 15 days following the conclusion of the hearing, the written decision shall be rendered to the employee. If the hearing is timely requested and the rejection is upheld, step three of the grievance procedure is available. The appeal shall be submitted within 10 days after receipt of the written University decision. Rejection for cause is not required in the case of an employee rejected on original probation.

(2) Rejection on Promotional, Transfer, or Horizontal Change Probation. Within 5 days of receipt of the recommendation of the department head or chairman to reject, an employee who is promoted and then rejected within the probationary period for the new class and for whom a vacancy in the former class is not available may file an answer with the president or the president's designated representative and request an investigation of the proposed rejection. Within 20 days, if possible, after

receipt, the president or the president's designated representative shall investigate the proposed rejection. The same rule applies to an employee who has completed a probationary period in one classification and makes a horizontal change to a new classification, and is rejected in the new classification or who transfers to another department in the same classification and is rejected. Within 15 days following the conclusion of the investigation, the written decision shall be rendered to the employee. If the investigation is timely requested and the rejection is upheld, step three of the grievance procedure is available to the rejected employee. The appeal shall be submitted within 10 days after receipt of the written University decision.

(d) (1) This subsection does not apply to suspensions pending charges for removal.

(2) Alleged infractions shall be investigated by the responsible supervisor or administrator or designee at the earliest opportunity following knowledge of it, and the investigation shall be promptly completed. All suspensions of employees shall be implemented within 3 days of the alleged infraction or knowledge of the alleged infraction by the responsible supervisor or administrator. All suspension days shall be consecutive.

(3) The employee or the employee's designated representative may submit a written appeal on a disciplinary suspension to the president or the president's designated representative within 5 days of notification of the suspension, or the employee or the employee's designated representative may appeal the suspension within 3 days of notification of the suspension to the department head or chairman or designee. The department head or chairman or designee shall hear the case within 3 days from the receipt of the written appeal. If the appeal is unheard or unanswered as a result of management delay, the employee shall be reinstated with full back pay.

(4) If the suspension is upheld by the president or the president's designated representative, step three of the grievance procedure is available to the employee. If the employee chooses to appeal to the department head or chairman or designee, any further appeals shall proceed through steps two and three of the grievance procedure.

(e) (1) If an employee is suspended without pay pending a hearing on disposition of charges for removal, the president or the president's designated representative shall notify the employee in writing of the reasons for the suspension at the time of the notice of the suspension.

(2) Within 5 working days of the notice of suspension, the employee may request in writing that the president or the president's designated representative, in addition to conducting a hearing on the merits, conduct a preliminary hearing to determine whether or not the employee may continue to work with pay pending the disposition of the charges.

(3) The president or the president's designated representative shall

conduct a preliminary hearing within 5 working days after the president or the president's designated representative receives in writing the request from the suspended employee for the preliminary hearing.

(4) The preliminary hearing shall be limited to the issues of:

(i) Whether suspension without pay is necessary to protect the interests of the University of Maryland or the employee pending final disposition of the charges; and

(ii) Whether other employment and status alternatives should be considered.

(5) At the preliminary hearing, the employee may:

(i) Rebut the reasons given for the suspension;

(ii) Allege mitigating circumstances; and

(iii) Offer alternatives to the suspension, including:

1. Return to the position with pay;

2. Transfer to another position with pay; or

3. Suspension with pay.

(6) Within 5 days after the preliminary hearing is completed, the president or the president's designated representative shall render a written decision that is conclusive as to the issue of whether or not the employee may continue to work with pay pending the disposition of the charges.

§13–206.

(a) In cases of appeal to an arbitrator, each party is responsible for any expense incurred in the preparation and presentation of its own case and for any record or transcript it may desire.

(b) Upon the formal or informal initiation of a grievance an employee designated as a grievance procedure representative shall not suffer any loss of pay for investigating, processing or testifying in any step of the grievance procedure. Release time from normal work schedules is to be granted all witnesses to attend grievance hearings. Expenses incurred in connection with attendance by employees at grievance hearings shall be borne by the employee's department.

(c) Similar grievances may be consolidated and processed together as a single issue. Where a number of individual grievances have been reduced into a single grievance, not more than three employees selected by and from the group

may be excused from work to attend a grievance meeting called by the responsible administrator at step one and not more than five employees at steps two and three unless, at any step, prior permission is granted by the person hearing the grievance.

(d) Employee complaint forms shall be available in the campus personnel department. The University form shall be used.

(e) It is the responsibility of the head of each organizational unit to assure that each employee understands the channels of communication and appeal, specifically who is the department head or chairman and who acts in their absence.

(f) An employee may not leave the post of duty to engage in grievance handling without the knowledge of and permission from the designated supervisor.

(g) A formal grievance may be filed by the aggrieved employee; the request to appeal a grievance must bear the signature of the employee or the employee's representative at each step of the procedure.

(h) A record of each grievance and its disposition shall be furnished to the employee involved. A file copy of each grievance shall be maintained at the last step at which the grievance was processed, and an additional copy shall be filed with the campus personnel department which shall be available to the employee or the employee's representative.

(i) At any point in the grievance procedure, the employee may elect to obtain, change, or dismiss the representative by providing a written notice to the person hearing the grievance. However, the action does not allow the grievant to return to a previous step in the procedure.

(j) A hearing officer may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence or witnesses.

(k) Each step of the grievance procedure shall be processed as quickly as practicable within the specified time limits. Failure to appeal at any step constitutes acceptance. Failure to answer is a denial to which an appeal may be made. By mutual agreement, the time limits and/or steps may be waived.

(l) It is the responsibility of each party to the grievance procedure at each step of the procedure to duplicate the grievance form prior to filing it with the employer or returning it to the employee and to retain one copy of the form.

(m) A grievance may start with a complaint or request by a permanent or temporary employee.

(n) An employee may be represented at every step of the grievance procedure by a party or organizational representative.

(o) An employee shall receive a copy of this grievance procedure upon

employment at the University.

(p) Both parties shall make an effort to resolve the grievance at the lowest possible level.

(q) All grievance hearings shall be open hearings unless either party requests that the hearing be closed.

(r) At any step of the grievance procedure, either party may require that witnesses be excluded from the hearing room until called.

(s) Any party who elects to use this procedure for resolution of a problem is presumed to agree to abide by the final disposition arrived at in this procedure and the final disposition may not be subject to review under any other procedure within the University.

(t) Any question concerning the timeliness of a grievance or whether a complaint is subject to the grievance procedure shall be raised and resolved promptly, unless the person hearing the grievance or appeal determines that the decision on a motion to dismiss will be deferred pending a hearing on both the merits and the motion.

§13–207.

(a) The defense of sovereign immunity may not be available to the University, unless otherwise specifically provided by the laws of Maryland, in any administrative, arbitration, or judicial proceeding held pursuant to this section, or the personnel policies, rules, and regulations for classified employees of the University System of Maryland involving any type of employee grievance or hearing, including, but not limited to charges for removal, disciplinary suspensions, involuntary demotions, or reclassifications.

(b) The Governor shall provide in the annual State budget adequate funds for the satisfaction of any final monetary or benefit award or judgment that has been rendered in favor of the employee against the University in any administrative, arbitration, or judicial proceeding.

(c) Awards under this section that have not been satisfied pursuant to subsection (d) of this section, shall be reported to the Comptroller of the Treasury, who shall maintain and report annually to the Governor an accounting of existing awards. Upon appropriation of funds by the legislature, the Comptroller of the Treasury shall satisfy existing awards in order of date of award.

(d) If the University has sufficient funds available to satisfy any award under this section at the time the award is rendered, the award shall be satisfied as soon as practicable but not more than 20 days after the award becomes final.

§13–301.

(a) In this subtitle, unless the context clearly requires otherwise, the following words have the meanings indicated.

(b) "Annual contract" means, as to any fiscal year, the contract required by this subtitle to be entered into between the University and the Medical System Corporation stating the obligations between them for that fiscal year.

(c) "Board of Directors" means the Board of Directors of the Medical System Corporation.

(d) "Board of Regents" means the Board of Regents of the University.

(e) "Chief Executive Officer" means the individual elected Chief Executive Officer by the Board of Directors of the Medical System Corporation and also appointed by the Board of Regents as Vice President for the medical system.

(f) "Community naturally served" means the hospital's historic service population and those neighborhoods traditionally served by the hospital as well as any additional population the Medical System Corporation determines with the approval of the Maryland Health Care Commission and the Department of Health and Mental Hygiene.

(g) "Comprehensive services" means comprehensive health care services.

(h) "Dental school" means the School of Dentistry of the University.

(i) "Includes" or "including" means includes or including by way of illustration and not by way of limitation.

(j) "Institute" means the Maryland Institute for Emergency Medical Services Systems.

(k) "Medical system" means the University Medical System, consisting of those health care delivery components of the University that are in Baltimore City rendering patient care services and more particularly identified by the Board of Public Works at the time of conveying medical system assets to the Medical System Corporation, including University Hospital, the University Cancer Center, and the clinical component of the Institute.

(l) "Medical system assets" means all assets allocated to the medical system as shown on the financial statements of the medical system at the transfer date and as more particularly or additionally identified or supplemented by the Board of Regents and approved by the Board of Public Works and transferred to the Medical System Corporation, including (unless further defined by the Board of Public Works) all related land and buildings and funds deposited with the State Treasurer.

(m) "Medical System Corporation" means University of Maryland Medical System Corporation, a private, nonprofit, nonstock corporation formed under the general corporation laws of this State.

(n) "Medical System Corporation employees" means employees of the Medical System Corporation.

(o) "Medical system liabilities" means all liabilities allocated to the medical system as shown on the financial statements of the medical system at the transfer date.

(p) "Medical system personnel" means both medical system University personnel and Medical System Corporation employees.

(q) "Medical system University personnel" means those employees of the University who report to the Chief Executive Officer and for whose services the Medical System Corporation contracts with the University.

(r) "President" means the President of the University of Maryland, Baltimore.

(s) "School of Medicine" means the School of Medicine of the University.

(t) "Transfer date" means any date from July 1, 1984, to June 1, 1985, both inclusive, determined by the Board of Public Works and filed with the Secretary of State and the Department of Legislative Services.

(u) "University" means the University of Maryland.

§13–302.

It is hereby found and determined that:

(1) The purposes of the medical system are to provide medical care of the type unique to University medical facilities for the citizens of the State and region and, in accomplishing this objective, to provide a clinical context for education and research conducted by the faculty of the University;

(2) The purposes extend to all citizens of the State, particularly regarding health care needs which only an academic medical institution can adequately meet such as extensive tertiary care, major shock trauma treatment, and sophisticated surgical techniques;

(3) The purposes also include rendering comprehensive health care to the community naturally served by University Hospital to assure its availability to citizens of that community;

(4) These purposes separately and collectively serve the highest public interest and are essential to the public health and welfare, but must be realized in

the most efficient manner and at the lowest cost practicable and consistent with these purposes;

(5) It has proven unnecessarily costly and administratively cumbersome for the University to finance, manage, and carry out the patient care activities of an academic institution within the existing framework of a State agency, since many applicable laws, management structures, and procedures were developed to implement types of governmental functions which differ from the operations of a major patient care facility in an environment of State and federal regulation; such patient care operations are more efficiently served by contemporary legal, management, and procedural structures utilized by similarly situated, private entities throughout the nation;

(6) It is fiscally desirable for the State of Maryland to separate the operations, revenues, and obligations of the medical system from the State to the end that, to the maximum extent practicable, the medical system be a self–supporting entity to which the State may make grants or with which the State may contract as may be deemed appropriate from time to time; this separation will segregate patient care costs and revenues from unrelated State activities;

(7) The interests of the citizens of the State, the region, and the community naturally served by University Hospital will be best met by granting and transferring State assets and liabilities related to the medical system to a private, nonprofit, nonstock corporation in order to create a separate legal and organizational structure for the medical system to provide independence and flexibility of management and funding, while assuring a compatible and mutually beneficial relationship with the University;

(8) In order to maintain the highest quality patient care with the maximum efficiency practicable, the R Adams Cowley Shock Trauma Center will be part of the medical system and will be governed by the Board of Directors; and

(9) It is the intent of the General Assembly that:

(i) Employees of the Medical System Corporation and any subsidiary of the Medical System Corporation who are not medical system University personnel enjoy the rights and protections associated with full freedom of association and collective bargaining afforded to similarly situated citizens of the State; and

(ii) Each subsidiary established by the Medical System Corporation under § 13–303(k) of this subtitle, including a subsidiary established for the purpose of operating all or a part of the University of Maryland Medical Center, falls within the jurisdiction of the National Labor Relations Board, and the employees of the subsidiary are subject to the benefits and protections of the National Labor Relations Act.

§13–303.

(a) Prior to the transfer date:

(1) The Board of Public Works shall approve the articles of incorporation of the Medical System Corporation which shall reflect the requirements of this subtitle; and

(2) The Board of Regents and the Board of Directors shall take all actions necessary to create and organize the Medical System Corporation, which shall be organized for charitable, scientific, and educational purposes and shall attain and maintain exemption from federal income taxation but which shall not be a State agency, political subdivision, public body, public corporation, or municipal corporation and is not subject to any provisions of law affecting only governmental or public entities.

(b) On or after the transfer date, the Medical System Corporation shall own, lease, manage, and operate the medical system, including such components or health services as the Board of Directors may determine or agree to undertake from time to time and shall have all powers of a Maryland corporation which are not expressly limited by this subtitle; such powers include the power to convey, lease, mortgage, encumber, and otherwise deal with all its assets including the medical system assets, without limitation or regard to their source, unless a grantor or donor restricts the use of such assets; provided, however, that without in any way limiting the power to mortgage or otherwise encumber such property, any sale or lease of any land or buildings transferred on the transfer date shall be approved by the Board of Regents.

(c) The Board of Directors:

(1) Shall provide for and maintain, consistent with the policies of the State Health Services Cost Review Commission or other relevant authority, comprehensive services for patient populations naturally served by University Hospital, including uncompensated care and outpatient care; and

(2) Shall maintain, create, and develop specialty care services appropriate to an academic medical institution to meet the needs of the State and region.

(d) The Board of Directors shall operate the medical system without discrimination based upon race, creed, sex, or national origin.

(e) The Board of Directors will conduct procurement activities consistent with minority purchasing standards applicable to State government agencies.

(f) The fiscal year of the Medical System Corporation will be the same as the fiscal year of the State unless otherwise approved by the Board of Public Works.

(g) The Board of Directors shall cause annual audited financial statements of the Medical System Corporation to be prepared and filed with the Governor, the Joint Audit Committee, and the Board of Regents as soon as practicable following the close of its fiscal year.

(h) (1) The Board of Directors shall prepare an annual report describing

operations of the Medical System Corporation in the immediately preceding fiscal year, which shall be delivered to the Board of Regents, the Governor, and, subject to § 2-1246 of the State Government Article, the General Assembly as soon as practicable following the close of its fiscal year.

(2) The report shall include information about the amount of uncompensated care provided, the number of ambulatory care visits, the number of Medicaid patient visits, the number of patient visits by subdivision during the year, and any other information relevant to the provisions of this section.

(3) The General Assembly may take the annual report into consideration when considering requests by the Medical System Corporation for financial assistance from the State, including appropriations for the operating reserve fund under § 13-309 of this subtitle.

(i) Requests to the General Assembly for grants from the State for the Medical System Corporation may be submitted only with approval of the Board of Regents.

(j) The Board of Directors will coordinate with University fund-raising efforts all Medical System Corporation campaigns and solicitations for private gifts and proposals for private or federal grants.

(k) (1) The Board of Directors shall establish a nonprofit subsidiary for the purpose of operating all or a part of the University of Maryland Medical Center, to the extent approved by the University in the annual contract, that shall:

(i) Have all powers available under the laws governing the formation of the subsidiary; and

(ii) Be formed in a manner so that the subsidiary, for the purposes of meeting the jurisdictional requirements of the National Labor Relations Board:

1. Does not constitute a department or administrative arm of the State or any agency, political subdivision, public body, public corporation, or municipal corporation; and

2. Is not administered by individuals who are responsible to public officials or to the general electorate.

(2) In addition to establishing a subsidiary under paragraph (1) of this subsection, the Board of Directors may establish nonprofit or for–profit subsidiaries or related entities, to the extent approved by the University in the annual contract.

(l) The Board of Directors shall insure that the medical system shall continue to make available medical services to residents of various State institutions whose residents prior to the effective date of this legislation were served by the Hospital, including State residential centers for individuals with an intellectual disability, State mental hygiene facilities and facilities run by the State Division of Correction, as long as

the administrators of those institutions continue to seek care from the Hospital for their residents in accordance with policies and legislative intent incorporated in the State budget. The Hospital is to be compensated by the institutions or other payors for this care in accordance with policies of the State Health Services Cost Review Commission or other relevant authority.

§13–304.

(a) The government of the Medical System Corporation is vested in the Board of Directors.

(b) (1) Subject to paragraph (2) of this subsection, the Board of Directors consists of 6 nonvoting members and not less than 22 and not more than 27 voting members appointed by the Governor.

(2) (i) On or after October 1, 2014, the Medical System Corporation may amend its articles of incorporation to add up to three voting members to the Board of Directors as the Medical System Corporation determines to be necessary and appropriate.

(ii) Nominations of additional voting members shall be made by the Board of Directors and submitted to the Board of Regents for comment and to the Governor for consideration.

(iii) Any member added to the Board of Directors under subparagraph (i) of this paragraph shall:

1. Represent an entity that affiliates with the Medical System Corporation on or after October 1, 2014;

2. Be appointed by the Governor; and

3. Be designated as an affiliate board member.

(iv) The voting membership of the Board of Directors may not exceed 30 members.

(v) Nothing in this paragraph may be construed to require the Medical System Corporation to nominate a representative of an entity that affiliates with the Medical System Corporation on or after October 1, 2014, to be an additional board member.

(c) (1) Each member shall be a resident of this State.

(2) Three voting members shall be members of the Board of Regents.

(3) Two voting members shall be members of the General Assembly, 1 nominated by the President of the Senate and 1 nominated by the Speaker of the House

of Delegates.

(4) At least 1 voting member of the Board shall be appointed by the Governor, upon nomination by the membership of the Community Advisory Council, from the membership of the Community Advisory Council.

(5) At least 1 voting member of the Board of Directors shall have expertise in the hospital field.

(6) In appointing the voting members of the Board of Directors, the Governor shall insure that the composition of the Board fairly represents the minority composition of the State.

(7) The nonvoting members shall be, ex officio, the Chancellor of the University System of Maryland, the President, the Chief Executive Officer, the Dean of the School of Medicine, the President of the medical staff organization of the medical system, and the Associate Director of nursing services for the medical system.

(d) (1) The term of a member is 5 years and begins on the 1st Monday in June of the year of appointment.

(2) The terms of members are staggered as required by the terms provided for members of the Board on the transfer date.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(5) A member may be reappointed, but may not serve more than 2 consecutive full terms.

(e) For terms subsequent to initial terms, nominations of members will be made by the Board of Directors and submitted to the Board of Regents for comment and to the Governor for consideration.

(f) The Board of Directors may adopt and amend bylaws.

(g) (1) The Board of Directors shall determine the time and place of its meetings and may adopt rules for the conduct of its meetings.

(2) Eleven voting directors constitute a quorum for transacting business at any meeting, and action by a majority of voting directors present at a meeting shall be the act of the Board unless the bylaws require a greater number.

(h) Each year, the Board of Directors shall elect from among its members:

(1) A Chairman; and

(2) Any other officer it requires.

(i) The Board of Directors shall elect a Chief Executive Officer who shall also be appointed by the Board of Regents as Vice President of the University of Maryland Medical System, and who shall begin service in this joint office after the appointment is approved by both boards. The Chief Executive Officer shall serve at the pleasure of the Board of Directors. In the event of a vacancy of the Chief Executive Officer, nominees will be selected by a process to be determined jointly by the Board of Regents and the Board of Directors.

(j) Each member of the Board:

(1) Serves without compensation; and

(2) Is entitled to reimbursement for expenses as provided by the Board of Directors.

(k) The Chairman of the Board of Directors shall appoint representatives from the community naturally served by the medical system having interest in the services of the medical system to 3–year terms as members of a Community Advisory Council. The Board of Directors shall designate at least one of its members to meet with the Community Advisory Council and advise the Community Advisory Council of matters of potential interest. Recommendations of this Community Advisory Council concerning services offered by the Medical System Corporation and its community relationships shall be considered by the Board of Directors.

§13–305.

(a) The medical system will serve as the primary clinical setting for University students in health care fields to receive educational and research experiences. The clinical faculties of the School of Medicine and Dental School will be the sources for the medical staff of the medical system. The same persons will serve both as Chairmen of the Clinical Science Departments of the School of Medicine and chiefs of the corresponding clinical services of the medical system. The University and the Medical System Corporation will institute appropriate procedures to effect such appointments.

(b) (1) In this subsection, "Medical System Corporation employees" include the employees of a subsidiary established under § 13–303(k) of this subtitle for the purpose of operating all or a part of the University of Maryland Medical Center.

(2) The Medical System Corporation shall utilize both Medical System Corporation employees and medical system University personnel.

(3) Prior to the transfer date, each University employee working in the medical system shall elect to be either a Medical System Corporation employee or a part of medical system University personnel. No University employee may be required

to become an employee of the Medical System Corporation as a condition of employment or promotion. All medical system University personnel are University employees in all respects.

(4) With respect to promotion opportunities, the Medical System Corporation shall treat medical system University personnel on the same basis as Medical System Corporation employees.

(5) The Medical System Corporation shall establish an integrated seniority list composed of Medical System Corporation employees and medical system University personnel. Each listed employee's seniority will be calculated by including all employment with the University or the Medical System Corporation or both.

(c) Sections 5–501 through 5–504 of the General Provisions Article shall not bar an official or employee of the University from becoming a director, official, or employee of the Medical System Corporation or participating in matters involving the Corporation and shall not prevent the Executive Director of the Maryland Institute for Emergency Medical Services Systems from becoming a voting Director of the Medical System Corporation.

§13–306.

(a) Prior to the transfer date and to the 1st day of each fiscal year thereafter, the Board of Regents and the Board of Directors shall each approve an annual contract which shall state all financial obligations, exchanges of services, and any other agreed relationships between the University and the Medical System Corporation for the ensuing fiscal year. The annual contract shall identify all services to be provided and the agreed cost of such services.

(b) The annual contract will be developed by the Chief Executive Officer, the Dean of the School of Medicine, and other University officials as determined by the President. The annual contract will be submitted to the Board of Regents upon the recommendation of the President for consideration, modification, and approval.

(c) The Board of Directors and Board of Regents may establish procedures for the approval of the annual contract.

(d) If the University and the Medical System Corporation do not enter into an annual contract for any fiscal year, the annual contract for the previous year shall remain in force until another annual contract is approved.

§13–307.

(a) On the transfer date the Board of Public Works, the Board of Regents, and any other required State department, agency, or body shall take all legal action necessary to transfer, as a grant without consideration, the medical system assets to the Medical System Corporation.

(b) If it is not appropriate or desirable to transfer title to any medical system assets, such assets shall be leased to the Medical System Corporation or other legal arrangement effected giving control and use to the Medical System Corporation, the consideration to be a payment equal to all costs of the University that become due after the transfer date with respect to purchase, maintenance, or repair of such assets.

(c) If ownership of medical system assets cannot be legally transferred on the transfer date, ownership shall be transferred as soon as practicable after it is legal to do so. In any event, provisions shall be made, by lease or other arrangement, for the Medical System Corporation to have control and use of all medical system assets on and after the transfer date.

(d) The following conditions shall be satisfied before transfer of the medical system assets:

(1) The Medical System Corporation must be established in accordance with this subtitle; and

(2) An annual contract must be in effect.

(e) The approval of such transfer by the Board of Public Works shall constitute a conclusive determination that:

(1) Such transfer is in compliance with this subtitle;

(2) The articles of incorporation of the Medical System Corporation are in proper form; and

(3) All conditions of the transfer have been satisfied.

§13–308.

(a) On the transfer date the Medical System Corporation shall take all legal action necessary to assume the medical system liabilities, but only to the extent expressly provided in this subtitle and the annual contract; the Medical System Corporation shall not be liable for any other debts, obligations, or liabilities of the State or the University incurred or arising in connection with the medical system prior to the transfer date. This assumption of liabilities shall be an assumption of such liabilities as they exist on the transfer date; provided, however, this provision shall be construed and applied to give effect to all provisions of law and defenses applicable to such liabilities prior to the transfer date.

(b) Regardless of any assumption of liability by the Medical System Corporation, the payment of any settlement or judgment against a State officer or employee incurred or arising in connection with the medical system prior to the transfer date shall be determined pursuant to § 12-404 of the State Government Article, and, if the Board of Public Works determines to make a payment to satisfy such settlement or judgment, such payment shall be made only from the State General

Emergency Fund or the State Insurance Trust Fund.

(c) Effective on the transfer date, the Medical System Corporation shall assume responsibility for and shall defend, indemnify, and hold harmless the University and the State with respect to:

(1) All liabilities and duties of the University pursuant to contracts and agreements for commodities, services, and supplies utilized by the medical system;

(2) All claims related to the employment relationship after the transfer date between medical system personnel and the University and the State; and

(3) All claims for breach of contract resulting from the Medical System Corporation's action or failure to act after the transfer date.

(d) The Medical System Corporation will designate legal counsel to represent medical system University personnel determined by the Attorney General to be entitled to legal representation pursuant to § 12-304 of the State Government Article, with respect to acts or omissions in the course of services related to the medical system on or after the transfer date. The Attorney General shall not be responsible for representing such individuals for actions on or after the transfer date. The Medical System Corporation shall be responsible for paying any grants approved by the Board of Public Works, pursuant to § 12-404 of the State Government Article, with respect to such actions on or after the transfer date.

(e) If the Board of Public Works determines, as provided in the State Government Article, that any individual who is a part of medical system University personnel should be reimbursed for the cost of defending a criminal claim relating to actions on or after the transfer date in the course of services related to the medical system, the Medical System Corporation shall fund such reimbursement.

(f) Nothing contained in this subtitle shall be deemed or construed to waive or abrogate in any way the sovereign immunity of the State or to deprive the University or any officer or employee thereof of sovereign immunity.

§13–309.

In order to provide financial independence and stability to the Medical System Corporation, there is an Operating Reserve Fund held by the Treasurer of the State for the Medical System Corporation. The Board of Directors may request funds from the Treasurer from the Operating Reserve Fund and the Treasurer, with the approval of the Board of Public Works, shall transfer the amount requested to the Medical System Corporation but only to the extent that the Operating Reserve Fund has been funded by appropriation in an annual State budget. Advances from the Operating Reserve Fund shall be treated as loans from the State, subordinate to the rights of other creditors of the Medical System Corporation, and the Board of Directors shall cause such advances to be repaid to the Treasurer as soon as the financial condition of the Medical System Corporation reasonably permits. The Treasurer shall hold any

repaid advances in the Operating Reserve Fund subject to further advances to the Medical System Corporation. The moneys in the Operating Reserve Fund shall not revert to the general treasury at the end of the State's fiscal year, and all investment earnings in such Fund shall become a part of such Fund.

§13–310.

Obligations of the Medical System Corporation:

(1) Are payable only from assets of the Medical System Corporation; and

(2) Are not debts or obligations of the University or the State.

§13–311.

(a) The Medical System Corporation and its corporate existence shall continue until terminated in accordance with law; provided, however, that no such law or termination shall take effect so long as the Medical System Corporation shall have bonds, notes, or other obligations outstanding, unless adequate provision has been made for the payment thereof.

(b) Upon termination of the existence of the Medical System Corporation, all its rights and properties shall pass to and be vested in the State, but subject in all cases to any mortgages, liens, or other encumbrances or any other rights or interests of creditors of the Medical System Corporation or other third parties.

(c) The articles of incorporation of the Medical System Corporation and the documents of transfer of the medical system assets must state that the Board of Regents and the Board of Public Works may determine that the Medical System Corporation has failed to realize the purposes set forth in this subtitle; in the event of such a determination, the Board of Directors shall be required to undertake appropriate legal proceedings to return all assets of the medical system then held by the Medical System Corporation to the State, but only if adequate provision has been made for the payment of any outstanding bonds, notes, or other obligations of the Medical System Corporation.

§13–312.

This subtitle, being necessary for the health and welfare of the State and its inhabitants, shall be liberally construed to effect the purposes hereof.

§13–313.

The provisions of this subtitle are severable, and if any of its provisions are held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

§13–401.

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

(b) "Medical System Corporation" means the University of Maryland Medical System Corporation or, at the Medical System Corporation's option, a subsidiary or affiliate of the Medical System Corporation.

(c) "Montebello" means the Montebello Center.

(d) "Montebello assets" means all assets allocated to Montebello as shown on the financial statements of Montebello at the transfer date and as more particularly or additionally identified or supplemented by the Medical System Corporation and approved by the Board of Public Works and transferred to the Medical System Corporation and includes:

(1) All land, buildings, and other real property at the Montebello site owned by the State, with the exception of the Maryland Rehabilitation Center;

(2) All accounts receivable for patient care services rendered by Montebello regardless of when the patient care services were rendered; and

(3) All personal property at the Montebello site owned by the State except for personal property owned by the Department of Education or the University of Maryland, Baltimore.

(e) (1) "Montebello liabilities" means only liabilities arising from agreements or contracts entered into before the transfer date in the ordinary course of business by the Medical System Corporation on behalf of Montebello under the Medical System Corporation's management of Montebello and which are allocated to Montebello as shown on the financial statements of Montebello at the transfer date.

(2) "Montebello liabilities" includes liabilities whenever asserted, incurred, or arising in connection with Montebello before the transfer date to the extent they are covered by professional liability or general liability insurance obtained by the Medical System Corporation before the transfer date.

(3) "Montebello liabilities" does not include any liabilities whenever asserted, incurred, or arising in connection with Montebello University employees or their employment by the University System of Maryland prior to the transfer date.

(f) "Montebello site" means the real property owned by the State, a campus located in Baltimore City, on which Montebello and other State-owned facilities are located.

(g) "Montebello University employees" means those employees of the University System of Maryland who work at Montebello and who are paid by the Medical System Corporation.

(h) "Transfer date" means any date determined by the Board of Public Works and filed with the Secretary of State and the Department of Legislative Services.

§13–402.

(a) The Department of Health and Mental Hygiene shall negotiate with the Medical System Corporation the transfer to the Medical System Corporation of the Montebello assets as a grant without consideration.

(b) If the Board of Directors of the Medical System Corporation and the Board of Public Works, in their discretion, approve the transfer, on the transfer date the Board of Public Works, Department of Health and Mental Hygiene, and any other required State department, agency, or body shall take all legal action necessary to transfer, as a grant without consideration, the Montebello assets to the Medical System Corporation.

(c) If the Board of Directors of the Medical System Corporation and the Board of Public Works, in their discretion, determine that the ownership of Montebello assets cannot be legally transferred on the transfer date, ownership shall be transferred as soon as practicable after it is legal to do so. In any event, provisions shall be made, by lease or other arrangement, for the Medical System Corporation to have control and use of all Montebello assets on and after the transfer date.

(d) For so long as rehabilitation or chronic care services are provided and payment or reimbursement for uncompensated care covers the cost of providing such services to the historic Montebello service population, the Medical System Corporation may not cease providing such services to that population.

(e) The approval of the transfer by the Board of Public Works shall constitute a conclusive determination that the transfer is in compliance with this subtitle.

(f) The Department of Health and Mental Hygiene shall issue a special hospital-chronic license and a special rehabilitation hospital license to the Medical System Corporation for Montebello on the transfer date. Each license shall be for the same number of beds as licensed to Montebello immediately before the transfer date, less 102 beds licensed in the special-chronic licensing category which shall remain licensed to the Department of Health and Mental Hygiene. The licenses issued to the Medical System Corporation shall remain effective until the expiration of the most recent accreditation by the applicable accreditation commission, provided the facility continues to be operated in accordance with the requirements of §§ 19-319(d), (e), (f), and (g) and 19-327 of the Health - General Article. Notwithstanding any other statutory provision or regulation to the contrary, the transfer of assets from Montebello to the Medical System Corporation and the issuance of licenses to the Medical System Corporation shall not require a certificate of need.

(g) (1) (i) The Medical System Corporation shall have all powers of a Maryland corporation not expressly limited by this subtitle to convey, lease, mortgage, encumber, and otherwise control the Montebello assets.

(ii) However, and without in any way limiting the power to mortgage or otherwise encumber the property, before the Medical System Corporation may sell any land, buildings, or other real property transferred on the transfer date for any use other than operation as a rehabilitation facility, a chronic care facility, or both, it shall first offer the land, buildings, and other real property to the State as a grant without consideration.

(2) This subsection may not be interpreted as limiting the ability of a lender:

(i) To foreclose or recover on any lien on any Montebello assets; or

(ii) To sell or otherwise transfer the Montebello assets subject to the lien.

§13–403.

(a) (1) On the transfer date, the Medical System Corporation shall take all legal action necessary to assume the Montebello liabilities, but only to the extent expressly provided in this subtitle.

(2) The Medical System Corporation is not liable for any other debts, obligations, or liabilities of the State, the Department of Health and Mental Hygiene, or the University incurred or arising in connection with Montebello prior to the transfer date.

(3) This assumption of liabilities shall be an assumption of the liabilities as they exist on the transfer date.

(4) This subsection shall be construed and applied to give effect to all provisions of law and defenses applicable to the liabilities prior to the transfer date.

(b) On the transfer date, the Medical System Corporation shall assume responsibility for those claims arising from the employment of Montebello University employees which relate to or arise from events occurring after the transfer date.

(c) Nothing contained in this subtitle shall be deemed or construed to waive or abrogate in any way the sovereign immunity of the State or to deprive the State or any officer or employee thereof of sovereign immunity.

§13–404.

(a) This section shall be effective only if the transfer, lease, or other transfer arrangement authorized by this subtitle occurs.

(b) On January 1, 1993, all Montebello University employees shall become employees of the Medical System Corporation.

(c) A Montebello University employee may, at his or her option, become an employee of the Medical System Corporation before January 1, 1993.

(d) (1) On or before January 1, 1993, any Montebello University employee who wishes to transfer to a classified service position of the State shall be treated for purposes of the transfer as if the transfer were in accordance with former Article 64A, § 31 of the Code.

(2) This section may not be construed to confer bumping rights to these employees.

(e) The Medical System Corporation shall permit continuation of State employee organizations to represent former Montebello University employees and to collect dues.

(f) The value of any unused annual leave accrued by the Montebello University employees shall be computed as of the transfer date, and the State shall pay the Medical System Corporation the value of that leave. Upon the request of an employee, the Medical System Corporation shall pay each Montebello University employee the value of such leave, permit each Montebello University employee to take such leave, or permit a combination of pay for such leave and use of such leave. In no event may a Montebello University employee, whether transferring to a University System of Maryland position outside of Montebello, a State position, or a Medical System Corporation position or leaving for a position elsewhere, not receive time off, credit for future time off, or pay for such unused annual leave accrued as of the transfer date and still unused and unpaid as of the date of transfer to another University System of Maryland position or to a State position or as of the date of departure from Montebello. If a Montebello University employee transfers to a University System of Maryland position outside of Montebello or to a State position before being paid for or using annual leave accrued as of the transfer date, the Medical System Corporation shall transfer funds to the University System of Maryland or to the State, as appropriate, equal to unpaid accrued annual leave.

(g) The payment of any settlement or judgment against a State officer or employee incurred or arising in connection with Montebello prior to the transfer date which is not a Montebello liability shall be determined in accordance with § 12-404 of the State Government Article, and, if the Board of Public Works determines to make a payment to satisfy the settlement or judgment, the payment shall be made only from the State General Emergency Fund or the State Insurance Trust Fund.

(h) The Medical System Corporation shall designate legal counsel to represent Montebello University employees determined by the Attorney General to be entitled to legal representation in accordance with § 12-304 of the State Government Article, with respect to acts or omissions in the course of services related to Montebello on or after the transfer date. The Attorney General shall not be responsible for representing the individual for acts or omissions on or after the transfer date. The Medical System Corporation shall be responsible for paying any settlements and judgments approved

by the Board of Public Works, in accordance with § 12-404 of the State Government Article, with respect to acts or omissions on or after the transfer date.

(i) If the Board of Public Works determines, as provided in the State Government Article, that any Montebello University employee shall be reimbursed for the cost of defending a criminal claim relating to actions on or after the transfer date in the course of services related to Montebello, the Medical System Corporation shall fund the reimbursement.

§13–405.

(a) (1) This section shall be effective only if the transfer or lease authorized by this subtitle occurs.

(2) This section shall be void if the Medical System Corporation no longer operates Montebello.

(b) The Medical System Corporation shall cause annual audited financial statements for Montebello to be prepared and filed with the Governor and the Joint Audit Committee as soon as practicable following the close of each fiscal year.

(c) The Medical System Corporation shall submit with the annual audited financial statements for Montebello a report on the amount of uncompensated care provided at Montebello for the fiscal year.

(d) In recognition of the provision of uncompensated care by Montebello and to assist with the capital financial needs of Montebello specified as part of the transfer under § 13-402 of this subtitle, the State shall pay the Medical System Corporation:

(1) In fiscal year 1993, $6,129,942;

(2) In fiscal year 1994, $5,500,000;

(3) In fiscal year 1995, $5,000,000;

(4) In fiscal year 1996, $5,000,000;

(5) In fiscal year 1997, $5,000,000; and

(6) In each fiscal year thereafter, an amount jointly agreed upon by the Department of Health and Mental Hygiene and the Medical System Corporation and calculated to enable the Medical System Corporation to continue to provide uncompensated care by Montebello and to assist with the capital financial needs of Montebello specified as part of the transfer under § 13-402 of this subtitle.

(e) If the Health Services Cost Review Commission sets rates for services rendered at Montebello, then the Governor shall include in the budget bill each year an appropriation to the Medical System Corporation equal to the difference between

the pension costs for Montebello University employees and employees of the Medical System Corporation working at Montebello and participating in the State Retirement and Pension Systems and the pension costs permitted by the Health Services Cost Review Commission in the rates for Montebello.

(f) The Health Services Cost Review Commission may not set rates for the services rendered at Montebello until:

(1) State law authorizes the State Medical Assistance Program to reimburse the Medical System Corporation at commission rates for services rendered at Montebello; and

(2) The United States Department of Health and Human Services agrees to accept commission rates as a method of providing federal financial participation in the State Medical Assistance Program.

§13–501.

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

(b) "Advisory Council" means the Advisory Council to the State Emergency Medical Services Board.

(c) "Board of Directors" means the Board of Directors of the Medical System Corporation.

(d) "Board of Regents" means the Board of Regents of the University System of Maryland.

(e) "Center" means the R Adams Cowley Shock Trauma Center.

(f) "EMS Board" means the State Emergency Medical Services Board.

(g) "Institute" means the Maryland Institute for Emergency Medical Services Systems.

(h) "Medical System Corporation" means the University of Maryland Medical System Corporation.

(i) "Study Center" means the Charles McC. Mathias, Jr. National Study Center for Trauma and Emergency Medical Systems.

(j) "University" means the University of Maryland, Baltimore.

§13–502.

It is hereby found and determined that:

(1) The State of Maryland has been a national pioneer in the development

of emergency medical services;

(2) The Emergency Medical System has served the citizens of Maryland well for the past two decades by reducing morbidity and mortality for thousands of seriously ill patients;

(3) The success of Maryland's Emergency Medical System is due largely to the hard work and dedication of many individuals, particularly the thousands of career and volunteer firefighters, emergency medical technicians, and rescue squad personnel;

(4) The citizens of Maryland are fortunate to have highly trained career and volunteer firefighters, emergency medical technicians, and rescue squad personnel providing life-sustaining services in the field to ill and injured persons;

(5) The numbers of volunteer firefighters, emergency medical technicians, and rescue squad personnel have been declining but are an essential and integral part of the State's Emergency Medical System and it is important that their role is preserved;

(6) The Emergency Medical System is a large and complex entity involving numerous public and private interests and requiring close coordination to operate efficiently and in the best interests of all Marylanders;

(7) The R Adams Cowley Shock Trauma Center is the core element of the State's Emergency Medical System and shall continue to serve as the State's primary adult trauma clinical resource center;

(8) The Emergency Medical System could be further enhanced by establishing a governing body that is accountable for and vested with the responsibility and authority to ensure the effective and efficient operation of the System; and

(9) The Emergency Medical Services Field Operations of the Institute and the R Adams Cowley Shock Trauma Center shall remain an integral part of the overall Emergency Medical Services System.

§13–503.

(a) There is a Maryland Institute for Emergency Medical Services Systems.

(b) The Institute is an independent agency located at the University of Maryland, Baltimore.

(c) The Institute shall be governed by the State Emergency Medical Services Board.

(d) Funding for the Institute shall be from:

(1) The surcharge imposed under § 13-954 of the Transportation Article;

(2) General funds; and

(3) Funds from any other source.

§13–504.

(a) In accordance with this subtitle, the Institute shall be the State administrative agency responsible for the coordination of all emergency medical services.

(b) The Institute includes the Emergency Medical Services Field Operations.

(c) The Institute shall have the staff and funds as provided in the State budget.

§13–505.

(a) (1) The EMS Board consists of 11 members appointed by the Governor.

(2) Of the 11 members:

(i) One shall be the Secretary of Health and Mental Hygiene or the Secretary's designee;

(ii) One shall be a representative of the University of Maryland, Baltimore, nominated by the Board of Regents;

(iii) One shall be the chairperson of the Advisory Council;

(iv) One shall be a physician knowledgeable in the delivery of emergency medical services;

(v) One shall be a physician experienced in the clinical care of trauma patients;

(vi) One shall be a nurse experienced in the clinical care of emergency patients;

(vii) One shall be a career firefighter, emergency medical technician, or rescue squad person knowledgeable in the delivery of emergency medical services;

(viii) One shall be a volunteer firefighter, emergency medical technician, or rescue squad person knowledgeable in the delivery of emergency medical services;

(ix) One shall be a hospital administrator knowledgeable in the management and delivery of emergency medical services; and

(x) Two shall be from the public at large, one of whom shall reside in a county with a population of less than 175,000.

(b) (1) Each appointed member shall have demonstrated interest or experience in the delivery of emergency medical services.

(2) In appointing members to the EMS Board, the Governor shall take into consideration the five emergency medical service regions of the State to assure a geographic balance in the Board's membership.

(3) In appointing members to the EMS Board, the Governor shall take into consideration persons:

(i) Recommended by the Advisory Council; or

(ii) Recommended by any statewide organization or association which is interested and involved in the delivery of emergency medical services.

(4) Except as authorized under this section, the Governor may not appoint to the EMS Board any other person who is:

(i) A member of the Board of Regents;

(ii) A member of the Board of Directors of the Medical System Corporation; or

(iii) An officer or full-time employee of the Medical System Corporation or the University.

(c) (1) The term of an appointed member is 4 years.

(2) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(d) Annually, from among the members of the EMS Board:

(1) The Governor shall appoint a chairperson; and

(2) The chairperson shall appoint a vice chairperson.

§13–506.

(a) With the approval of the Governor, the EMS Board shall appoint an Executive Director.

(b) The Executive Director serves at the pleasure of the EMS Board. The Executive Director is entitled to the salary provided in the State budget.

(c) Under the direction of the EMS Board, the Executive Director shall:

(1) Be the administrative head of the EMS Board;

(2) Be the administrative head of the Institute; and

(3) Perform any other duty or function that the EMS Board requires.

(d) Any foundation created by the EMS Board shall be subject to audit by the Office of Legislative Audits.

§13–507.

(a) (1) A majority of the full authorized membership of the EMS Board is a quorum for the transaction of any business.

(2) The EMS Board may adopt any rules or procedures necessary to ensure the orderly conduct of business.

(b) No formal action may be taken by the EMS Board without the approval of a majority of the full authorized membership of the EMS Board.

(c) The EMS Board shall meet at least six times a year, at the times and places that it determines.

(d) Each member of the EMS Board is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

§13–508.

(a) (1) In addition to the powers set forth elsewhere in this subtitle, the EMS Board may:

(i) Subject to the limitations set forth in § 13-509 of this subtitle, adopt regulations to carry out the provisions of this subtitle;

(ii) Create committees from among its members;

(iii) Appoint advisory committees, which may include individuals and representatives of interested public or private organizations;

(iv) Apply for and accept any funds, property, or services from any person or government agency;

(v) Make agreements with a grantor or payor of funds, property, or services, including an agreement to make any study, plan, demonstration, or project;

(vi) Except for confidential medical information, publish and give out any information that relates to the delivery of emergency medical services and is considered desirable in the public interest;

(vii) Hold public hearings; and

(viii) Set and charge reasonable fees to be paid by the applicants for the designation of trauma and specialty referral centers.

(2) (i) The fees charged under paragraph (1)(viii) of this subsection shall be set in a manner that will produce funds sufficient to cover the actual documented direct costs of maintaining the designation program.

(ii) 1. The EMS Board shall pay all fees collected under this subsection into the EMS Trauma and Specialty Referral Centers Designation Fund.

2. The Fund shall be used exclusively to cover the actual documented direct costs of designating EMS trauma and specialty referral centers.

3. The Fund is a continuing, nonlapsing fund, not subject to § 7-302 of the State Finance and Procurement Article.

(b) In addition to the duties set forth elsewhere in this subtitle, the EMS Board shall:

(1) Adopt regulations that relate to its meetings, minutes, and transactions;

(2) Beginning with fiscal year 1996:

(i) Prepare annually a budget proposal that includes the estimated income of the Institute and proposed expenses for its administration and operation; and

(ii) Review and approve that portion of the proposed budgets derived from the Maryland Emergency Medical System Operations Fund for the:

1. Maryland Institute for Emergency Medical Services Systems;

2. R Adams Cowley Shock Trauma Center;

3. Maryland Fire and Rescue Institute; and

4. Aviation Division of the Special Operations Bureau, Department of State Police;

(3) Periodically participate in or do analyses and studies that relate to emergency medical services;

(4) On or before October 1 of each year, submit to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly an annual report on the operations and activities of the EMS Board and the Institute during the preceding fiscal year, including:

(i) A report on the patients referred or transported to designated emergency medical facilities, including areawide trauma centers, the R Adams Cowley Shock Trauma Center, and specialty referral centers, in accordance with the emergency medical protocols adopted by the EMS Board; and

(ii) Any fact, suggestion, or policy recommendation that the EMS Board considers necessary; and

(5) Work with the Charles McC. Mathias, Jr. National Study Center for Trauma and Emergency Medical Systems to coordinate a plan for research and other academic activities related to emergency medical services issues.

(c) The provisions of subsection (b)(2) of this section may not be construed to affect the Governor's powers with respect to a request for an appropriation in the budget bill.

§13–509.

(a) In addition to the duties set forth elsewhere in this subtitle, the EMS Board shall develop and adopt an Emergency Medical System plan to ensure effective coordination and evaluation of emergency medical services delivered in this State.

(b) (1) The Emergency Medical System plan shall include:

(i) Criteria for the designation of trauma and specialty referral facilities, including all echelons of care;

(ii) Criteria and guidelines for the delivery of emergency medical services including provisions to assure proper medical direction of emergency medical services;

(iii) A plan designed to maintain and enhance the communications and transportation systems for emergency medical services;

(iv) Provisions for the evaluation of emergency medical services personnel training programs;

(v) Provisions for the establishment of public information and education programs designed to enhance the public's understanding of the Emergency Medical System;

(vi) Criteria and methodologies to evaluate the System's effectiveness in delivering quality emergency medical services needed by the citizens of Maryland; and

(vii) Provisions for the evaluation and monitoring of the Emergency Medical System plan to ensure compliance with this subtitle by all segments of the Emergency Medical System.

(2) The EMS Board shall adopt regulations to implement the Emergency Medical System plan required under this section, subject to paragraph (3) of this subsection.

(3) Prior to adopting regulations under this section, the EMS Board shall consult with and provide opportunity for comment from local jurisdictions, volunteer and career fire companies, emergency medical technicians, rescue squad personnel, and hospitals and consider:

(i) The fiscal impact of the proposed regulations on local jurisdictions, volunteer and career fire companies, emergency medical technicians, rescue squad personnel, and hospitals; and

(ii) The effect of the proposed regulations on the ability of local jurisdictions, volunteer and career fire companies, emergency medical technicians, rescue squad personnel, and hospitals to continue to deliver emergency medical services.

(c) The EMS Board shall consult with the Advisory Council in the development of the Emergency Medical System plan.

(d) The EMS Board may adopt regulations that assure that helicopters transporting patients between hospitals or to or from specialty centers notify the System's communication center in the State Emergency Medical Communications System.

(e) Each State agency and department shall cooperate with the EMS Board in implementing the State Emergency Medical System plan.

§13–510.

In accordance with the Emergency Medical System plan and other relevant policies adopted by the EMS Board, the Executive Director shall:

(1) Coordinate a statewide system of emergency medical services;

(2) Coordinate the five emergency medical service regions in this State;

(3) Coordinate the planning and operation of emergency medical services with the federal, State, and county governments;

(4) Coordinate the training of all personnel in the Emergency Medical Services System and develop the necessary standards for their certification or licensure;

(5) Coordinate programs of research and education that relate to emergency medical services;

(6) Coordinate the development of centers for treating emergency injuries and illnesses;

(7) Coordinate the development of specialty referral centers for resuscitation, treatment, and rehabilitation of the critically ill and injured;

(8) Work closely with the public and private agencies, health care institutions and universities involved with emergency medical services, the Emergency Medical Services Advisory Council, and the Medical Management Consultant Group;

(9) Administer State and federal funds for emergency medical services in this State;

(10) Work closely with the Maryland Fire and Rescue Institute, which is responsible for basic training for emergency medical technicians;

(11) Assure continued improvement of transportation for emergency, critically ill, and injured patients by supporting the goals of career and volunteer systems throughout this State; and

(12) Implement all programmatic, operational, and administrative components of the Institute.

§13–511.

(a) There is a statewide Emergency Medical Services Advisory Council to advise and assist the EMS Board in performing its functions.

(b) (1) The Advisory Council consists of 31 members. The members shall be appointed by the Board from a list of three qualified nominees submitted to the Board by their respective organizations or associations represented on the Council. The appointments by the Board shall be subject to the approval of the Governor.

(2) Of the 31 members:

(i) One shall be a representative of the Maryland Chapter of the American College of Emergency Physicians;

(ii) One shall be a representative of MedChi, The Maryland State Medical Society;

(iii) One shall be a representative of the Maryland Hospital Association;

(iv) One shall be a representative of the Maryland State Council of the Emergency Nurses Association;

(v) One shall be a representative of the Maryland Fire and Rescue

Institute;

(vi) One shall be a representative of the Maryland State Firemen's Association;

(vii) One shall be a representative of the Aviation Division of the Department of State Police;

(viii) One shall be a representative of the Office of Traffic and Safety of the Maryland Department of Transportation;

(ix) One shall be a representative from each of the five regional emergency medical services advisory councils;

(x) One shall be a representative of the Maryland Trauma Center Network;

(xi) One shall be a representative of a Maryland commercial ambulance service;

(xii) One shall be a representative of the Board of Physicians;

(xiii) One shall be a representative of the Maryland Chapter, American College of Surgeons;

(xiv) One shall be a regional medical director;

(xv) One shall be a representative of the Maryland Chapter (Chesapeake Bay), American Association of Critical Care Nurses;

(xvi) One shall be a representative of the Professional Fire Fighters of Maryland;

(xvii) One shall be a representative of the volunteer field providers;

(xviii) One shall be a representative of the Maryland Metropolitan Fire Chiefs;

(xix) One shall be a representative of the Emergency Number Systems Board;

(xx) One shall be the Director of the R Adams Cowley Shock Trauma Center;

(xxi) One shall be the Director of the National Study Center;

(xxii) Three shall be members of the general public, one of whom shall reside in a county with a population of less than 175,000;

(xxiii) One shall be a representative of the Committee on Pediatric Emergency Medicine of the American Academy of Pediatrics, Maryland Chapter;

(xxiv) One shall be a representative of the Maryland Society of Anesthesiologists; and

(xxv) One shall be a helicopter pilot.

(c) Each appointed member of the Council shall have demonstrated interest or experience in the delivery of emergency medical services.

(d) The members of the Advisory Council shall annually elect the chairperson of the Advisory Council, with the approval of the Governor. The Governor shall have 60 days to approve the elected chairperson. If the Governor has not acted within 60 days of being notified of the election of the chairperson, the elected chairperson shall be deemed approved.

(e) The Advisory Council shall:

(1) Serve as a principal advisory body to the EMS Board on matters concerning finances, policies, guidelines, regulations, and procedures necessary for the efficient and effective operation of the statewide Emergency Medical Services System and the Institute;

(2) Provide a means by which regional emergency medical services interests can be represented at a statewide level;

(3) Assist in the development of goals for and facilitate the implementation of a comprehensive emergency medical services plan;

(4) Provide assistance in the resolution of interregional and interstate emergency medical services system problems and concerns; and

(5) Perform any other duties as may be requested by the EMS Board or the Governor.

(f) The staff for the Advisory Council will be provided by the Institute.

§13–512.

(a) The power of the Board of Regents over plans, proposals, and projects of units in the University does not include the power to disapprove or modify any decision or determination that the EMS Board makes under authority specifically delegated by law to the EMS Board.

(b) The power of the Board of Regents to transfer by rule, regulation, or written directive, any staff, functions, or funds of units in the University does not apply to any staff, function, or funds of the EMS Board.

§13–513.

(a) The Study Center's primary mission is research, with particular emphasis on establishing national policies related to prevention, treatment, acute care and rehabilitation, trauma and emergency medical care delivery systems, disaster epidemiology and management, injury surveillance, and data collection. It shall serve as the primary research center for the State Emergency Medical Services System.

(b) The Director of the Study Center shall work closely with the MIEMSS Director in the development of a research plan and the budget.

(c) The Director of the Study Center shall submit the budget and research plan to the EMS Board for review and comment.

(d) The Director of the Study Center shall advise and provide the opportunity for the EMS Board to comment prior to the adoption of any proposed change in the budget, mission, research plan, or other policies of the Study Center that would affect the ability of the Study Center to continue to fulfill its mission as the primary research center for the State Emergency Medical Services System.

(e) The Director of the Study Center shall submit to the EMS Board an annual report on the budget and research plan.

(f) Subject to the approval of the Governor, the President of the University of Maryland, Baltimore shall appoint the Director of the Study Center. The Governor shall have 60 days to approve the appointment. If the Governor has not acted within 60 days of being notified of the appointed director, the appointed director shall be deemed approved.

(g) The University of Maryland, Baltimore shall receive indirect cost recoveries as stipulated in grants received by the National Study Center.

(h) The University System of Maryland may not transfer funds for the Study Center to any other program or purpose.

§13–514.

(a) The R Adams Cowley Shock Trauma Center is the primary adult clinical resource center for the State Emergency Medical Services Systems.

(b) The chief administrative officer of the Center is the Director who:

(1) Shall be appointed by the Board of Directors of the Medical System Corporation, subject to the approval of the Governor or the passage of 60 days from the date of the appointment, whichever occurs first; and

(2) May not hold concurrently the position of Executive Director of the Institute.

(c) The Director of the Center shall:

(1) Report through the Medical System Corporation Chief Executive Officer to the Board of Directors;

(2) Provide a monthly report to the Board of Directors and the EMS Board on the overall progress of programs;

(3) Render reports to appropriate committees of the Board of Directors; and

(4) Develop the budget and, after approval of the Medical System Corporation Chief Executive Officer, present the budget to the EMS Board for review and comment and through the appropriate committees of the Board of Directors for approval by the Board of Directors.

(d) The Director of the Center shall:

(1) Advise and provide the opportunity for the EMS Board to comment prior to the adoption of any proposed change in the budget, services, mission, or other policies of the Center that would affect the ability of the Center to continue to fulfill its mission as the statewide primary adult clinical resource for emergency medical services; and

(2) Submit to the EMS Board an annual report on the budget and on the operations of the Center.

§13–515.

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

(2) (i) "Ambulance" means any conveyance designed and constructed or modified and equipped to be used, maintained, or operated to transport individuals who are sick, injured, wounded, or otherwise incapacitated.

(ii) "Ambulance" includes a conveyance designed and constructed or modified and equipped for aeromedical transport.

(3) (i) "Ambulance service" means any individual, firm, partnership, corporation, association, or organization engaged in the business of transporting by ambulance individuals who are sick, injured, wounded, or otherwise incapacitated.

(ii) "Ambulance service" does not include the transporting of individuals in an ambulance owned, operated, or under the jurisdiction of a unit of State government, a political subdivision of the State, or a volunteer fire company or volunteer rescue squad.

(4) "Fund" means the Commercial Ambulance Service Fund.

(5) "License" means a license issued by the Institute to operate an ambulance service in the State.

(b) Unless issued a license under this section, an individual, firm, partnership, corporation, association, or organization may not operate an ambulance service in the State.

(c) (1) The EMS Board, in consultation with representatives of the ambulance service industry in Maryland, shall adopt regulations necessary to establish a periodic licensing system for ambulance services in the State.

(2) The regulations shall, at a minimum, require:

(i) Each ambulance operated by the ambulance service to be equipped with adequate equipment and supplies to:

1. Care for the patients being transported; and

2. Communicate with the dispatcher;

(ii) 1. At least one individual, in addition to the driver, in attendance during transport who is certified or licensed under § 13-516 of this subtitle for the appropriate level for the care to be rendered; or

2. Personnel equivalent or superior to the requirements of item 1 of this subparagraph as demonstrated to the Institute including:

A. Licensed physicians;

B. Licensed nurses; or

C. Licensed respiratory therapists; and

(iii) Each ambulance operated by the ambulance service be inspected:

1. For an ambulance intended for use on a roadway, once every 12 months by an inspection station licensed under § 23-103 of the Transportation Article and be issued an inspection certificate by the inspection station; or

2. For any other type of ambulance, under all applicable State and federal inspection requirements for the type of ambulance.

(d) To qualify for an ambulance service license, an applicant shall:

(1) Pay the Institute an application fee established under this section;

(2) Maintain commercial general liability insurance for at least $1 million in coverage in an insurance policy issued by an insurer acceptable to the Maryland Insurance Commissioner to write such policies in the State;

(3) Provide the Institute a certificate of insurance that at a minimum:

(i) Indicates that the insurance required under this subsection is in effect when the application is submitted; and

(ii) Lists the Institute as an additional party entitled to notification at least 10 days before any:

1. Nonrenewal or cancellation of a policy required by this subsection; or

2. Substantive change is made in the coverage or level of insurance under a policy required by this subsection; and

(4) Meet the requirements of this section and all regulations under this section.

(e) (1) There is a Commercial Ambulance Service Fund within the Institute.

(2) (i) The Institute shall set reasonable fees for the licensing and license renewal of ambulance services.

(ii) The fees charged by the Institute shall be set in a manner that will produce funds sufficient to cover the actual direct and indirect costs of maintaining the licensing program under this section.

(iii) The total reasonable cost of maintaining the licensing program may not be more than the revenues generated by the fees for the licensing and license renewal for ambulance services.

(3) (i) The Institute shall pay all funds collected under this section to the Comptroller of the State.

(ii) The Comptroller shall distribute the fees to the Fund.

(4) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Institute as provided by the provisions of this section.

(5) The Fund is a continuing, nonlapsing fund, not subject to § 7-302 of the State Finance and Procurement Article.

(6) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this section.

(7) (i) A designee of the Institute shall administer the Fund.

(ii) Moneys in the Fund may be expended only for any lawful purpose

authorized under the provisions of this section.

(8) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2-1220 of the State Government Article.

(f) The Institute may inspect the operating base, equipment, supplies, and company procedures necessary to ensure compliance with the requirements of this section and all regulations adopted by the Institute under this section.

(g) Subject to the hearing provisions of subsection (h) of this section, the Institute may deny an application for an ambulance service license or suspend or revoke a license if the applicant or licensee violates any provision of this section or any regulation adopted by the Institute under this section.

(h) Before the Institute takes any final action under subsection (g) of this section, the Institute shall give the person against whom the action is contemplated an opportunity for a hearing under the provisions of § 10-226 of the State Government Article.

(i) The Institute may waive the requirements of this section for any ambulance service:

(1) Licensed in another state if the ambulance service provides adequate evidence that the ambulance service is licensed in the other state after meeting requirements that are at least as stringent as the licensing requirements of this State; or

(2) That transports patients into this State only on an occasional basis as determined by the Institute.

(j) A person who violates any provision of this section or any regulation adopted by the Institute under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

(k) This section preempts the authority of a county or municipal corporation to regulate any ambulance service with a base of operation located outside the county or municipal corporation that is licensed under this section.

§13–516.

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

(2) "Cardiac rescue technician" (CRT) means an individual who has:

(i) Completed a cardiac rescue technician course approved by the EMS Board;

(ii) Demonstrated competence in medical protocols within this State

as determined by the EMS Board; and

(iii) Been examined by the EMS Board and licensed as a CRT by the EMS Board.

(3) "Certificate" means a certificate issued by the EMS Board to provide emergency medical services in the State, except where the context requires otherwise.

(4) "Emergency medical dispatcher" (EMD) means an individual who has:

(i) Completed an emergency medical dispatcher course approved by the EMS Board or its equivalent as determined by the EMS Board;

(ii) Demonstrated competence in medical protocols as determined by the EMS Board; and

(iii) Been examined by the EMS Board or has been recognized as an emergency medical dispatcher by an emergency medical dispatcher program approved by the EMS Board and licensed as an emergency medical dispatcher by the EMS Board.

(5) "Emergency medical responder" means an individual who has:

(i) Completed an emergency medical responder course approved by the EMS Board, or its equivalent as determined by the EMS Board;

(ii) Demonstrated competence in medical protocols as determined by the EMS Board;

(iii) Been examined by the EMS Board or by a basic life support education program approved by the EMS Board; and

(iv) Been certified as an emergency medical responder by the EMS Board.

(6) "Emergency medical services" means:

(i) Medical services provided prehospital to prevent imminent death or aggravation of illness or injury whether or not transport to a hospital or appropriate facility occurs;

(ii) Transport from the scene of a medical emergency to a hospital or appropriate facility whether or not medical services are provided;

(iii) Medical interfacility transport services to an appropriate facility; or

(iv) Medical interfacility critical care transport to an appropriate facility.

(7) "Emergency medical services provider" means an individual licensed or certified by the EMS Board as:

(i) A cardiac rescue technician;

(ii) An emergency medical dispatcher;

(iii) An emergency medical responder;

(iv) An emergency medical technician; or

(v) A paramedic.

(8) "Emergency medical technician" (EMT) means an individual who has:

(i) Completed an emergency medical technician course approved by the EMS Board;

(ii) Demonstrated competence in medical protocols as determined by the EMS Board; and

(iii) Been examined by the EMS Board or been examined and registered by the National Registry of Emergency Medical Technicians, Inc. as an emergency medical technician and certified as an EMT by the EMS Board.

(9) "License" means a license issued by the EMS Board to provide emergency medical services in the State, unless the context requires otherwise.

(10) (i) "Medical direction" means the written or oral instruction by a licensed physician to perform specified medical procedures or administer specified medications or intravenous solutions.

(ii) "Medical direction" includes the activities of a licensed physician in the State serving as a medical director for an agency providing emergency medical services including quality assurance, planning, and education.

(11) "National registry" means the nonproprietary, nongovernmental agency that provides standardized national testing and registration for emergency medical technicians based on national training standards.

(12) "Paramedic" means an individual who has:

(i) Completed a paramedic course approved by the EMS Board;

(ii) Been examined and registered by the National Registry of Emergency Medical Technicians, Inc. as a paramedic;

(iii) Demonstrated competence in medical protocols within this State as determined by the EMS Board; and

(iv) Been licensed as a paramedic by the EMS Board.

(13) "Provider review panel" means the 13–member panel appointed by the EMS Board in accordance with the provisions of subsection (e) of this section.

(14) "Public safety personnel" means:

(i) Any career or volunteer member of a fire, rescue or EMS department, company, squad or auxiliary;

(ii) Any law enforcement officer; or

(iii) The State Fire Marshal or a sworn member of the State Fire Marshal's office.

(b) (1) Except as otherwise provided in this section, an individual may not provide emergency medical services in the State unless issued a license or certificate by the EMS Board under this section.

(2) This section does not apply to:

(i) An individual who:

1. Has completed an emergency medical services course or its equivalent as determined by the EMS Board;

2. Is authorized to provide emergency medical services by any state adjoining this State;

3. Is called on by a public safety agency providing emergency medical services to render emergency medical services in this State or to transport emergency patients from the adjoining state to a health care facility in this State;

4. Is providing emergency medical services within the scope of the license or certificate issued to the individual by the other state; and

5. Is not affiliated with an emergency medical service in this State or is not engaged in providing emergency medical services in this State on a regular basis;

(ii) An individual who is enrolled in an emergency medical services provider training program that meets the standards set by the EMS Board in the course of that training;

(iii) An individual who is not engaged in providing emergency medical services on a regular basis who provides emergency medical services at the scene of a medical emergency in rare instances;

(iv) An individual who is a member of a volunteer fire or rescue

company and solely engaged in driving the emergency vehicle;

(v) An individual who assists an emergency medical services provider but does not directly provide emergency medical services;

(vi) An individual who has American Red Cross first aid training or its equivalent and who provides services within the scope of that training, does not respond to emergency calls, and does not transport patients; or

(vii) A law enforcement officer who:

1. Has successfully completed a course:

A. In first aid and CPR/AED approved by the American Red Cross, the National Safety Council, or another nationally recognized program;

B. That meets the requirements of the National Emergency Medical Services Education Standards and Instructional Guidelines for Emergency Medical Responders published by the U.S. Department of Transportation; or

C. Approved for law enforcement officers by the EMS Board;

2. Provides services within the scope of that training; and

3. Is not dispatched as an emergency medical services provider.

(3) This subsection does not limit the right of an individual to practice a health occupation that the individual is authorized to practice under the Health Occupations Article.

(4) A person who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 1 year or both.

(b–1) (1) In this subsection, "service member" means an individual who is an active duty member of:

(i) The armed forces of the United States;

(ii) A reserve component of the armed forces of the United States; or

(iii) The National Guard of any state.

(2) (i) In calculating an individual's years of experience in an occupation or profession, the EMS Board shall give credit to the individual for all relevant experience as a service member.

(ii) The EMS Board shall credit any training and education provided

by the military and completed by a service member toward any training or education requirements for licensure or certification if the training or education is determined by the EMS Board to be:

1. Substantially equivalent to the training or education required by the EMS Board; and

2. Not otherwise contrary to any other licensing requirement.

(c) (1) To apply for a license or certificate, an individual shall:

(i) Submit an application on the form that the EMS Board requires; and

(ii) Pay to the EMS Board any application fee set by the EMS Board under subsection (m) of this section.

(2) The EMS Board may not charge a licensing, certifying, testing, or retesting fee to any individual who is a member or employee of any governmental or volunteer fire, rescue, or emergency medical services company at the date of application.

(3) The EMS Board shall provide for the term and renewal of licenses or certificates issued under this section.

(d) (1) The EMS Board may adopt rules, regulations, protocols, orders, and standards to carry out the provisions of this section.

(2) Any regulations of the EMS Board relating to the practice of medicine shall be adopted jointly with the Board of Physicians.

(3) Any regulations of the EMS Board relating to the practice of nursing shall be adopted in collaboration with the Board of Nursing.

(e) (1) (i) There is a provider review panel to the EMS Board.

(ii) The provider review panel shall be appointed by the EMS Board.

(2) The provider review panel consists of 13 members, 11 voting members appointed by the EMS Board and two nonvoting members.

(3) Eight of the appointed members shall be licensed or certified emergency medical service providers who are actively providing emergency medical services at the time of their appointment. Three shall be members of a governmental fire, rescue, or emergency medical services company, three shall be members of a volunteer fire, rescue, or emergency medical services company, one shall be an employee of a commercial ambulance service, and one shall be an emergency medical dispatcher. In appointing the provider representatives of the provider review panel,

the EMS Board shall give consideration to providing for reasonable representation from throughout the State.

(4) One of the appointed members shall be a physician appointed by the Board of Physicians.

(5) One of the appointed members shall be a medical director with emergency medical services experience.

(6) One of the appointed members shall be a representative of the Medical and Chirurgical Faculty of the State of Maryland who has emergency medical services experience.

(7) The Executive Director of the Institute and the State EMS Medical Director shall serve as nonvoting ex officio members.

(8) The panel shall elect a chairman from among its members.

(9) The EMS Board shall adopt regulations for the selection, appointment, and terms of the members of the panel, including providing for the staggering of terms.

(10) (i) The provider review panel shall review patient care and other allegations of misconduct against emergency medical services providers and provide recommendations to the EMS Board for further action as necessary.

(ii) The provider review panel shall perform any other duty or function that the EMS Board requires.

(f) (1) Subject to the rules, regulations, protocols, orders, and standards of the EMS Board and subject to medical direction, while providing emergency medical services:

(i) A cardiac rescue technician, an emergency medical technician, or a paramedic may:

1. Perform specified medical procedures as authorized by the EMS Board;

2. Administer specified medications or intravenous solutions; and

3. Provide emergency medical transport;

(ii) An emergency medical dispatcher may:

1. Perform medical interrogation in order to determine the type and level of response required at the scene of a medical emergency; and

2. Provide prearrival instructions including instructions in

cardiopulmonary resuscitation; and

(iii) An emergency medical responder:

1. May perform specified medical procedures as defined by the EMS Board; and

2. May not be the primary emergency medical services provider during emergency medical transport.

(2) Participation in emergency medical dispatch programs by jurisdictions is totally voluntary.

(g) Subject to the rules, regulations, protocols, orders, and standards of the EMS Board, a paramedic may administer influenza and hepatitis B immunizations and tuberculosis skin testing, in a nonemergency environment, to public safety personnel within the jurisdiction of the paramedic, if the services are:

(1) Authorized by a written agreement between the provider's jurisdictional EMS operational program medical director and the county or city health department in whose jurisdiction the services are performed, which shall include provisions for documentation, referral and follow–up, and storage and inventory of medicine;

(2) Under the direction of the jurisdictional EMS operational program medical director; and

(3) Approved by the Institute.

(h) (1) Subject to the hearing provisions of subsection (i) of this section and as a result of any conduct of an emergency medical services provider or an applicant for a license or certificate under this section that is prohibited under the provisions of this section or any regulations adopted under this section, the EMS Board may:

(i) Reprimand or place an emergency medical services provider on probation;

(ii) Suspend or revoke the license or certificate of an emergency medical services provider;

(iii) Deny a license or certificate to an applicant; or

(iv) Refuse to renew an applicant's license or certificate.

(2) On the application of an individual whose license or certificate has been suspended or revoked, the EMS Board may reinstate a suspended or revoked license or certificate.

(3) (i) Unless the EMS Board agrees to accept the surrender of a license or certificate, a holder of a license or certificate may not surrender the license or certificate.

(ii) A license or certificate may not lapse by operation of law while the holder of the license or certificate is under investigation or while charges are pending against the holder of the license or certificate.

(4) The EMS Board may set conditions on its agreement with the holder of the license or certificate under investigation or against whom charges are pending to accept surrender of the license or certificate.

(i) (1) The EMS Board may take action under subsection (h) of this section only after:

(i) A review and recommendation by the provider review panel; and

(ii) The individual against whom the action is contemplated has had an opportunity for a hearing in accordance with the provisions of Title 10, Subtitle 2 of the State Government Article.

(2) The EMS Board may not proceed with disciplinary cases concerning patient care except upon the affirmative recommendation of the provider review panel.

(3) The individual may be represented at the hearing by counsel.

(4) Any person aggrieved by a decision of the EMS Board may take any further appeal allowed under Title 10, Subtitle 2 of the State Government Article.

(j) (1) The EMS Board shall refer to the Board of Nursing any complaint about an emergency medical services provider who, in addition to being licensed or certified by the EMS Board, is licensed as a registered nurse or licensed practical nurse by the Board of Nursing.

(2) The Board of Nursing may investigate and discipline a registered nurse or licensed practical nurse for a violation of this section and a violation of Title 8 of the Health Occupations Article.

(3) The Board of Nursing shall conduct any hearing required by this section in accordance with § 8–317 of the Health Occupations Article.

(4) The EMS Board shall comply with any recommendation or order issued by the Board of Nursing regarding the issuance of a license or certificate by the EMS Board to an individual who is licensed as a registered nurse or licensed practical nurse.

(k) (1) The EMS Board may, over the signature of the chairman of the EMS Board, Executive Director of the Institute, chairman of the provider review panel, or State EMS Medical Director, issue subpoenas and administer oaths in connection with

any investigation under this section and any hearings or proceedings before it.

(2) If, without lawful excuse, a person disobeys a subpoena of the EMS Board or an order by the EMS Board to take an oath or to testify or answer a question, a court of competent jurisdiction may punish the person for contempt.

(3) If, after due notice, the individual against whom an action is contemplated fails or refuses to appear, the EMS Board may hear and determine the matter.

(4) If the entry is necessary to carry out a duty under this section, any duly authorized agent or investigator of the EMS Board may enter at any reasonable hour a place of business of a licensed or certified emergency medical services provider or public premises.

(5) The EMS Board may issue a cease and desist order or obtain injunctive relief if a person provides emergency medical services without a license or certificate.

(l) (1) A person who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 1 year or both.

(2) Unless licensed or certified to provide emergency medical services under this section, a person may not represent to the public that the person is authorized to provide emergency medical services in this State.

(3) Unless licensed or certified to provide emergency medical services under this section, a person may not use the terms "cardiac rescue technician", "CRT", "emergency medical dispatcher", "EMD", "emergency medical responder", "emergency medical technician", "paramedic", or any other words, letters, or symbols with the intent to represent that the person is authorized to provide emergency medical services.

(m) (1) There is an EMS Board Provider Fund.

(2) Except as provided in paragraph (3) of this subsection, the EMS Board may set reasonable fees for the initial issuance of licenses or certificates and its other services.

(3) (i) The EMS Board may not charge an initial licensing fee, an initial certifying fee, a fee for the renewal of a license, a fee for the renewal of a certificate, a testing fee, or a retesting fee to an individual who is a member or employee of any governmental or volunteer fire or rescue company at the time of that individual's application.

(ii) The EMS Board shall pay all fees collected under the provisions of this section to the Comptroller of the State.

(iii) The Comptroller of the State shall distribute the fees to the EMS Board Provider Fund.

(4) The EMS Board Provider Fund shall be used exclusively to fund the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the EMS Board as provided by the provisions of this section.

(5) (i) The EMS Board Provider Fund is a continuing, nonlapsing fund and is not subject to § 7–302 of the State Finance and Procurement Article.

(ii) Any unspent portion of the EMS Board Provider Fund may not be transferred or revert to the General Fund of the State but shall remain in the EMS Board Provider Fund to be used for the purposes specified in this section.

(n) (1) The EMS Board may delegate any portion of its authority under this section to the Executive Director of the Institute unless specifically precluded by statute.

(2) Notice of any delegation of authority made under this section shall be published in the Maryland Register.

(3) The EMS Board may not delegate its authority to promulgate and revise regulations, hear contested cases, or designate the provider review panel to the Executive Director of the Institute.

(4) The EMS Board may delegate to the Office of Administrative Hearings the authority to hear contested cases and issue recommendations.

§13–517.

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

(2) "Automated external defibrillator (AED)" means a medical heart monitor and defibrillator device that:

(i) Is cleared for market by the federal Food and Drug Administration;

(ii) Recognizes the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;

(iii) Determines, without intervention by an operator, whether defibrillation should be performed;

(iv) On determining that defibrillation should be performed, automatically charges; and

(v) 1. Requires operator intervention to deliver the electrical

impulse; or

2. Automatically continues with delivery of electrical impulse.

(3) "Certificate" means a certificate issued by the EMS Board to a registered facility.

(4) "Facility" means an agency, association, corporation, firm, partnership, or other entity.

(5) "Jurisdictional emergency medical services operational program" means the institution, agency, corporation, or other entity that has been approved by the EMS Board to provide oversight of emergency medical services for each of the local government and State and federal emergency medical services programs.

(6) "Program" means the Public Access Automated External Defibrillator Program.

(7) "Regional administrator" means the individual employed by the Institute as regional administrator in each EMS region.

(8) "Regional council" means an EMS advisory body as created by the Code of Maryland Regulations 30.05.

(9) "Regional council AED committee" means a committee appointed by the regional council consisting of:

(i) The regional medical director;

(ii) The regional administrator; and

(iii) Three or more individuals with knowledge of and expertise in AEDs.

(10) "Registered facility" means an organization, business association, agency, or other entity that meets the requirements of the EMS Board for registering with the Program.

(b) (1) There is a Public Access Automated External Defibrillator Program.

(2) The purpose of the Program is to coordinate an effective statewide public access defibrillation program.

(3) The Program shall be administered by the EMS Board.

(c) The EMS Board may:

(1) Adopt regulations for the administration of the Program;

(2) Issue and renew certificates to facilities that meet the requirements of this section;

(3) Deny, suspend, revoke, or refuse to renew the certificate of a registered facility for failure to meet the requirements of this section;

(4) Approve educational and training programs required under this section that:

(i) Are conducted by any private or public entity;

(ii) Include training in cardiopulmonary resuscitation and automated external defibrillation; and

(iii) May include courses from nationally recognized entities such as the American Heart Association, the American Red Cross, and the National Safety Council;

(5) Approve the protocol for the use of an AED; and

(6) Delegate to the Institute any portion of its authority under this section.

(d) (1) Each facility that desires to make automated external defibrillation available shall possess a valid certificate from the EMS Board.

(2) This subsection does not apply to:

(i) A jurisdictional emergency medical services operational program;

(ii) A licensed commercial ambulance service;

(iii) A health care facility as defined in § 19–114 of the Health – General Article; or

(iv) A place of business for health care practitioners who are licensed as dentists under Title 4 of the Health Occupations Article or as physicians under Title 14 of the Health Occupations Article and are authorized to use an AED in accordance with that license.

(e) To qualify for a certificate a facility shall:

(1) Comply with the written protocol approved by the EMS Board for the use of an AED which includes notification of the emergency medical services system through the use of the 911 universal emergency access number as soon as possible on the use of an AED;

(2) Have established automated external defibrillator maintenance, placement, operation, reporting, and quality improvement procedures as required by the EMS Board;

(3) Maintain each AED and all related equipment and supplies in accordance with the standards established by the device manufacturer and the federal Food and Drug Administration; and

(4) Ensure that each individual who is expected to operate an AED for the registered facility has successfully completed an educational training course and refresher training as required by the EMS Board.

(f) A registered facility shall report the use of an AED to the Institute for review by the regional council AED committee.

(g) A facility that desires to establish or renew a certificate shall:

(1) Submit an application on the form that the EMS Board requires; and

(2) Meet the requirements under this section.

(h) (1) The EMS Board shall issue a new or a renewed certificate to a facility that meets the requirements of this section.

(2) Each certificate shall include:

(i) The type of certificate;

(ii) The full name and address of the facility;

(iii) A unique identification number; and

(iv) The dates of issuance and expiration of the certificate.

(3) A certificate is valid for 3 years.

(i) The EMS Board may issue a cease and desist order or obtain injunctive relief if a facility makes automated external defibrillation available in violation of this section.

(j) (1) In addition to any other immunities available under statutory or common law, a registered facility is not civilly liable for any act or omission in the provision of automated external defibrillation if the registered facility:

(i) Has satisfied the requirements for making automated external defibrillation available under this section; and

(ii) Possesses a valid certificate at the time of the act or omission.

(2) In addition to any other immunities available under statutory or common law, a member of the regional council AED committee is not civilly liable for any act or omission in the provision of automated external defibrillation.

(3) In addition to any other immunities available under statutory or common law, an individual is not civilly liable for any act or omission if:

(i) The individual is acting in good faith while rendering automated external defibrillation to a person who is a victim or reasonably believed by the individual to be a victim of a sudden cardiac arrest;

(ii) The assistance or aid is provided in a reasonably prudent manner; and

(iii) The automated external defibrillation is provided without fee or other compensation.

(4) The immunities in this subsection are not available if the conduct of the registered facility or an individual amounts to gross negligence, willful or wanton misconduct, or intentionally tortious conduct.

(5) This subsection does not affect, and may not be construed as affecting, any immunities from civil or criminal liability or defenses established by any other provision of the Code or by common law to which a registered facility, a member of the regional council AED committee, or an individual may be entitled.

(k) (1) A registered facility aggrieved by a decision of the Institute acting under the delegated authority of the EMS Board under this section shall be afforded an opportunity for a hearing before the EMS Board.

(2) A registered facility aggrieved by a decision of the EMS Board under this section shall be afforded an opportunity for a hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

§13–601.

(a) There is a University of Maryland Police Force.

(b) (1) A University of Maryland police officer is and has all the powers of a peace and police officer in this State.

(2) However, a University of Maryland police officer may exercise these powers only on property that is owned, leased, operated by, or under the control of the University of Maryland. The police officer may not exercise these powers on any other property unless:

(i) Engaged in fresh pursuit of a suspected offender;

(ii) Requested or authorized to do so by the chief executive officer or chief police officer of any county;

(iii) Necessary in order to facilitate the orderly flow of traffic to and

from property owned, leased, operated by, or under the control of the University of Maryland; or

(iv) Ordered to do so by the Governor.

(c) (1) In consultation with the Secretary of State Police and the Maryland Police Training Commission, the Board of Regents shall adopt standards, qualifications, and prerequisites of character, training, education, human and public relations, and experience for University of Maryland police officers, including standards for the performance of their duties.

(2) To the extent practicable, the Board shall adopt standards that are similar to the standards adopted for the Department of State Police.

(3) Standards adopted on or after July 1, 1975, on minimum hiring qualifications of University of Maryland police officers may not affect the status of any individual who was a qualified University of Maryland police officer on that date.

(d) The Board of Regents shall adopt rules and regulations governing the operation and conduct of the University of Maryland Police Force and of University of Maryland police officers.

(e) The Board of Regents may authorize the presidents of the constituent institutions to make use of a campus security force or building guards in addition to a campus police force.

§13–701.

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

(2) "Senior citizen" means any resident of this State who is:

(i) 60 years of age or older;

(ii) Retired and whose chief income is derived from retirement benefits; and

(iii) Not employed full time.

(3) "Institution" means any constituent institution of the University System of Maryland.

(4) "Tuition" means the basic instructional charge for undergraduate courses and does not pertain to self–supporting programs or include fees, such as those for registration, application, or laboratory work.

(b) Except as provided in subsection (c) of this section, an institution shall admit a senior citizen to any scheduled course and waive the tuition involved:

(1) Only when regularly scheduled course space is available;

(2) For any credit or noncredit course; and

(3) For as many as 3 courses per term.

(c) An institution may not:

(1) Allow a senior citizen to enroll in a degree granting program, unless the senior citizen meets the admission standards of the institution; or

(2) Permit the full–time equivalent enrollment of senior citizens for whom tuition has been waived to exceed 2 percent of its undergraduate full–time equivalent enrollment.

(d) At the termination of each semester, the institution shall furnish to the governing board of the institution a statement of the number of senior citizens participating under the provisions of this section.

(e) This section does not prohibit an institution from offering senior citizens educational opportunities free of charge beyond these minimum requirements.

§13–702.

(a) Any currency or item of tangible personal property lost or abandoned on property owned, leased, operated by, or under the control of the University System of Maryland and unclaimed for 1 year becomes the property of the University System of Maryland and the Board of Regents may establish procedures to dispose of the property in the best interests of the State.

(b) After deducting any cost incurred in disposing of the property, any funds derived under this section shall be deposited in the General Fund of the State.

(c) Notwithstanding subsection (a) of this section, any person who finds any currency or item of tangible personal property lost or abandoned on property owned, leased, operated by, or under the control of the University System of Maryland and brings the currency or item to the University in order that the University can find the true owner, has a superior claim as to the University to the unclaimed currency or item, if the claim is preserved within 30 days following the 1-year period in subsection (a) of this section.

§13–703.

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

(2) "Recyclable materials" means materials that:

(i) If not recycled, would become solid waste for disposal in a refuse

disposal system; and

(ii) May be collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

(3) "Recyclable materials" includes paper, glass, metals, plastics, and cardboard.

(b) Recyclable materials that are separated for collection at the University of Maryland, College Park become the property of the University of Maryland, College Park when placed for collection in or near designated bins or locations.

(c) A person may not remove or cause the removal of any recyclable materials that are owned by the University of Maryland, College Park unless authorized by:

(1) The University of Maryland, College Park; or

(2) The owner or operator of a company that is authorized by the University of Maryland, College Park to remove recyclable materials.

(d) This section may not be construed to prohibit a law enforcement officer from searching and seizing any recyclable materials owned by the University of Maryland, College Park.

(e) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not to exceed $500 for each violation.

§13–801.

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

(b) "Board" means the Budget and Program Review Board.

(c) "College" means the Virginia-Maryland Regional College of Veterinary Medicine.

§13–802.

(a) There is a Virginia-Maryland Regional College of Veterinary Medicine.

(b) In addition to the provisions of this subtitle the College is subject to the provisions of Title 11 (Maryland Higher Education Commission) of this article.

(c) The College shall be operated under the terms and conditions agreed to in:

(1) The Agreement of Regional Cooperation between the State of Maryland and the Commonwealth of Virginia, dated February 14, 1980; and

(2) The Agreement between Virginia Polytechnic Institute and State

University and the University of Maryland, College Park for a regional program in veterinary medical education, dated September 27, 1989.

(d) The College shall be operated as one school with an administrative head at each university.

(e) The student body of the College shall consist of 50 Virginia residents, 30 Maryland residents, and 10 at-large.

§13–803.

(a) There is a Budget and Program Review Board.

(b) The Board is responsible for determining annually the resource needs of the professional instructional program of the College.

(c) The Board shall consist of the following seven members:

(1) The Dean of the Virginia-Maryland Regional College of Veterinary Medicine, who shall serve as Chairman of the Board;

(2) The Dean of the College of Agriculture and Natural Resources of the University of Maryland, College Park;

(3) The Senior Vice President and Provost of the Virginia Polytechnic Institute and State University;

(4) The Vice President and Provost of the University of Maryland, College Park;

(5) The Executive Vice President and Chief Business Officer of the Virginia Polytechnic Institute and State University;

(6) An appointee of the President of the Virginia Polytechnic Institute and State University; and

(7) The Vice Chancellor for Administration and Finance of the University System of Maryland or the Vice Chancellor's successor.

(d) The Board shall:

(1) Determine the cost share for each state;

(2) Set the proportion of costs to be funded by tuition; and

(3) Periodically review and adjust the building use fees charged to the students of the College.

(e) The appropriate fiscal support staff of each university, which shall include

the Vice Chancellor for Administration and Finance of the University System of Maryland, shall provide fiscal support to the Board.

§13–804.

(a) To calculate the actual costs of the professional instructional program of the College, costs associated with graduate education, continuing education, the agricultural experiment stations, cooperative extension services, and expenditures associated with contractual grant research shall be excluded.

(b) The Executive Vice President and Chief Business Officer of the Virginia Polytechnic Institute and State University shall be responsible for providing the Board with the cost data upon which the actual costs of the professional instructional program of the College shall be determined after consulting with the fiscal support staff of the Virginia Polytechnic Institute and State University and the University of Maryland, College Park.

(c) To determine the appropriate level of general fund contributions for meeting the actual costs of the professional instructional program of the College to be requested from the executives and legislatures of the State of Maryland and the Commonwealth of Virginia, respectively, revenues estimated to be generated by tuition fees and charges, appropriate federal funds, instructional fees, and other instructional sources of income shall be subtracted from the calculations.

(d) The State of Maryland shall provide the appropriate level of general funds to meet the financial requirements of the professional instructional program of the College.

§14–101.

(a) (1) There is a body corporate and politic known as Morgan State University.

(2) The University is an instrumentality of the State and a public corporation.

(3) The University is an independent unit of State government.

(4) The exercise by the University of the powers conferred by this subtitle is the performance of an essential public function.

(b) Morgan State University:

(1) Has the responsibility, with other educational institutions, for providing higher education research and graduate study in the Baltimore area;

(2) Is the State's public urban university with a mission of instruction, research, and service;

(3) Offers baccalaureate and graduate degrees in the arts and sciences;

(4) Emphasizes an education addressing urban concerns; and

(5) Offers the professional and graduate programs approved by its Board of Regents and the Maryland Higher Education Commission.

(c) (1) In this subtitle the following words have the meanings indicated.

(2) "Board of Regents" means the Board of Regents of Morgan State University.

(3) "University" means Morgan State University.

§14–102.

(a) The government of the University is vested in the Board of Regents.

(b) The Board of Regents consists of 15 members appointed by the Governor with the advice and consent of the Senate.

(c) (1) One member of the Board of Regents shall be a student in good academic standing at the University who:

(i) Is at least 18 years old; and

(ii) Has the qualifications required to be student body president.

(2) The student member serves for a term of 1 year and until a successor is appointed and qualifies.

(3) The student may be a resident of a state other than Maryland, but the residency status of the student may not be considered in determining the number of resident or nonresident regents as provided for in subsection (d)(2) of this section.

(d) (1) (i) Except for the student member, each member serves for a term of 5 years and until a successor is appointed and qualifies. The terms are staggered as required by the terms of the members serving on December 31, 2012.

(ii) A member may not serve more than two consecutive terms of 5 years.

(2) Except for the student member, no more than 3 members of the Board of Regents who are not alumni of Morgan State University may be residents of other states.

(3) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(e) Each member of the Board of Regents:

(1) Serves without compensation; and

(2) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

§14–103.

(a) Each year the Board of Regents:

(1) Shall elect one of its nonstudent members as its chairman; and

(2) May elect any other officer it requires.

(b) The Board of Regents shall determine the time and place of its meetings and may adopt rules for the conduct of its meetings.

(c) (1) A majority of the voting members shall constitute a quorum for the transaction of business.

(2) No formal action may be taken by the Board of Regents without the approval of a majority of the voting members of the Board of Regents.

§14–104.

(a) In addition to any other powers granted and duties imposed by this subtitle, and subject to the provisions of Title 11 of this article and any other restrictions imposed by law by specific reference to the University or by any trust agreement involving a pledge of property or money, the Board of Regents:

(1) Is responsible for the management of the University and has all the powers, rights, and privileges that go with that responsibility, including the powers and duties set forth in this section;

(2) May not be superseded in its authority by any other State agency or office in managing the affairs of the University; and

(3) Shall have all the powers of a Maryland corporation which are not limited by law by specific reference to the University.

(b) In addition to the powers set forth elsewhere in this subtitle, the University may:

(1) Adopt and alter an official seal;

(2) Maintain an office at the place the Board of Regents may designate;

(3) Enter into contracts of any kind, and execute all instruments necessary

or convenient with respect to its carrying out the powers in this subtitle to accomplish the purposes of the University; and

(4) In accordance with subsection (q)(6) of this section, acquire, hold, lease, use, encumber, transfer, exchange, or dispose of real and personal property.

(c) In addition to the powers set forth in Title 19 of this article and subject to the approval of the Board of Public Works, the University may borrow money from any source for any corporate purpose, including working capital for its operations, reserve funds or interest, and mortgage, pledge, or otherwise encumber the property or funds of the University, and contract with or engage the services of any person in connection with any financing, including financial institutions, issuers of credit, or insurers.

(d) (1) The Board of Regents may adopt rules and regulations not inconsistent with law for the government and management of the University.

(2) Subject to Title 3 of the General Provisions Article, the Board of Regents may adopt rules and regulations and prescribe policies and procedures for the management, maintenance, operation, and control of the University.

(3) Except with respect to classified employee grievance appeals, Title 10, Subtitles 1 and 2 of the State Government Article ("Administrative Procedure Act") are not applicable to the Board of Regents.

(e) The Board of Regents may review or adopt policies and procedures of the University with respect to:

(1) Accreditation;

(2) Programs and functions;

(3) Actual and potential capabilities;

(4) Admissions;

(5) Curricula;

(6) Graduation;

(7) The awarding of degrees; and

(8) General policymaking.

(f) The Board of Regents may prepare and submit annual budgets and spend funds budgeted for nonsalary items on appropriate activities.

(g) Subject to any applicable State law, rule, or regulation, the Board of Regents may contract with any person to receive or provide services, research, training, or demonstrations.

(h) (1) (i) On the recommendation of the President, and in accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the Board of Regents shall establish general standards and guidelines governing the appointment, compensation, advancement, tenure, and termination of all faculty, executive staff, and professional administrative personnel in the University.

(ii) Subject to such standards and guidelines, and in accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the President may:

1. Adopt additional personnel policies, including consideration of hiring a contractual employee to fill a vacant position in the same or similar classification in which the contractual employee is employed; and

2. Approve individual personnel actions affecting the terms and conditions of academic and administrative appointments.

(2) Except as otherwise provided by law, appointments of the University are not subject to or controlled by the provisions of the State Personnel and Pensions Article that govern the State Personnel Management System.

(3) (i) Notwithstanding any other provision of law, the Board of Regents may create any position to the extent that the cost of the position, including any fringe benefit costs, is funded from existing funds.

(ii) Nothing in this paragraph may be construed to require any additional State General Fund support.

(iii) By September 1 of each year, the Board of Regents shall submit an annual position accountability report to the Department of Budget and Management, the Department of Legislative Services, and the Maryland Higher Education Commission reporting the total positions created and the cost and the funding source for any positions created by the University in the previous fiscal year.

(4) On the recommendation of the President, the Board of Regents shall designate one or more representatives to participate as a party in collective bargaining on behalf of the University in accordance with Title 3 of the State Personnel and Pensions Article.

(i) In accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the Board of Regents shall establish general policies and guidelines governing the appointment, compensation, advancement, tenure, and termination of all classified personnel.

(j) The Board of Regents shall:

(1) Fix tuition and other fees paid by resident and nonresident students;

(2) Except for tuition, use the receipts of the fees for the purpose for which they were collected without fiscal year limitation;

(3) Review and approve before implementation each proposal for:

(i) Any new program; and

(ii) Any substantial expansion, curtailment, or discontinuance of any existing program; and

(4) Review, modify as it deems necessary, and approve any operating or capital budget requests.

(k) (1) The Board of Regents shall appoint a President of the University who shall be the Chief Executive Officer of the University and the Chief of Staff for the Board of Regents.

(2) The President serves at the pleasure of the Board of Regents.

(3) The President shall:

(i) Be responsible and accountable to the Board of Regents for the discipline and successful conduct of the University and supervision of each of its departments; and

(ii) Take every initiative in:

1. Implementing the policies of the Board of Regents; and

2. Promoting the University's development and efficiency.

(4) Subject to the authority and applicable policies of the Board of Regents, the President shall:

(i) Develop a plan of institutional mission, goals, and priorities;

(ii) Have the authority to develop new academic programs and curtail or eliminate existing programs;

(iii) Formulate operating and capital budget requests;

(iv) Appoint, promote, fix salaries, grant tenure, assign duties, and terminate personnel;

(v) Establish admissions standards;

(vi) Set tuition and fees;

(vii) Administer financial aid;

(viii) Enter into contracts and cooperative agreements;

(ix) Have the authority to accept gifts and grants and maintain and manage endowment income;

(x) Have the authority to recommend a change in the name or status of the institution;

(xi) Regulate and administer athletic and student activities;

(xii) In compliance with State, federal, and Board of Regents mandates and policies, oversee affirmative action and equal employment opportunities;

(xiii) Establish organizations for the administration of campus alumni affairs;

(xiv) Establish traffic regulations for the campus; and

(xv) Perform any other duties assigned by the Board of Regents.

(5) The President may delegate authority to appoint and remove personnel to the vice presidents and program directors of the University.

(l) (1) The Board of Regents may apply for, accept, and spend any gift or grant from the federal government, any foundation, or any other person.

(2) Any gift or grant the Board of Regents accepts shall be deposited with the State Treasurer in a nonbudgeted account and may be invested as the Board of Regents directs in accordance with law.

(m) The Board of Regents may perform any other duty necessary to carry out its powers.

(n) (1) The President shall develop an overall plan that is consistent with the statewide plan for higher education and the Charter that:

(i) Sets forth both long–range and short–range goals, objectives, and priorities for postsecondary education, research, and service provided by the University;

(ii) Subject to § 11–105 of this article, identifies the role, function, and mission of the University;

(iii) Provides for the enhancement of the University as the State's public urban university;

(iv) Encourages and supports high quality undergraduate and graduate programs on its campuses; and

(v) Stimulates outreach to the community and State through close relationships with public elementary and secondary schools, business and industry, and governmental agencies.

(2) The Board of Regents shall review, modify as it deems necessary, and approve the plan.

(3) By July 1 of each year, the Board of Regents shall submit to the Maryland Higher Education Commission, to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly an annual review of the plan.

(o) (1) Notwithstanding any other provision of law, and except as provided in paragraph (2) of this subsection, the University shall use the statewide Financial Management Information System administered by the Department of Budget and Management as its accounting, budgeting, personnel, and payroll systems.

(2) The University may use an internal financial management information system software program and State–approved interfaces for its accounting, budgeting, personnel, and payroll systems.

(p) The Legislative Auditor shall audit all expenditures and accounts of the University in accordance with §§ 2–1220 through 2–1227 of the State Government Article.

(q) (1) The Board of Regents:

(i) Has the power to sue or be sued; and

(ii) May carry comprehensive liability insurance to protect the Board of Regents, its agents, and employees.

(2) The determination whether to purchase insurance, and its scope and limitations, shall be within the Board of Regents' discretion, taking into account commercial availability and affordability and the existence and extent of insurance secured by the State Treasurer.

(3) (i) Title 12, Subtitle 1 of the State Government Article ("Maryland Tort Claims Act") applies to claims or actions against the University, the Board of Regents, and employees of the University.

(ii) Subject to all exclusions and limitations in that subtitle, the immunity of the University is waived to the extent of any insurance coverage purchased under this subsection.

(4) This subsection may not be construed to waive or abrogate sovereign immunity with respect to any claim that is not covered by or exceeds the limits of an insurance policy.

(5) This subsection may not be construed to waive or abrogate the immunity of the University under the Eleventh Amendment to the United States Constitution.

(6) (i) Subject to the approval of the Board of Public Works, the Board of Regents may acquire, lease, encumber, sell, or otherwise dispose of real property held by the State for the use of the University.

(ii) The Board of Regents may acquire, lease, encumber, sell, or otherwise dispose of personal property.

(iii) All property of the University is the property of the State.

(r) (1) Except as provided in subsection (k)(1) of this section, the Board of Regents may delegate any part of its authority over the affairs of the University to the President.

(2) The Board of Regents may modify or rescind at any time in whole or in part any delegation of authority granted by it to the President.

§14–104.1.

(a) In this section, "high impact economic development activity" means an initiative, transaction, or other undertaking by Morgan State University to create or facilitate:

(1) 20 or more new jobs in the State;

(2) The award or completion of at least $1,000,000 in externally funded research or other projects;

(3) The establishment or relocation of one or more new companies to be registered or incorporated in the State and doing business in the State;

(4) The production of at least $1,000,000 of annual gross revenue;

(5) The licensing and potential commercialization of a promising new technology or other product; or

(6) An academic program to meet workforce demand in a documented labor shortage field.

(b) To promote the economic interests of the State as mandated in §§ 10–205(c) and 15–107 of this article, the Morgan State University shall utilize its powers as a public corporation established in § 14–104 of this subtitle to undertake high impact economic development activities that support:

(1) Job creation and workforce development;

(2) Technology transfer, commercialization, and entrepreneurship; and

(3) Increased sponsored research funding and other revenues.

(c) In order for an activity to qualify as a high impact economic development activity:

(1) The President or the President's designee, shall certify that the activity meets the criteria defined in subsection (a) of this section; and

(2) The President or the President's designee, shall notify the Board of Regents and the Board of Public Works of any certified activity for review.

(d) (1) Notwithstanding any other provision of law, for any high impact economic activity within the scope of § 5–310 or § 10–305 of the State Finance and Procurement Article, the Board of Regents shall be fully responsible for administering the review and comment process prescribed in those sections.

(2) In administering the review and comment process prescribed in §§ 5–310 and 10–305 of the State Finance and Procurement Article, the Board of Regents shall include in the process the appropriate legislative committees and units of State government, which may include:

(i) Committees of the General Assembly;

(ii) The Board of Public Works;

(iii) The Maryland Historic Trust;

(iv) The Department of Planning;

(v) The Department of the Environment; and

(vi) The Department of Natural Resources.

(3) The Board of Regents shall adopt policies and procedures to ensure that the notice and opportunity for review are conducted in a manner that provides a reasonable period to complete while not impairing the institution's capacity for the expeditious and successful pursuit of a high impact economic development activity.

(e) On or before October 1 of each year, the Board of Regents shall report to the Board of Public Works and, in accordance with § 2–1246 of the State Government Article, the Senate Finance Committee, the House Economic Matters Committee, the Senate Budget and Taxation Committee, and the House Appropriations Committee on the high impact economic development activities undertaken under this section during the preceding fiscal year.

§14–105.

The interest or other income from the investment of any funds of the University shall be credited to the University, provided that any interest estimated to be earned on the State appropriation must be offset by an equivalent reduction in State General Fund support.

§14–106.

(a) There is a Morgan State University Police Force.

(b) (1) A University police officer has the powers granted to a peace and police officer.

(2) However, a University police officer may exercise these powers only on property that is owned, leased, operated by, or under the control of the University. The police officer may not exercise these powers on any other property unless:

(i) Engaged in fresh pursuit of a suspected offender;

(ii) Necessary to facilitate the orderly flow of traffic to and from property owned, leased, operated by, or under the control of the University; or

(iii) Ordered to do so by the Governor.

(c) (1) In consultation with the Secretary of State Police and the Maryland Police Training Commission, the Board of Regents shall adopt standards, qualifications, and prerequisites of character, training, education, human and public relations, and experience for the University police officers, including standards for the performance of their duties.

(2) To the extent practicable, the Board of Regents shall adopt standards that are similar to the standards adopted for the Department of State Police.

(3) Standards adopted on or after July 1, 1976, on minimum hiring qualifications of the University police officers may not affect the status of any individual who was a qualified University police officer on that date.

(d) The Board of Regents shall adopt rules and regulations governing the operation and conduct of the Morgan State University Police Force and of University police officers.

§14–107.

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

(2) "Senior citizen" means any resident of this State who is:

(i) 60 years of age or older;

(ii) Retired and whose chief income is derived from retirement benefits; and

(iii) Not employed full time.

(3) "Institution" means Morgan State University.

(4) "Tuition" means the basic instructional charge for undergraduate courses and does not pertain to self-supporting programs or include fees, such as those for registration, application, or laboratory work.

(b) Except as provided in subsection (c) of this section, an institution shall admit a senior citizen to any scheduled course and waive the tuition involved:

(1) Only when regularly scheduled course space is available;

(2) For any credit or noncredit course; and

(3) For as many as 3 courses per term.

(c) An institution may not:

(1) Allow a senior citizen to enroll in a degree granting program, unless the senior citizen meets the admission standards of the institution; or

(2) Permit the full-time equivalent enrollment of senior citizens for whom tuition has been waived to exceed 2 percent of its undergraduate full-time equivalent enrollment.

(d) At the termination of each semester, the institution shall furnish to its governing board a statement of the number of senior citizens participating under the provisions of this section.

(e) This section does not prohibit an institution from offering senior citizens educational opportunities free of charge beyond these minimum requirements.

§14–108.

(a) (1) The University may establish a distinguished scholar position at the University known as the Clarence W. Blount Chair of Public Policy and Urban Politics.

(2) The purpose of the distinguished scholar position is to teach, conduct research, and perform community service in public policy and urban politics at the University.

(b) The President of the University may:

(1) Select and appoint a distinguished scholar to fill the Clarence W. Blount Chair for a term of not more than 2 years;

(2) Establish an annual salary of $100,000 per year for the distinguished scholar position; and

(3) Establish the employment contract terms and conditions for the distinguished scholar position.

(c) The University may fund the costs associated with the position authorized under subsection (a) of this section with State matching funds provided under the private donation incentive program established in § 17-302 of this article.

§14–109.

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

(2) "Computer-based instructional technology" has the meaning stated in § 12-101 of this article.

(3) "Technology" has the meaning stated in § 12-101 of this article.

(b) (1) Except as provided in § 11-203(e) of the State Finance and Procurement Article, the University is exempt from Division II of the State Finance and Procurement Article.

(2) (i) Subject to review and approval by the Board of Public Works and the Administrative, Executive, and Legislative Review Committee of the General Assembly, the Board of Regents shall develop policies and procedures governing procurements by the University.

(ii) The policies and procedures developed under subparagraph (i) of this paragraph shall promote the purposes of the State procurement law as set forth in § 11-201 of the State Finance and Procurement Article.

(c) The Board of Regents shall develop an information technology plan for the University that includes information technology policies and standards, including policies and standards for information management and telecommunication systems, that are functionally compatible with the State Information Technology Plan established under Title 3, Subtitle 4 of the State Finance and Procurement Article.

(d) By January 1, 2007, the Board of Regents shall develop a nonvisual access clause for use in the procurement of computer-based instructional technology.

(e) The nonvisual access clause developed under subsection (d) of this section shall be consistent with the standards developed by the Department of Budget and Management in accordance with the provisions of § 3-412 of the State Finance and Procurement Article.

§14–110.

(a) Consistent with § 15–107 of this article and any other applicable law, the Board of Regents may establish, invest in, finance, and operate businesses or business entities when the Board of Regents finds that doing so would further one or more goals of the University and is related to the mission of the University.

(b) (1) A business entity established, invested in, financed, or operated in accordance with this section may not be considered an agency or instrumentality of the State or a unit of the Executive Branch for any purpose.

(2) A financial obligation or liability of a business entity established, invested in, financed, or operated in accordance with this section may not be a debt or obligation of the State or the University.

(c) (1) Subject to the requirements of this section, the University may establish, invest in, finance, or operate a corporation, foundation, consortium, or other entity that is intended to support a high impact economic development activity, as defined in § 14–104.1 of this subtitle.

(2) Notwithstanding the provisions of §§ 5–501 through 5–504 of the General Provisions Article and subject to § 5–525 of the General Provisions Article, an official or employee of a public institution of higher education may be a director, official, or employee of an entity intended to support a high impact economic development activity, if the individual's participation advances the interests of the University.

(3) Division II of the State Finance and Procurement Article does not apply to transactions between an entity established, financed, or operated under this subsection and the University that established, financed, or operated the entity.

(4) (i) The Board of Regents shall adopt policies and procedures governing the establishment of high impact economic development entities to ensure that the University's participation in the entity furthers the interests of the University and the State.

(ii) The policies and procedures under subparagraph (i) of this paragraph shall include requirements for:

1. Recognition of the entity by the Board of Regents;

2. An annual audit of the entity by an independent certified public accountant; and

3. Adequate safeguards with regard to conflicts of interest, proper contracting practices, and other fundamental ethical and business practice standards.

(d) The Board of Regents shall submit to the Governor and, in accordance with

§ 2–1246 of the State Government Article, the General Assembly, an annual report on:

(1) The business entities established in accordance with this section;

(2) Funds invested in, and financing provided to, business entities established in accordance with this section;

(3) Ownership interests in any business entities established in accordance with this section; and

(4) The current status of the business entities.

§14–201.

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

(b) "President" means the President of Morgan State University.

(c) "University" means Morgan State University.

§14–202.

This subtitle does not apply to a member of the faculty, an executive staff member, or a professional administrative staff member of the University.

§14–203.

The President may delegate to the Office of Administrative Hearings the authority to conduct a hearing and issue a proposed decision for approval by the Secretary of Budget and Management in any of the following:

(1) An appeal under § 14-204(b) of this subtitle from a rejection of a classified employee during probation that results from a promotion;

(2) An appeal under § 14-205 of this subtitle from charges for removal of a classified employee;

(3) A preliminary hearing under § 14-206 of this subtitle on the suspension of a classified employee pending removal;

(4) An appeal under § 14-207 of this subtitle from the disciplinary suspension of a classified employee; and

(5) An appeal under § 14-208 of this subtitle from the proposed demotion of a classified employee.

§14–204.

(a) (1) Except as provided in § 14-205 of this subtitle, a vice president or

program director may reject a classified employee at any time during probation by notifying the President in writing of the rejection and the reason for it.

(2) When rejected, the classified employee is permanently separated from the position.

(b) If a classified employee is on probation as a result of a promotion, the employee:

(1) May be rejected only with the consent of the President; and

(2) May appeal the rejection in accordance with policies adopted by the Board of Regents.

§14–205.

(a) A vice president or program director may remove a classified employee who has completed probation only for cause.

(b) (1) Subject to paragraph (2) of this subsection, the Board of Regents shall prescribe what may constitute cause for removal after probation of classified employees.

(2) (i) The causes for removal shall conform to the causes for removal of skilled service or professional service employees, with the exception of special appointments, that the Secretary of Budget and Management adopts by regulation.

(ii) A classified employee may not be removed for any cause prohibited by § 2-302 of the State Personnel and Pensions Article.

(c) A vice president or program director may remove a classified employee for cause only if:

(1) Written charges for removal are submitted to the President:

(i) By the vice president or program director; or

(ii) Subject to the approval of the President, by any resident of the State;

(2) The employee is given a copy of the charges; and

(3) The employee is given an opportunity to be heard on appeal.

(d) (1) A classified employee may appeal the charges for removal to the President within the time and in the manner specified in policies adopted by the Board of Regents.

(2) If the classified employee fails to appeal within the time and in the manner required, the removal is final.

(e) (1) If a classified employee appeals the charges for removal, the President shall hold a hearing to determine whether there is cause for removal.

(2) The hearing shall be held within 90 days after the charges for removal are submitted to the President.

(f) (1) The President shall make findings and issue a proposed written decision for approval by the Secretary of Budget and Management on a charge for removal within 45 days after the later of:

(i) The conclusion of the hearing; or

(ii) The day when all briefs or memoranda have been submitted.

(2) The Secretary of Budget and Management shall provide a copy of the findings and decision to each party.

(3) The decision of the Secretary of Budget and Management is final.

(g) The University immediately shall enforce a final decision issued under this section.

§14–206.

(a) (1) A vice president or program director may suspend a classified employee without pay pending disposition of a charge for removal.

(2) The vice president or program director shall notify the classified employee in writing of the suspension and the reasons for it.

(b) Within 5 workdays after receiving a notice of suspension under this section, a classified employee may request in writing that the President conduct a preliminary hearing to determine whether the employee may continue to work with pay pending disposition of the charge.

(c) The President shall hold the preliminary hearing within 5 workdays after the President receives the request.

(d) (1) A preliminary hearing under this subtitle is in addition to the hearing on the merits required by § 14-205 of this subtitle.

(2) The preliminary hearing is limited to the following issues:

(i) Whether suspension without pay is necessary to protect the interests of the University or of the classified employee pending final disposition of the charge; and

(ii) Whether other employment and status alternatives for the classified employee should be considered.

(e) At the preliminary hearing, the classified employee may:

(1) Rebut the reasons given for the suspension;

(2) Assert mitigating circumstances; and

(3) Offer alternatives to the suspension, including:

(i) A return to the employee's position with pay;

(ii) A transfer to another position with pay; or

(iii) A suspension with pay.

(f) (1) Within 5 workdays after the preliminary hearing, the President shall issue a proposed decision in writing for approval by the Secretary of Budget and Management.

(2) The decision is conclusive only as to the issue of the suspension.

§14–207.

(a) This section does not apply to a suspension pending the disposition of a charge for removal of a classified employee.

(b) (1) A vice president or program director may suspend a classified employee for disciplinary purposes.

(2) The vice president or program director shall notify the classified employee in writing of the suspension and the reasons for it.

(3) A suspension for disciplinary purposes under this section shall be without pay.

(c) (1) A suspension for disciplinary purposes:

(i) Shall be served on consecutive days; and

(ii) Shall begin within 2 days from the close of the classified employee's next shift after:

1. The alleged infraction occurred; or

2. The vice president or program director learned of the alleged infraction.

(2) The time limits in paragraph (1) of this subsection do not apply to a classified employee whose duties include mandatory appearances before a court, regulatory unit, or administrative body, if the limits:

(i) Would conflict with a scheduled appearance of the employee before a court, regulatory unit, or administrative body; and

(ii) Would thereby hamper the effective administration of the University's business.

(d) (1) The vice president or program director may authorize a designee to receive appeals under this subsection.

(2) A suspended classified employee or a representative of the employee may submit a written appeal of a disciplinary suspension:

(i) Within 3 workdays after receipt of a notice of suspension, to the vice president or program director; or

(ii) Within 5 workdays after receipt of a notice of suspension, to the President, in accordance with procedures established in policies adopted by the Board of Regents.

(e) (1) The vice president or program director may authorize a designee to hear appeals under this subsection.

(2) If an appeal is made to the vice president or program director, the vice president or program director shall:

(i) Hold a hearing within 3 workdays after receiving the appeal; and

(ii) Issue a written decision within the time established in policies adopted by the Board of Regents.

(3) If, as a result of management delay, the appeal is not heard and decided within the times required by this subsection, the vice president or program director shall reinstate the suspended classified employee with full back pay.

(4) If a classified employee appeals under this subsection, the employee may not further appeal the suspension except in accordance with step three of the grievance procedures under § 14-306 of this title.

(f) (1) If an appeal is made to the President, the President shall issue a proposed written decision for approval by the Secretary of Budget and Management within 45 days after the later of:

(i) The conclusion of the hearing; and

(ii) The day when all briefs or memoranda have been submitted.

(2) If the Secretary of Budget and Management disapproves the suspension, the Secretary of Budget and Management may grant back pay to the

classified employee.

§14–208.

(a) If a classified employee is transferred involuntarily to a different class that has a lower maximum rate of pay, the transfer is a demotion.

(b) (1) A transfer that is a demotion under this section may be made only for cause, on written charges submitted to the President.

(2) The classified employee may appeal the proposed demotion to the President within the time and in the manner required by policies adopted by the Board of Regents.

(3) If the classified employee fails to appeal within the time and in the manner required, the demotion is final.

(c) (1) If the classified employee appeals the demotion, the President shall hold a hearing to determine whether there is cause for the demotion.

(2) The hearing shall be held within 90 days after the written charges for the demotion are submitted to the President.

(d) (1) The President shall make findings and issue a proposed written decision on an appeal for approval by the Secretary of Budget and Management within 45 days after the later of:

(i) The conclusion of the hearing; and

(ii) The day when all briefs or memoranda have been submitted.

(2) The Secretary of Budget and Management shall provide a copy of the findings and decision to each party.

(3) The decision of the Secretary of Budget and Management is final.

(e) The University authority immediately shall enforce a final decision issued under this section.

§14–209.

(a) Except as otherwise specifically provided by State law, the University, its officers, and its units may not raise the defense of sovereign immunity in any administrative, arbitration, or judicial proceeding involving an employee grievance or hearing that is held under:

(1) This subtitle or a procedure adopted under it;

(2) Subtitle 3 of this title; or

(3) A personnel policy or procedure that governs classified employees of the University.

(b) (1) In this subsection, "award" means a final monetary or benefit award or judgment in an administrative, arbitration, or judicial proceeding involving an employee grievance or hearing that is held under:

(i) This subtitle or a procedure adopted under it;

(ii) Subtitle 3 of this title; or

(iii) A personnel policy or procedure that governs classified employees of the University.

(2) If this State has sufficient money available at the time, an award made against the University or an officer or unit of the University shall be paid as soon as practicable within 20 days after the award is final.

(3) (i) If sufficient money is not available at the time to satisfy an award made against the University or an officer or unit of the University, the affected unit or officer shall report the outstanding award to the State Comptroller.

(ii) The Comptroller shall:

1. Keep an accounting of all outstanding awards; and

2. Report that accounting annually to the Governor.

(iii) The Governor shall include in the State budget sufficient money to pay all awards made against the University or an officer or unit of the University.

(iv) On appropriation of money by the General Assembly, the Comptroller shall authorize payment of all outstanding awards in the order of the date on which each award was made.

§14–301.

(a) For purposes of this subtitle, "grievance" means a dispute between an employee and the employee's employer about the interpretation of and application to the employee of:

(1) A personnel policy or procedure adopted by the University; or

(2) Any other policy or procedure over which the University management has control.

(b) This subtitle does not apply to:

(1) A student employee;

(2) An employee, including a member of a faculty, who is subject to a contract or regulations governing teacher tenure; or

(3) A member of the faculty, an executive staff member, or a professional administrative staff member of the University.

(c) Unless a different procedure is provided for by law, an employee with a grievance may present that grievance in accordance with this subtitle, free from coercion, discrimination, interference, reprisal, or restraint.

§14–302.

(a) The Secretary of Budget and Management shall provide forms for initiating and processing grievances.

(b) The three steps in the grievance proceeding are:

(1) The initiation of a grievance proceeding;

(2) An appeal to the President; and

(3) An appeal to the Secretary of Budget and Management.

(c) The parties may agree to bypass any step of the grievance proceeding.

(d) Each party to a grievance shall make every effort to resolve the grievance at the lowest level possible.

(e) If a grievant fails to appeal a decision in accordance with this title to the next step in the grievance proceeding, the grievant is considered to have accepted the decision.

(f) If a grievance is not decided at any step in the grievance proceeding, the grievance is considered as denied and the grievant may appeal to the next step.

(g) (1) A grievant may be represented at any time by any person that the grievant chooses.

(2) The President, a program director, or a vice president may be represented at any time by an individual designated for that purpose.

(3) The President and each program director and vice president shall submit to the Secretary of Budget and Management a list of individuals designated to represent the President, program director, or vice president at each stage of the grievance proceeding.

§14–303.

(a) Before initiating a grievance proceeding, a classified employee shall present

the matter orally to the employee's supervisor for informal discussion.

(b) A grievance proceeding must be initiated by a classified employee within 30 days after:

(1) The occurrence of the alleged act that is the basis for the grievance; or

(2) The employee first knew or reasonably should have known of the alleged act that is the basis for the grievance.

§14–304.

(a) Within the time specified in § 14-303 of this subtitle, the grievant may initiate a grievance proceeding by filing a written grievance with the vice president or program director.

(b) Within 10 days after the grievance is received, the vice president or program director shall hold a conference with the grievant.

(c) The vice president or program director shall issue a written decision to the grievant within 15 days after the conference.

§14–305.

(a) Within 10 days after receiving a decision under § 14-304 of this subtitle, a grievant or a grievant's representative may appeal in writing to the President or the President's designee.

(b) Within 10 days after the appeal is received, the President or the President's designee shall hold a conference with the grievant.

(c) The President or the President's designee shall issue a written decision to the grievant within 15 days after the conference.

§14–306.

(a) (1) Within 15 days after receiving a decision under § 14-305 of this subtitle, a grievant or a grievant's representative may appeal in writing to the Secretary of Budget and Management.

(2) The appeal shall designate whether the grievant elects the appeal to be heard by the Secretary of Budget and Management or submitted to arbitration.

(b) In a reclassification grievance proceeding, the Secretary of Budget and Management shall order an audit of the position if it has not been audited within the last year.

(c) (1) If the grievant elects to have a hearing, the Secretary of Budget and Management shall conduct the hearing.

(2) The Secretary of Budget and Management shall issue a decision in writing within 45 days after the later of:

(i) The conclusion of the hearing; or

(ii) The day when all briefs or memoranda have been submitted.

(d) (1) If the grievant elects arbitration, the parties shall mutually select an arbitrator.

(2) If the parties are unable to agree on an arbitrator, an arbitrator shall be selected through the American Arbitration Association in accordance with its procedures.

(3) The arbitrator shall assess all fees that result from the arbitration equally between the parties.

(4) The arbitrator shall issue an advisory decision to the Secretary of Budget and Management, and additional appeals or hearings may not be considered or held.

(5) Within 15 days after the decision of the arbitrator is received, the Secretary of Budget and Management shall issue a decision in writing.

(6) (i) A decision of the Secretary of Budget and Management is final and binding on all parties.

(ii) If an initial determination is rescinded by the Secretary of Budget and Management, further action may not be taken against the grievant with respect to any charge that was considered at the hearing.

(e) The Secretary of Budget and Management may order the University to grant back pay to a classified employee in any grievance proceeding.

(f) In a reclassification grievance proceeding in which the Secretary of Budget and Management determines that the grievant is working outside of classification or in a position that is improperly classified, the Secretary of Budget and Management, in the Secretary's discretion, may order back pay for a period not exceeding 1 year before the grievance proceeding was initiated.

(g) The University shall carry out a back pay order issued under this section.

§14–307.

(a) (1) On conclusion of each step of a grievance proceeding, a copy of the grievance and its disposition shall be given to the grievant or grievant's representative or both.

(2) Similar grievances may be consolidated and processed in a single proceeding.

(3) The parties may agree to waive any time limitation specified in this title.

(b) (1) On the informal presentation of a grievance or the initiation of a grievance proceeding, an employee designated as a grievant's representative may not lose pay for investigating, processing, or testifying at any stage of the grievance proceeding.

(2) An employee shall be granted release time from the employee's normal work schedule to attend a grievance conference or hearing as a witness.

(c) Expenses incurred in connection with attendance by an employee at grievance conferences or hearings, whether as a grievant, as a grievant's representative, or as a witness, shall be borne by that employee's unit.

§14–308.

A decision may not be made at any step of the grievance procedure that conflicts with or modifies a policy approved by the Board of Regents of the University or with any applicable statute or with any administrative regulation issued under appropriate statutory authority or that otherwise delimits the lawfully delegated authority of University officials unless prior approval has been obtained from the responsible official.

§14–401.

There is a St. Mary's College of Maryland, a public honors college, located in St. Mary's County.

§14–402.

(a) The government of St. Mary's College of Maryland is vested in the Board of Trustees of St. Mary's College of Maryland.

(b) (1) The Board of Trustees consists of 26 members.

(2) Of the 26 members:

(i) 23 members shall be appointed by the Governor upon the recommendation of the Board of Trustees, with the advice and consent of the Senate;

(ii) 1 member shall be the Chairman of the Historic St. Mary's City Commission, or the Chairman's designee;

(iii) 1 member shall be the President of the St. Mary's Alumni

Association; and

(iv) 1 member shall be a student in good academic standing at the College.

(c) (1) Except for the Chairman of the Historic St. Mary's City Commission, the President of the St. Mary's College Alumni Association, and the student member, each member serves for a term of 6 years and until a successor is appointed and qualifies. These terms are staggered as required by the terms of the members serving on July 1, 1978.

(2) The Chairman of the Historic St. Mary's City Commission serves on the Board of Trustees of St. Mary's College of Maryland for as long as that individual serves as Chairman of the Commission.

(3) The President of the St. Mary's College Alumni Association serves on the Board of Trustees of St. Mary's College of Maryland for as long as that individual serves as President of the Association.

(4) The student member serves for a term of 1 year and until a successor is appointed and qualifies.

(5) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(6) (i) A majority of the voting members shall constitute a quorum for the transaction of business.

(ii) No formal action may be taken by the Board without the approval of a majority of the voting members of the Board.

(d) Each member of the Board:

(1) Serves without compensation; and

(2) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

§14–403.

(a) Each year the Board shall elect from among its members:

(1) A chairman; and

(2) Any other officer it requires.

(b) The Board shall determine the time and place of its meetings and may adopt rules for the conduct of its meetings.

§14–404.

(a) In addition to any other powers granted and duties imposed by this title, and subject to the provisions of Title 11 of this article and any other restrictions expressly imposed by law or by any trust agreement involving a pledge of property or money, the Board of Trustees is responsible for the governance and management of the College, and has all the powers, rights, and privileges that go with that responsibility, including the powers and duties set forth in this section.

(b) The Board of Trustees:

(1) Has the care, control, and management of the College and all of its property and assets;

(2) May not be superseded in its authority by any State agency or office in managing the affairs of the College except as provided for in this article or any other provision of law by specific reference to the College; and

(3) May appoint a President of the College who shall be the Chief Executive Officer of the College and the Chief of Staff for the Board.

(c) (1) Subject to Title 3 of the General Provisions Article, the Board may make rules and regulations, and prescribe policies and procedures, for the management, maintenance, operation, and control of the College.

(2) Except with respect to classified employee grievance appeals, Title 10, Subtitles 1 and 2 of the State Government Article "Administrative Procedure Act" are not applicable to the Board of Trustees.

(d) The Board of Trustees may:

(1) Apply for, accept, and spend any gift or grant from the federal government, any State agency or office, any foundation, or any other person; and

(2) Maintain and manage endowment funds.

(e) (1) The President shall develop an overall plan that is consistent with the statewide plan for higher education and the Charter that:

(i) Sets forth both long-range and short-range goals, objectives, and priorities for, and service provided by St. Mary's College of Maryland and methods and guidelines for achieving and maintaining them;

(ii) Subject to § 11-105 of this article, identifies the role, function, and mission of St. Mary's College of Maryland;

(iii) Enhances its role as a traditional liberal arts college;

(iv) Affirms the need for increased access for economically disadvantaged and minority students;

(v) Ensures that access to the College by State residents is not diminished because of increases in tuition and other fees occasioned by the College's designation as a public honors college;

(vi) Encourages and supports high quality undergraduate programs; and

(vii) Stimulates outreach to the community and the State through close relationships with public elementary and secondary schools, business and industry, and governmental agencies.

(2) The Board of Trustees shall review, modify, and approve the plan.

(3) By July 1 of each year, the Board of Trustees shall submit to the Maryland Higher Education Commission, to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly an annual review of the plan.

(f) The student member may not participate in establishing or administering faculty or administrative personnel policy at St. Mary's College of Maryland.

(g) The Board of Trustees may grant full faculty status, with all the rights and privileges pertaining to that status, to the Executive Director of the Historic St. Mary's City Commission.

(h) (1) The Board:

(i) Has the power to sue or be sued; and

(ii) May carry comprehensive liability insurance to protect the Board, its agents, and employees.

(2) The determination whether to purchase insurance, and its scope and limitations, shall be within the Board's discretion, taking into account commercial availability and affordability and the existence and extent of insurance secured by the State Treasurer.

(3) (i) Title 12, Subtitle 1 of the State Government Article "Maryland Tort Claims Act" applies to claims or actions against the College, its Board, and its employees.

(ii) Subject to all exclusions and limitations in that subtitle, the immunity of the College is waived to the extent of any insurance coverage purchased under this subsection.

(4) Nothing in this subsection shall be construed to waive or abrogate

sovereign immunity with respect to any claim that is not covered by or exceeds the limits of an insurance policy.

(5) Nothing in this subsection shall be construed to waive or abrogate the immunity of the College under the Eleventh Amendment to the United States Constitution.

§14–405.

(a) The Board of Trustees shall prepare and implement both a capital and operating budget for the management of the College.

(b) (1) In order to establish a predictable level of funding, the Governor shall include in the annual budget submission a General Fund grant to St. Mary's College of Maryland.

(2) (i) For fiscal year 1993, the grant shall be as provided for in the State fiscal year 1993 appropriation.

(ii) For fiscal year 1994 and each year thereafter, the proposed grant shall be equal to the grant of the prior year augmented by funds required to offset inflation as indicated by the implicit price deflator for State and local government.

(3) The State shall pay the General Fund grants under this subsection to the College on a quarterly basis.

(4) Nothing in this subsection may be construed to restrict the budgetary power of the General Assembly.

(5) The College shall support all operating costs, including personnel and retirement costs, from its General Fund grant and the other revenue sources of the College.

(c) (1) Subject to the approval of the Board of Public Works, the Board may acquire, lease, encumber, sell, or otherwise dispose of real property held by the State for the use of St. Mary's College of Maryland.

(2) The Board may acquire, lease, encumber, sell, or otherwise dispose of personal property.

(3) The title to any land acquired by St. Mary's College of Maryland shall be held by the State of Maryland for the use of St. Mary's College of Maryland.

(d) (1) The Board may borrow money for the purposes and on the terms that the Board determines.

(2) The Board may secure a loan with property acquired by the Board or with revenues derived from the property.

(3) A loan under this section does not:

(i) Create or constitute a debt or obligation of the State or any unit of the State other than the College; or

(ii) Create or constitute a debt or obligation contracted by the General Assembly or pledge the faith and credit of the State within the meaning of Article III, § 34 of the Maryland Constitution.

(e) (1) (i) The income of the College shall be deposited in the State Treasury or as the State Treasurer directs.

(ii) The State Treasurer shall invest the funds and credit to the College any interest or other income from the investment of the funds.

(2) The College may spend or encumber, within the fiscal year they are received, revenues received in excess of those estimated for any fiscal year.

(3) Any unexpended or unencumbered balances of the College's revenues shall not revert to the General Fund of the State at the end of each fiscal year.

(f) (1) Except as provided in § 11–203(e) of the State Finance and Procurement Article, the College is exempt from Division II of the State Finance and Procurement Article.

(2) (i) Subject to review and approval by the Board of Public Works and the Administrative, Executive, and Legislative Review Committee of the General Assembly, the Board of Trustees shall develop policies and procedures governing procurements by the College.

(ii) The policies and procedures developed under subparagraph (i) of this paragraph shall promote the purposes of the State procurement law as set forth in § 11–201 of the State Finance and Procurement Article.

§14–406.

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

(2) "Senior citizen" means any resident of this State who is:

(i) 60 years of age or older;

(ii) Retired and whose chief income is derived from retirement benefits; and

(iii) Not employed full time.

(3) "Institution" means St. Mary's College of Maryland.

(4) "Tuition" means the basic instructional charge and does not pertain to self-supporting programs or include fees, such as those for registration, application, or laboratory work.

(b) Except as provided in subsection (c) of this section, an institution shall admit a senior citizen to any scheduled course and waive the tuition involved:

(1) Only when regularly scheduled course space is available;

(2) For any credit or noncredit course; and

(3) For as many as 3 courses per term.

(c) An institution may not:

(1) Allow a senior citizen to enroll in a degree granting program, unless the senior citizen meets the admission standards of the institution; or

(2) Permit the full-time equivalent enrollment of senior citizens for whom tuition has been waived to exceed 2 percent of its undergraduate full-time equivalent enrollment.

(d) At the termination of each semester, the institution shall furnish to its governing board a statement of the number of senior citizens participating under the provisions of this section.

(e) This section does not prohibit an institution from offering senior citizens educational opportunities free of charge beyond these minimum requirements.

§14–407.

(a) Each year, as required by the Secretary, St. Mary's College of Maryland shall report to the Maryland Higher Education Commission on all assessment and accountability guidelines set by the Maryland Higher Education Commission.

(b) In addition to the duties set forth elsewhere in this subtitle, St. Mary's College of Maryland shall:

(1) Keep records that are consistent with sound business practices and accounting records using generally accepted accounting principles;

(2) Cause an audit by an independent certified public accountant to be made of the accounts and transactions of the College at the conclusion of each fiscal year; and

(3) Be subject to audit and examination at any reasonable time of the accounts, investments, and transactions of the College by the Office of Legislative Audits of the Department of Legislative Services.

§14–408.

(a) (1) (i) On the recommendation of the President, and in accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the Board of Trustees of St. Mary's College of Maryland shall establish a personnel system.

(ii) The personnel system established under subparagraph (i) of this paragraph shall include provisions for consideration of hiring a contractual employee to fill a vacant position in the same or similar classification in which the contractual employee is employed.

(2) To carry out the requirements of this section, the Board:

(i) May establish and abolish positions;

(ii) May determine employee qualifications;

(iii) May establish terms of employment, including compensation, benefits, holiday schedules, and leave policies;

(iv) May determine any other matters concerning employees; and

(v) Shall designate one or more representatives to participate as a party in collective bargaining on behalf of the College in accordance with Title 3 of the State Personnel and Pensions Article.

(b) The personnel system shall provide fair and equitable procedures for:

(1) The redress of employee grievances; and

(2) The hiring, promotion, and termination of employees in accordance with law.

(c) (1) Except as provided in paragraph (2) of this subsection, an employee of the College qualifies for and shall participate in the Employees' Pension System of the State of Maryland or the Teachers' Pension System of the State of Maryland.

(2) An employee in a position determined by the Board to be a professional or faculty position may join the optional retirement program under Title 30 of the State Personnel and Pensions Article.

§14–409.

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

(2) "Computer-based instructional technology" has the meaning stated in § 12-101 of this article.

(3) "Technology" has the meaning stated in § 12-101 of this article.

(b) By January 1, 2007, the Board of Trustees shall develop a nonvisual access clause for use in the procurement of computer-based instructional technology.

(c) The nonvisual access clause developed under subsection (b) of this section shall be consistent with the standards developed by the Department of Budget and Management in accordance with the provisions of § 3-412 of the State Finance and Procurement Article.

§14–410.

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

(2) "Academic year" means the period commencing with the fall semester and continuing through the immediately following summer session at St. Mary's College of Maryland.

(3) "Fund" means the Higher Education Investment Fund established in § 15–106.6 of this article.

(4) (i) "Tuition" means the charges approved by the Board of Trustees of St. Mary's College of Maryland that are required of all undergraduate resident students by the institution as a condition of enrollment regardless of the student's degree program, field of study, or selected courses.

(ii) "Tuition" does not include:

1. Fees that are required of all undergraduate resident students by the institution as a condition of enrollment regardless of the student's degree program, field of study, or selected courses;

2. Fees dedicated to support auxiliary enterprises and other self–funded activities of the institution; or

3. A fee required only for enrollment in a specific degree program, field of study, or course when that fee is not required of undergraduate resident students at the institution for enrollment in other degree programs, fields of study, or courses.

(b) Notwithstanding any other provision of law, for the academic years beginning in the fall of 2013 and the fall of 2014, the Board of Trustees may not approve and may not impose an increase in the tuition charged for an academic year to a resident undergraduate student at the institution over the amount charged for tuition at the institution in the preceding academic year.

(c) From the Fund, the Governor shall appropriate to St. Mary's College of Maryland:

(1) For fiscal year 2014, $800,000; and

(2) For fiscal year 2015, $1,616,000.

(d) The calculation made under § 14–405 of this subtitle for the fiscal year 2016 General Fund grant shall include the fiscal year 2015 appropriation from the Fund made under this section.

§14–411.

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

(2) "Fund" means the Higher Education Investment Fund established in § 15–106.6 of this article.

(3) "Grant" means the DeSousa–Brent Scholars Completion Grant.

(b) There is a DeSousa–Brent Scholars Completion Grant to St. Mary's College of Maryland.

(c) The purpose of the Grant is to increase the retention and graduation rates of DeSousa–Brent scholars at St. Mary's College of Maryland.

(d) For fiscal years 2014 through 2019, the Governor shall appropriate the following grant amounts from the Fund to St. Mary's College of Maryland:

(1) $300,000 in fiscal year 2014;

(2) $550,000 in fiscal year 2015; and

(3) $800,000 in each of fiscal years 2016 through 2019.

(e) For fiscal years 2015 through 2020, except as provided in subsection (f) of this section, the prior fiscal year's appropriation from the Fund made under this section may not be included in the calculation under § 14–405 of this subtitle.

(f) The fiscal year 2019 appropriation from the Fund shall be included in the calculation under § 14–405 of this subtitle for the fiscal year 2020 General Fund grant appropriation if:

(1) The first– to second–year retention rate for the fall 2015 cohort of the DeSousa–Brent scholars is at least 88%;

(2) The first– to third–year retention rate for the fall 2015 cohort of the DeSousa–Brent scholars is at least 79%; and

(3) The four–year graduation rate for the fall 2015 cohort of the DeSousa–Brent scholars is at least 70%.

(g) On or before December 1 of each year St. Mary's College of Maryland shall report to the Governor and, in accordance with § 2–1246 of the State Government

Article, the General Assembly the retention and graduation rates of DeSousa–Brent scholars.

§15–101.

(a) Each public institution of higher education shall accept for admission any graduate of an approved public high school:

(1) Who is certified by his high school principal, based on standards of the State Board of Education, as qualified to pursue a course of study at the institution; or

(2) Who meets the admission standards of the institution.

(b) (1) Each public institution of higher education may accept, for special admission any student who has:

(i) Completed the seventh grade; and

(ii) A scholastic aptitude test combined score of 1,200 or an equivalent score on a nationally accepted college entrance examination.

(2) This subsection does not affect the State or local share of aid provided pursuant to § 5–202 of this article to the secondary school in which the student is enrolled.

§15–102.

(a) Each public institution of higher education may honor credit cards as payment for:

(1) Tuition and fees;

(2) Room and board; and

(3) Any goods or services purchased from other auxiliary enterprises.

(b) The governing boards of the institutions shall determine which credit cards are acceptable for this purpose. However, a public institution may not accept a credit card from any credit card company which charges that institution a vendor discount, service charge or similar fee in excess of 2.5 percent.

§15–103.

Each public institution of higher education that provides access to its campus or its student information directory to any person or group which makes students aware of occupational or educational options shall provide access on the same basis to official recruiting representatives of the military forces of this State and the United States for the purpose of informing students of educational and career opportunities available in the military.

§15–104.

(a) It is the public policy of the State that endowment funds of public institutions of higher education and gifts, donations, bequests, private endowments, and private grants received by public institutions of higher education or their governing boards, including any income therefrom:

(1) Shall be used in accordance with the wishes of the donors; and

(2) May not be used as a substitute for State General Fund appropriations.

(b) (1) The public institutions of higher education are encouraged to promote private fundraising by strengthening institutional development activities and by maintaining relationships with affiliated foundations.

(2) Affiliated foundations that are independently established for this purpose shall operate subject to policies adopted by the governing boards and be approved for form and legal sufficiency by the Attorney General.

(3) The presidents of the University System of Maryland constituent institutions may establish campus–based foundations. Each foundation need not be approved by the Board of Regents of the University System of Maryland but shall operate subject to policies adopted by the Board of Regents of the University System of Maryland in consultation with the presidents of the University System of Maryland constituent institutions.

(4) An affiliated foundation established and operated under this subsection may not be considered an agency or instrumentality of the State or a unit of the Executive Branch for any purpose.

(5) A financial obligation or liability of an affiliated foundation established and operated under this subsection may not be considered a debt or an obligation of the State or the University System of Maryland.

(6) Sections 5–501 through 5–504 of the General Provisions Article do not bar an official or employee of a public institution of higher education from becoming a director, official, or employee of an independent foundation organized to foster fundraising and provide related services for the benefit of the institution.

(7) No funds shall be accepted from an affiliated foundation by a public institution of postsecondary education unless the fiscal affairs of the affiliated foundation are audited annually by an independent certified public accountant.

§15–105.

Notwithstanding any other provision of law to the contrary, the governing boards of the public institutions of higher education may transfer any personnel position from one program to any other program under such governing board's jurisdiction

without the approval of any other officer, board, department, or agency of the State, provided that the total number of positions for all of the programs under the governing board's jurisdiction does not exceed the total number of authorized positions for all the programs under the board's jurisdiction as provided in the annual budget bill or its supporting documents.

§15–106.

Each governing board shall develop a policy for the waiver of tuition, and may develop a policy for the waiver of room and board, for faculty and employees of public institutions of higher education and their children who attend public institutions of higher education in the State.

§15–106.1.

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

(2) (i) "Foster care recipient" means an individual who:

1. Was placed in an out–of–home placement by the Maryland Department of Human Resources; and

2. A. Resided in an out–of–home placement in the State at the time the individual graduated from high school or successfully completed a general equivalency development examination (GED); or

B. Resided in an out–of–home placement in the State on the individual's 13th birthday and was placed into guardianship or adopted out of an out–of–home placement after the individual's 13th birthday.

(ii) "Foster care recipient" includes a younger sibling of an individual described in subparagraph (i) of this paragraph if the younger sibling is concurrently placed into guardianship or adopted out of an out–of–home placement by the same guardianship or adoptive family.

(3) "Out–of–home placement" has the meaning stated in § 5–501 of the Family Law Article.

(4) (i) "Tuition" means the charges imposed by a public institution of higher education for enrollment at the institution.

(ii) "Tuition" includes charges for registration and all fees required as a condition of enrollment.

(5) "Unaccompanied homeless youth" means a child or youth who:

(i) Has had a consistent presence in the State for at least 1 year before enrollment in a public institution of higher education that is documented by

school, employment, or other records;

(ii) Is not in the physical custody of a parent or guardian;

(iii) Is a homeless child or youth, as defined by the McKinney–Vento Homeless Assistance Act; and

(iv) Was determined to be a homeless child or youth by:

1. A Maryland local school system homeless liaison, as defined by the McKinney–Vento Homeless Assistance Act;

2. A Director or a designee of the Director of a Maryland–based program funded under the Runaway and Homeless Youth Act;

3. A Director or a designee of the Director of a Maryland–based program funded under Title IV, Subtitle B of the McKinney–Vento Homeless Assistance Act; or

4. The financial aid director at the public institution of higher education in which the youth seeks to enroll.

(b) When determining whether a youth is an unaccompanied homeless youth, a financial aid administrator shall verify annually that the youth qualifies as an independent student under the federal College Cost Reduction and Access Act, 20 U.S.C. § 1087vv(d)(1)(H).

(c) (1) A foster care recipient or an unaccompanied homeless youth is exempt from paying any tuition at a public institution of higher education, regardless of that foster care recipient's or unaccompanied homeless youth's receipt of any scholarship or grant if:

(i) The foster care recipient or unaccompanied homeless youth is enrolled at the institution on or before the date that the foster care recipient or unaccompanied homeless youth reaches the age of 25 years;

(ii) The foster care recipient or unaccompanied homeless youth is enrolled as a candidate for a vocational certificate, an associate's degree, or a bachelor's degree; and

(iii) The foster care recipient or unaccompanied homeless youth has filed for federal and State financial aid by March 1 each year.

(2) If a foster care recipient or an unaccompanied homeless youth receives a scholarship or grant for postsecondary study and is enrolled before the recipient's 25th birthday as a candidate for a vocational certificate, an associate's degree, or bachelor's degree at a public institution of higher education, the scholarship or grant may not be applied to the tuition for the foster care recipient or unaccompanied homeless youth.

(3) A foster care recipient or an unaccompanied homeless youth who is exempt from tuition under this section continues to be exempt until the earlier of:

(i) 5 years after first enrolling as a candidate for an associate's degree or a bachelor's degree at a public institution of higher education in the State; or

(ii) The date that the foster care recipient or unaccompanied homeless youth is awarded a bachelor's degree.

§15–106.2.

(a) In this section, "residency requirement" means the requirement of a public senior higher education institution that a student has resided in the State for 1 year to be considered a resident and receive in–State tuition status.

(b) For tuition purposes, a public senior higher education institution shall waive the in–State residency requirement for a public school teacher employed by a county board if:

(1) (i) The course or program is required by the State or the county board to maintain the teacher's present position with the county board; or

(ii) The course or program maintains or improves skills required by the county board in the teacher's current position;

(2) The teacher resides in this State and is employed as a full–time public school teacher; and

(3) The teacher has been employed as a public school teacher in the State for less than a year.

(c) A public school teacher is responsible for the difference between in–State and out–of–state tuition if:

(1) The teacher resigns or is terminated from employment with the county board; and

(2) The teacher remains enrolled in the course or program at an institution of higher education during the teacher's first year as a Maryland resident.

§15–106.3.

(a) In this section, "National Guard student" means a student who is enrolled in a public institution of higher education and is a member of the United States National Guard.

(b) A public institution of higher education shall allow a National Guard student to withdraw from courses the National Guard student is currently enrolled in

without negative consequences to the National Guard student's academic standing if the National Guard student's unit is activated and deployed.

(c) A public institution of higher education shall try to assist the National Guard student in completing the course requirements by either:

(1) Giving the National Guard student a grade of incomplete and working with the National Guard student and the student's instructor on a program of independent study; or

(2) Transferring the National Guard student to an on–line course of instruction offered at an institution such as:

(i) The University of Maryland University College's Distance Education Courses; or

(ii) The Southern Regional Education Board's Electronic Campus.

§15–106.4.

(a) This section applies to the following individuals:

(1) An active duty member of the United States armed forces;

(2) The spouse of an active duty member of the United States armed forces;

(3) A financially dependent child of an active duty member of the United States armed forces;

(4) An honorably discharged veteran of the United States armed forces; or

(5) A member of the National Guard as defined in § 13–405(a)(3) of the Public Safety Article.

(b) Notwithstanding any other provision of this article, an individual described in subsection (a) of this section who attends a public institution of higher education in the State is exempt from paying nonresident tuition at a public institution of higher education in this State if:

(1) The active duty member referred to in subsection (a) of this section:

(i) Is stationed in this State;

(ii) Resides in this State; or

(iii) Is domiciled in this State;

(2) The honorably discharged veteran presents documentation that the individual:

(i) Was honorably discharged from the United States armed forces; and

(ii) 1. Resides in this State; or

2. Is domiciled in this State; or

(3) The National Guard member described in subsection (a)(5) of this section is a member of the Maryland National Guard and joined or subsequently serves in the Maryland National Guard to:

(i) Provide a Critical Military Occupational Skill; or

(ii) Be a member of the Air Force Critical Specialty Code as determined by the National Guard.

(c) Notwithstanding any other provision of this article, a spouse or financially dependent child of an active duty member who enrolls as an entering student in a public institution of higher education and is exempt from paying nonresident tuition under subsection (b) of this section shall continue to be exempt from paying nonresident tuition if:

(1) The active duty member no longer meets the requirements of subsection (b)(1) of this section; and

(2) The spouse or financially dependent child remains continuously enrolled at the public institution of higher education.

(d) Each public institution of higher education shall comply with federal law relating to nonresident tuition for veterans and veterans' dependents.

(e) The Commission shall adopt regulations in accordance with Title 10, Subtitle 1 of the State Government Article to implement the provisions of this section.

§15–106.5.

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

(2) "Academic year" means the period commencing with the fall semester and continuing through the immediately following summer session at a public senior higher education institution.

(3) "Governing board" means:

(i) The Board of Regents of the University System of Maryland; and

(ii) The Board of Regents of Morgan State University.

(4) "Public senior higher education institution" has the meaning stated in

§ 10–101(m)(1) and (2) of this article.

(5) (i) "Tuition" means the charges approved by the governing board of a public senior higher education institution that are required of all undergraduate resident students by the institution as a condition of enrollment regardless of the student's degree program, field of study, or selected courses.

(ii) "Tuition" does not include:

1. Fees that are required of all undergraduate resident students by the institution as a condition of enrollment regardless of the student's degree program, field of study, or selected courses;

2. Fees dedicated to support auxiliary enterprises and other self–funded activities of a public senior higher education institution; or

3. A fee required only for enrollment in a specific degree program, field of study, or course when that fee is not required of undergraduate resident students at the public senior higher education institution for enrollment in other degree programs, fields of study, or courses.

(b) Notwithstanding any other provision of law, for the academic years beginning in the fall of 2006 and 2007 only, a governing board may not approve, and a public senior higher education institution may not impose, an increase in the tuition charged for an academic year to a resident undergraduate student at the institution over the amount charged for tuition at the institution in the preceding academic year.

§15–106.6.

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

(2) "Fund" means the Higher Education Investment Fund.

(3) "Public Senior Higher Education Institution" has the meaning stated in § 10–101(m) of this article.

(4) "Trust Account" means the Tuition Stabilization Trust Account.

(5) "Tuition" means the charges and fees approved by the governing board of a public senior higher education institution which are required of all undergraduate resident students by the institution as a condition of enrollment regardless of the student's degree program, field of study, or selected courses.

(b) (1) There is a Higher Education Investment Fund.

(2) The purpose of the Fund is to:

(i) Invest in public higher education and workforce development;

and

(ii) Keep tuition affordable for Maryland students and families.

(3) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(4) The Treasurer shall hold the Fund and the Comptroller shall account for the Fund.

(5) The proceeds of the Fund shall be invested and reinvested.

(6) Any investment earnings shall be paid into the Fund.

(7) The Fund consists of:

(i) Money appropriated in the State budget for the Fund; and

(ii) Any other money from any other source accepted for the benefit of the Fund.

(8) The Commission shall administer the Fund.

(9) Money in the Fund may be expended only:

(i) To supplement General Fund appropriations to research institutes of the University System of Maryland and public senior higher education institutions;

(ii) For capital projects for research institutes of the University System of Maryland and public senior higher education institutions;

(iii) For workforce development initiatives administered by the Commission; and

(iv) For initiatives to address higher education needs related to the United States Department of Defense Base Realignment and Closure process.

(10) Expenditures from the Fund may be made only in accordance with an appropriation approved by the General Assembly in the annual State budget.

(c) (1) Within the Fund there is a Tuition Stabilization Trust Account.

(2) (i) The Trust Account is established to retain revenues for stabilizing tuition costs for resident undergraduate students.

(ii) In years of increasing corporate tax revenues that are allocated to the Fund under § 2–613.1 of the Tax – General Article, funds shall be deposited into the Trust Account.

(iii) Funds in the Trust Account shall be used only to stabilize tuition at public senior higher education institutions.

(iv) It is the goal of the State that any increase in resident undergraduate tuition and academic fees at public senior institutions of higher education in any given year should be limited to a percent not to exceed the increase in the 3–year rolling average of the State's median family income.

(3) The Trust Account consists of:

(i) Money appropriated in the State budget for the Trust Account; and

(ii) Any other money from any other source accepted for the benefit of the Trust Account.

(4) A balance of between 1% and 5% of resident undergraduate tuition revenues received by public senior higher education institutions in the prior fiscal year should be maintained in the Trust Account.

(5) Money in the Trust Account may be expended only to supplement General Fund appropriations to public senior higher education institutions for the purpose of stabilizing tuition costs of resident undergraduate students.

§15–106.7.

(a) In this section, "State or local public safety employee" has the meaning stated in § 18–601(a)(6) of this article.

(b) A son or a daughter of a State or local public safety employee who is eligible for a scholarship in accordance with § 18–601(d)(3)(iii) of this article is exempt from paying the nonresident tuition rate at a public institution of higher education.

(c) The governing board of each public institution of higher education, in consultation with the Commission, shall adopt appropriate policies to implement the provisions of this section.

§15–106.8.

(a) In this section, "individual":

(1) Includes an undocumented immigrant individual; and

(2) Does not include a nonimmigrant alien within the meaning of 8 U.S.C. § 1101(a)(15).

(b) Notwithstanding any other provision of this article, an individual shall be exempt from paying the out–of–state tuition rate at a community college in the State,

if the individual:

(1) Beginning with the 2005–2006 school year, attended a public or nonpublic secondary school in the State for at least 3 years;

(2) Beginning with the 2007–2008 school year, graduated from a public or nonpublic secondary school in the State or received the equivalent of a high school diploma in the State;

(3) Registers as an entering student in a community college in the State not earlier than the 2011 fall semester;

(4) Provides to the community college documentation that the individual or the individual's parent or legal guardian has filed a Maryland income tax return:

(i) Annually for the 3 years while the individual attended a public or nonpublic secondary school in the State in accordance with item (1) of this subsection;

(ii) Annually during the period, if any, between graduation from a public or nonpublic secondary school in the State and registration at a community college in the State; and

(iii) Annually during the period of attendance at the community college;

(5) In the case of an individual who is not a permanent resident, provides to the community college an affidavit stating that the individual will file an application to become a permanent resident within 30 days after the individual becomes eligible to do so;

(6) In the case of an individual who is required to register with the Selective Service System, provides to the community college documentation that the individual has complied with the registration requirement; and

(7) Registers in a community college in the State not later than 4 years after graduating from a public or nonpublic secondary school in the State or receiving the equivalent of a high school diploma in the State.

(c) Notwithstanding any other provision of this article and subject to subsection (h) of this section, an individual shall be eligible to pay a rate that is equivalent to the resident tuition rate at a public senior higher education institution, if the individual:

(1) Attended a community college not earlier than the 2010 fall semester and met the requirements of subsection (b) of this section, except for the requirement set forth in subsection (b)(3) of this section;

(2) Was awarded an associate's degree by or achieved 60 credits at a community college in the State;

(3) Provides the public senior higher education institution a copy of the affidavit submitted under subsection (b)(5) of this section;

(4) Provides to the public senior higher education institution documentation that the individual or the individual's parent or legal guardian has filed a Maryland income tax return:

(i) Annually while the individual attended a community college in the State;

(ii) Annually during the period, if any, between graduation from or achieving 60 credits at a community college in the State and registration at a public senior higher education institution in the State; and

(iii) Annually during the period of attendance at the public senior higher education institution; and

(5) Registers at a public senior higher education institution in the State not later than 4 years after graduating from or achieving 60 credits at a community college in the State.

(d) Notwithstanding any other provision of this article, an individual shall be eligible to pay a rate that is equivalent to the in–county tuition rate at a community college in the State if the individual:

(1) Meets the requirements of subsection (b) of this section; and

(2) Attends a community college supported by the county in which:

(i) The secondary school from which the individual graduated is located; or

(ii) In the case of an individual who received the equivalent of a high school diploma in the State, the secondary school most recently attended by the individual is located.

(e) Information collected under this section as part of a student's registration shall remain confidential.

(f) (1) A community college or public senior higher education institution that admits an individual who qualifies for the tuition rate under this section shall:

(i) Keep a record of the number of individuals who pay the tuition rate in accordance with the requirements under subsection (b), (c), or (d) of this section; and

(ii) Report the information required in item (i) of this paragraph to the Commission each year.

(2) The Commission shall submit to the General Assembly, in accordance with § 2–1246 of the State Government Article, an annual report consisting of a compilation of the reports submitted to the Commission under paragraph (1) of this subsection.

(g) The governing board of each public institution of higher education shall adopt appropriate policies to implement the provisions of this section.

(h) The students that are receiving the tuition rate in subsection (c) of this section may not be counted as in–State students for the purposes of determining the number of Maryland undergraduate students enrolled at a public senior higher education institution.

§15–107.

Public senior higher educational institutions and their governing boards are encouraged to promote the economic development of the State and to increase the financial resources of the institutions through arrangements with the private sector, including collaborative research and development, commercial application of institution–owned intellectual property, and the provisions of technical assistance.

§15–108.

(a) In this section, "employee leave time" means the following types of leave:

(1) Holiday leave;

(2) Annual leave;

(3) Personal leave;

(4) Sick leave; and

(5) Administrative and other related leave.

(b) As provided in this section, each public institution of higher education is authorized to establish employee leave time for its skilled employees, professional employees, and employees in a status that is equivalent to skilled employees or professional employees in the State Personnel Management System, described in Title 6 of the State Personnel and Pensions Article.

(c) The number of days established by a public institution of higher education as employee leave time shall total at least the number of days provided to employees in the State Personnel Management System under Title 9, Subtitles 2, 3, 4, and 5 of the State Personnel and Pensions Article.

§15–109.

(a) This section applies only to a public institution of higher education that owns, manages, or maintains a steam system or an electric system for the purpose of providing services exclusively for the benefit of the institution.

(b) A person that enters into an agreement or lease with a public institution of higher education to facilitate or undertake the financing, whole or partial ownership, operation, generation, construction, distribution, or maintenance of an on–site steam or electric generation, production, or distribution system for the institution may not be considered a public service company, as defined in § 1–101 of the Public Utilities Article, subject to the jurisdiction of the Public Service Commission as a result of the financing, leasing, ownership, operation, control, management, construction, distribution, or maintenance of the steam or electric system.

§15–110.

A public institution of higher education may not print or have printed an employee's or a student's Social Security number on any type of identification card.

§15–111.

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

(2) "Credit card" means a card or device issued under an agreement by which the credit card issuer gives to a cardholder residing in the State the privilege of obtaining credit from the credit card issuer or another person in connection with the purchase or lease of goods or services primarily for personal, family, or household use.

(3) "Credit card issuer" means a financial institution, a lender other than a financial institution, or a merchant that receives applications and issues credit cards to individuals.

(4) (i) "Credit card marketing activity" means any activity of an agent or employee of a credit card issuer that is designed to encourage students at an institution of higher education in the State to apply for a credit card.

(ii) "Credit card marketing activity" includes the act of placing a display or poster together with credit card applications on a campus of an institution of higher education in the State, whether or not an employee or agent of the credit card issuer attends the display.

(5) "Merchandising" means the offering of free merchandise or incentives to students as a part of credit card marketing activities.

(6) "Student" means an individual enrolled for at least one credit hour at an institution of higher education.

(b) (1) Subject to paragraph (2) of this subsection, an institution of higher education shall develop policies regarding credit card marketing activities and merchandising conducted on a campus of an institution of higher education by a credit card issuer.

(2) The requirements of paragraph (1) of this subsection do not apply to credit card marketing activities or merchandising conducted by credit card issuers:

(i) In newspapers, magazines, or other similar publications; or

(ii) Within the physical location of a financial services business located on the campus of an institution of higher education if conducted as a part of the regular course of business.

(c) The policies developed under subsection (b) of this section shall include:

(1) A requirement that credit card issuers conducting credit card marketing activities inform students about good credit management practices through a program developed in conjunction with the institution of higher education;

(2) A requirement that the institution of higher education's credit card marketing and merchandising policy be available to all students on request; and

(3) Consideration of the following issues:

(i) Registration of credit card issuers conducting credit card marketing activities;

(ii) Limits on the times and locations of credit card marketing activities; and

(iii) A prohibition on merchandising unless the student is provided credit card debt education literature, including brochures of written information or links to electronic information.

§15–112.

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

(2) (i) "Bookstore" means any entity that offers books or other course materials for sale and is licensed by the Comptroller under Title 11, Subtitle 7 of the Tax – General Article.

(ii) "Bookstore" includes campus bookstores and online vendors.

(3) (i) "Bundle" means one or more college textbooks or other supplemental material that are packaged together to be sold as course materials for one price.

(ii) "Bundle" does not include single, custom, or integrated textbooks.

(4) "Campus bookstore" means a bookstore under the jurisdiction of an institution of higher education.

(5) (i) "Custom textbook" means a college textbook that is compiled by a publisher at the direction of a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher education.

(ii) "Custom textbook" includes original instructor material, previously copyrighted material, or copyrighted third–party material.

(iii) "Custom textbook" does not include purely aesthetic changes to a college textbook when compared with a prior edition of a college textbook such as commemorative editions.

(6) "Integrated textbook" means a college textbook that is combined with:

(i) Materials developed by a third party and that, by third–party contractual agreement, may not be offered by publishers separately from the college textbook with which the materials are combined; or

(ii) Other materials that are so interrelated with the content of the college textbook that the separation of the college textbook from the other materials would render the college textbook unusable for its intended purpose.

(7) "ISBN" means the unique International Standard Book Number assigned to college course material that is used by publishers to identify each textbook edition and other course material, including bundles.

(8) "Price" means the price at which the publisher would make the college textbook or supplemental material available to a bookstore and, if available, the price at which the publisher would make the college textbook or supplemental material available to the public.

(9) "Substantial content" means a part of a college textbook, such as new chapters, new material covering additional eras of time, new themes, or new subject matter.

(10) (i) "Supplemental material" means educational material developed to accompany a college textbook that is not being used as a component of an integrated textbook.

(ii) "Supplemental material" includes printed materials and electronic materials such as computer disks and Web access codes.

(11) "Textbook" includes custom textbooks to the maximum extent practicable.

(b) This section does not apply to the overseas programs of the University of Maryland University College.

(c) Each public institution of higher education in the State shall develop and implement:

(1) An informational campaign to assist faculty and make them aware of textbook–related issues, including:

(i) The price of college textbooks and of supplemental material;

(ii) The existence of variances in price of bundled and unbundled course materials;

(iii) Substantial content revisions made between the current edition of a college textbook or supplemental material and the previous edition of the college textbook or supplemental material as reported to the institution under subsection (e) of this section;

(iv) Which textbooks are integrated textbooks and are therefore not subject to subsection (f)(3) of this section, as reported by the publisher under subsection (e) of this section; and

(v) The fiscal impact to students of the high cost of college textbooks;

(2) A procedure by which bookstores and students are made aware of the information required to be disclosed under subsection (g) of this section; and

(3) A best–practices process for faculty in selecting college textbooks and supplemental material that:

(i) Ensures early adoption of college textbooks and supplemental material;

(ii) Encourages the maximum usage of used college textbooks and of previous editions of college textbooks, when possible;

(iii) For undergraduate college textbooks, ensures that the majority of the assigned material will be used in the course unless it would be in the student's financial interest to purchase separate materials; and

(iv) Ensures that faculty are aware of various outlets for the supply of college textbooks and supplemental material.

(d) (1) Each public institution of higher education shall develop a process by which faculty members acknowledge the information under paragraph (2) of this subsection.

(2) Before selecting a college textbook or supplemental material and before transmitting the selection to a campus bookstore, providing the selection to any other bookstore, or posting the selection on the Web site of the public institution of higher education, a faculty member shall acknowledge:

(i) 1. If selecting a different college textbook from a different publisher, the cost of the new selection versus the cost of the previous selection; or

2. If selecting a current edition of a college textbook:

A. The differences in substantial content between the current edition of the textbook and the previous edition of the textbook as reported by the publisher under subsection (e) of this section;

B. That the use of the current edition is appropriate due to a material change in substantial content between the current edition and the previous edition;

C. The difference in price between the current edition of the textbook and the previous edition of the textbook; and

D. That the previous edition of the textbook may be available to students at a lower price via the used book market;

(ii) That an integrated textbook is not subject to subsection (f)(3) of this section; and

(iii) That supplemental material included in a bundle is intended for use in the course.

(e) (1) A publisher that sells college textbooks or supplemental material and provides information regarding a college textbook or supplemental material to a faculty member, other adopting entity in charge of selecting course materials, or the administration of an institution of higher education shall disclose with this information, in writing, by paper or electronic means:

(i) The price of the college textbook or supplemental material;

(ii) The title, author, publisher, edition, current and three previous copyright dates, publication date when available, and ISBN of the college textbook and supplemental material, both as bundled and unbundled items;

(iii) Substantial content revisions made between the current edition of the college textbook or supplemental material and the previous edition of the college textbook or supplemental material;

(iv) Other available formats for the college textbook or supplemental material such as paperback or unbound; and

(v) A list of textbooks that are classified as integrated textbooks.

(2) Each institution of higher education in the State shall develop a process by which faculty members acknowledge having been informed of the disclosures required under paragraph (1) of this subsection and the impact that the high cost of college textbooks and supplemental material has on students.

(f) (1) Except as provided in paragraph (4) of this subsection, a publisher and a campus bookstore shall provide and sell college textbooks and supplemental material in the same manner as selected and ordered by faculty members.

(2) (i) If a college textbook or supplemental material is unavailable as ordered, the publisher and the campus bookstore shall work with the faculty member to find alternatives.

(ii) A publisher collaborating with a campus bookstore and a faculty member under subparagraph (i) of this paragraph shall provide price information for alternative college textbooks and supplemental material.

(3) A publisher that sells a college textbook and any supplemental material accompanying the college textbook in a bundle shall also make available the college textbook and the supplemental material as separate and unbundled items, each separately priced.

(4) With the permission of a faculty member, a campus bookstore may sell college textbooks and supplemental material in a different manner than as selected and ordered by the faculty member for the purpose of providing used college textbooks, prior editions, or other lower–cost options to students.

(g) (1) (i) Subject to subparagraph (ii) of this paragraph, on the request of a bookstore, an institution of higher education shall provide the information listed under paragraph (3) of this subsection to a bookstore by the earlier of:

1. Within 1 week of a faculty member's selection of a college textbook or supplemental material and transmission to a campus bookstore; or

2. When the selection by a faculty member of a college textbook or supplemental material is finalized.

(ii) A bookstore that obtains information under subparagraph (i)1 of this paragraph may not make the information available to students or members of the public until the information is made available to the bookstore in accordance with paragraph (2) of this subsection.

(2) (i) An institution of higher education shall make the information listed under paragraph (3) of this subsection available to bookstores, students, and the rest of the public by posting the information on its Web site by the earlier of:

1. Subject to paragraphs (4) and (5) of this subsection, 3 weeks following the selection by a faculty member of a college textbook or supplemental material; or

2. When the selection by a faculty member of a college textbook or supplemental material is finalized.

(ii) In addition to the information posted under subparagraph (i) of this paragraph, an institution shall post on its Web site:

1. Whether supplemental material is required or only suggested by faculty; and

2. Whether a previous edition of an assigned college textbook will suffice.

(3) The information made available under paragraphs (1) and (2) of this subsection shall include the:

(i) Title;

(ii) Author;

(iii) Publisher;

(iv) Edition;

(v) Copyright date and publication date, when available;

(vi) ISBN; and

(vii) Anticipated enrollment for the course.

(4) (i) An institution of higher education shall inform a bookstore, students, or members of the public who access the Web site of the institution under paragraph (2) of this subsection if the selection of the particular college textbook, supplemental material, or bundle has not been finalized by the faculty member.

(ii) In addition to the disclosure made under subparagraph (i) of this paragraph, an institution, campus bookstore, or other bookstore that offers a college textbook or supplemental material for sale prior to the selection being finalized shall provide:

1. A caveat regarding the potential consequences of purchasing the particular college textbook, supplemental material, or bundle prior to the selection being finalized; and

2. The return policy of the campus bookstore or other bookstore, as appropriate.

(5) (i) Notwithstanding paragraphs (1) and (2) of this subsection, upon request to an institution, an extension of time may be granted to a faculty member from the requirement to post the selection of a college textbook or supplemental material prior to the selection being finalized.

(ii) The extension granted under subparagraph (i) of this paragraph shall be approved by the faculty Department Chair and the Dean or Division Head of the institution.

(iii) The extension shall include a written statement of explanation for the extension.

(iv) An institution shall post the written statement on its Web site instead of the selection, as appropriate.

(h) A public institution of higher education may not encourage or promote the creation or sale of college textbooks that consist of purely aesthetic changes to a prior edition of a college textbook such as a commemorative edition.

(i) This section may not be construed to supersede the institutional autonomy or academic freedom of faculty members involved in the selection of college textbooks and supplemental material.

§15–113.

(a) The Commission, in consultation with the public institutions of higher education in the State, shall develop and adopt guidelines on awarding academic credit for a student's military training, coursework, and education.

(b) In accordance with the guidelines developed by the Commission under subsection (a) of this section, the governing body of each public institution of higher education in the State shall develop and implement policies governing the awarding of academic credit for a student's military training, coursework, and education.

§15–114.

(a) In this section, "degree plan" means a statement of the course of study requirements that an undergraduate student enrolled in a public higher education institution must complete to graduate from the institution.

(b) Except as provided in subsection (c) of this section, each undergraduate student enrolled in a public senior higher education institution shall file a degree plan with the institution as soon as practicable but not later than by the completion of 45 credit hours of course work.

(c) Each undergraduate student who transfers to a public senior higher education institution with at least 45 credit hours of course work shall file a degree plan with the institution during the student's first semester at the institution.

(d) Each degree–seeking undergraduate student enrolled at a community college shall file a degree plan with the institution on entering the institution.

(e) A degree plan filed under this section shall:

(1) (i) Be developed in consultation with an academic advisor in the student's degree program; or

(ii) If an academic advisor is not available in the student's degree program, any academic advisor at the institution; and

(2) Follow a pathway to a degree as required under § 15–115 of this subtitle.

§15–115.

(a) Each public institution of higher education in the State shall:

(1) Develop a pathway system whereby public institutions of higher education establish graduation progress benchmarks for each academic major and for the general education program for students who have not declared a major;

(2) Require the pathway for each first–time degree–seeking student to include credit–bearing mathematics and English courses in the first 24 credit hours of courses; and

(3) Require the pathway for each degree–seeking student enrolled in a developmental course in mathematics, reading, or English to include the credit–bearing course in mathematics, reading, or English concurrent with or in the semester immediately following completion of the developmental course.

(b) (1) The benchmarks established in subsection (a)(1) of this section shall specify the credit and course criteria that indicate satisfactory progress toward a degree.

(2) Academic units shall establish schedules for regular periodic reviews of student progress.

(3) Students who are in danger of falling behind the program benchmarks shall be required to consult with an academic advisor before registration.

§15–116.

Each public senior higher education institution shall dedicate a portion of institutional financial aid to provide financial assistance to resident undergraduate students that transfer with an associate's degree from a community college in the State.

§15–117.

(a) (1) Except as provided in paragraph (2) of this subsection, the standard number of credits required for a baccalaureate degree from a public senior higher education institution is 120 credit hours.

(2) The standard number of credits required under paragraph (1) of this subsection does not apply if:

(i) The degree program is defined as a 5–year baccalaureate program;

(ii) Professional accreditation requires a higher number of credit hours or requires course work that cannot be completed in 120 credits; or

(iii) Certification requirements result in a need for credit hours in excess of 120.

(b) (1) Except as provided in paragraph (2) of this subsection, beginning with fall 2015, the standard number of credits required for an associate's degree from a public community college is 60 credit hours.

(2) The standard number of credits required under paragraph (1) of this subsection does not apply if:

(i) The degree program is defined as more than a 2–year associate's degree;

(ii) Professional accreditation requires a higher number of credit hours or requires course work that cannot be completed in 60 credits; or

(iii) Certification requirements result in a need for credit hours in excess of 60.

(c) The governing board of a public institution of higher education, in consultation with the Commission, may approve additional exceptions to the credit hour requirements under subsections (a) and (b) of this section.

§15–118.

(a) This section applies to a public senior higher education institution and a community college in the State.

(b) (1) Beginning in the 2014–2015 academic year, for all first–time, full–time undergraduate freshmen, an institution of higher education shall provide to the student information on the cost of higher education at the institution by completing and mailing or providing electronically, at a minimum, the information contained on the form known as the Financial Aid Shopping Sheet, as promulgated by the U.S.

Department of Education.

(2) The Financial Aid Shopping Sheet or the information contained on the Financial Aid Shopping Sheet shall be mailed or provided electronically to the student at the same time that an award of federal financial aid is mailed or provided electronically to the student.

§16–101.

(a) There is a board of community college trustees in each county that has one or more community colleges.

(b) (1) The governing body of any county that does not have a community college may request permission to establish one from the Maryland Higher Education Commission.

(2) On recommendation of the Commission, the Governor shall appoint a board of community college trustees for that county.

(c) Except as provided in Subtitle 4 of this title, each board is composed of seven members appointed by the Governor, with the advice and consent of the Senate.

(d) (1) Except as provided in Subtitle 4 of this title, each member serves for a term of 6 years from July 1 of the year the appointment is made and until a successor is appointed and qualifies. These terms are staggered, and of the initial appointments to a board, five shall be for terms of 1 to 5 years respectively, and two shall be for terms of 6 years.

(2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(3) A member may be reappointed.

§16–102.

(a) Each board of trustees:

(1) Shall elect one of its members as its chairman;

(2) Except as provided in § 16-105(g) of this subtitle, shall choose the president of one of the county community colleges to serve as secretary-treasurer of the board; and

(3) May elect any other officer it requires.

(b) Each board shall determine the time and place of its meetings and may adopt rules for the conduct of its meetings.

§16–103.

(a) In addition to the other powers granted and duties imposed by this title, and subject to the authority of the Maryland Higher Education Commission, each board of community college trustees has the powers and duties set forth in this section.

(b) With the approval of the Maryland Higher Education Commission, each board of trustees may establish and operate one or more community colleges.

(c) Each board of trustees shall exercise general control over the community college, keep separate records and minutes, and adopt reasonable rules, regulations, or bylaws to carry out the provisions of this subtitle.

(d) Each board of trustees may fix the salaries and tenure of the president, faculty, and other employees of the community college.

(e) Each board of trustees may purchase, lease, condemn, or otherwise acquire any property it considers necessary for the operation of the community college.

(f) (1) Each board of trustees may sell, lease, or otherwise dispose of community college assets or property.

(2) Except as provided in § 16-105(h) of this subtitle, the president of the community college and the chairman of the board of trustees may execute a conveyance or other legal document under an appropriate resolution of the board.

(g) Each board of trustees may:

(1) With the approval of the Commission, permit the county board of education to use the lands, buildings, or other facilities of the community college; and

(2) With the approval of the county board of education, use any land, buildings, assets, or other facilities of the county board of education.

(h) Each board of trustees may apply for and accept any gift or grant from the federal government or any other person.

(i) Subject to the minimum standards of the Commission, each board of trustees may determine entrance requirements and approve offerings that consist of:

(1) Transfer programs offering the equivalent of the first 2 years of a bachelor's degree program;

(2) Career programs offering technical, vocational, and semiprofessional education; and

(3) Continuing education programs.

(j) Each board of trustees may charge students reasonable tuition and fees set

by it with a view to making college education available to all qualified individuals at low cost.

(k) Each board of trustees may sue and be sued.

(l) Each board of trustees may make agreements with the federal government or any other person, including agreements between counties to support a regional community college, if the board considers the agreement advisable for the establishment or operation of the community college.

(m) Except as provided in § 16-105(i) of this subtitle, each board of trustees shall be styled "the board of trustees of ..... community (or junior) college".

(n) Each board of trustees may adopt a corporate seal.

§16–104.

(a) Except as provided in § 16–105 of this subtitle, each board of trustees shall appoint a president of each community college under its jurisdiction.

(b) The president:

(1) Shall report directly to the board of trustees;

(2) Shall recommend the appointment by the board of qualified faculty members and other employees necessary for the efficient administration of the community college;

(3) Shall recommend the discharge of employees for good cause; however, any employee with tenure shall be given reasonable notice of the grounds for dismissal and an opportunity to be heard;

(4) Is responsible for the conduct of the community college and for the administration and supervision of its departments; and

(5) Shall attend all meetings of the board, except those involving the president's personal position as president.

§16–105.

(a) Notwithstanding the provisions of § 16-104 of this subtitle, the provisions of this section shall apply only in Baltimore County.

(b) There is a Community College of Baltimore County consisting of the following three campuses:

(1) The Catonsville Campus;

(2) The Dundalk Campus; and

(3) The Essex Campus.

(c) The Board of Trustees for Baltimore County shall appoint a President of the Community College of Baltimore County who shall serve at the pleasure of the Board.

(d) The President:

(1) Shall report directly to the Board of Trustees;

(2) Shall recommend the appointment by the Board of qualified faculty members and other employees necessary for the efficient administration of the Community College of Baltimore County;

(3) Shall recommend the discharge of employees for good cause; however, any employee with tenure shall be given reasonable notice of the grounds for dismissal and an opportunity to be heard;

(4) Is responsible for the administration and supervision of the administrators, employees, and departments of the campuses of the Community College of Baltimore County in accordance with the policy manual of the Community College of Baltimore County as adopted from time to time by the Board of Trustees; and

(5) Shall attend all meetings of the Board, except those involving the President's personal position.

(e) Upon the recommendation of the President, the Board of Trustees may appoint a vice president, provost, and administrator of each campus under its jurisdiction.

(f) The vice presidents, provosts, and administrators of each campus shall report directly to the President.

(g) Notwithstanding the provisions of § 16-102(a)(2) of this subtitle, the Board of Trustees may choose the President to serve as Secretary-Treasurer of the Board.

(h) (1) Notwithstanding the provisions of § 16-103(f)(2) of this subtitle, the Board of Trustees may, by resolution, authorize the President to sign legal documents on behalf of the Board of Trustees including documents related to the disposition of assets or property of the community college.

(2) The resolution may:

(i) Authorize the President to delegate the authority given to the President under paragraph (1) of this subsection to designees that the Board of Trustees considers appropriate; and

(ii) Limit the type of legal documents that the President may

delegate to a designee for signature.

(i) Notwithstanding the provisions of § 16-103(m) of this subtitle, the Board of Trustees shall be styled "the Board of Trustees of the Community College of Baltimore County".

§16–106.

(a) Any full-time classified employee of a community college who enrolls, during his nonworking hours, in any class at the community college that has at least 10 regularly enrolled students:

(1) Is exempt from payment of tuition; and

(2) May not be counted in computing full-time equivalent enrollment at the community college under § 16-305 of this title.

(b) (1) (i) In this subsection, "tuition" means the basic instructional charge for courses offered at a community college.

(ii) "Tuition" does not include:

1. Any fees or costs associated with a self-supporting program; or

2. Any fees for:

A. Registration;

B. Application;

C. Administration; or

D. Laboratory work.

(2) Except as provided in paragraph (3) of this subsection, any resident of this State who is 60 years old or older and who enrolls in any class, which is eligible under § 16-305 of this title for State support, at the community college:

(i) Shall be exempt from payment of tuition; and

(ii) Shall be counted in computing full-time equivalent enrollment under § 16-305 of this title if enrolled in any class that is eligible for State support.

(3) A community college is required to waive the tuition for a course for senior citizens under this subsection only when course space is available.

(4) This subsection may not be construed to prohibit a community college board of trustees from offering senior citizens other educational opportunities free of

charge, provided that the senior citizen is not counted in computing full-time equivalent enrollment for the purpose of receiving State support.

(c) (1) Any resident of this State who is out of the work force by reason of total and permanent disability who enrolls at a community college in a class that has at least 10 regularly enrolled students:

(i) Is exempt from payment of tuition:

1. For up to 6 credits per semester or up to 12 credits per semester if the individual is enrolled in classes as part of a degree or a certificate program designed to lead to employment; or

2. For continuing education instruction designed to lead to employment, including life skills instruction; and

(ii) Shall be counted in computing full–time equivalent enrollment under § 16–305 of this title.

(2) In order to receive this exemption, an individual who meets the requirements of paragraph (1) of this subsection shall provide the community college with certification from the Social Security Administration, the Railroad Retirement Board, or in the case of a former federal employee, from the individual's federal retirement or pension authority of the individual's:

(i) Total and permanent disability; and

(ii) Receipt of disability or retirement benefits based on a standard that is at least as stringent as the standard applied by the Social Security Act.

(3) Certification from the Social Security Administration of an individual's receipt of disability or retirement benefits under either Title II or Title XVI of the federal Social Security Act shall satisfy the requirement in paragraph (2)(ii) of this subsection.

(4) (i) In order to receive this exemption, an individual who meets the requirements of paragraph (1) of this subsection and is enrolled in a degree or certificate program shall submit a timely application for any State or federal student financial aid, other than a student loan, for which the student may qualify.

(ii) Any student financial aid, other than a student loan, received by the student shall be applied first to pay the student's tuition.

(iii) Under this exemption, the waiver shall apply to the difference, if any, between the charge for tuition and the financial aid award, not including a student loan, that the student receives.

(iv) On request, the community college shall assist any individual

required to submit an application for State or federal student financial aid under this paragraph.

(d) (1) For purposes of this subsection, "displaced homemaker" is an individual who:

(i) Is 30 years of age or older;

(ii) Has worked for the family in the family home;

(iii) Is not gainfully employed;

(iv) Has had, or would have, difficulty finding employment;

(v) 1. Has depended on the income of a family member and has lost that income as the result of separation, divorce, or the death or disability of that family member; or

2. Has depended on government assistance as the parent of dependent children and is no longer eligible for such assistance; and

(vi) Has an annual income that does not exceed:

1. The federal Office of Management and Budget poverty income guidelines; or

2. The United States Department of Labor, Bureau of Labor Statistics, 70 percent lower living standard income level.

(2) (i) Any resident of this State who is a displaced homemaker and who enrolls in any class which is eligible under § 16–305 of this title for State support at the community college:

1. Shall be exempt from payment of tuition; and

2. Shall be counted in computing full–time equivalent enrollment under § 16–305 of this title if enrolled in any class that is eligible for State support.

(ii) The exemption of tuition under this section is contingent on the availability of funds under the federal Workforce Investment Act.

(3) The Department of Labor, Licensing, and Regulation shall coordinate funds for this Displaced Homemakers Program according to the provisions of Title II of the federal Workforce Investment Act, with the funds to be provided by service delivery areas.

(4) The Secretary of Higher Education shall:

(i) Allocate a minimum of 200 positions for the Displaced Homemakers Program among the community colleges of the State that are located in geographic areas that have been designated by the Governor as service delivery areas in accordance with Section 101 of the federal Workforce Investment Act; and

(ii) Base the allocation of positions on the number of displaced homemakers in the service delivery area.

§16–107.

(a) Each board of trustees may carry comprehensive liability insurance to protect the board, its agents and employees, and the agents and employees of any community college under its jurisdiction. The purchase of the insurance is for an educational purpose and is a valid educational expense.

(b) The Commission may adopt standards for the policies, including a minimum liability coverage which may not be less than $100,000 per occurrence. Any policy purchased after the adoption of these standards shall conform to them.

(c) Each board of trustees complies with this section if it is self-insured, for at least $100,000 and not more than $500,000 per occurrence, under the rules and regulations of the State Insurance Commissioner.

(d) This section does not prevent any board of trustees, on its own behalf, from raising the defense of sovereign immunity described under § 5-519 of the Courts and Judicial Proceedings Article.

§16–108.

(a) (1) A board of trustees may submit to the Commission a request for proposals for the offering of a baccalaureate degree program not currently offered in the region.

(2) The Commission shall distribute the request for proposals to public senior higher education institutions and private nonprofit institutions of higher education.

(b) Before submitting a request for proposals under subsection (a) of this section, the board of trustees shall:

(1) Seek input from students, workforce development councils, and other civic, educational, community, and business groups when assessing the educational needs of the region;

(2) Determine the regional or statewide need for graduates of each program for which a request for proposals is submitted;

(3) Identify the enrollment patterns, special characteristics of students,

and other unique circumstances that would require a program to be offered in a particular manner; and

(4) Determine that the degree program is necessary to meet the academic and economic development needs of the region or State.

(c) (1) The board of trustees may submit the request for proposals to out–of–state senior higher education institutions and for–profit institutions of higher education if none of the senior higher education institutions in the State submit an acceptable response to the request for proposals submitted under subsection (a) of this section.

(2) Notwithstanding § 11–206(b)(2)(ii) of this article, before offering a degree program that is the subject of the request for proposals, an out–of–state senior higher education institution or for–profit institution of higher education shall seek the approval of the Commission under Title 11, Subtitle 2 of this article.

(d) The Commission shall adopt regulations to implement the requirements of this section.

§16–201.

The provisions of this title apply to any regional community college, unless the context requires otherwise.

§16–202.

(a) (1) Two or more counties may agree to establish a region and to support a regional community college.

(2) The Commission may authorize a regional community college for the region.

(b) (1) In this subsection, "county board of community college trustees" means:

(i) The board of community college trustees, if any; or

(ii) The county board of education in any county that does not have a board of community college trustees.

(2) Except as otherwise provided in this subsection, the county boards of community college trustees for each county in a region constitute the board of regional community college trustees.

(3) If the counties in a region have different numbers of members on their county board of community college trustees, each county board of community college trustees shall elect, to serve as regional community college trustees, the number of its

members equal to the number of members on the smallest board of community college trustees in the region.

(4) A board of regional community college trustees:

(i) May not have more than 12 members; and

(ii) Shall have an equal number of members from each county in the region.

(5) If requested to do so by a county government, the Governor shall appoint the regional community college trustees from that county.

(6) The county superintendent of each county in the region is, ex officio, a member of the board of regional community college trustees, and shall attend meetings but may not vote.

(7) Each board of regional community college trustees shall:

(i) Elect one of its members as its chairman;

(ii) Designate the president of the regional community college as its secretary-treasurer; and

(iii) Determine the time and place of its meetings and may adopt rules for the conduct of its meetings.

(c) Any board of regional community college trustees established under subsection (b) of this section may request the Governor to appoint a new board.

(d) (1) After a request is made, the Governor, with the advice and consent of the Senate, shall appoint seven individuals to the new board.

(2) The initial members shall be appointed as provided in § 16-101 of this title.

§16–203.

(a) The Commission shall determine and certify the amount that each county that supports a regional community college shall pay as its share of the "county share" required by § 16-305 of this title. The amount shall be determined by applying to the total county share the ratio that the number of full-time equivalent students from the county who attend the regional community college bears to the total number of full-time students who attend the regional community college from all counties that support the regional community college.

(b) Each county that supports a regional community college shall bear as its share of any borrowing for the regional community college the amount that results from

applying to the total amount of the borrowing the ratio that the county's population, as determined by the Department of Health and Mental Hygiene, bears to the total population of all the counties that support the regional community college.

§16–301.

(a) Each year, the board of trustees and the president of each community college shall prepare and submit to the county governing body or, in the case of a regional community college, the county governing body of each county that supports the regional community college:

(1) An operating budget;

(2) A capital budget; and

(3) If required by local law, charter, or regulation, a long-term capital improvement program.

(b) The operating budget shall show:

(1) All revenues estimated for the next fiscal year classified by funds and sources of income, including:

(i) Any funds from federal, State, and local sources; and

(ii) Any surpluses;

(2) All expenditures requested, including the major functions listed under § 16-304(b); and

(3) Any other information or supporting data required by the county governing body.

(c) The capital budget and any long-term capital improvement program shall contain a statement of all capital revenues and expenditures.

(d) The capital and operating budgets shall be prepared and considered in accordance with county fiscal procedures not inconsistent with State law.

(e) The county governing body shall review and approve the budget of the community college and may reduce it.

(f) (1) The county governing bodies of the counties that support a regional community college jointly shall review the budget of the regional community college and may reduce it.

(2) Approval of the budget by a majority of the counties that support a regional community college constitutes approval of the budget and binds all the counties.

(g) (1) The budget of each community college, as approved by the county governing body under this section shall be submitted to the Commission for informational purposes.

(2) Proposals for capital projects shall be submitted to the Department of Budget and Management through the Commission.

§16–302.

(a) Notwithstanding any other provisions of this subtitle, and subject to funds being appropriated, the Board of Community College Trustees for Allegany County, Anne Arundel County, Baltimore County, Carroll County, Cecil County, the College of Southern Maryland, Chesapeake College, Frederick County, Garrett County, Hagerstown Community College, Harford County, Howard County, Montgomery County, Prince George's County, or Wor–Wic Community College may borrow money to acquire an interest in personal property, including fixtures, for the operation of the community college, on terms and conditions that the Board of Trustees considers proper.

(b) A borrowing under this section may be secured by the personal property acquired or revenues derived from the property.

(c) All multiyear financing agreements reflecting borrowing under this section shall be subject to cancellation by the Board of Trustees at the end of a fiscal year if sufficient funds are not appropriated to fund the agreement in subsequent years.

(d) (1) Borrowing under this section does not create or constitute a debt or obligation of the State or any political subdivision of the State other than a community college.

(2) Borrowing under this section does not constitute a debt or obligation of the General Assembly or pledge the faith and credit of the State within the meaning of Article III, § 34 of the Maryland Constitution.

(e) (1) This subsection does not apply to the Board of Community College Trustees for Garrett County.

(2) (i) Borrowing under this section shall be for the use of financing intermediate term lease purchasing agreements.

(ii) The term of any lease purchase agreement entered into under this section may not exceed the estimated life of the equipment subject to the financing agreement.

(f) (1) The Board of Community College Trustees for Garrett County may enter into a lease purchase agreement if the lease purchase agreement is consistent with the provisions of this section.

(2) The term of any lease purchase agreement entered into by the Board of Community College Trustees for Garrett County may not exceed the estimated life of the equipment subject to the financing agreement.

§16–302.1.

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

(2) "Authority" means the Maryland Health and Higher Educational Facilities Authority established under Title 10, Subtitle 3 of the Economic Development Article.

(3) "Board" means:

(i) A board of community college trustees established under § 16–101 of this title;

(ii) A board of regional community college trustees established under § 16–202 of this title;

(iii) The Board of Trustees of the Baltimore City Community College established under § 16–504 of this title; and

(iv) The Board of Trustees of the College of Southern Maryland established under § 16–604 of this title.

(4) "Cost" means the cost of:

(i) Acquisition of a project or any interest in a project;

(ii) Installation of a project, including any demolition, construction, reconstruction, or renovation directly related to a project;

(iii) Financing charges associated with a project;

(iv) Interest before and during acquisition of a project and, if deemed advisable by the board, for a period of up to 1 year after completion of acquisition of a project;

(v) Interest and reserves for principal and interest and for maintenance and repair of a project;

(vi) Architectural, engineering, financial, and legal services associated with a project;

(vii) Plans, specifications, studies, surveys, and estimates of costs and revenues for a project;

(viii) Administrative expenses necessary or incident to determining

the feasibility or practicability of a project; and

(ix) Other expenses that are necessary or incident to the acquisition of a project, the financing or refinancing of the acquisition of a project, and the placing of a project in operation.

(5) "Governing body" means:

(i) The county council of a county with a charter form of government established under Article XI–A of the Maryland Constitution; or

(ii) The board of county commissioners of any other county.

(6) "Note" means a note, bond, lease, purchase agreement, or other evidence of obligation.

(7) (i) "Project" means equipment, machinery, and other personal property, whether or not in the nature of fixtures, essential or convenient for the operation of a community college.

(ii) "Project" includes licenses and other rights acquired by a board for the use of equipment, machinery, and other personal property described in subparagraph (i) of this paragraph.

(b) A board may finance or refinance the costs of a project by entering into an agreement with the Authority that is evidenced by a note or notes issued by the board if, prior to the issuance of any note, the board and the governing body of each county that supports a community college governed by the board adopts a resolution that meets the requirements of subsection (c) of this section.

(c) (1) Prior to the issuance of any note under this section, a board and the governing body of each county that supports a community college governed by the board shall each adopt a resolution that authorizes the board to finance or refinance the costs of a project by entering into an agreement with the Authority.

(2) The resolution shall:

(i) Generally describe the project to be financed or refinanced;

(ii) Specify the maximum aggregate principal amount of any note issued pursuant to the agreement; and

(iii) Impose any terms or conditions on the issuance of a note that the board or governing body deems appropriate.

(3) A resolution adopted under this subsection is administrative in nature and not subject to:

(i) Procedures required for legislative acts; or

(ii) Referendum.

(d) (1) A board may enter into any agreement necessary or appropriate in connection with the issuance of any note, including an agreement to provide:

(i) Additional credit or liquidity support for a note or a bond issued by the Authority on its behalf; and

(ii) A fixed interest rate or maximum interest rate for a variable rate note or a bond issued by the Authority on its behalf.

(2) If the board enters into an agreement authorized under paragraph (1) of this subsection, the agreement may include provisions that:

(i) Grant a security interest in a project for which a note is issued or pledge all or part of the fees, charges, and other revenues received from or in connection with a project to the payment of a note;

(ii) Allow for the investment and reinvestment of the proceeds of a note until the proceeds are used for the purposes for which the note was issued;

(iii) Govern the disposition of any excess proceeds and the investment earnings on any excess proceeds; and

(iv) Require that the board operate and maintain all or a portion of the project regardless of whether the fees, charges, and other revenues received from or in connection with the project are sufficient to cover the cost of operating or maintaining all or a portion of the project.

(e) (1) The board shall specify or authorize the chairman or other member of the board to specify:

(i) The principal amount of a note;

(ii) The rate or rates of interest payable on a note or the method of determining the rate or rates of interest payable on a note;

(iii) Subject to paragraph (2) of this subsection, the date of maturity of a note, the payment provisions of a note, and the optional and mandatory prepayment provisions of a note, including any mandatory sinking fund installments for the note; and

(iv) Other matters, details, forms, documents, and procedures relating to the authorization, issuance, execution, sale, delivery, and payment of a note and the security for a note.

(2) The date of maturity for a note may not exceed the useful life of the project for which the note is issued.

(f) (1) A note shall be executed on behalf of the board by the manual or facsimile signature of the chairman of the board or other member of the board authorized by resolution of the board.

(2) If the individual whose signature or countersignature appears on a note ceases to be a member of the board before delivery of the note, the individual's signature or countersignature shall be valid and sufficient for all purposes the same as if the individual had remained a member of the board until delivery.

(g) The principal amount of a note, the interest payable on a note, the transfer of a note, and any income derived from the transfer of a note, including any profit made on the sale or transfer of a note, shall be exempt from taxation by the State and any county or municipality in the State.

(h) A note issued under this section does not create or constitute a debt or obligation of the State or any county or municipality in the State and does not constitute a debt or obligation of the General Assembly or pledge the faith and credit of the State within the meaning of Article III, § 34 of the Maryland Constitution.

(i) If requested by the Authority, the State Comptroller shall withhold from any installment due the board from the State's General Fund appropriation moneys for deposit to the credit of a sinking fund maintained to pay a note in an amount up to the total amount payable on the note and any agreements entered into in accordance with this section in the current fiscal year and the next succeeding fiscal year.

(j) This section provides additional, alternative, and supplemental authority in relation to powers conferred upon a board under any other existing law and may not be regarded as in derogation of or as a limitation to any existing power of a board.

§16–303.

(a) Notwithstanding any other provision of law, a lease purchase agreement entered into by the Board of Community College Trustees for Howard County, Montgomery County, or Prince George's County prior to October 1, 1992 shall be deemed authorized under § 16-302 of this subtitle, if the lease purchase agreement satisfies the requirements of § 16-302 of this subtitle.

(b) Notwithstanding any other provision of law, a lease purchase agreement entered into by the Board of Community College Trustees for Allegany County, Anne Arundel County, Baltimore County, Carroll County, Cecil County, or Frederick County or the Board of Trustees of Chesapeake College before June 1, 1997 shall be deemed authorized under § 16-302 of this subtitle, if the lease purchase agreement satisfies the requirements of § 16-302 of this subtitle.

§16–304.

(a) Each county governing body may appropriate money to pay the cost of establishing and operating a community college or regional community college.

(b) (1) The county governing body shall make appropriations by major functions established by the Commission.

(2) The major functions established by the Commission shall conform generally to those contained in the then-current College and University Industry Audit Guide issued by the American Institute of Certified Public Accountants.

(c) (1) A community college may not spend more on any major function than the amount appropriated for it.

(2) (i) Transfers of appropriations between major functions shall be submitted in writing and approved by the county governing body before they are made, and if the county governing body fails to act on a request for a transfer within 30 days, the request automatically is approved as requested; and

(ii) Except in Baltimore City, where the provisions of the city charter govern, transfers of appropriations within a major function may be made at the direction of the board of trustees and the county governing body shall be notified within 30 days of the transfer.

(d) Each county governing body may borrow money to purchase land and construct capital improvements for a community college. Money may be borrowed on terms and conditions the county governing body considers proper, subject to any requirements of local law applicable to the creation of public debt.

(e) (1) Except in Baltimore City and Anne Arundel County, where the provisions of the appropriate charter govern, each county governing body may appropriate money to establish a reserve fund for future plant maintenance and repair at a community college.

(2) If a reserve fund for future plant maintenance and repair is established, it shall be treated as an additional major function for the purposes of this section.

(3) Expenditures from the reserve fund for maintenance and repair may not be made unless approved in the same manner as the budget of the community college is approved.

(4) Funds appropriated under this subsection may not be considered "current expenses" for purposes of § 16-305(c)(2) of this subtitle.

§16–305.

(a) The formula used for the distribution of funds to the community colleges in the State shall be known as the Senator John A. Cade Funding Formula.

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

(2) "Assessed valuation of real property" means assessed valuation of real property as determined for purposes of the State aid calculated under § 5–202 of this article.

(3) "Board" means:

(i) In a county that has one or more community colleges, the board of community college trustees for the county; or

(ii) Where two or more counties establish a region to support a regional community college, the board of regional community college trustees.

(4) "Community college" means a community college established under this title but does not include Baltimore City Community College.

(5) "County share" means the total amount of money for operating funds to be provided each fiscal year to a board by the county that supports the community college or colleges or, in the case of a regional community college, the total amount of money for operating funds to be provided each fiscal year to the board by all counties that support the regional community college.

(6) "Direct grants" means the sum of the following components of the State share:

(i) Fixed costs;

(ii) Marginal costs; and

(iii) Size factor.

(7) "Full–time equivalent student" is the quotient of the number of student credit hours produced in the fiscal year 2 years prior to the fiscal year for which the State share is calculated divided by 30, as certified by the Maryland Higher Education Commission.

(8) "Population" means population as determined for purposes of calculating the State share of the library program using the definition in § 23–501 of this article.

(9) "Region" means the counties supporting a regional community college established under Subtitle 2 of this title.

(10) "Small community college" means:

(i) Allegany College of Maryland;

(ii) Garrett College;

(iii) Hagerstown Community College;

(iv) Carroll Community College;

(v) Cecil Community College;

(vi) Chesapeake College; or

(vii) Wor–Wic Community College.

(11) "State share" means the amount of money for community college operating funds to be provided each fiscal year to a board by the State.

(12) "Student credit hours" means student credit hours or contact hours which are eligible, under the regulations issued by the Maryland Higher Education Commission, for inclusion in State funding calculations.

(13) "Total State operating fund" means the sum of community college State appropriations for direct grants.

(c) (1) (i) Except as provided in subparagraphs (iii), (iv), and (v) of this paragraph, the total State operating fund per full–time equivalent student to the community colleges for each fiscal year as requested by the Governor shall be:

1. In fiscal year 2009, not less than an amount equal to 26.25% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

2. In fiscal year 2010, not less than an amount equal to 23.6% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

3. In fiscal year 2011, not less than an amount equal to 21.8% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

4. In fiscal year 2012, not less than an amount equal to 20% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

5. In fiscal year 2014, an amount that is the greater of 19.7% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year or $1,839.47 per full–time equivalent student;

6. In fiscal year 2015, an amount that is the greater of 19.7% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year or $1,839.47 per full–time equivalent student;

7. In fiscal year 2017, not less than an amount equal to 20.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

8. In fiscal year 2018, not less than an amount equal to 21.0% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

9. In fiscal year 2019, not less than an amount equal to 22.0% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

10. In fiscal year 2020, not less than an amount equal to 23% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

11. In fiscal year 2021, not less than an amount equal to 25% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

12. In fiscal year 2022, not less than an amount equal to 27% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year; and

13. In fiscal year 2023 and each fiscal year thereafter, not less than an amount equal to 29% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year.

(ii) For purposes of this subsection, the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State for a fiscal year shall include noncapital appropriations from the Higher Education Investment Fund.

(iii) Notwithstanding the provisions of subparagraph (i) of this paragraph, the total State operating funds to be distributed under this subsection to the community colleges for each of fiscal years 2011 and 2012 shall be $194,407,432.

(iv) In fiscal year 2013, the total State operating funds for community colleges shall be $199,176,114, to be distributed as follows:

1. Allegany College..... $4,773,622;

2. Anne Arundel Community College $27,235,329;

3. Community College of Baltimore County..... $34,398,366;

4. Carroll Community College..... $6,851,515;

5. Cecil Community College $4,645,751;

6. College of Southern Maryland..... $10,902,580;

7. Chesapeake College $5,675,815;

8. Frederick Community College..... $8,145,648;

9. Garrett College..... $2,246,709;

10. Hagerstown Community College..... $6,965,064;

11. Harford Community College $9,990,806;

12. Howard Community College $12,584,485;

13. Montgomery College $35,998,553;

14. Prince George's Community College..... $22,013,074; and

15. Wor–Wic Community College..... $6,748,796.

(v) In fiscal year 2016, the total State operating funds for community colleges shall be $222,744,620, to be distributed as follows:

1. Allegany College..... $4,850,443;

2. Anne Arundel Community College. $28,715,483;

3. Community College of Baltimore County.. ..... $38,637,668;

4. Carroll Community College..... $7,345,653;

5. Cecil Community College $5,108,064;

6. College of Southern Maryland..... $13,017,885;

7. Chesapeake College $6,142,473;

8. Frederick Community College..... $8,975,284;

9. Garrett College..... $2,561,002;

10. Hagerstown Community College..... $7,620,412;

11. Harford Community College $10,865,634;

12. Howard Community College $15,723,055;

13. Montgomery College $40,000,786;

14. Prince George's Community College..... $26,072,537; and

15. Wor–Wic Community College..... $7,108,241.

(2) The State share shall be distributed to each board and shall be limited by the provisions of subsection (d) of this section.

(3) Subject to subsection (d) of this section, the total State share for each board shall be the sum of:

(i) The fixed costs component;

(ii) The marginal costs component;

(iii) The size factor component; and

(iv) A hold harmless component.

(4) (i) The funds available for the fixed costs component shall be a set percentage of the year's total State operating fund as follows:

1. For fiscal year 1998, 36% of total funding;

2. For fiscal year 1999, 37% of total funding; and

3. For fiscal year 2000 and each fiscal year thereafter, 38% of total funding.

(ii) The funds available for the fixed costs component shall be divided and distributed to the community colleges in the same proportion in which the direct grants were distributed in the prior fiscal year.

(5) (i) For each board, the marginal costs component shall be the product of the dollar amount per full–time equivalent student multiplied by the number of full–time equivalent students at the board's community college or colleges.

(ii) The dollar amount per full–time equivalent student shall be calculated by dividing 60% of the total State operating fund for the fiscal year by the total number of full–time equivalent students at community colleges statewide.

(iii) In determining the marginal costs component for a board, the number of full–time equivalent students at all campuses and colleges operated by the board shall be added together.

(6) (i) The size factor component shall be 2% of the year's total State operating fund.

(ii) Except as provided in subparagraph (iii) of this paragraph, the funds available for the size factor component shall be divided and distributed equally to each board that operates a community college or colleges at which the total number of full–time equivalent students is less than or equal to 80% of the statewide median.

(iii) 1. Beginning with the first fiscal year that a board no longer meets the eligibility requirements under subparagraph (ii) of this paragraph, the board shall continue to receive a percentage of the size factor component that the board received in the last fiscal year for which the board was eligible, as follows:

A. 80% for the first fiscal year;

B. 60% for the second fiscal year;

C. 40% for the third fiscal year;

D. 20% for the fourth fiscal year; and

E. 0% for the fifth and each subsequent fiscal year.

2. The distributions required under subparagraph (ii) of this paragraph shall be made from the remaining funds available for the size factor component after any distributions required under this subparagraph.

(iv) In determining the eligibility of a board for a size factor component, the number of full–time equivalent students at all campuses and colleges operated by the board shall be added together.

(7) (i) A board shall be eligible for a hold harmless component beginning in fiscal year 1998 if the sum of the board's fixed costs, marginal costs, and size factor components for the fiscal year is less than the board's total State share in the prior fiscal year.

(ii) The hold harmless component amount shall be determined by subtracting the sum of an eligible board's fixed costs, marginal costs, and size factor components for the fiscal year from the board's total State share for the prior fiscal year.

(8) Any employer Social Security contributions required by federal law for any employee of a board of community college trustees shall remain the obligation of the employer.

(9) The State contribution to retirement and fringe benefit costs is not included in the calculations of amounts under this subsection.

(d) In each fiscal year, in order for a board to receive an increase in the State share of support or a hold harmless component amount, the county share, in the aggregate, that supports the community college or colleges shall equal or exceed the aggregate amount of operating fund appropriations made to the board by the county or all of the counties supporting the college in the previous fiscal year.

(e) (1) (i) Beginning in fiscal year 1996, a grant in the amount provided in paragraph (2) of this subsection shall be distributed to each board in order to provide instruction and services to students enrolled in an English for Speakers of Other Languages ("ESOL") program.

(ii) To qualify for a grant under this subsection, each participant in the program shall be a student:

1. Born outside of the United States or whose native language is not English;

2. Who comes from an environment where a language other than English is dominant; or

3. Who is an American Indian or Alaskan native and comes from an environment where a language other than English has had a significant impact on the student's level of English language proficiency.

(2) (i) Subject to the provisions of subparagraph (ii) of this paragraph, the amount of the grant shall be $800 times the number of qualified full–time equivalent students who are enrolled in a county ESOL program and at the community college.

(ii) 1. The total amount of the grants under this paragraph may not exceed $8,000,000 for any fiscal year.

2. If, for any fiscal year, the total amount of the grants calculated under subparagraph (i) of this paragraph would exceed $8,000,000, then each grant shall be prorated by the amount necessary to reduce the total amount of the grants to $8,000,000.

(3) (i) If the amount that is appropriated to a board under this subsection for any fiscal year is more than the actual cost of providing ESOL programs to students enrolled at the community college in that county or region, the excess funds shall be paid back to the State and credited to the General Fund of the State.

(ii) A board may not transfer State funds received under this subsection to any other program or category.

(4) Subject to the provisions of paragraph (2) of this subsection, for any fiscal year in which the State appropriation is insufficient to fully fund all grants eligible under this section, the Governor shall include in the budget bill for the following fiscal year a deficiency appropriation to fund all unfunded grants.

(f) (1) Beginning in fiscal year 2003, unrestricted grants in the amounts specified in paragraphs (2) and (3) of this subsection shall be distributed to the board of each small community college.

(2) Subject to paragraph (4) of this subsection, the unrestricted grants shall be distributed as follows:

(i) $500,000 to Allegany College of Maryland;

(ii) $500,000 to Garrett College;

(iii) $500,000 to Hagerstown Community College;

(iv) $250,000 to Carroll Community College;

(v) $250,000 to Cecil Community College;

(vi) $250,000 to Chesapeake College; and

(vii) $250,000 to Wor–Wic Community College.

(3) In addition to the amounts specified in paragraph (2) of this

subsection, the boards of Allegany College of Maryland and Garrett College shall receive the following unrestricted grants:

(i) $360,000 to Allegany College of Maryland; and

(ii) $240,000 to Garrett College.

(4) The grant amounts specified in paragraph (2) of this subsection shall increase in fiscal year 2004 and each fiscal year thereafter by the same percentage as the percentage increase in funding per full–time equivalent student to the 4–year public institutions of higher education in the State, as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in that fiscal year.

§16–306.

(a) (1) Subject to paragraph (2) of this subsection, a public junior or community college shall reimburse the State annually for the employer contributions made by the State for an employee who:

(i) Is a member of the Teachers' Retirement System or the Teachers' Pension System under Division II of the State Personnel and Pensions Article; and

(ii) Is receiving a salary funded by a source other than State or local aid.

(2) To the extent that an employee's salary is funded in part by sources other than State or local aid, the public junior or community college shall reimburse the State a pro rata share of the State's payment based on the percentage of the employee's salary funded by a source other than State or local aid.

(b) (1) To ensure that the public junior or community college is properly reimbursing the State as provided under subsection (a) of this section, the Commission or, at the Commission's request, a public junior or community college may at any time examine the records of public junior or community colleges to determine whether the State's payments for retirement contributions for employees of the public junior or community colleges are in accordance with the provisions of Division II of the State Personnel and Pensions Article.

(2) An audit conducted under paragraph (1) of this subsection may be:

(i) Included with an existing annual financial audit as a supplemental part and tested independently;

(ii) Conducted in conjunction with a supplemental federally mandated single audit of federal financial assistance programs and tested independently; or

(iii) Conducted as a separate independent audit.

(c) (1) (i) If an examination of the records of a public junior or community college shows that the State has paid more than is required under Division II of the State Personnel and Pensions Article, within 30 days after the date of the notice to the junior or community college of the State overpayment, the junior or community college may appeal the notice of State overpayment to the Secretary of Budget and Management who shall appoint a hearing examiner.

(ii) The hearing examiner shall make recommendations to the Secretary of Budget and Management who shall make a final determination regarding the amount, if any, of the State overpayment.

(2) If a public junior or community college does not appeal to the Secretary of Budget and Management or if the Secretary of Budget and Management determines that the State is due reimbursement for excess payments, as provided in paragraph (1) of this subsection, at the request of the Commission the moneys owed shall be deducted from any other State funds that would otherwise be paid to the public junior or community college.

(3) For purposes of the Administrative Procedure Act, an appeal taken under this section is not a contested case.

(d) (1) Any reimbursements under subsection (a) of this section:

(i) Shall be applied first to the cost of any audit or portion of any audit relating to subsection (a) of this section to reimburse either the Commission or the public junior or community college for the expenses of the audits; and

(ii) After reimbursement to the Commission or the public junior or community college under item (i) of this paragraph, shall be credited to the General Fund.

(2) If an audit under this section is performed by a public junior or community college, before the public junior or community college is reimbursed under paragraph (1)(i) of this subsection, the public junior or community college shall provide documentation to the Commission that the incremental costs of the audit incurred by the public junior or community college are reasonable.

§16–307.

The Commission shall submit a budget request to the Governor on or before October 10 of each year calculated by using the formulas in § 16-305 of this subtitle.

§16–308.

(a) Each year, the Commission shall certify to the State Comptroller:

(1) On or before July 31 and November 30 one-fourth of the amount it calculates to be the State share under § 16-305 of this subtitle for each board of trustees;

(2) On or before March 31 one-half of the amount it calculates to be the State share under § 16-305 of this subtitle for each board of trustees; and

(3) After the annual audit of each community college, any discrepancy between the payments made and the actual State share under § 16-305 of this subtitle for the preceding fiscal year, which shall be compensated for in the November payment.

(b) Within 5 days after the State Comptroller receives a certification from the Commission, the State Comptroller shall draw a warrant on the State Treasurer for the amount due each board of trustees. The State Treasurer immediately shall pay the amount due to the board of trustees of the community college.

§16–309.

(a) The Commission shall certify to the treasurer of each county:

(1) On or before September 30 and March 31 of each year, one half of the amount it estimates to be the county's share under § 16-305 of this subtitle; and

(2) After the annual audit of each community college, any discrepancy between the payments made and the actual amount of the county's share under § 16-305 of this subtitle for the preceding fiscal year, which shall be compensated for during the fiscal year.

(b) (1) Except as provided in paragraph (2) of this subsection, within 5 days after it receives a certification from the Commission, the county shall pay the amount due to the board of trustees of the community college.

(2) The board of trustees of a community college and the governing body of a county may agree in writing to a payment schedule for the county's share under § 16-305 of this subtitle. If, prior to the 5th day after receiving notification from the Commission, there is a payment schedule agreed to in accordance with this paragraph, the county shall make payments in accordance with that schedule. If a county fails to make a payment in accordance with the schedule, all amounts certified by the Commission but not yet paid by a county shall become due and payable immediately.

§16–310.

(a) (1) Subject to paragraphs (2), (3), (4), (5), and (6) of this subsection and subsection (f) of this section, any student who attends a community college in this State and is not a resident of this State shall pay, in addition to the student tuition and fees payable by a county resident, an out–of–state fee, at least equal to:

(i) 60% of the county share per full–time equivalent student as determined under § 16–305 of this subtitle; and

(ii) The marginal cost component of the State share per full–time equivalent student as determined under § 16–305(c)(5) of this subtitle.

(2) (i) A resident of the state of West Virginia who attends Garrett College under a negotiated reciprocity agreement between the states of Maryland and West Virginia is an in–county resident for tuition purposes.

(ii) For each full–time equivalent student participating in the reciprocity agreement, the State shall pay to Garrett College an amount equal to the net State support per full–time equivalent student as provided in § 16–305 of this subtitle. For any fiscal year, if State appropriations for reimbursement of any reciprocity agreements under this paragraph do not provide sufficient funds to fully reimburse the college, the Governor shall include in the budget bill for the next fiscal year a deficiency appropriation to provide the additional funds to fully reimburse the college.

(iii) The Commission may make payments to effectuate the provisions of this paragraph from funds specifically appropriated for this purpose as provided in the State budget or any supplemental budget request.

(iv) The payments authorized by this paragraph are in addition to the State operating fund to community colleges authorized in § 16–305(c) of this subtitle.

(3) (i) Any student attending a community college in this State who is not a resident of this State and is enrolled in an education program leading to licensure in nursing shall be included as an in–county resident for tuition purposes and shall be included as an in–State resident for computation of the State aid to community colleges in accordance with § 16–305 of this subtitle.

(ii) The student shall furnish a surety bond or promissory note to the State with security satisfactory to the Maryland Higher Education Commission, that on completion of the nursing education program, the student will work for at least 2 years in a hospital or related institution as defined in § 19–301 of the Health – General Article in this State.

(iii) The Secretary of Health and Mental Hygiene may determine if there is a shortage of nurses.

(iv) Subject to subparagraphs (v) and (vi) of this paragraph, if the Secretary determines that there is no shortage of nurses, the Nonresident Student Tuition Reduction and State Aid Program established under this paragraph may not be applied to any courses required for the nursing program.

(v) Subparagraph (iv) of this paragraph applies only to students who enroll in a nursing education program subsequent to the determination made under subparagraph (iv) of this paragraph.

(vi) Subparagraph (v) of this paragraph may not affect any student

who is participating in the Nonresident Tuition Reduction and State Aid Program prior to the determination under subparagraph (iii) of this paragraph.

(4) (i) Each board of community college trustees may waive the out–of–state fee as determined in paragraph (1) of this subsection for a student who is employed by a business located in the county that supports the community college.

(ii) Any student attending a community college in this State who receives a tuition waiver as provided by this paragraph shall not be included as an in–State resident for computation of State aid to community colleges in accordance with § 16–305 of this subtitle.

(5) (i) Each board of community college trustees shall waive the out–of–state fee as determined in paragraph (1) of this subsection for a student who resides in this State but does not meet the in–State residency requirement for tuition purposes and is a public school teacher employed by a county board if:

1. A. The course or program is required by the State or the county board to maintain the teacher's present position with the county board; or

B. The course or program maintains or improves skills required by the county board in the teacher's current position;

2. The teacher resides in this State and is employed as a full–time public school teacher; and

3. The teacher has been employed as a public school teacher in the State for less than a year.

(ii) A public school teacher is responsible for the difference between in–State and out–of–state tuition if:

1. The teacher resigns or is terminated from employment with the county board; and

2. The teacher remains enrolled in the course or program at a community college during the teacher's first year as a Maryland resident.

(iii) Any public school teacher attending a community college in this State who satisfies the requirements established in this paragraph shall be included as an in–State resident for computation of the State aid to community colleges in accordance with § 16–305 of this subtitle.

(6) (i) In this paragraph, "BRAC" means the Base Realignment and Closure process as announced by the United States Department of Defense.

(ii) Each board of community college trustees may waive the

out–of–state fee as determined in paragraph (1) of this subsection for a student who resides in the State but does not meet the in–State residency requirement for tuition purposes and has moved to the State as an employee or a family member of an employee as part of BRAC.

(iii) Any BRAC employee or family member of a BRAC employee attending a community college in the State who satisfies the requirements established in this paragraph shall be included as an in–State resident for computation of the State aid to community colleges in accordance with § 16–305 of this subtitle.

(b) (1) Subject to the provisions of paragraphs (2), (3), and (4) of this subsection and subsection (g) of this section, any student who attends a community college not supported by the county in which the student resides shall pay, in addition to the student tuition and fees payable by a resident of a county that supports the community college, an out–of–county or out–of–region fee at least equal to 60% of the county share per full–time equivalent student as determined under § 16–305 of this subtitle.

(2) (i) Any student who resides in an incorporated municipality whose corporate limits extend into 2 counties in the State is considered an in–county resident for tuition purposes at a community college campus located within that municipality that is supported by either county.

(ii) If a student is considered an in–county resident under this paragraph and the student does not reside in the county that supports the community college, the county in which the student resides shall pay the difference between the out–of–county tuition and the in–county tuition.

(3) Each board of community college trustees may waive the out–of–county or out–of–region fee, as determined in paragraph (1) of this subsection, for a student who is employed by a business located in the county that supports the community college.

(4) (i) In this paragraph, "BRAC" means the Base Realignment and Closure process as announced by the United States Department of Defense.

(ii) Each board of community college trustees may waive the out–of–county fee or out–of–region fee as determined in paragraph (1) of this subsection for a student who resides in the county but does not meet the in–county residency requirement for tuition purposes and has moved to the State as an employee or a family member of an employee as part of BRAC.

(5) (i) In this paragraph, "victim of human trafficking" means an individual who has been recruited, harbored, transported, provided, or obtained for labor, services, or a sexual act through the use of force, fraud, or coercion.

(ii) Each board of community college trustees may waive the out–of–county fee or out–of–region fee as determined in paragraph (1) of this

subsection for a student who attends the community college and:

1. Is not a resident of the county; and

2. Is a victim of human trafficking.

(iii) Information collected under this paragraph as part of a student's registration shall remain confidential.

(iv) 1. A community college that admits an individual who qualifies for a waiver of the out–of–county fee or out–of–region fee under this paragraph shall:

A. Keep a record of the number of individuals for whom a waiver was granted in accordance with subparagraph (ii) of this paragraph; and

B. Report the information required in item A of this subsubparagraph to the Commission each year.

2. The Commission shall submit to the General Assembly, in accordance with § 2–1246 of the State Government Article, an annual report consisting of the information submitted to the Commission under subsubparagraph 1 of this subparagraph.

(v) 1. The Commission shall adopt regulations to implement the provisions of this paragraph.

2. The regulations shall include a requirement that an application for a waiver of the out–of–county fee or out–of–region fee as provided in this paragraph shall contain evidence that the applicant is a victim of human trafficking, including:

A. Certified law enforcement, court, or other federal or State agency records or files;

B. Documentation from a human trafficking prevention or assistance program; or

C. Documentation from a religious, medical, or other professional from whom the applicant has sought assistance or treatment as a victim of human trafficking.

(c) Any county may appropriate money to pay the out-of-county or out-of-region fees for county residents who attend a community college in this State that is not supported by that county.

(d) (1) (i) 1. Notwithstanding subsection (b) of this section, subject to subsubparagraph 2 of this subparagraph, if any student is a resident of this State

and enrolls in an instructional program that the Commission designates as a health manpower shortage program or a statewide or regional program:

A. The student shall pay only the student tuition and fees payable by a resident of a county that supports the community college; and

B. Subject to subparagraph (ii) of this paragraph, the Commission shall pay any applicable out–of–county fee to the community college.

2. For a student who attends a community college not supported by the county in which the student resides, at the discretion of the board of community college trustees:

A. The community college may charge the student any applicable out–of–county fee;

B. Subject to subparagraph (ii) of this paragraph, the Commission shall pay the amount of any applicable out–of–county fee to the community college; and

C. The community college shall reimburse the student the amount received from the Commission under item B of this subsubparagraph.

(ii) For any fiscal year beginning on or after July 1, 2011, if State appropriations to the Commission for payment of any applicable out–of–county fee under this paragraph do not provide sufficient funds to fully reimburse applicable out–of–county fees, the Commission shall prorate the reimbursement for the out–of–county fees.

(2) The Commission may make payments to effectuate the provisions of this section from funds specifically appropriated for this purpose as provided in the State budget or any supplemental budget request.

(e) (1) Notwithstanding subsection (b) of this section, if any student resides in a county where the per capita wealth is below the State average and the county does not support a community college or a branch campus of a community college, except for Baltimore City, the student may enroll at a community college or a branch campus in the State, either of which is located in a county adjacent to the one in which the student resides, and pay only the tuition and fees applicable to a county resident that supports the community college.

(2) For any student determined to be eligible under paragraph (1) of this subsection, the Commission shall pay:

(i) In fiscal year 1992, 75% of any applicable out-of-county fee provided that the county in which the student resides pays 25 percent of that fee; and

(ii) In fiscal year 1993, and each fiscal year thereafter, 50% of any

applicable out-of-county fee provided that the county in which the student resides pays 50 percent of that fee.

(3) The Commission may make payments to effectuate the provisions of this section from funds specifically appropriated for this purpose in the State budget or any supplemental budget request.

(f) The provisions of this section shall be subject to any reciprocal interstate agreement entered into by the Maryland Higher Education Commission under § 11-105(m)(2) of this article.

(g) (1) Notwithstanding subsection (b) of this section, any student who resides in Howard County or in Prince George's County and attends the Laurel College Center, a partnership equally supported by the Howard and Prince George's community colleges, is deemed to be an in-county student and may not be subject to out-of-county fees established in subsection (b) of this section, by Howard Community College or Prince George's Community College for courses taken at the Laurel College Center.

(2) Paragraph (1) of this subsection applies to any student who attends the Laurel College Center on or after August 1, 2001.

§16–311.

(a) (1) Except as provided in paragraph (2) of this subsection, this section applies to every contract for any building, improvement, equipment, or supplies.

(2) This section does not apply to:

(i) The purchase of books or other materials for instruction;

(ii) Emergency repairs;

(iii) Any contract or purchase made by a county for a community college under procedures authorized by the county charter or an act of the General Assembly; or

(iv) Any contract or purchase that qualifies as a "small procurement" as defined in the State Procurement Regulations.

(b) All procurements shall be by competitive sealed bids, as described in this section, unless one of the following methods is specifically authorized:

(1) Competitive sealed proposals under § 16-313 of this subtitle;

(2) Sole source procurement under § 16-314 of this subtitle; or

(3) Noncompetitive negotiation under § 16-314.1 of this subtitle.

(c) (1) The board of trustees, at least 2 weeks before bids are to be filed, shall advertise for bids in at least one newspaper published in the county.

(2) The board of trustees may name in the specifications and advertisements for bids the particular make, kind, or brand of article to be contracted for or purchased.

(d) (1) The board of trustees of each community college may provide for the prequalification of persons as prospective responsible bidders for procurements other than leases of real property.

(2) If a board of trustees uses a prequalification procedure for awarding a procurement contract:

(i) A person who is not prequalified may submit a bid or proposal; and

(ii) After bid opening or receipt of proposals and before awarding the procurement contract, a procurement officer may determine that:

1. A person who was not prequalified at the time of bid opening or receipt of proposals is a responsible bidder; or

2. A prequalified person is not a responsible bidder.

(e) (1) Except as provided in subsection (f) of this section, the contract shall be awarded to the lowest responsible bidder, who conforms to the specifications, with consideration given to:

(i) The quantities involved;

(ii) The time required for delivery;

(iii) The purpose for which required;

(iv) The competence and responsibility of the bidder; and

(v) The ability of the bidder to perform the contract satisfactorily.

(2) The board of trustees may reject any and all bids and readvertise for other bids.

(f) (1) In this subsection, the term "minority business enterprise" has the meaning stated in § 14-301 of the State Finance and Procurement Article.

(2) In Montgomery County, by resolution and by implementing rules and regulations, the Board of Trustees of Montgomery Community College shall establish a mandatory minority business utilization program to facilitate the participation of responsible certified minority business enterprises in contracts awarded by the Board

of Trustees of Montgomery Community College in accordance with competitive bidding requirements.

(g) Repealed.

(h) A contract entered into or purchase made in violation of this section is void.

§16–312.

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

(2) "Bonus points" means established bonus or percentage points used during the bid evaluation process to adjust the bid price submitted by minority business enterprises for the purpose of ascertaining the lowest bidder.

(3) "Mandatory set-asides" means a procedure designating a certain percentage of total contract dollars for award to minority business enterprises.

(4) "Mandatory subcontracting" means a procedure mandating that a certain percentage of the dollar amount of designated contracts be subcontracted to minority business enterprises.

(5) "Minority business enterprise" means any business enterprise:

(i) 1. That is at least 51 percent owned by 1 or more minority individuals; or

2. In the case of any publicly owned corporation, at least 51 percent of the stock of which is owned by 1 or more minority individuals; and

(ii) Whose management and daily business operations are controlled by 1 or more minority individuals.

(6) "Percentage points" means established percentage points given for minority business enterprise participation in a sealed proposal process.

(7) "Restrictive bidding" means competitive bidding of designated contracts that are restricted to minority business enterprises.

(8) "Restrictive price quotations" means negotiated small procurements that are restricted to minority business enterprises.

(b) The Board of Trustees of the Prince George's Community College shall undertake and complete an internal and market fact-finding process by January 1, 1990, to assess the appropriate scope of a minority business enterprise program for the Board. The results of the fact-finding process, including statistical data, supporting documentation, and reports, shall be reported to the Prince George's County Delegation of the General Assembly by January 31, 1990.

(c) If the fact-finding required by subsection (b) of this section demonstrates a compelling governmental interest to adopt a remedial minority business enterprise program, the Board of Trustees, by resolution and by implementing rules and regulations, shall establish a minority business enterprise program to facilitate the participation of certified minority business enterprises in contracts awarded by the Board. The program shall include specific goals and the definition of "minority individual".

(d) In establishing a minority business enterprise program, the Board of Trustees is authorized to use incentives to achieve the designated goals of the program, including but not limited to:

(1) Mandatory set-aside procedures;

(2) Mandatory subcontracting procedures with reasonable waiver provisions;

(3) The application of bonus points;

(4) The application of percentage points;

(5) Restrictive bidding;

(6) Restrictive price quotations;

(7) The reduction or waiver of bonding requirements; and

(8) Incentives to encourage maximum participation by:

(i) Small businesses;

(ii) A variety of different businesses; and

(iii) Businesses located within Prince George's County.

(e) (1) The Board of Trustees may appoint a minority business enterprise officer to administer any minority business enterprise program established, who shall submit reports to the Board of Trustees.

(2) It is the responsibility of the minority business enterprise officer to conduct outreach programs to assist the minority business enterprise community in participating in any minority business enterprise program established under this section.

(f) The Board of Trustees shall advise the Prince George's County Delegation of the General Assembly regarding the substance of any minority business enterprise program that it establishes.

(g) (1) The program shall be evaluated every 2 years.

(2) The results of any evaluation under this subsection shall be submitted to the Prince George's County Delegation of the General Assembly.

§16–313.

(a) (1) The board of trustees may provide for procurement by competitive sealed proposals in accordance with the provisions of this section.

(2) The board of trustees may adopt regulations to implement the provisions of this section.

(b) Competitive sealed proposals may be used if:

(1) The procurement is for educational or consultant services;

(2) The procurement is for any building, improvement, equipment, or supplies and the board of trustees or its designee determines that specifications cannot be prepared that allow an award based on the lowest bid price, the lowest evaluated bid price, or the bid most favorable to the college; or

(3) The board of trustees or its designee determines that:

(i) The need to use a method other than competitive sealed bids is sufficiently compelling to override the general public policy that favors awarding procurement contracts on the basis of competitive sealed bids; and

(ii) The use of competitive sealed bidding for that procurement contract is not practicable or not advantageous to the college.

(c) (1) Whenever procurement is based on competitive sealed proposals, the board of trustees or its designee shall seek proposals by issuing a request for proposals.

(2) A request for proposals shall include a statement of:

(i) The scope of the procurement contract;

(ii) The results to be achieved or services to be provided;

(iii) The factors, including price, that will be used in evaluating proposals; and

(iv) The relative importance of each factor.

(d) The board of trustees or its designee shall publish a request for proposals in the same manner as required for an invitation for bids.

(e) (1) After receipt of proposals but before the board of trustees awards the procurement contract, the board or its designee may conduct discussions with an offeror to:

(i) Obtain the best price for the college; and

(ii) Ensure full understanding of:

1. The requirements of the college as set forth in the request for proposals; and

2. The proposal submitted by the offeror.

(2) If discussions are conducted, the board of trustees or its designee:

(i) Shall conduct the discussions in accordance with regulations adopted by the board;

(ii) Shall provide an opportunity to participate to each responsible offeror who submits a proposal that, in the judgment of the board or its designee, is reasonably susceptible of being selected for award;

(iii) Shall treat all of the responsible offerors fairly and equally;

(iv) May allow all of the responsible offerors to revise their initial proposals by submitting best and final offers, if discussions indicate that it would be in the best interests of the college to do so;

(v) May conduct more than one series of discussions and requests for best and final offers; and

(vi) May not disclose to an offeror any information derived from a proposal of or discussions with a competing offeror.

(f) (1) Except as provided in paragraph (2) of this subsection:

(i) A proposal is irrevocable for the period specified in the request for proposals; and

(ii) A best and final offer is irrevocable for the period specified in the request for best and final offers.

(2) The board of trustees or its designee may allow an offeror to correct or withdraw a proposal or best and final offer if correction or withdrawal is allowed under regulations adopted by the board.

(g) After obtaining any approval required by law, the board of trustees shall award the procurement contract to the responsible offeror who submits the proposal or best and final offer determined to be the most advantageous to the college considering the evaluation factors set forth in the request for proposals.

(h) The board of trustees may reject any and all proposals and readvertise for other offers.

§16–314.

(a) The board of trustees may provide for sole source procurement contracts in accordance with the provisions of this section.

(b) (1) Whenever the procurement officer determines that there is only one available source for the subject of a procurement contract, the procurement officer may award the procurement contract without competition to that source.

(2) Before awarding a procurement contract to a sole source, the procurement officer shall obtain:

(i) The approval of the board of trustees; and

(ii) Any other approval required by law.

§16–314.1.

(a) This section applies to contracts in amounts not exceeding $100,000.

(b) The Board of Trustees of the Community College for Baltimore County may award a procurement contract on the basis of noncompetitive negotiation:

(1) For unsolicited offers that:

(i) Are in writing;

(ii) Are sufficiently detailed to allow a judgment regarding the potential utility of the offer;

(iii) Are unique or innovative;

(iv) Demonstrate the proprietary character of the offering warranting consideration of the use of competitive negotiation;

(v) May be subject to testing under terms and conditions specified by the Director of Purchasing; and

(vi) Cannot be procured through competitive methodologies;

(2) For the procurement of goods or services related to instruction or curriculum development;

(3) For the procurement of services related to private fund-raising activities; or

(4) Under other circumstances when the Director of Purchasing determines that noncompetitive negotiation is in the best interests of the College and the State.

(c) (1) The Board of Trustees of the Community College for Baltimore County shall establish standards and procedures for the application of subsection (b) of this section to a particular transaction.

(2) The standards and procedures shall require:

(i) The office, division, or department requesting noncompetitive negotiation to submit a written justification to the Director of Purchasing;

(ii) A written determination by the Director of Purchasing that noncompetitive negotiation is in the best interest of the College and the State; and

(iii) The written approval of the award of the contract on the basis of noncompetitive negotiation by the Board of Trustees.

§16–315.

(a) The Commission shall adopt guidelines for financial record keeping and the preparation of annual audit reports by the community colleges. The community colleges shall comply with the guidelines of the Commission.

(b) Each community college in the State shall have an annual audit of its books of accounts, accounting procedures and principles, and other fiscal and operational methods and procedures in accordance with guidelines as prescribed by the Commission. A copy of the audit report, together with the related management letter, shall be submitted to the Commission for review and assessment and to the Legislative Auditor within 90 days of the close of each fiscal year. The Commission shall ascertain that the community colleges are audited in accordance with this section.

(c) The Commission shall evaluate audit reports and related management letters for purposes of determining material weaknesses and assessing which recommendations should be considered for implementation. If a community college establishes to the satisfaction of the Commission that a recommendation in an audit report or related management letter has been satisfactorily addressed and should not be implemented, then the Commission shall notify the Legislative Auditor of the reasons for not implementing the recommendation. If the Commission finds that satisfactory progress has not been made toward correcting recurring material weaknesses or implementing any other audit recommendations which the Commission deems appropriate, then with due notice to the community college, the Commission shall direct the State Comptroller to withhold aid payments or any portion of aid payments due a college under this article.

(d) The Legislative Auditor may upon the Legislative Auditor's own initiative perform the required annual audits. However, notification of such intent must be given to each affected community college before the start of the fiscal year to be audited.

(e) The Legislative Auditor may be directed to undertake special audits of any community college by the Joint Audit Committee at State expense.

(f) An audit performed by an official auditor of any county or Baltimore City approved by the Commission with the concurrence of the Legislative Auditor shall satisfy the annual audit requirement if it otherwise meets the requirements of this section.

(g) The cost of the annual audit required by this section is the responsibility of the community college.

(h) Each year the Legislative Auditor shall submit a report to the Commission and, subject to § 2-1246 of the State Government Article, the Joint Audit Committee and the Executive Director of the Department of Legislative Services, on the results of the annual and special community college audits.

(i) Nothing contained in this section may be construed to prohibit a periodic or special audit by an official auditor of any county providing funds for a community college.

§16–316.

Remuneration of an employee on account of sickness or accident of the employee shall be paid and treated as sick pay and not as continuation of salary.

§16–318.

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

(2) "Computer-based instructional technology" has the meaning stated in § 12-101 of this article.

(3) "Technology" has the meaning stated in § 12-101 of this article.

(b) By January 1, 2007, the board of community college trustees for each community college shall develop a nonvisual access clause for use in the procurement of computer-based instructional technology.

(c) The nonvisual access clause developed under subsection (b) of this section shall be consistent with the standards developed by the Department of Budget and Management in accordance with the provisions of § 3-412 of the State Finance and Procurement Article.

§16–319.

(a) The Commission shall establish and administer a grant program for supplemental services and supports for students with disabilities in community colleges.

(b) The Commission, in cooperation with the Department of Disabilities, shall:

(1) Establish a competitive review process for the awarding of grants to community colleges; and

(2) Adopt any other guidelines or regulations necessary for the administration of this section.

§16–401.

(a) The Board of Community College Trustees for Anne Arundel County consists of eight members appointed by the Governor, with the advice and consent of the Senate.

(b) (1) One of the members shall be a regularly enrolled student in good standing at Anne Arundel Community College.

(2) The student member shall:

(i) Be a resident of Anne Arundel County;

(ii) Be nominated in the manner determined by the student body of Anne Arundel Community College;

(iii) Have the qualifications required to be student body president of Anne Arundel Community College; and

(iv) Serve for a term of 1 year, beginning July 1 and ending on June 30.

§16–402.

(a) The Board of Community College Trustees for Baltimore County consists of 15 members appointed by the Governor, with the advice and consent of the Senate.

(b) Of the members:

(1) 1 serves at large; and

(2) 14 serve from the 7 councilmanic districts in Baltimore County, 2 from each district.

(c) (1) The term of a member is 5 years and begins on July 1.

(2) A member may not serve for more than 2 consecutive terms.

(d) (1) The Governor shall appoint a chairperson from among the members of the Board as of July 1, 1997.

(2) The chairperson appointed by the Governor shall serve until June 30, 2000.

(3) For the year beginning July 1, 2000 and each year thereafter, the Board shall elect a chairperson from among the members of the Board.

§16–403.

(a) The Board of Community College Trustees for Baltimore County shall:

(1) Establish an orderly procedure for the classified employees of the county community colleges and their representatives to participate in the formulation of labor relations and personnel policies; and

(2) Recognize the right of classified employees to organize and bargain collectively through representatives of their own choosing.

(b) The Board of Trustees shall adopt rules and regulations that specify with respect to classified employees:

(1) The manner of establishing appropriate collective bargaining units and of designating exclusive bargaining representatives;

(2) The rights of the employer, the employees, and the exclusive bargaining representative;

(3) The procedure for negotiating a collective bargaining agreement with respect to wages, hours, and working conditions and the manner for resolving any impasse;

(4) The right of the exclusive bargaining representative to a checkoff of union dues;

(5) The designation of unfair labor practices and remedies for them;

(6) The definition of a grievance and the procedure for resolving grievances, which may include binding arbitration of grievances; and

(7) Any other matter necessary to carry out the purposes of this section.

(c) This section does not authorize a strike by any classified employees.

(d) The authority granted by this section, and any procedures, decisions, actions, or agreements made under it, shall expire if a general law on collective bargaining applicable to community colleges becomes effective.

§16–406.

(a) (1) The Board of Trustees of Chesapeake College consists of two members from each county that supports Chesapeake College who shall be appointed by the Governor, with the advice and consent of the House of Delegates.

(2) The county superintendents of schools in the region are not ex officio members.

(b) (1) (i) The term of a member is 5 years and begins on July 1.

(ii) A member continues to serve until a successor is appointed and qualifies.

(2) (i) Subject to subparagraph (ii) of this paragraph, a member appointed to begin a full term on or after July 1, 2006, may not serve for more than three 5-year full terms.

(ii) A term of a member that began before July 1, 2006, does not count toward the term limit established in subparagraph (i) of this paragraph.

(c) Each member of the Board:

(1) Serves without compensation; and

(2) Is entitled to reimbursement for expenses in accordance with applicable travel regulations.

§16–407.

(a) The Board of Community College Trustees for Frederick County consists of seven members. Of the members:

(1) Each shall be a resident of Frederick County; and

(2) Each shall be appointed by the Governor, with the advice and consent of the Senate, for a term of 5 years.

(b) (1) A member of the Board of Community College Trustees may not serve more than three consecutive 5 year terms.

(2) A member of the Frederick County Board of Education may not serve on the Board of Community College Trustees.

(c) Each member of the Board is entitled to $500 a year for expenses.

§16–407.1.

(a) There is a Hagerstown Community College Police Force.

(b) (1) A Hagerstown Community College police officer has the powers granted to a peace and police officer.

(2) (i) A Hagerstown Community College police officer may exercise these powers only on property that is owned, leased, operated by, or under the control

of Hagerstown Community College.

(ii) The police officer may not exercise these powers on any other property unless:

1. Engaged in fresh pursuit of a suspected offender;

2. Necessary to facilitate the orderly flow of traffic to and from property owned, leased, operated by, or under the control of Hagerstown Community College; or

3. Ordered to do so by the Governor.

(c) (1) In consultation with the Secretary of State Police and the Maryland Police Training Commission, the Hagerstown Community College Board of Trustees shall adopt standards, qualifications, and prerequisites of character, training, education, human and public relations, and experience for Hagerstown Community College police officers, including standards for the performance of their duties.

(2) To the extent practicable, the Board shall adopt standards that are similar to the standards adopted for the Department of State Police.

(d) The Hagerstown Community College Board of Trustees shall adopt regulations governing the operation and conduct of the Hagerstown Community College Police Force and of Hagerstown Community College police officers.

§16–407.2.

(a) There is an Anne Arundel Community College Police Force.

(b) (1) An Anne Arundel Community College police officer has the powers granted to a peace and police officer.

(2) (i) An Anne Arundel Community College police officer may exercise these powers only on property that is owned, leased, or operated by or under the control of Anne Arundel Community College.

(ii) The police officer may not exercise these powers on any other property unless:

1. Engaged in fresh pursuit of a suspected offender;

2. Necessary to facilitate the orderly flow of traffic to and from property owned, leased, or operated by or under the control of Anne Arundel Community College; or

3. Ordered to do so by the Governor.

(c) (1) In consultation with the Secretary of State Police and the Maryland

Police Training Commission, the Anne Arundel Community College Board of Trustees shall adopt standards, qualifications, and prerequisites of character, training, education, human and public relations, and experience for Anne Arundel Community College police officers, including standards for the performance of their duties.

(2) To the extent practicable, the Board shall adopt standards that are similar to the standards adopted for the Department of State Police.

(d) The Anne Arundel Community College Board of Trustees shall adopt regulations governing the operation and conduct of the Anne Arundel Community College Police Force and of Anne Arundel Community College police officers.

§16–408.

(a) (1) The Board of Community College Trustees for Harford County consists of nine members.

(2) Subject to paragraph (4) of this subsection, each of the members shall be:

(i) A resident of Harford County; and

(ii) Appointed by the Governor for terms of 5 years.

(3) Of the nine members:

(i) Six shall be appointed with one from each of the six councilmanic districts; and

(ii) Three shall be appointed from the county at large.

(4) No member may be a member of the Harford County Board of Education while serving as a member of the Board.

(b) A member of the Board may not serve for more than two consecutive 5 year terms.

(c) At least twice annually, the Board of Community College Trustees, the College President, the Harford County Board of Education, and the Superintendent of the Harford County public schools shall meet to discuss issues of mutual concern.

§16–409.

(a) The Boards of Directors of the Harford Educational Foundation and of the Harford Community College Foundation, Inc. have the authority to effect a merger of the two corporations under the provisions of Title 3 of the Corporations and Associations Article.

(b) The articles of merger shall:

(1) Be in writing;

(2) Be filed with the State Department of Assessments and Taxation;

(3) Be recorded with the corporate records of the Circuit Court in Harford County; and

(4) Otherwise conform to the requirements of the State Department of Assessments and Taxation, as provided in the Corporations and Associations Article.

(c) After the merger, the Harford Community College Foundation, Inc. shall be the sole surviving corporation.

(d) The articles of merger shall provide that:

(1) The Board of Directors of the Harford Educational Foundation transfer the corporate assets to the Harford Community College Foundation, Inc.;

(2) The Harford Community College Foundation, Inc. administer the assets of the Harford Educational Foundation as a revolving loan fund;

(3) The Harford Community College pay all the costs to administer the revolving loan fund;

(4) In the event of a default by a student on a loan from the revolving loan fund, at the end of the fiscal year in which the default occurred, the Harford Community College Foundation, Inc. shall transfer to the revolving loan fund an amount equal to the amount of the defaulted loan; and

(5) In addition to any other powers granted and duties imposed on it, the Harford Community College Foundation, Inc. shall:

(i) Act as trustee for the funds transferred from the Harford Educational Foundation under the trust agreements made between the donors and the Harford Educational Foundation;

(ii) Rename the Harford Educational Foundation the Harford Community College Student Loan Fund;

(iii) Accept funds by grant, gift, devise, or bequest from individuals and corporations to the Harford Community College Student Loan Fund to ensure the ability to promote scholarship; and

(iv) Administer funds accepted into the Harford Community College Student Loan Fund strictly in accordance with the purposes of the Fund.

(e) (1) The Harford Community College Foundation, Inc. shall report its activities for the preceding year annually to the County Executive and County Council

of Harford County.

(2) The finances of the Foundation are subject to annual audit, including the preparation of separate balance sheets for the Harford Community College Foundation, Inc. and the Harford Community College Student Loan Fund.

(f) The Harford Community College Foundation, Inc. is exempt from the provisions of:

(1) Bank licensing acts; and

(2) Title 11, Subtitles 2 and 3 of the Financial Institutions Article.

§16–410.

(a) The Board of Community College Trustees for Howard County consists of seven members appointed by the Governor with the advice and consent of the Senate.

(b) Of the members, at least six:

(1) Shall be residents of Howard County at the time of appointment; and

(2) Shall maintain residency in Howard County throughout the term of appointment.

§16–411.

(a) The Board of Community College Trustees for Montgomery County consists of 10 members appointed by the Governor from nominees submitted by the Nominating Committee. Except for the student member, the members are appointed with the advice and consent of the Senate.

(b) One of the members shall be an enrolled student in good standing at Montgomery Community College. The student member:

(1) Shall be a resident of Montgomery County;

(2) May not be employed by Montgomery Community College;

(3) Serves for a term of 1 year, beginning July 1 and ending on June 30;

(4) Shall have a cumulative quality point average and a current semester quality point average of at least 2.0;

(5) Shall have successfully completed at least 18 credit hours at Montgomery Community College; and

(6) At the time of appointment and during the term of office, shall be enrolled in at least 6 credit hours at Montgomery Community College.

(c) (1) The Nominating Committee consists of five members. Of the members:

(i) Two shall be appointed by the County Council;

(ii) Two shall be appointed by the County Executive; and

(iii) One shall be appointed by the Montgomery Community College Alumni Association.

(2) Each member of the Nominating Committee:

(i) Shall be a resident of and a registered voter in Montgomery County;

(ii) Shall have a knowledge of and an interest in postsecondary education;

(iii) Shall have demonstrated an active interest in civic affairs;

(iv) May not be an officer of this State, Montgomery County, or any municipal corporation in Montgomery County or any of their agencies; and

(v) May not be an officer of, employed by, or subject to the authority of Montgomery Community College.

(3) (i) Each member of the Nominating Committee serves for a term of 2 years from September 15 of the year of the member's appointment and until a successor is appointed and qualifies. These terms are staggered as required by the terms of the members serving on the Board as of July 1, 1978.

(ii) A member appointed to fill a vacancy in an unexpired term is appointed by the body that appointed the member's predecessor and serves only for the remainder of that term and until a successor is appointed and qualifies.

(4) (i) Each year, the Nominating Committee shall elect one of its members as its chairman.

(ii) The Committee may elect any other officer it requires.

(iii) The Committee may determine the place of its meetings and adopt rules for the conduct of its meetings.

(d) (1) The Nominating Committee shall:

(i) Notify the public of each vacancy on the Board of Community College Trustees;

(ii) Obtain recommendations from the faculty and students of the Community College and from other interested persons; and

(iii) Accept applications.

(2) The Committee shall submit to the Governor the names of at least two, but not more than four of the candidates selected by the Committee:

(i) On or before December 15 of the year before the term of a nonstudent member expires;

(ii) On or before April 15 of each year the term of a student member expires; and

(iii) When any other vacancy occurs.

§16–412.

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

(2) "Agreement" means a written contract between the public employer and an employee organization.

(3) "Arbitration" means a procedure whereby parties involved in a grievance dispute submit their differences to an impartial third party for a final and binding decision.

(4) "Collective bargaining" means the performance by the certified employee organization, through its designated representative, and the public employer, of their mutual obligations to meet at reasonable times and to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any questions arising under an agreement, and the execution of various agreements incorporating the terms agreed upon by both parties. In the performance of this obligation neither party shall be compelled to agree to a proposal, or be required to make a concession to the other.

(5) "Commissioner" means the State Commissioner of Labor and Industry or the Commissioner's designee.

(6) "Confidential employee" means a public employee whose unrestricted access to personnel, budgetary or fiscal data subject to use by the public employer in collective bargaining or whose close, continuing working relationship with those responsible for negotiating on behalf of the public employer would make the employee's membership in an employee organization as a rank and file employee incompatible with the employee's duties.

(7) "Employee organization" means any organization of public employees which has as one of its primary purposes representing such employees in collective bargaining.

(8) "Exclusive representative" means an employee organization which has

been certified by the Commissioner as representing the employees of the bargaining unit.

(9) "Fact–finding" means identification of the major issues in a particular impasse, review of the positions of the parties and resolution of factual differences by an impartial individual or panel, and the making of recommendations for settlement of the impasse.

(10) "Grievance" means a dispute concerning the application or interpretation of the terms of an agreement.

(11) "Impasse" means failure of the public employer and an exclusive representative to achieve agreement in the course of collective bargaining.

(12) "Mediation" means assistance by an impartial third party to reconcile a dispute arising out of collective bargaining through interpretation, suggestion, and advice.

(13) "Professional employee" means a public employee whose work is predominantly nonroutine and intellectual in character and who is employed to teach or render professional services at least equivalent to 12 semester hours per semester.

(14) "Public employee" means an employee employed by the public employer except:

(i) Employees involved directly in the determination of policy;

(ii) Supervisory or confidential employees; and

(iii) Student assistants.

(15) "Public employer" means the Board of Trustees of Montgomery Community College.

(16) "Strike" means a public employee's refusal, in concerted action with others, to report for duty, or willful absence from the position, or stoppage of work, or abstinence in whole or in part from the proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in the wages, hours, or other terms and conditions of employment.

(17) "Supervisory employee" means a public employee having authority in the interest of the employer: (i) to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees; or (ii) to direct employees responsibly; or (iii) to adjust employee grievances; or (iv) to recommend effectively the action, set forth in subparagraph (i), (ii), or (iii) of this paragraph, if the exercise of this authority is not merely of a routine or clerical nature, but requires the exercise of independent judgment. Department chairmen may not be considered supervisory employees for the purposes of this section, unless the department chairmen clearly

perform the functions in this paragraph.

(b) The public employer shall determine whether a public employee is to be considered a public employee for collective bargaining purposes. Either party or an employee organization may appeal the determination to the Commissioner for a final and binding decision.

(c) Upon receipt of a petition for an election for exclusive representative, the Commissioner shall investigate the petition for purposes of verification and validation, and conduct a public hearing, receive written and oral testimony, and thereafter file an order defining the most appropriate bargaining unit. There shall be no more than two professional units. In defining a bargaining unit, the Commissioner shall consider, in addition to other relevant factors, the efficiency of operations of the public employer, the effect of over–fragmentation of bargaining units on the efficient administration of the public employer, the community of interest of public employees, and the administrative structure of the public employer. The Commissioner may not find any unit appropriate that includes both professional and nonprofessional employees unless a majority of each group votes for inclusion therein.

(d) (1) After October 1, 1978, an election for exclusive representative shall be conducted by the Commissioner for each unit after the requirements of subsections (b) and (c) of this section have been met by that unit.

(2) A petition for an election may be submitted by:

(i) An employee organization demonstrating that 30 percent of the employees in a bargaining unit wish to be represented for collective bargaining by an exclusive representative;

(ii) A public employee, a group of public employees, or an employee organization demonstrating that 30 percent of the employees assert the designated exclusive representative is no longer the representative of the majority of employees in the unit; or

(iii) The public employer demonstrating that one or more employee organizations has presented to it a claim, supported by substantial proof, to be certified as the exclusive representative, and the Commissioner finds, on investigation of the petition, that a valid question of representation exists.

(3) There shall be on the ballot:

(i) The name or names of the employee organization submitting the valid petition;

(ii) The name of any other employee organization or organizations designated on a valid petition signed by more than 10 percent of the employees in the appropriate bargaining unit; and

(iii) A provision for "no representation".

(4) In any election where none of the choices on the ballot receives a majority of the votes cast, a runoff election shall be conducted, with the ballot providing for a selection between the two choices receiving the highest number of ballots cast in the election. An employee organization receiving a majority of votes cast in an election shall be certified by the Commissioner as the exclusive representative for collective bargaining purposes. An employee organization may not be certified as an exclusive representative, except pursuant to the provisions of this section.

(5) All elections shall be conducted (i) by secret ballot and (ii) by the Commissioner or the Commissioner's designee.

(6) Elections may not be conducted in any unit within which a valid election has been held within the preceding 2 years.

(e) (1) The public employer shall extend to an employee organization certified as exclusive representative the right to represent the public employees of the unit involved in collective bargaining and in the settlement of grievances.

(2) An employee organization certified as the exclusive representative shall serve as the bargaining agent for all public employees in the bargaining unit. The organization shall represent fairly and without discrimination all public employees in the unit without regard to whether the employees are members of the employee organization.

(3) Every employee organization which has or seeks certification as an exclusive representative shall file with the public employer and the Commissioner, a copy of the employee organization's constitution and bylaws. All changes and amendments to the constitution and bylaws shall be promptly reported.

(4) Every employee organization shall file with the public employer and the Commissioner an annual report. It shall include a financial report signed by its president and treasurer or corresponding principal officers containing information in such detail as necessary accurately to disclose its financial condition and operations.

(5) The constitution or bylaws of every employee organization shall provide that:

(i) It shall include a pledge that the organization will accept members without regard to age, race, sex, religion, marital status, or national origin;

(ii) Accurate accounts of all income and expenses be kept, and an annual financial report be prepared. The accounts shall be open for inspection by any member of the organization, and loans to officers and agents shall be made only on terms and conditions available to all members;

(iii) Periodic elections by secret ballot be subject to recognized

safeguards concerning the equal right of all members to nominate, seek office, and vote in the elections;

(iv) Individual members have the right to participate in the affairs of the organization; and

(v) Procedures in disciplinary actions are fair and equitable.

(6) An employee organization that has not filed an annual report or whose constitution and bylaws do not conform to the requirements of paragraph (5) of this subsection may not be or remain certified for the purpose of negotiating with the public employer.

(f) (1) It is declared to be in the public interest that, in the course of collective bargaining, the public employer and the exclusive representative make every reasonable effort to conclude negotiations prior to the budget submission date of the public employer, in order that the appropriate legislative body may act on the operating budget of the employer.

(2) (i) If in the course of collective bargaining a party deems that an impasse exists, that party may request the services of the Commissioner in mediation or engage another mutually agreed upon mediator.

(ii) The parties by mutual agreement may engage in fact–finding. If there is not mutual agreement, either party, after a reasonable period of mediation, may petition the Commissioner to initiate fact–finding. The Commissioner upon considering the status of bargaining and the budget schedule of the public employer may find that an impasse exists, and may notify the parties that fact–finding is to be initiated. The public employer and the exclusive representative may select their own fact finder. If the parties have not selected their own fact finder within 5 days of the required notification, the Commissioner shall submit to the parties the names of five qualified persons. Each party alternately shall strike two names from the list. The order of striking shall be determined by lot. The remaining individual shall be the fact finder. The fact finder selected by the parties shall conduct hearings and may administer oaths. The fact finder shall make written findings of fact and recommendations for resolution of the impasse. No later than 30 days from the date of appointment the fact finder shall transmit the findings to the public employer and the exclusive representative. If the impasse continues 10 days after the report is submitted to the parties, the report shall be made available to the public.

(iii) Costs of fact–finding shall be borne equally by the parties.

(3) Public employees may not engage in a strike.

(4) If a strike of public employees occurs in Montgomery County, a court of competent jurisdiction may, upon request of the public employer, enjoin the strike.

(5) A public employee may not receive pay or compensation from the public

employer for any period during which the public employee is engaged in a strike.

(6) If an employee organization certified as an exclusive representative engages in a strike, its certification as exclusive representative shall be revoked by the Commissioner, and that employee organization or any other employee organization which engages in a strike shall be ineligible to be certified as an exclusive representative for a period of 1 year following the end of the strike.

(g) (1) A written agreement shall be executed by the public employer and the exclusive representative incorporating any matters of agreement reached on wages, hours, and other terms and conditions of employment.

(2) A collective bargaining agreement may include a provision for the arbitration of grievances arising under an agreement.

(3) A collective bargaining agreement may not include matters relating to the employees' or teachers' retirement systems as set forth in the Annotated Code of Maryland. However, this provision does not exclude discussion of the terms of the retirement systems in the course of collective bargaining.

(4) The terms of the agreement shall supersede any conflicting rules, regulations, and administrative policies of the public employer.

(5) Any request for funds necessary to implement the agreement shall be submitted by the public employer in a timely fashion for consideration in the budget process of the county.

(6) If the request for funds necessary to implement the agreement is reduced, modified, or rejected by the governing body of Montgomery County, either party to the agreement may, no later than 20 days after final budget action by the governing body, reopen the agreement.

(h) The public employer has the right (1) to determine how the statutory mandate and goals of the college, including but not limited to the functions and programs of the college, its overall budget and its organizational structure, are to be carried out; and (2) to direct the personnel.

(i) (1) Public employees have the right of self–organization to form, join, or assist any employee organization, to bargain collectively through representatives they have chosen, and to engage in other lawful concerted activities for the purpose of collective bargaining and also shall have the right to refrain from any or all of these activities.

(2) Any public employee or group of public employees has the right at any time to present grievances arising under the terms of the agreement to the public employer and to have the grievances adjusted without the intervention of the exclusive representative. The public employer has the duty to hear those grievances and participate in their adjustment. However, the adjustment may not be inconsistent

with the terms of a collective bargaining agreement then in effect. The public employer shall give prompt notice of all adjustments to the exclusive representative.

(3) The public employer and a public employee organization shall not interfere with, intimidate, restrain, coerce, or discriminate against public employees because of the exercise of their rights under paragraphs (1) and (2) of this subsection.

(j) The authority granted by this section, any procedures adopted and any decision, action, or agreements made pursuant to it shall expire should a subsequent public general law on collective bargaining generally applicable to the community colleges become effective.

(k) Except as provided in this section, the enactment of this section shall not be construed to make the provisions of the Maryland labor laws contained in Title 4, Subtitles 1, 2, and 3 of the Labor and Employment Article applicable to employment at Montgomery Community College.

§16–413.

(a) (1) Before it acquires any real property for a community college, the Board of Community College Trustees for Montgomery County shall make a written request to the commission or agency responsible for county land use planning for that commission's confidential recommendations of appropriate sites.

(2) In its request, the Board of Trustees may request the commission to consider any sites the Board designates.

(3) The commission shall recommend sites that:

(i) Meet the college's needs;

(ii) Comply with State regulations; and

(iii) Conform as far as practical with the land use plans of the county.

(b) (1) Within 45 days after it receives a request from the Board of Trustees, the commission shall send its written recommendations for sites to the Board of Trustees.

(2) If the Board is unable to agree on a site from among the commission's recommendations, the Board shall advise the County Council in writing of this fact and the Council may request that the commission reconsider the matter and resubmit recommendations for action by the Board.

(c) (1) The Board of Trustees shall select a preferred site and rank the other sites recommended by the commission in the order of their suitability and submit its ranking to the County Council. The Board may specify certain sites as unsuitable.

(2) The County Council shall approve or disapprove the Board's selection within 45 days. If the County Council disapproves the preferred site:

(i) The County Council shall indicate in writing its reasons; and

(ii) The Board shall select a different site from the ranking and resubmit it to the County Council.

(d) If the County Council approves a site, the Board may proceed with acquisition as provided by law.

§16–414.

(a) (1) The Board of Community College Trustees for Prince George's County consists of nine members.

(2) Each member shall be a resident of Prince George's County.

(3) Except as provided in subsection (b)(2) of this section:

(i) The term of a member is 5 years; and

(ii) A member may not serve for more than 2 consecutive terms.

(b) (1) Eight of the members shall be appointed by the Governor, with the advice and consent of the Senate, one from each legislative district in Prince George's County.

(2) One of the members shall be a regularly enrolled student in good standing at Prince George's Community College. The student member shall:

(i) Be elected by the student body of the Community College in the same manner as other student government officers are elected;

(ii) Have the qualifications required to be student body president of Prince George's Community College; and

(iii) Serve for a term of 1 year beginning July 1 and ending June 30 and if a vacancy occurs during this period, a special election shall be held to elect a successor for the remainder of that term.

(c) The cost of any election shall be paid by the student government.

§16–414.1.

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

(2) "Agreement" means a written contract between the public employer and an employee organization.

(3) "Arbitration" means a procedure whereby parties involved in a grievance dispute submit their differences to an impartial third party for a final and binding decision.

(4) (i) "Collective bargaining" means:

1. The performance by a certified employee organization, through its designated representative, and the public employer of their mutual obligations to meet at reasonable times and negotiate in good faith with respect to wages, hours, and other terms and conditions of employment; or

2. A. The negotiation of a collective bargaining agreement or any questions arising under a collective bargaining agreement; and

B. The execution of various agreements incorporating the terms agreed to by both parties.

(ii) In collective bargaining, a party may not be compelled to agree to a proposal or be required to make a concession to the other party.

(5) "Commissioner" means the State Commissioner of Labor and Industry or the Commissioner's designee.

(6) "Confidential employee" means a public employee whose unrestricted access to personnel, budgetary, or fiscal data subject to use by the public employer in collective bargaining, or whose close, continuing working relationship with those responsible for negotiating on behalf of the public employer, would make the employee's membership in an employee organization as a rank and file employee incompatible with the employee's duties.

(7) "Employee organization" means an organization of public employees which has as one of its primary purposes representing those employees in collective bargaining.

(8) "Exclusive representative" means an employee organization which has been certified by the Commissioner as representing the employees of a bargaining unit.

(9) "Fact–finding" means a process which includes:

(i) The identification of the major issues in a particular impasse;

(ii) The review of the positions of the parties;

(iii) A resolution of factual differences by an impartial individual or panel; and

(iv) The making of recommendations for settlement of the impasse.

(10) "Grievance" means a dispute concerning the application or interpretation of the terms of a collective bargaining agreement.

(11) "Impasse" means a failure by the public employer and an exclusive representative to achieve agreement in the course of collective bargaining.

(12) "Mediation" means assistance by an impartial third party to reconcile a dispute arising out of collective bargaining through interpretation, suggestion, and advice.

(13) "Public employee" means an employee employed by the public employer, except:

(i) Employees involved directly in the determination of policy;

(ii) Supervisory or confidential employees;

(iii) Student assistants; and

(iv) Faculty.

(14) "Public employer" means the Board of Community College Trustees for Prince George's County.

(15) "Strike" means a public employee's refusal, in concerted action with others, to report for duty, or willful absence from the position, or stoppage of work, or abstinence in whole or in part from the proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in the wages, hours, or other terms and conditions of employment.

(16) "Supervisory employee" means a public employee who has the authority to act on behalf of the public employer to:

(i) Hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees;

(ii) Direct employees responsibly;

(iii) Adjust employee grievances; or

(iv) Recommend effectively one of the actions set forth in items (i) through (iii) of this paragraph, if the exercise of this authority:

1. Is not merely of a routine or clerical nature; and

2. Requires the exercise of independent judgment.

(b) The public employer shall determine whether a public employee is to be considered a public employee for collective bargaining purposes. Either party or an

employee organization may appeal the determination to the Commissioner for a final and binding decision.

(c) (1) After receiving a petition for an election for exclusive representative, the Commissioner shall:

(i) Investigate the petition for purposes of verification and validation;

(ii) Conduct a public hearing, receiving written and oral testimony; and

(iii) File an order defining the most appropriate bargaining unit.

(2) (i) 1. The Commissioner may not designate more than one bargaining unit.

2. The bargaining unit shall consist of all eligible classified employees of Prince George's Community College, including all skilled professional service and skilled and nonskilled service employees.

3. The bargaining unit shall not include faculty.

(ii) In defining a bargaining unit, the Commissioner shall consider, in addition to other relevant factors:

1. The efficiency of operations of the public employer;

2. The effect of over–fragmentation of bargaining units on the efficient administration of the public employer;

3. The community of interest of public employees; and

4. The administrative structure of the public employer.

(d) (1) After October 1, 2001, an election or recognition of an exclusive representative shall be conducted by the Commissioner for each unit after the requirements of subsections (b) and (c) of this section have been met by that unit.

(2) A petition for an election may be submitted by:

(i) An employee organization that demonstrates that 30 percent of the employees in a bargaining unit wish to be represented for collective bargaining by an exclusive representative;

(ii) A public employee, a group of public employees, or an employee organization that demonstrates that 30 percent of the employees assert the designated exclusive representative is no longer the representative of the majority of employees in the unit; or

(iii) If the Commissioner finds, on investigation of the public employer's petition, that a valid question of representation exists, a public employer that demonstrates that one or more employee organizations has presented to it a claim, supported by substantial proof, to be certified as the exclusive representative.

(3) There shall be on the ballot:

(i) The name or names of the employee organization submitting the valid petition;

(ii) The name of any other employee organization designated in a valid petition signed by more than 10 percent of the employees in the appropriate bargaining unit; and

(iii) A provision for "no representation".

(4) (i) In any election where none of the choices on the ballot receives a majority of the votes cast, a runoff election shall be conducted, with the ballot providing for a selection between the two choices receiving the highest number of ballots cast in the election.

(ii) An employee organization receiving a majority of votes cast in an election shall be certified by the Commissioner as the exclusive representative for collective bargaining purposes.

(iii) An employee organization may be certified as an exclusive representative only as provided under this section.

(5) The election of an exclusive representative shall be conducted by:

(i) Secret ballot; and

(ii) The Commissioner or the Commissioner's designee.

(6) The election of an exclusive representative may not be conducted in any unit in which a valid election has been held within the preceding 2 years.

(e) (1) The public employer shall extend to an employee organization certified as exclusive representative the right to represent the public employees of the unit involved in collective bargaining and in the settlement of grievances.

(2) An employee organization certified as the exclusive representative for a bargaining unit shall:

(i) Serve as the bargaining agent for all public employees in the bargaining unit; and

(ii) Represent fairly and without discrimination each public

employee in the unit without regard to whether the employee is a member of the employee organization.

(3) On behalf of the exclusive representative for payment to the exclusive representative, the public employer shall automatically deduct from the paycheck of each public employee in a bargaining unit represented by an employee organization certified as an exclusive representative for that bargaining unit:

(i) Any union dues authorized and owed by the employee to the organization; and

(ii) Any service fees authorized and owed by the employee to the organization.

(4) (i) Every employee organization which has or seeks certification as an exclusive representative shall file, with the public employer and the Commissioner, a copy of the employee organization's constitution and bylaws.

(ii) Each change and amendment to the constitution and bylaws shall be promptly reported.

(5) (i) Each employee organization shall file with the public employer and the Commissioner an annual report.

(ii) The annual report shall include a financial report, signed by the organization's president and treasurer or corresponding principal officers, that contains information in the detail necessary to accurately disclose the financial condition and operations of the organization.

(6) The constitution or bylaws of an employee organization shall require that the employee organization:

(i) Pledge that the organization will accept members without regard to age, race, sex, religion, marital status, disability, or national origin;

(ii) Keep accurate accounts of all income and expenses and prepare an annual financial report;

(iii) Keep organization accounts open for inspection by any member of the organization;

(iv) Make any loans to officers and agents of the organization only on the same terms and conditions that loans are made available to all other members;

(v) Ensure that periodic elections are by secret ballot and subject to recognized safeguards concerning the equal right of all members to nominate, seek office, and vote;

(vi) Ensure that individual members have the right to participate in the affairs of the organization; and

(vii) Develop and maintain procedures for disciplinary actions that are fair and equitable.

(7) The Commissioner may not certify an employee organization for the purpose of negotiating with the public employer if:

(i) The organization has not filed an annual report; or

(ii) The organization's constitution and bylaws do not conform to the requirements of paragraph (6) of this subsection.

(f) Collective bargaining shall include all matters relating to:

(1) Wages, hours, and other terms and conditions of employment; and

(2) The procedures for the employee organization to receive membership dues and service fees through payroll deduction.

(g) In the course of collective bargaining, the public employer and the exclusive representative shall make every reasonable effort to conclude negotiations prior to the budget submission date of the public employer, in order that the governing body of Prince George's County may act on the operating budget of the public employer.

(h) (1) If in the course of collective bargaining a party deems that an impasse exists, that party may request the services of the Commissioner in mediation or engage another mutually agreed upon mediator.

(2) (i) By mutual agreement, the parties may engage in fact–finding.

(ii) 1. If there is not mutual agreement, either party, after a reasonable period of mediation, may petition the Commissioner to initiate fact–finding.

2. A. After considering the status of bargaining and the budget schedule of the public employer, the Commissioner may find that an impasse exists and may notify the parties that fact–finding is to be initiated.

B. The public employer and the exclusive representative may select their own fact finder.

C. If the parties have not selected their own fact finder within 5 days of the required notification, the Commissioner shall submit to the parties the names of five qualified persons. Each party alternately shall strike two names from the list. The order of striking shall be determined by lot. The remaining individual shall be the fact finder.

D. The fact finder selected by the parties shall conduct hearings and may administer oaths.

E. The fact finder shall make written findings of fact and recommendations for resolution of the impasse.

F. Not later than 30 days after the date of appointment, the fact finder shall transmit the findings to the public employer and the exclusive representative.

G. If the impasse continues 10 days after the report is submitted to the parties, the report shall be made available to the public.

(iii) The parties shall bear equally the costs of fact–finding.

(i) (1) A public employee may not engage in a strike.

(2) A public employee may not receive pay or compensation from the public employer for any period during which the public employee is engaged in a strike.

(3) If a strike of public employees occurs in Prince George's County, a court of competent jurisdiction may enjoin the strike at the request of the public employer.

(4) If an employee organization certified as an exclusive representative engages in a strike, the Commissioner shall revoke the organization's certification as exclusive representative.

(5) An employee organization which engages in a strike and has its certification revoked shall be ineligible to be certified as an exclusive representative for a period of 1 year following the end of the strike.

(j) (1) The public employer and the exclusive representative shall execute a written agreement by incorporating any matters of agreement reached on wages, hours, and other terms and conditions of employment.

(2) A collective bargaining agreement may include a provision for the arbitration of grievances arising under an agreement.

(3) (i) A collective bargaining agreement may not include matters relating to the employees' or teachers' retirement systems otherwise covered by the Annotated Code of Maryland.

(ii) Subparagraph (i) of this paragraph does not prohibit a discussion of the terms of the retirement systems in the course of collective bargaining.

(4) The terms of a collective bargaining agreement shall supersede any conflicting regulations or administrative policies of the public employer.

(5) A request for funds necessary to implement a collective bargaining agreement shall be submitted by the public employer in a timely fashion for consideration in the budget process of the county.

(6) Not later than 20 days after final budget action by the governing body of Prince George's County, if a request for funds necessary to implement a collective bargaining agreement is reduced, modified, or rejected by the governing body, either party to the agreement may reopen the agreement.

(k) The public employer has the right to:

(1) Determine how the statutory mandate and goals of the college, including the functions and programs of the college, its overall budget, and its organizational structure, are to be carried out; and

(2) Direct college personnel.

(l) (1) Public employees have the right to:

(i) Organize;

(ii) Form, join, or assist any employee organization;

(iii) Bargain collectively through representatives they have chosen;

(iv) Engage in other lawful concerted activity for the purpose of collective bargaining; or

(v) Refrain from engaging in the activities listed under this paragraph.

(2) (i) A public employee or group of public employees has the right, at any time, to:

1. Present a grievance arising under the terms of the agreement to the public employer; and

2. Have the grievance adjusted without the intervention of the exclusive representative.

(ii) The exclusive representative has the right to be present during any meeting involving the presentation or adjustment of a grievance.

(iii) The public employer has the duty to hear a grievance and participate in the adjustment of the grievance.

(iv) The adjustment of a grievance may not be inconsistent with the terms of the collective bargaining agreement then in effect.

(v) The public employer shall give prompt notice of any adjustment of a grievance to the exclusive representative.

(3) The public employer and a public employee organization may not interfere with, intimidate, restrain, coerce, or discriminate against a public employee because the employee exercises rights granted under this subsection.

(m) If a public general law on collective bargaining generally applicable to community colleges becomes effective, the authority granted under this section, any procedures adopted under this section, and any decision, action, or agreement made under this section shall expire and become void.

(n) Except as provided in this section, this section may not be interpreted to render the provisions of Title 4, Subtitles 1 through 3 of the Labor and Employment Article applicable to employment at Prince George's Community College.

§16–415.

(a) Except for rentals of property under impartial policies that establish fees for various classes of renters, the Board of Trustees of Prince George's Community College may not lease any property to any private person unless it complies with this section.

(b) The Board of Trustees shall advertise at least 2 weeks before the bids are due in one or more newspapers published in Prince George's County.

(c) The lease shall be awarded to the highest responsible bidder and conform to any qualifications set by the Board of Trustees.

§16–416.

(a) There is a program of county scholarships for not more than 200 students at Prince George's Community College.

(b) The county scholarships shall be awarded by the Community College on the basis of:

(1) Academic merit; and

(2) Financial need.

(c) Each scholarship shall pay for tuition for 1 year.

(d) Each year, the Prince George's County Executive shall include money for the county scholarships in the county budget.

§16–417.

(a) The Board of Trustees of Prince George's Community College shall establish an affirmative action program to facilitate the employment of minority employees,

including faculty and administrative and clerical staff.

(b) The Board of Trustees shall submit a report on the implementation of the affirmative action program established under subsection (a) of this section to the Chairmen of the Prince George's County House of Delegates and Senate delegations by January 1 of each year.

§16–418.

Notwithstanding the provisions of § 16-301(f) of this title, before any capital budget request made by Wor-Wic Community College is effective all of the counties that support that College shall give their written assent to the capital budget.

§16–419.

(a) The Board of Community College Trustees for Washington County consists of seven members appointed by the Governor with the advice and consent of the Senate.

(b) Each of the members:

(1) Shall be residents of Washington County at the time of appointment; and

(2) Shall maintain residency in Washington County throughout the term of appointment.

§16–501.

(a) The establishment of Baltimore City Community College is based on the findings and policies set forth in this section.

(b) (1) Public higher education should be accessible to all those who seek and qualify for admission.

(2) There is a need for an effective comprehensive urban community college in Baltimore City offering educational programs that will stimulate the participation of individuals, be responsive to the needs of the community, and afford open access to individuals with a variety of educational backgrounds.

(3) Businesses in the Baltimore metropolitan area are undergoing an economic transition and need and must be ready to make extensive use of and provide financial support for an effective, well-managed urban institution to train and educate their employees and prospective employees in skills and fields of study of importance to the region's business community.

(4) A partnership between the State and business community is essential to attain the requisite level of financial support to create and sustain a quality institution that is responsive to the technological and continuing education needs of

businesses.

(c) The purpose of the College is to provide quality, accessible, and affordable education to the citizens of Baltimore in the areas of basic skills, technical and career education, continuing education, and the arts and sciences.

§16–502.

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

(b) "Board of Trustees" means the Board of Trustees of Baltimore City Community College.

(c) "College" means Baltimore City Community College, formerly known as the New Community College of Baltimore.

(d) "Commission" means the Maryland Higher Education Commission.

(e) "Full-time equivalent student" means the quotient of the number of student credit hours produced in the fiscal year 2 years prior to the fiscal year for which the State appropriation is calculated divided by 30, as certified by the Maryland Higher Education Commission.

(f) "Officer" means the president and the vice presidents of the College and other officers as shall be appointed by the Board of Trustees.

(g) "Secretary" means the Secretary of Higher Education.

(h) "State appropriation" means the amount of money for Baltimore City Community College operating funds to be provided each fiscal year to the Board of Trustees by the State.

(i) "Student credit hours" means student credit hours or contact hours which are eligible, under the regulations issued by the Maryland Higher Education Commission, for inclusion in State funding calculations.

§16–503.

(a) There is a Baltimore City Community College, formerly known as the New Community College of Baltimore located in Baltimore City, Maryland, which shall, with other educational institutions, provide the services and programs described in § 10-210 of this article.

(b) The College is an institution of higher education of the State of Maryland.

(c) Notwithstanding any other provision of this subtitle, the College shall be classified as a "local educational agency (LEA)", as defined in federal law, for purposes of federal subsidies, grants, contracts, and other programs of support for which a

community college is eligible.

§16–504.

(a) The government of the College is vested in the Board of Trustees of the College.

(b) (1) The Board of Trustees consists of nine members appointed by the Governor with the advice and consent of the Senate.

(2) Of the members:

(i) Each shall be a resident of the State;

(ii) A majority shall be residents of Baltimore City; and

(iii) One shall be a regularly enrolled student in good standing at the College.

(c) (1) The student member shall have a term of 1 year beginning July 1 and ending on June 30.

(2) Except for the student member, the term is 6 years from July 1 of the year of appointment and until a successor is appointed and qualifies.

(3) The terms of the members are staggered, as required by the terms provided for members of the Board on July 1, 1992.

(4) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term or until a successor is appointed and qualifies.

(5) A member may be reappointed but may not serve more than 2 consecutive full terms.

(d) Each member of the Board of Trustees:

(1) Serves without compensation; and

(2) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

(e) Each year the Board of Trustees:

(1) Shall elect one of its nonstudent members as its chairman; and

(2) May elect any other officers it requires.

(f) (1) The Board of Trustees shall meet regularly at such times and places as it determines.

(2) The Board of Trustees may adopt rules for the conduct of its meetings and the transaction of business.

(g) A majority of the voting members shall constitute a quorum for the transaction of business.

§16–505.

(a) In addition to the other powers granted and duties imposed by this title, and subject to the authority of the Commission, the Board of Trustees has the powers and duties set forth in this section.

(b) (1) The Board of Trustees shall exercise general control over the College and establish broad policy and long-range planning to effect the efficient operation of the College.

(2) The Board of Trustees may not participate in the day-to-day operations of the College.

(c) (1) The Board of Trustees shall:

(i) Adopt reasonable rules, regulations, and bylaws to carry out the provisions of this subtitle and §§ 10-204 and 10-211 of this article; and

(ii) Keep separate records and minutes.

(2) Except with respect to skilled service employee grievance appeals, Title 10, Subtitles 1 and 2 of the State Government Article ("Administrative Procedure Act") does not apply to the Board of Trustees.

(d) (1) Subject to the provisions of paragraph (2) of this subsection and the provisions of § 16-511(d)(3) of this subtitle, the Board of Trustees may receive, purchase, lease, or otherwise acquire property it considers necessary or useful for the operation of the College.

(2) Subject to appropriations and the prior approval of the Board of Public Works, the Board of Trustees may receive, purchase, lease, or otherwise acquire real property.

(e) (1) The Board of Trustees may sell, lease, encumber, or otherwise dispose of assets or property of the College, other than any real property, improvement to real property, or license.

(2) Subject to the prior approval of the Board of Public Works, the Board may sell, lease, encumber, or otherwise dispose of any real property, improvement to real property, or license of the College.

(3) (i) All proceeds and income from any sale, lease, disposition,

encumbrance, or development of any property, right, or interest of the College shall be used for the benefit of the College and may not revert to the general funds of the State or be applied to the Annuity Bond Fund of the State.

(ii) 1. The proceeds and income from the sale of any real property, improvement to real property, or license of the College shall be deposited in a special fund.

2. The principal of the special fund may be used for capital expenditures, subject to the approval of the Board of Public Works on a pay-as-you-go basis, and may not be used to pay the operating expenses of the College.

3. The Board of Trustees shall develop the commercial potential of the Inner Harbor site to maximize revenue to the College without jeopardizing the educational mission of the College.

(f) The Board of Trustees may apply for, accept, and spend any gift or grant from any government, foundation, or person.

(g) (1) The Board of Trustees shall fix the tuition and fees to be paid by students and shall do so with a view to making college education available at low cost.

(2) (i) Except as otherwise provided in paragraph (4) of this subsection, the Board of Trustees shall assess each student who is not a resident of this State, in addition to the student tuition and fees paid by residents, an out–of–state fee at least equal to 60 percent of the amount of State support for the College per full–time equivalent student.

(ii) The Board of Trustees may waive the out–of–state fee as determined in subparagraph (i) of this paragraph for a student who is employed by a business located in the City of Baltimore.

(iii) Any student attending the College who receives a tuition waiver as provided by subparagraph (ii) of this paragraph shall not be included as an in–State resident for computation of State aid to the College in accordance with § 16–512 of this subtitle.

(iv) The Board of Trustees may waive the out–of–state fee as determined in subparagraph (i) of this paragraph for a student who resides in the State but does not meet the in–State residency requirement for tuition purposes and has moved to the State as an employee or a family member of an employee as part of the Base Realignment and Closure process as announced by the United States Department of Defense.

(v) Any student attending the College who receives a tuition waiver under subparagraph (iv) of this paragraph shall be included as an in–State resident for computation of State aid to the College in accordance with § 16–512 of this subtitle.

(3) For purposes of this subsection, the number of full–time equivalent students is the quotient of the number of student credit hours produced in the fiscal year divided by 30.

(4) A student who is not a resident of the State shall be considered a resident for purposes of assessing tuition and fees to the extent that such student would be eligible for in–county status under the provisions of § 16–310(a)(3) or (f) of this title.

(5) The Board of Trustees shall set tuition and fees for students who are residents of counties in this State other than Baltimore City at the same rate as the tuition and fees charged to students who reside in Baltimore City.

(h) (1) The Board of Trustees shall appoint a President of the College who shall be the Chief Executive Officer of the College and the Chief of Staff for the Board of Trustees.

(2) The Board of Trustees may create other offices in the College and provide for the appointment of qualified persons to those offices.

(3) (i) The Board of Trustees shall appoint an interim president to carry out the duties of the President within 90 days after the office of the President becomes vacant.

(ii) The interim president may not be a member of the Board of Trustees.

(4) (i) Notwithstanding any other provision of law, the Board of Trustees may create any position to the extent that the cost of the position, including any fringe benefit costs, is funded from grant or special project funds.

(ii) The Board of Trustees shall abolish a position created under this paragraph when the grant or special project funds are insufficient to fund the cost of the position, including any fringe benefit costs.

(iii) This paragraph may not be construed to require any additional State General Fund support.

(iv) By September 1 of each year, the Board of Trustees shall submit an annual position accountability report to the Department of Budget and Management, in accordance with § 2-1246 of the State Government Article, the Department of Legislative Services, and the Commission reporting the total positions created and the cost and the funding source for any positions created by the College in the previous fiscal year.

(v) The total number of positions authorized under this paragraph shall be limited as specified annually in the State budget bill.

(i) Subject to the authority of the Commission, the Board of Trustees may:

(1) Establish entrance requirements for the College;

(2) Approve courses and programs;

(3) Adopt and change curricula;

(4) Establish and change requirements for the awarding of credits and degrees and for graduation;

(5) Work with the Commission to establish cooperative program agreements that qualify as statewide programs in accordance with § 16-310(d) of this title; and

(6) Develop effective relationships and cooperative programs with the Baltimore City Public School System to assure that high school students are encouraged to enroll in the College.

(j) The Board of Trustees may fix the salaries and terms of employment of the President, faculty, and officers of the College.

(k) In addition to any performance evaluation required by regulation of the Department of Budget and Management, the Board of Trustees shall evaluate the performance of the faculty of the College in a form developed in cooperation with the Commission.

(l) The Board of Trustees may enter into contracts or delegate that authority to the President.

(m) On the recommendation of the President, the Board of Trustees shall designate one or more representatives to participate as a party in collective bargaining on behalf of the College in accordance with Title 3 of the State Personnel and Pensions Article.

§16–506.

(a) The President of the College shall:

(1) Report directly to the Board of Trustees and be the sole liaison between the Board of Trustees and the College's faculty, administrators, and staff;

(2) Be responsible and accountable to the Board of Trustees for the discipline and successful conduct of the College and supervision of each of its departments;

(3) Take every initiative in:

(i) Implementing the policies of the Board of Trustees and the

College; and

(ii) Promoting the development and efficiency of the College;

(4) Hire and discharge faculty and employees as authorized by the Board of Trustees;

(5) Attend all meetings of the Board of Trustees, except that the President may be excused by the Board of Trustees from discussions concerning the President or the position of President; and

(6) Carry out other duties as authorized by the Board of Trustees.

(b) The President may delegate any portion of the President's authority to other officers of the College, subject to the right of the President or the Board of Trustees to rescind or modify the delegation in whole or in part at any time.

§16–507.

(a) For each fiscal year, the President shall prepare and the Board of Trustees shall review, modify, as necessary, and approve an operating budget and a capital budget for the College.

(b) The operating budget shall indicate:

(1) All revenues estimated for the next fiscal year classified by funds and sources of income; and

(2) All expenditures requested, including specification of expenditures for each major function established by the Commission under § 16-304 of this title.

(c) The President and Board of Trustees shall submit the operating and capital budgets to the Commission in accordance with the provisions of § 11-105(i) of this article.

(d) (1) All income of the College shall be deposited:

(i) In the State Treasury; or

(ii) As the State Treasurer directs.

(2) By an approved budget amendment, the College may spend or encumber within the fiscal year in which they are received, revenues received in excess of those estimated for any fiscal year.

(3) The unexpended or unencumbered balances of the College's revenues:

(i) Shall be reported to the Comptroller and to the Secretary at the end of the fiscal year for which the appropriation was made;

(ii) Do not revert to the State Treasury at the end of each fiscal year; and

(iii) Shall be available for expenditure through an appropriation contained in the budget bill or through an approved budget amendment.

(4) The interest or other income from the investment of any funds of the College shall be credited to the College, provided that any interest estimated to be earned on the State appropriation must be offset by an equivalent reduction in State General Fund support, and that amount will be reported annually to the General Assembly.

(e) The Legislative Auditor shall audit all expenditures and accounts of the College in accordance with §§ 2-1220 through 2-1227 of the State Government Article.

§16–508.

(a) (1) Beginning with fiscal year 1996, the Governor shall include in the annual budget submission a General Fund appropriation for Baltimore City Community College in the amount provided in subsection (b) of this section to provide instruction and services to students enrolled in an English for Speakers of Other Languages ("ESOL") program.

(2) To qualify for a grant under this section, each participant in the program shall be a student:

(i) Born outside of the United States or whose native language is not English;

(ii) Who comes from an environment where a language other than English is dominant; or

(iii) Who is an American Indian or Alaskan native and comes from an environment where a language other than English has had a significant impact on the student's level of English language proficiency.

(b) (1) Subject to the provisions of paragraph (2) of this subsection, the amount of the grant shall be $800 times the number of qualified full–time equivalent students who are enrolled in a Baltimore City Community College ESOL program, as certified by the Maryland Higher Education Commission.

(2) The total amount of the grant under this subsection may not exceed $1,333,000 for any fiscal year.

(c) Baltimore City Community College may not transfer State funds received under this subsection to any other program or category.

(d) Subject to the provisions of subsection (b) of this section, for any fiscal year

in which the State appropriation is insufficient to fully fund all grants eligible under this section, the Governor shall include in the budget bill for the following fiscal year a deficiency appropriation to fund all unfunded grants.

§16–509.

Except as otherwise provided in this subtitle, the provisions of Subtitle 3 and §§ 16-101, 16-102, 16-103, 16-104, and 16-107 of this title do not apply to the College.

§16–510.

(a) (1) All employees of the College are in an independent personnel system.

(2) The personnel system established under this subsection shall include provisions for consideration of hiring a contractual employee to fill a vacant position in the same or similar classification in which the contractual employee is employed.

(b) If an employee was employed by the State in the skilled service of the State Personnel Management System, beginning January 1, 1996, the employee's years of service as an employee of Baltimore City shall be added to the employee's years of service with the State for the purpose of determining:

(1) The annual leave accrual rate provided in § 9-302 of the State Personnel and Pensions Article;

(2) Seniority under Title 11, Subtitle 2 of the State Personnel and Pensions Article, relating to layoffs; and

(3) Seniority under § 7-207(b) of the State Personnel and Pensions Article, relating to promotions.

§16–511.

(a) The College possesses all of the property, assets, immunities, defenses, licenses, credits, and rights of the New Community College of Baltimore, including those transferred to the Board of Trustees of the New Community College of Baltimore by the City of Baltimore and the Board of Trustees of the Community College of Baltimore under Chapter 220 of the Acts of the General Assembly of 1990.

(b) (1) (i) The Board of Trustees of the College may, in its discretion, assume such liabilities and obligations of the Community College of Baltimore as the Board considers necessary or useful.

(ii) Except as otherwise provided in subsection (d) of this section, the Board of Trustees may assume such liabilities or obligations only if the nature and terms of the obligations or liabilities to be assumed are consistent with the laws and regulations of the State.

(2) No liability, contract, or obligation of the Community College of Baltimore shall be a liability, contract, or obligation of the College unless such liability, contract, or obligation is expressly assumed by action of the Board of Trustees of the College.

(c) Baltimore City shall indemnify and hold harmless the State, the Board of Trustees of the New Community College of Baltimore, the New Community College of Baltimore, the Board of Trustees of Baltimore City Community College, and Baltimore City Community College for any judgments, damages, liens, settlements, and other costs, including attorney's fees, arising from the operations of the Community College of Baltimore, or the actions of the Board of Trustees of the Community College of Baltimore, or their employees, officers, or agents.

(d) (1) In this subsection, "procurement" and "procurement contract" have the meanings stated in § 11-101 of the State Finance and Procurement Article.

(2) Before July 1, 1991, the Board of Trustees may, in its discretion, assume as assignee any procurement contract entered into by or on behalf of the Community College of Baltimore prior to July 1, 1990. The Board of Trustees may assume such procurement contracts without regard to whether the contracts conform to the requirements of Division II of the State Finance and Procurement Article (The "General Procurement Law") and the regulations adopted under that law.

(3) Except for contracts assumed under paragraph (2) of this subsection, procurement by the College shall be in accordance with Division II of the State Finance and Procurement Article and the regulations issued pursuant to that article.

§16–512.

(a) (1) The total State operating fund per full–time equivalent student appropriated to Baltimore City Community College for each fiscal year other than fiscal year 2013, as requested by the Governor shall be:

(i) In fiscal year 2009, not less than an amount equal to 67.25% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

(ii) In fiscal year 2010, not less than an amount equal to 65.1% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(iii) In fiscal year 2011, not less than an amount equal to 65.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission

for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(iv) In fiscal year 2012, not less than an amount equal to 63% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(v) In fiscal year 2014, an amount that is the greater of 61% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year or $5,695.63 per full–time equivalent student;

(vi) In fiscal year 2015, an amount that is the greater of 61% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year or $5,695.63 per full–time equivalent student;

(vii) In fiscal year 2016, an amount that is the greater of 58% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year or $5,695.63 per full–time equivalent student;

(viii) In fiscal year 2017, an amount that is the greater of 58% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year or $5,695.63 per full–time equivalent student;

(ix) In fiscal year 2018, not less than an amount equal to 60% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(x) In fiscal year 2019, not less than an amount equal to 61% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(xi) In fiscal year 2020, not less than an amount equal to 62.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year

public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(xii) In fiscal year 2021, not less than an amount equal to 64.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(xiii) In fiscal year 2022, not less than an amount equal to 66.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year; and

(xiv) In fiscal year 2023 and each fiscal year thereafter, not less than an amount equal to 68.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year.

(2) For purposes of this subsection, the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State for a fiscal year shall include noncapital appropriations from the Higher Education Investment Fund.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, the total State operating fund appropriated to Baltimore City Community College under this section for each of fiscal years 2011 and 2012 shall be $40,187,695.

(4) In fiscal year 2013, the total State operating funds appropriated to Baltimore City Community College under this section shall be $39,863,729.

(b) Notwithstanding subsection (a) of this section, the State appropriation to Baltimore City Community College requested by the Governor may not be less than the State appropriation to the College in the previous fiscal year.

(c) The State shall distribute the State appropriation under this subsection to the Board of Trustees of Baltimore City Community College on a quarterly basis.

(d) (1) (i) Through June 30, 1999, the City of Baltimore shall be responsible for providing at least $600,000 in each fiscal year to support education at the College.

(ii) Of this amount, in each fiscal year, at least $300,000 shall be expended and administered by the College for tuition reimbursement or scholarships to attend classes at the College, and the remaining balance shall be expended in a manner consistent with the educational mission of the College.

(iii) The source of the $600,000 is not limited to tax or fee revenues generated by the City of Baltimore.

(2) (i) Beginning on July 1, 1999, the City of Baltimore shall be responsible for providing at least $800,000 in each fiscal year to support education at the College.

(ii) Of this amount, in each fiscal year, at least $500,000 shall be expended and administered by the College for tuition reimbursement or scholarships to attend classes at the College, and the remaining balance shall be expended in a manner consistent with the educational mission of the College.

(iii) The source of the $800,000 is not limited to tax or fee revenues generated by the City of Baltimore.

(3) (i) Beginning on July 1, 2006, the City of Baltimore shall be responsible for providing at least $1,000,000 in each fiscal year to support education at the College.

(ii) Of this amount, in each fiscal year, at least $400,000 shall be expended and administered by the College for tuition reimbursement or scholarships to attend classes at the College, and the remaining balance shall be expended in a manner consistent with the educational mission of the College.

(iii) The source of the $1,000,000 is not limited to tax or fee revenues generated by the City of Baltimore.

(iv) The Board of Trustees shall submit an annual report on or before December 31 to the Director of Finance for the City of Baltimore regarding the expenditures made under this paragraph.

§16–513.

(a) There is a Baltimore City Community College police force.

(b) (1) A Baltimore City Community College police officer has the powers granted to a peace and police officer.

(2) (i) A Baltimore City Community College police officer may exercise these powers only on property that is owned, leased, operated by, or under the control of Baltimore City Community College.

(ii) The police officer may not exercise these powers on any other property unless:

1. Engaged in fresh pursuit of a suspected offender;

2. Necessary to facilitate the orderly flow of traffic to and from

property owned, leased, operated by, or under the control of Baltimore City Community College; or

3. Ordered to do so by the Governor.

(c) (1) In consultation with the Secretary of State Police and the Maryland Police Training Commission, the Board of Trustees shall adopt standards, qualifications, and prerequisites of character, training, education, human and public relations, and experience for Baltimore City Community College police officers, including standards for the performance of their duties.

(2) To the extent practicable, the Board shall adopt standards that are similar to the standards adopted for the Department of State Police.

(d) The Board of Trustees shall adopt regulations governing the operation and conduct of the Baltimore City Community College police force and of Baltimore City Community College police officers.

§16–601.

(a) The establishment of the College of Southern Maryland as a regional college is based on the findings and policies set forth in this section.

(b) (1) Charles County Community College has provided higher education opportunities in Calvert County for more than 15 years and in St. Mary's County for more than 20 years through a contractual arrangement with the county.

(2) The continuing growth of Charles County Community College as a quality institution requires that a partnership be established to provide a new college identity reflective of the three southern Maryland counties, a governance structure of shared ownership, and the equitable distribution of fiscal support.

§16–602.

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

(b) "Board of Trustees" means the Board of Trustees of the College of Southern Maryland.

(c) "College" means the College of Southern Maryland, formerly known as the Charles County Community College.

(d) "Commission" means the Maryland Higher Education Commission.

(e) "County commissioners" means the elected county commissioners from Calvert, Charles, and St. Mary's counties.

(f) "Officer" means the president, vice presidents, deans, or other officers of the

College as shall be appointed by the Board of Trustees.

(g) "Resident campus" means a primary campus located in Calvert County, Charles County, or St. Mary's County.

(h) "Southern Maryland" means the area that includes all of Calvert, Charles, and St. Mary's counties.

§16–603.

(a) (1) There is a College of Southern Maryland, formerly known as the Charles County Community College, located in Calvert, Charles, and St. Mary's counties, Maryland.

(2) With other educational institutions, the College shall provide the services and programs described in § 10-210 of this article.

(b) The College is an institution of higher education of the State of Maryland.

(c) Notwithstanding any other provision of this subtitle, the College shall be classified as a "local educational agency (LEA)", as defined in federal law, for purposes of federal subsidies, grants, contracts, and other programs of support for which a community college is eligible.

(d) Calvert, Charles, and St. Mary's counties may appropriate money to pay the cost of operating the College according to the provisions of this article.

(e) (1) Each southern Maryland county may borrow money to purchase land and construct capital improvements for the College.

(2) Money may be borrowed on terms and conditions the county commissioners consider proper, subject to any requirements of local law applicable to the creation of public debt.

(f) (1) Unless otherwise agreed to by the county commissioners, the capital expenditures for each campus are the responsibility of the county in which the campus is located.

(2) The distribution of shared costs will be that of a regional community college as designated in § 11-105(j)(6)(i) of this article.

§16–604.

(a) The government of the College is vested in the Board of Trustees.

(b) (1) The Board of Trustees consists of nine members appointed by the Governor with the advice and consent of the Senate.

(2) Of the members:

(i) Each shall be a resident of the State;

(ii) Each shall have completed at least 60 hours of accredited college work; and

(iii) None may be an elected official of the State, a county, a municipal corporation, or a county board.

(3) Each of the southern Maryland counties shall be represented by at least one member who is a resident of that county.

(4) By July 1, 2010, each of the southern Maryland counties shall be represented by at least three members who are residents of that county.

(c) (1) The term of a member is 5 years.

(2) A member appointed to fill a vacancy in an unexpired term serves for the remainder of that term.

(3) A member may not serve more than two consecutive full terms.

(d) Each member of the Board of Trustees is entitled to receive up to $600 a year for expenses.

§16–605.

(a) Each year prior to June 30 the Board of Trustees:

(1) Shall elect a chairman and vice chairman from among its members; and

(2) May elect any other officers it requires.

(b) (1) The Board of Trustees shall determine the time and place of its meetings.

(2) The Board of Trustees may adopt rules for the conduct of its meetings and the transaction of business.

(c) A majority of the members then serving on the Board of Trustees is a quorum for the transaction of business.

§16–606.

(a) In addition to the other powers granted and duties imposed by this title, and subject to the authority of the Commission, the Board of Trustees has the powers and duties set forth in this section.

(b) The Board of Trustees shall exercise general control over the College, keep

separate records and minutes, and adopt reasonable rules, regulations, and bylaws to carry out the provisions of this title.

(c) The Board of Trustees may fix the salaries and tenure of the president, faculty, and other employees of the College.

(d) The Board of Trustees may purchase, lease, condemn, or otherwise acquire any property it considers necessary for the operation of the College.

(e) (1) The Board of Trustees may sell, lease, or otherwise dispose of assets or property of the College.

(2) The president of the College and the chairman of the Board of Trustees may execute a conveyance or other legal document under an appropriate resolution of the Board of Trustees.

(f) The Board of Trustees may apply for and accept any gift or grant from the federal government or any other person.

(g) Subject to the minimum standards of the Commission, the Board of Trustees may determine entrance requirements and approve offerings that consist of:

(1) Transfer programs offering the equivalent of the first 2 years of a bachelor's degree program;

(2) Career programs offering technical, vocational, and semiprofessional education; and

(3) Continuing education and contract-training programs.

(h) Except as provided in § 16-310 of this title, the Board of Trustees may charge students reasonable tuition and fees set by it with a view to making college education available to all qualified students at low cost.

(i) The Board of Trustees may sue and be sued.

(j) The Board of Trustees may make agreements with the federal government or any other person, including agreements between counties, if the Board of Trustees considers the agreement advisable for the establishment or operation of the College.

(k) The Board of Trustees may adopt a corporate seal.

(l) The Board of Trustees shall appoint a president of the College who shall be the chief executive officer of the College and the secretary/treasurer of the Board of Trustees.

§16–607.

(a) The Board of Trustees may:

(1) Appoint an individual, other than the attorney to the Board of Trustees, as hearing examiner; and

(2) Adopt rules governing proceedings before the hearing examiner.

(b) The hearing examiner:

(1) May hold an initial hearing on any matter brought before the Board of Trustees; and

(2) Shall submit to the Board of Trustees and to the parties findings of fact and conclusions of law, a transcript of the proceedings, and exhibits.

(c) The Board of Trustees shall:

(1) Hear arguments, if requested by a party; and

(2) After considering the arguments and the record, decide the matter.

(d) The decision of the Board of Trustees may not be appealed.

§16–608.

The president of the College shall:

(1) Report directly to the Board of Trustees;

(2) Recommend the appointment by the Board of Trustees of qualified faculty members and other employees necessary for the efficient administration of the College;

(3) Recommend the discharge of employees for good cause, provided that any employee with tenure shall be given reasonable notice of the grounds for dismissal and an opportunity to be heard;

(4) Be responsible for the conduct of the College and for the administration and supervision of its departments; and

(5) Attend all meetings of the Board of Trustees, except those involving the position of president.

§16–609.

Except as otherwise provided in this subtitle, the provisions of §§ 16-106 and 16-107 of this title apply to the College.

§16–610.

(a) Each year the Board of Trustees and the president of the College shall

prepare and submit to the county commissioners:

(1) An annual report;

(2) An operating budget;

(3) A capital budget; and

(4) If required, a long-term capital improvement program.

(b) The operating budget shall show:

(1) All revenues estimated for the next fiscal year classified by funds and sources of income for each campus;

(2) All expenditures requested, including the major functions listed under § 16-304(b) of this title and specification for the direct expenditures for each campus by major function established by the Commission;

(3) All indirect expenditures for institutional support;

(4) All other indirect expenditures; and

(5) Any other information or supporting data required by the county commissioners.

(c) (1) The county commissioners in each county shall review and approve the budget of the resident campus in that county and may reduce it.

(2) The Board of Trustees of the College may approve transfers of appropriations for direct or indirect costs in order to insure the mission of the College.

(d) The operating budget of the College as outlined in this section shall be submitted to the Commission for informational purposes.

§17–101.

There is a program of State aid to private nonprofit institutions of higher education known as the Joseph A. Sellinger Program.

§17–102.

Subject to review by the Board of Public Works, the Maryland Higher Education Commission shall adopt standards and procedures, not inconsistent with this subtitle, to implement and administer the aid program provided for by this subtitle, including standards and procedures for:

(1) Submitting applications for aid;

(2) Verifying full-time equivalent student enrollment by institutions that apply for aid;

(3) Submitting reports or data on the use of this money by the institutions that receive it; and

(4) Paying the aid to the institutions during the fiscal year.

§17–103.

(a) The Maryland Higher Education Commission shall determine which institutions are eligible for aid under this subtitle.

(b) To qualify for State aid under this subtitle, an institution of higher education shall:

(1) Be:

(i) A nonprofit private college or university that was established in the State before July 1, 1970;

(ii) A nonprofit private institution of higher education that formerly received State aid as a component of a private college or university that was established in this State before July 1, 1970; or

(iii) A private nonprofit institution of higher education that is established in this State and grants an associate of arts degree;

(2) Be approved by the Maryland Higher Education Commission;

(3) Be accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools;

(4) Have awarded the associate of arts or baccalaureate degrees to at least one graduating class;

(5) Maintain one or more earned degree programs, other than seminarian or theological programs, leading to an associate of arts or baccalaureate degree; and

(6) Submit each new program and each major modification of an existing program to the Maryland Higher Education Commission for its review and recommendation as to the initiation of the new or modified program.

§17–104.

(a) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, the Maryland Higher Education Commission shall compute the amount of the annual apportionment for each institution that qualifies under this subtitle by multiplying the number of full–time equivalent students enrolled at the institution during the fall

semester of the fiscal year preceding the fiscal year for which the aid apportionment is made, as determined by the Maryland Higher Education Commission by:

(i) In fiscal year 2009, an amount not less than 16% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the preceding fiscal year;

(ii) In fiscal year 2010, an amount not less than 12.85% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in the State for the same fiscal year;

(iii) In fiscal year 2011, an amount not less than 9.8% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(iv) In fiscal year 2012, an amount not less than 9.2% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(v) In fiscal year 2014, an amount that is the greater of 9.4% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year or $875.53 per full–time equivalent student;

(vi) In fiscal year 2015, an amount that is the greater of 9.4% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year or $875.53 per full–time equivalent student;

(vii) In fiscal year 2017, an amount not less than 10.1% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(viii) In fiscal year 2018, an amount not less than 10.5% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(ix) In fiscal year 2019, an amount not less than 10.8% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(x) In fiscal year 2020, an amount not less than 11.1% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year; and

(xi) In fiscal year 2021 and each fiscal year thereafter, an amount not less than 15.5% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for

the same fiscal year.

(2) For each of fiscal years 2011 and 2012, the total amount of the aid provided under this subtitle shall be $38,445,958, to be allocated among the institutions that qualify under this subtitle in proportion to the number of full–time equivalent students enrolled at each institution during the fall semester of the fiscal year preceding the fiscal year for which the aid apportionment is made, as determined by the Maryland Higher Education Commission.

(3) In fiscal year 2013, the total amount of aid due to all institutions shall be $38,056,175.

(4) In fiscal year 2016, the total amount of the aid provided under this subtitle shall be $42,822,240, to be allocated among the institutions that qualify under this subtitle in proportion to the number of full–time equivalent students enrolled at each institution during the fall semester of fiscal year 2015, as determined by the Maryland Higher Education Commission.

(b) (1) Full–time equivalent students enrolled in seminarian or theological programs shall be excluded from the computation required by subsection (a) of this section.

(2) Full–time equivalent students enrolled in programs that are part of an agreement or contract with for–profit educational services entities shall be excluded from the computation required by subsection (a) of this section.

(c) Payments of State general funds under Subtitle 3 of this title shall be excluded from the computation required by subsection (a) of this section.

(d) For purposes of this section, the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State for a fiscal year shall include noncapital appropriations from the Higher Education Investment Fund.

§17–105.

(a) The Maryland Higher Education Commission shall certify the amount of aid due each institution under this subtitle to the Governor, who shall include the total amount in the annual budget submission.

(b) If a private nonprofit institution of higher education has implemented a new or substantially modified program contrary to the recommendation of the Maryland Higher Education Commission that was based on a finding of unreasonable duplication, then the Maryland Higher Education Commission may recommend that the General Assembly reduce the appropriation by the amount of aid associated with the full–time equivalent enrollment in that program. This provision does not preclude the private nonprofit institution from going forward with implementation of the new or substantially modified program.

(c) The Maryland Higher Education Commission shall certify the amount of aid due each institution, less any reduction made by the General Assembly under subsection (b) of this section, to the State Comptroller, who shall pay it from appropriations made for this program under the normal budgetary procedures.

(d) (1) If the General Assembly reduces program funding under subsection (b) of this section, the affected private nonprofit institution annually may reapply to the Maryland Higher Education Commission for reconsideration of the program recommendation.

(2) If the Commission determines that the unreasonable duplication no longer exists, then the Commission may recommend that there be no reduction in the institution's amount of aid.

§17–106.

Subject to the initial approval of the Secretary of General Services, an institution that qualifies for aid under this subtitle may make any purchase through the Department of General Services in accordance with the rules and regulations of that Department.

§17–107.

An institution may not use money payable or goods purchased under this subtitle for sectarian purposes.

§17–201.

There is an Eminent Scholar Program to give public institutions of higher education the opportunity to attract and keep faculty who have achieved national eminence in their disciplines.

§17–202.

(a) Each public institution of higher education may participate in the Eminent Scholar Program.

(b) The governing body of each institution that participates in the Program shall adopt standards and procedures for attracting and keeping eminent scholars in this State that include the following concepts:

(1) The appointee shall hold the rank of associate or full professor, or its equivalent, such as artist in residence;

(2) The appointee shall have achieved national eminence in his discipline as judged by his peers; and

(3) The "eminence" of the appointee:

(i) Shall be judged, generally, on evidence of effective teaching and productive research as attested to by his peers; and

(ii) If appropriate, may be judged on the basis of artistic achievement or distinguished accomplishments in areas that lie beyond academic endeavor but for which there is concrete evidence of superior talent.

§17–203.

(a) Each chair designated as a position for an eminent scholar shall be endowed fully for the incumbency of the holder of that chair.

(b) The State may contribute the funds provided in the budget to match endowments obtained by each institution that are specifically designated for the Eminent Scholar Program. The contribution shall be in conjunction with, and supplemental to, the regular faculty salary funding.

§17–301.

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

(b) "Base year" means July 1, 1997 through June 30, 1998.

(c) "Eligible institution" means:

(1) Each public senior higher education institution identified in § 10–101(m) or § 12–101(b)(3) of this article or its affiliated foundation; and

(2) The following community college campuses or their affiliated foundations:

(i) Allegany;

(ii) Anne Arundel;

(iii) Baltimore City;

(iv) Calvert;

(v) Carroll;

(vi) Catonsville;

(vii) Cecil;

(viii) Charles;

(ix) Chesapeake;

(x) Dundalk;

(xi) Essex;

(xii) Frederick;

(xiii) Garrett;

(xiv) Germantown;

(xv) Hagerstown;

(xvi) Harford;

(xvii) Howard;

(xviii) Prince George's;

(xix) Rockville;

(xx) St. Mary's;

(xxi) Takoma Park; and

(xxii) Wor–Wic.

(d) (1) "Eligible private donor" means an individual, corporation, partnership, or other form of business organization, public or private foundation, or other nonprofit organization.

(2) "Eligible private donor" does not include the State, a subdivision of the State, the federal government, or a foreign government.

(e) "Eligible program" means an endowment for an academic purpose that does not contain unreasonable restrictions as to use as further defined by the Maryland Higher Education Commission.

(f) "Endowment" means a donation or gift that has been provided under the condition that the principal remain intact and be invested in perpetuity for the purpose of producing income.

§17–302.

(a) Except as provided in subsection (b) of this section, each eligible institution shall receive from the State, in the manner and subject to the limitations of this subtitle, with respect to the amounts pledged by eligible private donors as voluntary donations at any time during the previous fiscal year to the eligible institution for eligible programs as follows:

(1) An amount equal to the first $250,000 or any portion thereof of pledged amounts;

(2) An amount equal to one–half of the next $1,000,000 or any portion thereof of pledged amounts; and

(3) An amount equal to one–third of the amount in excess of $1,250,000 or any portion thereof of pledged amounts.

(b) Bowie State University, Coppin State University, Morgan State University, and University of Maryland Eastern Shore shall receive from the State, in the manner and subject to the limitations of this subtitle, with respect to the amounts pledged by eligible private donors as voluntary donations at any time during the previous fiscal year to the eligible institution for eligible programs as follows:

(1) For amounts pledged on or after July 1, 2001, an amount equal to $2 for every $1 of the first $250,000 or any portion thereof of pledged amounts; and

(2) For amounts pledged on or after July 1, 2001, an amount equal to the next $1,000,000 or any portion thereof of pledged amounts.

(c) Payments shall be made by the State:

(1) Only with respect to pledged amounts that are paid by the eligible private donor to:

(i) Bowie State University, Coppin State University, Morgan State University, and University of Maryland Eastern Shore before January 1, 2010; and

(ii) All other eligible institutions before July 1, 2004; and

(2) (i) To Bowie State University, Coppin State University, Morgan State University, and the University of Maryland Eastern Shore, in the fiscal year following the fiscal year during which the amounts are paid by eligible private donors; and

(ii) To all other eligible institutions, in equal installments in fiscal years 2006, 2007, 2008, and 2009.

(d) Payments by the State under this subtitle may not exceed:

(1) $250,000 to each community college campus;

(2) $1,250,000 each to the University of Maryland, College Park, the University of Maryland, Baltimore, and the University of Maryland Baltimore County;

(3) $1,500,000 each to Bowie State University, Coppin State University, Morgan State University, and University of Maryland Eastern Shore; and

(4) $750,000 to each other eligible institution.

(e) (1) To determine eligibility for State payments, each donation shall be compared to the amount donated during the base year. The following criteria shall be the basis for comparison:

(i) Each donation must be from a new donor; or

(ii) Each donation must represent an increase over the amount given by the donor during the base year.

(2) A donation received during the base year that fulfills a pledge made prior to the base year may not be included in the determination of the amount donated during the base year.

(3) Each donation must be specifically designated as an endowment.

§17–303.

An affiliated foundation of an eligible institution that receives State payments shall provide to the Maryland Higher Education Commission an annual audit of all pledged and paid amounts and their sources, and a copy of the annual audit shall be provided to the Legislative Auditor.

§17–304.

(a) Amounts paid by the State under this subtitle may be applied to any eligible program at the eligible institution to which the payment is made.

(b) No more than one-half of the total amount to be paid by the State under provisions of this subtitle may be appropriated in any fiscal year. The provisions of § 7-302 of the State Finance and Procurement Article do not apply to unused program funds.

§17–305.

Amounts paid by the State to an eligible institution under this subtitle may not directly or indirectly reduce the State General Fund or Capital Fund support for the eligible institution.

§17–306.

The Maryland Higher Education Commission shall:

(1) Adopt regulations necessary for the administration of this subtitle; and

(2) Submit to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly an annual report summarizing the total amount of funds pledged by eligible private donors and total amount of funds raised.

§18–101.

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

(b) "Commission" means the Maryland Higher Education Commission.

(c) "Office" means the Office of Student Financial Assistance.

(d) "Secretary" means the Secretary of Higher Education.

§18–102.

Except as otherwise provided in this title, the provisions of this subtitle apply to any scholarship, grant, loan, or other student financial assistance awarded by the Office.

§18–103. IN EFFECT

(a) In this title, "in–State institution of higher education" means a degree–granting institution whose primary campus is located in Maryland and whose authority to grant degrees is conferred by Maryland.

(b) A scholarship, grant, loan, or other student financial assistance awarded by the Office may be used only at an in–State institution of higher education that possesses a certificate of approval from the Commission.

18–103. // EFFECTIVE JUNE 30, 2016 PER CHAPTER 277 OF 2011 //

Except as otherwise provided in Subtitles 4, 5, and 12 of this title, a scholarship, grant, loan, or other student financial assistance awarded by the Office may be used only at a public or private nonprofit institution of higher education in this State that possesses a certificate of approval from the Commission.

§18–104.

(a) This title does not affect the power of any institution over:

(1) Its operation or curriculum;

(2) Its standards of scholarship for admission or attendance;

(3) Examinations and grades;

(4) Adoption and enforcement of rules and regulations; and

(5) The disciplining of students.

(b) The recipient of a scholarship may not be:

(1) Denied admission to any institution because of religion; or

(2) Required to take sectarian religious courses to qualify for a degree.

§18–105.

If requested by the donor or sponsor, any public institution of higher education shall report the academic grades of the recipient of a scholarship to the donor or sponsor at the end of each semester.

§18–106.

(a) If, during an academic year, a student who is receiving any student financial assistance award withdraws from the institution at which the award is used or otherwise fails to remain eligible for the award, the institution shall make a pro rata refund to the Office or other donor on the same terms that it makes refunds to students.

(b) Any refund may be reawarded on an interim basis under this title until the end of the academic year. Any requirement of an examination is waived for the recipient of an interim award.

§18–107.

(a) (1) Each year, money for each student financial assistance program administered by the Office shall be included in the State budget.

(2) Each year, the Governor shall include in the State budget at least 80 percent of the funds appropriated in the prior fiscal year for need–based programs as provided in §§ 18–301, 18–706(f), 18–1401, 18–1501, and 18–2601 of this title.

(b) Except as otherwise provided in this title, money appropriated under this title that is not used by the end of the fiscal year shall be deposited in the Need–based Student Financial Assistance Fund.

(c) (1) In this subsection, "Fund" means the Need–based Student Financial Assistance Fund.

(2) There is a Need–based Student Financial Assistance Fund.

(3) The purpose of the Fund is to allow money appropriated for student financial assistance programs that is not used in a fiscal year to be retained for need–based awards in future fiscal years.

(4) The Commission shall administer the Fund.

(5) (i) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(ii) The State Treasurer shall hold the Fund and the Comptroller shall account for the Fund.

(6) The Fund consists of:

(i) Money distributed to the Fund under subsection (b) of this section; and

(ii) Any other money from any other source accepted for the benefit of the Fund.

(7) (i) The Fund may be used only for making need–based financial assistance awards to students as provided in §§ 18–301, 18–601, 18–604, 18–706(f), 18–1401, 18–14A–01, 18–1501, 18–2507, and 18–2601 of this title.

(ii) The Fund may not be used for administrative expenses.

(8) (i) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(ii) Any investment earnings on the funds in the account shall be paid into the General Fund of the State.

(9) Expenditures from the Fund may be made only in accordance with the State budget.

§18–108.

Any college student or other individual, who is under 18 years old and is eligible for or is receiving benefits from any State scholarship, loan, tuition grant, remission of fixed charges, fellowship, federal or State student loan program, or any other student financial assistance:

(1) May execute notes, contracts, or agreements necessary to obtain these benefits in the same manner and with the same effect as though he were 18 years old; and

(2) May not assert the disability of infancy as a defense in any action brought against him with respect to these benefits.

§18–110.

(a) Any student attending a public institution of higher education who is not a resident of this State and who is enrolled in an education course or program leading to an occupation as a licensed registered nurse or a licensed practical nurse shall pay only the tuition fees and other mandatory fees payable by a resident of this State if the student furnishes a promissory note to this State, with security satisfactory to the Commission, that, on completion of the education course or program, the student

will work in this State for at least 4 years as a licensed registered nurse or a licensed practical nurse in a hospital or related institution, as defined in § 19–301 of the Health – General Article.

(b) (1) The Secretary of Health and Mental Hygiene may determine if there is a shortage of licensed registered nurses or licensed practical nurses.

(2) Subject to paragraphs (3) and (4) of this subsection, if the Secretary determines that there is no shortage of licensed registered nurses or licensed practical nurses, the nonresident student tuition reduction program established under this section may not be applied to any courses or programs required for that particular occupation.

(3) Paragraph (2) of this subsection applies only to students who enroll in a course of study leading to that occupation subsequent to the determination made under paragraph (1) of this subsection.

(4) Paragraph (2) of this subsection may not affect any student who is participating in the nonresident tuition reduction program prior to the determination under paragraph (1) of this subsection.

§18–111.

As a condition of receiving student financial assistance awarded by the Office, each recipient shall sign a statement pledging to remain drug free. The Commission shall determine the contents of the drug free statement.

§18–112.

(a) Except as otherwise provided in this title, repayment obligations incurred by recipients of student financial assistance administered by the Office shall be calculated at an interest rate equal to and matching the interest rate established by the United States Department of Education for the Federal Stafford Loan on the first day of July of each year, with interest not accruing prior to notification to the Commission of a recipient's graduation or termination from an institution of higher education.

(b) A recipient shall commence repayment obligations upon graduation or termination from an institution of higher education.

§18–113.

(a) A student may receive one or more awards of student financial assistance administered by the Office if:

(1) Eligibility requirements are met for each type of student financial assistance received; and

(2) The total of all student financial assistance received does not exceed:

(i) The student's total cost of education as certified by the institution the student is attending; and

(ii) The equivalent annual expenses of a full–time resident undergraduate at the 4–year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full–time resident undergraduate.

(b) A student who receives multiple awards of student financial assistance that have a service obligation requirement:

(1) Must fulfill the terms of each service obligation; and

(2) May not fulfill the service obligations concurrently.

§18–201.

There is an Office of Student Financial Assistance within the Commission.

§18–202.

(a) The head of the Office is the Executive Director, who shall be appointed by the Secretary.

(b) Subject to the general policies of the Maryland Higher Education Commission and the general supervision of the Secretary, the Executive Director exercises the powers and performs the duties under this title.

§18–203.

(a) The Office may employ the additional staff necessary to carry out its functions as provided in the State budget.

(b) Each employee of the Office is entitled to the compensation provided in the State budget.

(c) In conducting their operations, the Commission and Office shall share resources and coordinate their activities in order to enhance the efficient utilization of resources in the performance of their functions.

§18–204.

(a) In addition to any other powers granted and duties imposed by this title, the Office has the powers and duties set forth in this section.

(b) Except as otherwise provided in this title, the Office shall:

(1) Administer student financial assistance programs;

(2) Issue and disseminate public information about student financial assistance;

(3) Regulate the form and submission of applications for student financial assistance under this title; and

(4) Conduct conferences and interviews with applicants to evaluate their eligibility.

(c) (1) The Office may adopt any rule or regulation necessary to carry out its powers and duties.

(2) The rules and regulations adopted by the Office under paragraph (1) of this subsection may include provisions for:

(i) The performance of a service obligation for a program that as a condition of award requires a recipient of student financial assistance to perform a service obligation;

(ii) The repayment of student financial assistance funds received should a recipient fail to perform a service obligation; and

(iii) Waiver and deferment of a service obligation or repayment in circumstances determined by the Commission.

(d) The Office:

(1) Shall administer any federal program of scholarships or grants to students or institutions except for the Christa McAuliffe Fellowship which shall be administered by the Maryland State Department of Education; and

(2) May do anything necessary to comply with any federal law relating to these scholarships or grants.

(e) The Office shall:

(1) Arrange for the competitive examination required of applicants for certain scholarships; and

(2) Send the results of the examination to the appropriate institutions and to the person who awards the scholarship.

(f) The Office shall:

(1) Analyze under uniform standards the financial need of each applicant for a scholarship for which financial need is a consideration; and

(2) Send its analysis to the appropriate institution and the person who awards the scholarship.

§18–205.

Subject to rules and regulations adopted by the Commission, the Office shall grant a deferment from the service obligation component of student financial assistance awarded under this title to:

(1) An individual who has been assigned military duty outside of the State; or

(2) The spouse of an individual who has been assigned military duty outside of the State.

§18–301.

(a) There is a Delegate Howard P. Rawlings Program of Educational Excellence Awards in this State that are awarded under this subtitle.

(b) The Program shall consist of the following types of awards:

(1) Guaranteed Access Grants that are awarded to the neediest students to ensure that 100 percent of educational costs, as defined by regulations adopted by the Commission, are paid; and

(2) Educational Assistance Grants that are awarded to low and moderate income students to assist in paying educational costs, as defined by regulations adopted by the Commission.

§18–302.

The Office of Student Financial Assistance shall publicize the availability of Delegate Howard P. Rawlings Educational Excellence Awards.

§18–303.

(a) Subject to subsection (d) of this section, each recipient of a Delegate Howard P. Rawlings Educational Excellence Award shall:

(1) Be accepted for admission in the regular undergraduate program at an eligible institution or be enrolled in a 2–year associate degree program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution;

(2) Be a resident of this State;

(3) Demonstrate to the Office a definite financial need; and

(4) Accept any other conditions attached to the award.

(b) Each recipient of a Guaranteed Access Grant shall:

(1) Have attained a grade point average of at least 2.5 on a 4.0 scale or its equivalent at the end of the first semester of the senior year in high school and have completed high school or, failing to do so, on the recommendation of the recipient's high school principal, provide evidence satisfactory to the Office of extenuating circumstances;

(2) Begin college within 1 year of completing high school or, failing to do so, provide evidence satisfactory to the Office of extenuating circumstances;

(3) Be under the age of 22 years at the time of receiving the first award;

(4) Have successfully completed a college preparatory program in high school;

(5) Enroll in college as a full–time student;

(6) Subject to subsection (c) of this section, have an annual family income below a poverty index determined by the Commission; and

(7) Satisfy any additional criteria the Commission may establish.

(c) To determine the annual family income eligibility of an applicant for a Guaranteed Access Grant, the Office may not consider an amount received by the applicant as an earned income credit under § 32 of the Internal Revenue Code.

(d) A student in grade 9 or grade 10 who applies and qualifies for a Guaranteed Access Grant on the basis of financial need as established by the Commission shall prequalify for a Guaranteed Access Grant to be used at the time of enrollment in an institution of higher education by agreeing in writing, as a secondary and undergraduate student, to:

(1) Satisfy the attendance policy of the applicable school;

(2) Refrain from substance abuse;

(3) Provide information required by the Commission or the State Board of Education;

(4) Complete and file on a timely basis applications for federal student aid for each year that the student plans to enroll in postsecondary education;

(5) Participate in the College Readiness Outreach Program established in § 18–303.1 of this subtitle until the student graduates from high school and matriculates at an institution of higher education; and

(6) Satisfy any other program requirements set by the Office, the Commission, the State Board of Education, or the State Department of Education.

§18–303.1.

(a) In this section, "Program" means the College Readiness Outreach Program.

(b) The Commission and the Department, in collaboration with county boards of education, county superintendents, and institutions of higher education, shall jointly administer the College Readiness Outreach Program.

(c) The Program shall provide guidance to students who qualify for a Guaranteed Access Grant in 9th or 10th grade to assist the students in successfully:

(1) Completing a college preparatory curriculum;

(2) Graduating from high school; and

(3) Matriculating at an institution of higher education as defined in §§ 18-305 and 18-308 of this subtitle.

(d) (1) The Commission and the Department shall designate statewide and regional coordinators for the Program.

(2) The statewide and regional coordinators shall:

(i) Work with county boards of education and county superintendents to provide guidance and one-on-one mentoring to participating students in high school; and

(ii) Publicize the Program through community outreach and marketing materials.

(e) The Commission and the Department may enter into agreements with existing organizations that provide counseling and mentoring services to fulfill the requirements of this section.

(f) The Commission and the Department may supplement professional mentors with:

(1) Postsecondary students receiving work-study assistance at Maryland institutions of higher education; and

(2) Secondary students in 11th and 12th grades who are successfully completing high school graduation requirements.

(g) (1) Funds for the Program shall be as provided in the State budget.

(2) To the extent that funds are provided, the State shall provide 50 percent of the costs associated with the local administration and one–on–one mentoring components of the Program, except that in a county that meets the requirements of a "qualified distressed county" under § 1–101 of the Economic Development Article the

State shall provide 75 percent of the costs.

(h) The Commission and the Department may adopt regulations necessary to implement this section.

§18–304.

(a) (1) Except as provided in § 18–307 of this subtitle, the Office shall determine the amount of each Delegate Howard P. Rawlings Educational Excellence Award based on the financial need of the applicant.

(2) In determining the amount of financial need, the Office shall consider regional cost–of–living differences.

(3) In determining the percent of financial need used to calculate an award for a community college student receiving a Delegate Howard P. Rawlings Educational Excellence Award, the Commission shall use the following percentages:

(i) For fiscal year 2007, not less than 55%; and

(ii) For fiscal year 2008 and each fiscal year thereafter, not less than 60%.

(b) (1) Except as provided in paragraph (2) of this subsection, a Delegate Howard P. Rawlings Educational Excellence Award may be awarded in $100 increments and the award for a single year may not be less than $400 or more than $3,000.

(2) (i) All applicants who fulfill the requirements established in § 18–303(a) and (b) of this subtitle shall receive a Guaranteed Access Grant.

(ii) The amount of a Guaranteed Access Grant shall be equal to 100 percent of the student's financial need as determined by the Office, not to exceed the equivalent annual expenses of a full–time resident undergraduate at the 4–year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full–time resident undergraduate.

§18–305.

(a) A Delegate Howard P. Rawlings Educational Excellence Award may be used:

(1) At a degree granting institution of higher education, an eligible institution with an associate degree program that provides transfer credit for an accredited baccalaureate program, or a hospital diploma school for training registered nurses if the curriculum is approved by the Commission; and

(2) For educational expenses as defined by the Commission, including:

(i) Tuition and fees; and

(ii) Room and board.

(b) Except as provided in subsection (c) of this section, a Delegate Howard P. Rawlings Educational Excellence Award may be used at a school in another state if:

(1) There is a reciprocal agreement as provided in § 18–308 of this subtitle; and

(2) The school meets requirements of subsection (a)(1) of this section.

(c) The Office may not award more than 10% of the funds available for each of the types of grants awarded under this subtitle for use by students attending schools in another state.

§18–306.

(a) Subject to the provisions of subsection (d) of this section, each recipient of a Delegate Howard P. Rawlings Educational Excellence Award may hold the award for 5 years if the recipient:

(1) Continues to be a resident of this State;

(2) Continues to be a full–time student at an eligible institution and takes at least 12 semester hours of courses each semester, or its equivalent as determined by the Office;

(3) In the judgment of the institution, is making satisfactory progress toward a degree; and

(4) Maintains the standards of the institution.

(b) Each recipient of a Delegate Howard P. Rawlings Educational Excellence Award who is enrolled in an associate degree program as permitted in § 18–303(a)(1) of this subtitle may hold the award for 3 years if the same conditions of subsection (a) of this section are met.

(c) Each recipient of a Delegate Howard P. Rawlings Educational Excellence Award may hold the award for a 5th year if the recipient:

(1) Is enrolled in an academic program that, as determined by the institution, requires 5 years to complete; or

(2) Provides evidence, satisfactory to the Office, of extenuating financial, academic, or other circumstances that prevent the recipient from completing the academic program in 4 years.

(d) In addition to the requirements for renewal of a Delegate Howard P.

Rawlings Educational Excellence Award under subsections (a), (b), and (c) of this section, a recipient of a Guaranteed Access Grant shall hold the grant for not more than 5 consecutive years or, failing to do so, provide evidence satisfactory to the Office of extenuating circumstances.

§18–307.

(a) Except as provided in subsection (d) of this section, the Office shall compile and certify lists for the entire State that rank applicants by financial need.

(b) All funds for annual initial grants shall be awarded from the statewide list on the basis of greatest financial need.

(c) On or before May 1 of each year, the Office shall send each Senator and each Delegate a list of individuals in each legislative district to whom Delegate Howard P. Rawlings Educational Excellence Awards are awarded.

(d) (1) (i) If State funds are available for this purpose, institutions of higher education in the State may provide Delegate Howard P. Rawlings Educational Excellence Awards to students who otherwise meet the requirements for receiving a Delegate Howard P. Rawlings Educational Excellence Award but who apply after the March 1 deadline or have other extenuating circumstances.

(ii) Each year the Commission shall transfer at least $2 million of the funds available under § 18–107(b) of this title for the purposes of this subsection.

(2) The Commission shall:

(i) Establish guidelines for the awarding of Delegate Howard P. Rawlings Educational Excellence Awards by the institutions of higher education to the students; and

(ii) Adopt regulations necessary for the implementation of this subsection.

(3) (i) The Commission shall allocate available funds to institutions of higher education based on the proportion of State residents enrolled at each institution who receive federal Pell Grants.

(ii) An institution of higher education that receives funds under this paragraph shall provide the Commission with an annual audit describing the disposition of the funds.

§18–308.

(a) In this section, "school" means an institution that meets the requirements of § 18–305(a)(1) of this subtitle.

(b) The Office may enter into reciprocal scholarship agreements with other states. However, the Office shall give priority to entering into reciprocal agreements with contiguous and nearby states.

(c) If scholarships are awarded to students for use in schools in other states, the total value of all of these awards may not be more than 10 percent of the total funds budgeted for the Delegate Howard P. Rawlings Educational Excellence Award Program.

§18–309.

(a) For any fiscal year, if the funds appropriated for the Delegate Howard P. Rawlings Educational Excellence Award Program are insufficient to satisfy fully all awards as calculated under § 18–304 of this subtitle, the amount paid to each recipient of a Delegate Howard P. Rawlings Educational Excellence Award shall be a percentage of that award, as determined in accordance with regulations adopted by the Commission that establish a schedule of reductions for this purpose.

(b) (1) Delegate Howard P. Rawlings Educational Excellence Award grants calculated under § 18–304 of this subtitle that are not used by the recipients shall be retained by the Commission for use in the Delegate Howard P. Rawlings Educational Excellence Award Program for the next fiscal year.

(2) All funds retained in the Delegate Howard P. Rawlings Educational Excellence Award Program as provided in paragraph (1) of this subsection shall be used to award scholarships to students during subsequent fiscal years as provided by this title and may not be used for administrative expenses.

§18–310.

(a) Funds for the Delegate Howard P. Rawlings Educational Excellence Award Program shall be as provided in the annual budget of the Commission by the Governor.

(b) (1) In this section, "Fund" means the Educational Excellence Fund.

(2) There is an Educational Excellence Fund in the Commission.

(3) The Commission shall administer the Fund.

(4) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(5) The State Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(6) The Commission:

(i) May accept any gift or grant from any person or corporation for

the Fund;

(ii) Shall use any gift or grant that it receives to support an early intervention program to identify students eligible for the Delegate Howard P. Rawlings Educational Excellence Award Program and prepare them for college; and

(iii) Shall deposit any gift or grant that it receives for the Fund with the State Treasurer for use only in the early intervention program.

(7) (i) At the end of the fiscal year, the Commission shall prepare an annual report on the Fund that includes an accounting of all financial receipts and expenditures to and from the Fund.

(ii) The Commission shall submit a copy of the report to the General Assembly as provided under § 2–1246 of the State Government Article.

§18–401.

There is a program of senatorial scholarships in this State that are awarded under this subtitle.

§18–402.

(a) (1) Except as provided in paragraph (2) of this subsection, each applicant for a senatorial scholarship shall:

(i) Take a competitive examination administered by the Office; and

(ii) Be accepted for admission in the regular undergraduate, graduate, or professional program at an eligible institution; or be enrolled in a 2–year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution.

(2) An applicant is exempt from the examination if the applicant:

(i) Is attending an eligible institution and has completed at least 1 year in good academic standing at the institution;

(ii) Graduated from high school at least 5 years before application for a senatorial scholarship;

(iii) Is accepted for admission to a private career institution, if the institution's curriculum is approved by the Commission, and the institution is accredited by a national accrediting association approved by the United States Department of Education; or

(iv) Is planning to attend or is attending a Maryland community college.

(b) Each applicant shall:

(1) Be a resident of this State; and

(2) At the time of the applicant's initial application, be a resident of the legislative district from which the applicant seeks an award.

(c) (1) Each applicant shall demonstrate to the Office a definite financial need, and each Senator shall consider the financial need of each applicant.

(2) Each Senator is the final judge of the financial need of each applicant to whom the Senator awards a scholarship, and the Office may not negate this judgment or impose requirements of time or procedure.

(d) Each applicant shall accept any other conditions attached to the award.

§18–403.

If a Senator serves from a legislative district composed of more than one county, the number of scholarship units shall be divided as equally as possible among qualified applicants from each county in the legislative district.

§18–404.

(a) Each Senator may award $34,500 of senatorial scholarships each year.

(b) (1) The annual allocation under subsection (a) of this section applies to initial–year awards. After 4 years of operation, the annual allocation to each Senator for initial–year and continuing awards may not exceed four times the amount of the Senator's allocation under subsection (a) of this section.

(2) If a recipient moves to the legislative district of another Senator, the allocation to the recipient shall continue to be drawn on the account of the Senator who originally awarded the scholarship.

(c) (1) A senatorial scholarship may be awarded in $100 increments.

(2) An award for a single year may not be less than $400 or more than the equivalent annual tuition and mandatory fees of an undergraduate program at the 4–year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full–time resident undergraduate.

§18–405.

(a) Except as provided in subsection (d) of this section, a senatorial scholarship may be used only at any undergraduate, graduate, or professional school in the State.

(b) A senatorial scholarship may be used:

(1) If the curriculum is approved by the Commission, at a degree granting institution of higher education, a hospital diploma school for training registered nurses, or to attend a private postsecondary proprietary institution that is accredited by a national accrediting association approved by the United States Department of Education as a full-time student; and

(2) For educational expenses as defined by the Office, including:

(i) Tuition and mandatory fees; and

(ii) Room and board.

(c) If on-campus housing is available, a senatorial scholarship may not be used to pay for off-campus housing.

(d) Each Senator may award not more than 10 percent of the funds available under this subtitle to applicants planning to attend accredited undergraduate, graduate, or professional institutions outside the State, provided the applicant:

(1) Will be studying in an academic area that is not available in the State; or

(2) Is a hearing impaired person who will be studying at an institution outside the State that makes special provisions for hearing impaired students, and comparable special provisions are not available to that student at an institution in the State.

§18–406.

(a) Except as otherwise provided in this section, each recipient of a senatorial scholarship may hold the scholarship for 4 undergraduate academic years and 4 graduate academic years if he:

(1) Is a full-time student;

(2) Continues to be a resident of this State; and

(3) Continues to be a student at the institution and takes at least 12 semester hours of courses as an undergraduate or 9 semester hours of courses as a graduate student each semester leading to a degree.

(b) A recipient of an undergraduate or graduate senatorial scholarship may hold the scholarship, appropriately prorated, for 8 academic years if he:

(1) Is a part-time student;

(2) Continues to be a resident of this State; and

(3) Continues to be a student at the institution and takes at least 6 semester hours of courses each semester leading to a degree.

(c) Any recipient of a senatorial scholarship may use up to one–half of the yearly award for summer school.

(d) A recipient of a senatorial scholarship who is enrolled in a terminal certificate program as provided in § 18-402(a) of this subtitle may hold the scholarship for 2 years if he is a full-time student and otherwise meets the conditions of subsection (a) of this section, or may hold the scholarship for 4 years if he is a part-time student and otherwise meets the conditions of subsection (b) of this section.

(e) Each recipient of a senatorial scholarship who is enrolled in a private postsecondary proprietary institution that is accredited by a national accrediting association approved by the United States Department of Education:

(1) May hold the scholarship for the completion of one program if the student otherwise meets the conditions of subsection (a)(1) and (2) of this section; and

(2) Shall complete the program within the length of time prescribed by the institution for the completion of the program.

§18–407.

(a) Each Senator shall award all of his senatorial scholarships on or before September 1 of each year.

(b) If any Senator fails to award all of the Senator's scholarships on or before September 1 of each year, the Commission shall make the remaining awards to applicants from the Senator's legislative district who:

(1) Scored highest on the competitive examination; or

(2) Are attending an eligible institution and have completed at least 1 year in good academic standing.

(c) The Office shall:

(1) Notify each Senator of the applicants to whom it awards the Senator's scholarships; and

(2) Announce publicly the names of all recipients.

(d) To the extent a scholarship awarded under § 18–404 of this subtitle is not used by a student, moneys appropriated to the Commission for that award not used by the end of the fiscal year shall be retained by the Commission for use by the awarding Senator in the Senatorial Scholarship Program during subsequent fiscal years.

§18–408.

(a) If there is no qualified applicant in a legislative district, a qualified applicant who resides in another legislative district may be appointed to receive the senatorial scholarship.

(b) A senatorial scholarship awarded under this section is for 1 year. However, a student who receives an appointment under this section is eligible to receive a subsequent appointment for not longer than 3 years.

§18–501.

(a) There is a program of Delegate Scholarships in this State that are awarded under this subtitle.

(b) A scholarship awarded under this subtitle may be used at:

(1) An eligible institution for a program of undergraduate, graduate, or professional studies;

(2) An accredited undergraduate, graduate, or professional institution outside the State, if:

(i) The applicant will be studying in an academic area that is not available in this State; or

(ii) 1. The applicant is disabled;

2. The applicant will be studying at an institution outside the State that makes special provisions for disabled students; and

3. Comparable special provisions are not available to that student at an institution in the State; and

(3) A private career school within the State that is approved by the Maryland Higher Education Commission under § 11-202 of this article and that is accredited by a national accrediting association that is approved by the United States Department of Education.

(c) Moneys appropriated to the Commission for scholarships awarded under this section that are not used by the end of the fiscal year shall be retained by the Commission for use by the awarding Delegate in the Delegate Scholarship Program during subsequent fiscal years.

§18–502.

Each member of the House of Delegates may select the recipients of the scholarships on any basis that the Delegate considers appropriate.

§18–503.

(a) During each term in office, each Delegate may award the equivalent of four 4-year full-time scholarships, which may be awarded for either 1-, 2-, 3-, or 4-year periods.

(b) (1) Each scholarship pays the tuition and mandatory fees at any eligible institution.

(2) The annual amount of a scholarship at a private institution or any graduate or professional program may not exceed the equivalent annual tuition and mandatory fees of an undergraduate program at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full-time resident undergraduate.

§18–504.

(a) A Delegate may award two part–time scholarships for each full–time scholarship available.

(b) A part–time scholarship may not be for more than twice as many years as a full–time scholarship.

(c) Each recipient of a part–time scholarship shall carry at least 6 semester hours of courses each semester in a program leading to a degree.

§18–505.

(a) Each recipient of a full-time Delegate Scholarship may use the scholarship to attend summer school.

(b) The term of a full-time Delegate Scholarship shall be shortened by one-half year for each summer of use.

(c) The amount used for summer school may not exceed one-half of the value of the award for the next academic year.

§18–506.

(a) As an alternative to the scholarship awards authorized by §§ 18–503 through 18–505 of this subtitle, and subject to the provisions of subsection (b) of this section, during each year in office each Delegate may award scholarships in a total amount equal to four times the tuition and mandatory fees for a full–time undergraduate student enrolled at the University of Maryland, College Park for the academic year commencing in that year.

(b) A scholarship award under subsection (a) of this section:

(1) May not be for an amount less than $200 or more than one–half of the total amount of scholarships authorized by subsection (a) of this section for that year;

(2) Shall be used at an eligible institution;

(3) May be used by:

(i) A graduate, undergraduate, or professional student; or

(ii) A student at a private career school within the State that is approved by the Maryland Higher Education Commission under § 11–202 of this article and that is accredited by a national accrediting association that is approved by the United States Department of Education; and

(4) To the extent it is not used by the student, shall be recredited to the Delegate's scholarship account and may be awarded in the next 12 months by that Delegate to another student pursuant to this section.

§18–507.

(a) Beginning in fiscal year 1996, each Delegate may authorize the Office of Student Financial Assistance to award all or a portion of the funds authorized under this subtitle to eligible recipients of a Delegate Howard P. Rawlings Educational Excellence Award who reside in the Delegate's legislative district.

(b) In the event that the total number of eligible recipients of a Delegate Howard P. Rawlings Educational Excellence Award who reside in the Delegate's legislative district is insufficient to utilize the total amount of funds available to the Delegate for any fiscal year, the Office of Student Financial Assistance may, with the consent of the Delegate, award the unused funds to other eligible recipients throughout the State.

§18–601.

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

(2) "Disabled public safety employee" means a State or local public safety employee who sustains an injury in the line of duty that:

(i) Precludes the individual from continuing to serve or be employed as a State or local public safety employee; and

(ii) In the case of a volunteer member of a fire department or ambulance or rescue company or squad, precludes the member from continuing to be employed in the nonpublic safety occupation in which the member is engaged at the time of the injury.

(3) "Fund" means the Edward T. Conroy and Jean B. Cryor Scholarship Fund.

(4) "School employee" includes an employee of a public or nonpublic school in the State.

(5) "Surviving spouse" means a person who has not remarried.

(6) "State or local public safety employee" means a person who is:

(i) A career or volunteer member of a:

1. Fire department;

2. Ambulance company or squad; or

3. Rescue company or squad;

(ii) A law enforcement officer;

(iii) A correctional officer; or

(iv) A member of the Maryland National Guard who was a resident of this State at the time of death.

(7) "Victim of the September 11, 2001, terrorist attacks" means a Maryland resident who was killed as a result of the attacks on the World Trade Center in New York City, the attack on the Pentagon in Virginia, or the crash of United Airlines Flight 93 in Pennsylvania.

(b) There is a program of scholarships that are awarded by eligible postsecondary institutions under this section.

(c) (1) The program for military and public safety personnel and their eligible dependents is the Edward T. and Mary A. Conroy Memorial Scholarship Program.

(2) The program for eligible dependents of public and nonpublic school employees is the Jean B. Cryor Memorial Scholarship Program.

(d) A person may apply to an eligible postsecondary institution for a scholarship under this section if the person:

(1) (i) Is a resident of Maryland at the time of application; or

(ii) Was a resident of Maryland when an event described in paragraph (3) of this subsection occurred;

(2) (i) Is accepted for admission or enrolled in the regular undergraduate, graduate or professional program at an eligible institution; or

(ii) Is enrolled in a 2–year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program

in an eligible institution; and

(3) (i) Is at least 16 years old and a son, daughter, stepson, or stepdaughter of a member of the armed forces who:

1. Died as a result of military service after December 7, 1941;

2. Suffered a service connected 100% permanent disability after December 7, 1941; or

3. Was declared to be a prisoner of war or missing in action, if that occurred on or after January 1, 1960, as a result of the Vietnam conflict, and if the child was born prior to or while the parent was a prisoner of war or missing in action;

(ii) Was a prisoner of war or missing in action, if that occurred on or after January 1, 1960, as a result of the Vietnam conflict and was a resident of this State at the time the person was declared to be a prisoner of war or missing in action;

(iii) 1. Is at least 16 years old and a son, daughter, stepson, or stepdaughter of any State or local public safety employee killed in the line of duty; or

2. Is the surviving spouse of any State or local public safety employee killed in the line of duty;

(iv) 1. Is a disabled public safety employee;

2. Is at least 16 years old and a son, daughter, stepson, or stepdaughter of a disabled public safety employee who sustains an injury in the line of duty that renders the public safety employee 100% disabled; or

3. Is the surviving spouse of a disabled public safety employee who sustains an injury in the line of duty that renders the public safety employee 100% disabled;

(v) Is a veteran, as defined under § 9–901 of the State Government Article, who:

1. Suffers a service connected disability of 25% or greater; and

2. Has exhausted or is no longer eligible for federal veterans' educational benefits;

(vi) Is the surviving spouse of a member of the armed forces who suffered a service connected 100% permanent disability;

(vii) Is at least 16 years old and a son, daughter, stepson, or stepdaughter of or the surviving spouse of a victim of the September 11, 2001, terrorist

attacks;

(viii) Is at least 16 years old and a son, daughter, stepson, or stepdaughter of a school employee who, as a result of an act of violence:

1. Died in the line of duty; or

2. Sustained an injury in the line of duty that rendered the school employee 100% disabled; or

(ix) Is the surviving spouse of a school employee who, as a result of an act of violence:

1. Died in the line of duty; or

2. Sustained an injury in the line of duty that rendered the school employee 100% disabled.

(e) A scholarship awarded under this section:

(1) May be used for the tuition and mandatory fees at any eligible institution; and

(2) May not:

(i) Exceed the equivalent annual tuition and mandatory fees of a resident undergraduate student at the 4–year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full–time resident undergraduate; and

(ii) Be less than the lesser of:

1. $3,000; or

2. The equivalent annual tuition and mandatory fees of a resident of the institution attended by the recipient of the scholarship.

(f) (1) Each postsecondary institution shall determine the eligibility of persons who apply to the institution for the Edward T. Conroy Memorial Scholarship Program and the Jean B. Cryor Memorial Scholarship Program.

(2) Funds for the Edward T. Conroy Memorial Scholarship Program and the Jean B. Cryor Memorial Scholarship Program shall be allocated by the Commission to each postsecondary institution based on the number of eligible recipients attending each institution.

(3) In October and February of each year, each postsecondary institution shall report to the Commission the number of eligible recipients attending the

institution.

(4) The Commission shall allocate funds for awards to postsecondary institutions upon verification of eligible recipients attending the institutions.

(5) If funds cannot be allocated in the fiscal year in which awards are made, priority shall be given to allocating funds for those awards in the following fiscal year.

(g) (1) Each recipient of a scholarship under this section may hold the award for 5 years of full–time study or 8 years of part–time study.

(2) The number of eligible recipients under subsection (d)(3)(v) of this section shall be limited to 15 each year.

(3) An award provided under subsection (d)(3)(vi) of this section may not exceed the amount specified in subsection (e)(2) of this section when combined with any other scholarship received by a student based on the student's status as a child or spouse of a victim of the September 11, 2001, terrorist attacks.

(h) (1) There is an Edward T. Conroy and Jean B. Cryor Scholarship Fund.

(2) The Commission shall administer the Fund.

(3) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(4) The State Treasurer shall hold the Fund and the Comptroller shall account for the Fund.

(5) The Commission:

(i) May accept any gift or grant from any person for the Fund;

(ii) Shall use any gift or grant that it receives for a scholarship from the programs; and

(iii) Shall deposit any gift or grant that it receives for the programs with the State Treasurer.

§18–602.

(a) There is a program of scholarships for children of volunteer fire fighters or volunteer ambulance or rescue squad members who died or were disabled by an accident resulting from:

(1) Performing any duties necessary to the operation or maintenance of the fire company; or

(2) Actively participating in the ambulance or rescue squad work of an incorporated volunteer fire company or volunteer ambulance or rescue squad in the State.

(b) The recipient of a scholarship under this section shall be a graduate of an accredited high school.

(c) The Board of Trustees of the Maryland State Firemen's Association, in its discretion, shall:

(1) Determine the amount of each award; and

(2) Select the recipient of each award.

(d) The Maryland State Firemen's Association shall provide the funds for these awards.

§18–603.1.

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

(2) "Eligible institution" means a public or private nonprofit institution of higher education in the State that possesses a certificate of approval from the Commission.

(3) "Fund" means the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Fund.

(4) "Scholarship" means the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship.

(b) There is a Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship.

(c) An individual may apply to the Office for the scholarship if the individual:

(1) Is a resident of Maryland;

(2) (i) Is accepted for admission or enrolled in the regular undergraduate program at an eligible institution; or

(ii) Is accepted for admission or enrolled in a 2–year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution; and

(3) Is actively engaged as a career or volunteer firefighter or ambulance or rescue squad member in an organized fire department or ambulance or rescue squad in the State.

(d) A scholarship awarded under this section:

(1) May be used for the tuition and mandatory fees at any eligible institution; and

(2) May be up to 100% of the equivalent annual tuition and mandatory fees of a resident undergraduate student at the 4–year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full–time resident undergraduate for courses credited toward a degree in fire service technology, emergency medical technology, fire service management, or public safety administration with a minor or concentration in fire service technology or fire service management.

(e) A scholarship recipient shall maintain a grade point average of at least 2.5 on a 4.0 scale.

(f) Each recipient of a scholarship under this section may hold the award for 5 years of full–time study or 8 years of part–time study.

(g) A scholarship applicant or recipient shall file for federal and State financial aid by March 1 of each year.

(h) A Senator or Delegate may authorize the Office to award all or a portion of the funds authorized under Subtitles 4 and 5 of this title to eligible recipients of scholarships awarded under this section.

(i) (1) Funds for the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship shall be as provided in the annual budget of the Commission by the Governor.

(2) There is a Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Fund in the Commission.

(3) The Commission shall administer the Fund.

(4) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(5) The State Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(6) The Commission:

(i) May accept any gift or grant from any person or corporation for the Fund;

(ii) Shall use any gift or grant that it receives for a scholarship from

the Fund; and

(iii) Shall deposit any gift or grant that it receives for the Fund with the State Treasurer.

(7) (i) At the end of the fiscal year, the Commission shall prepare an annual report on the Fund that includes an accounting of all financial receipts and expenditures to and from the Fund.

(ii) The Commission shall submit a copy of the report to the General Assembly in accordance with § 2–1246 of the State Government Article.

(j) A recipient of a scholarship shall work for at least 1 year as a volunteer or career firefighter or ambulance or rescue squad member in an organized fire department or ambulance or rescue squad in the State after completion of an eligible program in an eligible institution.

(k) A scholarship recipient shall repay the Commission the funds received under this section if the recipient does not perform the service obligation required under subsection (j) of this section.

§18–604.

(a) For purposes of this section, an individual served in the Afghanistan or Iraq conflict if the individual was a member of the uniformed services of the United States who served in:

(1) Afghanistan or contiguous air space, as defined in federal regulations, on or after October 24, 2001, and before a terminal date to be prescribed by the United States Secretary of Defense; or

(2) Iraq or contiguous waters or air space, as defined in federal regulations, on or after March 19, 2003, and before a terminal date to be prescribed by the United States Secretary of Defense.

(b) There is a Veterans of the Afghanistan and Iraq Conflicts Scholarship.

(c) An individual may apply to the Office for a scholarship under this section if the individual:

(1) Is a resident of Maryland;

(2) (i) Is accepted for admission or enrolled in the regular undergraduate program at an eligible institution; or

(ii) Is accepted for admission or enrolled in a 2–year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution; and

(3) (i) 1. Is a veteran, as defined under § 9–901 of the State Government Article, who served in the Afghanistan or Iraq conflict;

2. Is an active duty member of the armed forces who served in the Afghanistan or Iraq conflict; or

3. Is a member of a reserve component of the armed forces of the United States or the Maryland National Guard who was activated as a result of the Afghanistan or Iraq conflict described in subsection (a) of this section; or

(ii) Is a son, daughter, or spouse of:

1. A veteran or active duty member of the armed forces who is serving or has served in the Afghanistan or Iraq conflict; or

2. A member of the reserve or Maryland National Guard who was activated as a result of the Afghanistan or Iraq conflict described in subsection (a) of this section.

(d) A scholarship awarded under this section shall supplement any federal education benefits for which a recipient qualifies as a result of an individual's military service or status as a dependent of a member of the armed forces or of a veteran of the armed forces.

(e) (1) Each scholarship may be used, at any eligible institution, to pay for educational expenses as defined by the Office, including:

(i) Tuition and mandatory fees; and

(ii) Room and board.

(2) The annual amount of a scholarship may not exceed 50% of the equivalent annual tuition, mandatory fees, and room and board of a resident undergraduate student at the 4–year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full–time resident undergraduate.

(f) A scholarship recipient shall maintain a grade point average of at least 2.5 on a 4.0 scale.

(g) Each recipient of a scholarship under this section may hold the award for 5 years of full–time study or 8 years of part–time study.

(h) A scholarship recipient shall file for federal and State financial aid by March 1 of each year.

(i) (1) The Office may not award an initial scholarship to an individual after

June 30, 2020.

(2) The Office may renew a scholarship after June 30, 2020, if the individual received an initial scholarship before that date.

(j) A Senator or Delegate may authorize the Office to award all or a portion of the funds authorized under Subtitles 4 and 5 of this title to eligible recipients of scholarships awarded under this section.

(k) (1) Funds for the Veterans of the Afghanistan and Iraq Conflicts Scholarship shall be as provided in the annual budget of the Commission by the Governor.

(2) (i) In this subsection, "Fund" means the Veterans of the Afghanistan and Iraq Conflicts Scholarship Fund.

(ii) There is a Veterans of the Afghanistan and Iraq Conflicts Scholarship Fund in the Commission.

(iii) The Commission shall administer the Fund.

(iv) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(v) The State Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(vi) The Commission:

1. May accept any gift or grant from any person or corporation for the Fund;

2. Shall use any gift or grant that it receives for a scholarship from the Fund; and

3. Shall deposit any gift or grant that it receives for the Fund with the State Treasurer.

(3) (i) At the end of the fiscal year, the Commission shall prepare an annual report on the Fund that includes an accounting of all financial receipts and expenditures to and from the Fund.

(ii) The Commission shall submit a copy of the report to the General Assembly as provided under § 2–1246 of the State Government Article.

§18–708.

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

(2) "Advisory Council" means the Advisory Council on Workforce Shortage.

(3) "Eligible institution" means a public or private nonprofit institution of higher education in this State that possesses a certificate of approval from the Commission.

(4) "Fund" means the Workforce Shortage Student Assistance Grant Fund.

(5) "Grant" means the Workforce Shortage Student Assistance grant.

(6) "Public good or benefit" means service to low–income or underserved residents or areas of the State in an occupation in the public sector or in an organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code of 1986.

(b) There is a program of Workforce Shortage Student Assistance grants under this section for students who pledge to work in fields of critical shortage in the State on completion of their studies.

(c) The purpose of the program is to:

(1) Provide financial assistance to students enrolled at institutions of higher education in the State; and

(2) Address the workforce shortage needs of the State.

(d) A recipient of a Workforce Shortage Student Assistance grant under this section shall:

(1) Be a resident of the State;

(2) Be selected by the Office from qualified applicants;

(3) Sign a letter of intent to enroll at an eligible institution in the State in an eligible program as specified for each field in which there is a critical shortage in this State as provided in this section;

(4) Sign a letter of intent to perform the service obligation on completion of the recipient's required studies;

(5) Accept any other conditions attached to the grant;

(6) Satisfy any additional criteria the Commission may establish; and

(7) After completion of studies in an eligible program, perform the service obligation as specified for each field in which there is a critical shortage, as provided in this section.

(e) (1) Except as provided in paragraph (5) of this subsection, the Commission shall on a biennial basis:

(i) Identify workforce shortage fields in the State;

(ii) Designate eligible workforce shortage fields under the grant program; and

(iii) Remove from the grant program any field that the Commission determines no longer qualifies as a workforce shortage.

(2) The Secretary shall appoint an Advisory Council on Workforce Shortage to:

(i) Identify workforce shortage fields in the State; and

(ii) Recommend to the Commission:

1. Priority workforce shortage fields to be included in the grant program; and

2. The removal of fields that in the Advisory Council's judgment no longer qualify as workforce shortage fields.

(3) In making recommendations to the Commission, the Advisory Council shall consider whether a workforce shortage field provides a public good or benefit to the citizens of Maryland.

(4) The Advisory Council shall include the following members:

(i) The Secretary of Higher Education or designee;

(ii) The Secretary of Labor, Licensing, and Regulation or designee;

(iii) One representative from the Governor's Workforce Investment Board, appointed by the Governor;

(iv) The Secretary of Commerce or designee;

(v) The Secretary of Health and Mental Hygiene or designee;

(vi) The State Superintendent of Schools or designee;

(vii) One representative of the Senate of Maryland, appointed by the President of the Senate;

(viii) One representative of the Maryland House of Delegates, appointed by the Speaker of the House;

(ix) Two representatives from the University System of Maryland, appointed by the Chancellor;

(x) The President of Morgan State University or designee;

(xi) The President of St. Mary's College or designee; and

(xii) Representatives nominated by the following organizations and appointed by the Secretary of Higher Education:

1. One representative from the Maryland Chamber of Commerce;

2. One representative from the Washington Board of Trade;

3. One representative from the Greater Baltimore Committee;

4. Two representatives from the Maryland Independent College and University Association;

5. Two representatives from the Maryland Association of Community Colleges;

6. One representative from the Maryland Association of Nonprofit Associations; and

7. One representative from the Financial Assistance Advisory Council representing a financial aid office at an institution of higher education.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, the following workforce shortage fields shall be included in the grant program:

1. School teachers (the grant to be known as the Sharon Christa McAuliffe Memorial Teacher Scholarship);

2. Social workers (the grant to be known as the Ruth M. Kirk Public Social Work Scholarship);

3. Nurses;

4. Child care providers (the grant to be known as the Hattie N. Harrison Memorial Scholarship);

5. Developmental disabilities, mental health, child welfare, and juvenile justice providers (the grant to be known as the Ida G. and L. Leonard Ruben Scholarships);

6. Physical and occupational therapists and assistants; and

7. Public servants (the grant to be known as the William Donald Schaefer Scholarship and the grant to be known as the Parren J. Mitchell Public Service Scholarship).

(ii) The Commission may remove a shortage field specified in subparagraph (i) of this paragraph if in the Commission's judgment the field no longer qualifies as a workforce shortage field.

(6) A grant recipient in a workforce shortage field that is removed from the grant program may continue to receive renewal awards under the program.

(f) Each fiscal year, the Commission shall determine the number of grants to be awarded in eligible workforce shortage fields based on the:

(1) Priority of the workforce shortage field;

(2) Severity of the workforce shortage in the field; and

(3) Availability of funds.

(g) (1) The Office shall annually select eligible students and offer a grant to each student selected to be used at an eligible institution of the student's choice.

(2) Eligible students shall be selected based on academic accomplishment and financial need, as determined by standards established and approved by the Commission.

(3) Each grant shall be renewable for a maximum of 5 years subsequent to the original grant if the recipient:

(i) Continues to meet the qualifications specified in subsection (d) of this section; and

(ii) Meets satisfactory academic progress standards as determined by the eligible institution.

(h) A grant recipient:

(1) May be enrolled at an eligible institution on a part–time or full–time basis;

(2) Shall earn at least 12 undergraduate or 9 graduate credit hours in each academic year, including summer sessions;

(3) Except as provided in paragraph (4) of this subsection, shall be an undergraduate student at an eligible institution; and

(4) May be a graduate student if the Office determines that the shortage field requires employees with a graduate level education.

(i) (1) In this subsection, "cost of attendance" means the equivalent annual tuition and mandatory fees of a resident undergraduate student at the 4–year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full–time resident undergraduate.

(2) Subject to paragraphs (3), (4), and (5) of this subsection, the Commission shall establish in guidelines the annual grant awards under this section.

(3) Annual grant awards shall be within the following ranges:

(i) For a part–time student attending a 2–year eligible institution – $1,000 and 12.5% of cost of attendance;

(ii) For a full–time student attending a 2–year eligible institution – $2,000 and 25% of cost of attendance;

(iii) For a part–time student attending a 4–year eligible institution – $2,000 and 25% of cost of attendance; and

(iv) For a full–time student attending a 4–year eligible institution – $4,000 and 50% of cost of attendance.

(4) For a student taking courses during a summer session to meet the minimum number of credit hours for full–time or part–time status, the Commission shall distribute grant awards to the student in the spring and summer sessions in amounts it determines to be appropriate.

(5) A student who is enrolled in an academic program that includes a mandatory summer academic session as part of the approved curriculum may receive an additional award not to exceed $1,000 per calendar year.

(j) The grant award may be used at any eligible institution for educational expenses as defined by the Commission, including tuition, mandatory fees, and room and board.

(k) (1) A grant recipient shall perform a service obligation in the recipient's field of critical shortage in:

(i) A full–time position at a rate of 1 year for each year that the recipient receives a grant awarded under this section; or

(ii) A part–time position at a rate of 2 years for each year that the recipient receives a grant awarded under this section.

(2) The Commission may establish alternative service obligation requirements for designated workforce shortage fields to address statewide and regional needs.

(l) (1) A grant recipient shall repay the Commission the funds received as set forth in § 18–112 of this title if the recipient does not:

(i) Earn at least 12 undergraduate or 9 graduate credit hours in each academic year in which the student receives assistance, including summer sessions;

(ii) Complete the specified degree, attain the licensure or certification required, or fulfill other requirements as provided in this section; or

(iii) Perform the service obligation required under subsection (k) of this section.

(2) The Office shall waive the repayment of a grant award at a rate of:

(i) 1 year for each year that the recipient performs the service obligation on a full–time basis; or

(ii) 6 months for each year that the recipient performs the service obligation on a part–time basis.

(3) A recipient shall begin repayment at any time during the period that the recipient is no longer performing the service obligation.

(4) A recipient may delay repayment as long as the recipient remains a student enrolled at least part–time in a degree–granting program.

(5) Except as otherwise provided in this section, repayment shall be made to the State within 6 years after the repayment period begins and shall follow a repayment schedule established by the Office.

(6) The Office may waive or defer repayment in the event of disability or extended sickness which prevents the recipient from fulfilling the service obligation required under this section.

(7) The Office shall grant a deferment from the service obligation required under this section to:

(i) An individual who has been assigned military duty outside the State; or

(ii) The spouse of an individual who has been assigned military duty outside the State.

(m) (1) This subsection applies to recipients of the William Donald Schaefer Scholarship specified in subsection (e)(5) of this section.

(2) The Commission shall annually select eligible students and offer

grants to students who demonstrate outstanding potential for and who plan to pursue a career in public service to assist in providing legal services to low–income residents in the State.

(3) In making William Donald Schaefer Scholarship awards under this section, the Commission shall endeavor to select award recipients who are representative of the State's rich cultural, geographic, racial, ethnic, and gender diversity.

(4) Each individual awarded a William Donald Schaefer Scholarship under this section must have indicated and demonstrated to the Commission a serious intent to enter public service on the completion of the student's educational program.

(n) (1) This subsection applies to recipients of the Parren J. Mitchell Public Service Scholarship specified in subsection (e)(5) of this section.

(2) The Commission shall annually select eligible students and offer grants to students who demonstrate outstanding potential for and who plan to pursue a career in public service and assist in providing:

(i) Social work services to low–income residents in the State;

(ii) Nursing services in nursing shortage areas in the State as defined in § 18–802 of this title; or

(iii) Other services in the public or nonprofit sectors in which there is a shortage of qualified practitioners to low–income or underserved residents or areas of the State.

(3) In making Parren J. Mitchell Public Service Scholarship awards under this section, the Commission shall endeavor to select award recipients who are representative of the State's rich cultural, geographic, racial, ethnic, and gender diversity.

(4) Each individual awarded a Parren J. Mitchell Public Service Scholarship under this section must have indicated and demonstrated to the Commission a serious intent to enter public service on the completion of the student's educational program.

(o) (1) There is a Workforce Shortage Student Assistance Grant Fund in the Commission.

(2) The Commission shall administer the Fund.

(3) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(4) The State Treasurer shall hold the Fund separately and the

Comptroller shall account for the Fund.

(5) The Commission:

(i) May accept any gift or grant from any person or corporation for the Fund;

(ii) Shall use any gift or grant that it receives for a grant award from the Fund; and

(iii) Shall deposit any gift or grant that it receives for the Fund with the State Treasurer.

(6) (i) At the end of the fiscal year, the Commission shall prepare an annual report on the Fund that includes an accounting of all financial receipts and expenditures to and from the Fund.

(ii) The Commission shall submit a copy of the report to the General Assembly as provided under § 2–1246 of the State Government Article.

(p) A recipient may hold a Workforce Shortage Student Assistance grant and any other State grant or scholarship awarded by the Office provided that the total of all grants and scholarships does not exceed:

(1) The student's total cost of attendance, as certified by the institution where the student is enrolled; and

(2) The cost of attendance, as defined in subsection (i) of this section.

(q) Funds for the Workforce Shortage Student Assistance grant program shall be as provided in the annual budget of the Commission by the Governor.

(r) The Commission shall adopt guidelines or regulations necessary to implement this section.

§18–801.

(a) Each county may establish a program of county scholarships for students of medicine, dentistry, or nursing, and may levy and pay any amount required for this purpose.

(b) The county council, board of county commissioners, or Mayor and City Council of Baltimore City may determine the amount to be awarded, the number of these scholarships, and the method of selecting the recipients.

(c) An award granted under this section:

(1) May not be held by the same student for more than 4 years; and

(2) May be used for educational expenses, including:

(i) Tuition and mandatory fees;

(ii) Room and board; and

(iii) Books.

(d) Each recipient of a scholarship under this section shall give a bond to the county, with security satisfactory to it, that after graduation he will practice his profession in the county for at least:

(1) 5 years if the scholarship is for medicine or dentistry; or

(2) 3 years if the scholarship is for nursing.

§18–802.

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

(2) "Medical education center" means an institution:

(i) Whose objectives include the education of medical and allied health personnel; and

(ii) That has residency programs or full departments in at least three primary care areas.

(3) "Nurse practitioner" means a nurse practitioner as defined by the rules and regulations of the State Board of Nursing.

(4) "Physician assistant" means an individual to whom duties are delegated by a licensed physician under the rules and regulations of the State Board of Physicians.

(5) "Primary care" means family practice, general internal medicine, and general pediatrics.

(6) "Eligible organization" means an institution, including a licensed hospital, nursing home, adult day care center, public health agency, home health agency, or other organization authorized by the Secretary of Health and Mental Hygiene.

(7) "Eligible institution" means an institution of postsecondary education:

(i) Approved to operate by the Maryland Higher Education Commission; and

(ii) That awards nursing degrees or diplomas.

(8) "Nursing shortage area" means a recognized area of nursing service or specialization determined by the Secretary of Health and Mental Hygiene to be an area where there exists a shortage of qualified nurses in eligible organizations.

(9) "Nursing student" means a student enrolled in a postsecondary nursing education degree or diploma program at an eligible institution.

(b) (1) There is a Maryland Physician Assistant-Nurse Practitioner Training Program that provides financial support to institutions with training programs for physician assistants and nurse practitioners in primary care in this State administered by the Office. An institution may participate if its program:

(i) Is accredited by the American Medical Association, the American Nurses Association, or the National League of Nursing;

(ii) Produces graduates eligible to take:

1. The primary care physician assistant certifying examination of the National Commission on the Certification of Physician Assistants; or

2. The primary care in adult and family nursing practice certifying examination or any other examination required by the State Board of Nursing;

(iii) Is part of, or has a formal arrangement with, a medical education center;

(iv) Focuses on developing primary care skills and includes substantial clinical experience in primary care; and

(v) Is not a specialty program in a discipline other than primary care.

(2) The Physician Assistant-Nurse Practitioner Training Program consists of grants to an eligible medical education center for each individual who completes the program in physician assistant or nurse practitioner training in the amount of:

(i) $3,000 for each physician assistant; and

(ii) $1,500 for each nurse practitioner.

(c) If the total amount of the grants to be made under this section for physician assistants-nurse practitioners is more than $72,000 annually, then the amount of a medical education center's grant for that period shall be equal to the product of:

(1) The amount required to pay grants for that center; times

(2) The ratio of the total amount appropriated to the total amount required to pay grants under this section to all centers.

(d) A grant may not be awarded to a medical education center that has discontinued its program in physician assistant or nurse practitioner training.

§18–803.

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

(2) "Grant" means the Health Personnel Shortage Incentive Grant for eligible institutions offering educational programs leading to licensure, certification, or registration in health occupations determined to be in short supply.

(3) "Eligible institution" means an institution of postsecondary education that:

(i) Is approved to operate by the Maryland Higher Education Commission; and

(ii) Produces graduates eligible to take the appropriate national examination for licensure, certification, or registration in the relevant health occupation determined to be in short supply.

(4) "Health occupation" means a:

(i) Physical therapist or a physical therapist assistant who has at least an Associate degree in physical therapy;

(ii) Occupational therapist or an occupational therapist assistant who has at least an Associate degree in occupational therapy;

(iii) Radiographer;

(iv) Respiratory therapist;

(v) Laboratory technician;

(vi) Medical technologist;

(vii) Pharmacist;

(viii) Registered nurse or licensed practical nurse; or

(ix) Physician who engages in family practice or pediatrics.

(b) (1) There is a Health Personnel Shortage Incentive Grant Program for eligible institutions.

(2) The Office of Student Financial Assistance shall administer the Grant Program as provided in this section.

(3) In consultation with the Secretary of Health and Mental Hygiene, the Office shall adopt regulations to implement the Grant Program.

(c) An eligible institution is qualified to receive a grant under this section if the institution:

(1) Has an approved education program leading to licensure, certification, or registration in a health occupation determined to be in short supply; and

(2) Funds the approved education program at an amount not less than the preceding fiscal year.

(d) (1) Except as provided in subsection (e) of this section, an eligible institution shall receive a grant in the amount of $1,500 for each student who graduates from an approved education program leading to licensure, certification, or registration in a health occupation determined to be in short supply, that is in excess of the lowest number of students who graduated from the approved education program at that eligible institution commencing in the academic year 1990-91.

(2) For purposes of paragraph (1) of this subsection, the Commission shall establish, in consultation with each appropriate eligible institution, that institution's threshold number of students.

(e) (1) If the total amount of the grant to be issued under subsection (d) of this section is more than the amount appropriated in the annual State budget, including the amount that is collected under the Board of Physicians Fund under § 14-207(c)(2)(i) of the Health Occupations Article and transferred to this program, the amount of an eligible institution's grant for that period shall be equal to the product of the amount required to pay grants under subsection (d) multiplied by the ratio of the total amount appropriated to the eligible institution.

(2) Any unspent portions of the money that is transferred to the Office for use under this section by the Comptroller may not be transferred to or revert to the General Fund of the State, but shall remain in the Fund maintained by the Office to administer these programs to be used for the purposes specified in this section.

(f) The eligible institution shall use the grant to enhance or expand approved education programs leading to licensure or certification in health occupations determined to be in short supply.

(g) (1) In accordance with § 1-204 of the Health Occupations Article, the Secretary of Health and Mental Hygiene shall certify annually to the Maryland Higher Education Commission those health occupations in short supply.

(2) In any year in which a health occupation is determined by the

Secretary of Health and Mental Hygiene to be no longer in short supply, the Office shall discontinue issuing new grants under this section for that health occupation, provided that the existing grants shall continue for the students who are enrolled in prior to and who subsequently graduate from the approved education program after the determination is made by the Secretary.

§18–901.

(a) There is a program of fellowships for postgraduate work in the Graduate School of the University of Maryland, College Park known as the Judith A. Resnik Memorial Postgraduate Fellowship Program.

(b) Each recipient of a fellowship awarded under this section:

(1) Shall be a graduate of a standard 4-year college course in an institution of higher education accredited by the Middle States Association of Colleges and Secondary Schools or an equivalent regional accrediting agency; and

(2) Shall be recommended for graduate study by the executive head of the institution from which he graduated.

(c) If possible, residents of this State shall receive preference in the award of these fellowships.

(d) The University of Maryland shall cooperate with the accredited institutions of higher education in this State by specifying each year the requirements of the graduate school, the standards for determining eligibility for fellowships, and the fields of greatest need for qualified faculty in the public institutions of higher education in this State.

(e) Each fellowship:

(1) May not be for less than $200 a single year or for more than the highest 10-month stipend for a graduate assistant.

(2) May be held for 3 years if the recipient:

(i) Continues to be a full-time student at the University of Maryland and carries at least 12 semester hours of courses each semester;

(ii) In the judgment of the University, is making satisfactory progress towards a degree; and

(iii) Maintains the department standards of the University.

(f) (1) Each year, the fellowship committee of the University shall certify not more than 18 fellowships to qualified applicants as the amount appropriated to the program that year allows.

(2) The award of such fellowships shall be made when possible so as to promote compliance with the State of Maryland desegregation goals.

(3) If possible:

(i) The distribution shall be made as wide as possible to graduates of accredited institutions of higher education in this State; and

(ii) Consideration shall be given to the greatest need in securing qualified faculties in the public institutions of higher education in this State.

§18–1201.

There is a program of private career school student grants in this State, known as the Jack F. Tolbert Memorial Student Grant Program, that are awarded under this subtitle.

§18–1202.

The Office shall administer the program of private career school student financial aid grants.

§18–1203.

(a) The Office may not require any competitive examination in determining student eligibility.

(b) Each applicant for a private career school student grant shall:

(1) Be accepted for admission at an approved private career school;

(2) Be enrolled in a full-time program as determined by the Maryland Higher Education Commission;

(3) Be a resident of this State; and

(4) Demonstrate to the Office financial need.

§18–1204.

A private career school student grant may be awarded in $100 increments. However, an award for a single year may not be more than $1,500.

§18–1205.

(a) A private career school student grant may be used at a private career school in this State that:

(1) Is approved by the Maryland Higher Education Commission;

(2) Operates solely within the State;

(3) Does not have an outstanding notice of deficiencies under appeal in accordance with the regulations adopted by the Higher Education Commission;

(4) Does not have a negative final report under the State Postsecondary Review Program in accordance with 34 C.F.R. § 667.23 as the regulation may be amended; and

(5) Has not been referred for review under the State Postsecondary Review Program as a result of its student loan default rates in accordance with 34 C.F.R. § 667.5 as the regulation may be amended.

(b) A grant awarded under this subtitle may be used for tuition charges only.

§18–1206.

Each recipient of a private career school student grant may hold the grant for 2 years if the student:

(1) Continues to be a resident of this State;

(2) Continues to be enrolled in a full-time program;

(3) In the judgment of the institution, is making satisfactory progress toward a certificate of completion; and

(4) Continues to demonstrate a financial need.

§18–1207.

The Governor shall include in the annual budget bill an appropriation to the Program in an amount not less than $200,000 for the fiscal year that begins on July 1, 1996 and each subsequent fiscal year.

§18–1401.

(a) In this section, "part–time student" means a student who:

(1) Is enrolled in a degree–granting program at an eligible institution and taking at least 3 but no more than 11 semester hours of courses each semester; or

(2) Is dually enrolled in a secondary school in the State and an institution of higher education.

(b) In cooperation with the institutions of higher education in the State, the Commission shall establish and administer a grant program for undergraduate part–time students.

(c) A recipient of a part–time grant shall:

(1) Be a resident of the State; and

(2) Have demonstrated a definite financial need according to criteria established by the Commission.

(d) For courses completed under the program, a recipient who is dually enrolled in a secondary school in the State and an institution of higher education may not be required to receive credit from a secondary school and an institution of higher education at the same time.

§18–1402.

(a) (1) Funds for the Part–Time Grant Program shall be allocated by the Commission to each institution of higher education based upon the number of undergraduate part–time students with demonstrated financial need who are enrolled in degree–granting programs at the institution.

(2) An institution of higher education may use up to 10% of the part–time grant allocation to provide grants to students who are enrolled in at least 3 but less than 6 semester hours of courses each semester.

(b) In addition to the funds provided under § 18–14A–02(b) of this title, institutions may use up to 10% of the part–time grant allocation to provide grants to students who are dually enrolled.

(c) Funds for the grant program for part–time students shall be as provided in the annual budget of the Commission by the Governor.

§18–1403.

The Commission shall:

(1) Establish guidelines for the awarding of grants to part-time students; and

(2) Adopt any other guidelines or regulations necessary for the administration of this subtitle.

§18–1404.

An institution of higher education that receives State funds under this subtitle shall provide the Commission with an annual audit describing the disposition of the funds.

§18–14A–01.

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

(2) "Dually enrolled student" means a student who is dually enrolled in:

(i) A secondary school in the State; and

(ii) An institution of higher education in the State.

(3) "Grant" means the Early College Access Grant.

(b) There is an Early College Access Grant that provides financial assistance to dually enrolled students in the State.

(c) In cooperation with institutions of higher education in the State, the Commission shall administer the Grant.

(d) A recipient of a grant shall:

(1) Be a dually enrolled student; and

(2) Demonstrate financial need according to criteria established by the Commission.

(e) For courses completed under the Grant, a recipient is not required to receive credit from a secondary school and an institution of higher education at the same time.

§18–14A–02.

(a) Funds for the Grant shall be allocated by the Commission to an institution of higher education based on the number of dually enrolled students receiving credit for courses completed at the institution.

(b) Funds for the Grant shall be as provided in the annual budget of the Commission by the Governor.

§18–14A–03.

The Commission shall:

(1) Establish guidelines for awarding the Grant to dually enrolled students; and

(2) Adopt any other guidelines or regulations necessary for the administration of this subtitle.

§18–14A–04.

(a) A public institution of higher education may not charge tuition to a dually enrolled student.

(b) (1) Subject to subsection (d) of this section, for each dually enrolled student

who is enrolled in a public school in the county, the county board shall pay for up to a maximum of four courses in which the student is enrolled while a student in a public secondary school in the State:

(i) For a public senior institution of higher education, 75% of the cost of tuition; and

(ii) For a community college, the lesser of:

1. 5% of the target per pupil foundation amount established under § 5–202(a) of this article; or

2. 75% of the cost of tuition.

(2) For each course in excess of four in which a dually enrolled student is enrolled, the county board shall pay:

(i) For a public senior institution of higher education, 90% of the cost of tuition; and

(ii) For a community college, the lesser of:

1. 5% of the target per pupil foundation amount established under § 5–202(a) of this article; or

2. 90% of the cost of tuition.

(3) If there is an agreement before July 1, 2013, between a public school and a public institution of higher education in which the public institution of higher education charges less than 75% of the cost of tuition to a dually enrolled student, the county board shall pay the cost of tuition under the existing agreement.

(c) (1) (i) A county board may charge a dually enrolled student a fee not to exceed 90% of the amount paid under subsection (b)(1) of this section.

(ii) A county board may charge a dually enrolled student a fee not to exceed 100% of the amount paid under subsection (b)(2) of this section.

(2) A county board shall consider the financial ability of students when setting fees.

(3) A county board shall waive the fee for students who are eligible for free and reduced price meals.

(d) If there is an agreement between a public school and a public institution of higher education in which a public school agrees to pay for more than four courses at a public institution of higher education for a dually enrolled student, the public school shall pay for the number of courses under the agreement.

§18–14A–05.

Each county board shall make all high school students who meet mutually agreed on enrollment requirements aware of the opportunity to dually enroll under this subtitle.

§18–14A–06.

An institution of higher education that receives State funds under this subtitle shall provide the Commission with an annual audit of the use of the funds.

§18–1501.

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

(b) (1) "Eligible field of employment" means employment in the State by an organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code of 1986.

(2) "Eligible field of employment" includes employment by the State or any local government in the State, but does not include being employed as a judicial clerk in any court.

(c) "Higher education loan" means any loan for undergraduate or graduate study that is obtained for tuition, educational expenses, or living expenses from:

(1) A college or university, government, or commercial source; or

(2) An organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code of 1986.

(d) "Program" means the Janet L. Hoffman Loan Assistance Repayment Program.

§18–1502.

(a) There is a program of loan assistance repayment known as the Janet L. Hoffman Loan Assistance Repayment Program in the State.

(b) The Office of Student Financial Assistance shall assist in the repayment of the amount of any higher education loan owed by an individual who:

(1) (i) Receives a graduate, professional, or undergraduate degree from:

1. A college or university in the State of Maryland; or

2. A school of law; or

(ii) Receives a Resident Teacher Certificate (RTC) from the

Department after completing an alternative teaching preparation program approved by the State Superintendent;

(2) Obtains eligible employment;

(3) Receives an income that is less than the maximum eligible total income levels established by the Office, including any additional sources of income; and

(4) Satisfies any other criteria established by the Office.

(c) Subject to the provisions of subsection (b) of this section, the Office shall assist in the repayment of the amount of any higher education loan owed by a public school teacher in the State who:

(1) Has taught in Maryland for at least 2 years:

(i) In science, technology, engineering, or math subjects; or

(ii) In a school in which at least 75% of the students are enrolled in the free and reduced price lunch program in the State; and

(2) Has received the highest performance evaluation rating for the most recent year available in the county in which the teacher taught.

(d) (1) A grant awarded under subsection (c) of this section shall be known as the Nancy Grasmick Teacher Award.

(2) A recipient of a Nancy Grasmick Teacher Award shall be known as a Nancy Grasmick Teacher Scholar.

(e) An applicant for assistance in the repayment of a commercial loan shall demonstrate to the Office that the commercial loan was used for tuition, educational expenses, or living expenses for graduate or undergraduate study.

(f) Assistance in the repayment of a loan from an entity set forth in § 18–1501(c)(2) of this subtitle shall require the approval of the Office.

(g) Subject to the provisions of subsection (b) of this section, the Office shall assist in the repayment of the amount of any higher education loan owed by a licensed clinical alcohol and drug counselor, a licensed clinical marriage and family therapy counselor, or a licensed clinical professional counselor whose practice is located in a high–need geographic area of the State as determined by the Department of Health and Mental Hygiene.

§18–1503.

(a) The Office of Student Financial Assistance shall adopt regulations to establish:

(1) The maximum starting income for eligibility in the Janet L. Hoffman Loan Assistance Repayment Program;

(2) The maximum total income for eligibility in the Janet L. Hoffman Loan Assistance Repayment Program, including any additional sources of income;

(3) That priority for participation in the Program shall be given to an individual who:

(i) Graduated from an institution of higher education in the last 3 years;

(ii) Is a resident of the State;

(iii) Is employed on a full–time basis; and

(iv) 1. Provides, as the principal part of the individual's employment, legal services to low–income residents in the State who cannot afford legal services, nursing services in nursing shortage areas in the State as defined in § 18–802 of this title, or other services in an eligible field of employment in which there is a shortage of qualified practitioners to low–income or underserved residents or areas of the State; or

2. For teacher applicants only, qualifies for a Nancy Grasmick Teacher Award;

(4) A limit on the total amount of assistance provided by the Office of Student Financial Assistance in repaying the loan of an eligible individual, based on the individual's total income and outstanding higher education loan balance;

(5) A procedure and schedule for the monthly or annual payment of the amount of loan assistance provided by the Office of Student Financial Assistance to the eligible individual, as appropriate to assist an eligible individual in meeting loan forgiveness program requirements;

(6) A requirement that an eligible individual apply to federal loan forgiveness programs for which the individual may qualify;

(7) A requirement that an eligible individual notify the Office of Student Financial Assistance if the individual receives other loan repayment assistance; and

(8) An annual review of the eligibility of each individual participating in the Program.

(b) The Office of Student Financial Assistance may not approve more than 50% of the total number of awards for teacher applicants to Nancy Grasmick Teacher Scholars.

(c) The Office of Student Financial Assistance shall adopt any other regulations necessary to implement this subtitle.

§18–1504.

(a) Funds for the Janet L. Hoffman Loan Assistance Repayment Program described in subsection (b)(2) of this section shall be allocated by the Commission to an individual who:

(1) Has received a graduate degree from a school of law; and

(2) Has submitted an application for the Janet L. Hoffman Loan Assistance Repayment Program that the Commission disapproved due to insufficient funds.

(b) Funds for the Janet L. Hoffman Loan Assistance Repayment Program shall:

(1) Be provided on an annual basis in the State budget; and

(2) Include money paid to the Program from the fee charged for a special admission of an out–of–state attorney under § 7–202(f) of the Courts Article.

(c) If a federal matching grant loan program furnishes professional services in an eligible field of employment to low–income or underserved residents of the State, the Office may apply not more than 50 percent of the funds provided in the State budget for the Janet L. Hoffman Loan Assistance Repayment Program to the State's participation in the federal program.

§18–1505.

Subject to § 2-1246 of the State Government Article, the Office of Student Financial Assistance shall report to the General Assembly by January 1 of each year on the implementation of the Janet L. Hoffman Loan Assistance Repayment Program.

§18–1601.

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

(b) "Eligible employment" means full-time employment in the State in an occupation requiring a college or university degree in a math or science program.

(c) "Higher education loan" means any loan for undergraduate study that is obtained for tuition, educational expenses, or living expenses from:

(1) A college or university, government, or commercial source; or

(2) An organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code of 1986.

§18–1602.

(a) There is a Math/Science Student Corps to encourage students to enroll in math and science programs and work in occupations in Maryland requiring math and science skills.

(b) The purpose of the program is to increase the number of graduates who are employed in occupations requiring math and science skills and to provide loan repayment assistance for graduates who work in Maryland.

(c) The Office may assist in the repayment of any higher education loan owed by an individual who:

(1) Receives an undergraduate degree in a math or science program from a college or university in Maryland;

(2) Obtains eligible employment;

(3) Participates in activities to encourage other students to pursue math and science degree programs and occupations as may be required by the Office; and

(4) Satisfies any other criteria established by the Office.

(d) Recipients of loan repayment assistance may participate in the program for a maximum of 4 years.

(e) An applicant for assistance in the repayment of a commercial loan shall demonstrate to the Office that the commercial loan was used for tuition, educational expenses, or living expenses for undergraduate study.

(f) Assistance in the repayment of a loan from an entity set forth in § 18-1601(c)(2) of this subtitle shall require the approval of the Office.

§18–1603.

(a) The Office shall adopt guidelines or regulations to establish:

(1) The math and science degree programs and occupations eligible for the program and review them on an annual basis;

(2) The criteria for making loan repayment assistance awards;

(3) A procedure and schedule for the Office to pay eligible individual loan repayment assistance; and

(4) An annual review of the eligibility of each individual participating in the program.

(b) The Office shall adopt any other guidelines or regulations necessary to

implement this subtitle.

§18–1604.

Funds for the Math/Science Student Corps shall be as provided by the Governor in the annual budget of the Commission.

§18–1701.

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

(b) "Eligible student" means a junior, senior, or graduate student who attends an institution of higher education in the State.

(c) "Internship" means a paid or an unpaid internship in the State with:

(1) An organization, an institution, an association, a society, or a corporation that:

(i) Is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code of 1986; and

(ii) Affords the student the opportunity to participate in and support management functions, including board governance, executive leadership, financial management, human resources, fundraising, or facilities management; or

(2) The State or any local government in the State.

(d) "Program" means the Walter Sondheim Jr. Public Service Internship Scholarship Program.

(e) "Shriver Center" means the Shriver Center located at the University of Maryland, Baltimore County.

§18–1702.

(a) There is a scholarship program known as the Walter Sondheim Jr. Public Service Internship Scholarship Program in the State.

(b) The purpose of the Program is to assist college and graduate students to explore public service career opportunities through internships.

(c) The Shriver Center shall administer the Program.

(d) An institution of higher education in the State may nominate eligible students to participate in the Program on or before:

(1) January 1 of each year for summer and fall internships; and

(2) October 1 of each year for spring internships.

(e) Priority for participation in the Program shall be given to an eligible student who:

(1) Is a resident of the State;

(2) Has demonstrated an interest in a career in public service; and

(3) Assists in providing:

(i) Legal services:

1. To low–income residents in the State who cannot afford legal services; or

2. In a public service position;

(ii) Social work services to low–income residents in the State;

(iii) Nursing services in nursing shortage areas in the State as defined in § 18–802 of this title; or

(iv) Other services in the public or nonprofit sectors in which there is a shortage of qualified practitioners to low–income or underserved residents or areas of the State.

(f) (1) Subject to paragraph (2) of this subsection, for eligible students who have agreed to serve in a public service internship, the Shriver Center shall award scholarships on or before:

(i) January 15 of each year for spring internships;

(ii) May 1 of each year for summer internships; and

(iii) August 1 of each year for fall internships.

(2) Funds for the scholarships awarded under this subtitle shall be as provided in the State budget.

(g) Subject to the availability of funds, the scholarship award under the Program shall be $3,000.

(h) The Shriver Center shall serve as a clearinghouse for public and nonprofit entities that wish to hire public service interns participating in the Program.

§18–1703.

(a) The Shriver Center shall adopt policies to establish:

(1) The criteria for eligibility in the Program;

(2) A procedure and schedule for the payment of the scholarship award provided to an eligible student; and

(3) A procedure for the repayment of the scholarship award if a student does not fulfill the internship requirements under the Program.

(b) The Shriver Center shall adopt any other policies necessary to implement this subtitle.

§18–1704.

(a) Funds for the Program may be provided on an annual basis in the State budget.

(b) The Governor may provide funding in the State budget to the Shriver Center to administer the Program.

§18–1705.

Subject to § 2–1246 of the State Government Article, the Shriver Center shall report to the General Assembly by January 1 of each year on the implementation of the Program.

§18–1801.

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

(b) "Grant" means an apprenticeship incentive grant that is awarded to an apprenticeship sponsor under this subtitle.

(c) "Grant recipient" means a person or entity that receives a grant under this subtitle.

(d) "Program" means the Apprenticeship Incentive Program.

§18–1802.

(a) The Department of Labor, Licensing, and Regulation in collaboration with the State Superintendent of Schools and the Secretary of Higher Education may establish a program of school-to-work transition grants, to be known as the "Youth Apprenticeship Program".

(b) Funds for the program shall be as provided by the Governor in the annual budget.

§18–1803.

(a) A grant may be awarded under this subtitle to:

(1) An employer or consortium of employers;

(2) An industrial trade association;

(3) A trade union;

(4) A registered apprenticeship sponsor; or

(5) A combination of the entities specified in items (1) through (4) of this subsection.

(b) A grant recipient shall use the grant in an apprenticeship training program that is:

(1) A registered apprenticeship program approved by the Apprenticeship and Training Council within the Department of Labor, Licensing, and Regulation;

(2) A youth apprenticeship program approved by the State Superintendent of Schools that involves students attending the public schools of the State; or

(3) A youth apprenticeship program approved by the Secretary of Juvenile Services that involves clients of the Department of Juvenile Services.

(c) The Secretary of Labor, Licensing, and Regulation may ensure that the youth apprenticeship programs approved under this subtitle:

(1) Foster the expansion of structured, school-to-work transition programs that link secondary school applied learning experiences with:

(i) Skilled, high wage, workplace jobs and professions; and

(ii) Postsecondary technical and occupational work experiences;

(2) Foster enrollment in apprenticeship programs that target youth, including general education degree recipients;

(3) Foster enrollment of inexperienced, unskilled, first time hires in long-term programs leading to a credential in emerging, technology based occupations that are projected as high growth areas in the State economy; and

(4) Support the development of competency based instructional programs that encompass secondary and postsecondary institutions and are based on specific skill standards that are identified by the industry through accepted models.

§18–1804.

(a) The Department of Labor, Licensing, and Regulation, after consultation with the Advisory Board and interested potential grant recipients, may establish guidelines for the review and evaluation of grant proposals and the selection of grant recipients.

(b) (1) During the month of January each year, the Department of Labor, Licensing, and Regulation may issue a request for proposals inviting interested persons to submit grant proposals for participation in the program for the fiscal year that begins on July 1 of that year.

(2) Grant proposals may be received and reviewed by the Department only during the period between the date of the issuance of the request for proposals under paragraph (1) of this subsection and May 31 of that year.

(c) (1) The Department of Labor, Licensing, and Regulation may evaluate grant proposals on a competitive basis and shall approve only proposals that it determines are of high quality and likely to fulfill the goals and objectives of the program.

(2) Following a review of all grant proposals received during the period specified under subsection (b) of this section, the Secretary of Labor, Licensing, and Regulation may announce the grant recipients for the fiscal year that begins on July 1 of that year.

§18–1805.

If a Youth Apprenticeship Program is established under the authority granted under this subtitle, the Secretary of Labor, Licensing, and Regulation may:

(1) Determine the amount that is needed to fund the grants awarded under this subtitle; and

(2) Submit this information to the Department of Budget and Management for inclusion in the annual budget.

§18–1806.

(a) The Department of Labor, Licensing, and Regulation may require that each grant recipient have a matching requirement for the amount of the grant that is awarded to the recipient under this subtitle.

(b) The grant recipient may include in the amount that is calculated as its match under subsection (a) of this section the costs of personnel, equipment, and materials it incurs in the training program for the students it enrolls.

§18–1807.

(a) The grant recipient may use the grant for:

(1) The development of competency based instructional programs that incorporate industry skills and that are based on generally accepted models within the industry;

(2) The development of performance assessment systems that are tied to industry standards that demonstrate mastery of skills with a formal credential;

(3) The coordination of work site and on-the-job training; and

(4) To the extent not provided by the educational institution attended by the student or by any other entity, the costs of tuition, books, fees, and materials used in the training program.

(b) Funds for the costs of the administration of the program shall be as provided by the Governor in the annual budget.

(c) The grant recipient shall:

(1) Submit periodic reports to the Secretary of Labor, Licensing, and Regulation summarizing its activities under the program;

(2) Meet and consult with the Secretary about the program; and

(3) Make available to the Secretary for inspection, the recipient's books, accounts, and other records associated with the program at such times as are mutually agreed upon by the parties.

§18–1808.

(a) The Department of Labor, Licensing, and Regulation may establish a Youth Apprenticeship Program Advisory Board.

(b) The Advisory Board shall include:

(1) The Secretary of Labor, Licensing, and Regulation;

(2) The State Superintendent of Schools;

(3) The Secretary of Higher Education;

(4) The chair of the Maryland Business Roundtable, or the chair's designee;

(5) The President of the Maryland AFL-CIO, or the President's designee;

(6) The chair of the Maryland Apprenticeship and Training Council, or the chair's designee;

(7) The chair of the Partnership for Workforce Quality Advisory Board, or the chair's designee;

(8) The chair of the Vocational Education Advisory Council, or the chair's designee;

(9) The chair of the Governor's Workforce Investment Board, or the chair's designee;

(10) The chair of the Maryland Association of Community Colleges, or the chair's designee;

(11) One member of the Senate of Maryland, appointed by the President of the Senate; and

(12) One member of the House of Delegates, appointed by the Speaker of the House.

(c) The Advisory Board shall, from time to time, review the program and advise the Secretary of Labor, Licensing, and Regulation, the State Superintendent of Schools, and the Secretary of Higher Education about matters regarding the program.

§18–1809.

The Secretary of Labor, Licensing, and Regulation, in collaboration with the State Superintendent of Schools and the Secretary of Higher Education, may adopt regulations to implement the provisions of this subtitle.

§18–1901.

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

(b) "Account holder" means an individual who:

(1) Makes or undertakes the obligation to make advance payments of qualified higher education expenses as provided under a prepaid contract; and

(2) Except as provided in § 18–1909(b) of this subtitle, is a resident of Maryland or of the District of Columbia at the time that the account holder enters into a prepaid contract.

(c) "Board" means the College Savings Plans of Maryland Board.

(d) "Broker–Dealer Plan" means the Maryland Broker–Dealer College Investment Plan established under Subtitle 19B of this title.

(e) "Current prepaid contract obligations" means the scheduled payments due for the next fiscal year under existing prepaid contracts.

(f) "Eligible institution of higher education" means an institution of higher education that:

(1) Offers an associate, bachelor, or graduate degree program; and

(2) Is eligible to participate in federal financial aid programs.

(g) "Market value of program assets" means the amount of cash and cash equivalents held by the Trust plus the fair market value of other assets of the Trust.

(h) "Plan" means the Maryland College Investment Plan established under Subtitle 19A of this title.

(i) "Prepaid contract" means a contract between the Board and an account holder under the provisions of this subtitle for the advance payment of qualified higher education expenses by the account holder for a qualified beneficiary to attend an eligible institution of higher education, if the qualified beneficiary is admitted to the institution.

(j) "Program" means the College Savings Plans of Maryland.

(k) "Qualified beneficiary" means an individual who:

(1) Is eligible to apply advance payments of qualified higher education expenses to undergraduate or graduate qualified higher education expenses at an eligible institution of higher education under the provisions of this subtitle; and

(2) Except as provided in § 18–1909(b) of this subtitle, is a resident of the State or of the District of Columbia at the time that the account holder enters into a prepaid contract.

(l) "Qualified higher education expenses" has the meaning stated in § 529(e) of the Internal Revenue Code.

(m) "Qualified state tuition program" has the meaning stated in § 529 of the Internal Revenue Code.

(n) "Trust" means the Maryland Prepaid College Trust established under this subtitle.

(o) (1) "Tuition" means the actual tuition and mandatory fees assessed to all students by an eligible institution of higher education as a condition of enrollment at the institution.

(2) "Tuition" does not include any fee that is assessed by the institution

for a particular course taken, year of enrollment, academic status, course of study, residency status, or any other distinguishing factor used by the institution to determine a specific fee.

§18–1902.

It is the intent of the General Assembly to enhance the accessibility and affordability of higher education for all citizens of the State and for all citizens of the District of Columbia by establishing a method to provide for the prepayment of tuition at eligible institutions of higher education.

§18–1902.1.

(a) There is a Program entitled the College Savings Plans of Maryland.

(b) The purpose of the Program is to provide for the administration by the Board of the Maryland Prepaid College Trust, the Maryland College Investment Plan, and the Maryland Broker–Dealer College Investment Plan.

§18–1903.

(a) There is a Maryland Prepaid College Trust.

(b) The purpose of the Trust is to provide:

(1) A means for payment of the cost of tuition in advance of enrollment at an eligible institution of higher education; and

(2) An assurance to a beneficiary who enrolls at an eligible institution of higher education that the Board shall make every effort to invest the advance payments so that the prepaid contract will cover the average in-State tuition costs at public institutions of higher education in the State at the time that the benefits are exercised.

(c) The Board shall administer the Trust in compliance with Internal Revenue Service standards for qualified State tuition programs.

(d) The funds of the Trust consist of:

(1) Payments received from prepaid contracts made under the provisions of this subtitle;

(2) Bequests, endowments, or funds from any other available private source;

(3) Interest and income earned from the investments of the Trust; and

(4) Federal, State, or local funds, or funds from any other available public source.

(e) Money remaining in the Trust at the end of the fiscal year shall remain in the Trust and may not revert to the General Fund of the State.

(f) Moneys of the Trust may not be considered moneys of the State and may not be deposited into the Treasury.

(g) Moneys of the Trust may not be considered moneys of the Maryland College Investment Plan and may not be commingled with the Plan.

(h) (1) The debts, contracts, and obligations of the Trust are not the contracts, debts, or obligations of the State and neither the faith and credit nor taxing power of the State is pledged directly or indirectly or contingently, morally or otherwise, to the payment of the debts, contracts, and obligations.

(2) The Board cannot directly or indirectly or contingently obligate, morally or otherwise, the State to levy or pledge any form of taxation whatsoever for the debts and obligations of the Trust or to make any appropriation for the payment of the debts and obligations of the Trust.

(i) Neither the State nor any eligible institution of higher education shall be liable for any losses or shortage of funds in the event that the Maryland Prepaid College Trust is insufficient to meet the tuition requirements of an institution attended by the qualified beneficiary.

§18–1904.

(a) There is a College Savings Plans of Maryland Board.

(b) The Board shall administer:

(1) The Maryland Prepaid College Trust established under this subtitle;

(2) The Maryland College Investment Plan established under Subtitle 19A of this title; and

(3) The Maryland Broker–Dealer College Investment Plan established under Subtitle 19B of this title.

(c) The Board consists of the following 10 members:

(1) The Secretary of the Maryland Higher Education Commission;

(2) The State Superintendent of Schools;

(3) The State Treasurer;

(4) The State Comptroller;

(5) The Chancellor of the University System of Maryland; and

(6) Five members of the public who shall be appointed by the Governor and shall have significant experience in finance, accounting, investment management, or other areas that can be of assistance to the Board.

(d) A member of the Board designated under subsection (c)(1) through (5) of this section may designate an employee from the member's staff to represent the member of the Board, with the full voting rights, powers, and duties of the member.

(e) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(f) (1) Except for the terms of the initial members of the Board, the term of a public member of the Board is 4 years.

(2) The terms of the public members of the Board are staggered as required by the terms of the members of the Board on October 1, 1998.

(3) At the end of a term, a public member continues to serve until a successor is appointed and qualifies.

(4) A public member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(5) A public member is eligible for reappointment.

(g) The Governor may remove a public member for incompetence or misconduct.

§18–1905.

(a) The Board, from among the members of the Board, shall elect a chairman and may elect additional officers that the Board considers necessary.

(b) The Board shall determine the times and places of meetings.

(c) A member of the Board:

(1) May not receive compensation;

(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations; and

(3) Shall file a public disclosure of financial interests as required under the Maryland Public Ethics Law.

(d) (1) The Board:

(i) Shall appoint a Program executive director who is in the executive service of the State Personnel Management System; and

(ii) May employ additional staff in accordance with the budget.

(2) (i) Except for employees described in subparagraph (ii) or (iii) of this paragraph, the employees shall be skilled service employees subject to the provisions of the State Personnel and Pensions Article that govern skilled service employees.

(ii) An employee is in the professional service and subject to the provisions of the State Personnel and Pensions Article that govern professional service employees if the position:

1. Requires knowledge of an advanced type in a field of science or learning customarily acquired by a course of specialized intellectual instruction and study; and

2. Normally requires a professional license, an advanced degree, or both.

(iii) An employee is in the management service and subject to the provisions of the State Personnel and Pensions Article that govern management service employees if the position:

1. Primarily involves direct responsibility for the oversight and management of personnel and financial resources;

2. Requires the exercise of discretion and independent judgment; and

3. Is not in the executive service.

(3) The Board may retain the services of consultants, administrators, and other personnel, as necessary, to administer the Trust, the Plan, or the Broker–Dealer Plan.

(4) The budget for the Program, the Board, and its staff is subject to review by the General Assembly for information purposes only.

(e) The Board may adopt any regulations that the Board considers necessary to carry out the provisions of this subtitle or Subtitle 19A or Subtitle 19B of this title.

(f) In addition, the Board may:

(1) Adopt an official seal;

(2) Sue and be sued;

(3) Execute contracts and other necessary instruments;

(4) Hold, buy, and sell instruments, obligations, securities, and other investments consistent with its comprehensive investment plan;

(5) Enter into agreements with eligible institutions of higher education and other public or private entities for the promotion, administration, or marketing of the Program, the Trust, the Plan, or the Broker–Dealer Plan;

(6) Invest funds not required for immediate disbursement;

(7) Solicit and accept gifts, grants, loans, or other aid from any source or participate in any government program for purposes consistent with this subtitle and Subtitles 19A and 19B of this title;

(8) Subject to the review of the General Assembly, impose and collect reasonable administrative fees for any transactions under the Trust, the Plan, or the Broker–Dealer Plan or involving prepaid contracts or transactions affecting the Program, the Trust, the Plan, or the Broker–Dealer Plan;

(9) Procure insurance against any loss of assets of the Program, the Trust, the Plan, or the Broker–Dealer Plan;

(10) Endorse insurance coverage written exclusively for the purpose of protecting:

(i) A prepaid contract under the Trust and the account holder and the qualified beneficiary of the contract; or

(ii) An investment account under the Plan, or the Broker–Dealer Plan, and the account holder and qualified designated beneficiary of the investment account;

(11) Designate terms under which money may be withdrawn from the Program, the Trust, the Plan, or the Broker–Dealer Plan;

(12) Establish additional procedural and substantive requirements for participation in and the administration or marketing of the Program, the Trust, the Plan, or the Broker–Dealer Plan;

(13) Appear on the Board's own behalf before other boards, commissions, or other governmental agencies; and

(14) Take any other action that the Board considers appropriate to implement and administer the Program, the Trust, the Plan, or the Broker–Dealer Plan.

§18–1906.

(a) The Board shall adopt a comprehensive investment plan for the administration of the Trust.

(b) The plan shall specify the investment policies used by the Board in the

administration of the Trust.

(c) Assets of the Trust shall be invested in accordance with the comprehensive investment plan.

(d) The comprehensive investment plan must indicate the percentage of assets that shall be held in each class of investment, the amount of funds held in any cash pool, the amount of funds held in fixed assets investments, the amount of funds held in equity investments, and the percentage and dollar value of assets placed with outside managers.

(e) (1) Notwithstanding any law restricting the deposit or investment of State money, the Board may place assets of the Trust in savings accounts or may use the assets to purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or other investment products pursuant to the comprehensive investment plan.

(2) Any insurance, annuity contracts, savings, or other investment products procured by the Board shall be underwritten and offered in compliance with applicable federal and State laws.

(f) The Board shall make every effort to invest the assets of the Trust in a manner that earns, at a minimum, sufficient earnings to generate the difference between the prepaid amount under prepaid contracts and the average in-State tuition costs at public institutions of higher education in the State at the time that the benefits are exercised.

(g) The comprehensive investment plan shall provide for the Trust to be administered in an actuarially sound manner to assure that the Board may defray obligations of the Trust.

(h) The Board shall review the comprehensive investment plan at least annually to assure that the Trust remains actuarially sound.

(i) The Board may contract with an investment advisory or management company for the investment and management of the Trust as long as the Trust is administered in accordance with the comprehensive investment plan.

(j) The Board:

(1) Shall preserve, invest, and expend the assets of the Trust solely for the purposes of this subtitle; and

(2) May not loan, transfer, or use the assets for any other purpose of the State.

(k) The Trust is not subject to § 7-302 of the State Finance and Procurement Article.

(l) Unless the Board provides otherwise by regulation, the Board shall use the proceeds in the Trust in the following order:

(1) To pay eligible institutions of higher education in accordance with the Board's obligations under prepaid contracts;

(2) To refund money on the termination of prepaid contracts; and

(3) To pay the operating expenses of the Board.

(m) (1) Except as provided in paragraph (2) of this subsection, if the Board determines after an annual review that the market value of Trust assets exceeds the amount necessary to satisfy all scheduled payments currently due or scheduled to become due under all prepaid contracts by 30% or more, the Board may provide for a rebate from the excess to account holders of existing prepaid contracts in an amount to be determined by the Board.

(2) The Board may not rebate any amount to account holders if, within the 5 years immediately preceding the proposed rebate:

(i) The Board has requested an appropriation under § 18-1906.1 of this subtitle; or

(ii) The Trust has failed to repay to the State any appropriation under § 18-1906.1 of this subtitle.

§18–1906.1.

(a) If the current prepaid contract obligations of the Trust exceed the market value of Trust assets, at the request of the Board the Governor shall include in the annual budget bill submitted to the General Assembly an appropriation in the amount determined under subsection (b) of this section.

(b) The appropriation to be included in the budget bill under subsection (a) of this section shall equal the difference between the current prepaid contract obligations and the market value of Trust assets.

(c) For purposes of this section, the current prepaid contract obligations and the market value of Trust assets:

(1) Shall be determined as of June 30 of the calendar year that ended before the beginning of the fiscal year for which the appropriation is requested; and

(2) Shall be verified by the report of the independent outside auditor required under § 18-1916 of this subtitle.

(d) (1) The amount appropriated under this section shall be deposited into the Trust.

(2) All amounts paid into the Trust under this section shall constitute and be accounted for as advances to the Trust.

(3) Subject to the rights of the Trust's contract holders, amounts appropriated under this section shall be repaid to the State without interest in equal amounts in each of the next 2 fiscal years succeeding the one for which the appropriation was made.

(4) If the appropriation in the State budget as enacted by the General Assembly is less than the amount specified under subsection (b) of this section, the Board may adjust the terms of subsequent or current prepaid contracts to ensure continued actuarial soundness of the Trust.

§18–1907.

(a) In this section, "fiduciary" means:

(1) A member of the Board; or

(2) An employee of the Program or the Trust who exercises any discretionary authority or control over:

(i) The management or administration of the Trust; or

(ii) The management or disposition of the assets of the Trust.

(b) A fiduciary shall discharge the fiduciary's duties with respect to the Trust:

(1) Solely in the interest of the participants;

(2) For the exclusive purposes of providing benefits to the participants and providing reasonable expenses of administering the Trust;

(3) With the care, skill, prudence, and diligence under the circumstances then prevailing, that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character with like aims;

(4) By diversifying the investments of the Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so;

(5) In accordance with the laws governing the Trust; and

(6) In accordance with the documents and instruments governing the Trust to the extent that the documents and instruments are consistent with this subtitle.

(c) In exercising authority, control, or discretion with respect to the Trust, a fiduciary may not:

(1) Use the assets of the Trust for the fiduciary's own interest or account;

(2) Act in a transaction involving the Trust on behalf of a person, or represent a person, if the interests of the person are adverse to the interests of the Trust or the interests of participants;

(3) Receive any consideration for the fiduciary's own account from a person dealing with the Trust in connection with a transaction involving the assets of the Trust; or

(4) Become an endorser or surety or, in any manner, an obligor, for money lent to or borrowed from the Board.

§18–1908.

(a) The Board shall purchase a bond for each fiduciary in accordance with Title 9, Subtitle 17 of the State Government Article.

(b) Unless a fiduciary is bonded, the fiduciary may not exercise custody or control of any assets of the Trust.

(c) A fiduciary may not allow another fiduciary to act in violation of this section.

§18–1909.

(a) The Board shall establish prepaid contracts under the Trust to provide for the advance payment of tuition at:

(1) A community college;

(2) A 4-year college;

(3) A university; or

(4) Any combination of a community college, college, or university.

(b) (1) For the purpose of entering into a prepaid contract, either the account holder or the qualified beneficiary must be a resident of Maryland or of the District of Columbia at the time that the account holder enters into the prepaid contract.

(2) For the purposes of determining residency for the purchase of a prepaid contract:

(i) For residency in Maryland, "resident" has the meaning stated in § 10-101 of the Tax - General Article; and

(ii) For residency in the District of Columbia, "resident" has the meaning stated in § 47-1801.04 of the District of Columbia Code Annotated.

(c) The cost of a prepaid contract shall be based on:

(1) The average current in-State tuition costs at the time the prepaid contract is purchased at public institutions of higher education in the State;

(2) The number of years expected to elapse between the purchase of a prepaid contract and the use of the benefits of the prepaid contract; and

(3) The projected tuition costs at the time that the benefits will be exercised.

(d) Each prepaid contract made under the provisions of this subtitle shall include the following provisions:

(1) The amount of each payment and the number of payments required from an account holder;

(2) The terms and conditions under which account holders shall remit payments, including the dates of the payments;

(3) Provisions for late payment charges and defaults;

(4) Penalties for early withdrawal from the Trust;

(5) The amount and terms of any administrative fees that must be paid by the account holder or the beneficiary;

(6) The name and date of birth of the qualified beneficiary on whose behalf the contract is made;

(7) Terms and conditions for a substitution for the qualified beneficiary originally named;

(8) Terms and conditions for the termination of the prepaid contract;

(9) The time period during which the qualified beneficiary may claim benefits from the Trust;

(10) The maximum number of undergraduate semester hours that are prepaid under the prepaid contract, based on in-State tuition at a public institution of higher education in the State;

(11) All other rights and obligations of the account holder and the Trust; and

(12) Any other terms and conditions that the Board considers necessary or appropriate.

(e) The Board shall allow the conversion of a prepaid contract from one tuition

plan or payment option to a different tuition plan or payment option.

(f) The Board shall allow excess prepaid contract benefits due to receipt of a scholarship, tuition remission, or early graduation from college to be used toward the payment of other qualified higher education expenses, as specified by the Board, at an eligible institution of higher education.

(g) The Board shall allow the transfer of funds from the Trust to any other qualified State tuition program or from any other qualified State tuition program to the Trust, in accordance with federal law.

(h) The Board shall set procedures to ensure that contributions to the Trust plus contributions or payments to other qualified State tuition programs do not exceed a total maximum amount determined by § 529 of the Internal Revenue Code for contributions to multiple qualified State tuition programs.

§18–1910.

(a) (1) The Board shall issue refunds as specified in this section.

(2) Unless authorized by the Board or under subsection (b) of this section, a refund may not exceed the amount paid into the Trust by the account holder.

(b) A refund equal to the same benefits as provided by the prepaid contract, minus any amount paid out of the funds of the Trust on behalf of the qualified beneficiary and for reasonable administrative charges, shall be made if the beneficiary:

(1) Is awarded a scholarship or tuition remission that covers benefits provided under the prepaid contract; or

(2) Dies or suffers from a disability which prevents the beneficiary from attending an institution of higher education within the time allowed by this subtitle.

(c) (1) A reduced refund of the contributions made to the Trust, as determined by the Board, shall be made if:

(i) The beneficiary does not attend an institution of higher education;

(ii) Benefits are not exercised under the contract within a time specified in the contract; or

(iii) The prepaid contract is canceled by the account holder.

(2) The time that a qualified beneficiary spends in active duty as a member of the United States armed forces shall be added to the time period allowed to exercise the benefits under a prepaid contract before a termination under paragraph (1) of this subsection.

§18–1911.

The Board, Trust, and prepaid contracts issued under this subtitle are not subject to the provisions of the Insurance Article.

§18–1912.

The assets and income of the Trust are exempt from State and local taxation.

§18–1913.

(a) In this section, "person" does not include the State.

(b) A person may not attach, execute, garnish, or otherwise seize any current or future benefit under a prepaid contract or any asset of the Trust.

§18–1914.

(a) Nothing in this subtitle or in any prepaid contract may be construed as a promise or guarantee by the Board of admission to, continued enrollment at, or graduation from an institution of higher education.

(b) The actual tuition rate charged to a qualified beneficiary shall be determined at the time of enrollment in accordance with the residency policy adopted by the governing board of the institution of higher education at which the qualified beneficiary enrolls.

§18–1915.

The State and its agencies or any local government in the State may agree, by contract or otherwise, to remit payments on behalf of an employee toward a prepaid contract through payroll deductions.

§18–1916.

(a) (1) The Legislative Auditor shall audit the Trust as provided under Title 2, Subtitle 12 of the State Government Article.

(2) The Board shall cause an audit of the Trust to be made by an outside independent auditor annually.

(3) The Board shall pay for the audit required under paragraph (2) of this subsection.

(b) (1) Within 120 days after the close of each fiscal year, the Board shall submit to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly a report including:

(i) The audit of the outside independent auditor;

(ii) A financial accounting of the Trust, including:

1. The annual review of the comprehensive investment plan which shall include:

A. The status of the investment program, including investment income matched to projected enrollment costs under the existing prepaid contracts;

B. The assets held in each class of investment, the amount of funds held in any cash pool, the amount of funds held in fixed assets investments, and the amount of funds held in equity investments;

C. The percentage and dollar value of assets placed with outside managers;

D. The income produced by each class of investment; and

E. The income produced by each investment manager; and

2. A detailed account of the operating and administrative budget for the Trust, which shall include a complete list of revenue sources and expenditures detailing the line item expenditures for:

A. Salaries, wages, and fringe benefits;

B. Technical and special fees;

C. Communication;

D. Travel;

E. Contractual services;

F. Supplies and materials;

G. Equipment;

H. Fixed charges; and

I. Other expenses.

(iii) The number of prepaid contracts entered into during the previous fiscal year;

(iv) Efforts by the Board in marketing the Trust of prepaid contracts; and

(v) Any recommendations of the Board concerning the operation of

the Trust.

(2) The Board shall make available to each account holder a copy of a summary of the report and the option to purchase the full report at a nominal charge.

(c) The audit required by subsection (a)(2) of this section and the report required by subsection (b) of this section may be combined with any other audit or report for the same fiscal year required to be submitted by the Board to the Governor and the General Assembly.

§18–19A–01.

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

(b) "Account holder" means the person who established an investment account on behalf of a qualified designated beneficiary.

(c) "Board" means the College Savings Plans of Maryland Board established under § 18-1904 of this title.

(d) "Eligible educational institution" has the meaning stated in § 529(e) of the Internal Revenue Code.

(e) "Investment account" means an account established by an account holder under this subtitle on behalf of a qualified designated beneficiary for the purpose of applying distributions toward qualified higher education expenses at eligible educational institutions.

(f) "Plan" means the Maryland College Investment Plan established under this subtitle.

(g) "Qualified designated beneficiary" has the meaning stated in § 529(e) of the Internal Revenue Code.

(h) "Qualified higher education expenses" has the meaning stated in § 529(e) of the Internal Revenue Code.

(i) "Qualified state tuition program" has the meaning stated in § 529 of the Internal Revenue Code.

§18–19A–02.

(a) There is a Maryland College Investment Plan.

(b) The purpose of the Plan is to allow contributions to an investment account established for the purposes of meeting the qualified higher education expenses of the qualified designated beneficiary of the account.

(c) (1) The Board shall administer, manage, promote, and market the Plan.

(2) The Board shall administer the Plan in compliance with Internal Revenue Service standards for qualified State tuition programs.

(d) The Board shall adopt procedures that the Board considers necessary to carry out the provisions of this subtitle.

(e) The Board shall adopt procedures relating to:

(1) Application procedures for participation in the Plan;

(2) Start-up costs incurred by the State for the development of the Plan with these costs to be reimbursed to the State by the Plan;

(3) Early withdrawals, so that there will be no major detriment to the remaining account holders in the Plan; and

(4) Transfer of funds from the Plan to other qualified State tuition programs and from other qualified State tuition programs to the Plan in accordance with federal law.

(f) At least annually, the Board shall issue to each account holder a statement that provides a separate accounting for each qualified designated beneficiary providing the following information with respect to each account:

(1) The beginning balance;

(2) Contributions to the account;

(3) Withdrawals from the account during the previous year; and

(4) Ending investment account value.

§18–19A–03.

(a) (1) The Board may issue requests for proposals to evaluate and determine the means for the administration, management, promotion, or marketing of the Plan.

(2) The Board shall consider proposals that meet the following criteria:

(i) Ability to develop and administer an investment program of a nature similar to the objectives of the Plan;

(ii) Ability to administer financial programs with individual account records and reporting;

(iii) Ability to market the Plan to Maryland residents;

(iv) Ability to market the Plan to nonresidents of Maryland; and

(v) Ability to coordinate the Plan with other programs or informational services considered beneficial by the Board, including the Maryland Prepaid College Trust established under Subtitle 19 of this title.

(b) (1) The Board may require an initial application fee to be used for administrative costs of the Plan.

(2) The Board may require additional fees associated with the expenses of the Plan.

(c) (1) Contributions to the Plan on behalf of a qualified designated beneficiary may not exceed the maximum amount determined by the Board to be in accordance with § 529 of the Internal Revenue Code.

(2) Contributions to the Plan may be made only in cash or cash equivalent.

(3) The Plan shall include provisions for automatic contributions.

(d) The Board shall adopt procedures to ensure that contributions to the Plan plus contributions or payments to other qualified State tuition programs do not exceed a total maximum amount determined under § 529 of the Internal Revenue Code for contributions to multiple qualified State tuition programs.

(e) (1) The Plan:

(i) Shall be established in the form determined by the Board; and

(ii) May be established as a trust to be declared by the Board.

(2) The Plan may be divided into multiple investment portfolios.

(3) If the Plan is divided into multiple portfolios as provided in paragraph (2) of this subsection, the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to a particular portfolio shall be enforceable against the assets of that portfolio only and not against the assets of the Plan generally, if:

(i) Distinct records are maintained for each portfolio; and

(ii) The assets associated with each portfolio are accounted for separately from the other assets of the Plan.

§18–19A–04.

(a) A Maryland resident or a nonresident of Maryland may participate in and benefit from the Plan.

(b) Distributions shall be requested by the account holder.

§18–19A–05.

(a) (1) The debts, contracts, and obligations of the Plan are not the contracts, debts, or obligations of the State and neither the faith and credit nor taxing power of the State is pledged directly or indirectly or contingently, morally or otherwise, to the payment of the debts, contracts, and obligations.

(2) The Board cannot directly or indirectly or contingently obligate, morally or otherwise, the State to levy or pledge any form of taxation whatsoever for the debts and obligations of the Plan or to make any appropriation for the payment of the debts and obligations of the Plan.

(b) Neither the State nor any eligible educational institution shall be liable for any losses or shortage of funds in the event that the account holder's investment account balance is insufficient to meet the tuition requirements of an institution attended by the qualified designated beneficiary.

(c) Moneys of the Plan may not be considered moneys of the State or deposited in the State Treasury.

(d) Moneys of the Plan may not be considered moneys of or commingled with the Maryland Prepaid College Trust.

(e) Moneys of the Plan may not be considered moneys of or commingled with the Maryland Broker–Dealer College Investment Plan.

§18–19A–05.1.

The Board, Plan, and investment accounts issued under this subtitle are not subject to the provisions of the Insurance Article.

§18–19A–06.

The assets and income of the Maryland College Investment Plan are exempt from State and local taxation.

§18–19A–06.1.

(a) In this section, "person" does not include the State.

(b) A person may not attach, execute, garnish, or otherwise seize any current or future benefit under an investment account or any asset of the Plan.

§18–19A–07.

(a) (1) The Legislative Auditor shall audit the Plan as provided under Title 2, Subtitle 12 of the State Government Article.

(2) The Board shall obtain an annual audit report from service providers.

(b) (1) Within 120 days after the close of each fiscal year, the Board shall submit to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly a report including:

(i) A financial accounting of the Plan, including:

1. An annual review of the Plan which shall include:

A. The status of the investment program;

B. The assets held in each class of investment;

C. The percentage and dollar value of assets placed with outside managers;

D. The income produced by each class of investment;

E. The income produced by each investment manager;

F. The total deposits into the Plan for the past year; and

G. The total withdrawals from the Plan for the past year; and

2. A detailed account of the operating and administrative budget for the Plan, which shall include a complete list of revenue sources and expenditures detailing the line item expenditures for:

A. Salaries, wages, and fringe benefits;

B. Technical and special fees;

C. Communication;

D. Travel;

E. Contractual services;

F. Supplies and materials;

G. Equipment;

H. Fixed charges; and

I. Other expenses;

(ii) The number of new account holders during the previous fiscal year;

(iii) Efforts in marketing the Plan; and

(iv) Any recommendations of the Board concerning the operation of the Plan.

(2) The Board shall make available to each account holder a copy of a summary of the report and the option to purchase the full report at a nominal charge.

(c) The audit required by subsection (a)(2) of this section and the report required by subsection (b) of this section, at the Board's discretion, may be combined with any other audit or report for the same fiscal year required to be submitted by the Board to the Governor and the General Assembly.

§18–19B–01.

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

(b) "Account holder" means the person who established an investment account on behalf of a qualified designated beneficiary.

(c) "Board" means the College Savings Plans of Maryland Board established under § 18–1904 of this title.

(d) "Broker–Dealer Plan" means the Maryland Broker–Dealer College Investment Plan established under this subtitle.

(e) "Eligible educational institution" has the meaning stated in § 529(e) of the Internal Revenue Code.

(f) "Investment account" means an account established by an account holder under this subtitle on behalf of a qualified designated beneficiary for the purpose of applying distributions toward qualified higher education expenses at eligible educational institutions.

(g) "Qualified designated beneficiary" has the meaning stated in § 529(e) of the Internal Revenue Code.

(h) "Qualified higher education expenses" has the meaning stated in § 529(e) of the Internal Revenue Code.

(i) "Qualified State tuition program" has the meaning stated in § 529 of the Internal Revenue Code.

§18–19B–02.

(a) The Board may establish a Maryland Broker–Dealer College Investment Plan.

(b) The purpose of the Broker–Dealer Plan is to provide for a broker–dealer distributed vehicle that would allow contributions to an investment account established

for the purposes of meeting the qualified higher education expenses of the qualified designated beneficiary of the account.

(c) (1) The Board shall administer, manage, and promote the Broker–Dealer Plan.

(2) The Board shall administer the Broker–Dealer Plan in compliance with Internal Revenue Service standards for qualified State tuition programs.

(d) (1) The Board shall adopt procedures relating to:

(i) Enrollment procedures for participation in the Broker–Dealer Plan;

(ii) Start–up costs incurred by the State for the development of the Broker–Dealer Plan with these costs to be reimbursed to the State by the Broker–Dealer Plan;

(iii) Early withdrawals so that there will be no major detriment to the remaining account holders in the Broker–Dealer Plan; and

(iv) Transfer of funds from the Broker–Dealer Plan to other qualified State tuition programs and from other qualified State tuition programs to the Broker–Dealer Plan in accordance with federal law; and

(2) The Board shall adopt any other procedures that the Board considers necessary to carry out the provisions of this subtitle.

(e) At least annually, the Board shall issue to each account holder a statement that provides a separate accounting for each qualified designated beneficiary providing the following information with respect to each account:

(1) The beginning balance;

(2) Contributions to the account;

(3) Withdrawals from the account during the previous year; and

(4) Ending investment account value.

§18–19B–03.

(a) (1) The Board may issue requests for proposals to evaluate and determine the means for the administration, management, promotion, or marketing of the Broker–Dealer Plan.

(2) The Board shall consider proposals that meet the following criteria:

(i) Ability to develop and administer an investment program of a

nature similar to the objectives of the Broker–Dealer Plan;

(ii) Ability to administer financial programs with individual account records and reporting; and

(iii) Ability to market the Broker–Dealer Plan to Maryland residents and, at the Board's discretion, nonresidents of Maryland.

(b) (1) The Board may require an initial enrollment fee to be used for administrative costs of the Broker–Dealer Plan.

(2) The Board may require additional fees associated with the expenses of the Broker–Dealer Plan.

(c) (1) Contributions to the Broker–Dealer Plan on behalf of a qualified designated beneficiary may not exceed the maximum amount determined by the Board to be in accordance with § 529 of the Internal Revenue Code.

(2) Contributions to the Broker–Dealer Plan may be made only in cash or cash equivalents.

(3) The Broker–Dealer Plan shall include provisions for automatic contributions.

(d) (1) The Broker–Dealer Plan:

(i) May be established as one or more separate plans as determined by the Board;

(ii) If established by the Board, shall be established in the form determined by the Board;

(iii) Shall be marketed and promoted under the name or names determined by the Board; and

(iv) May be established as one or more trusts to be declared by the Board.

(2) The Broker–Dealer Plan may be divided into multiple investment options.

§18–19B–04.

(a) A Maryland resident or, at the Board's discretion, a nonresident of Maryland may participate in and benefit from the Broker–Dealer Plan.

(b) Distributions shall be requested by the account holder.

§18–19B–05.

(a) (1) The debts, contracts, and obligations of the Broker–Dealer Plan are not the contracts, debts, or obligations of the State, and neither the faith and credit nor taxing power of the State is pledged directly or indirectly or contingently, morally or otherwise, to the payment of the debts, contracts, and obligations.

(2) The Board cannot directly or indirectly or contingently obligate, morally or otherwise, the State to levy or pledge any form of taxation whatsoever for the debts and obligations of the Broker–Dealer Plan or to make any appropriation for the payment of the debts and obligations of the Broker–Dealer Plan.

(b) Neither the State nor any eligible educational institution shall be liable for any losses or shortage of funds in the event that the account holder's investment account balance is insufficient to meet the tuition requirements of an institution attended by the qualified designated beneficiary.

(c) Moneys of the Broker–Dealer Plan may not be considered moneys of the State or deposited in the State Treasury.

(d) Moneys of the Broker–Dealer Plan may not be considered moneys of or commingled with the Maryland Prepaid College Trust.

(e) Moneys of the Broker–Dealer Plan may not be considered moneys of or commingled with the Maryland College Investment Plan.

§18–19B–06.

(a) The Board, the Broker–Dealer Plan, and the investment accounts issued under this subtitle are not subject to the provisions of the Insurance Article.

(b) The assets and income of the Maryland Broker–Dealer College Investment Plan are exempt from State and local taxation.

§18–19B–07.

(a) In this section, "person" does not include the State.

(b) A person may not attach, execute, garnish, or otherwise seize any current or future benefit under an investment account or any asset of the Broker–Dealer Plan.

§18–19B–08.

(a) The legislative auditor shall audit the Broker–Dealer Plan as provided under Title 2, Subtitle 12 of the State Government Article.

(b) The Board shall obtain an annual audit report from service provider(s) within six months of the end of such service provider's reporting period.

§18–2001.

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

(b) "Office" means the Office of Student Financial Assistance as defined in § 18-101(c) of this title.

(c) "Regular undergraduate program" means an academic program of study in an institution of higher education at or below the baccalaureate level leading to either an associate's degree or bachelor's degree.

(d) (1) "Service obligation" means employment in the State in an occupation directly related to the eligible program of study as determined by the Maryland Higher Education Commission.

(2) "Service obligation" does not mean paid student internships, paid fellowships, or volunteer service.

§18–2002.

(a) There is a program of Maryland Science and Technology Scholarships in this State that are awarded under this subtitle. The Office shall annually select students who have the greatest potential for academic success in higher education and offer a scholarship to each student to be used at a Maryland higher education institution of the student's choice, if the recipient meets the following qualifications:

(1) Qualifies academically as follows:

(i) Has a secondary school transcript indicating an overall grade point average of at least 3.0 on a 4.0 scale or its equivalent after completion of the first semester of the senior year;

(ii) Intends to enroll or is enrolled as a full-time student in an academic program as designated by the Maryland Higher Education Commission; and

(iii) Has graduated from a secondary school;

(2) Is a Maryland resident and was a Maryland resident at the time of graduating from secondary school;

(3) Is accepted for admission in a regular undergraduate program at a Maryland higher education institution in the State;

(4) Begins attending an eligible Maryland higher education institution within 5 years of completing secondary school or, failing to do so, provides evidence satisfactory to the Office of extenuating circumstances;

(5) Agrees to the conditions provided in subsection (c) of this section; and

(6) Accepts any other conditions attached to the award and satisfies any additional criteria the Commission may establish.

(b) (1) The annual scholarship award shall be in the amount of $1,000 for a student enrolled at a 2-year eligible institution or $3,000 for a student enrolled at a 4-year eligible institution.

(2) If accepted by the eligible student, each award may be renewed on an annual basis for a maximum of 3 years after the original award if the recipient:

(i) Remains a resident of the State;

(ii) Attends a Maryland higher education institution in the State;

(iii) Is enrolled as a full-time undergraduate student and takes at least 12 semester hours of courses each semester or its equivalent as determined by the Office;

(iv) Maintains a 3.0 grade point average on an academic year basis or, failing to do so, provides evidence satisfactory to the Office, of extreme extenuating circumstances;

(v) Is making satisfactory progress toward a degree as determined by the institution; and

(vi) Maintains the standards of the institution.

(3) Subject to the provisions of paragraph (2) of this subsection, each recipient of a Maryland Science and Technology Scholarship who is enrolled in a baccalaureate degree program may renew the annual award four times if the recipient is enrolled in an undergraduate academic program that, as determined by the institution, requires 5 years to complete.

(4) Subject to the provisions of paragraph (2) of this subsection, each award may be renewed on an annual basis for a maximum of 2 years for students enrolled in an associate degree program.

(c) A recipient of an award made under this section shall receive the award for each year indicated in which the recipient is eligible if:

(1) The recipient signs an agreement at the time of the initial award to:

(i) Commence employment in the State within 1 year after completion of undergraduate studies for 1 year for each year that the scholarship was awarded; and

(ii) Repay the State the amounts awarded under this subtitle as set forth in § 18-112 of this title if the recipient does not:

1. Satisfy the degree requirements of the eligible academic program or fulfill other requirements as provided in this subtitle; and

2. Perform the service obligation for 1 year for each year that the recipient has a scholarship awarded under this subtitle; and

(2) The service obligation begins after graduation and cannot be fulfilled prior to graduation from an eligible institution.

§18–2003.

A Maryland Science and Technology Scholarship may be used for tuition and mandatory fees at any eligible institution.

§18–2004.

Each year after consulting with the Department of Economic Competitiveness and Commerce, the Department of Labor, Licensing, and Regulation, and the appropriate commission advisory boards and evaluating such factors as high economic growth and the needs of Maryland's science and technology industry and business community, the Commission shall establish a list of academic programs eligible for the Maryland Science and Technology Scholarship Program.

§18–2005.

Funds for the Maryland Science and Technology Scholarship Program shall be as provided in the annual budget of the Commission by the Governor.

§18–2006.

On or before May 1 of each year, the Office shall send each Senator and each Delegate a list of individuals in each legislative district to whom Maryland Science and Technology Scholarships are awarded.

§18–2007.

The Office of Student Financial Assistance shall publicize the availability of Maryland Science and Technology Scholarships.

§18–2201.

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

(b) "Eligible institution" means a:

(1) Public senior higher education institution in the State that possesses a certificate of approval from the Commission and has a department, school, or college of education; or

(2) Private nonprofit institution of higher education in the State that possesses a certificate of approval from the Commission, has a department, school, or college of education, and agrees to provide a matching grant to an undergraduate or graduate student, as appropriate, who receives a Teaching Fellows for Maryland scholarship in the lesser of:

(i) 100% of the annual cost of tuition and mandatory fees at the University of Maryland, College Park; or

(ii) 50% of the cost of tuition and mandatory fees at the private nonprofit institution of higher education.

(c) "Office" means the Office of Student Financial Assistance as defined in § 18–101(c) of this title.

(d) (1) "Service obligation" means to teach full time in the State as a teacher in a Maryland public school or a public prekindergarten program that has at least 50% of its students eligible for free or reduced price meals (FRPM).

(2) "Service obligation" does not mean employment as teaching assistants, volunteer service, paid fellowships, or internships.

§18–2202.

There is a program of Teaching Fellows for Maryland scholarships that are awarded under this subtitle for students who pledge to work as public school or public prekindergarten teachers in the State upon completion of their studies at schools that have at least 50% of the students in the school eligible for free or reduced price meals (FRPM).

§18–2203.

(a) The Office shall annually select eligible students and offer a scholarship to each student selected to be used at an eligible institution of their choice.

(b) (1) Subject to paragraph (2) of this subsection, a recipient of the Teaching Fellows for Maryland scholarship shall:

(i) Be a Maryland resident or have graduated from a Maryland high school;

(ii) Except as provided in subsection (c) of this section, be accepted for admission or currently enrolled at an eligible institution as a full–time or part–time undergraduate or graduate student pursuing a course of study or program in an academic discipline leading to a Maryland professional teacher's certificate;

(iii) 1. For a student currently enrolled in high school, have earned an overall grade point average of at least 3.3 on a 4.0 scale or its equivalent after

completion of the first semester of the senior year; or

2. For a student currently enrolled as a full–time undergraduate student, have maintained a grade point average of at least 3.3 on a 4.0 scale and have been making satisfactory progress toward a degree in an academic discipline leading to a Maryland professional teacher's certificate;

(iv) Have achieved a score of at least:

1. 500 on the reading and math portions of the SAT, with a combined score of at least 1100 on the reading and math portions of the SAT;

2. A composite ACT score of 25; or

3. 50% on the GRE;

(v) Sign a letter of intent to perform the service obligation upon completion of the recipient's required studies;

(vi) Accept any other conditions attached to the award; and

(vii) Satisfy any additional criteria the Commission may establish.

(2) Notwithstanding paragraph (1) of this subsection, an individual who, at the time the individual is scheduled to matriculate at an eligible institution, will have been employed as a teaching assistant at a public school or public prekindergarten program in the State for at least 2 years:

(i) May apply for a Teaching Fellows for Maryland scholarship under this subtitle; and

(ii) Is eligible to hold a Teaching Fellows for Maryland scholarship as a full–time or part–time undergraduate or graduate student.

(c) A recipient of the Teaching Fellows for Maryland scholarship may not hold a Maryland professional teacher's certificate.

(d) (1) Applicants who are secondary school students shall provide a high school transcript after completion of the first semester of their senior year.

(2) Applicants who are currently enrolled in an eligible institution shall provide the most recent college transcript, or if not applicable, the applicant may submit a final high school transcript.

(3) Applicants who are not currently enrolled in an eligible institution, but who are high school graduates, shall provide a final high school transcript.

(4) Applicants who are high school graduates and are not currently enrolled in an eligible institution, but have completed some courses at an eligible

institution, shall provide the most recent college transcript.

(5) Applicants who are not currently enrolled in an eligible institution, but who are college graduates, shall provide a final college transcript.

§18–2204.

(a) Except as provided in subsection (b) of this section, the recipient of a Teaching Fellows for Maryland scholarship shall repay the Commission the funds received as set forth in § 18–112 of this title if the recipient does not:

(1) Satisfy the degree requirements of the eligible course of study or program or fulfill other requirements as provided in this subtitle;

(2) Subject to subsection (b) of this section, perform the service obligation to teach in a public school or a public prekindergarten program that has at least 50% of its students eligible for free or reduced price meals (FRPM) for 1 year for each year that the recipient has a scholarship awarded under this subtitle; and

(3) Become professionally certified to teach in the State of Maryland within the time period specified by the Commission in consultation with the Maryland Department of Education.

(b) If a recipient is unable to perform the service obligation required under this subtitle because there are no available positions in a public school or public prekindergarten program that has at least 50% of its students eligible for free or reduced price meals (FRPM), the recipient may work in any public school or public prekindergarten program in the State.

(c) The Office shall forgive a recipient of a Teaching Fellows for Maryland scholarship for 2 years of an award if:

(1) The recipient has taken the teacher certification examination, approved by the State Board of Education, in 2 consecutive years; and

(2) The recipient fails to pass the teacher certification examination within the time period specified by the Commission in accordance with subsection (a)(3) of this section.

§18–2205.

(a) The annual scholarship award shall be:

(1) At a public senior higher education institution in the State that has a department, school, or college of education, 100% of the equivalent annual tuition, mandatory fees, and room and board of a resident undergraduate student or graduate student, as appropriate, at the public senior higher education institution; or

(2) Subject to subsection (b) of this section, at a private nonprofit institution of higher education in the State that has a department, school, or college of education, an amount equal to:

(i) The lesser of:

1. 100% of the equivalent annual tuition and mandatory fees of a resident undergraduate student or graduate student, as appropriate, at the University of Maryland, College Park; or

2. 50% of the equivalent annual tuition and mandatory fees of a resident undergraduate or graduate student, as appropriate, at the eligible private nonprofit institution of higher education; and

(ii) 100% of the room and board of a resident undergraduate student or graduate student, as appropriate, at the eligible private nonprofit institution of higher education in the State.

(b) A private nonprofit institution of higher education shall provide a matching scholarship award in an amount equal to the award calculated in subsection (a)(2)(i) of this section.

§18–2206.

(a) Except as provided in subsection (b) of this section, each recipient of a Teaching Fellows for Maryland scholarship may renew the award three times if the recipient:

(1) Continues to be a resident of the State or graduated from a high school in the State;

(2) Continues to be a full–time or part–time undergraduate or graduate student at an eligible institution as determined by the Office;

(3) Has achieved a cumulative grade point average of at least 3.3 on a 4.0 scale and maintains this minimum cumulative grade point average throughout the remainder of this award, or failing to do so, provides evidence of extenuating circumstances;

(4) In the judgment of the institution, is making satisfactory progress toward a degree; and

(5) Maintains the standards of the institution.

(b) Each recipient of the Teaching Fellows for Maryland scholarship may renew the annual award four times if the recipient is enrolled in a course of study that, as determined by the institution, requires 5 years to complete.

§18–2207.

A Teaching Fellows for Maryland scholarship may be used for tuition, mandatory fees, and room and board at any eligible institution.

§18–2208.

If an eligible institution has enrolled at least 15 recipients of a Teaching Fellows for Maryland scholarship, the eligible institution shall develop and implement an enriched honors program of education that is responsive to exceptional dedication and merit–based accomplishment in the study of education and preparation for the teaching profession.

§18–2209.

The Governor annually shall include funds in the State budget for the Commission to award scholarships under this subtitle.

§18–2210.

The Office of Student Financial Assistance shall:

(1) Publicize the availability of Teaching Fellows for Maryland scholarships; and

(2) To the extent practicable, award scholarships under this subtitle in a manner that reflects ethnic, gender, racial, and geographic diversity.

§18–2301.

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

(b) "Eligible institution" means a public or private nonprofit institution of higher education in this State that possesses a certificate of approval from the Maryland Higher Education Commission.

(c) "Regular undergraduate program" means an academic program of study in an institution of higher education at or below the baccalaureate level leading to either an associate's degree or bachelor's degree.

(d) "Service obligation" means full-time employment within the State.

§18–2302.

(a) There is a program of Maryland HOPE Scholarships in this State that are awarded under this subtitle.

(b) The Office shall publicize the availability of Maryland HOPE Scholarships.

§18–2303.

Each recipient of a Maryland HOPE Scholarship shall:

(1) Be accepted for admission in a regular undergraduate program at an eligible institution in the State;

(2) Be a resident of the State;

(3) Earn an overall grade point average of at least 3.0 on a 4.0 scale or its equivalent after completion of the first semester of the senior year;

(4) Begin attending an eligible institution within 2 years of completing high school or, failing to do so, provide evidence satisfactory to the Office of extenuating circumstances;

(5) Enroll as a full-time student at an eligible institution;

(6) Have an annual total family income of $95,000 or below;

(7) Accept any other conditions attached to the award; and

(8) Satisfy any additional criteria the Maryland Higher Education Commission may establish.

§18–2304.

(a) The annual scholarship award shall be in the amount of $1,000 for a student enrolled at a 2-year eligible institution or $3,000 for a student enrolled in a 4-year eligible institution.

(b) A student who transfers from a 2-year eligible institution to a 4-year eligible institution may receive an annual scholarship award in the amount of $3,000 once the student is enrolled at the 4-year eligible institution.

§18–2305.

A Maryland HOPE Scholarship may be used at an eligible institution in the State.

§18–2306.

(a) Each recipient of a Maryland HOPE Scholarship may hold the award for 5 years if the recipient:

(1) Continues to be a resident of the State;

(2) Continues to be a full-time student at an eligible institution in the State and takes at least 12 semester hours of courses each semester or its equivalent as determined by the Office;

(3) Upon completion of the freshman year, has achieved a cumulative grade point average of at least 3.0 on a 4.0 scale, and maintains this minimum cumulative grade point average throughout the remainder of the award, or failing to do so, provides evidence satisfactory to the Office of extenuating circumstances;

(4) In the judgment of the institution, is making satisfactory progress toward a degree; and

(5) Maintains the standards of the institution.

(b) Each recipient of a Maryland HOPE Scholarship who is enrolled in an associate degree program as permitted in this subtitle may hold the award for 3 years if the same conditions of subsection (a) of this section are met.

(c) Each recipient of a Maryland HOPE Scholarship who transfers from a 2-year eligible institution to a 4-year eligible institution may hold the award for a total of 5 years, including the years at both the 2-year eligible institution and the 4-year eligible institution, if the same conditions of subsection (a) of this section are met.

(d) A recipient of an award made under this section shall receive the award for each year indicated in which the recipient is eligible if the recipient signs an agreement at the time of the initial award to:

(1) Commence employment in the State within 1 year after completion of undergraduate studies for 1 year for each year that the scholarship was awarded; and

(2) Repay the State the amounts awarded under this subtitle as set forth in § 18-112 of this title if the recipient does not:

(i) Satisfy the degree requirements of the eligible institution or fulfill other requirements as provided in this subtitle; and

(ii) Perform the service obligation for 1 year for each year that the recipient has a scholarship awarded under this subtitle.

(e) The service obligation begins after graduation and cannot be fulfilled prior to graduation from an eligible institution.

§18–2307.

On or before May 1 of each year, the Office shall send each Senator and each Delegate a list of individuals in each legislative district to whom Maryland HOPE Scholarships are awarded.

§18–2308.

A Maryland HOPE Scholarship may be used for tuition and mandatory fees at any eligible institution.

§18–2309.

Funds for the Maryland HOPE Scholarship Program shall be as provided in the annual budget of the Maryland Higher Education Commission by the Governor.

§18–2310.

(a) The Maryland Higher Education Commission shall draft a plan to administer a Maryland HOPE Scholarship Program.

(b) The Commission's plan shall include:

(1) A 3–year schedule, beginning July 1, 2000, for the progressive implementation of the Maryland HOPE Scholarship Award to all eligible students; and

(2) A priority list of the applicable fields of study which focuses on such factors as:

(i) Economic need of the State;

(ii) Employment shortage areas of the State; and

(iii) Training and education capacity of the higher education institutions in Maryland.

(c) The priority list shall be created in consultation with the appropriate advisory boards of the Commission, the Department of Economic Competitiveness and Commerce, and representatives of higher education and private industry.

§18–2311.

The Maryland Higher Education Commission shall submit the plan for the implementation of the Maryland HOPE Scholarship Program to the Governor and the Legislative Policy Committee of the General Assembly by October 30, 1999.

§18–2401.

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

(b) "Higher education loan" means any loan for undergraduate or graduate study leading to practice as a dentist that is obtained for tuition, educational expenses, or living expenses from:

(1) A college or university, government, or commercial source; or

(2) An organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code of 1986.

(c) "Program" means the Maryland Dent-Care Program.

§18–2402.

(a) There is a program of higher education loan assistance grants to dentists in the State, known as the Maryland Dent-Care Program.

(b) The purpose of the Program is to increase access to oral health services for underserved Maryland Medical Assistance Program recipients by increasing the number of dentists who treat that population.

§18–2403.

(a) The Office shall administer the Program with the assistance of the Department of Health and Mental Hygiene, Office of Oral Health.

(b) The Department of Health and Mental Hygiene, Office of Oral Health shall:

(1) Recruit dentists to participate in the Program;

(2) Determine if the private practice or clinical setting in which an applicant will practice is located near or readily accessible to underserved Maryland Medical Assistance Program recipients and if the applicant qualifies for the Program;

(3) Determine if each participant meets the Program requirements and serves the required number of Maryland Medical Assistance Program recipients; and

(4) Notify the Office of any findings made in accordance with the provisions of this subsection.

§18–2404.

Each applicant for a Higher Education Loan Assistance Grant under this subtitle shall:

(1) Be licensed to practice in Maryland by the State Board of Dental Examiners;

(2) Demonstrate financial need;

(3) Be employed full time as a dentist;

(4) Agree that at least 30% of the patients treated by the dentist each year for a 3-year period in a private practice or clinical setting will be Maryland Medical Assistance Program recipients; and

(5) Meet any other criteria established by the Office.

§18–2405.

(a) The Office, on notification by the Department of Health and Mental Hygiene, may award Higher Education Loan Assistance Grants.

(b) The Office, in collaboration with the Department of Health and Mental Hygiene, shall adopt regulations to determine:

(1) The maximum number of participants in the Program each year;

(2) The maximum number of total participants in the Program; and

(3) The minimum and maximum amount of a Higher Education Loan Assistance Grant awarded under this subtitle.

§18–2406.

Each recipient of a Higher Education Loan Assistance Grant under this subtitle may hold the grant for up to 3 years if the recipient:

(1) Continues to be employed full time as a dentist; and

(2) Continues to treat Maryland Medical Assistance Program recipients as at least 30% of all patients treated by the dentist in a private practice or clinical setting authorized under the Program.

§18–2407.

The Office, in collaboration with the Department of Health and Mental Hygiene, shall adopt regulations to carry out the provisions of this subtitle, including regulations on repayment of funds if the participant fails to comply with the requirements of the Program.

§18–2408.

Funds for the Program shall be as provided in the State budget.

§18–2501.

There is a 2+2 Transfer Scholarship Program in the State under which scholarships are awarded under this subtitle.

§18–2502.

A 2+2 Transfer Scholarship awarded under this subtitle may be used only at a public senior higher education institution or a private nonprofit institution of higher education in the State.

§18–2503.

To qualify for a 2+2 Transfer Scholarship, an applicant shall:

(1) Be a resident of the State;

(2) Be a student at a community college in the State;

(3) Maintain a cumulative 2.5 grade point average on a 4.0 scale while a student at a community college in the State;

(4) Have earned an associate's degree from a community college in the State by the end of the semester in which the applicant plans to transfer;

(5) Be accepted for admission in a degree program at a public senior higher education institution or a private nonprofit institution of higher education in the State;

(6) Intend to enroll in a public senior higher education institution or a private nonprofit institution of higher education in the State in order to complete a bachelor's degree program;

(7) On or after the fall semester of 2014, enroll as a full–time student in a public senior higher education institution or a private nonprofit institution of higher education in the State by the fall semester following completion of the associate's degree;

(8) In the case of an individual who is required to register with the Selective Service System, have complied with the registration requirement;

(9) Have completed the federal Free Application for Federal Student Aid (FAFSA);

(10) Have demonstrated financial need, defined as a federally calculated expected family contribution (EFC) of $10,000 or less as reported on the student's FAFSA; and

(11) Accept any other conditions or satisfy any additional criteria that the Commission or the Office may establish.

§18–2504.

(a) (1) Except as provided in paragraph (2) of this subsection, the annual amount of the 2+2 Transfer Scholarship awarded under this subtitle shall be $1,000.

(2) For a student who enrolls in a science, teaching, engineering, computer science, mathematics, or nursing program at a public senior higher education institution or a private nonprofit institution of higher education in the State, the annual amount of the 2+2 Transfer Scholarship awarded under this subtitle

shall be $2,000.

(b) A 2+2 Transfer Scholarship may be used for tuition and mandatory fees for 3 years of study, or six semesters of study, whichever is longer.

(c) To retain a 2+2 Transfer Scholarship, the recipient shall:

(1) Remain a resident of the State;

(2) Continue to be enrolled as an undergraduate student in a degree program at a public senior higher education institution or a private nonprofit institution of higher education in the State;

(3) Maintain a 2.5 grade point average on a 4.0 scale each academic year the individual is enrolled at a public senior higher education institution or a private nonprofit institution of higher education in the State or provide evidence satisfactory to the Office of extenuating circumstances; and

(4) Maintain the standards of the eligible institution that the individual attends.

§18–2505.

On or before July 1 of each year, the Office shall send to each member of the Maryland General Assembly a list of individuals in each legislative district to whom 2+2 Transfer Scholarships are awarded.

§18–2506.

The Office shall publicize the availability of 2+2 Transfer Scholarships under this subtitle.

§18–2507.

(a) Funding for the Program shall be as provided in the State budget.

(b) If the State budget does not include at least $2,000,000 for the 2+2 Transfer Scholarship Program in any fiscal year, funds shall be transferred from the Need–based Student Financial Assistance Fund, established under § 18–107 of this title, in an amount that provides a total of at least $2,000,000 to make awards under the 2+2 Transfer Scholarship Program each year.

§18–2601.

(a) In cooperation with the institutions of higher education in the State, the Commission shall establish and administer a Graduate and Professional Scholarship Program to provide financial assistance to full-time and part-time students in the fields of medicine, dentistry, law, pharmacy, nursing, social work, and veterinary medicine.

(b) A recipient of a graduate and professional scholarship shall:

(1) Be a resident of the State;

(2) Demonstrate financial need according to criteria established by the Commission; and

(3) Attend one of the following institutions:

(i) The University of Maryland School of:

1. Medicine;

2. Dentistry;

3. Law;

4. Pharmacy; or

5. Social Work;

(ii) The University of Baltimore School of Law;

(iii) The Johns Hopkins University School of Medicine;

(iv) Virginia–Maryland Regional College of Veterinary Medicine;

(v) Any institution of higher education in the State offering a master's degree in nursing;

(vi) Any institution of higher education in the State offering a master's degree in social work; or

(vii) Any institution of higher education in the State offering a first professional degree in pharmacy.

(c) A graduate and professional scholarship award for a single school year may not be less than $1,000 or more than $5,000.

(d) A recipient may not receive an award for longer than 8 semesters.

(e) (1) The Commission shall allocate grants for the Program to the institutions of higher education specified in subsection (b)(3) of this section based on the proportion of State residents enrolled in eligible programs at each institution.

(2) An institution of higher education that receives a grant under this section shall provide the Commission with an annual audit describing the disposition of the funds.

(f) The Commission shall:

(1) Establish guidelines for the awarding of graduate and professional scholarships by the institutions of higher education to the students; and

(2) Adopt regulations necessary for the implementation of this section.

(g) Funds for the Maryland Graduate and Professional Scholarship Program shall be as provided in the State budget and as set forth in § 13-613 of the Transportation Article.

§18–2801.

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

(b) "Department" means the Department of Health and Mental Hygiene.

(c) "Education loan" means any loan that is obtained for tuition, educational expenses, or living expenses for undergraduate or graduate study leading to practice as a physician or physician assistant.

(d) "Fund" means the Maryland Loan Assistance Repayment Program Fund.

(e) "Primary care" includes:

(1) Primary care;

(2) Family medicine;

(3) Internal medicine;

(4) Obstetrics;

(5) Pediatrics;

(6) Geriatrics;

(7) Emergency medicine;

(8) Women's health; and

(9) Psychiatry.

(f) "Program" means the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants.

§18–2802.

(a) (1) There is a Maryland Loan Assistance Repayment Program Fund in the

State.

(2) The Fund is a continuing, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(3) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(4) The Fund shall be invested and reinvested in the same manner as other State funds.

(5) Any investment earnings of the Fund shall be paid into the Fund.

(b) The Fund consists of:

(1) Revenue generated through an increase, as approved by the Health Services Cost Review Commission, to the rate structure of all hospitals in accordance with § 19–211 of the Health – General Article; and

(2) Any other money from any other source accepted for the benefit of the Fund.

(c) Expenditures from the Fund shall be made by an appropriation in the annual State budget or by an approved budget amendment as provided under § 7–209 of the State Finance and Procurement Article.

(d) The money in the Fund shall be used by the Office to administer the Program.

§18–2803.

There is a Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants in the State.

§18–2804.

(a) (1) In this section, "eligible field of employment" means employment by an organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code of 1986.

(2) "Eligible field of employment" includes employment by the State or any local government in the State.

(b) The Office shall assist in the repayment with the funds transferred to the Office by the Comptroller under § 14–207(c)(2)(i) of the Health Occupations Article of the amount of education loans owed by a physician or physician assistant who:

(1) (i) Practices primary care in an eligible field of employment in a geographic area of the State that has been federally designated; or

(ii) Is a medical resident specializing in primary care who agrees to practice for at least 2 years as a primary care physician in an eligible field of employment in a geographic area of the State that has been federally designated; and

(2) Meets any other requirements established by the Office, in consultation with the Department.

(c) Any unspent portions of the money that is transferred to the Office for use under this subtitle from the Board of Physicians Fund may not be transferred to or revert to the General Fund of the State, but shall remain in the Fund maintained by the Office to administer the Program.

§18–2805.

(a) In addition to the assistance provided under § 18–2804 of this subtitle, the Office may, subject to the availability of money in the Fund, assist in the repayment of an education loan owed by a physician or physician assistant who:

(1) Practices a medical specialty that has been identified by the Department as being in shortage in the geographic area of the State where the physician or physician assistant practices that specialty; and

(2) Commits to practicing in the area for a period of time determined by the Office.

(b) The Office shall prioritize funding for the repayment of education loans through the Program in the following order:

(1) Physicians and physician assistants that meet the requirements under § 18–2804(b) of this subtitle;

(2) Physicians and physician assistants practicing primary care in a geographic area where the Department has identified a shortage of primary care physicians or physician assistants; and

(3) Physicians and physician assistants practicing a medical specialty other than primary care in a geographic area where the Department has identified a shortage of that specialty.

§18–2806.

The Office, in collaboration with the Department, shall adopt regulations to implement the provisions of this subtitle, including:

(1) Establishing the maximum number of participants in the Program each year in each priority area described under § 18–2805 of this subtitle; and

(2) Establishing the minimum and maximum amount of a loan awarded

under this subtitle in each priority area described under § 18–2805 of this subtitle.

§18–2901.

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

(2) "Eligible institution" means a public or private nonprofit institution of higher education in the State that possesses a certificate of approval from the Commission.

(3) "First–generation student" means a student whose parents have not earned a degree from an institution of higher education.

(4) "Fund" means the Maryland First Scholarship Fund.

(5) "Scholarship" means the Maryland First Scholarship.

(b) There is a Maryland First Scholarship.

(c) An individual may apply to the Office for the scholarship if the individual:

(1) Is a resident of the State;

(2) (i) Is accepted for admission or enrolled in the regular undergraduate program at an eligible institution; or

(ii) Is accepted for admission or enrolled in a 2–year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution;

(3) (i) Except as provided in item (ii) of this paragraph, attained a cumulative grade point average of at least 3.0 on a 4.0 scale or its equivalent at the end of the first semester of the senior year of high school; or

(ii) Has completed 40 hours of verifiable community service in the year before applying for the scholarship if the individual graduated from high school more than 4 years prior to enrolling in an eligible institution;

(4) Demonstrates financial need;

(5) Is a first–generation student; and

(6) Meets any other criteria established by the Office.

(d) In addition to providing any other information the Office requires, each applicant shall describe the types of community service completed during high school or in the year before applying for the scholarship.

(e) A scholarship awarded under this section:

(1) May be used for the tuition and mandatory fees and room and board for on–campus housing at any eligible institution; and

(2) May be in an annual amount up to:

(i) 50% of the tuition and mandatory fees charged to the recipient if the recipient is enrolled as an undergraduate student at a 4–year public eligible institution;

(ii) 75% of the tuition and mandatory fees charged to the recipient if the recipient is enrolled at a 2–year public eligible institution;

(iii) 50% of the annual average tuition and mandatory fees of a resident undergraduate student at the 4–year public institutions of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, if the recipient is enrolled at a 4–year private nonprofit eligible institution; or

(iv) 75% of the annual average out–of–county tuition and mandatory fees of a student at the 2–year public institutions if the recipient is enrolled in a 2–year terminal certificate program under subsection (c)(2)(ii) of this section.

(f) Each scholarship recipient shall maintain a grade point average of at least 3.0 on a 4.0 scale to be determined at the end of the academic year during which the recipient held the award and before the recipient's reenrollment for the next academic year.

(g) Subject to subsection (f) of this section, each scholarship recipient may hold the award for:

(1) 5 years of full–time study or 8 years of part–time study at a 4–year eligible institution; or

(2) 3 years of full–time study or 4 years of part–time study at a 2–year eligible institution.

(h) A scholarship applicant or recipient shall file for federal and State financial aid by March 1 of each year.

(i) (1) There is a Maryland First Scholarship Fund in the Commission.

(2) The purpose of the Fund is to provide money for scholarship awards under this section and for administrative expenses incurred by the Commission in making scholarship awards under this section.

(3) The Commission shall administer the Fund.

(4) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of

the State Finance and Procurement Article.

(5) (i) The State Treasurer shall hold the Fund separately and shall invest the money in the Fund in the same manner as other State money may be invested.

(ii) Any investment earnings of the Fund shall be credited to the Fund.

(6) The Comptroller shall account for the Fund.

(7) The Commission:

(i) May accept any gift or grant from any person for the Fund;

(ii) Shall use any gift or grant that it receives for a scholarship from the Fund; and

(iii) Shall deposit any gift or grant that it receives for the Fund with the State Treasurer.

(8) The Fund consists of:

(i) Money appropriated in the State budget to the Fund;

(ii) Gifts or grants received by the Commission for the Fund;

(iii) Investment earnings of the Fund; and

(iv) Any other money from any other source accepted for the benefit of the Fund.

(9) The Fund may be used only for:

(i) Making scholarship awards under this section; and

(ii) Administrative expenses incurred by the Commission in making scholarship awards under this section.

(10) Money provided to the Fund that is not awarded by the end of the fiscal year shall remain in the Fund.

(11) (i) At the end of the fiscal year, the Commission shall prepare an annual report of the Fund that includes an accounting of all financial receipts and expenditures to and from the Fund.

(ii) The Commission shall submit a copy of the report to the General Assembly in accordance with § 2–1246 of the State Government Article.

(j) The Governor annually shall include funds in the State budget to be used to implement this section.

§18–3001.

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

(b) "Program" means the Maryland Technology Internship Program.

(c) "Technology–based business" means a commercial or an industrial enterprise engaged in the application of scientific knowledge to practical purposes in a particular field.

(d) "UMBC" means the University of Maryland Baltimore County.

§18–3002.

There is a Maryland Technology Internship Program.

§18–3003.

The purposes of the Program are to:

(1) Connect college and university students, recent graduates, and veterans with small innovative businesses in the high–growth technology sector through internships;

(2) Encourage high–achieving students at institutions of higher education in the State to remain in the State after graduation;

(3) Increase student understanding of employment opportunities in the State;

(4) Create connections between students and community business leaders and entrepreneurs and develop opportunities for student involvement in communities;

(5) Assist small technology–based businesses in developing internship programs and recruiting future employees; and

(6) Foster business retention and development, job creation, workforce development, and new investment in the State.

§18–3004.

(a) UMBC shall administer the Program.

(b) To carry out the purposes of the Program, UMBC, in collaboration with the Department of Economic Competitiveness and Commerce, shall:

(1) Establish an Internet site through which:

(i) Students may learn about technology–based businesses and internship opportunities; and

(ii) Technology–based businesses may register, post information about internship opportunities, and apply for reimbursement of internship stipends as provided under this subtitle;

(2) Develop application and registration requirements;

(3) Develop orientation and training programs for participants in the Program;

(4) Review applications and award reimbursements of internship stipends under this subtitle;

(5) Provide opportunities for students to meet entrepreneurs and visit technology–related industry incubators and learn about starting a business in the State;

(6) Provide recruitment and training opportunities and support for participating businesses; and

(7) Track and assess Program outcomes.

§18–3005.

To qualify for participation in the Program, an individual shall:

(1) (i) 1. Be a student enrolled at a public or private nonprofit institution of higher education in the State that possesses a certificate of approval from the Commission; and

2. Maintain a cumulative 3.0 grade point average on a 4.0 scale each academic year;

(ii) 1. Within 12 months before the date of application for the Program, have graduated from a public or private nonprofit institution of higher education in the State that possesses a certificate of approval from the Commission; and

2. Have maintained a cumulative 3.0 grade point average on a 4.0 scale during the latest academic year the individual was enrolled as a student;

(iii) 1. Be a student enrolled at a public or private nonprofit institution of higher education outside the State, if the student graduated from a high school in the State; and

2. Maintain a cumulative 3.0 grade point average on a 4.0 scale each academic year; or

(iv) 1. Have been honorably discharged from the United States armed forces, the National Guard, or a reserve component of the United States armed forces within 18 months of the date of application;

2. Be a resident of Maryland; and

3. Have graduated from a public or private nonprofit institution of higher education;

(2) Commit to working a minimum of 120 hours during a spring, fall, or summer semester;

(3) Attend an orientation session provided or approved by UMBC; and

(4) Meet any other criteria established by UMBC.

§18–3006.

To qualify for participation in the Program, a business shall:

(1) Be located in the State;

(2) Be a technology–based business;

(3) Have not more than 150 employees;

(4) Commit to hosting an intern for a minimum of 120 hours during a spring, fall, or summer semester;

(5) Provide a detailed description of an intern position with the business; and

(6) Provide proof that a representative has attended an orientation or training program provided or approved by UMBC.

§18–3007.

(a) UMBC shall develop a process for tracking and assessing the outcomes of the Program, including:

(1) The total number of individuals and businesses participating in the Program;

(2) The locations of participating businesses;

(3) The number of participating students remaining in the State after

graduation;

(4) The number of employee hires resulting from internships;

(5) The effect of the Program on student understanding of opportunities for entrepreneurs and small businesses in the State;

(6) Student skill growth resulting from internship experiences;

(7) Business growth or improvement resulting from internships; and

(8) The effect of the Program on relationships between businesses and institutions of higher education in the State.

(b) UMBC shall obtain feedback from Program participants:

(1) At the conclusion of any orientation or training program;

(2) At the conclusion of each internship; and

(3) At the following intervals after the conclusion of each internship:

(i) 3 months;

(ii) 6 months;

(iii) 1 year;

(iv) 2 years; and

(v) 3 years.

§18–3008.

Money awarded under this subtitle:

(1) May be used to reimburse a technology–based business up to 50% of a stipend paid to an intern, but not more than:

(i) $1,800 for the first semester; and

(ii) $1,200 for the second semester; and

(2) May total not more than $3,000 each year for each intern.

§18–3009.

(a) At the end of each fiscal year, UMBC shall prepare an annual report that includes an accounting of all financial receipts and expenditures that relate to the

Program.

(b) UMBC shall submit a copy of the report to the General Assembly in accordance with § 2–1246 of the State Government Article.

§18–3010.

The Governor annually shall include funds in the State budget for:

(1) The reimbursement of internship stipends under this subtitle; and

(2) UMBC to administer the Program.

§19–101.

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

(b) (1) "Academic facility" and "academic facilities" mean any facility or facilities, now existing or hereafter constructed or acquired, which are used primarily for the instruction of students of a system.

(2) "Academic facility" and "academic facilities" also mean any facility or facilities related, required, useful, or incidental for the operation or activities of a system which are not auxiliary facilities.

(c) (1) "Academic fees" means tuition, student fees, and activity fees.

(2) "Academic fees" does not include:

(i) An appropriation of State funds; or

(ii) Any revenues from contracts, grants, or gifts received or to be received by a system, other than contracts for tuition, student fees, or activity fees.

(d) "Auxiliary facilities fees" means income, fees, rents, charges, and revenues arising from the use of any auxiliary facilities.

(e) "Auxiliary facility" and "auxiliary facilities" mean any facility or facilities, now existing or hereafter constructed or acquired, which furnish a service to students, faculty, or staff at a system and which generate income, fees, rents, charges, and revenues arising from the use of the facility or facilities to support any project costs; such facilities shall include (but shall not be limited by type or class or otherwise to) housing facilities, eating facilities, recreational facilities, campus infirmaries, parking facilities, athletic facilities, student union or activity facilities, research facilities, laboratory facilities, testing facilities, and any related or incidental facility or any combination of such facilities.

(f) "Board" means the Board of Regents of the University System of Maryland, the Board of Regents of Morgan State University, the Board of Trustees of St. Mary's

College of Maryland, or the Board of Trustees of Baltimore City Community College.

(g) "Bonds" means revenue bonds, certificates, notes, demand notes, commercial paper, or other evidences of indebtedness and shall also include bond anticipation notes.

(h) "Capital lease" means any lease financing of real property which by generally accepted accounting principles is defined as a capital lease. For the purposes of this title, real property does not include fixtures.

(i) "Costs" as applied to any project means all costs in respect of the project, including (without limitation):

(1) The cost of acquisition, construction, reconstruction, equipping, maintenance, repair, renovation, and operation;

(2) The cost of acquisition of all land, rights-of-way, property rights, easements, and interests acquired by a system;

(3) The cost of all machinery and equipment;

(4) Financing charges and interest prior to and during construction and for 1 year after completion of construction;

(5) The cost of architectural, engineering, and legal expenses, plans, specifications, feasibility studies, surveys, estimates of costs and revenue, and other expenses necessary or desirable for determining the feasibility or practicability of construction of any project;

(6) Reserves for the payment of debt service, operating reserves, and repair and replacement funds; and

(7) Administrative expenses, and other expenses necessary or allocable to any project, the financing or refinancing of any project, the issuance of bonds, and the placing of any project in operation.

(j) "Project" or "projects" means the acquisition, construction, reconstruction, related demolition, equipment, maintenance, repair, renovation, financing, and refinancing of 1 or more auxiliary or academic facilities.

(k) "Resolution" means a resolution adopted by a majority of the members of the Board of Regents of the University System of Maryland, the Board of Regents of Morgan State University, the Board of Trustees of St. Mary's College of Maryland, or the Board of Trustees of Baltimore City Community College.

(l) "State" means the State of Maryland.

(m) "System" means the University System of Maryland, Morgan State University, St. Mary's College of Maryland, or Baltimore City Community College.

§19–102.

(a) In order to provide auxiliary and academic facilities a system may:

(1) Acquire, construct, reconstruct, equip, maintain, repair, renovate, and operate auxiliary and academic facilities at any of its campuses or locations, now existing or hereafter acquired;

(2) (i) Issue bonds for the purpose of financing or refinancing all or any part of the costs of any 1 or more projects of a system, including any project previously financed by a system or any predecessor; or

(ii) Issue bonds for the purpose of acquiring any auxiliary facility or academic facility previously financed through a capital lease with a system or any predecessor;

(3) Establish 1 or more trust funds for the deposit of the proceeds of the bonds of any issue and retain the interest revenue or other investment income thereon to be applied to the costs of any project, but shall maintain separate accounts within any such trust funds for auxiliary facilities and for academic facilities;

(4) Fix, revise, charge, and collect auxiliary facilities fees and academic fees and pledge all or any part of such auxiliary facilities fees and academic fees as security for bonds issued for auxiliary and academic facilities by a system;

(5) Establish 1 or more trust funds for the deposit of any auxiliary facilities fees and academic fees which may be imposed pursuant to this title, and retain the interest revenue or other investment income thereon, for the purpose of acquiring, constructing, reconstructing, renovating, equipping, maintaining, repairing, and operating auxiliary and academic facilities;

(6) Acquire, hold, and dispose of real and personal property in the exercise of its powers and the performance of its duties under this title;

(7) Enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this title, and employ consulting engineers, architects, attorneys, construction and financial experts, and other employees and agents as may be necessary, and fix their compensation;

(8) Receive and accept from the United States of America or any agency thereof grants and loans for the purpose of financing or refinancing all or any part of the costs of any 1 or more projects, and receive and accept aid or contributions from any sources of money, property, labor, or other things of value, to be held, used, and applied for the purposes for which such grants and contributions were made; and

(9) Do all acts and things necessary or convenient to carry out the powers expressly granted by the provisions of this title.

(b) A system may not pledge all or any part of the revenues received from:

(1) A State appropriation;

(2) Contracts, grants, or gifts received or to be received by a system, other than contracts for tuition, student fees, activity fees, or auxiliary facilities fees; or

(3) Any other source not expressly authorized by the General Assembly.

(c) (1) The aggregate principal amount of bonds outstanding and the present value of capital lease payments, less the amount of any reserve fund or sinking fund requirement established for the bonds or capital leases, may not exceed, as of the date of issue of the bonds, the following:

(i) $1,400,000,000 for the University System of Maryland;

(ii) $88,000,000 for Morgan State University;

(iii) $60,000,000 for St. Mary's College of Maryland; and

(iv) $65,000,000 for Baltimore City Community College.

(2) Bonds outstanding do not include:

(i) Bonds previously issued by a system or any predecessor that are to be refunded, but only:

1. To the extent of any outstanding principal on the bonds that are being refunded; and

2. If an escrow or other similar arrangement has been made and held by the State Treasurer, a bank, or a trust company for the payment of such bonds, whether or not redeemed; or

(ii) Borrowings pursuant to § 12–105(c) of this article, except to the extent that such borrowings are subject to a financing agreement the term of which is for more than 5 years for the acquisition of the personal property.

(d) (1) A system may not issue bonds for the purpose of financing all or any part of the costs of any academic facility or facilities until the General Assembly has approved in an act the:

(i) Project or projects for any academic facility or facilities; and

(ii) Maximum principal amount of bonds a system may issue in connection with such project or projects for any academic facility or facilities.

(2) The General Assembly's approval shall expressly authorize the project or projects for any academic facility or facilities and the maximum principal amount of

bonds a system may issue in connection with such project or projects for the academic facility or facilities.

(3) Without the approval of the General Assembly, a system may issue bonds to refinance all or any part of the costs of any project for any academic facility or facilities for which a system previously issued bonds under the authority of this section.

(4) (i) Any bonds issued under the requirements of this subsection shall mature at such times not exceeding the useful life of the project for which the bonds are issued, but not later than 21 years after their respective dates of issue, as may be determined by a system.

(ii) Any bonds issued in accordance with paragraph (3) of this subsection shall mature at such times as may be determined by a system, but not later than 21 years after the date of issue of the bonds that were originally issued for the academic facility or facilities authorized under the requirements of this subsection.

(e) (1) A system shall maintain records identifying the sources and amounts of payments used to support:

(i) The auxiliary facilities; and

(ii) The academic facilities authorized under the requirements of this subtitle.

(2) A system shall report:

(i) By September 1 to the Board of Public Works and, subject to § 2–1246 of the State Government Article, to the Department of Legislative Services, the information for the prior fiscal year required under paragraph (1) of this subsection; and

(ii) By December 1, subject to § 2–1246 of the State Government Article, to the Department of Legislative Services, the anticipated sources and amounts of payments required for the next fiscal year for:

1. Auxiliary facilities; and

2. Academic facilities authorized under the requirements of this title.

§19–103.

(a) (1) A system may provide, by resolution, from time to time, for the issuance, in series, of its bonds for the purpose of:

(i) Financing or refinancing all or any part of the costs of any 1 or more projects of a system, including any project previously financed by a system or any

predecessor; or

(ii) Acquiring any auxiliary facility or academic facility previously financed through a capital lease with a system or any predecessor.

(2) The principal of the premium, if any, and interest on bonds for the auxiliary and academic facilities shall be payable solely from: The auxiliary facilities fees of a system; the academic fees of a system; a State appropriation expressly authorized for that purpose; or the revenues from contracts, grants, or gifts received or to be received by a system. A system shall maintain separate accounts to identify the sources of payment of the bonds for the auxiliary facilities and for the academic facilities.

(3) Any resolution shall describe the auxiliary and academic facility or facilities to be financed or refinanced by the bonds, the maximum principal amount of the bonds, the sources of payment of the bonds for any auxiliary facilities, and the sources of payment of the bonds for any academic facilities.

(4) The resolution may also prescribe the other matters required or permitted to be determined by a system under this title or may provide that such matters may be prescribed in a trust agreement relating to the bonds that has been approved by such members of the Board as the resolution may prescribe.

(b) (1) The bonds of each issue shall be dated, shall bear interest at such rate or rates, and interest may be calculated in accordance with any method, as may be determined by a system.

(2) (i) The bonds of each issue for any auxiliary facilities shall mature at such time or times not exceeding the useful life of the project for which the bonds are issued, but in no event exceeding 33 years from their date or dates of issue, as may be determined by a system.

(ii) The bonds of each issue for any academic facilities shall mature at such times, not exceeding the useful life of the project, but not later than 21 years after their respective dates of issue, as may be determined by a system.

(3) The bonds of each issue may be made redeemable before maturity at such price or prices and under such terms and conditions or in accordance with such method, as may be fixed by a system prior to the issuance of the bonds.

(4) A system shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest which may be at any bank or trust company within or without the State.

(c) The bonds shall bear the manual or facsimile signature of the chairman or one of the other members of the Board. The official seal of a system or a facsimile thereof shall be affixed to the bonds, attested by the manual or facsimile signature of

the secretary or any assistant secretary of the Board. In case any officer whose manual or facsimile signature appears on any bonds or coupons ceases to be an officer before the delivery of the bonds, the signature or facsimile thereof is valid and sufficient for all purposes as if the officer had remained in office until delivery.

(d) All bonds issued under the provisions of this title shall have all the qualities and incidents of negotiable instruments under the laws of the State relating to negotiable instruments. The bonds may be issued in coupon, registered, or book entry form or any combination thereof. A system may sell bonds at a public or private (negotiated) sale for any price.

(e) (1) The proceeds of the bonds of each issue shall be used:

(i) For the payment of the financing or refinancing of or reimbursement to a system of the costs of any project for which the bonds are issued;

(ii) For the acquisition of any auxiliary facility or academic facility previously financed through a capital lease with a system or any predecessor; or

(iii) For any combination thereof.

(2) The proceeds of the bonds of each issue shall be disbursed under the terms and conditions of the resolution or trust agreement relating to such bonds. The resolution or trust agreement may provide for the issuance of additional bonds to finance or refinance any auxiliary facility or any academic facility that was authorized under the requirements of this title. Unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust agreement securing them, the additional bonds shall be deemed to be of the same issue and shall be entitled to payment from the same sources without preference or priority of the bonds first issued.

(f) Prior to the preparation of definitive bonds, a system, under like restrictions, may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when the bonds are executed and available for delivery. The resolution or trust agreement may provide for the replacement of any bonds mutilated, destroyed, or lost.

(g) Bonds may be issued under the provisions of this title without obtaining the consent of any department, division, commission, board, bureau, or agency of the State, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions, or things which are required specifically by provisions of this title. The provisions of Title 8, Subtitle 2 of the State Finance and Procurement Article do not apply to bonds issued under the provisions of this title.

(h) Any bonds issued under the authority of this title do not create or constitute any indebtedness or obligation of the State or of any political subdivision thereof except a system, and the bonds shall so state on their face. The bonds do not constitute a debt or obligation contracted by the General Assembly or pledge the faith and credit of the

State within the meaning of Article III, § 34 of the Maryland Constitution.

(i) (1) Under the resolution or trust agreement, a system may pledge to the payment of the principal of and premium, if any, and interest on the bonds:

(i) All or any part of a system's auxiliary facilities fees and academic fees;

(ii) The proceeds of the bonds and investment earnings thereon; and

(iii) Reserves or other funds established for the bonds under the resolution or trust agreement or other moneys which may lawfully be applied to the payment of the bonds.

(2) Prior to and during construction and for 1 year after completion of construction of any auxiliary or academic facilities for which bonds have been issued, the interest on the bonds may be paid out of the proceeds of the bonds or out of other moneys allocated for that purpose.

(j) (1) A system may provide, from time to time, for the issuance and sale of its bond anticipation notes in accordance with the procedures set forth in this title for the issuance of bonds. The principal of and premium, if any, and interest on the notes shall be payable out of the first proceeds of sale of any series of bonds issued under the provisions of this title or any other sources from which bonds issued hereunder could be paid.

(2) Bond anticipation notes may be issued in series as funds are required and may be renewed or extended at maturity with or without resale. All such notes shall be sold and executed in the same manner as provided for bonds issued pursuant to this title.

(3) Except where the provisions of this title would be inapplicable to bond anticipation notes, the term "bonds" used in this title shall include bond anticipation notes, including (without in any way limiting the foregoing) the provisions pertaining to the exemption from taxation by the State and its political subdivisions.

(k) In connection with the issuance of any bonds, after consultation with the Treasurer a system may obtain, or enter into such agreements and contracts for, bond insurance, reserve fund insurance, a letter of credit, a line of credit, or any form of additional, substitute or replacement security for any bonds and a system may pledge or assign all or any part of its auxiliary facilities fees and academic fees to the repayment or reimbursement of the provider of such bond insurance, reserve fund insurance, letter of credit, line of credit, or other form of additional, substitute, or replacement security. Any such agreements and contracts may contain such covenants, terms, and conditions as may be contained in any trust agreement for any bonds.

§19–104.

(a) Any bonds issued under the provisions of this title may be secured by a trust agreement between a system and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State.

(b) Any trust agreement may pledge or assign all or any part of a system's auxiliary facilities fees and academic fees.

(c) Any trust agreement or any resolution providing for the issuance of bonds may contain provisions for protecting and enforcing the rights and remedies of the bondholders reasonable and proper and not in violation of law, including covenants which shall include but not be limited to:

(1) The duties of a system in relation to the acquisition of property, and the construction, improvement, maintenance, repair, operation, use, and insurance of any auxiliary facilities or any academic facilities authorized under the requirements of this title;

(2) The duties of a system in relation to auxiliary facilities fees and academic fees;

(3) The custody, safeguarding, and application of all moneys;

(4) Provisions for the employment of independent consultants in connection with the construction or operation of the auxiliary facilities or any academic facilities authorized under the requirements of this title and requirements that a system follow the recommendation of such independent consultants; and

(5) Provisions in the nature of rate covenants requiring the establishment and revision of auxiliary facilities fees and academic fees at certain levels or in accordance with procedures set forth therein or requiring the maintenance of expenses at certain levels or in accordance with procedures set forth therein.

(d) Any bank or trust company incorporated under the laws of the State which acts as a depository of the proceeds of the bonds or revenues may furnish indemnifying bonds or pledge securities as required by a system.

(e) Any trust agreement or any resolution providing for the issuance of bonds may provide the rights and remedies of bondholders and trustees, and may restrict the individual right of action by bondholders.

(f) Any trust agreement or any resolution may contain other provisions a system deems reasonable and proper for the security of the bondholders, including, but not limited to, covenants to abandon, restrict, or prohibit the construction or operation of competing facilities and covenants pertaining to the issuance of additional parity bonds upon stated conditions.

(g) The resolution providing for the issuance of bonds is a trust agreement if it so stipulates.

(h) All expenses incurred in carrying out the provisions of any trust agreement or any resolution may be treated as a part of the cost of the operation of the auxiliary or academic facilities.

§19–105.

(a) A system may contract for the use of or admission to all or any part of any auxiliary facility or any academic facility that was authorized under the requirements of this title with any person, partnership, association, corporation, entity, or agency and may fix the terms, conditions, fees, rents, and rates of charges for use or admission. Such fees, rents, and charges may not be subject to supervision or regulation by any other commission, board, bureau, or agency of the State.

(b) The resolution or trust agreement relating to any bonds may provide that the auxiliary facilities fees and academic fees that have been assigned or pledged as security for the bonds of a system, except the part necessary to pay the cost of maintaining, equipping, repairing, and operating the auxiliary facilities and to provide reserves as provided for in the resolution authorizing the issuance of the bonds or in the trust agreement securing them, shall be set aside at regular intervals in a sinking fund which is hereby pledged to, and charged with, the payment of:

(1) The interest upon the bonds when due;

(2) The principal of the bonds when due;

(3) The necessary charges of paying agents for paying principal and interest; and

(4) The redemption price or purchase price of bonds retired by call or purchase as provided in the resolution or trust agreement.

(c) The pledge is valid and binding from the time when made.

(d) Auxiliary facilities fees and academic fees so pledged and thereafter received by a system are immediately subject to the lien of the pledge without any physical delivery or further act, and the lien of any pledge of auxiliary facilities fees and academic fees and the rights to receive the same is valid and binding against all parties having any claims of any kind in tort, contract, or otherwise against a system, irrespective of whether such parties have notice thereof.

(e) Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded, pursuant to the Maryland Uniform Commercial Code or otherwise, except in the records of a system.

(f) The use and disposition of moneys to the credit of the sinking fund or other

funds or accounts established under the resolution or trust agreement are subject to the provisions of the resolution authorizing the issuance of the bonds or of the trust agreement.

(g) Notwithstanding any provision of this section, a system may, by resolution passed prior to the issuance of bonds under the provisions of this title or in the trust agreement securing the bonds, covenant to pay all or any part of the cost of maintaining, equipping, repairing, and operating any auxiliary facilities or any academic facilities authorized under the requirements of this title. Each covenant has the force of contract between a system and the holders of the bonds issued on account of the project or projects.

§19–106.

All moneys received by a system as proceeds from the sale of bonds authorized by this title and all moneys received by a system by way of auxiliary facilities fees or academic fees which are assigned or pledged as security for the bonds shall be deemed to be trust funds to be held and applied as provided by the provisions of this title.

§19–107.

(a) The exercise of the powers granted by the provisions of this title shall be for the benefit of the people of the State, for the increase of their education and prosperity, and for the improvement of their health, living conditions, and general welfare.

(b) The operation and maintenance of auxiliary or academic facilities by a system constitutes the performance of essential governmental functions.

(c) A system may not be required to pay any taxes or assessments upon any building or buildings or any property, real, personal, or mixed, acquired or used under the provisions of this title or upon the income therefrom.

(d) Bonds issued under the provisions of this title, their transfer and income, including any profit made on their sale, are free from taxation by the State or by any of its political subdivisions, or by any town or incorporated municipality or any other public agency within the State.

§19–108.

(a) A system may provide by resolution for the issuance of bonds for the purpose of refunding any bonds or refunding bonds then outstanding including the payment of any redemption premium and any interest accrued or to accrue to the date of redemption of the bonds and any issuance costs of refunding bonds.

(b) The provisions of this title govern:

(1) The issuance of the refunding bonds;

(2) Their maturities and other details;

(3) The rights and remedies of the bondholder;

(4) The security for the refunding bonds; and

(5) The rights, duties, and obligations of a system.

§19–109.

(a) Bonds issued under the provisions of this title are securities in which all of the following may legally and properly invest funds, including capital in their control or belonging to them:

(1) Public officers and public agencies of the State and its political subdivisions;

(2) Banks, trust companies, savings and loan associations, investment companies, and others carrying on a banking business;

(3) Insurance companies and insurance associations and others carrying on an insurance business;

(4) Administrators, executors, guardians, trustees, and other fiduciaries; and

(5) All other persons.

(b) The bonds are securities which may properly and legally be deposited with and received by any State or municipal office or any agency or political subdivision of the State for any purpose for which the deposit of bonds or other obligations of the State is now or hereafter authorized by law.

§19–110.

(a) The title to any property acquired or constructed under the provisions of this title shall be in the State of Maryland for the use of a system.

(b) The State consents to the use of any lands owned by it for the use of a system which may be suitable and necessary for the construction or operation of any of the buildings and facilities authorized by the provisions of this title and covenants that it will not revoke this consent during the term of bonds secured by auxiliary facilities fees or academic fees or facilities constructed thereon.

§19–111.

(a) The provisions of this title, being necessary for the welfare of the State and its inhabitants, shall be liberally construed to effect the purposes thereof.

(b) The provisions of this title are severable, and if any of such provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

§19–112.

This title may be referred to as the Auxiliary and Academic Facilities Bond Authority.

§20–101.

(a) (1) There is a Maryland College Savings Bond Advisory Board.

(2) The purpose of the Board is to advise the Board of Public Works on the issuance of college savings bonds authorized under § 8–123.3 of the State Finance and Procurement Article.

(b) The Board shall consist of the following four members:

(1) The State Treasurer;

(2) The Secretary of Higher Education; and

(3) Two members appointed by the Governor.

(c) Factors to be considered in appointing members to the Board may include:

(1) Experience, skill, or knowledge in the areas of public finance and investment banking; or

(2) Experience in the field of higher education finance.

(d) The Treasurer shall serve as chair of the Advisory Board.

§20–102.

(a) (1) The Maryland College Savings Bond Advisory Board shall make recommendations to:

(i) The Board of Public Works regarding the need for Maryland capital appreciation general obligation bonds to help citizens save for the costs of college; and

(ii) In accordance with § 2–1246 of the State Government Article, the Governor and General Assembly on the establishment of an incentive program to encourage citizens to purchase capital appreciation general obligation bonds to finance the education of individuals at accredited institutions of postsecondary education in the State.

(2) In the event of a negotiated sale, the Maryland College Savings Bond Advisory Board shall advise the Board of Public Works regarding:

(i) Public relations and advertising needs;

(ii) Bond issuance information, including:

1. The increments in which to market the bonds;

2. The recommended maturity dates of the bonds;

3. The dollar limit that may be imposed on individual household purchases of college savings bonds; and

4. The minimum denominations in which the college savings bonds may be marketed.

(b) (1) Each appointed member serves for a term of 3 years and until a successor is appointed.

(2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(3) Each member of the Advisory Board:

(i) Serves without compensation; and

(ii) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

§21–101.

(a) There is a county advisory council on career and technology education in each county.

(b) (1) The county board shall determine the number of members on the council.

(2) The councils may include educators and administrators in the field of education as ex officio, nonvoting members of the councils.

(c) (1) The county board of education shall appoint the council in any county that does not have an institution of postsecondary education that receives federal support for career and technology education programs.

(2) In any other county, the county school board and the governing bodies of the institutions of postsecondary education that receive federal support for a career and technology education program shall agree on the procedure for appointment of the council.

(d) The members of the council shall be members of the general public, especially representatives of:

(1) Business;

(2) Industry;

(3) Organized labor;

(4) Each sex;

(5) Racial and ethnic minorities; and

(6) The geographic regions of the county.

(e) Each county advisory council shall advise the county board of education and each institution of postsecondary education in the county that receives federal support for a career and technology education program on:

(1) The distribution of career and technology education funds;

(2) County career and technology education program accountability reports;

(3) County job needs; and

(4) The adequacy of career and technology education programs being offered.

§21–201.

In this subtitle, "federal acts" means:

(1) The Smith–Hughes Act;

(2) The George–Barden Act;

(3) The Carl D. Perkins Career and Technical Education Act;

(4) The Vocational Education Act of 1963;

(5) Any other career and technology education act of the United States Congress; and

(6) Any amendments to any of these acts.

§21–202.

(a) The State of Maryland assents to the federal acts.

(b) The State Treasurer shall:

(1) Be the custodian of any money received under the federal acts; and

(2) Disburse this money in accordance with the federal acts.

(c) The State Board of Education shall:

(1) Cooperate with the appropriate federal agencies in administering the federal acts;

(2) Do anything necessary to secure the benefits of the federal acts;

(3) Facilitate the transfer of federal funds to the appropriate operational entity including the Department of Labor, Licensing, and Regulation; and

(4) Represent this State in all matters relating to the administration of the federal acts.

(d) The State Board of Education shall be the sole State agency responsible for the administration of the Carl D. Perkins Career and Technical Education Act.

§21–203.

Career and technology programs in the public schools shall:

(1) Offer a sequence of academic and occupational courses, career development, and work experience to prepare students to begin careers and to pursue lifelong learning; and

(2) Integrate academic knowledge and occupational competence to enable students to develop the critical thinking, problem solving, employability, and technical skills required to meet the workforce preparation and economic development needs of the 21st century.

§21–301.

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

(b) "Disability" means any defect or infirmity that may incapacitate an individual totally or partially for gainful employment or independent living.

(c) "Federal acts" means the rehabilitation acts of the United States Congress.

(d) "Rehabilitation" means the process of enabling a disabled individual to become gainfully employed and to function more independently.

§21–302.

(a) The State of Maryland assents to the federal acts.

(b) The State Treasurer shall:

(1) Be the custodian of any money received under the federal acts; and

(2) Disburse this money in accordance with the federal acts.

(c) The State Board of Education shall:

(1) Cooperate with the appropriate federal agencies in administering the federal acts; and

(2) Do anything necessary to secure the benefits of the federal acts.

§21–303.

(a) There is an Employment Program Fund in the Division of Rehabilitation Services in the State Department of Education.

(b) Funds for the Employment Program Fund established under this section shall be included in the budget of the Division of Rehabilitation Services in the State Department of Education.

(c) A community rehabilitation and employment agency accredited by the Division of Rehabilitation Services in the State Department of Education is eligible to receive funds available in the Employment Program Fund established under this section.

(d) The Division of Rehabilitation Services may contract with nonprofit rehabilitation and employment agencies to provide the funds established under this section for:

(1) Supported employment placements;

(2) Competitive work placements; or

(3) Transitional employment.

(e) The Division of Rehabilitation Services shall adopt regulations to implement the provisions of this section.

§21–304.

(a) There is a Division of Rehabilitation Services in the State Department of Education.

(b) The State Board of Education shall:

(1) Disburse all funds provided, and administer all programs established under this subtitle, for the rehabilitation of disabled individuals;

(2) Appoint and fix the compensation of the personnel necessary to administer this subtitle;

(3) Rehabilitate and place in gainful occupations individuals eligible for the benefits of this subtitle;

(4) Rehabilitate eligible individuals to function more independently;

(5) Adopt rules and regulations necessary to administer this subtitle;

(6) Report annually to the Governor on the administration of this subtitle; and

(7) Cooperate with other public and private departments, agencies, and institutions to:

(i) Provide for the rehabilitation of disabled individuals;

(ii) Provide for the independent living rehabilitation of severely disabled individuals;

(iii) Study the problems of rehabilitation; and

(iv) Develop and provide programs, facilities, and services necessary or desirable to implement this subtitle.

(c) The State Department of Education shall, in addition to licensing vending facility managers in federal buildings in this State under § 21-302(c) of this subtitle pursuant to the federal acts, license blind persons to manage vending facilities in all State, county, and municipal buildings and in all privately owned buildings and premises in this State in the event of contract with such person. The Division of Rehabilitation Services in the State Department of Education shall be the licensing agency for all vending facilities within this State licensed under this subtitle.

§21–305.

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

(2) "Division" means the Division of Rehabilitation Services within the Maryland State Department of Education.

(3) "Transition services" means a coordinated set of activities for a student with a disability who meets the definition of a transitioning student that promotes movement from school to postschool activities, including postsecondary

education, vocational training, integrated employment, supported employment, adult services, independent living, and community participation.

(4) "Transitioning student" means a student with a disability who is between the ages of 14 and 21 years who meets the eligibility criteria of the federal Individuals with Disabilities Education Act or § 7 of the federal Rehabilitation Act.

(b) The Division shall:

(1) Assign a rehabilitation counselor as a liaison to each Maryland public high school;

(2) Establish a cooperative agreement with each county board defining roles, responsibilities, and procedures in order to provide appropriate transition services for a transitioning student; and

(3) Develop, in consultation with county boards, for each transitioning student who is determined eligible for rehabilitation services, an individualized plan for employment prior to graduation.

(c) (1) Each county board shall transmit to the Department information relating to the postsecondary anticipated services of the county's transitioning students. The information shall be reported in the manner required by the Department.

(2) The Department shall aggregate the information provided under paragraph (1) of this subsection and forward the information annually to:

(i) The Behavioral Health Administration of the Department of Health and Mental Hygiene;

(ii) The Developmental Disabilities Administration of the Department of Health and Mental Hygiene; and

(iii) Other appropriate State adult services agencies, as determined by the Department.

(3) The information under this section shall include, for each transitioning student:

(i) The student's current age;

(ii) The projected year of exit of the student from school;

(iii) Anticipated needs of the student;

(iv) The student's county of residence; and

(v) Any other information that the Department considers

appropriate.

§21–306.

To be eligible for rehabilitation an individual shall:

(1) Be disabled; and

(2) Be susceptible of rehabilitation.

§21–307.

(a) The State Board of Education and the State Workers' Compensation Commission shall administer jointly the program established in this section.

(b) The State Workers' Compensation Commission:

(1) Shall establish a rehabilitation program;

(2) May employ the necessary rehabilitation counselors and clerical staff to review all reports and claims;

(3) Shall select from the reports and claims filed with it those for which rehabilitation services appear to be appropriate;

(4) After proper investigation, shall refer appropriate cases to the Division of Rehabilitation Services;

(5) On request of the Division of Rehabilitation Services, shall make available to the Division a complete medical evaluation, including a prognosis of work potential of any worker whose case it refers to the Division; and

(6) Shall pay the salaries of the employees of the workers' compensation rehabilitation program and all necessary expenses incurred:

(i) In investigating and reviewing all reports and claims; and

(ii) For supplies, furniture, and office space.

§21–308.

Any report, record, memorandum, action, or finding of the Division of Rehabilitation Services may not be referred to in any way or be received as evidence in any civil proceeding before any agency or court, except under the rules and regulations adopted by the State Board of Education, under this subtitle.

§21–309.

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

(2) "Business entity" means:

(i) A person conducting or operating a trade or business in Maryland; or

(ii) An organization operating in Maryland that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code.

(3) "Division" means the Division of Rehabilitation Services of the Maryland State Department of Education.

(4) "Qualified child care or transportation expenses" means:

(i) State regulated child care expenses that are incurred by a business entity to enable a qualified employee with a disability to be gainfully employed; or

(ii) Transportation expenses that are incurred by a business entity to enable a qualified employee with a disability to travel to and from work.

(5) (i) "Qualified employee with a disability" means an individual who:

1. Meets the definition of an individual with a disability as defined by the Americans with Disabilities Act;

2. Has a disability that presently constitutes an impediment to obtaining or maintaining employment or to transitioning from school to work;

3. Is ready for employment; and

4. Has been determined by the Division or the Department of Labor, Licensing, and Regulation, in consultation with the Division, as having met the criteria of a qualified employee with a disability established under this section.

(ii) "Qualified employee with a disability" includes:

1. An individual who has been determined by the Department of Labor, Licensing, and Regulation, in consultation with the United States Veterans Administration, as having been discharged or released from active duty in the armed forces of the United States for a service–connected disability; and

2. Any other individual meeting the definition of subparagraph (i) of this paragraph, whether or not the individual receives services from the Division.

(6) "Wages" means wages, within the meaning of § 51(c)(1), (2), and (3) of the Internal Revenue Code without regard to § 51(c)(4) of the Internal Revenue Code that are paid by a business entity to an employee for services performed in a trade or

business of the employer.

(b) (1) Except as provided in subsection (e) of this section, a business entity may claim a tax credit in the amounts determined under subsections (c) and (d) of this section for the wages and qualified child care or transportation expenses with respect to a qualified employee with a disability that are paid in the taxable year for which the business entity claims the credit.

(2) The same tax credit cannot be applied more than once against different taxes by the same taxpayer.

(c) For each taxable year, for the wages paid to each qualified employee with a disability, a credit is allowed in an amount equal to 30% of up to the first $9,000 of the wages paid to the qualified employee with a disability during each of the first 2 years of employment.

(d) For each taxable year, for child care provided or paid for by a business entity for the children of a qualified employee with a disability, or transportation expenses that are incurred by a business entity to enable a qualified employee with a disability to travel to and from work, a credit is allowed in an amount equal to up to $900 of the qualified child care or transportation expenses incurred for each qualified employee with a disability during each of the first 2 years of employment.

(e) (1) A business entity may not claim the credit under this section for an employee:

(i) Who is hired to replace a laid–off employee or to replace an employee who is on strike; or

(ii) For whom the business entity simultaneously receives federal or State employment training benefits.

(2) A business entity may not claim the credit under this section until it has notified the Division that a qualified employee with a disability has been hired.

(3) A business entity may claim a credit in the amount provided in paragraph (4) of this subsection for an employee whose employment lasts less than 1 year if the employee:

(i) Voluntarily terminates employment with the employer;

(ii) Is unable to continue employment due to a further disability or death; or

(iii) Is terminated for cause.

(4) (i) If a business entity is entitled to a tax credit for an employee who is employed for less than 1 year because the employee voluntarily terminates

employment with the employer to take another job, the business entity may claim a tax credit of 30% of up to the first $9,000 of the wages paid to the employee during the course of employment.

(ii) If a business entity is entitled to a tax credit for an employee who is employed for less than 1 year for a reason other than that described in subparagraph (i) of this paragraph, the amount of the credit shall be reduced by the proportion of a year that the employee did not work.

(f) If the credit allowed under this section in any taxable year exceeds the total tax otherwise payable by the business entity for that taxable year, a business entity may apply the excess as a credit for succeeding taxable years until the earlier of:

(1) The full amount of the excess is used; or

(2) The expiration of the 5th taxable year after the taxable year in which the wages or qualified child care or transportation expenses for which the credit is claimed are paid.

(g) If a credit is claimed under this section, the claimant must make the addition required in § 10–205 or § 10–306 of the Tax – General Article.

(h) (1) Subject to the provisions of this subsection, the Department of Labor, Licensing, and Regulation and the State Department of Education shall jointly adopt regulations necessary to carry out the provisions of this section.

(2) The Comptroller shall adopt regulations to provide for the computation and carryover of the credit under § 10–704.7 of the Tax – General Article.

(3) The State Department of Assessments and Taxation shall adopt regulations to provide for the computation and carryover of the credit under §§ 8–216 and 8–413 of the Tax – General Article.

(4) The Maryland Insurance Commissioner shall adopt regulations to provide for the computation and carryover of the credit under § 6–115 of the Insurance Article.

(i) The Department of Labor, Licensing, and Regulation shall administer the tax credit and report to the Governor, and, subject to § 2–1246 of the State Government Article, to the General Assembly, before January 15 of each year on:

(1) Marketing activities for the credit under this section;

(2) The number of business entities who hired a qualified employee with a disability during the preceding year;

(3) The number of qualified employees with disabilities:

(i) Hired in each business sector for the preceding year; and

(ii) Hired during the preceding year and employed for less than 1 year;

(4) A summary of the average hourly wages paid to qualified employees with disabilities for the preceding year;

(5) The number and amount of credits claimed during the preceding year; and

(6) The number and amount of credits claimed for child care or transportation expenses, including a summary of the types of transportation expenses incurred by business entities.

§21–310.

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

(2) "DORS" means the Division of Rehabilitation Services in the State Department of Education.

(3) "DORS consumer" means an individual determined eligible for rehabilitation services under § 21–306 of this subtitle who is placed by DORS in an unpaid work–based learning experience.

(4) "Unpaid work–based learning experience" means a program that provides a DORS consumer with structured employer–supervised learning that:

(i) Occurs in the workplace;

(ii) Links with an individualized plan for employment;

(iii) Is coordinated by a DORS rehabilitation specialist; and

(iv) Is conducted in accordance with the terms of an individual written work–based learning experience agreement between DORS and the employer of that participating DORS consumer.

(b) A DORS consumer who is placed with an employer in an unpaid work–based learning experience is a covered employee of that employer, as defined in Title 9 of the Labor and Employment Article for the purpose of coverage for medical services and treatment under the State workers' compensation laws.

(c) (1) The participating employer where a DORS consumer is placed in an unpaid work–based learning experience shall secure workers' compensation coverage for that DORS consumer.

(2) The State Department of Education shall reimburse the employer in

an amount equal to the lesser of:

(i) The cost of the premium for the workers' compensation coverage; or

(ii) $250.

§21–401.

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

(b) "Community rehabilitation program" means a work oriented place or facility operated on a nonprofit basis that is operated principally to provide:

(1) Suitable work, training, or retraining to individuals with disabilities who because of a disability cannot find gainful employment elsewhere; or

(2) Gainful employment to individuals with severe disabilities.

(c) "Individual with disabilities" means an individual who:

(1) Has a severe physical or mental disability that seriously limits his mobility, communication, work tolerance, work skills, and ability to care for and direct himself, and function generally;

(2) Can be expected to require multiple rehabilitation services over an extended period of time; and

(3) Whose disability is determined by an evaluation of rehabilitation potential to cause substantial functional limitation.

§21–402.

The Division of Rehabilitation Services of the State Department of Education shall administer this subtitle, and may adopt rules and regulations necessary to implement it.

§21–403.

(a) The Division of Rehabilitation Services shall maintain a register of private nonprofit agencies or organizations it considers qualified to provide community rehabilitation program employment for individuals with disabilities.

(b) Before it registers any organization or agency, the Division of Rehabilitation Services shall inspect community rehabilitation programs to determine if:

(1) They are appropriate;

(2) The agency or organization is eligible to receive funds under this

subtitle; and

(3) The programs meet the standards for community rehabilitation programs accepted by the Rehabilitation Services Administration of the federal Department of Education.

§21–404.

The Division of Rehabilitation Services may contract with any approved agency or organization to provide programs and services set forth in § 21-303(d) of this title to any individual with disabilities if the Division is satisfied that the individual:

(1) Is at least 17 years old;

(2) Cannot find employment in the open labor market; and

(3) May be expected to benefit from the programs and services set forth in § 21-303(d) of this title or that the individual's best interests require this type of employment.

§22–201.

(a) The Secretary of Health and Mental Hygiene shall appoint a Director of educational programs in the Department of Health and Mental Hygiene.

(b) The Director shall receive the salary provided in the budget of the Department of Health and Mental Hygiene.

(c) The Director shall:

(1) Implement and operate the educational programs in the State hospital centers; and

(2) Consult with the Director of Mental Hygiene, the Director of the Developmental Disabilities Administration, and the superintendent of each center about the operation of these programs.

§22–202.

(a) Funds for the operation of the educational program in State hospital centers shall be provided in the budget of the Department of Health and Mental Hygiene.

(b) The Department of Health and Mental Hygiene and other State agencies may contribute to the program.

(c) Funds appropriated for educational programs in State hospital centers may not be diverted, by budget amendment or otherwise, to any other purpose.

§22–203.

This subtitle does not affect the other jurisdiction of the State Board of Education, the State Superintendent of Schools, the Maryland Higher Education Commission, or the Secretary of Higher Education.

§22–301.

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

(b) "Council" means the Education Coordinating Council for Juvenile Services Educational Programs.

(c) "Director" means the Director of Juvenile Services Educational Programs.

(d) "Facility" means a building or buildings and related physical infrastructure at a geographically distinct location at which the Department of Juvenile Services operates a program.

(e) "Program" means a discrete and defined grouping of services provided to youths in the custody of or under the supervision of the Department of Juvenile Services to address predetermined needs.

(f) "Residential facility" means a facility established under § 9–226 of the Human Services Article.

(g) "Secretary" means the Secretary of Juvenile Services.

(h) "State Board" means the State Board of Education.

(i) "State Superintendent" means the State Superintendent of Schools.

§22–302.

There is a Juvenile Services Education Program within the Department.

§22–303.

(a) (1) The Department shall develop and implement juvenile services educational programs at all residential facilities of the Department of Juvenile Services by July 1, 2014.

(2) This subsection does not prohibit the Department from contracting with a private party to provide educational services for students with special needs under the control and general management of the Department.

(b) On or before February 1, 2006, and every other year thereafter until 2014, the Department shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly on the Department's

implementation of this subtitle, including:

(1) The identification of all residential facilities for which the Department has assumed responsibility for the educational services; and

(2) All facilities for which the Department plans to assume responsibility during the next calendar year.

§22–304.

(a) The State Superintendent, in consultation with the Secretary, shall appoint a director.

(b) The Director shall receive the salary provided in the budget of the State Department of Education.

(c) The Director shall:

(1) Be responsible for the education of every child in a residential facility;

(2) Ensure that the educational needs of every child in a residential facility are assessed in a timely manner;

(3) Implement and administer the educational programs developed by the Council;

(4) Meet with and advise the Council about education centers and educational programs and their outcomes; and

(5) Consult with the Secretary and senior administrator of each residential facility about the operation of educational services for the program.

§22–305.

(a) (1) There is a Coordinating Council for Juvenile Services Educational Programs in the Department.

(2) The Council is within the State Department of Education for administrative and budgetary purposes.

(b) (1) The Council consists of seven members.

(2) Two of the members shall be residents of the State appointed by the Governor for a term of 4 years and until a successor is appointed and qualifies.

(3) The following officials shall serve as ex officio members of the Council:

(i) The State Superintendent of Schools;

(ii) The Secretary of Budget and Management;

(iii) The Secretary of Juvenile Services;

(iv) The Secretary of Higher Education; and

(v) A county superintendent of schools, from a county in which a residential facility is located, whom the State Superintendent shall select with the concurrence of the Secretary.

(c) Each member of the Council:

(1) Serves without compensation; but

(2) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

(d) (1) The State Superintendent shall serve as chairman of the Council.

(2) The Council shall designate the time and place of its meetings and may adopt rules for the conduct of the meetings.

(3) The State Department of Education shall provide technical and clerical assistance and support to the Council.

§22–306.

(a) (1) The Council shall develop, recommend, and approve an educational program for each residential facility.

(2) The educational programs shall meet the special needs and circumstances of the children in the residential facility.

(b) The Council shall adopt regulations consistent with State law for the conduct and management of the educational programs.

(c) On or before October 30 of each year, the Council shall report its activities to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly.

(d) (1) (i) The Council shall actively advocate and promote the interests of educational programs and opportunities in programs of the Department of Juvenile Services.

(ii) The Council shall seek to ensure that a quality education and equal educational opportunities are available to all children in the custody of the Department.

(2) On a regular basis, the Council shall review the effectiveness of the

program of educational instruction used in the residential facilities to ensure that the unique educational needs of the children under the jurisdiction of the Department of Juvenile Services are being satisfactorily met.

(3) The Council shall include in the Council's review students' ability to:

(i) Maintain and improve educational achievement in core subjects;

(ii) Acquire course credits that qualify as State requirements for graduation; and

(iii) Make the transition to a regular program or other educational program operated by a Maryland school system.

(4) Based on its review, the Council shall recommend and advocate improvements to the educational services for residential facilities.

§22–306.1.

(a) In this section, "basic cost" means the average amount spent by a county board from county and State funds for the public education of a nondisabled child.

(b) A county board shall reimburse the Department of Juvenile Services the amount of the basic cost calculated under subsection (a) of this section for each child who was domiciled in the county prior to the placement if the child:

(1) Is in a facility or a residential facility;

(2) Is in detention for 15 consecutive days or more;

(3) Does not meet the criteria for shared State and local payment of educational costs as provided in §§ 8–406 and 8–415 of this article; and

(4) Was included in the full–time equivalent enrollment of the county as calculated under § 5–202 of this article.

§22–307.

The Department shall submit an annual report to the State Superintendent, the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the aggregate educational outcomes of the educational program for each residential facility.

§22–309.

The Department and the Department of Juvenile Services shall work cooperatively to facilitate the implementation of this subtitle, and may share education records with each other when necessary to ensure the appropriate delivery of services.

§22–310.

The State Superintendent shall adopt regulations to carry out this subtitle.

§23–101.

(a) The General Assembly finds:

(1) That public library resources and services are essential components of the educational system; and

(2) That libraries stimulate awareness and understanding of critical social issues, and assist individuals in reaching their highest potential for self-development.

(b) It is the policy of this State:

(1) To continue the orderly development and maintenance of library facilities and services throughout this State, in collaboration with the counties; and

(2) To develop coordinated programs and services among libraries and institutions to:

(i) Provide the widest possible access to the library and information resources of this State; and

(ii) Insure more effective and economical services to all library users.

§23–102.

There is a Division of Library Development and Services in the Department. The Division is the central State library agency.

§23–103.

(a) The head of the Division of Library Development and Services is the Assistant Superintendent for Libraries who is appointed by the State Board on the recommendation of the State Superintendent.

(b) The Assistant Superintendent for Libraries shall:

(1) Hold an advanced degree in library and information service;

(2) Have administrative experience in libraries; and

(3) Have any other qualifications the State Superintendent considers necessary.

(c) (1) The Division may employ the professional and clerical staff provided in the State budget.

(2) Each employee of the Division is entitled to the salary provided in the State budget.

§23–104.

(a) In addition to the other powers granted and duties imposed by this article, the State Board has the powers and duties set forth in this section.

(b) The State Board shall exercise general direction and control of library development in this State and may:

(1) Adopt rules and regulations necessary to administer this title;

(2) After considering the recommendations of the Advisory Council on Libraries, establish library policies and procedures for the statewide system of libraries;

(3) Consider the library needs of this State and recommend to the Governor and the General Assembly desirable legislation; and

(4) With the approval of the Governor, accept, administer, and spend any appropriation, gift, or grant for library purposes from the federal government or from any other person.

(c) In accordance with the bylaws, rules, and regulations of the State Board, the State Superintendent shall certificate professional library personnel.

(d) Each year the State Board shall report to the Governor and the people of this State on the support, condition, progress, and needs of libraries.

(e) The State Board shall approve county public library capital projects for State funding in accordance with § 23-510 of this title.

§23–105.

(a) In addition to any other powers granted and duties imposed by this title, and subject to the authority of the State Board, the Division of Library Development and Services has the powers and duties set forth in this section.

(b) The Division of Library Development and Services shall:

(1) Provide leadership and guidance for the planning and coordinated development of library and information service in this State;

(2) Develop statewide public and school library services and networks, resource centers, and other arrangements to meet the library and information needs of this State;

(3) Provide professional and technical advice on improving library services

in this State to:

(i) Public and school library officials;

(ii) State government agencies; and

(iii) Any other person;

(4) (i) Collect library statistics and other data;

(ii) Identify library needs and provide for needed research and studies of them;

(iii) Publish and distribute findings in these areas; and

(iv) Coordinate library services with other information and education services and agencies;

(5) Administer federal and State funds appropriated to it by the State for library purposes;

(6) (i) Develop and recommend professional standards and policies for libraries; and

(ii) Establish requirements and procedures for the certification of librarians and library personnel;

(7) Provide:

(i) Specialized library service to the blind and other physically handicapped individuals in this State; and

(ii) Other desirable specialized library services;

(8) Encourage, advise, and assist in establishing, operating, and coordinating libraries at State institutions and agencies and administer the operation of library and information services for the Department;

(9) Administer the State grant program for county public library capital projects, in accordance with § 23–510 of this title;

(10) Adopt guidelines for the administration of public libraries and recommend to the State Board rules and regulations to implement this title;

(11) Cooperate with national library agencies and those of any other state;

(12) Develop a Deaf Culture Digital Library in accordance with § 23–108 of this title; and

(13) Perform any other duty necessary for its proper operation.

§23–106.

(a) There is a Maryland Advisory Council on Libraries.

(b) (1) The Advisory Council consists of 12 members, 7 of whom are appointed by the Governor. Each member is entitled to participate fully and equally in the activities of the Council.

(2) Each member shall:

(i) Be a resident of this State;

(ii) Be an individual of ability and integrity who is experienced in public or library affairs; and

(iii) Represent the interests of the citizens of this State in better library services.

(3) Of the appointed members:

(i) Five shall be selected from the public at large;

(ii) One shall be a professional librarian; and

(iii) One shall be a library trustee.

(4) The following officials serve ex officio and each may designate someone to serve in his place:

(i) The Secretary of Higher Education;

(ii) The President of the Board of Trustees of Enoch Pratt Free Library;

(iii) The President of the Maryland Library Association;

(iv) The Dean of the University of Maryland College of Library and Information Services; and

(v) The President of the Maryland Educational Media Organization.

(5) (i) Each appointed member serves for a term of 5 years and until a successor is appointed and qualifies. These terms are staggered as required by the terms of the members serving on July 1, 1978.

(ii) An appointed member may not serve more than two consecutive terms.

(iii) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(6) Each member of the Advisory Council:

(i) Serves without compensation; and

(ii) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

(c) (1) Each year:

(i) The Governor shall appoint a member of the Advisory Council as its Chairman; and

(ii) The Advisory Council shall elect one of its members as its vice chairman.

(2) The Assistant Superintendent for Libraries shall:

(i) Serve as secretary to the Advisory Council;

(ii) Record the proceedings of the Council; and

(iii) Provide necessary staff services.

(3) The Advisory Council shall meet at least once a year at the times and places its Chairman designates.

(4) Seven members of the Advisory Council are a quorum and at least 7 affirmative votes are required for any recommendation to:

(i) The Division of Library Services;

(ii) The State Superintendent;

(iii) The State Board; or

(iv) The Governor.

(d) The Advisory Council shall:

(1) Gather information on the needs of libraries throughout this State;

(2) Advise the Division of Library Development and Services, the State Superintendent, the State Board, and the Governor on library matters; and

(3) Promote improvement of library services in this State.

(e) The Advisory Council may be funded annually as provided in the budget of the Division of Library Development and Services.

§23–107.

(a) Subject to the provisions of subsection (b) of this section, a free association, school, college or university library in this State shall prohibit inspection, use, or disclosure of any circulation record or other item, collection, or grouping of information about an individual that:

(1) Is maintained by a library;

(2) Contains an individual's name or the identifying number, symbol, or other identifying particular assigned to the individual; and

(3) Identifies the use a patron makes of that library's materials, services, or facilities.

(b) A free association, school, college, or university library in the State shall permit inspection, use, or disclosure of the circulation record of an individual only in connection with the library's ordinary business and only for the purposes for which the record was created.

§23–108.

(a) The Division of Library Development and Services shall establish the Deaf Culture Digital Library as the primary information center on deaf resources for library customers and staff in the State.

(b) The Deaf Culture Digital Library shall:

(1) Conduct a needs assessment to identify gaps in library services for deaf patrons and to implement strategies to fill the gaps and better coordinate library services for the deaf;

(2) In coordination with the Governor's Office of Deaf and Hard of Hearing, develop and provide sensitivity training for State and county library staff to help them better understand deaf patrons and their needs;

(3) Develop a Web site that will allow for information sharing and coordination between the Deaf Culture Digital Library and county library systems;

(4) In coordination with the Division of Library Development and Services, develop deaf–related programs and materials and share them with county library systems and other libraries in the State;

(5) Develop partnerships and strategic alliances with other entities, including:

(i) The Governor's Office for the Deaf and Hard of Hearing;

(ii) County library systems;

(iii) The Division of Library Development and Services;

(iv) Veterans' groups;

(v) State and local arts councils;

(vi) Senior citizens organizations; and

(vii) Deaf and hard of hearing organizations, including:

1. The National Association of the Deaf;

2. The Hearing Loss Association of America; and

3. The Maryland Association of the Deaf;

(6) Encourage partnerships and collaborations with information service providers to help provide virtual access to information and research;

(7) Form a Deaf Culture Digital Library Advisory Board to provide advice on initiatives that further advance the mission and goals of the Deaf Culture Digital Library and the majority of whose members are deaf or hard of hearing and selected from the following entities:

(i) County library systems;

(ii) The Division of Library Development and Services;

(iii) The Governor's Office for the Deaf and Hard of Hearing;

(iv) Statewide deaf and hard of hearing organizations; and

(v) Other organizations as agreed on by the Governor's Office for the Deaf and Hard of Hearing and the Division of Library Development and Services; and

(8) Establish a Deaf Culture Digital Library "Friends of the Library" group composed of individuals who are strongly committed, well–positioned, and able to promote community involvement, advocacy, and funding for the Deaf Culture Digital Library.

(c) The lead employee or coordinator who manages the Deaf Culture Digital Library shall be:

(1) A deaf or hard of hearing individual; and

(2) Knowledgeable and experienced concerning issues affecting deaf and hard of hearing individuals.

§23–201.

(a) The Central Library of the Enoch Pratt Free Library System is the State Library Resource Center.

(b) The State Library Resource Center shall provide and expand access to specialized library materials and services that are necessary for coordinated, efficient, and economical library services in this State.

§23–202.

(a) The boards of library trustees of at least three public library systems outside the standard metropolitan statistical areas defined by the United States Bureau of the Census may request the Department to establish and maintain a regional resource center.

(b) Each regional resource center shall provide, through mutual cooperation and coordination, books, information, and other material and service resources that an individual library cannot provide adequately by itself.

(c) (1) A region to be served by a regional resource center shall have a population of at least 100,000.

(2) Subject to approval by the Department, the boards of library trustees of the participating library systems shall designate the library to serve as the resource center.

(3) If possible, the library selected as the regional resource center shall be:

(i) The strongest library in the region; and

(ii) Located so as to be of greatest service to the entire region.

(d) (1) There is a board of advisors for each regional resource center.

(2) The board of advisors consists of two individuals selected by the board of trustees of each participating library system to represent its library.

(3) The board of advisors for each regional resource center shall:

(i) Gather information on the resource needs of its region and this State;

(ii) Before State funds are distributed to it, make an annual report to the Department and the State Advisory Council on Libraries that evaluates and makes recommendations on the operation of the center;

(iii) Recommend to the board of trustees of the library designated as the regional resource center and to the Department policies and procedures for the development and use of the regional resource center;

(iv) Promote the use of the regional resource center;

(v) Recommend the purchase, condemnation, rental, use, sale, or conveyance of property for any purpose valid under this section; and

(vi) Recommend plans for the regional resource centers, which may include the use of facilities of participating libraries, additions to the facilities of participating libraries, or new facilities separate from the existing facilities of participating libraries.

(e) (1) The head of each regional resource center is the administrator of the library designated as the center.

(2) The administrator shall operate the regional resource center under standards adopted by the Department.

(3) The policies and procedures of the regional resource center shall be:

(i) Recommended by the board of trustees of the library designated as the center; and

(ii) Approved by the board of advisors of the center.

(f) Each regional resource center shall:

(1) Make interlibrary loans of books and materials;

(2) Supply collections and exhibits of specialized materials;

(3) Provide consultant services;

(4) Organize inservice training for library staffs; and

(5) Develop and operate cooperative services among libraries.

§23–203.

(a) The board of library trustees of any public library system that is not participating in a regional resource center may participate in a metropolitan cooperative service program.

(b) Each metropolitan cooperative service program shall conform to standards adopted by the State Board.

(c) Each metropolitan cooperative service program shall make an annual report

of its operations to the Department and the State Advisory Council on Libraries.

§23–204.

The Department periodically shall evaluate the effectiveness of the services performed by each regional resource center and metropolitan cooperative service program and may request any reports and information necessary for this purpose.

§23–205.

(a) Each year, the Department may include in its budget operating funds for:

(1) The State Library Resource Center;

(2) Each regional resource center;

(3) The Maryland Library for the Blind and Physically Handicapped; and

(4) Each metropolitan cooperative service program.

(b) (1) The State shall pay all capital expenses for:

(i) The State Library Resource Center; and

(ii) Each regional resource center.

(2) Before any money is spent under this subsection, the appropriate board of library trustees shall:

(i) Have the project approved by the Department;

(ii) Through the Department, submit the request to the Department of Budget and Management for consideration under Title 3, Subtitle 6 of the State Finance and Procurement Article; and

(iii) Agree to reimburse the Department an amount the Department determines if the facility ceases to be used for a resource center or cooperative service program.

(c) (1) Each year each participating regional resource center shall receive a minimum amount of funding for each resident of the area served, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

(i) For each of fiscal years 2011 through 2015.....$6.75 per each resident of the area served;

(ii) For fiscal year 2016..... $6.95 per each resident of the area

served;

(iii) For fiscal year 2017..... $7.15 per each resident of the area served;

(iv) For fiscal year 2018..... $7.35 per each resident of the area served;

(v) For fiscal year 2019.$7.55 per each resident of the area served;

(vi) For fiscal year 2020..... $7.75 per each resident of the area served;

(vii) For fiscal year 2021..... $7.95 per each resident of the area served;

(viii) For fiscal year 2022..... $8.15 per each resident of the area served;

(ix) For fiscal year 2023..... $8.35 per each resident of the area served;

(x) For fiscal year 2024..... $8.55 per each resident of the area served; and

(xi) For fiscal year 2025 and each fiscal year thereafter..... $8.75 per each resident of the area served.

(d) (1) Each year the State Library Resource Center shall receive a minimum amount of funding for each State resident in the previous fiscal year, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

(i) For each of fiscal years 2010 through 2016.....$1.67 per State resident;

(ii) For fiscal year 2017..... $1.69 per State resident;

(iii) For fiscal year 2018..... $1.71 per State resident;

(iv) For fiscal year 2019..... $1.73 per State resident;

(v) For fiscal year 2020..... $1.75 per State resident;

(vi) For fiscal year 2021..... $1.77 per State resident;

(vii) For fiscal year 2022..... $1.79 per State resident;

(viii) For fiscal year 2023..... $1.81 per State resident;

(ix) For fiscal year 2024..... $1.83 per State resident; and

(x) For fiscal year 2025 and each fiscal year thereafter.....$1.85 per State resident.

(e) Beginning in fiscal year 2016 and in each fiscal year thereafter, the Maryland Library for the Blind and Physically Handicapped shall receive an amount equivalent to at least 25% of the amount received by the State Library Resource Center for the same fiscal year under subsection (d) of this section.

(f) (1) The Department shall:

(i) Disburse funds to the State and regional resource centers, the Maryland Library for the Blind and Physically Handicapped, and metropolitan cooperative service programs; and

(ii) Require that these funds be used subject to any conditions specified by the appropriating agency or imposed under this subtitle.

(2) The Department may authorize the State Comptroller to withhold funds from any regional resource center or metropolitan cooperative service program that fails to meet the standards adopted by the Department.

§23–206.

(a) Any two or more boards of library trustees acting as incorporators under this section and the nonstock corporation laws may organize a cooperative library corporation to administer joint library projects in their counties.

(b) (1) The membership of the corporation consists of the members of each board of library trustees that signs the articles of incorporation.

(2) If each of the member boards agree, another county may become a member of the corporation.

(c) The member boards may delegate any of their intracounty powers and duties to the corporation to the extent necessary to enable it to carry out and administer joint library projects.

(d) Professional and clerical employees of a cooperative library corporation shall join the Teachers' Retirement System.

(e) Each cooperative library corporation:

(1) Is entitled to use the library fund;

(2) Shall have the annual audit required for a library;

(3) Shall make the annual report required of a board of library trustees; and

(4) Is exempt from taxation under § 7-202 of the Tax - Property Article.

§23–301.

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

(b) (1) "Depository library" means a library designated for the receipt and maintenance of State publications.

(2) "Depository library" includes:

(i) The State Library Resource Center;

(ii) The Maryland Department of Legislative Services Library;

(iii) The State Archives;

(iv) The Maryland State Law Library;

(v) The McKeldin Library of the University of Maryland;

(vi) The Library of Congress; and

(vii) Any other library designated by the Commission on State Publications Depository and Distribution Program as a depository library.

(c) "Program" means the State Publications Depository and Distribution Program.

(d) "State agency" means any permanent or temporary State office, department, division or unit, bureau, board, commission, task force, authority, institution, State college or university, and any other unit of State government, whether executive, legislative, or judicial, and includes any subunits of State government.

(e) (1) "State publication" means informational materials produced, regardless of format, by the authority of, or at the total or partial expense of any State agency.

(2) "State publication" includes a publication sponsored by a State agency, issued in conjunction with, or under contract with the federal government, local units of government, private individuals, institutions, corporations, research firms, or other entities.

(3) "State publication" does not include correspondence, interoffice and intraoffice memoranda, routine forms or other internal records, publications of bicounty agencies which comply with this program as required in § 23-304 of this subtitle, or any

informational listing which any State statute provides shall be sold to members of the public for a fee.

§23–302.

(a) There is created, as part of the State Library Resource Center at the Enoch Pratt Free Library, a State Publications Depository and Distribution Program.

(b) This Program is responsible for:

(1) The collection of State publications;

(2) The distribution of State publications to the depository libraries;

(3) The monthly issuance of a list of all State publications that have been received by the Center. This list shall be sent to all depository libraries and to others upon request and the Center may provide for subscription services; and

(4) Making determinations on exemptions of State publications from the depository requirements of this subtitle.

(c) The Administrator of the Program shall be appointed by the Director of the State Library Resource Center.

(d) Funding for the Program shall be provided in the aid to education budget of the State Board of Education in a program entitled State Publications Depository.

§23–303.

(a) Each State agency shall designate an agency publications contact person, and shall notify the Center of the designation.

(b) Each State agency shall furnish to the Center a sufficient quantity of each publication to meet the requirements of the depository system.

§23–304.

Each bicounty agency shall:

(1) Designate an agency publications contact person, and notify the Center of the designation;

(2) Furnish to the Center 1 copy of each publication to meet the requirements of the depository system; and

(3) Furnish 1 copy each to a designated branch library within each county library system of the counties in which the bicounty agency operates or furnish all copies to the Center for distribution as stated in this section.

§23–401.

(a) The governing body of each county may establish, and appropriate an amount to support, a county public library system free from political influence.

(b) Each county public library system shall be governed by a board of trustees. However, a charter county may:

(1) Establish a county library agency and grant it some or all of the powers of a board of trustees; or

(2) Have a board of library trustees, provide for the board's selection, and determine its powers.

§23–402.

(a) (1) The Mayor and City Council of Baltimore shall be governed by the requirements and regulations pertaining to the Enoch Pratt Free Library of Baltimore City as provided in Chapter 181 of the Acts of 1882 and any other laws applicable to the operation of public libraries.

(2) The powers and duties of the Board of Trustees of the Enoch Pratt Free Library are as provided in Chapter 181 of the Acts of 1882 and the Charter and the Articles of Incorporation of the Enoch Pratt Free Library and other laws applicable to the Board of Trustees of the Enoch Pratt Free Library.

(b) (1) The County Commissioners of Washington County shall be governed by the requirements and regulations pertaining to the Washington County Free Library as provided in Chapter 511 of the Acts of 1898 and any other laws applicable to the operation of public libraries.

(2) The powers and duties of the Board of Trustees of the Washington County Free Library are as provided in Chapter 511 of the Acts of 1898 and the Charter, Articles of Incorporation, and other laws applicable to the Board of Trustees of the Washington County Free Library.

(c) (1) Notwithstanding any other provisions of this subtitle, employees of the Prince George's County Memorial Library System have the right to organize and bargain collectively through representatives of their choosing as authorized by the Prince George's County Charter, Section 908, as of July 1, 1986.

(2) Such employees shall be covered under the provisions of the Prince George's County Labor Code, as provided in § 13A–116 of that Code, as of July 1, 1995.

(3) (i) Notwithstanding any other provision of law, a certified bargaining agent or employee organization that represents employees of the Prince George's County Memorial Library System may not call or direct a strike.

(ii) Any certified bargaining agent or employee organization designated as an exclusive representative of the employees of the Prince George's County Memorial Library System that violates any provision of this paragraph shall have its designation as exclusive representative revoked by the Prince George's County Memorial Library System and the certified bargaining agent, employee organization, and any other employee organization that violates any provision of this paragraph is ineligible to be designated as exclusive representative for a period of 2 years after the violation.

(iii) If a certified bargaining agent or an employee organization violates any provision of this paragraph, the Prince George's County Memorial Library System shall stop making payroll deductions for dues of the organization for 1 year after the violation.

(d) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Bonus points" means established bonus or percentage points used during the bid evaluation process to adjust the bid price submitted by minority business enterprises for the purpose of ascertaining the lowest bidder.

(iii) "Mandatory set–asides" means a procedure designating a certain percentage of total contract dollars for award to minority business enterprises.

(iv) "Mandatory subcontracting" means a procedure mandating that a certain percentage of the dollar amount of designated contracts be subcontracted to minority business enterprises.

(v) "Minority business enterprise" means any business enterprise:

1. A. That is at least 51 percent owned by 1 or more minority individuals; or

B. In the case of any publicly owned corporation, at least 51 percent of the stock of which is owned by 1 or more minority individuals; and

2. Whose management and daily business operations are controlled by 1 or more minority individuals.

(vi) "Percentage points" means established percentage points given for minority business enterprise participation in a sealed proposal process.

(vii) "Restrictive bidding" means competitive bidding of designated contracts that are restricted to minority business enterprises.

(viii) "Restrictive price quotations" means negotiated small procurements that are restricted to minority business enterprises.

(2) The Board of Trustees of the Prince George's County Memorial Library System shall undertake and complete an internal and market fact–finding process by January 1, 1990, to assess the appropriate scope of a minority business enterprise program for the Board. The results of the fact–finding process, including statistical data, supporting documentation, and reports, shall be reported to the Prince George's County Delegation of the General Assembly by January 31, 1990.

(3) If the fact finding required by subsection (b) of this section demonstrates a compelling governmental interest to adopt a remedial minority business enterprise program, the Board of Trustees, by resolution and by implementing rules and regulations, shall establish a minority business enterprise program to facilitate the participation of certified minority business enterprises in contracts awarded by the Board. The program shall include specific goals and the definition of "minority individual".

(4) In establishing a minority business enterprise program, the Board of Trustees is authorized to use incentives to achieve the designated goals of the program, including but not limited to:

(i) Mandatory set–aside procedures;

(ii) Mandatory subcontracting procedures with reasonable waiver provisions;

(iii) The application of bonus points;

(iv) The application of percentage points;

(v) Restrictive bidding;

(vi) Restrictive price quotations;

(vii) The reduction or waiver of bonding requirements; and

(viii) Incentives to encourage maximum participation by:

1. Small businesses;

2. A variety of different businesses; and

3. Businesses located within Prince George's County.

(5) (i) The Board of Trustees may appoint a minority business enterprise officer to administer any minority business enterprise program established, who shall submit reports to the Board of Trustees.

(ii) It is the responsibility of the minority business enterprise officer to conduct outreach programs to assist the minority business enterprise community

in participating in any minority business enterprise program established under this subsection.

(6) The Board of Trustees shall advise the Prince George's County Delegation of the General Assembly regarding the substance of any minority business enterprise program that it establishes.

(7) (i) The program shall be evaluated every 2 years.

(ii) The results of any evaluation under this paragraph shall be submitted to the Prince George's County Delegation of the General Assembly.

(e) In Garrett County, the public library system operated by the Board of Trustees shall be known as the Ruth Enlow Library of Garrett County.

§23–403.

(a) (1) Except as provided in paragraph (3) of this subsection, each board of library trustees consists of seven members appointed by the county governing body from nominees submitted by the board of library trustees.

(2) A board that existed before 1945 under a corporate charter may continue as constituted if:

(i) It has at least seven members;

(ii) The members are chosen on the basis of character, ability, and demonstrated interest in library matters; and

(iii) The members meet the qualifications required under subsection (b) of this section.

(3) In Harford County, the Board of Trustees consists of at least 7 members, but not more than 11 members, appointed by the county governing body from nominees submitted by the Board of Trustees.

(b) The members of the board shall be:

(1) Representative of the area the library serves; and

(2) Residents of the county that the library serves.

(c) (1) Except as provided in subsections (d) and (e) of this section, a member of a board serves for a term of 5 years and until a successor is appointed and qualifies. These terms are staggered as required by the terms of the members serving on the board as of July 1, 1978.

(2) Except as provided in paragraph (4) of this subsection, a member may be reappointed but may not serve more than two consecutive terms.

(3) A member appointed to fill a vacancy in an unexpired term:

(i) Serves only for the remainder of that term and until a successor is appointed and qualifies; and

(ii) Is eligible for appointment to serve two additional consecutive terms.

(4) A member of the Board of the Prince George's County Memorial Library System may serve an unlimited number of consecutive terms of office.

(d) In Charles County, a member of the Board serves for a term of 4 years.

(e) In Harford County, a member of the Board serves for a term of 5 years, beginning on July 1, and until a successor is appointed and qualifies.

(f) Each member of a board serves without compensation.

§23–404.

(a) Each year, each board of library trustees:

(1) Shall elect one of its members as its chairman; and

(2) May elect any other officer it requires.

(b) The treasurer of each board of library trustees shall be bonded adequately.

(c) Each board of library trustees may determine the time and place of its meetings and may adopt rules for the conduct of its meetings. However:

(1) Each board shall meet at least once every 3 months;

(2) Any final action of a board shall be taken at a public meeting; and

(3) The minutes of board meetings shall be open to the public.

(d) (1) Any member of a board of library trustees who fails to attend at least half of the scheduled meetings of the board during any calendar year shall be considered to have resigned from the board.

(2) The chairman of the board of library trustees shall report the member's name and nonattendance to the county governing body by January 15 of the following year.

(3) The county governing body may reject the resignation if the member explains his nonattendance satisfactorily.

(4) The resignation is effective from the date of the final review by the

county governing body, which shall be within 10 days after it receives the report from the chairman of the board of library trustees. The county governing body shall fill any resulting vacancy as provided in § 23-403 of this subtitle.

§23–405.

(a) In addition to any other powers granted or duties imposed by this subtitle, each board of library trustees has the powers and duties set forth in this section.

(b) (1) Except as provided in paragraph (2) of this subsection, each board of library trustees:

(i) Shall establish and operate the library to provide free services to residents of the county in which it is located; and

(ii) May permit persons outside of the county to use the library facilities on the terms and conditions it determines.

(2) In Baltimore City and Baltimore, Charles, Montgomery, and Prince George's counties, the board of library trustees in each of these counties may permit a library to charge fees for the rental of video cassettes.

(c) Each board of library trustees may:

(1) Establish and operate libraries at any location in the county;

(2) Determine the policy of the library; and

(3) Adopt reasonable rules, regulations, and bylaws for the use of the library and the conduct of its business.

(d) Each board of library trustees may:

(1) Advise in the preparation of, and approve, the library budget;

(2) Receive, account for, control, and supervise, under the rules and regulations of the county governing body, the spending of all public funds received by the library; and

(3) Use the services of the fiscal agencies of the county governing body.

(e) Each board of library trustees shall:

(1) Provide for an audit at least annually, by an accountant approved by the State Superintendent of its business and financial transactions and of the accounts of its treasurer;

(2) Make public the results of the annual audit; and

(3) Make an annual report to the county governing body and the State Superintendent on or before November 1 of each year, except that a county having a population of more than 500,000 and having a county library agency as provided by § 23-401(b) of this subtitle shall submit their report by January 1. The report shall show:

(i) The amounts of money received from the library fund and other sources;

(ii) The itemized expenses;

(iii) The number of books and periodicals the library has;

(iv) The results of the annual audit; and

(v) Any other information the Department requires.

(f) Each board of library trustees may:

(1) Accept any gift, grant, or appropriation for library purposes from any person under any appropriate terms and conditions;

(2) Own and dispose of these gifts, grants, and appropriations;

(3) Recommend to the county governing body the acquisition, use, or conveyance of property, for any purpose valid under this subtitle;

(4) Select the location of and approve plans for the erection of library buildings, subject to the approval of the county governing body;

(5) Make contracts for any library service with any person; and

(6) Do anything else necessary for the proper control and development of the library.

§23–406.

(a) Each board of library trustees:

(1) Shall select and appoint a professional librarian eligible for certification as director of the library to serve at the pleasure of the board; and

(2) May delegate to the director its authority to appoint any other necessary employees.

(b) Each board of library trustees shall establish policies for:

(1) Staff classification;

(2) Salaries;

(3) Work conditions;

(4) Suspension with pay;

(5) Grievance procedures;

(6) Benefits, including vacation and sick leave;

(7) Hours of work; and

(8) Any other personnel procedures and practices necessary for the efficient operation of the library.

(c) Each professional public librarian appointee to the professional library staff:

(1) Shall hold a certificate of library qualifications issued by the State Superintendent; or

(2) (i) Shall be eligible for State certification as a professional public librarian; and

(ii) Shall apply for certification within 6 months of starting employment.

(d) (1) The director or the director's designee may suspend a library employee without pay for a specified period up to 10 working days, for the following reasons:

(i) Misconduct in office;

(ii) Insubordination;

(iii) Incompetency; or

(iv) Willful neglect of duty.

(2) (i) The director or the director's designee shall give the suspended employee a written statement that specifies the reasons for the suspension.

(ii) The director or the director's designee shall place a copy of the written statement that specifies the reasons for the suspension in the employee's official personnel file.

(3) (i) The employee shall have the opportunity to reply in writing to the director within 10 working days after the employee receives notice of the suspension.

(ii) The employee may request a hearing before the board of trustees within 10 working days after receiving notice of the suspension.

(iii) If the employee requests a hearing within the 10-day period, the

board shall promptly hold a hearing, but a hearing may not be set within 10 working days after the board sends the employee a notice of the hearing.

(4) If an employee is suspended without pay and found not guilty of the reasons for the suspension, the board shall refund all pay benefits lost by reason of the suspension to the employee.

(5) Suspension of an employee with pay shall be as provided by the library's personnel policy.

(e) (1) On written recommendation of the library director, each board of library trustees may dismiss any library employee under its jurisdiction for any of the following reasons:

(i) Misconduct in office;

(ii) Insubordination;

(iii) Incompetency; or

(iv) Willful neglect of duty.

(2) (i) Before removing an employee, the director shall send the employee a written copy of the charges against the employee and give the employee an opportunity to request a hearing before the board within 10 working days.

(ii) If the employee requests a hearing within the 10-day period the board promptly shall hold a hearing, but a hearing may not be set within 10 working days after the board sends the employee a notice of the hearing.

(iii) The employee shall have an opportunity to be heard publicly before the board in his own defense, in person or by counsel and to bring witnesses to the hearing.

(3) If the board votes to remove the employee and:

(i) The decision is unanimous, the decision of the board is final; or

(ii) The decision is not unanimous, the employee may appeal to the State Board of Education through the State Superintendent.

(f) The director of each library shall:

(1) Act as the general executive officer of the library and be responsible for the management of its operations in accordance with policies approved by the board of library trustees;

(2) Prepare the annual budget of the library, and present it to the board for approval;

(3) Nominate for appointment all library employees in the county library system; and

(4) Establish reasonable rules and adopt regulations for the use of the library system subject to approval by the board of library trustees.

§23–407.

The board of library trustees of any library may use volunteer aides. These volunteer aides may not replace library personnel but shall assist regular personnel in carrying out their duties. Each board of library trustees shall develop guidelines for the selection and use of volunteer aides in its library system. Volunteer aides shall be considered agents of the board of library trustees for the limited purpose of comprehensive liability insurance coverage.

§23–408.

(a) A person may not unlawfully take, detain, mutilate, injure, or disfigure any book, map, picture, engraving, manuscript, or other property of any library.

(b) Any person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $250, imprisonment not exceeding 3 months, or both.

§23–501.

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

(b) "Adjusted assessed valuation of real property" means the most recent estimate by the State Department of Assessments and Taxation before the State budget is submitted to the General Assembly, of the sum of 100 percent of the assessed valuation of operating real property of public utilities and 50 percent of the assessed value of all other real property for State purposes as of July 1 of the first completed fiscal year before the fiscal year for which the calculation of State library aid is made under this subtitle.

(c) "Capital expense" means principal and interest payments, or current capital spending or accumulation for:

(1) The purchase of land for libraries;

(2) The purchase and construction of library buildings;

(3) Remodeling and adding to library buildings; and

(4) The purchase of equipment and furniture for these library buildings.

(d) "Net taxable income" means the amount certified by the State Comptroller

for the second full calendar year before the fiscal year for which the calculation of State library aid is made under this subtitle, based on tax returns filed on or before July 1 after that calendar year.

(e) "Population" means population determined from figures available as of July 1 of the calendar year before the fiscal year for which the calculation is made, from:

(1) The latest decennial census; or

(2) Estimates prepared by the Department of Health and Mental Hygiene.

(f) "Real property" means all property classified as real property under § 8-101(b) of the Tax - Property Article.

(g) "Wealth" means the sum of net taxable income and adjusted assessed valuation of real property.

§23–502.

(a) There is a county-State minimum library program for the support and growth of public libraries.

(b) The State shall share in the current operating and capital expenses of the county public library systems that participate in the minimum library program.

§23–503.

(a) (1) The entire capital and operating cost of the minimum library program for this State as a whole shall be shared as provided in this subsection.

(2) The State shall provide:

(i) Approximately 40 percent of the total cost of the minimum program; and

(ii) Not less than 20 percent of the cost of the minimum program in any county.

(3) The counties participating in the program together shall provide through local taxes approximately 60 percent of the total statewide cost of the minimum program.

(b) (1) Each county public library system that participates in the minimum library program shall be provided for each resident of the county, to be used for operating and capital expenses:

(i) For each of fiscal years 2011 through 2015 – $14.00;

(ii) For fiscal year 2016 – $14.27;

(iii) For fiscal year 2017 – $14.54;

(iv) For fiscal year 2018 – $14.81;

(v) For fiscal year 2019 – $15.08;

(vi) For fiscal year 2020 – $15.35;

(vii) For fiscal year 2021 – $15.62;

(viii) For fiscal year 2022 – $15.89;

(ix) For fiscal year 2023 – $16.16;

(x) For fiscal year 2024 – $16.43; and

(xi) For fiscal year 2025 and each fiscal year thereafter – $16.70.

(2) (i) The State shall share in this amount.

(ii) Any county may provide an amount greater than its share under the cooperative program, but the State may not share in the excess.

(c) Any employer Social Security contributions required by federal law for any employee in a county public library system shall remain the obligation of the employer.

§23–504.

(a) (1) Subject to paragraph (2) of this subsection, a public library shall reimburse the State annually for the employer contributions made by the State for an employee who:

(i) Is a member of the Teachers' Retirement System or the Teachers' Pension System under Division II of the State Personnel and Pensions Article; and

(ii) Is receiving a salary funded by a source other than State or local aid.

(2) To the extent that an employee's salary is funded in part by sources other than State or local aid, the public library shall reimburse the State a pro rata share of the State's payment based on the percentage of the employee's salary funded by a source other than State or local aid.

(b) (1) To ensure that each public library is properly reimbursing the State as provided under subsection (a) of this section, the Department or, at the Department's request, a public library may at any time examine the records of public libraries to determine whether the State's payments for retirement contributions for employees of the public libraries are in accordance with the provisions of Division II of the State Personnel and Pensions Article.

(2) An audit conducted under paragraph (1) of this subsection may be:

(i) Included with an existing annual financial audit as a supplemental part and tested independently;

(ii) Conducted in conjunction with a supplemental federally mandated single audit of federal financial assistance programs and tested independently; or

(iii) Conducted as a separate independent audit.

(c) (1) (i) If an examination of the records of a public library shows that the State has paid more than is required under Division II of the State Personnel and Pensions Article, within 30 days after the date of the notice to the library of the State overpayment, the public library may appeal the notice of State overpayment to the Secretary of Budget and Management who shall appoint a hearing examiner.

(ii) The hearing examiner shall make recommendations to the Secretary of Budget and Management who shall make a final determination regarding the amount, if any, of the State overpayment.

(2) If a public library does not appeal to the Secretary of Budget and Management or if the Secretary of Budget and Management determines that the State is due reimbursement for excess payments as provided in paragraph (1) of this subsection, at the request of the Department the moneys owed shall be deducted from any other State funds that would otherwise be paid to the public library.

(3) For purposes of the Administrative Procedure Act, an appeal taken under this section is not a contested case.

(d) (1) Any reimbursements under subsection (a) of this section:

(i) Shall be applied first to the cost of any audit or portion of any audit relating to subsection (a) of this section to reimburse either the Department or the public library for the expenses of the audits; and

(ii) After reimbursement to the Department or public library under item (i) of this paragraph, shall be credited to the General Fund.

(2) If an audit under this section is performed by a public library, before the public library is reimbursed under paragraph (1)(i) of this subsection, the public library shall provide documentation to the Department that the incremental costs of the audit incurred by the public library are reasonable.

§23–505.

(a) To be eligible for its State share of the minimum program, a county government shall levy an annual tax sufficient to provide an amount for library

purposes equal to:

(1) The wealth of the county; times

(2) A uniform percentage, rounded to the fifth decimal place equal to:

(i) 60 percent of the total minimum program for current and capital expenses to be shared for all counties; divided by

(ii) The total wealth of all the counties.

(b) The State share of the minimum program for current and capital expenses for each county is the difference between the county share calculated under subsection (a) of this section and the minimum program for current and capital expenses to be shared under § 23-503 of this subtitle.

(c) Not more than 20 percent of the county and State shares may be applied to capital expenses.

(d) The county appropriation for capital expenses may include funds from any source except the State.

§23–506.

(a) The State Superintendent shall authorize the payment of funds under this subtitle:

(1) To the board of library trustees of each county that has a board of trustees; or

(2) In each county that does not have a board of library trustees, to the county.

(b) (1) Current operating funds shall be administered by the county board of library trustees.

(2) Capital expense funds shall be administered by the county council, board of county commissioners, or Mayor and City Council of Baltimore City.

(c) (1) The funds provided under this subtitle may be used only for library purposes.

(2) The State Superintendent shall require that these funds be used subject to any conditions specified by the appropriating agency or imposed under this subtitle.

§23–506.1.

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

(2) "Obscene" has the meaning stated in § 11-203 of the Criminal Law Article.

(3) "Child pornography" means a violation of § 11-207 of the Criminal Law Article.

(b) On or before January 1, 2001, each county or board of trustees of a county library shall:

(1) Adopt and implement policies and procedures to prevent minors from obtaining access through the library, by means of the Internet, the World Wide Web, Usenet, or any other interactive computer service to materials that are obscene or constitute child pornography; and

(2) Submit the policies and procedures required under this section to the State Superintendent for review.

(c) The State Superintendent or a designee of the State Superintendent shall regularly monitor the county libraries to determine whether each library is complying with the policies and procedures adopted for preventing a minor from obtaining Internet access to obscene materials through the library.

§23–507.

The State Superintendent shall authorize the State Comptroller to withhold State funds from any county that fails:

(1) To appropriate the amount of its share of the minimum program; or

(2) To meet the requirements of the law or of the State Board for operating the county library.

§23–508.

Through fiscal year 1983, the State Department of Education shall satisfy its obligation of former Article 77, § 177(e) by equal yearly payments.

§23–509.

Remuneration of an employee on account of sickness or accident of the employee shall be paid and treated as sick pay and not as continuation of salary.

§23–510.

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

(2) "Capital project" means the:

(i) Acquisition of land or buildings for a county library; or

(ii) Construction or improvement of a county library.

(3) "Construction or improvement" means planning, design, engineering, alteration, construction, reconstruction, enlargement, expansion, extension, improvement, replacement, rehabilitation, renovation, upgrading, repair, or capital equipping.

(4) "County library" means a library in a county public library system in the State.

(5) "Division" means the Division of Library Development and Services in the Department.

(b) (1) There is a State grant program for county public library capital projects in the Division.

(2) The grant program is in addition to the county–State minimum library program established under § 23–502 of this subtitle.

(c) (1) The Division shall develop and administer a grant program to assist in the funding of county library capital projects.

(2) The purpose of the grant program is to:

(i) Provide a uniform and objective analysis of proposed capital projects; and

(ii) Support projects that address the library needs in the State.

(3) Grants under the program:

(i) Require a matching fund from any combination of county, municipal, or private sources; and

(ii) May not be for an amount less than $20,000.

(d) (1) On or before July 15 of each year, a county public library system may submit applications to the Division to receive grants for county library capital projects for the next fiscal year.

(2) In order to apply for a capital project grant, a county public library system shall have:

(i) A countywide library plan that includes a mission statement, needs statement, and multiyear goals and objectives on file with the Division; and

(ii) A master plan that includes a description of the capital project approved by the applicant's governing body.

(3) An application shall include:

(i) A description of the scope and purpose of the project;

(ii) A building plan that includes the estimated total cost of the project; and

(iii) Any other information required by the Division.

(4) A county public library system may not apply for more than three capital project grants in a fiscal year.

(e) (1) The Division shall review grant applications submitted in accordance with subsection (d) of this section.

(2) On or before October 1 of each year, the Division shall make recommendations to the State Board regarding capital project grants for the next fiscal year.

(3) In making its recommendations, the Division shall consider:

(i) The public necessity and urgency of a project;

(ii) The need for additional sources of funding for a project;

(iii) The estimated cost and timeliness of executing a project;

(iv) The viability of matching funds for a project; and

(v) Geographic diversity.

(4) On or before November 1 of each year, the State Board shall:

(i) Approve capital projects for funding in the State budget for the next fiscal year; and

(ii) Forward the list of approved capital projects to the Department of Budget and Management.

(5) For fiscal year 2008 and each fiscal year thereafter, the Governor shall include in the annual operating or capital budget submission $5,000,000 for county library capital projects.

(f) (1) The State share percentage for a county library capital project approved under this section shall be calculated by dividing the State share of the minimum program for a county calculated under § 23–505(b) of this subtitle by the library program amount for a county calculated under § 23–503(b) of this subtitle, and multiplying this quotient by 1.25.

(2) (i) The minimum State share of a county library capital project is 50%.

(ii) The maximum State share of a county library capital project is 90%.

(g) The State Board shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, on or before October 1 of each year, on State grants awarded for county public library capital projects for the prior fiscal year.

(h) The State Board shall adopt regulations to implement the grant program established under this section.

§23–601.

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

(b) "Board" means the Board of Library Trustees for Howard County.

(c) "Certified exclusive representative" means the employee organization that has been certified as the collective bargaining agent for a bargaining unit.

(d) "County Council" means the Howard County Council.

(e) "County Executive" means the Howard County Executive.

(f) "Director" means the President and Chief Executive Officer of the Howard County Library System, or the President and Chief Executive Officer's designee.

(g) "Employee" means a full–time library staff member who receives employment benefits.

(h) "Employee organization" means an organization that includes employees of the employer and has as a primary purpose the representation of the employees in their relations with the employer.

(i) "Employer" means the Howard County Library System.

§23–602.

Employees of the employer may:

(1) Form, join, and participate in an employee organization;

(2) Bargain collectively through a certified exclusive representative of their choice;

(3) Engage in lawful concerted activities for their mutual aid and

protection; and

(4) Refrain from any activity covered under items (1) through (3) of this section.

§23–603.

(a) The employer and the certified exclusive representative have a responsibility to engage in good faith bargaining over matters required by law.

(b) The employer and the certified exclusive representative jointly shall be responsible for fostering a positive labor relations environment based on mutual trust, respect, communication, and cooperation.

(c) The goal of collective bargaining is the delivery of quality public services to the residents of the State in a manner that is consistent and compliant with law.

§23–604.

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

(2) "Confidential employee" means an employee who, as a functional responsibility, acts in a confidential capacity to assist Howard County Library System officials who formulate, determine, and effectuate policies in the field of employee relations.

(3) "Management employee" means an employee who, in the interest of the employer, has:

(i) The authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees;

(ii) The responsibility to direct other employees;

(iii) The authority to address the employee grievances; or

(iv) The authority to recommend an action regarding an employee in connection with the exercise of the authority listed in items (i) through (iii) of this paragraph if the exercise of the authority is not merely routine or clerical in nature, but requires the use of independent judgment.

(b) There are a professional and technical unit and a service and labor unit for collective bargaining purposes.

(c) (1) Except as provided in paragraph (2) of this subsection, the professional and technical unit includes:

(i) Professional classification titles under which employees have special or theoretical knowledge that usually is acquired through college training,

other training that provides comparable knowledge, or work experience;

(ii) Paraprofessional classification titles under which employees perform, in a supportive role, some of the duties of a professional or technician but that usually require less formal training or experience than those duties performed by those with professional or technical classification titles; and

(iii) Technical classification titles under which employees have basic technical knowledge and manual skills that are usually acquired through specialized postsecondary school education or through equivalent on–the–job training.

(2) The professional and technical unit does not include management employees or confidential employees.

(d) (1) Except as provided in paragraph (2) of this subsection, the service and labor unit includes classification titles under which employees perform service and maintenance, may operate specialized machinery or heavy equipment, and contribute to the comfort and convenience of the public or to the upkeep and care of the employer's buildings, facilities, and grounds.

(2) The service and labor unit does not include management employees or confidential employees.

(e) When determining whether an employee is a management employee for the purposes of excluding the employee from a bargaining unit under subsection (c)(2) or subsection (d)(2) of this section:

(1) The exercise of any single function listed in subsection (a)(3) of this section does not necessarily require the conclusion that the employee is a management employee;

(2) Job titles may not be the exclusive basis for concluding that the employee is a management employee; and

(3) The nature of the employee's work, including whether or not a major portion of the working time of the employee is spent as part of a team with nonmanagement employees, must be considered.

§23–605.

(a) (1) An employee organization that is seeking certification as the exclusive representative of a bargaining unit shall submit a petition to the Director that includes the signatures of at least 30% of the eligible employees in the bargaining unit indicating the wish to be represented exclusively by the employee organization specified in the petition for the purpose of collective bargaining.

(2) An employee organization that submits a petition to the Director under paragraph (1) of this subsection may not discriminate with regard to terms or conditions

of membership because of gender, color, creed, race, national origin, religion, sexual preference, gender identity, or political affiliation.

(b) If the Director does not challenge the validity of the petition within 30 days after the Director receives the petition, the petition shall be submitted to the State Mediation and Conciliation Service for the purpose of holding a consent election and certification of the employee organization in accordance with Title 4, Subtitle 2, Part II of the Labor and Employment Article.

(c) If the Director challenges the validity of the petition, either the employer or the employee organization may submit a request to the State Mediation and Conciliation Service to determine the validity of the petition and whether to conduct a consent election and certify the employee organization in accordance with Title 4, Subtitle 2, Part II of the Labor and Employment Article.

(d) Any costs associated with this section shall be shared equally by the employer and the employee organization specified in the petition.

§23–606.

(a) The employer shall recognize the right of the certified exclusive representative to represent the employees in the unit in collective bargaining and in the settlement of grievances.

(b) The certified exclusive representative of a unit shall:

(1) Serve as the sole agent for the unit in collective bargaining; and

(2) Represent all employees in the unit fairly, without discrimination, and without regard to whether the employee is a member of the employee organization.

(c) The certified exclusive representative meets the requirement of subsection (b)(2) of this section if its actions with respect to employees in the unit are not arbitrary, discriminatory, or in bad faith.

§23–607.

(a) If an exclusive representative is certified under § 23–605 of this subtitle, the employer and the certified exclusive representative shall enter into a collective bargaining agreement that contains provisions regarding:

(1) Wage, hours, and terms and conditions of employment;

(2) The orderly processing and settlement of grievances regarding the interpretation and implementation of the collective bargaining agreement, which may include:

(i) Binding arbitration; and

(ii) Provisions for the exclusivity of forum; and

(3) The time for submission of items to the County Executive under § 23–609(e)(1) of this subtitle.

(b) (1) The employer automatically shall deduct from the paycheck of an employee who is a member of the bargaining unit represented by the certified exclusive representative dues authorized and owed by the employee to the certified exclusive representative if the employee submits to the employer a dues deduction authorization card that has been duly executed by the employee.

(2) Any dues deducted from paychecks under paragraph (1) of this subsection shall be remitted to the certified exclusive representative.

(3) The employer automatically shall stop making payroll deductions under paragraph (1) of this subsection on behalf of a certified exclusive representative if:

(i) The certified exclusive representative is decertified under § 23–611 or § 23–613 of this subtitle;

(ii) The certified exclusive representative's right to dues is revoked under § 23–613 of this subtitle; or

(iii) The employee ceases to be a member of the bargaining unit represented by the certified exclusive representative.

(c) The grievance procedures included in the collective bargaining agreement under subsection (a)(2) of this section may not allow an arbitrator to alter the terms of the collective bargaining agreement.

(d) Nothing in this section may be construed to:

(1) Authorize or otherwise allow an employee to engage in a strike as defined in § 3–303 of the State Personnel and Pensions Article; or

(2) Restrict the authority of the County Executive or the County Council to determine the budget of the employer.

(e) (1) A collective bargaining agreement entered into under subsection (a) of this section shall be effective on ratification by the majority of votes cast by the employees in the bargaining unit and approval by the Director.

(2) A single year or multiyear collective bargaining agreement shall expire at the close of Howard County's fiscal year.

§23–608.

(a) (1) Except as provided in paragraph (2) of this subsection, the employer and the certified exclusive representative shall reach an agreement by March 1 of the year a collective bargaining agreement will expire.

(2) The employer and the certified exclusive representative mutually may agree to extend negotiations for a period not to extend past June 30 of the year a collective bargaining agreement will expire.

(b) An impasse is reached during the negotiations between the employer and the certified exclusive representative if the employer and the certified exclusive representative do not reach an agreement by:

(1) March 1 of the year a collective bargaining agreement will expire; or

(2) The date to which negotiations were extended under subsection (a)(2) of this section.

(c) (1) If an impasse is reached under subsection (b) of this section, the employer and the certified exclusive representative shall submit a final offer to the other party within 24 hours of the impasse being reached.

(2) Unless the impasse reached under subsection (b) of this section has been resolved, the dispute and the final offers shall be submitted to the Federal Mediation and Conciliation Service within 5 days after the impasse is reached.

(d) (1) Within 30 days after the dispute is submitted to the Federal Mediation and Conciliation Service under subsection (c)(2) of this section, a mediator appointed by the Federal Mediation and Conciliation Service shall:

(i) Meet with the Director and the certified exclusive representative; and

(ii) Make written findings of fact and recommendations for the resolution of the dispute.

(2) Copies of the mediator's written findings and recommendations shall be submitted to the Director and the certified exclusive representative.

(3) Any costs associated with this subsection shall be shared equally by the employer and the certified exclusive representative.

(e) (1) The Director and certified exclusive representative shall meet within 5 days after the conclusion of mediation held under subsection (d) of this section to reach a voluntary resolution of the dispute.

(2) If the Director and the certified exclusive representative do not reach a

voluntary resolution of the dispute under paragraph (1) of this subsection, the Director shall submit to the Board:

(i) The final offer of the Director;

(ii) The final offer of the certified exclusive representative; and

(iii) The written findings and recommendations of the mediator.

(3) The Board may:

(i) Select one of the proposals submitted under paragraph (2) of this subsection; or

(ii) Reject all proposals submitted under paragraph (2) of this subsection and require the dispute to be submitted for mediation in accordance with this section.

§23–609.

(a) The employer shall submit to the Board a term of a collective bargaining agreement entered into under § 23–607 of this subtitle if the term:

(1) Requires an appropriation of funds; or

(2) Has or may have a fiscal impact on the employer.

(b) The employer shall make a good faith effort to have the Board approve all terms of a collective bargaining agreement that the employer is required to submit to the Board for review.

(c) (1) The Board shall state in writing whether it will request that the County Executive appropriate funds for or otherwise implement the items that require Board review:

(i) On or before May 1 of the year in which a collective bargaining agreement will expire; or

(ii) Within 30 days of receiving the terms submitted for review under subsection (a) of this section if negotiations are extended beyond May 1 under § 23–608(a)(2) of this subtitle.

(2) If the Board intends not to request an appropriation of funds for or otherwise implement a term, or part of a term, the Board shall include the reason for the rejection in the written statement required under paragraph (1) of this subsection.

(d) (1) If the Board rejects a term submitted for Board review, the employer and the certified exclusive representative shall:

(i) Meet as soon as possible to negotiate an agreement acceptable to the Board; and

(ii) Submit to the Board the results of the negotiation on or before May 15 of the year in which a collective bargaining agreement will expire.

(2) The Board shall consider the agreement submitted under paragraph (1) of this subsection and issue a statement as required under subsection (c) of this section regarding the new term.

(3) If the employer or the certified exclusive representative declare that an impasse exists, the dispute shall be submitted for mediation in accordance with § 23–608 of this subtitle.

(e) (1) (i) If the Board accepts a term submitted for Board review that requires additional funding, the Board shall submit a request to the County Executive within the time period provided in the collective bargaining agreement.

(ii) The County Executive may approve or reject a request for additional funding, in whole or in part.

(iii) If the County Executive approves a request under subparagraph (ii) of this paragraph, the County Executive shall submit the request to the County Council.

(2) The County Council may approve or reject a request for additional funding, in whole or in part.

(3) (i) If any part of a request for additional funding submitted to the County Executive or County Council under this subsection is rejected, the entire collective bargaining agreement shall be returned to the employer and the certified exclusive representative for renegotiation within the limits of the funding allocated by the County Executive and County Council.

(ii) The renegotiation shall be completed within a timetable established by the County Executive.

(iii) 1. If an impasse is reached, the employer and the certified exclusive representative shall submit a final offer, within the limits of the funding allocated by the County Executive and County Council, for the review of the County Executive.

2. The County Executive shall select one of the offers submitted under subsubparagraph 1 of this subparagraph.

3. The selection of the County Executive is binding.

§23–610.

(a) (1) Except where abridged by an express provision of a collective bargaining agreement, the employer shall retain the exclusive right and authority, at its discretion, to maintain the order and efficiency of the public service entrusted to it and to operate and manage the affairs of the employer in all aspects, including all rights and authority held by the employer before entering into a collective bargaining agreement under § 23–607 of this subtitle.

(2) The rights and authority retained by the employer under paragraph (1) of this subsection include those provided by State or local law.

(b) Specific rights and responsibilities retained by the employer under subsection (a) of this section include the right and responsibility to:

(1) Determine the purposes and objectives of each of the employer's offices and departments;

(2) Set standards of services to be offered to the public;

(3) Determine the methods, means, personnel, budget, and other resources by which the employer's operations are to be conducted;

(4) Exercise control and discretion over the employer's organization and operations;

(5) Direct its employees;

(6) Hire, promote, transfer, assign, or retain employees;

(7) Establish work rules;

(8) Demote, suspend, discharge, or take any other appropriate disciplinary action against its employees for just cause in accordance with applicable laws;

(9) Relieve employees from duty because of lack of work or other legitimate reasons;

(10) Determine:

(i) The mission, budget, organization, and number of employees of the employer;

(ii) The number, type, and grade of employees assigned;

(iii) The work project, tour of duty, and methods and processes by which the work has to be performed;

(iv) The technology needed by the employer;

(v) The internal security practices of the employer; and

(vi) The relocation of facilities needed by the employer;

(11) Determine the qualifications of employees for appointment, promotion, and step increases and to set standards of performance, appearance, and conduct of employees;

(12) Judge skill, ability, and physical fitness of employees and to create, eliminate, or consolidate job classifications, departments, or operations of the employee;

(13) Control and regulate the use of all equipment and other property of the employer;

(14) Set and change work hours;

(15) Create, alter, combine, contract out, or abolish any job classification, department, operation, unit, or other division or service of the employer;

(16) Suspend, discharge, or otherwise discipline employees for cause, except that any action may be subject to the grievance procedure agreed to in the collective bargaining agreement;

(17) Issue and enforce rules, policies, and regulations necessary to carry out the provisions of this section and other managerial functions; and

(18) Recruit, retain, assign, manage, or limit the roles or responsibilities of volunteers and develop guidelines for volunteers under § 23–407 of this title.

§23–611.

An employee organization shall be deemed decertified if a petition is submitted to the Director that includes the signatures of more than 50% of the employees in the bargaining unit indicating the wish to decertify the employee organization as the exclusive representative for collective bargaining purposes.

§23–612.

(a) The employer may not:

(1) Interfere with, coerce, or restrain an employee in the exercise of any right given to the employee under this subtitle;

(2) Interfere with or assist in the formation, administration, or existence of an employee organization;

(3) Provide financial assistance or other support to an employee organization;

(4) Encourage or discourage membership in an employee organization by discriminating against an employee through hiring, tenure, promotion, or other conditions of employment;

(5) Discharge or discriminate against an employee because the employee has signed or filed an affidavit, a petition, or a complaint or has given any information or testimony in a proceeding held under this subtitle;

(6) Refuse to bargain in good faith with an employee organization that is certified as the exclusive representative of a bargaining unit over a subject of bargaining; or

(7) Refuse to participate in good faith in the mediation, fact–finding, or grievance procedure under this subtitle.

(b) An employee organization or its agent may not:

(1) Interfere with, restrain, or coerce an employee in the exercise by the employee of any right given to the employee under this subtitle;

(2) Cause or attempt to cause the employer to discriminate against an employee in the exercise by the employee of any right given under this subtitle;

(3) Coerce, discipline, fine, or attempt to coerce a member of the employee organization as punishment or reprisal;

(4) Coerce, discipline, fine, or attempt to coerce a member of the employee organization for the purpose of impeding the member's work performance;

(5) Refuse to negotiate in good faith with the employer as required by this subtitle; or

(6) Fail or refuse to cooperate in impasse procedures under § 23–608 of this subtitle or decisions that result from those procedures.

§23–613.

(a) In this section, "strike" has the meaning stated in § 3–303 of the State Personnel and Pensions Article.

(b) An employee or an employee organization may not engage in, induce, initiate, direct, support, or ratify a strike.

(c) If a strike occurs, on request of the employer, a court of competent jurisdiction may enjoin the strike.

(d) An employee may not receive compensation from the employer while the employee is engaged in a strike.

(e) If an employee organization violates this section, the employer may:

(1) Impose disciplinary action, including dismissal, on employees engaged in the prohibited conduct;

(2) Revoke the certification of and disqualify the employee organization from representing employees for a period not to exceed 2 years; or

(3) Revoke the employee organization's right to dues and service fees.

(f) The employer may not engage in, initiate, or direct a lockout of employees.

§23–614.

Except as otherwise provided by law, if employees have entered into a collective bargaining agreement with the employer under this subtitle, the collective bargaining agreement entered into under § 23–607 of this subtitle supersedes any conflicting regulation or administrative policy of the employer.

§24–201.

There is a Maryland Public Broadcasting Commission.

§24–202.

(a) The Maryland Public Broadcasting Commission consists of 11 members appointed by the Governor.

(b) (1) Each member of the Commission shall be a resident of this State.

(2) The members shall be broadly representative of this State as a whole and shall include individuals skilled in:

(i) Public or private elementary, secondary, or higher education;

(ii) Art, music, or drama;

(iii) Radio and television;

(iv) Libraries; and

(v) Any other field that the Governor considers appropriate for the Commission.

(3) The Commission shall include two members nominated by the State Board of Education.

(4) The State Superintendent of Schools shall serve ex officio.

(c) (1) Each appointed member of the Commission serves for a term of 5 years and until a successor is appointed and qualifies. These terms are staggered as required by the terms of the members serving on the Commission as of July 1, 1978.

(2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(3) A member may be reappointed.

(d) Each member of the Commission:

(1) Serves without compensation; and

(2) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

§24–203.

(a) The Governor shall designate from among the members of the Commission a chairman and a vice chairman.

(b) The Commission shall determine the time and place of its meetings and may adopt rules for the conduct of its meetings.

§24–204.

(a) (1) The Commission annually shall prepare a budget request to provide funds to perform its duties under this subtitle.

(2) The Commission may receive and spend any grant or gift budgeted or provided for it.

(3) (i) The Commission is encouraged to make use of its facilities, equipment, and other resources to provide services that may generate additional income. Any income earned in that manner shall be considered special funds for use by the Commission.

(ii) Unexpended funds may be carried forward and expended in any subsequent fiscal year, subject to the approval of the Board of Public Works.

(b) (1) The Commission shall appoint a President who shall serve as chief executive officer for the Commission.

(2) The President serves at the pleasure of the Commission and is entitled to the compensation established by the Commission.

(3) The President shall direct the staff of the Commission and carry out the policies and duties established by the Commission.

(c) (1) The secretarial, stenographic, clerical, and custodial employees of the Commission are in the skilled service, with the exception of special appointments, in the State Personnel Management System.

(2) All other employees of the Commission are in the executive service, management service, or are special appointments in the State Personnel Management System.

(3) Notwithstanding § 4-201 of the State Personnel and Pensions Article, the Commission shall fix the compensation of the executive service, management service, and special appointment employees:

(i) Upon the recommendation of the President; and

(ii) When possible, in accordance with the State pay plan.

(4) (i) At least 45 days before the effective date of the change, the President shall submit to the Secretary of Budget and Management each change to the Commission's salary plan that involves increases or decreases in salary ranges other than those associated with routine reclassifications and promotions or general salary increases approved by the General Assembly.

(ii) The Secretary of Budget and Management shall:

1. Review the proposed changes; and

2. At least 15 days before the effective date of the proposed changes, advise the Commission whether the changes would have an adverse effect on comparable State jobs.

(iii) Failure of the Secretary of Budget and Management to respond in a timely manner is deemed to be a statement that the change will have no adverse effect.

(5) The budget submitted by the Governor to the General Assembly shall include personnel detail for the Commission in such form and manner as provided for any agency in the State Personnel Management System.

§24–205.

(a) The Commission shall operate a system of State, regional, and local facilities to provide educational and cultural radio and television programs in this State.

(b) The Commission, with the approval of the State Board of Education, is responsible for and shall control the preparation, content, scheduling, and programming of all educational television and radio programs used in the public schools and adult education programs of this State.

(c) Subject to the provisions of subsection (b) of this section, the Commission is responsible for and shall control the preparation, content, programming, and scheduling of all its programs for the general public.

§24–206.

(a) The facilities of the Commission may not be used for, and the programs may not be devoted to:

(1) Presenting biased or one-sided aspects of partisan politics;

(2) Advocating or opposing any present or prospective political candidacy; or

(3) Advocating or opposing any legislation currently being considered or prepared.

(b) Each facility shall be used in compliance with the rules and regulations of the Federal Communications Commission.

§24–207.

(a) It is the public policy of the State that gifts, donations, bequests, private endowments, and private grants may be received by the Commission.

(b) (1) The Commission is encouraged to promote private fund–raising by strengthening institutional development activities and by maintaining relationships with affiliated foundations.

(2) (i) Affiliated foundations that are independently established for this purpose shall operate subject to policies adopted by the Commission and be approved for form and legal sufficiency by the Attorney General.

(ii) Those policies regarding or pertaining to conflict of interest, financial disclosure, or lobbying shall be reviewed and approved by the State Ethics Commission.

(3) (i) Sections 5–501 through 5–504 of the General Provisions Article do not bar an official or employee of the Commission from becoming a director or official of an independent foundation organized to foster fund–raising and provide related services for the benefit of the Commission.

(ii) An official or employee of the Commission who serves as a director or official of an independent foundation organized to foster fund–raising and provide related services for the benefit of the Commission:

1. May not be compensated by the foundation; and

2. May be reimbursed for bona fide expenses incurred in the performance of activities undertaken on behalf of the foundation as authorized by the board of directors of that foundation.

(4) (i) The Commission may not accept funds from an affiliated foundation unless the fiscal affairs of the affiliated foundation are audited annually by an independent certified public accountant.

(ii) The independent certified public accountant shall send copies of each annual audit report to the Commission and, subject to § 2–1246 of the State Government Article, to the Department of Legislative Services.

(c) (1) Except as provided in paragraph (2) of this subsection, the Commission shall keep confidential the name, address, telephone number, contribution amount, and all other personal and financial information of any individual who makes a donation to the Commission.

(2) To the extent the Commission determines that the sharing of information will contribute to the fund-raising efforts of the Commission, the Commission may share information about an individual who makes a donation to the Commission with nonprofit or governmental entities under terms set by the Commission.

§24–301.

(a) In this subtitle the following terms have the meanings indicated.

(b) "Board" means the Board of Governors of the Southern Maryland Higher Education Center.

(c) "Center" means the Southern Maryland Higher Education Center.

(d) "Commission" means the Maryland Higher Education Commission.

§24–302.

There is a Southern Maryland Higher Education Center that is governed by a Board of Governors.

§24–303.

(a) The Board consists of 13 voting members appointed by the Governor.

(b) The Governor shall appoint at least two members each from St. Mary's, Charles, and Calvert counties.

(c) (1) Each member serves for a term of 4 years and until a successor is appointed and qualifies.

(2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1994.

(3) A member may not serve more than two full consecutive terms.

(4) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(d) (1) The Governor shall appoint one of the voting members to act as chair.

(2) The voting members may elect other officers and establish committees, including advisory committees, as needed.

(e) In addition to the 13 voting members, the following individuals shall serve as ex officio, nonvoting members:

(1) The commanding officer of the Naval Air Warfare Center – Aircraft Division at Patuxent River, or the commanding officer's designee;

(2) A member of the St. Mary's County Building Authority recommended by the St. Mary's County Board of County Commissioners; and

(3) A representative of the Tri–County Council for Southern Maryland.

(f) Each member of the Board:

(1) Serves without compensation; and

(2) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

§24–304.

(a) In addition to the other powers expressly granted and duties imposed by this title, and subject to the authority of the Commission, the Board has only the powers and duties set forth in this section.

(b) The Board shall:

(1) Exercise general control over the Center;

(2) Keep separate records and minutes; and

(3) Adopt reasonable rules, regulations, or bylaws to carry out the provisions of this subtitle.

(c) The Board may fix the salaries and terms of employment of the Director and other employees of the Center.

(d) The Board may purchase, lease, or otherwise acquire any property it considers necessary for the operation of the Center, with the approval of the St. Mary's County Board of County Commissioners.

(e) (1) The Board may sell, lease, or otherwise dispose of Center assets or property, with the approval of the St. Mary's County Board of County Commissioners.

(2) The Director of the Center or the chair of the Board may execute a conveyance or other legal document under an appropriate resolution of the Board.

(f) The Board shall ensure that all academic programs and policies of the Center are in compliance with the policies of and approved by the Commission.

(g) The Board shall submit an adopted mission statement to the Commission subject to the policies and guidelines of the Commission.

(h) The Board may enter into contracts or other agreements with any institution of higher education for the provision of upper division undergraduate and graduate programs to meet the higher education needs of Southern Maryland, subject to the approval of the Commission.

(i) The Board may apply, accept, and expend any gift, appropriation, or grant from the State, county, or federal government or any other person.

(j) (1) The Board shall ensure that the tuition and fees charged to students by any participating institutions are reasonable.

(2) The Board may also charge reasonable fees to cover the overhead costs associated with providing these programs.

(k) The Board may sue and be sued.

(l) The Board may make agreements with the federal, State, or county governments or any other person, if it considers the agreement advisable for the operation of the Center.

(m) The Board may adopt a corporate seal.

(n) In addition to other reports that may be required by the Commission, the Board shall:

(1) Keep records that are consistent with sound business practices and accounting records using generally accepted accounting principles;

(2) Cause an audit by an independent certified public accountant to be made of the accounts and transactions of the Center at the conclusion of each fiscal year; and

(3) For any State moneys, be subject to an audit by the Office of Legislative Audits, in accordance with §§ 2-1220 through 2-1227 of the State Government Article.

(o) The Board shall enter into an agreement with St. Mary's County to establish guidelines for the use and operation of the Center.

§24–305.

(a) The Board shall appoint a Director of the Center.

(b) The Director shall:

(1) Report directly to the Board;

(2) Recommend the appointment by the Board of employees necessary for the efficient administration of the Center;

(3) Recommend the discharge of employees for good cause and in accordance with applicable laws and policies;

(4) Be responsible to the Board for the conduct of the Center and for its administration and supervision;

(5) Attend all meetings of the Board, except those involving the Director's personal position;

(6) Subject to the policies and guidelines of the Commission:

(i) Develop a mission statement;

(ii) Submit the mission statement to the Board of Governors of the Center; and

(iii) Upon the direction of the Board of Governors, update the mission statement every 4 years; and

(7) Perform other duties as assigned by the Board.

§24–306.

(a) The budget of the Center, as developed by the Board, shall:

(1) Be submitted to the Commission for informational purposes; and

(2) Include personnel detail.

(b) Requests for appropriations for operating expenses from St. Mary's, Calvert, or Charles counties shall be made to the appropriate Board of County Commissioners in accordance with:

(1) Applicable county procedures and requirements; or

(2) An agreement with the Board of County Commissioners.

(c) Requests for State appropriations for specific projects shall be submitted to the Commission.

(d) Proposals for capital projects, either new or substantial changes to existing projects, shall be submitted to the State Department of Budget and Management through the Commission.

(e) The major functions established by the Commission shall generally conform to those contained in the current College and University Industry Audit Guide issued by the American Institute of Certified Public Accountants.

§24–307.

(a) The Boards of County Commissioners of St. Mary's, Calvert, and Charles counties may appropriate money to pay the cost of establishing and operating the Center, including the establishment of a reserve fund for maintenance and repair.

(b) The expenditure of appropriated funds shall be consistent with all relevant State laws.

§24–308.

(a) If the Board of Governors of the Center conveys any real property in whole or in part, the proceeds of the disposition shall be shared between St. Mary's County and the State in such proportions as each has contributed to the capital investment in the property.

(b) That disposition shall be in accordance with all terms and conditions of the original conveyance of the property to St. Mary's County Board of County Commissioners and the Board of Public Works shall enter into an agreement providing for the calculation of the amount due to each party under this section.

(c) The payment to the State shall be made by the county within 90 days of the date of receipt of any proceeds.

§24–309.

(a) (1) The Board may carry comprehensive liability insurance to protect the Board, its agents, and employees.

(2) The purchase of the insurance is for an educational purpose and is a valid educational expense.

(b) (1) The Board may adopt standards for the policies, including a minimum

liability coverage that may not be less than $100,000 per occurrence.

(2) Any policy purchased after the adoption of these standards shall conform to them.

(c) The Board complies with this section if it is self-insured, for at least $100,000 and not more than $500,000 per occurrence, under the rules and regulations of the State Insurance Commissioner.

(d) This section does not prevent the Board, on its own behalf, from raising the defense of sovereign immunity to any amount of a claim in excess of the limit of an insurance policy or in excess of $100,000 in the case of self-insurance.

§24–401.

(a) In this section, "violence prevention program" means a course in which education and training is offered in the areas of recognizing, addressing, and resolving issues of violence in the home and the community.

(b) The Board of Regents of the University System of Maryland has established at Bowie State University a State Center for Alternative Dispute Resolution and Violence Prevention. The Maryland General Assembly hereby recognizes that Center.

(c) The General Assembly recognizes that the Center:

(1) Shall serve as the central repository for materials, data, and information related to violence prevention programs operating in the State or available to the State;

(2) May serve as a referral source for violence prevention programs and services operating in the State or available to the State;

(3) May implement volunteer prevention networks throughout the State;

(4) May provide research and evaluation services in the area of violence prevention;

(5) May provide information services regarding violence prevention programs and services;

(6) May provide or facilitate violence prevention education and training programs;

(7) May provide media and media-related services in the area of violence prevention; and

(8) May provide educational and academic support to disruptive youth.

(d) An individual or group operating a violence prevention program in the State

shall be encouraged to submit to the Center:

(1) A written description of the program; and

(2) Any other information relating to the program required by the Center.

(e) (1) An individual or group may submit a request to the Center for information on any violence prevention program operating in the State or available to the State.

(2) On request, the Center shall distribute information relating to a violence prevention program.

(f) The operation of the Center shall be supported by funds:

(1) As provided by the Governor in the annual budget of Bowie State University; and

(2) From any other source.

§24–501.

There is a Historic St. Mary's City Commission.

§24–502.

(a) The General Assembly makes the following declarations and findings:

(1) St. Mary's City is the birthplace and first capital of Maryland and occupies a unique place in American history which deserves honor and respect. St. Mary's City is the point of origin of many of the seminal and vital social, political, religious and humane precepts of our nation as later came to be reflected in the United States Constitution and Bill of Rights. St. Mary's City should be protected and developed as a memorial to Maryland's historical beginnings and her extraordinary contribution to the development of this nation.

(2) There is a great need to encourage the study and appreciation of the significance of St. Mary's City to the history of Maryland and the nation. The General Assembly recognizes that the organizational structures and funding for St. Mary's City have not been adequate to produce the knowledge of, or appreciation for, St. Mary's City that it is due from the citizens of this State as well as of the nation, and finds and declares that a new course of action is needed.

(3) The Historic St. Mary's City Commission needs the State to provide basic operational funding and organizational flexibility to successfully operate Historic St. Mary's City along with an increased emphasis on soliciting other public and private funds to provide support for educational initiatives, research, study, and curation, as well as accelerated archaeological projects and capital improvements.

(4) Every Maryland school child should be knowledgeable as to the history of St. Mary's City and its significance not only to this State but to the development of the nation. As resources become available, educational opportunities should be expanded to secondary and college age students as well as adults pursuing continuing educational opportunities.

(5) An affiliation between the Commission and St. Mary's College of Maryland will allow the Commission to put to fuller and more effective use the assets that the State has acquired, preserved and developed at Historic St. Mary's City over the last 30 years.

(6) The establishment of the Historic St. Mary's City Commission as an independent unit and provision of basic operating funds by the State is in the public interest and will facilitate the management, operation, and development of this nationally important historic site.

(7) Historic St. Mary's City will benefit from a creative affiliation and more formal collaboration with its geographic neighbor, St. Mary's College of Maryland, itself designated in 1840 as a living monument to the legacy of Maryland's first colonial capital.

(8) Both the Commission and the College are committed to preserving the site of Maryland's first colonial capital and its archaeological treasures while continuing to assure that the general public and Maryland school children in particular have continued opportunities to visit and experience this important 17th century historical site.

(b) The General Assembly further states its legislative intent in the enactment of this subtitle to be as follows:

(1) To facilitate the efficient and effective operation of Historic St. Mary's City and the State's historical museum and archaeological park at Maryland's first capital, as well as enhance the capacity and authority of the Commission to preserve, protect, and appropriately use the historic and archaeological assets of Historic St. Mary's City;

(2) To equip the Historic St. Mary's City Commission with the necessary and vital managerial discretion to pursue its purpose effectively, with the understanding that the Commission will contract, as it considers useful and appropriate both fiscally and managerially, with St. Mary's College of Maryland, or other entities as may be practical and appropriate, for services such as procurement, personnel, and accounting, and otherwise collaborate formally and informally with St. Mary's College of Maryland, on the use and exchange of expertise and resources, both managerial and educational, as both entities may determine is prudent and effective, in advancing the basic mission of each institution;

(3) To grant the Commission authority over its plans, projects, and

operations, subject to any State and federal laws with respect to the protection of historic and archaeological sites of significance to the State, including its status as a State historic property and national historic landmark;

(4) To facilitate the support of Historic St. Mary's City by other executive departments, including the Maryland Historical Trust in the Department of Housing and Community Development, the Museum Services Program located at Jefferson Patterson Park Museum, the Financial Assistance Programs and Office of Tourism in the Department of Economic Competitiveness and Commerce, and the Department of Education;

(5) To provide the Historic St. Mary's City Commission with the organizational structure and funding mechanisms necessary to more effective functioning, and recognize the outdoor history museum and archaeological park located on the site of Maryland's first capital, as an educational facility for students and visitors of all ages; and

(6) To endorse the Commission's focus on developing the educational potential of Historic St. Mary's City, including a closer affiliation with St. Mary's College of Maryland, as the most effective way to assure that this unique site with its archaeological riches and importance to the history of Maryland and the nation is recognized and supported both privately and publicly as Maryland's most important historic site, with a view to attaining national recognition for St. Mary's City as a site of eminent national historical significance.

§24–503.

(a) The mission of the Historic St. Mary's City Commission is to preserve and protect the archaeological and historical record of Maryland's first colonial capital and to appropriately develop and use this historic and scenic site for the education, enjoyment, and general benefit of the public.

(b) The particular purposes of the St. Mary's City Commission are to:

(1) Discover, conserve, improve, and perpetuate the archaeological, historic, natural, scenic, and cultural qualities of Historic St. Mary's City;

(2) Identify, document, study, curate, interpret, and appropriately preserve the archaeological record of Historic St. Mary's City with emphasis on the 17th century;

(3) Enhance, where feasible, the scenic quality, open spaces, and buildings that reflect and display the early colonial historic characteristics of the site;

(4) Employ the site of Maryland's first colonial capital for education at every level, including its anthropology, archaeology, history, and natural science; and

(5) Encourage and motivate the citizens of Maryland and the nation,

as well as businesses, charitable, cultural, and educational institutions to make a continuing commitment to archaeological and historic investigation and research at Historic St. Mary's City and the development of the site as an educational center for students of all ages.

§24–504.

(a) (1) The Historic St. Mary's City Commission is an instrumentality of the State to be known as the Historic St. Mary's Commission or any name that the Commission may adopt, provided the resolution adopting any change in name is filed promptly with the Secretary of State.

(2) The exercise by the Commission of the powers conferred by this subtitle is the performance of an essential public function.

(3) The Commission is an independent unit in the Executive Branch of government that operates in the Office of the Governor.

(b) The Commission may:

(1) Make contracts or other legal agreements or arrangements necessary or incidental to the exercise of its powers and performance of its duties;

(2) Sue and be sued;

(3) Implead and be impleaded;

(4) Complain and defend in all courts;

(5) Adopt and alter an official seal; and

(6) Adopt bylaws, rules and guidelines to regulate its affairs and the conduct of its business.

§24–505.

(a) The Historic St. Mary's City Commission consists of seventeen members.

(b) Of the Commission members:

(1) Thirteen shall be appointed by the Governor with the advice and consent of the Senate as follows:

(i) Three shall be distinguished scholars, one of whom shall be an archaeologist, one of whom shall be a colonial historian, and one of whom shall be an educator;

(ii) One shall be a representative from a prominent historical museum;

(iii) Three shall be members of the Maryland business community, one of whom is in business in the St. Mary's County community;

(iv) Six shall be members of the general public, at least two of whom are residents of the St. Mary's County community;

(2) Two shall be ex officio voting members as follows:

(i) The chairman of the St. Mary's College of Maryland Board of Trustees or the chairman's designee; and

(ii) The President of the Historic St. Mary's Foundation; and

(3) Two shall be ex officio nonvoting members as follows:

(i) The President of the Senate of Maryland or the President's designee; and

(ii) The Speaker of the House of Delegates or the Speaker's designee.

(c) The Governor shall consider statewide, regional, and minority representation in making appointments to the Commission.

(d) (1) The term of a member of the Commission, excluding an ex officio member, is 4 years and until a successor is appointed and qualifies. These terms are staggered as required by the terms of members as of July 1, 1997.

(2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(3) A member may be appointed to no more than two full consecutive terms. A member who has served less than a full 4-year term may be reappointed to two full terms.

§24–506.

(a) (1) From among its members the Commission shall elect:

(i) A chairman;

(ii) A vice chairman; and

(iii) Any other officer the Commission requires.

(2) The manner of election of officers and their terms of office shall be as the Commission determines.

(b) (1) The Commission shall adopt bylaws setting forth the manner in which it will conduct its business and otherwise carry out the duties assigned to it, including

the establishment of standing committees to propose policies, review operations, and advise the Commission in the areas of:

(i) Land use, archaeology, historical research, collections management, and capital projects;

(ii) Educational programming, public programs, and public affairs with a view to expanding the knowledge of and appreciation for Historic St. Mary's City to the region, State, and nation;

(iii) Long-range planning, fund-raising, from both public and private sources, as well as other revenue raising programs with a view to securing long-term financial capital and operating support for Historic St. Mary's City; and

(iv) Financial and administrative affairs, including property management, personnel, procurement, legal, accounting, audit, and investment policies.

(2) The chairman of the Commission shall appoint each Commissioner to one of the standing committees and such other committees as the Commission from time to time determines to appoint for special purposes. The chairman shall designate a chair of each committee.

(c) (1) There shall be an executive committee of the Commission which shall have as its members the chairman, the vice chairman, and the chair of each standing committee.

(2) The executive committee shall be delegated such powers as the Commission shall determine by resolution or by law and shall report to the full Commission all actions taken or considered by the committee at the next meeting of the full Commission.

(d) (1) The full Commission shall meet at least two times a year at Historic St. Mary's City. The executive committee shall meet at least four times a year, or such additional meetings as are necessary or convenient for the proper direction of Historic St. Mary's City. Standing committees shall meet or confer as necessary to review and recommend action to the executive committee or full Commission, as the case may be, as issues within their purview arise.

(2) A majority of the voting members then serving on the Commission is a quorum.

(e) A Commissioner may not receive compensation, but is entitled to be reimbursed for expenses incurred while actually engaged in the performance of the Commissioner's duties in accordance with the Standard State Travel Regulations.

§24–507.

(a) Subject to the provisions of § 24-514 of this subtitle, and in addition to any powers provided elsewhere in this subtitle, the Commission has the following powers:

(1) To acquire and hold real and personal property of historic, aesthetic, or cultural significance, by gift, purchase, devise or bequest including the power to acquire other property in the vicinity of significant property if the Commission considers it necessary for the proper use and administration of Historic St. Mary's City and its environs, to preserve and administer those properties, and to charge reasonable admission fees for entry to those properties;

(2) To preserve, study, curate, develop, and interpret historic, or cultural properties, buildings, fixtures, furnishings, facilities, collections, and appurtenances pertaining in any way to Historic St. Mary's City and its environs, including the replica of the State House and other reconstructions in St. Mary's City;

(3) To accept gifts, grants, legacies, bequests, and endowments for any purpose which falls within that of the Commission and, unless otherwise specified by the person making the gift, grant, legacy, bequest, or endowment, the Commission may expend both principal and income of the gift, grant, bequest, legacy, or endowment to further the purposes of the Commission;

(4) To accept governmental grants from federal, State and local governments and instrumentalities;

(5) To apply all moneys, assets, property, or other things of value it may receive as an incident to its operation to the general purposes of the Commission;

(6) To cooperate with and assist, insofar as practicable, or enter into a contractual relationship with any agency of the State or any agency of the political subdivisions of the State or any private agency or person, in furtherance of the purposes of the Commission;

(7) To fix, revise from time to time, and collect rates, rents, fees or other charges for the use of facilities or for services rendered in connection with the facilities at Historic St. Mary's City;

(8) To issue revenue bonds subject to the provisions of Part IV of this subtitle;

(9) To regulate the use and operation of the facilities at Historic St. Mary's City;

(10) To adopt bylaws that are necessary and proper and not inconsistent with this subtitle for the management, maintenance and operation of Historic St. Mary's City and to effectuate the purposes of the Commission; and

(11) To delegate any of the powers herein conferred of a nonpolicy nature to any one or more of the Commissioners or to the executive director of the Commission.

(b) In addition to any duties provided elsewhere in this subtitle, the Commission has the following duties:

(1) To maintain and carry out the mission of Historic St. Mary's City;

(2) To protect and preserve the historical and archaeological resources found within the boundaries of Historic St. Mary's City;

(3) To identify, study, curate, interpret, and develop the significant historic and archaeological resources of Historic St. Mary's City with emphasis on the 17th century colonial period;

(4) To enhance the role of Historic St. Mary's City as a statewide educational center for historical archaeology and Maryland colonial history and ultimately to raise national awareness of the place of St. Mary's City, its history, people, and ideas in our nation's development;

(5) To develop close working relationships with public and private elementary and secondary schools, local and statewide businesses and governmental agencies, and conduct activities to educate the general public about the history and significance of Historic St. Mary's City to the State of Maryland and the nation;

(6) To seek private and other public grants, gifts, bequests, endowments, and legacies for the development and use of Historic St. Mary's City;

(7) To review and comment on all plans for use and development of the archaeologically or historically significant land and real property of St. Mary's College of Maryland during the initial planning stage, to conduct such review at a special or regular meeting of the Commission after public notice of the general nature of the plans to be reviewed by the Commission, and thereafter to forward all such comments coincident with any submission made by the College pursuant to § 3-602 of the State Finance and Procurement Article;

(8) To prepare an overall strategic plan at least once every 5 years that establishes both short-range and long-range goals, objectives, and priorities for Historic St. Mary's City in support of its mission; and

(9) To report annually to the Governor, and subject to § 2-1246 of the State Government Article, to the General Assembly as to the Commission's activities during the preceding year, including specifically:

(i) The number of students served as well as the type and numbers of all other visitors;

(ii) The number of volunteers and total hours contributed to the

operation of the museum;

(iii) The amount and types of private and nonstate funds donated, pledged, or otherwise provided; and

(iv) Any recommendations or requests the Commission considers appropriate to further the mission of Historic St. Mary's City.

§24–508.

(a) The Historic St. Mary's City Commission and the Board of Trustees of St. Mary's College of Maryland are hereby authorized to undertake joint programs and otherwise to work collaboratively under contract or other agreement acceptable to the governing boards of each institution, for the purpose of furthering the missions of both institutions.

(b) The Commission and the College may contract or otherwise agree to work jointly to sponsor high quality education programs and activities for both the academic and general communities and for all age groups, including elementary, secondary, college, and adult education programs as well as teacher training programs in curriculum areas of joint focus, such as archaeology, colonial American history, and Chesapeake culture and ecology.

(c) The Commission and College may develop jointly beneficial, promotional, marketing, fundraising, tourism, special events, and other outreach efforts.

(d) The College and Commission may by contract or mutual agreement perform administrative tasks by one institution for the other including, but not limited to, personnel, procurement and insurance claim processing, purchasing, accounting, information system design, acquisition, installation and service, security, maintenance, historic landscape design, catering and general food services, and archaeological survey and mitigation services.

(e) Provided they are supportive of the distinctive mission of each institution, the Commission and College may undertake any other joint activity or action by formal or informal agreement or contract.

(f) Notwithstanding any joint activities or programs carried out by the College and the Commission, or administrative action undertaken by the College or the Commission for the benefit of the other institution, neither the College nor the Commission shall be liable for any direct or indirect actions of the other institution, or its trustees, Commissioners, employees, or agents as the case may be.

§24–509.

(a) The Commission may obtain and carry comprehensive liability insurance to protect the Commission, its employees, and agents. The determination whether to purchase insurance, and its scope and limitations, shall be within the Commission's

discretion, taking into account commercial availability and affordability and the existence and extent of insurance secured by the State Treasurer.

(b) (1) Title 12, Subtitle 1 of the State Government Article (Maryland Tort Claims Act) applies to claims or actions against the Commission, its members, agents, and employees.

(2) Subject to all exclusions and limitations in Title 12, Subtitle 1, the immunity of the Commission is waived to the extent of any insurance coverage, if any, purchased under this section.

(c) Nothing in this section shall be construed to waive or abrogate sovereign immunity with respect to any claim that is not covered by or exceeds the limits of an insurance policy.

(d) Nothing in this section shall be construed to waive or abrogate the immunity of the Commission under the Eleventh Amendment to the United States Constitution.

§24–510.

(a) (1) The Commission shall appoint an executive director and such additional professional, administrative, and clerical personnel as it considers necessary to carry out the purposes of this subtitle.

(2) The Commission shall employ or contract with such other consultants, accountants, engineers, architects, or financial advisors as it deems prudent to the carrying out of the purposes of this subtitle.

(3) The Commission may delegate to the executive director any or all of its power to appoint and remove staff.

(b) The executive director shall:

(1) Act as the chief executive officer for the Commission with full authority to direct the activities and supervise the employees of Historic St. Mary's City, in accordance with the policies, plans, and projects approved by the Commission;

(2) Represent the Commission with the Governor, the General Assembly, the Historic St. Mary's Foundation, and all other State, local and federal governmental agencies and generally act as the chief spokesperson for all purposes, including solicitation of public and private funds for the advancement of Historic St. Mary's City;

(3) Act as secretary to the Commission and prepare or have prepared minutes of each action taken by the Commission and the executive committee; and

(4) Perform any other duty that the Commission requires for carrying out the provisions of this subtitle.

(c) Notwithstanding any other provision of law to the contrary, employees of the Commission, including the executive director, may accept, subject to the approval of the Commission, faculty status at St. Mary's College of Maryland, including remunerated teaching or other professional responsibilities.

(d) (1) As the Commission considers appropriate, the Commission may request other units of State government to detail staff to the Commission.

(2) The Attorney General shall provide legal counsel and services to the Commission.

(3) Other units of State government may detail staff or technical assistance to the Commission on request of the Commission.

(e) (1) An employee of the Commission:

(i) Is subject to the rules and procedures of the personnel system established under § 14-408 of this article; and

(ii) Is entitled to participate in the health benefit plans, including medical, prescription, dental, mental health, substance abuse, and vision plans, term life and personal accident and dismemberment insurance plans, flexible spending accounts, and any other benefits established under § 14-408 of this article.

(2) (i) An employee of the Commission is entitled to participate in the employee pension plans authorized by and in accordance with § 14-408(c) of this article.

(ii) The Commission's obligation for retirement costs for Commission employees shall be computed, charged, and paid in accordance with § 21-308(b)(1) and (c)(1) of the State Personnel and Pensions Article.

§24–511.

(a) (1) There is a Historic St. Mary's City Fund.

(2) The State Treasurer shall hold the Historic St. Mary's City Fund. The funds in the account shall be invested and reinvested by the Treasurer in accordance with the written investment policies of the Commission. Any investment earnings on the funds in the account shall be paid into the Fund.

(3) All unexpended or unencumbered balances of the Fund:

(i) Shall be reported to the Comptroller at the end of the fiscal year for which the appropriation was made;

(ii) Do not revert to the General Fund or any other special fund of the State; and

(iii) Shall be available for expenditure through an appropriation contained in a budget bill or through an approved budget amendment.

(4) The Commission shall use the Fund as a continuing, nonlapsing, revolving fund for carrying out the purposes of this subtitle.

(b) The Fund consists of:

(1) Any general funds appropriated to the Commission;

(2) Any fees collected by the Commission; and

(3) Any additional moneys received or paid to the Commission from any other source authorized by law.

(c) (1) The Commission shall pay all expenses and make all expenditures from the Fund.

(2) Expenditures from the Fund shall be made pursuant to an appropriation approved by the General Assembly in the annual State budget or by the budget amendment procedure provided for in § 7-209 of the State Finance and Procurement Article.

(d) (1) The Commission may pledge and charge all or a portion of the receipts of the Fund for the payment of:

(i) Debt service on bonds of the authority; and

(ii) All reasonable charges and expenses related to borrowing by the Commission and management of the obligations of the Commission.

(2) A pledge made under paragraph (1) of this subsection is effective as provided in § 24-520 of this subtitle and any applicable resolution of the Commission.

(e) For each fiscal year, the Governor shall include in the annual budget bill a proposed General Fund appropriation to the Commission in an amount not less than the amount of the General Fund operating appropriation to the Commission included in the State budget for fiscal year 1998 as passed by the General Assembly.

(f) (1) The Commission is authorized to make use of its facilities, equipment, and other resources to provide services and charge appropriate fees therefore to generate income for the benefit of Historic St. Mary's City.

(2) All fees collected shall be deposited in the Historic St. Mary's City Fund.

(g) (1) The Commission has the responsibility for the governance and management of Historic St. Mary's City, including the care, control, and maintenance

of all of its property and assets.

(2) The Commission annually shall adopt and implement both a capital and operating budget for the maintenance, operation, and development of Historic St. Mary's City.

(3) The Commission shall submit the budget it has adopted annually to the Governor for inclusion in the State budget.

(4) Subject to the budget amendment procedure provided for in § 7-209 of the State Finance and Procurement Article, the Commission may spend or encumber, within the fiscal year they are received or any time thereafter, any income, revenues, or other funds received in excess of those estimated by the Commission in the capital or operating budget adopted by the Commission for that fiscal year.

§24–512.

(a) Notwithstanding the provisions of Title 10, Subtitle 3 of the State Finance and Procurement Article, the Commission may sell, convey, assign, lease, or otherwise transfer or dispose of any real property acquired or held by it, and enter into any contracts incident thereto, for such term and such conditions as the Commission deems appropriate, except:

(1) Real property valued in excess of $5,000.00 may not be sold without the prior approval of the Board of Public Works; and

(2) Leases entered into by the Commission must be made in furtherance of the purposes of the Commission.

(b) (1) Except as otherwise set forth in this subtitle, the Commission is exempt from the provisions of Division II of the State Finance and Procurement Article, Division I of the State Personnel and Pensions Article, and the State Administrative Procedure Act.

(2) Capital projects of the Commission are subject to Titles 3 and 4 of the State Finance and Procurement Article to the extent of any appropriation of capital funds by the General Assembly.

(3) The Commission and its officers and employees are subject to the Public Ethics Law, the Public Information Act, and the Open Meetings Law.

(c) The Commission shall procure noncapital goods and services in accordance with the procurement policies and procedures established by St. Mary's College of Maryland pursuant to § 14-405 of this article.

(d) For purposes of applying for, receiving, and entering into agreements in connection with loans, grants, insurance, or other forms of financial assistance from the State or its agencies or instrumentalities, the Historic St. Mary's City Commission

may be deemed to be a:

(1) Public body within the meaning of the Maryland Industrial Development Financing Authority Act;

(2) Political subdivision within the meaning of the Maryland Industrial Land Act and the Maryland Industrial and Commercial Redevelopment Fund Act; and

(3) State or local project eligible under §§ 5-904 and 5-905 of the Natural Resources Article.

(e) All gifts of tangible or intangible property as well as cash donations to the Commission are charitable contributions eligible as a deduction against income taxes as permitted by State and federal law.

§24–513.

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

(2) "Dwelling" means the dwelling house of one or more homeowners, and the curtilage where it is erected, which is used as the principal residence of that homeowner or homeowners.

(3) "Homeowner" means a person who, on July 1, 1976, actually resided in a dwelling in which that person had a legal interest, including any life estate, whether as sole owner, joint tenant, tenant in common, or tenant by the entirety.

(4) "Principal residence" means a dwelling actually occupied or expected to be actually occupied by the homeowner or the homeowners for more than 6 consecutive months of the present calendar year. Nonoccupancy of the dwelling because of illness or the need for special care of the homeowner is occupancy for the purposes of this section.

(b) (1) When the Commission or other State agency commences the acquisition by purchase, gift, or condemnation of the dwelling of a homeowner within the proposed boundaries established by the Commission, the Commission or other State agency shall offer in writing the homeowner or homeowners a life estate in that property. Acceptance of the life estate shall be taken into consideration when determining the value of the property. Upon acceptance, the recipient of the life estate will pay real estate property taxes, insurance, and ordinary maintenance costs. Requests for material alterations or additions to the property must be submitted in writing to the Historic St. Mary's City Commission and a request must be approved or disapproved by the Commission within 45 days of the receipt of the request.

(2) In the case of a purchase, the Commission or other State agency shall make the offer:

(i) At the time of each offer for purchase; and

(ii) In a document separate and apart from all other documents at the time of ratification of the sales contract.

(3) In the case of a gift or condemnation, the Commission or other State agency shall make the offer at the time of transfer of any right, title or interest, present or future, in the property.

(c) The Commission or other State agency may offer at any time a life estate to any other homeowner or property owner within the proposed boundaries established by the Commission.

(d) The homeowner or property owner may accept the offer before the 30th calendar day following the time set forth in subsections (b) and (c) of this section.

(e) Until such time as the Commission certifies legitimate need for the residue, the holder of the life estate may continue to use it as it existed prior to the transfer of title and the creation of the life estate, on a lease arrangement.

§24–514.

Notwithstanding the provisions of Title 4, Subtitle 4, Part III of the State Finance and Procurement Article, and subject to the availability of funds and in accordance with other provisions of this subtitle regarding the Historic St. Mary's City Commission, the Commission may enter into agreements with preservation land trusts, foundations, and other entities for the purpose of acquiring title to or an interest in property in Historic St. Mary's City that is owned by such an entity or on which the entity holds an option or a contract to purchase.

§24–515.

Subject to the approval of the Board of Public Works, the Commission may receive and the State may pay over and transfer to the Commission, from time to time, property held in the name of the State, or any other State agency to carry out the purposes of the Commission.

§24–516.

(a) Subject to this Part IV of this subtitle, the Commission may at any time and from time to time issue bonds, bond anticipation notes, or other obligations, (herein referred to as "bonds"), and may use the proceeds or the earnings from the investment thereon for any authorized purpose, including the establishment of reserves and the payment of interest.

(b) (1) The Commission may issue bonds only if it determines that the issuance is necessary to achieve the purposes of this subtitle.

(2) The determination under paragraph (1) of this subsection shall be made by the chairman of the Commission.

(c) (1) The Commission shall submit each proposed issue of bonds to the Board of Public Works and shall obtain the approval of the Board of Public Works for the proposed issue prior to issuance of the bonds.

(2) In submitting a proposal to issue bonds to the Board of Public Works, the Commission shall identify the source of revenue that supports the debt service on the bonds.

(3) The Board of Public Works may not approve the issuance of bonds by the Commission that will result in more than $3,000,000 in an aggregate outstanding and unpaid principal balance of bonds for the Commission at any time.

(d) Except as otherwise expressly required by this subtitle, the Commission may issue the bonds without:

(1) Obtaining the consent of any other unit of State government;

(2) Any proceedings; or

(3) The occurrence of any conditions.

(e) (1) The Commission shall by resolution authorize any bonds that it issues.

(2) The Commission may secure the bonds by a resolution or trust agreement between the Commission and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the State.

(f) Proceeds of bonds and the investment income from such bonds shall be deposited by the Commission in any State or national bank or federally insured savings and loan association having a total paid-in capital of at least $1,000,000. The trust department of any State or national bank or savings and loan association, or trust company, may be designated as a depository to receive any securities acquired or owned by the corporation.

§24–517.

(a) The bonds of any issue shall be payable solely from the property or receipts of the Commission, including:

(1) Fees, charges, rents, or other revenues payable to the Commission;

(2) Payments by financial institutions, insurance companies, or others pursuant to letters or lines of credit, policies of insurance, or purchase agreements;

(3) Investment earnings from funds or accounts maintained pursuant to a bond resolution or trust agreement;

(4) Proceeds of refunding bonds; and

(5) Any other source authorized by law.

(b) (1) Bonds issued under the provisions of this title are not a debt of, and do not pledge the faith, credit, or taxing power of the State.

(2) The bonds shall contain on their face a statement that the bonds are not a debt of, and do not pledge the faith, credit, or taxing power of the State, the Commission, or any political subdivision, but are payable solely from the revenues and property provided for therein.

(3) Subject to the approval of the Board of Public Works, the Commission may receive and the State may lease to or lease back to the Commission any property within the enclave of Historic St. Mary's City and held in the name of the State or any other agency of the State in order to facilitate the issuance of revenue bonds by the Commission under this subtitle.

§24–518.

The bonds that the Commission issues shall:

(1) Be issued at, above, or below par value, for cash or other valuable consideration, and mature at a time or times, whether as serial bonds or as term bonds or both, not exceeding 30 years from their respective dates of issue;

(2) Bear interest at the fixed or variable rate or rates determined by the method provided in the resolution or trust agreement;

(3) Be payable at a time or times, in the denominations and form, either coupon or registered or both, and carry the registration and privileges as to conversion and for the replacement of mutilated, lost, or destroyed bonds as the resolution or trust agreement may provide;

(4) Notwithstanding any other law, be deemed a "security" within the meaning of § 8-102 of the Commercial Law Article, whether or not it is either one of a class or a series or by its terms is divisible into a class or series of instruments and negotiable for all purposes although payable from a limited source;

(5) Be payable in lawful money of the United States at a designated place;

(6) Be subject to the terms of purchase, payment, redemption, refunding, or refinancing that the resolution or trust agreement provides;

(7) Be executed by the manual or facsimile signatures of the officers of the Commission designated by the Commission, which signatures shall be valid at delivery even for an officer who has ceased to hold office; and

(8) Be sold in the manner and on the terms determined by the Commission, including private or negotiated sale and be exempt from §§ 8-206, 8-208, 8-209, and 8-213 through 8-221 of the State Finance and Procurement Article.

§24–519.

(a) Any resolution or trust agreement the Commission adopts or enters into under this subtitle may contain provisions that:

(1) Pledge, assign, or direct the use, investment, or disposition of all or a portion of the receipts of the Commission or all or a portion of the proceeds or benefits of any contract and convey or otherwise secure any property or property rights;

(2) Set aside loan funding deposits, debt service reserves, capitalized interest accounts, cost of issuance accounts, sinking funds, and other funds and accounts, and regulate, invest, and dispose of these deposits, reserves, accounts, and funds;

(3) Limit the purpose to which or the investments in which the proceeds of sale of any issue of bonds may be applied and restrict the investment of revenues or bond proceeds as deemed necessary, which may include limiting investments to government obligations for which principal and interest are unconditionally guaranteed by the United States;

(4) Limit the issuance of additional bonds and specify the terms on which additional bonds may be issued, secured, and rank on parity with, or be subordinate or superior to, other bonds;

(5) Refund or refinance outstanding bonds;

(6) Establish any procedure concerning the manner in which the terms of any contract with bondholders may be altered or amended, the amount of bonds to which the holders must consent, and the manner in which the holders must consent;

(7) Define the acts or omissions that constitute a default in the duties of the Commission to holders of bonds and provide the rights and remedies of the holders in the event of a default, which may include provisions that restrict individual right of action by bondholders;

(8) Provide for guarantees, pledges of property, purchases or sales of property, leasing, leasing back or subleasing of property, the assignment of any pledges, purchase, sale, lease or sublease agreements, letters of credit or other security, or insurance for the benefit of bondholders; and

(9) Provide for any other matter relating to the bonds that the Commission deems appropriate.

(b) Any provisions under subsection (a) of this section that the Commission

includes in a resolution or trust agreement may be made part of the contract with the holders of the bonds.

§24–520.

(a) A pledge by the Commission of revenues as security for an issue of bonds shall be valid and binding from the time when the documents evidencing the pledge are executed by the Commission.

(b) (1) The revenues that the Commission pledges may be made immediately subject to the lien of the pledge without any physical delivery or further act.

(2) The lien of any pledge of revenue is valid and binding against any person who has any claim in tort, contract, or otherwise against the Commission, whether or not the person has notice.

(c) In order to perfect the lien on the revenue pledged by the Commission against third persons, a resolution, trust agreement or financing statement, continuation statement, or other instrument that the Commission adopts or enters into need not be filed or recorded in any public record other than the records of the Commission.

§24–521.

(a) A member of the Commission, or any person executing the bonds, is not liable personally on the bonds or subject to any personal liability by reason of the issuance of the bonds.

(b) Except as otherwise provided by an applicable resolution or trust agreement, a holder of bonds issued under this subtitle, or a trustee acting under a trust agreement entered into under this subtitle, may, by any suitable form of legal proceedings, protect and enforce any rights granted under the laws of this State or by any applicable resolution or trust agreement.

§24–522.

(a) The Commission may issue bonds to refund any of its bonds then outstanding, including the payment of any redemption premium and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase, or maturity of the bonds.

(b) Refunding bonds may be issued:

(1) (i) For the public purposes of realizing savings in the effective costs of debt service, directly or through a debt restructuring; or

(ii) For alleviating impending or actual default; and

(2) In one or more series in an amount in excess of that of the bonds to be refunded.

§24–523.

(a) The Commission may enter into agreements with agents, banks, insurers, or others for the purpose of enhancing the marketability of, or as a security for, its bonds.

(b) Any financial institution, investment company, insurance company or association, and any personal representative, guardian, trustee, or other fiduciary, may legally invest any moneys belonging to them or within their control in any bonds issued by the Commission.

§24–524.

(a) The bonds of the Commission, their transfer, the interest payable on them, and any income derived from them, including any profit realized in their sale or exchange, are exempt at all times from every kind of taxation by this State or by any of its political subdivisions, municipal corporations, or public agencies.

(b) (1) Subject to paragraph (2) of this subsection, the bonds of the Commission may be, but are not required to be, issued in conformance with any applicable provisions of the Internal Revenue Code of the United States in order that the interest payable thereon shall be excludable from federal gross income.

(2) The Commission may not issue tax–exempt private activity bonds that require a volume cap allocation under provisions of the Internal Revenue Code.

§24–525.

(a) This subtitle shall be liberally construed to effect its purposes.

(b) This subtitle may be cited as the "Historic St. Mary's City Commission Act".

§24–701.

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

(b) "Center" means the Maryland Longitudinal Data System Center.

(c) "De–identified data" means a data set in which parent and student identity information, including the State Assigned Student Identifier and student Social Security number, has been removed.

(d) "Governing Board" means the Governing Board of the Maryland Longitudinal Data System Center.

(e) "State Assigned Student Identifier" or "SASID" means the identifier assigned to each student by:

(1) A local education agency based on the identifier system developed by the State Department of Education; or

(2) An institution of higher education, if the student has not been assigned an identifier by a local education agency.

(f) (1) "Student data" means data relating to student performance.

(2) "Student data" includes:

(i) State and national assessments;

(ii) Course–taking and completion;

(iii) Grade point average;

(iv) Remediation;

(v) Retention;

(vi) Degree, diploma, or credential attainment;

(vii) Enrollment; and

(viii) Demographic data.

(3) "Student data" does not include:

(i) Juvenile delinquency records;

(ii) Criminal and CINA records;

(iii) Medical and health records; and

(iv) Discipline records.

(g) "Workforce data" means data relating to:

(1) Employment status;

(2) Wage information;

(3) Geographic location of employment; and

(4) Employer information.

§24–702.

(a) The State Department of Education, Maryland Higher Education Commission, University System of Maryland, Morgan State University, St. Mary's

College of Maryland, and Department of Labor, Licensing, and Regulation jointly shall establish the Maryland Longitudinal Data System that shall be fully operational by December 31, 2014.

(b) The Maryland Longitudinal Data System is a statewide data system that contains individual–level student data and workforce data from all levels of education and the State's workforce, and allows the Center to:

(1) Effectively organize, manage, disaggregate, and analyze individual student data; and

(2) Examine student progress and outcomes over time, including preparation for postsecondary education and the workforce.

(c) The linkage of student data and workforce data for the purposes of the Maryland Longitudinal Data System shall be limited to no longer than 5 years from the date of latest attendance in any educational institution in the State.

(d) The purpose of the Maryland Longitudinal Data System is to:

(1) Generate timely and accurate information about student performance that can be used to improve the State's education system and guide decision makers at all levels; and

(2) Facilitate and enable the linkage of student data and workforce data.

§24–703.

(a) There is a Maryland Longitudinal Data System Center.

(b) The Center is an independent unit within State government.

(c) The organizational placement and location of the Center shall be determined by the Governing Board.

(d) (1) The head of the Center is the Executive Director, who shall be appointed by the Governing Board.

(2) The Center may employ the additional staff necessary to carry out the Center's functions as provided in the State budget.

(e) The Center shall be considered an authorized representative of the State Department of Education and the Maryland Higher Education Commission under applicable federal and State statutes for purposes of accessing and compiling student record data for research purposes.

(f) The Center shall perform the following functions and duties:

(1) Serve as a central repository of student data and workforce data in the

Maryland Longitudinal Data System, including data sets provided by:

(i) The State Department of Education;

(ii) Local education agencies;

(iii) The Maryland Higher Education Commission;

(iv) Institutions of higher education; and

(v) The Department of Labor, Licensing, and Regulation;

(2) Oversee and maintain the warehouse of the Maryland Longitudinal Data System data sets;

(3) Ensure routine and ongoing compliance with the federal Family Educational Rights and Privacy Act and other relevant privacy laws and policies, including:

(i) The required use of de–identified data in data research and reporting;

(ii) The required disposition of information that is no longer needed;

(iii) Providing data security, including the capacity for audit trails;

(iv) Providing for performance of regular audits for compliance with data privacy and security standards; and

(v) Implementing guidelines and policies that prevent the reporting of other potentially identifying data;

(4) Conduct research using timely and accurate student data and workforce data to improve the State's education system and guide decision making by State and local governments, educational agencies, institutions, teachers, and other education professionals;

(5) Conduct research relating to:

(i) The impact of State and federal education programs;

(ii) The performance of educator preparation programs; and

(iii) Best practices regarding classroom instruction, education programs and curriculum, and segment alignment;

(6) Fulfill information and data requests to facilitate State and federal education reporting with existing State agencies as appropriate; and

(7) Fulfill approved public information requests.

(g) (1) Direct access to data in the Maryland Longitudinal Data System shall be restricted to authorized staff of the Center.

(2) The Center may only use de–identified data in the analysis, research, and reporting conducted by the Center.

(3) The Center may only use aggregate data in the release of data in reports and in response to data requests.

(4) Data that may be identifiable based on the size or uniqueness of the population under consideration may not be reported in any form by the Center.

(5) The Center may not release information that may not be disclosed under the federal Family Educational Rights and Privacy Act and other relevant privacy laws and policies.

(h) The Center may receive funding from the following sources:

(1) State appropriations;

(2) Grants or other assistance from local education agencies and institutions of higher education;

(3) Federal grants;

(4) User fees; and

(5) Any other grants or contributions from public or private entities received by the Center.

§24–703.1.

The Center shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on or before December 15 of each year, disaggregated by local school system, regarding:

(1) The number of students who are dually enrolled under Title 18, Subtitle 14A of this article; and

(2) The number and course name of the courses in which a student under item (1) of this section dually enrolls at the high school and at the public institution of higher education.

§24–704.

(a) There is a Governing Board of the Center.

(b) The Governing Board shall include the following members:

(1) The Secretary of Higher Education, or the Secretary's designee;

(2) The Chancellor of the University System of Maryland, or the Chancellor's designee;

(3) The President of Morgan State University, or the President's designee;

(4) The State Superintendent of Schools, or the Superintendent's designee;

(5) The Secretary of Labor, Licensing, and Regulation, or the Secretary's designee;

(6) A representative of local superintendents of schools, appointed by the Governor with the advice and consent of the Senate;

(7) The Executive Director of the Maryland Association of Community Colleges, or the Executive Director's designee;

(8) The President of the Maryland Independent College and University Association, or the President's designee; and

(9) Four members of the public, appointed by the Governor with the advice and consent of the Senate.

(c) One of the public members of the Governing Board shall have expertise in large data systems and data security.

(d) The Governor shall appoint a chair of the Governing Board from among its members.

(e) A member appointed by the Governor:

(1) Serves at the pleasure of the Governor;

(2) Serves for a term of 3 years and until a successor is appointed and qualifies; and

(3) May be reappointed but may not serve more than two consecutive terms.

(f) A member of the Governing Board:

(1) May not receive compensation as a member of the Governing Board; but

(2) Is entitled to reimbursement for expenses under the Standard State

Travel Regulations, as provided in the State budget.

(g) The Governing Board shall:

(1) Establish the organizational placement and location of the Center after seeking and evaluating proposals from interested entities based on criteria that shall include:

(i) The ability of the entity to support the operation of a large data system;

(ii) Strength of funding support; and

(iii) Expertise in data security;

(2) Develop an implementation plan to phase in the establishment and operation of the Maryland Longitudinal Data System and the Center;

(3) Provide general oversight and direction to the Center;

(4) Approve the annual budget for the Center;

(5) Establish the policy and research agenda of the Center;

(6) Before the incorporation of any individual data in the Maryland Longitudinal Data System:

(i) Create an inventory of the individual student data:

1. Proposed to be maintained in the system; and

2. Required to be reported by State and federal education mandates;

(ii) Develop and implement policies to comply with the federal Family Educational Rights and Privacy Act and any other privacy measures, as required by law or the Governing Board; and

(iii) Develop a detailed data security and safeguarding plan that includes:

1. Authorized access and authentication for authorized access;

2. Privacy compliance standards;

3. Privacy and security audits;

4. Breach notification and procedures; and

5. Data retention and disposition policies;

(7) Oversee routine and ongoing compliance with the federal Family Educational Rights and Privacy Act and other relevant privacy laws and policies;

(8) Ensure that any contracts that govern databases that are outsourced to private vendors include express provisions that safeguard privacy and security and include penalties for noncompliance;

(9) Designate a standard and compliance timeline for electronic transcripts that includes the use of SASID to ensure the uniform and efficient transfer of student data between local education agencies and institutions of higher education; and

(10) Review research requirements and set policies for the approval of data requests from State and local agencies, the Maryland General Assembly, and the public.

§24–705.

(a) The Governing Board shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on or before December 15 of each year.

(b) The report shall include:

(1) An update on the implementation of the Maryland Longitudinal Data System and the Center's activities;

(2) A list of all studies performed by the Center during the reporting period;

(3) A list of currently warehoused data that is determined to be no longer necessary to carry out the mission of the Center;

(4) Any proposed or planned expansion of data maintained in the database; and

(5) Any other recommendations made by the Governing Board.

§24–706.

The Center shall adopt regulations to implement the provisions of this subtitle.

§24–707.

(a) Local education agencies, community colleges, public senior higher education institutions, and State agencies shall:

(1) Make every effort to comply with the data requirements and

implementation schedule for the Maryland Longitudinal Data System as set forth by the Governing Board; and

(2) Transfer student–level and transcript–level data and workforce data to the Maryland Longitudinal Data System in accordance with the data security and safeguarding plan developed under § 24–704(g)(6) of this subtitle.

(b) Private secondary schools may transfer student data and workforce data to the Maryland Longitudinal Data System in accordance with the data security and safeguarding plan developed under § 24–704(g)(6) of this subtitle.

(c) (1) For–profit institutions of higher education, private nonprofit institutions of higher education that do not receive State funds, and institutions of higher education that are required to register under § 11–202.2 of this article shall transfer student–level enrollment data, degree data, and financial aid data for all Maryland residents to the Maryland Longitudinal Data System in accordance with the data security and safeguarding plan developed under § 24–704(g)(6) of this subtitle.

(2) Private nonprofit institutions of higher education that receive State funds shall transfer student–level enrollment data, degree data, financial aid data, and credit data for all students to the Maryland Longitudinal Data System in accordance with the data security and safeguarding plan developed under § 24–704(g)(6) of this subtitle.

(3) An institution that transfers or discloses student–level data under paragraph (1) or (2) of this subsection is not liable for a breach of confidentiality or for a disclosure, use, retention, or destruction of the data that results from an act or omission by:

(i) The Maryland Longitudinal Data System Center;

(ii) A State agency; or

(iii) A person provided access to the data by the Maryland Longitudinal Data System Center or a State agency.

(4) If the Maryland Independent College and University Association transfers or discloses student–level data to the Maryland Longitudinal Data System or a State agency on behalf of a private nonprofit institution of higher education under paragraph (1) or (2) of this subsection, the association is not liable for a breach of confidentiality or for a disclosure, use, retention, or destruction of the data that results from an act or omission by:

(i) The Maryland Longitudinal Data System Center;

(ii) A State agency; or

(iii) A person provided access to the data by the Maryland

Longitudinal Data System Center or a State agency.

§24–801.

(a) In this section, "Council" means the Governor's P–20 Leadership Council of Maryland.

(b) (1) There is a Governor's P–20 Leadership Council of Maryland.

(2) The Council is a partnership between the State, educators, and the business community to better prepare Maryland students for the jobs of the 21st century while enhancing the State's economic competitiveness by creating a workforce with 21st century skills.

(c) The Council shall consist of the following members:

(1) The Governor or the Governor's designee;

(2) The Secretary of Higher Education;

(3) The Secretary of Labor, Licensing, and Regulation;

(4) The Secretary of Business and Economic Development;

(5) The Chancellor of the University System of Maryland;

(6) The State Superintendent of Schools;

(7) The Chairman of the Maryland Higher Education Commission;

(8) The Chair and the Executive Director of the Governor's Workforce Investment Board;

(9) Two members of the House of Delegates, appointed by the Speaker of the House;

(10) Two members of the Senate of Maryland, appointed by the President of the Senate; and

(11) The following members appointed by the Governor:

(i) A member of the State Board of Education;

(ii) A representative of local superintendents of education;

(iii) A representative of local boards of education;

(iv) Two members of employee organizations that represent elementary and secondary school personnel in the State;

(v) A representative of elementary and secondary school principals;

(vi) Two representatives of nonpublic elementary and secondary schools;

(vii) An expert in early childhood education;

(viii) An expert in career and technology education;

(ix) Two representatives of community colleges;

(x) Two representatives of independent colleges or universities;

(xi) A representative of public institutions of higher education outside the University System of Maryland;

(xii) A representative of college or university deans who has responsibility for a science, technology, engineering, and math (STEM) discipline;

(xiii) Four representatives of the University System of Maryland;

(xiv) A representative of a for–profit institution of higher education;

(xv) Three representatives of the business community; and

(xvi) Six additional members with experience and knowledge that will benefit the work of the Council.

(d) The Governor or the Governor's designee shall chair the Council.

(e) Members of the Council appointed by the Governor shall serve at the pleasure of the Governor.

(f) A member of the Council may not receive compensation as a member of the Council, but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) (1) There is an Executive Committee of the Council that shall direct the Council in its work.

(2) The Executive Committee shall include the following members:

(i) The Governor or the Governor's designee;

(ii) The Secretary of Higher Education;

(iii) The Secretary of Labor, Licensing, and Regulation;

(iv) The Secretary of Commerce;

(v) The Chancellor of the University System of Maryland; and

(vi) The State Superintendent of Schools.

(h) (1) The Council may establish other committees or task forces as are necessary to accomplish its work.

(2) A committee or task force may include as a member an individual who is not a Council member.

(i) The Council shall investigate ways to improve education, advance workforce creation, and make the State more competitive through some or all of the following strategies:

(1) Ensuring that all students have the basic, critical thinking, and technical skills necessary to succeed in the modern workplace;

(2) Reducing dropout rates and increasing retention and graduation rates in high school and college;

(3) Improving student achievement and closing student achievement gaps;

(4) Improving teaching quality;

(5) Improving teacher retention;

(6) Strengthening and expanding educational leadership programs;

(7) Redesigning career and technology education programs to meet college expectations and employer needs;

(8) Expanding the availability of career and technology programs and high school centers;

(9) Strengthening STEM programs at the high school and college levels;

(10) Connecting high school expectations and college expectations with employer needs;

(11) Creating pathways for all students to obtain college degrees;

(12) Providing teachers the resources and professional training they need to help students reach higher standards;

(13) Expanding opportunities for continuous learning;

(14) Aligning high school graduation requirements with college readiness requirements;

(15) Improving the connections between the pre–kindergarten, primary, secondary, and higher education systems;

(16) Creating programs and incentives to encourage mutually beneficial relationships between schools, school systems, higher education, and the business community;

(17) Ensuring college and career readiness and college completion strategies are implemented; and

(18) Any other strategies requested by the Governor or General Assembly.

(j) Members of the Executive Committee shall provide the primary staff support necessary for the Council.

(k) The Council shall meet at least quarterly at such times and places as it determines.

(l) (1) The Council shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on or before December 15 of each year.

(2) The report shall set forth any recommendations from the Council and summarize the Council's activities during the preceding year.

(m) By December 1, 2014, and every 2 years thereafter, the Council shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the progress of implementing college and career readiness and college completion strategies established in § 7–205.1, Title 11, Subtitle 7A, §§ 15–114 through 15–117, and Title 18, Subtitle 14A of this article.

§24–901.

(a) In this subtitle the following terms have the meanings indicated.

(b) "Board" means the Northeast Maryland Higher Education Advisory Board.

(c) "Center" means the University Center at HEAT.

(d) "Commission" means the Maryland Higher Education Commission.

(e) "Site" means a location where a 4–year institution of higher education offers Commission–approved undergraduate and graduate programs in Cecil County or Harford County.

§24–902.

There is a Northeast Maryland Higher Education Advisory Board.

§24–903.

(a) The Board consists of the following voting members:

(1) One representative of each of the 4–year institutions of higher education offering a Commission–approved program at the Center or at a site, appointed by the institution; and

(2) The following 10 representatives, appointed in accordance with the bylaws of the Board:

(i) Three representatives of regional businesses, industries, or corporations;

(ii) One representative of the Cecil County Office of Economic Development;

(iii) One representative of the Harford County Office of Economic Development;

(iv) One representative of Cecil College;

(v) One representative of Harford Community College;

(vi) One representative of the Northeast Maryland University Research Park; and

(vii) Two representatives chosen from the community at large.

(b) (1) Each member serves for a term of 3 years and until a successor is appointed and qualifies.

(2) A member may not serve more than two full consecutive terms.

(3) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(c) (1) (i) Subject to subparagraph (ii) of this paragraph, the chair of the Board shall be elected by the Board from among its members.

(ii) A member who is a representative of an out–of–state institution may not serve as chair.

(2) The voting members may elect other officers and establish committees, including advisory committees, as needed.

(d) In addition to the voting members, the following individuals shall serve as ex officio, nonvoting members:

(1) The Senior Mission Commander of the Aberdeen Proving Ground, or the Commander's designee;

(2) The Garrison Commander of the Aberdeen Proving Ground, or the Commander's designee; and

(3) The Center Director.

(e) Each member of the Board:

(1) Serves without compensation; and

(2) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

§24–904.

(a) In addition to the other powers expressly granted and duties imposed by this title, and subject to the authority of the Commission, the Board has only the powers and duties set forth in this section.

(b) The Board shall:

(1) Assist and support the development of higher education in Cecil County and Harford County;

(2) Assist in setting the missions of and accomplishing the goals and objectives of the sites in Cecil County and Harford County;

(3) Advise the Center, site coordinators, and the supervisory staff to whom the coordinators report on programs offered and facility utilization;

(4) Provide guidance and support in identifying institutions and programs to serve higher education and workforce needs in Cecil County and Harford County;

(5) Assist with the marketing and promotion of programs offered at the Center and sites;

(6) Facilitate interactions among the business, nonprofit, education, and military communities;

(7) Keep separate records and minutes; and

(8) Adopt reasonable rules, regulations, or bylaws to carry out the provisions of this subtitle.

(c) The Board may apply, accept, and expend any gift, appropriation, or grant from the State, county, or federal government or any other person.

(d) The Board may make agreements with the federal, State, or a county government or any other person, if it considers the agreement advisable for the support of higher education.

(e) The Board may adopt a corporate seal.

(f) In addition to other reports that may be required by the Commission, the Board shall:

(1) Keep records that are consistent with sound business practices and accounting records using generally accepted accounting principles;

(2) Cause an audit by an independent certified public accountant to be made of the accounts and transactions of the Center at the conclusion of each fiscal year; and

(3) For any State money, be subject to an audit by the Office of Legislative Audits, in accordance with §§ 2–1220 through 2–1227 of the State Government Article.

§24–1001.

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

(b) "Board" means the Frederick Center for Research and Education in Science and Technology Governing Board.

(c) "Commission" means the Maryland Higher Education Commission.

(d) "Frederick CREST" means the Frederick Center for Research and Education in Science and Technology.

(e) "Site" means a 4–year institution of higher education that offers Commission–approved undergraduate and graduate programs at Frederick CREST.

§24–1002.

There is a Frederick Center for Research and Education in Science and Technology that is governed by the Frederick Center for Research and Education in Science and Technology Governing Board.

§24–1003.

(a) The Board consists of the following voting members:

(1) One representative of each of the 4–year institutions of higher education offering a Commission–approved program at Frederick CREST and at a site, appointed by the institution;

(2) The following nine representatives, appointed in accordance with the

bylaws of the Board:

(i) Five members of the Frederick County Business Roundtable for Education Executive Committee who are appointed as representatives from the following groups:

1. The Frederick County Chamber of Commerce;

2. Frederick Community College;

3. Frederick County Public Schools;

4. Frederick County Office of Economic Development; and

5. Frederick National Laboratory for Cancer Research (operating contractor);

(ii) Two representatives of regional businesses, industries, or corporations; and

(iii) Two representatives chosen from the community at–large;

(3) The President of Hood College; and

(4) The President of Mount St. Mary's University.

(b) (1) Each member serves for a term of 3 years and until a successor is appointed and qualifies.

(2) A member may not serve more than two full consecutive terms.

(3) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(c) (1) (i) Subject to subparagraph (ii) of this paragraph, the chair of the Board shall be elected by the Board from among its members.

(ii) A member who is a representative of an out–of–state institution may not serve as chair.

(2) The voting members may elect other officers and establish committees, including advisory committees, as needed.

(d) In addition to the voting members, the following individuals shall serve as ex officio, nonvoting members:

(1) The Senior Mission Commander of Fort Detrick;

(2) The representative from Fort Detrick on the Frederick County

Business Roundtable for Education Executive Committee;

(3) The National Cancer Institute's senior mission leader for the Frederick National Laboratory for Cancer Research, or the leader's designee; and

(4) The Center Coordinator.

(e) Each member of the Board:

(1) Serves without compensation; and

(2) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

§24–1004.

(a) In addition to the other powers expressly granted and duties imposed by this subtitle, and subject to the authority of the Commission, the Board has only the powers and duties set forth in this section.

(b) The Board shall:

(1) Operate and exercise general control over Frederick CREST;

(2) Assist and support the development of higher education in the Frederick region;

(3) Assist in setting the missions of and accomplishing the goals and objectives of the sites in Frederick County;

(4) Assist in establishing a Frederick regional higher education center to be named the Frederick Center for Research and Education in Science and Technology;

(5) Provide guidance and support in identifying institutions and programs to serve higher education and workforce needs in Frederick County;

(6) Assist with the marketing and promotion of programs offered at Frederick CREST and sites;

(7) Facilitate interactions among the business, nonprofit, education, military, and Frederick National Laboratory communities;

(8) Keep separate records and minutes; and

(9) Adopt reasonable rules, regulations, or bylaws to carry out the provisions of this subtitle.

(c) The Board may fix the salaries and terms of employment of the Director and other employees of Frederick CREST.

(d) The Board may purchase, lease, or otherwise acquire any property it considers necessary for the operation of Frederick CREST.

(e) (1) The Board may sell, lease, or otherwise dispose of assets or property of Frederick CREST.

(2) The Director of Frederick CREST or the chair of the Board may execute a conveyance or other legal document under an appropriate resolution of the Board.

(f) The Board shall ensure that all academic programs and policies of Frederick CREST and sites are in compliance with the policies of and approved by the Commission for regional higher education centers in accordance with § 11–105 of this article.

(g) The Board shall submit an adopted mission statement to the Commission subject to the policies and guidelines of the Commission.

(h) The Board may apply, accept, and expend any gift, appropriation, or grant from the State, county, or federal government or any other person.

(i) The Board may make agreements with the federal, the State, or a county government or any other person if the Board considers the agreement advisable for the operation of Frederick CREST.

(j) The Board may adopt a corporate seal.

(k) In addition to other reports that may be required by the Commission, the Board shall:

(1) Keep records that are consistent with sound business practices and accounting records that use generally accepted accounting principles;

(2) Cause an audit by an independent certified public accountant to be made of the accounts and transactions of Frederick CREST at the conclusion of each fiscal year; and

(3) For any State money, be subject to an audit by the Office of Legislative Audits, in accordance with §§ 2–1220 through 2–1227 of the State Government Article.

§25–101.

The Compact for Education is hereby entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as it appears in § 25-102 of this subtitle.

§25–102.

Article I. Purpose and Policy

a. It is the purpose of this Compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearinghouse of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

b. It is the policy of this Compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

c. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

Article II. State Defined

As used in this Compact, "state" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

Article III. The Commission

a. The Education Commission of the states, hereinafter called "the Commission," is hereby established. The Commission shall consist of seven members representing each party state. One of such members shall be the governor; two shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the Commission, six members shall be appointed and serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the

Commission, the guiding principle for the composition of the membership on the Commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the Commission representing the party states, there may be not to exceed ten nonvoting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

b. The members of the Commission shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Commission shall be only at a meeting at which a majority of the commissioners are present. The Commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the Commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III (j).

c. The Commission shall have a seal.

d. The Commission shall elect annually, from among its members, a chairman, who shall be a governor, a vice-chairman and a treasurer. The Commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the Commission, and together with the treasurer and such other personnel as the Commission may deem appropriate shall be bonded in such amount as the Commission shall determine. The executive director shall be secretary.

e. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the Commission, and shall fix the duties and compensation of such personnel. The Commission in its bylaws shall provide for the personnel policies and programs of the Commission.

f. The Commission may borrow, accept or contract for the service of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

g. The Commission may accept for any of its purposes and functions under this Compact any and all donations, and grants of money, equipment, supplies,

materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the Commission pursuant to this paragraph or services borrowed pursuant to paragraph f of this article shall be reported in the annual report of the Commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

h. The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

i. The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

j. The Commission annually shall make to the governor and legislature of each party state a report covering the activities of the Commission for the preceding year. The Commission may make such additional reports as it may deem desirable.

Article IV. Powers

In addition to authority conferred on the Commission by other provisions of the Compact, the Commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this article in any instance where the Commission finds that such research is necessary for the advancement of the purposes and policies of this Compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration

of any of its authority or functions pursuant to this Compact.

Article V. Cooperation with Federal Government

a. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the Commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representatives shall have a vote on the Commission.

b. The Commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

Article VI. Committees

a. To assist in the expeditious conduct of its business when the full Commission is not meeting, the Commission shall elect a steering committee of thirty-two members which, subject to the provisions of this Compact and consistent with the policies of the Commission, shall be constituted and function as provided in the bylaws of the Commission. One fourth of the voting membership of the steering committee shall consist of governors, one fourth shall consist of legislators, and the remainder shall consist of other members of the Commission. A federal representative on the Commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the Commission shall be elected as follows: sixteen for one year and sixteen for two years. The chairman, vice-chairman, and treasurer of the Commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the Commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two-term limitation.

b. The Commission may establish advisory and technical committees composed of state, local and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two or more of the party states.

c. The Commission may establish such additional committees as its bylaws may provide.

Article VII. Finance

a. The Commission shall advise the governor or designated officer or officers

of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

b. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the Commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

c. The Commission shall not pledge the credit of any party states. The Commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III (g) of this Compact, provided that the Commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it pursuant to Article III (g) thereof, the Commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

d. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the Commission.

e. The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the Commission.

f. Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

Article VIII. Eligible Parties; Entry Into and Withdrawal

a. This Compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor," as used in this Compact, shall mean the closest equivalent official of such jurisdiction.

b. Any state or other eligible jurisdiction may enter into this Compact and it shall become binding thereon when it has adopted the same; provided, that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

c. Adoption of the Compact may be either by enactment thereof or by adherence

thereto by the governor; provided that in the absence of enactment, adherence by the governor shall be sufficient to make his state a party only until December 31, 1967. During any period when a state is participating in this Compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself, shall serve as the members of the Commission from his state, and shall provide to the Commission an equitable share of the financial support of the Commission from any source available to him.

d. Except for a withdrawal effective on December 31, 1967, in accordance with paragraph c of this article, any party state may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Article IX. Construction and Severability

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state participating therein, the Compact shall remain in full force and effect as to the state affected as to all severable matters.

§25–103.

(a) There is a Maryland Education Council.

(b) (1) The Council consists of seven members.

(2) One member shall be the Governor, ex officio.

(3) Two members shall be from the Senate and House of Delegates of the General Assembly, appointed by the respective presiding officers.

(4) One member shall be the State Superintendent, ex officio.

(5) Three members shall be residents of this State appointed by the Governor. These members shall have knowledge of and interest in educational matters and by virtue of their training, experience, knowledge, or affiliation shall be in a position collectively to reflect broadly the interests of the State government, higher education, the State education system, county education, and lay and professional, public and nonpublic educational leadership.

(c) (1) The three members appointed by the Governor serve for terms that

coincide with that of the Governor.

(2) Any member of the Council appointed by the Governor may be reappointed to one or more successive terms.

(d) (1) The Governor shall designate a chairman of the Council from among its members.

(2) The Council shall meet:

(i) On the call of its Chairman or the request of a majority of its members; and

(ii) At least three times in each year.

(e) The Council may consider all matters relating to:

(1) Public educational policy;

(2) Recommendations of the Education Commission of the States; and

(3) The activities of the representatives from this State on the Education Commission of the States.

(f) The members of the Maryland Education Council shall be the representatives from this State on the Education Commission of the States.

§25–104.

Pursuant to Article III of the Compact, the Commission shall file a copy of its bylaws and any amendments thereto with the Maryland Education Council.

§25–201.

On the approval of this Compact by the minimum required number of states, as provided in the Compact, the Governor shall sign an engrossed copy of the Southern Regional Education Compact substantially as it appears in § 25-202 of this subtitle and sufficient copies of it, to provide each state that approves the Compact with an engrossed copy of it.

§25–202.

(a) In consideration of the mutual agreements, covenants and obligations assumed by the respective states who are parties hereto (hereinafter referred to as "states"), the said several states do hereby form a geographical district or region consisting of the areas lying within the boundaries of the contracting states which, for the purposes of this Compact, shall constitute an area for regional education supported by public funds derived from taxation by the constituent states and derived from other sources for the establishment, acquisition, operation and maintenance of regional

educational schools and institutions for the benefit of citizens of the respective states residing within the region so established as may be determined from time to time in accordance with the terms and provisions of this Compact.

(b) The states do further hereby establish and create a joint agency which shall be known as the Board of Control for Southern Regional Education (hereinafter referred to as the "Board"), the members of which Board shall consist of the governor of each state, ex officio, and four additional citizens of each state to be appointed by the governor thereof, at least one of whom shall be selected from the field of education and at least one of whom shall be a member of the legislature of that state. The governor shall continue as a member of the Board during his tenure of office as governor of the state, but the members of the Board appointed by the governor shall hold office for a period of four years except that in the original appointments one Board member so appointed by the governor shall be designated at the time of his appointment to serve an initial term of two years, one Board member to serve an initial term of three years, and the remaining Board member to serve the full term of four years, but thereafter the successor of each appointed Board member shall serve the full term of four years. Vacancies on the Board caused by death, resignation, refusal or inability to serve, shall be filled by appointment by the governor for the unexpired portion of the term. The officers of the Board shall be a chairman, a vice-chairman, a secretary, a treasurer, and such additional officers as may be created by the Board from time to time. The Board shall meet annually and officers shall be elected to hold office until the next annual meeting. The Board shall have the right to formulate and establish bylaws not inconsistent with the provisions of this Compact to govern its own actions in the performance of the duties delegated to it including the right to create and appoint an executive committee and a finance committee with such powers and authority as the Board may delegate to them from time to time. The Board may, within its discretion, elect as its chairman a person who is not a member of the Board, provided such person resides within a signatory state, and upon such election such person shall become a member of the Board with all the rights and privileges of such membership.

(c) It shall be the duty of the Board to submit plans and recommendations to the states from time to time for their approval and adoption by appropriate legislative action for the development, establishment, acquisition, operation and maintenance of educational schools and institutions within the geographical limits of the regional area of the states, of such character and type and for such educational purposes, professional, technological, scientific, literary, or otherwise, as they may deem and determine to be proper, necessary or advisable. Title to all such educational institutions when so established by appropriate legislative actions of the states and to all properties and facilities used in connection therewith shall be vested in said Board as the agency of and for the use and benefit of the said states and the citizens thereof, and all such educational institutions shall be operated, maintained and financed in the manner herein set out, subject to any provisions or limitations which may be contained in the legislative acts of the states authorizing the creation, establishment and operation of such educational institutions.

(d) In addition to the power and authority heretofore granted, the Board shall

have the power to enter into such agreements or arrangements with any of the states and with educational institutions or agencies, as may be required in the judgment of the Board, to provide adequate services and facilities for the graduate, professional, and technical education for the benefit of the citizens of the respective states residing within the region, and such additional and general power and authority as may be vested in the Board from time to time by legislative enactment of the said states.

(e) Any two or more states who are parties of this Compact shall have the right to enter into supplemental agreements providing for the establishment, financing and operation of regional educational institutions for the benefit of citizens residing within an area which constitutes a portion of the general region herein created, such institutions to be financed exclusively by such states and to be controlled exclusively by the members of the Board representing such states provided such agreement is submitted to and approved by the Board prior to the establishment of such institutions.

(f) Each state agrees that, when authorized by the legislature, it will from time to time make available and pay over to said Board such funds as may be required for the establishment, acquisition, operation and maintenance of such regional educational institutions as may be authorized by the states under the terms of this Compact, the contribution of each state at all times to be in the proportion that its population bears to the total combined population of the states who are parties hereto as shown from time to time by the most recent official published report of the Bureau of the Census of the United States of America; or upon such other basis as may be agreed upon.

(g) This Compact shall not take effect or be binding upon any state unless and until it shall be approved by proper legislative action of as many as six or more of the states whose governors have subscribed hereto within a period of eighteen months from the date hereof. When and if six or more states shall have given legislative approval to this Compact within said eighteen months' period, it shall be and become binding upon such six or more states 60 days after the date of legislative approval by the sixth state and the governors of such six or more states shall forthwith name the members of the Board from their states as hereinabove set out, and the Board shall then meet on call of the governor of any state approving this Compact, at which time the Board shall elect officers, adopt bylaws, appoint committees and otherwise fully organize. Other states whose names are subscribed hereto shall thereafter become parties hereto upon approval of this Compact by legislative action within two years from the date hereof, upon such conditions as may be agreed upon at the time. Provided, however, that with respect to any state whose constitution may require amendment in order to permit legislative approval of the Compact, such state or states shall become parties hereto upon approval of this Compact by legislative action within seven years from the date hereof, upon such conditions as may be agreed upon at the time.

(h) After becoming effective this Compact shall thereafter continue without limitation of time; provided, however, that it may be terminated at any time by unanimous action of the states and provided further that any state may withdraw from this Compact if such withdrawal is approved by its legislature, such withdrawal to become effective two years after written notice thereof to the Board accompanied by

a certified copy of the requisite legislative action, but such withdrawal shall not relieve the withdrawing state from its obligations hereunder accruing up to the effective date of such withdrawal. Any state so withdrawing shall ipso facto cease to have any claim to or ownership of any of the property held or vested in the Board or to any of the funds of the Board held under the terms of this Compact.

(i) If any state shall at any time become in default in the performance of any of its obligations assumed herein or with respect to any obligation imposed upon said state as authorized by and in compliance with the terms and provisions of this Compact, all rights, privileges and benefits of such defaulting state, its members on the Board and its citizens shall ipso facto be and become suspended from and after the date of such default. Unless such default shall be remedied and made good within a period of one year immediately following the date of such default this Compact may be terminated with respect to such defaulting state by an affirmative vote of three fourths of the members of the Board (exclusive of the members representing the state in default), from and after which time such state shall cease to be a party to this Compact and shall have no further claim to or ownership of any of the property held by or vested in the Board or to any of the funds of the Board held under the terms of this Compact, but such termination shall in no manner release such defaulting state from any accrued obligations or otherwise affect this Compact or the rights, duties, privileges or obligations of the remaining states thereunder.

(j) IN WITNESS WHEREOF this Compact has been approved and signed by governors of the several states, subject to the approval of their respective legislatures in the manner hereinabove set out, as of the 8th day of February, 1948.

STATE OF FLORIDA

By Millard F. Caldwell

Governor

STATE OF MARYLAND

By Wm. Preston Lane, Jr.

Governor

STATE OF GEORGIA

By M. E. Thompson

Governor

STATE OF LOUISIANA

By J. H. Davis

Governor

STATE OF ALABAMA

By James E. Folsom

Governor

STATE OF MISSISSIPPI

By F. L. Wright

Governor

STATE OF TENNESSEE

By Jim McCord

Governor

STATE OF ARKANSAS

By Ben Laney

Governor

COMMONWEALTH OF VIRGINIA

By Wm. M. Tuck

Governor

STATE OF NORTH CAROLINA

By R. Gregg Cherry

Governor

STATE OF SOUTH CAROLINA

By J. Strom Thurmond

Governor

STATE OF TEXAS

By Beauford H. Jester

Governor

STATE OF OKLAHOMA

By Roy J. Turner

Governor

STATE OF WEST VIRGINIA

By Clarence W. Meadows

Governor

§25–203.

The Southern Regional Education Compact is approved, confirmed, and ratified, and every paragraph, clause, provision, matter, and thing in the Compact shall be obligatory on this State and its citizens, and shall be forever faithfully and inviolably observed and kept by the government of this State and all of its citizens according to the true intent and meaning and provisions of the Compact.

§25–204.

(a) The admission of the states of Delaware and West Virginia into the Southern Regional Education Compact is approved, and the states of Delaware and West Virginia or either of them shall become a party to the Compact upon approval in each instance by the legislature and the governor, and upon further approval of their admission by the other states which were party to the original Compact.

(b) As of July 1, 1985, the State of Maryland approves the State of Oklahoma as a party to the Southern Regional Education Compact. Approval by the other states which are members of the Compact is required.

(c) Upon the approval of this act, the Governor of Maryland shall sign an accurate copy of it and submit it to the Southern Regional Education Board, 1340 Spring Street, N.W., Atlanta, Georgia 30309.

§25–205.

The Maryland Higher Education Commission shall administer all programs under the Southern Regional Education Compact.

§25–301.

The Interstate Library Compact is hereby enacted into law and entered into by this State with all states legally joining it, in the form substantially as it appears in §§ 25-302 and 25-303 of this subtitle.

§25–302.

(a) No political subdivision of this State shall be party to a library agreement which provides for the construction or maintenance of a library pursuant to Article III, subdivision (c)(7) of the Compact, nor pledge its credit in support of such a library, or contribute to the capital financing thereof, except after compliance with any laws applicable to such political subdivisions relating to or governing capital outlays and the pledging of credit.

(b) As used in the Compact, "State library agency," with reference to this State, means the Division of Library Development and Services of the State Department of Education.

(c) An interstate library district lying partly within this State may claim and be entitled to receive State aid in support of any of its functions to the same extent and in the same manner as such functions are eligible for support when carried on by entities wholly within this State. For the purposes of computing and apportioning State aid to an interstate library district, this State will consider that portion of the area which lies within this State as an independent entity for the performance of the aided function or functions and compute and apportion the aid accordingly. Subject to any applicable laws of this State, such a district also may apply for and be entitled to receive any federal aid for which it may be eligible.

(d) The Assistant Superintendent for Libraries shall be the compact administrator pursuant to Article X of the Compact. The State Board of Education on the recommendation of the State Superintendent of Schools may appoint one or more deputy compact administrators pursuant to said article.

(e) In the event of withdrawal from the Compact the Governor shall send and receive any notices required by Article XI(b) of the Compact.

§25–303.

Interstate Library Compact
Article I. Policy and Purpose

Because the desire for the services provided by libraries transcends governmental boundaries and can most effectively be satisfied by giving such services to communities and people regardless of jurisdictional lines, it is the policy of the states party to this Compact to cooperate and share their responsibilities; to authorize cooperation and sharing with respect to those types of library facilities and services which can be more economically or efficiently developed and maintained on a cooperative basis, and to authorize cooperation and sharing among localities, states and others in providing joint or cooperative library services in areas where the distribution of population or of existing and potential library resources make the provision of library service on an interstate basis the most effective way of providing adequate and efficient service.

Article II. Definitions

As used in this Compact:

(a) "Public library agency" means any unit or agency of local or State government operating or having power to operate a library.

(b) "Private library agency" means any nongovernmental entity which operates or assumes a legal obligation to operate a library.

(c) "Library agreement" means a contract establishing an interstate library district pursuant to this Compact or providing for the joint or cooperative furnishing of library services.

Article III. Interstate Library Districts

(a) Any one or more public library agencies in a party state in cooperation with any public library agency or agencies in one or more other party states may establish and maintain an interstate library district. Subject to the provisions of this Compact and any other laws of the party states which pursuant hereto remain applicable, such district may establish, maintain and operate some or all of the library facilities and services for the area concerned in accordance with the terms of a library agreement therefor. Any private library agency or agencies within an interstate library district may cooperate therewith, assume duties, responsibilities and obligations thereto, and receive benefits therefrom as provided in any library agreement to which such agency or agencies become party.

(b) Within an interstate library district, and as provided by a library agreement, the performance of library functions may be undertaken on a joint or cooperative basis or may be undertaken by means of one or more arrangements between or among public or private library agencies for the extension of library privileges to the use of facilities or services operated or rendered by one or more of the individual library agencies.

(c) If a library agreement provides for joint establishment, maintenance or operation of library facilities or services by an interstate library district, such district shall have power to do any one or more of the following in accordance with such library agreement:

(1) Undertake, administer and participate in programs or arrangements for securing, lending or servicing of books and other publications, any other materials suitable to be kept or made available by libraries, library equipment or for the dissemination of information about libraries, the value and significance of particular items therein, and the use thereof.

(2) Accept for any of its purposes under this Compact any and all donations, and grants of money, equipment, supplies, materials, and services, (conditional or otherwise), from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm or corporation, and receive, utilize and dispose of the same.

(3) Operate mobile library units or equipment for the purpose of rendering

bookmobile service within the district.

(4) Employ professional, technical, clerical, and other personnel, and fix terms of employment, compensation and other appropriate benefits; and where desirable, provide for the in-service training of such personnel.

(5) Sue and be sued in any court of competent jurisdiction.

(6) Acquire, hold, and dispose of any real or personal property or any interest or interests therein as may be appropriate to the rendering of library service.

(7) Construct, maintain and operate a library, including any appropriate branches thereof.

(8) Do such other things as may be incidental to or appropriate for the carrying out of any of the foregoing powers.

Article IV. Interstate Library Districts, Governing Board

(a) An interstate library district which establishes, maintains or operates any facilities or services in its own right shall have a governing board which shall direct the affairs of the district and act for it in all matters relating to its business. Each participating public library agency in the district shall be represented on the governing board which shall be organized and conduct its business in accordance with provision therefor in the library agreement. But in no event shall a governing board meet less often than twice a year.

(b) Any private library agency or agencies party to a library agreement establishing an interstate library district may be represented on or advise with the governing board of the district in such manner as the library agreement may provide.

Article V. State Library Agency Cooperation

Any two or more state library agencies of two or more of the party states may undertake and conduct joint or cooperative library programs, render joint or cooperative library services, and enter into and perform arrangements for the cooperative or joint acquisition, use, housing and disposition of items or collections of materials which, by reason of expense, rarity, specialized nature, or infrequency of demand therefor would be appropriate for central collection and shared use. Any such programs, services or arrangements may include provision for the exercise on a cooperative or joint basis of any power exercisable by an interstate library district and an agreement embodying any such program, service or arrangement shall contain provisions covering the subjects detailed in Article VI of this Compact for interstate library agreements.

Article VI. Library Agreements

(a) In order to provide for any joint or cooperative undertaking pursuant to this Compact, public and private library agencies may enter into library agreements. Any agreement executed pursuant to the provisions of this Compact shall, as among the parties to the agreement:

(1) Detail the specific nature of the services, programs, facilities, arrangements or properties to which it is applicable.

(2) Provide for the allocation of costs and other financial responsibilities.

(3) Specify the respective rights, duties, obligations and liabilities of the parties.

(4) Set forth the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of the agreement.

(b) No public or private library agency shall undertake to exercise itself, or jointly with any other library agency, by means of a library agreement any power prohibited to such agency by the constitution or statutes of its state.

(c) No library agreement shall become effective until filed with the compact administrator of each state involved, and approved in accordance with Article VII of this Compact.

Article VII. Approval of Library Agreements

(a) Every library agreement made pursuant to this Compact shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general of each state in which a public library agency party thereto is situated, who shall determine whether the agreement is in proper form and compatible with the laws of his state. The attorneys general shall approve any agreement submitted to them unless they shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public library agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within 90 days of its submission shall constitute approval thereof.

(b) In the event that a library agreement made pursuant to this Compact shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner and subject to the same requirements governing the action of the attorneys general pursuant to paragraph (a) of this article. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the attorneys general.

Article VIII. Other Laws Applicable

Nothing in this Compact or in any library agreement shall be construed to supersede, alter or otherwise impair any obligation imposed on any library by otherwise applicable law, nor to authorize the transfer or disposition of any property

held in trust by a library agency in a manner contrary to the terms of such trust.

Article IX. Appropriations and Aid

(a) Any public library agency party to a library agreement may appropriate funds to the interstate library district established thereby in the same manner and to the same extent as to a library wholly maintained by it and, subject to the laws of the state in which such public library agency is situated, may pledge its credit in support of an interstate library district established by the agreement.

(b) Subject to the provisions of the library agreement pursuant to which it functions and the laws of the states in which such district is situated, an interstate library district may claim and receive any state and federal aid which may be available to library agencies.

Article X. Compact Administrator

Each state shall designate a compact administrator with whom copies of all library agreements to which his state or any public library agency thereof is party shall be filed. The administrator shall have such other powers as may be conferred upon him by the laws of his state and may consult and cooperate with the compact administrators of other party states and take such steps as may effectuate the purposes of this Compact. If the laws of a party state so provide, such state may designate one or more deputy compact administrators in addition to its compact administrator.

Article XI. Entry Into Force and Withdrawal

(a) This Compact shall enter into force and effect immediately upon its enactment into law by any two states. Thereafter, it shall enter into force and effect as to any other state upon the enactment thereof by such state.

(b) This Compact shall continue in force with respect to a party state and remain binding upon such state until six months after such state has given notice to each other party state of the repeal thereof. Such withdrawal shall not be construed to relieve any party to a library agreement entered into pursuant to this Compact from any obligation of that agreement prior to the end of its duration as provided therein.

Article XII. Construction and Severability

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state party thereto, the Compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

§26–101.

(a) A person may not willfully disturb or otherwise willfully prevent the orderly conduct of the activities, administration, or classes of any institution of elementary, secondary, or higher education.

(b) A person may not molest or threaten with bodily harm any student, employee, administrator, agent, or any other individual who is lawfully:

(1) On the grounds or in the immediate vicinity of any institution of elementary, secondary, or higher education;

(2) On a school vehicle;

(3) At an activity sponsored by a school that is held off school property; or

(4) On property that is owned by a county board and is used for administrative or other purposes.

(c) A person may not threaten with bodily harm any employee of any institution of elementary, secondary, or higher education at home by any means, including in person, by telephone, or by electronic mail. This prohibition applies only to threats arising out of the scope of the employee's employment.

(d) In addition to the penalties provided in this section or in § 6-409 of the Criminal Law Article, on application by the governing board of any institution of elementary, secondary, or higher education, the circuit court of the county in which the institution is located may issue an injunction restraining any specific activities that violate this section.

(e) Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $2,500, imprisonment not exceeding 6 months, or both.

§26–102.

(a) In this section, "school resource officer" means a law enforcement officer as defined under § 3-101(e) of the Public Safety Article who has been assigned to a school in accordance with a memorandum of understanding between the chief of a law enforcement agency as defined under § 3-101(b) of the Public Safety Article and the local education agency.

(b) The governing board, president, superintendent, principal, or school resource officer of any public institution of elementary, secondary, or higher education, or a person designated in writing by the board or any of these persons, may deny access to the buildings or grounds of the institution to any other person who:

(1) Is not a bona fide, currently registered student, or staff or faculty

member at the institution, and who does not have lawful business to pursue at the institution;

(2) Is a bona fide, currently registered student at the institution and has been suspended or expelled from the institution, for the duration of the suspension or expulsion; or

(3) Acts in a manner that disrupts or disturbs the normal educational functions of the institution.

(c) Administrative personnel, authorized employees of any public institution of elementary, secondary, or higher education, and persons designated in subsection (b) of this section may demand identification and evidence of qualification from any person who desires to use or enter the premises of the institution.

(d) The governing board of any public institution of elementary, secondary, or higher education may enter into an agreement with appropriate law enforcement agencies to carry out the responsibilities of this section when:

(1) The institution is closed; or

(2) None of the persons designated in subsection (b) of this section are present in the buildings or on the grounds of the institution.

(e) A person is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000, imprisonment not exceeding 6 months, or both if he:

(1) Trespasses on the grounds of any public institution of elementary, secondary, or higher education;

(2) Fails or refuses to leave the grounds of any of these institutions after being requested to do so by a person designated in subsection (b) of this section as being authorized to deny access to the buildings or grounds of the institution; or

(3) Willfully damages or defaces any building, furnishing, statue, monument, memorial, tree, shrub, grass, or flower on the grounds of any of these institutions.

§26–103.

(a) (1) Unless locally approved by the county board of education, a person may not drink or possess any alcoholic beverage on the premises of any public school.

(2) A person who drinks or possesses any alcoholic beverage and causes a public disturbance at any elementary or secondary school athletic contest may not refuse to comply with a request by a law enforcement officer to stop drinking and causing the public disturbance. If the person complies with the first request, he may not be charged under this paragraph.

(b) (1) Any person under 18 years of age who violates the provisions of this section shall be issued a citation and be subject to the dispositions for a violation under Title 3, Subtitle 8A of the Courts Article.

(2) Any person 18 years old or older violating the provisions of this section shall be issued a citation and be subject to § 10-119 of the Criminal Law Article.

§26–104.

(a) In this section, "school bus driver" means the driver of a school vehicle as defined in § 11–154 of the Transportation Article while employed by or under contract with a local school system.

(b) A person may not obstruct, hinder, or interfere with a school bus driver while the school bus driver is engaged in the performance of the school bus driver's official duties.

(c) Any person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000, imprisonment not exceeding 90 days, or both.

§26–201.

(a) In this section, "academic paper" means any theme, essay, term paper, book report, report, thesis, dissertation, or other written assignment.

(b) A person may not sell or offer for sale any assistance in the preparation, research, or writing of an academic paper if he knows that the buyer intends to submit the academic paper substantially unchanged to an educational institution as the original work of someone other than the author, in fulfilling the requirements for a degree, diploma, certificate, or course of study.

(c) This section does not prevent:

(1) An educational institution, or any of its faculty or staff, from offering courses, instruction, counseling, or tutoring in research or writing as part of a program authorized by the institution;

(2) Any person from offering tutorial assistance that does not include the preparation, research, or writing of an academic paper intended for submission to an educational institution in fulfilling the requirements for a degree, diploma, certificate, or course of study; or

(3) Any person from typing, transcribing, or reproducing a manuscript for a fee.

(d) Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000, imprisonment

not exceeding 6 months, or both.

§26–301.

(a) (1) A person may not falsely make, falsely alter, forge, counterfeit, or cause or procure to be falsely made, falsely altered, forged, or counterfeited, or willingly aid or assist in falsely making, falsely altering, forging, or counterfeiting a transcript, diploma, or grade report of an institution of postsecondary education.

(2) A person may not knowingly buy, sell, distribute, use, offer, or present as genuine a false, forged, counterfeited, or altered transcript, diploma, or grade report of an institution of postsecondary education.

(3) A person may not buy, sell, distribute, use, offer, or present as genuine a transcript, diploma, or grade report of an entity that represents itself as an institution of postsecondary education if the person knows or has reason to know the entity is not authorized to operate as an institution of postsecondary education in the State or in another state or country.

(4) A person may not use, offer or present a transcript, diploma, or grade report of an institution of postsecondary education in a fraudulent manner.

(b) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000, or imprisonment not exceeding 6 months, or both.

§26–401.

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

(2) "Access information" means a user name, a password, log–in information, an account name, or any other security information that protects access to a personal electronic account.

(3) "Institution of postsecondary education" has the meaning stated in § 10–101(i) of this article.

(4) (i) "Personal electronic account" means an account created via an electronic medium or a service that allows users to create, share, or view user–generated content, including uploading or downloading videos or still photographs, blogs, video blogs, podcasts, messages, electronic mail, Internet Web site profiles or locations, or any other electronic information.

(ii) "Personal electronic account" does not include an account that is opened on behalf of, or owned or provided by, an institution of postsecondary education.

(5) "Student" includes an individual who is a participant, trainee, or student in an organized course of study or training offered by an institution of

postsecondary education.

(b) Subject to subsection (c) of this section, an institution of postsecondary education may not:

(1) Require, request, suggest, or cause a student, an applicant, or a prospective student to grant access to, allow observation of, or disclose information that allows access to or observation of the individual's personal electronic account;

(2) Compel a student, an applicant, or a prospective student, as a condition of acceptance or participation in curricular or extracurricular activities, to:

(i) Add to the list of contacts associated with a personal electronic account any individual, including a coach, a teacher, an administrator, another employee of the institution of postsecondary education, or a volunteer; or

(ii) Change the privacy settings associated with a personal electronic account;

(3) Take any action or threaten to take any action to discharge, discipline, prohibit from participating in curricular or extracurricular activities, or otherwise penalize a student as a result of the student's refusal to:

(i) Grant access to, allow observation of, or disclose any information that allows access to or observation of a personal electronic account;

(ii) Add any individual to the list of contacts associated with a personal electronic account; or

(iii) Change the privacy settings associated with a personal electronic account; or

(4) Fail or refuse to admit an applicant as a result of the applicant's refusal to:

(i) Grant access to, allow observation of, or disclose any information that allows access to or observation of a personal electronic account;

(ii) Add any individual to the list of contacts associated with a personal electronic account; or

(iii) Change the privacy settings associated with a personal electronic account.

(c) This section may not be construed to:

(1) Prohibit an institution of postsecondary education from requesting or requiring a student to disclose access information to allow the institution of

postsecondary education to gain access to an electronic account:

(i) Opened at the institution of postsecondary education's behest; or

(ii) Provided by the institution of postsecondary education;

(2) Prohibit or restrict an institution of postsecondary education from viewing, accessing, or utilizing information about a student, an applicant, or a prospective student that:

(i) Can be obtained without access information;

(ii) Is publicly accessible; or

(iii) Is available to the institution of postsecondary education as the result of actions undertaken independently by the student;

(3) Create a duty requiring an institution of postsecondary education to search or monitor the activity of a personal electronic account;

(4) Make an institution of postsecondary education liable for failing to request or require a student, an applicant, or a prospective student to grant access to, allow observation of, or disclose information that allows access to or observation of the individual's personal electronic account;

(5) Prohibit a student, an applicant, or a prospective student from allowing an athletic coach or administrator to view the student's, applicant's, or prospective student's publicly accessible communications; or

(6) Apply to:

(i) A suspected criminal activity investigation into the publicly accessible communications of a student, an applicant, or a prospective student that is performed by a public safety department or police agency of an institution of postsecondary education; or

(ii) An investigation, an inquiry, or a determination relating to the publicly accessible communications of a student, an applicant, or a prospective student that is conducted in accordance with the health or public safety administration assessment policy or protocol of an institution of postsecondary education.

(d) Notwithstanding any other provision of this section, the governing board of an institution of postsecondary education may adopt a policy authorizing an employee of the institution of postsecondary education to request a student, in order to complete an academic or career–based activity, to create a generic personal electronic account.

(e) (1) Subject to paragraph (2) of this subsection, an individual who is the subject of a violation of any provision of this section may:

(i) Bring a civil action to enjoin the violation or for damages;

(ii) Add a claim for damages to an action seeking injunctive relief; and

(iii) Recover not more than $1,000 in damages plus reasonable attorney's fees and court costs.

(2) An individual may not bring an action for damages or add a claim for damages to an action seeking injunctive relief under this section until at least 60 days after making a written demand of the alleged violator for not more than $1,000 that:

(i) Includes reasonable documentation of the violation; and

(ii) Is served in the manner provided for service of process in a civil action under the Maryland Rules or by certified mail to the residence or principal office or place of business of the alleged violator.

(3) An action under this subsection may be brought in the District Court for the county in which:

(i) The alleged violation occurred; or

(ii) The alleged violator resides or has a principal office or place of business.

(f) It is an affirmative defense to any claim under this section that the institution of postsecondary education acted to comply with the requirements of a federal or State law.