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1997 Regular Session
7lr1503

CF 7lr1798

By: Delegates Hecht and Snodgrass (Task Force on Funding for the Maryland School for the Deaf)

Introduced and read first time: February 3, 1997

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 1997

CHAPTER ____

1 AN ACT concerning

2 **Maryland School for the Deaf - Funding and Services**

3 FOR the purpose of requiring the Maryland School for the Deaf to establish and operate
4 a program of enhanced services for deaf students who have other moderate to
5 severe disabilities; providing for the placement of students in the enhanced
6 program; requiring the State and certain counties under certain circumstances to
7 share in paying the costs of the program; requiring the School and the Department
8 of Education to enter into a written agreement regarding certain monitoring of the
9 School by the Department and certain assistance from the Department to the
10 School; authorizing certain agreements between the School and certain other
11 agencies; defining certain terms; establishing a formula to calculate certain
12 mandatory annual funding obligations for the State; including the Maryland School
13 for the Deaf among entities for which the Governor may not reduce appropriations;
14 and generally relating to the Maryland School for the Deaf.

15 BY adding to

16 Article - Education
17 Section 8-310.1 through 8-310.3
18 Annotated Code of Maryland
19 (1997 Replacement Volume)

20 BY repealing and reenacting, without amendments,

21 Article - Education
22 Section 8-415(d)(1)
23 Annotated Code of Maryland
24 (1997 Replacement Volume)

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1 BY repealing and reenacting, with amendments,
2 Article - State Finance and Procurement
3 Section 7-213(b)
4 Annotated Code of Maryland
5 (1995 Replacement Volume and 1996 Supplement)

6 Preamble

7 WHEREAS, The Maryland School for the Deaf provides an essential service for
8 deaf children in the State; and

9 WHEREAS, A minimum level of funding is necessary to cover the costs of inflation
10 and enrollment growth and to ensure adequate maintenance of the School's existing
11 programs; and

12 WHEREAS, Education programs and other services to the School's students should
13 not be reduced or disrupted during the school year as a result of mid-year appropriation
14 reductions; and

15 WHEREAS, There is a need for educational services in Maryland for deaf students
16 with moderate to severe disabilities; and

17 WHEREAS, The Maryland Department of Education has the responsibility to
18 monitor the programs provided by the School; now, therefore,

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

21 **Article - Education**

22 8-310.1.

23 (A) THE MARYLAND SCHOOL FOR THE DEAF SHALL ESTABLISH AND
24 OPERATE A PROGRAM OF ENHANCED SERVICES FOR DEAF STUDENTS WHO HAVE
25 OTHER MODERATE TO SEVERE DISABILITIES.

26 (B) THE MARYLAND SCHOOL FOR THE DEAF SHALL INCLUDE A DESCRIPTION
27 OF THE PROGRAM IN THE WRITTEN AGREEMENT WITH THE DEPARTMENT OF
28 EDUCATION REQUIRED UNDER SUBSECTION (E) OF THIS SECTION.

29 (C) THE COSTS OF PROVIDING ENHANCED SERVICES TO A CHILD UNDER THE
30 PROGRAM SHALL BE PAID TO THE SCHOOL AND BE PROVIDED JOINTLY BY THE
31 STATE AND BY THE COUNTY IN WHICH THE CHILD IS DOMICILED AS PROVIDED IN
32 SUBSECTION (D) OF THIS SECTION.

33 (D) (1) THE CHILD SHALL BE JOINTLY PLACED IN THE ENHANCED
34 PROGRAM, IN ACCORDANCE WITH PROCEDURES FOR STUDENTS WITH DISABILITIES,
35 BY THE LOCAL SCHOOL SYSTEM AND THE MARYLAND SCHOOL FOR THE DEAF.

36 ~~(D) (1) (2)~~ (2) THE COUNTY IN WHICH A CHILD ENROLLED IN THE PLACED IN
37 THE ENHANCED PROGRAM IS DOMICILED SHALL PAY THE LOCAL SHARE OF THE

3

1 "BASIC COST", AS DEFINED IN § 8-415(D)(1) OF THIS TITLE, OF THE EDUCATION FOR
2 THAT CHILD.

3 ~~(2)~~ (3) THE STATE SHALL PAY THE REMAINING COST OF PROVIDING
4 SERVICES UNDER THE PROGRAM TO THE CHILD.

5 8-310.2.

6 (A) THE DEPARTMENT OF EDUCATION AND THE MARYLAND SCHOOL FOR
7 THE DEAF SHALL ENTER INTO A WRITTEN AGREEMENT.

8 (B) THE AGREEMENT SHALL PROVIDE FOR MONITORING AND REVIEW BY
9 THE DEPARTMENT OF THE MARYLAND SCHOOL FOR THE DEAF, INCLUDING:

10 (1) REVIEW BY THE DEPARTMENT OF THE ANNUAL BUDGET APPROVED
11 BY THE BOARD OF THE MARYLAND SCHOOL FOR THE DEAF;

12 (2) MONITORING BY THE DEPARTMENT OF THE MARYLAND SCHOOL
13 FOR THE DEAF'S PROGRAM OF ENHANCED SERVICES FOR DEAF STUDENTS WHO
14 HAVE OTHER MODERATE TO SEVERE DISABILITIES, INCLUDING THE CRITERIA
15 APPROVED BY THE BOARD OF THE MARYLAND SCHOOL FOR THE DEAF FOR THE
16 ADMISSION OF STUDENTS TO THE PROGRAM;

17 (3) CONSULTATION BETWEEN THE DEPARTMENT AND THE MARYLAND
18 SCHOOL FOR THE DEAF ON ISSUES OF DEAF EDUCATION;

19 (4) ASSISTANCE FROM THE DEPARTMENT IN DEVELOPING
20 AGREEMENTS BETWEEN THE MARYLAND SCHOOL FOR THE DEAF AND LOCAL
21 SCHOOL SYSTEMS AND OTHER STATE AND LOCAL AGENCIES FOR PROVISION OF
22 SERVICES TO DEAF CHILDREN; AND

23 (5) MONITORING BY AND ASSISTANCE FROM THE DEPARTMENT
24 REGARDING OTHER ASPECTS OF THE MARYLAND SCHOOL FOR THE DEAF'S
25 EDUCATIONAL PROGRAM AND SERVICES TO DEAF CHILDREN AS REQUIRED BY
26 FEDERAL OR STATE LAW.

27 (C) THE MARYLAND SCHOOL FOR THE DEAF MAY ENTER INTO WRITTEN
28 AGREEMENTS WITH STATE AND LOCAL AGENCIES, INCLUDING LOCAL SCHOOL
29 SYSTEMS, FOR THE PURPOSE OF PROVIDING SERVICES TO DEAF CHILDREN.

30 8-310.3.

31 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
32 INDICATED.

33 (2) "FOUR-YEAR AVERAGE ANNUAL FULL-TIME EQUIVALENT
34 ENROLLMENT" MEANS:

35 (I) THE AVERAGE NUMBER OF STUDENTS ENROLLED ANNUALLY
36 IN GRADES PREKINDERGARTEN THROUGH GRADE 12 AT THE MARYLAND SCHOOL
37 FOR THE DEAF DURING 4 CONSECUTIVE SCHOOL YEARS AS DETERMINED BY
38 DIVIDING THE AGGREGATE MONTHLY ENROLLMENT DURING THE 4-YEAR PERIOD
39 BY THE NUMBER OF MONTHS SCHOOL IS IN SESSION DURING THE 4-YEAR PERIOD;
40 AND

4

1 (II) ONE-HALF THE AVERAGE NUMBER OF CHILDREN SERVED
2 ANNUALLY BY THE MARYLAND SCHOOL FOR THE DEAF'S EARLY INTERVENTION
3 PROGRAM DURING 4 CONSECUTIVE SCHOOL YEARS AS DETERMINED BY DIVIDING
4 THE PROGRAM'S AGGREGATE MONTHLY ENROLLMENT DURING THE 4-YEAR
5 PERIOD BY THE NUMBER OF MONTHS SCHOOL IS IN SESSION DURING THE 4-YEAR
6 PERIOD.

7 (3) "GROWTH IN THE PER PUPIL BASIC CURRENT EXPENSE FIGURE"
8 MEANS THE CHANGE IN THE PER PUPIL BASIC CURRENT EXPENSE FIGURE FROM
9 THE PRIOR FISCAL YEAR TO THE CURRENT FISCAL YEAR DIVIDED BY THE PER
10 PUPIL BASIC CURRENT EXPENSE FIGURE FROM THE PRIOR FISCAL YEAR.

11 (4) "PER PUPIL BASIC CURRENT EXPENSE FIGURE" MEANS THE FIGURE
12 CALCULATED FOR EACH FISCAL YEAR BY THE DEPARTMENT IN ACCORDANCE WITH
13 § 5-202 OF THIS ARTICLE.

14 (5) "WEIGHTED ENROLLMENT GROWTH" MEANS THE PRODUCT OF 0.2
15 TIMES THE CHANGE IN THE 4-YEAR AVERAGE ANNUAL FULL-TIME EQUIVALENT
16 ENROLLMENT FROM THE 3RD THROUGH THE 6TH PRIOR SCHOOL YEARS TO THE
17 2ND THROUGH THE 5TH PRIOR SCHOOL YEARS DIVIDED BY THE 4-YEAR AVERAGE
18 ANNUAL FULL-TIME EQUIVALENT ENROLLMENT FROM THE 3RD THROUGH THE 6TH
19 PRIOR SCHOOL YEARS.

20 (B) THE MARYLAND SCHOOL FOR THE DEAF SHALL RECEIVE AN
21 APPROPRIATION EQUAL TO OR GREATER THAN THE SUM OF:

22 (1) 75% OF THE PRIOR YEAR APPROPRIATION MULTIPLIED BY THE
23 PRODUCT OF:

24 (I) THE SUM OF THE WEIGHTED ENROLLMENT GROWTH PLUS
25 ONE; AND

26 (II) THE SUM OF THE GROWTH IN THE PER PUPIL BASIC CURRENT
27 EXPENSE FIGURE PLUS ONE; AND

28 (2) 25% OF THE PRIOR YEAR APPROPRIATION MULTIPLIED BY THE SUM
29 OF THE WEIGHTED ENROLLMENT GROWTH PLUS ONE.

30 8-415.

31 (d) (1) In this subsection, "basic cost" as to each county, means the average
32 amount spent by the county from county, State, and federal sources for the public
33 education of a nonhandicapped child. "Basic cost" does not include amounts specifically
34 allocated and spent for identifiable compensatory programs for disadvantaged children.

35 **Article - State Finance and Procurement**

36 7-213.

37 (b) (1) The Governor may not reduce an appropriation to the Legislative
38 Branch or the Judicial Branch of the State government.

39 (2) The Governor may not reduce an appropriation for:

5

- 1 (i) payment of the principal of or interest on the State debt;
- 2 (ii) public schools, INCLUDING THE MARYLAND SCHOOL FOR THE
- 3 DEAF; or
- 4 (iii) the salary of a public officer, during the term of office.

5 (3) Except as provided in § 8-109 of the State Personnel and Pensions

6 Article, the Governor may not reduce an appropriation for the salary of any employee in

7 the classified service or unclassified service.

8 SECTION 2. AND BE IT FURTHER ENACTED, That:

9 (a) The provisions of this Act relating to the formula for determining annual

10 appropriations for the Maryland School for the Deaf may not be implemented until the

11 fiscal year beginning on July 1, 1998.

12 (b) The provisions of this Act relating to funding for the program of enhanced

13 services for deaf students who have other moderate to severe disabilities created in §

14 8-310.1 of the Education Article shall be implemented for the fiscal year beginning on

15 July 1, 1997.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect

17 July 1, 1997.