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

Introduced and read first time: January 31, 1996

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: March 19, 1996

CHAPTER ____

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.]

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

3 (i) The school law; and

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

5 [(3)] (2) Subject to the provisions of § 6-203 and Subtitle 4 of Title 6 of this
6 article and without charge to the parties concerned, each county superintendent shall
7 decide all controversies and disputes that involve:

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

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

10 [(4)] (3) A decision of a county superintendent may be appealedto the
11 county board if taken in writing within 30 days after the decision of the county
12 superintendent. The decision may be further appealed to the State Boardif taken in
13 writing within 30 days after the decision of the county board.

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

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

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

19 (i) Conduct all correspondence;

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

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

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

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

26 (ii) The annual report to the people of the county required by §
27 5-109(b) of this article.

28 (f) The county superintendent:

29 (1) Shall advise teachers as to their further study and professional
30 improvement;

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

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

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

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- 1 (1) Visit the schools;
- 2 (2) Observe their management and instruction;
- 3 (3) Give suggestions for their improvement;
- 4 (4) Consult with and advise principals and teachers; and
- 5 (5) Try in every way to awaken public interest and improve educational
- 6 conditions in the county.

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

- 9 (1) Evaluate the program of instruction in the public schools of the county;
- 10 and
- 11 (2) Report his findings and recommendations to the county board.

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

- 14 (1) Curriculum guides;
- 15 (2) Courses of study;
- 16 (3) Resource material; and
- 17 (4) Other teaching aids.

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

- 20 (i) Textbooks;
- 21 (ii) Supplementary readers;
- 22 (iii) Materials of instruction;
- 23 (iv) Visual and auditory aids;
- 24 (v) Stationery and school supplies; and
- 25 (vi) School furniture, equipment, and apparatus.

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

28 (k) The county superintendent shall:

29 (1) Take the initiative in the preparation and presentation of the annual
30 school budget; and

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

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

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

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

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

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

11 (i) A school;

12 (ii) School construction; or

13 (iii) School condemnation.

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

16 5-101.

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

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

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

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

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

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

28 Part I

29 (1) Current expense fund, estimated receipts:

30 (i) Revenue from local sources;

31 (ii) Revenue from State sources;

32 (iii) Revenue from federal sources;

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

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

2 (2) Current expense fund, requested appropriations:

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

- 5 1. Executive administration;
- 6 2. Business support services;
- 7 3. Centralized support services; and
- 8 4. Staff providing administration and supervision to the school
9 instructional programs;

10 (ii) Instructional salaries, which means those activities which deal
11 directly with teaching students, including:

- 12 1. Teachers;
- 13 2. Aides;
- 14 3. Psychological personnel;
- 15 4. Guidance counselors;
- 16 5. Library personnel; and
- 17 6. The office of the school principal;

18 (iii) Other instructional costs;

19 (iv) Special education with subcategories and items budgeted in this
20 category to be determined by the State Board with the advice of the county board;

21 (v) Student personnel services;

22 (vi) Health services;

23 (vii) Student transportation;

24 (viii) Operation of plant and equipment;

25 (ix) Maintenance of plant;

26 (x) Fixed charges;

27 (xi) Food services; and

28 (xii) Capital outlay.

29 Part II

30 (3) School construction fund, estimated receipts:

31 (i) Revenue from local sources;

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

9 (4) School Construction Fund, requested appropriations:

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

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

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

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

31 Part I

32 (1) Current expense fund, estimated receipts:

- 33 (i) Revenue from local sources;
- 34 (ii) Revenue from State sources;
- 35 (iii) Revenue from federal sources;

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

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

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

6 1. Instructional salaries

7 A. Regular programs

8 B. Vocational-technical programs

9 C. Adult/continuing education

10 D. Support services-student

11 2. Instructional materials and related costs

12 3. Mid-level administration

13 A. Office of the principal

14 B. Instructional supervisors

15 4. Administrative services

16 A. General administration

17 B. Central support services

18 5. Special education with subcategories and items budgeted in
19 this category to be determined by the State Board with the advice of the County Board

20 6. Student transportation

21 7. Operation of plant

22 8. Maintenance of plant

23 9. Fixed charges

24 10. Food services

25 11. Community services

26 12. Nonprogrammed charges (outgoing transfers)

27 13. Capital outlay

28 (ii) The major categories under "current expense fund, requested
29 appropriations" are defined as follows:

30 1. Category 1 - "Instructional salaries"

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

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

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1 interaction between teacher and students, or the well-being of students. Teaching may be
2 provided for students in a school classroom, in another locale such as a home or hospital,
3 and in other learning situations such as those involving cocurricular activities. It may also
4 be provided through some other approved medium such as television, radio, telephone,
5 and correspondence.

6 A. Regular programs

7 Instructional activities designed primarily to prepare students for activities as
8 citizens and family members.

9 Elementary programs

10 Middle/junior high programs

11 High school programs:

12 Preparatory, postsecondary education programs

13 Preparatory, postsecondary employment programs

14 Other high school programs

15 Other regular programs

16 B. Vocational-technical programs

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

19 Agriculture

20 Distributive education

21 Health occupations

22 Home economics

23 Office occupations

24 Technical education

25 Trade and industrial occupations

26 C. Adult/continuing education programs

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

30 D. Support services - Student

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

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- 1 i. Attendance and social work services
 - 2 Service area direction
 - 3 Attendance services
 - 4 Social work services
 - 5 Student accounting services
 - 6 Other attendance and social work services
- 7 ii. Health services
 - 8 Service area direction
 - 9 Medical services
 - 10 Dental services
 - 11 Nurse services
 - 12 Other health services
- 13 iii. Other support services - Student guidance services
 - 14 Counseling services
 - 15 Pupil appraisal services
 - 16 Information services
 - 17 Records maintenance
 - 18 Placement services
 - 19 Other guidance services
- 20 iv. Psychological services
 - 21 Psychological testing services
 - 22 Psychological counseling services
 - 23 Psychotherapy services
 - 24 Other psychological services

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

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

26 Advanced adult education programs

27 Occupational programs

28 Upgrading in current occupation programs

29 Retraining for new occupation programs

30 Special interest programs

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1 Life enrichment programs

2 Other adult/continuing education programs

3 3. Category 3 - "Midlevel administration"

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

8 A. Office of the principal

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

15 B. Instructional supervisors

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

18 4. Category 4 - "Administrative services"

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

21 A. General administration

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

25 i. Board of education services

26 Service area direction

27 Board secretary services

28 Board treasurer services

29 Election services

30 Legal services

31 Audit services

32 Other board of education services

33 ii. Executive administration services

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1 Office of the superintendent services

2 Community relations services

3 Staff relations and negotiation services

4 State and federal relations services

5 Other executive administration services

6 iii. Fiscal services

7 Service area direction

8 Budgeting services

9 Receiving and disbursing services

10 Payroll services

11 Financial accounting services

12 Internal auditing services

13 Property accounting services

14 Other fiscal services

15 iv. Internal services

16 Service area direction

17 Purchasing services

18 Printing, publishing, and duplicating services

19 B. Central support services

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

25 i. Planning, research, development, and evaluation services

26 Service area direction

27 Development services

28 Evaluation services

29 Planning services

30 Research services

31 Other planning, research, development, and evaluation services

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ii. Information services

Service area direction

Internal information services

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

30 Architecture and engineering services

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1 Educational specifications development services

2 Building acquisition, construction, and improvement services

3 Other facilities acquisition and construction services

4 5. Category 5 - "Special education"

5 Instructional activities designed primarily to deal with students having special
6 needs.

7 Programs for the gifted and talented

8 Programs for the intellectually limited

9 Programs for the physically handicapped

10 Programs for the emotionally disturbed

11 Programs for the culturally different

12 Programs for students with learning disabilities

13 Other special programs

14 6. Category 6 - "Student transportation"

15 Included are salaries and wages, contracted services, supplies and materials, other
16 charges, and equipment.

17 Service area direction

18 Vehicle operation services

19 Monitoring services

20 Vehicle servicing and maintenance services

21 Other student transportation services

22 7. Category 7 - "Operation of plant"

23 Included are salaries and wages, contracted services, supplies and materials, other
24 charges, and equipment.

25 Service area direction

26 Care and upkeep of buildings services, including heating and lighting, and
27 other energy costs

28 Security services

29 Other operation of plant services

30 8. Category 8 - "Maintenance of plant"

31 Included are salaries and wages, contracted services, supplies and materials, other

32 charges, and equipment.

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1 Service area direction

2 Care and upkeep of equipment services

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

4 Other maintenance of plant services

5 9. Category 9 - "Fixed charges"

6 Retirement funds

7 Social security

8 Other employee benefits

9 Other insurance and judgments

10 Rents

11 Other fixed charges

12 10. Category 10 - "Food services"

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

15 Service area direction

16 Food preparation and dispensing services

17 Food delivery services

18 11. Category 11 - "Community services"

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

25 Direction of community services

26 Community recreation services

27 Civic activities

28 Public library services

29 Custody and care of children

30 Welfare activities

31 Nonpublic school student services

32 Other community services

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12. Category 12 - "Nonprogrammed charges"

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;
- (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; and
- (v) Additional equipment by project;

Part III

(5) Debt service fund, estimated receipts:

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

(6) Debt service fund, requested appropriation:

- (i) Principal
- (ii) Interest
- (iii) Other charges

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1 Part IV

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

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

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

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

18 (i) Instructional supplies and materials;

19 (ii) Additional equipment; and

20 (iii) Replacement equipment.

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

23 (i) Proposed expenditures for the next school year based on the
24 annual budget;

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

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

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