
By: Chairman, Ways and Means Committee (Departmental - Education)

Introduced and read first time: January 31, 1996

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Powers and Duties of Local Superintendents and Annual School Budgets**

3 FOR the purpose of eliminating certain exemptions for Baltimore City from certain
4 requirements relating to the powers and duties of the local superintendent of
5 schools and the annual school budget; repealing obsolete language relating to the
6 preparation of the annual school budget in Harford County; and generally relating
7 to local superintendents and annual school budgets.

8 BY repealing and reenacting, with amendments,
9 Article - Education
10 Section 4-205 and 5-101
11 Annotated Code of Maryland
12 (1992 Replacement Volume and 1995 Supplement)

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

15 **Article - Education**

16 4-205.

17 (a) In addition to the other powers granted and duties imposed under this article,
18 the county superintendent has the powers and duties set forth in this section.

19 (b) The county superintendent may administer oaths to witnesses in all appeals or
20 cases that come before the county board.

21 (c) (1) [This subsection does not apply to Baltimore City.

22 (2)] Subject to the authority of the State Board under § 2-205(e) of this
23 article, each county superintendent shall explain the true intent and meaning of:

24 (i) The school law; and

25 (ii) The applicable bylaws of the State Board.

26 [(3)] (2) Subject to the provisions of § 6-203 and Subtitle 4 of Title 6 of this
27 article and without charge to the parties concerned, each county superintendent shall
28 decide all controversies and disputes that involve:

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1 (i) The rules and regulations of the county board; and

2 (ii) The proper administration of the county public schoolsystem.

3 [(4)] (3) A decision of a county superintendent may be appealedto the
4 county board if taken in writing within 30 days after the decision of the county
5 superintendent. The decision may be further appealed to the State Boardif taken in
6 writing within 30 days after the decision of the county board.

7 (d) (1) This subsection does not apply to Baltimore City.

8 (2) A contract made by a county board is not valid without the written
9 approval of the county superintendent.

10 (e) (1) Acting as the executive officer of the county board, the county
11 superintendent shall:

12 (i) Conduct all correspondence;

13 (ii) Receive all reports from principals and teachers; and

14 (iii) See that all reports are made and submitted properly.

15 (2) The county superintendent shall prepare and submit to the county board
16 for adoption:

17 (i) All reports required of the county board by the State Board or the
18 State Superintendent; and

19 (ii) The annual report to the people of the county required by §
20 5-109(b) of this article.

21 (f) The county superintendent:

22 (1) Shall advise teachers as to their further study and professional
23 improvement;

24 (2) Shall develop a program of in-service training for all public school
25 personnel; and

26 (3) May require attendance at an institution of higher education for future
27 certification and professional improvement instead of in-service training.

28 (g) The county superintendent and his professional assistants shall:

29 (1) Visit the schools;

30 (2) Observe their management and instruction;

31 (3) Give suggestions for their improvement;

32 (4) Consult with and advise principals and teachers; and

33 (5) Try in every way to awaken public interest and improve educational
34 conditions in the county.

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1 (h) In accordance with the applicable rules and regulations of the State Board,
2 the county superintendent periodically shall:

3 (1) Evaluate the program of instruction in the public schools of the county;
4 and

5 (2) Report his findings and recommendations to the county board.

6 (i) The county superintendent shall prepare and recommend for adoption by the
7 county board:

8 (1) Curriculum guides;

9 (2) Courses of study;

10 (3) Resource material; and

11 (4) Other teaching aids.

12 (j) (1) The county superintendent shall prepare lists of the following items
13 needed by the schools:

14 (i) Textbooks;

15 (ii) Supplementary readers;

16 (iii) Materials of instruction;

17 (iv) Visual and auditory aids;

18 (v) Stationery and school supplies; and

19 (vi) School furniture, equipment, and apparatus.

20 (2) The county superintendent shall recommend the purchase and
21 distribution of these items by the county board.

22 (k) The county superintendent shall:

23 (1) Take the initiative in the preparation and presentation of the annual
24 school budget; and

25 (2) Seek in every way to secure adequate funds from local authorities for the
26 support and development of the public schools in the county.

27 (l) (1) The county superintendent shall recommend to the county board:

28 (i) Condemnation of any school building that is unsanitary and unfit
29 for use; and

30 (ii) Any repairs of or the purchase and sale of land, school sites, or
31 buildings.

32 (2) Subject to the provisions of § 2-303(f) of this article that relate to
33 approval by the State Superintendent, the county superintendent shall prepare all plans
34 and specifications for remodeling an old building or constructing a new building.

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1 (3) The county superintendent shall recommend to traffic safety officials of
2 the State Highway Administration or of the county appropriate locations for posting
3 flashing caution signs at or near the site of:

4 (i) A school;

5 (ii) School construction; or

6 (iii) School condemnation.

7 (m) The county superintendent shall provide the clerical help that is needed to
8 issue work permits in accordance with § 3-206 of the Labor and Employment Article.

9 5-101.

10 (a) [This section does not apply to Baltimore City.

11 (b)] (1) Subject to the rules and regulations of the State Board and with the
12 advice of the county superintendent, each county board shall prepare an annual budget
13 according to:

14 (i) The major categories listed in this section; and

15 (ii) Any other major category required by the State Board.

16 (2) In addition to the information required by this section, the county fiscal
17 authorities may require the county board to provide details to the service areas and
18 activities levels in the account structure within the "Financial Reporting Manual for
19 Maryland Public Schools."

20 [(c)] (B) The budget shall be prepared to include the following categories:

21 Part I

22 (1) Current expense fund, estimated receipts:

23 (i) Revenue from local sources;

24 (ii) Revenue from State sources;

25 (iii) Revenue from federal sources;

26 (iv) Unliquidated surplus, the actual from the previous fiscal year and
27 the estimated from the current fiscal year, whether accrued from revenues or
28 expenditures; and

29 (v) Revenue from all other sources with identification of the source.

30 (2) Current expense fund, requested appropriations:

31 (i) Administration, which means those activities associated with the
32 general regulations, direction, and control of the county board, including:

33 1. Executive administration;

34 2. Business support services;

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1 (vi) Unliquidated surplus, the actual from the previous fiscal year and
2 the estimated for the current fiscal year, whether accrued from revenues or expenditures;
3 and

4 (vii) Funds from all other sources, with identification of the source.

5 (4) School Construction Fund, requested appropriations:

6 (i) Land for school sites;

7 (ii) Buildings and the equipment that will be an integral part of a
8 building by project;

9 (iii) School site improvement by project;

10 (iv) Remodeling by project;

11 (v) Additional equipment by project; and

12 (vi) Debt service.

13 [(d)] (C) In addition to all other information required by this section, the
14 Montgomery County Board of Education, on request of the County Executive and County
15 Council, shall provide with the annual budget the program implications of
16 recommendations for reductions to or increases in its annual budget, at whatever
17 different levels of funding and accompanied by whatever reasonable supporting detail and
18 analysis, as may be specified by the County Executive and County Council. Prior to the
19 submission of the annual budget, similar information shall be submitted by the
20 superintendent of schools upon request by the County Executive or County Council.

21 [(e)] (D) The budget document shall contain an addendum showing estimated
22 expenditures for special education as defined by the "Financial Reporting Manual for
23 Maryland Public Schools".

24 [(f) Notwithstanding the provisions of subsection (c) of this section, in Harford
25 County, until June 30, 1984, the County Board, in the preparation of the annual budget,
26 shall include the following categories:

27 Part I

28 (1) Current expense fund, estimated receipts:

29 (i) Revenue from local sources;

30 (ii) Revenue from State sources;

31 (iii) Revenue from federal sources;

32 (iv) Unliquidated surplus, the actual from the previous fiscal year and
33 the estimated from the current fiscal year, whether accrued from revenues or
34 expenditures; and

35 (v) Revenue from all other sources with identification of the source.

36 (2) (i) Current expense fund, requested appropriations:

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- 1 1. Instructional salaries
- 2 A. Regular programs
- 3 B. Vocational-technical programs
- 4 C. Adult/continuing education
- 5 D. Support services-student
- 6 2. Instructional materials and related costs
- 7 3. Mid-level administration
- 8 A. Office of the principal
- 9 B. Instructional supervisors
- 10 4. Administrative services
- 11 A. General administration
- 12 B. Central support services
- 13 5. Special education with subcategories and items budgeted in
- 14 this category to be determined by the State Board with the advice of the County Board
- 15 6. Student transportation
- 16 7. Operation of plant
- 17 8. Maintenance of plant
- 18 9. Fixed charges
- 19 10. Food services
- 20 11. Community services
- 21 12. Nonprogrammed charges (outgoing transfers)
- 22 13. Capital outlay

23 (ii) The major categories under "current expense fund, requested

24 appropriations" are defined as follows:

- 25 1. Category 1 - "Instructional salaries"

26 Includes expenditures for salaries and wages for the activities of teachers, aides and

27 student support staff, activities dealing directly with the teaching of students, the

28 interaction between teacher and students, or the well-being of students. Teaching may be

29 provided for students in a school classroom, in another locale such as a home or hospital,

30 and in other learning situations such as those involving cocurricular activities. It may also

31 be provided through some other approved medium such as television, radio, telephone,

32 and correspondence.

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1 A. Regular programs

2 Instructional activities designed primarily to prepare students for activities as
3 citizens and family members.

4 Elementary programs

5 Middle/junior high programs

6 High school programs:

7 Preparatory, postsecondary education programs

8 Preparatory, postsecondary employment programs

9 Other high school programs

10 Other regular programs

11 B. Vocational-technical programs

12 Instructional activities designed primarily to provide training in one or more
13 semiskilled, skilled, or technical occupations.

14 Agriculture

15 Distributive education

16 Health occupations

17 Home economics

18 Office occupations

19 Technical education

20 Trade and industrial occupations

21 C. Adult/continuing education programs

22 Learning experiences designed to develop knowledge and skills to meet immediate
23 and long-range educational objectives of adults who, having completed or interrupted
24 formal schooling, have accepted adult roles and responsibilities.

25 D. Support services - Student

26 Those activities which are designed to assess and improve the well-being of students
27 and to supplement the teaching process.

28 i. Attendance and social work services

29 Service area direction

30 Attendance services

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1 Social work services

2 Student accounting services

3 Other attendance and social work services

4 ii. Health services

5 Service area direction

6 Medical services

7 Dental services

8 Nurse services

9 Other health services

10 iii. Other support services - Student guidance services

11 Counseling services

12 Pupil appraisal services

13 Information services

14 Records maintenance

15 Placement services

16 Other guidance services

17 iv. Psychological services

18 Psychological testing services

19 Psychological counseling services

20 Psychotherapy services

21 Other psychological services

22 2. Category 2 - "Instructional materials and related costs"

23 Includes all other expenditures, including contracted services, supplies and
24 materials of instruction, other charges and equipment, for activities dealing directly with
25 the teaching of students, the interaction between teacher and students or the well-being
26 of students. Teaching may be provided for in a school classroom, in another locale such as
27 a home or hospital, and in other learning situations such as those involving cocurricular
28 activities. It may also be provided through some other approved medium such as
29 television, radio, telephone, and correspondence.

30 A. Regular programs

31 Instructional activities designed primarily to prepare students for activities as
32 citizens and family members.

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Elementary programs

Middle/junior high programs

High school programs

Preparatory, postsecondary education programs

Preparatory, postsecondary employment programs

Other high school programs

Other regular programs

B. Vocational-technical programs

Instructional activities designed primarily to provide training in one or more semiskilled, skilled, or technical occupations.

Agriculture

Distributive education

Health occupations

Home economics

Office occupations

Technical education

Trade and industrial occupations

C. Adult/continuing education programs

Learning experiences designed to develop knowledge and skills to meet immediate and long-range educational objectives of adults who, having completed or interrupted formal schooling, have accepted adult roles and responsibilities.

Adult basic education programs

Advanced adult education programs

Occupational programs

Upgrading in current occupation programs

Retraining for new occupation programs

Special interest programs

Life enrichment programs

Other adult/continuing education programs

3. Category 3 - "Midlevel administration"

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1 Included are services which provide administrative, technical, and logistical support
2 to facilitate and enhance instruction. Supporting services exist to sustain and enhance
3 instruction, rather than as entities within themselves. Included are salaries and wages,
4 contracted services, supplies and materials, other charges, and equipment.

5 A. Office of the principal

6 Activities concerned with directly managing the operation of a particular school or
7 schools. Included are the activities performed by the principal, assistant principals, and
8 other assistants in general supervision of all operations of the school; evaluation of the
9 staff members of the schools; assignment of duties to staff members; supervision and
10 maintenance of the school records; and coordination of school instructional activities with
11 instructional activities of the local education agency clerical staff are included.

12 B. Instructional supervisors

13 Salaries and wages and activities of those persons who work directly and regularly
14 with teachers in a supervisory and advisory capacity to enhance instruction of students.

15 4. Category 4 - "Administrative services"

16 Included are salaries and wages of administrators, central office staff, contracted
17 services, supplies and materials, other charges, and equipment.

18 A. General administration

19 Activities concerned with establishing and administering policy in connection with
20 operating the local education agency. Included are all other administrative personnel not
21 included in category 2, including curriculum supervisors.

22 i. Board of education services

23 Service area direction

24 Board secretary services

25 Board treasurer services

26 Election services

27 Legal services

28 Audit services

29 Other board of education services

30 ii. Executive administration services

31 Office of the superintendent services

32 Community relations services

33 Staff relations and negotiation services

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State and federal relations services

Other executive administration services

iii. Fiscal services

Service area direction

Budgeting services

Receiving and disbursing services

Payroll services

Financial accounting services

Internal auditing services

Property accounting services

Other fiscal services

iv. Internal services

Service area direction

Purchasing services

Printing, publishing, and duplicating services

B. Central support services

Activities, other than general administration, which support each of the other instructional and supporting services program. These activities include planning, research, development, evaluation, information, staff, statistical, and data processing services, facilities acquisition and construction services, and other central support services.

i. Planning, research, development, and evaluation services

Service area direction

Development services

Evaluation services

Planning services

Research services

Other planning, research, development, and evaluation services

ii. Information services

Service area direction

Internal information services

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- Public information services
- Management information services
- Community relations services
- Other information services
- iii. Staff services
 - Service area direction
 - Recruitment and placement services
 - Staff accounting services
 - Inservice education services (for noninstructional staff)
 - Health services
 - Other staff services
- iv. Statistical services
 - Service area direction
 - Statistical analysis services
 - Statistical reporting services
 - Other statistical services
- v. Data processing services
 - Service area direction
 - Systems analysis services
 - Programming services
 - Operations services
 - Other data processing services
- vi. Other support service
 - Facilities acquisition and construction services
 - Service area direction
 - Land acquisition and development services
 - Architecture and engineering services
 - Educational specifications development services
 - Building acquisition, construction, and improvement services

30 Other facilities acquisition and construction services

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1 5. Category 5 - "Special education"

2 Instructional activities designed primarily to deal with students having special
3 needs.

4 Programs for the gifted and talented

5 Programs for the intellectually limited

6 Programs for the physically handicapped

7 Programs for the emotionally disturbed

8 Programs for the culturally different

9 Programs for students with learning disabilities

10 Other special programs

11 6. Category 6 - "Student transportation"

12 Included are salaries and wages, contracted services, supplies and materials, other
13 charges, and equipment.

14 Service area direction

15 Vehicle operation services

16 Monitoring services

17 Vehicle servicing and maintenance services

18 Other student transportation services

19 7. Category 7 - "Operation of plant"

20 Included are salaries and wages, contracted services, supplies and materials, other
21 charges, and equipment.

22 Service area direction

23 Care and upkeep of buildings services, including heating and lighting, and
24 other energy costs

25 Security services

26 Other operation of plant services

27 8. Category 8 - "Maintenance of plant"

28 Included are salaries and wages, contracted services, supplies and materials, other
29 charges, and equipment.

30 Service area direction

31 Care and upkeep of equipment services

32 Vehicle servicing and maintenance services (for other than buses)

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1 Other maintenance of plant services

2 9. Category 9 - "Fixed charges"

3 Retirement funds

4 Social security

5 Other employee benefits

6 Other insurance and judgments

7 Rents

8 Other fixed charges

9 10. Category 10 - "Food services"

10 Included are salaries and wages, contracted services, supplies and materials, other
11 charges, and equipment.

12 Service area direction

13 Food preparation and dispensing services

14 Food delivery services

15 11. Category 11 - "Community services"

16 Activities which are not directly related to the provision of education for students in
17 a local education agency. These include services such as community recreation programs,
18 civic activities, public libraries, programs of custody and care of children, and community
19 welfare activities provided by the LEA for the community as a whole or some segment of
20 the community. Included here are salaries and wages, contracted services, supplies and
21 materials, other charges, and equipment.

22 Direction of community services

23 Community recreation services

24 Civic activities

25 Public library services

26 Custody and care of children

27 Welfare activities

28 Nonpublic school student services

29 Other community services

30 12. Category 12 - "Nonprogrammed charges"

31 Part II

32 (3) School construction fund, estimated receipts:

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- 1 (i) Revenue from local sources;
- 2 (ii) Sale of bonds;
- 3 (iii) State General Public School Construction Loan;
- 4 (iv) Revenue from State sources;
- 5 (v) Revenue from federal sources;
- 6 (vi) Unliquidated surplus, the actual from the previous fiscal year and
- 7 the estimated for the current fiscal year, whether accrued from revenues or expenditures;
- 8 and
- 9 (vii) Funds from all other sources, with identification of the source.

10 (4) School construction fund, requested appropriations:

- 11 (i) Land for school sites;
- 12 (ii) Buildings and the equipment that will be an integral part of a
- 13 building by project;
- 14 (iii) School site improvement by project;
- 15 (iv) Remodeling by project; and
- 16 (v) Additional equipment by project;

17 Part III

18 (5) Debt service fund, estimated receipts:

- 19 (i) Revenue from local sources
- 20 (ii) Revenue from State sources
- 21 (iii) Revenue from federal sources and
- 22 (iv) Revenue from all other sources, with identification of source

23 (6) Debt service fund, requested appropriation:

- 24 (i) Principal
- 25 (ii) Interest
- 26 (iii) Other charges

27 Part IV

28 (7) The budget document shall contain an addendum showing estimated
29 expenditures for special education, including instruction by programs, as defined by the
30 Department and the appropriations and expenditures for instruction by programs in the
31 current and previous fiscal years.

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1 (8) In addition to the information required by this section, the Harford
2 County fiscal authority may require the County Board to provide detailsto the service
3 areas and activities levels in the account structure within the "Financial Reporting
4 Manual for Maryland Public Schools".

5 (g)] (E) In addition to all other information required by this section, the Cecil
6 County Board of Education, on request of the Cecil County Board of Estimates, shall
7 provide with the annual budget separate information on the number of and costs
8 associated with school-based noninstructional personnel.

9 [(h)] (F) (1) In addition to all other information required by this section, the
10 Prince George's County Board of Education shall provide to the County Executive and
11 County Council with the annual budget, information relating to each of the following
12 categories:

13 (i) Instructional supplies and materials;

14 (ii) Additional equipment; and

15 (iii) Replacement equipment.

16 (2) For the categories specified in paragraph (1) of this subsection, the
17 following information shall be provided for the public school system inthe County:

18 (i) Proposed expenditures for the next school year based on the
19 annual budget;

20 (ii) Estimated expenditures for the current school year; and

21 (iii) Actual expenditures for the prior school year.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 1996.