
By: Senators Kasemeyer and Derr (Task Force on Funding for the Maryland School for the Deaf)

Introduced and read first time: January 31, 1997

Assigned to: Budget and Taxation

A BILL ENTITLED

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; requiring the State and certain counties under certain
6 circumstances to share in paying the costs of the program; requiring the School and
7 the Department of Education to enter into a written agreement regarding certain
8 monitoring of the School by the Department and certain assistance from the
9 Department to the School; authorizing certain agreements between the School and
10 certain other agencies; defining certain terms; establishing a formula to calculate
11 certain mandatory annual funding obligations for the State; including the Maryland
12 School for the Deaf among entities for which the Governor may not reduce
13 appropriations; and generally relating to the Maryland School for the Deaf.

14 BY adding to

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

19 BY repealing and reenacting, without amendments,

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

24 BY repealing and reenacting, with amendments,

25 Article - State Finance and Procurement
26 Section 7-213(b)
27 Annotated Code of Maryland
28 (1995 Replacement Volume and 1996 Supplement)

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1 Preamble

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

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

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

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

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

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

16 **Article - Education**

17 8-310.1.

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

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

24 (C) THE COSTS OF PROVIDING ENHANCED SERVICES TO A CHILD UNDER THE
25 PROGRAM SHALL BE PAID TO THE SCHOOL AND BE PROVIDED JOINTLY BY THE
26 STATE AND BY THE COUNTY IN WHICH THE CHILD IS DOMICILED.

27 (D) (1) THE COUNTY IN WHICH A CHILD ENROLLED IN THE PROGRAM IS
28 DOMICILED SHALL PAY THE LOCAL SHARE OF THE "BASIC COST", AS DEFINED IN §
29 8-415(D)(1) OF THIS TITLE, OF THE EDUCATION FOR THAT CHILD.

30 (2) THE STATE SHALL PAY THE REMAINING COST OF PROVIDING
31 SERVICES UNDER THE PROGRAM TO THE CHILD.

32 8-310.2.

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

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

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

1 (2) MONITORING BY THE DEPARTMENT OF THE MARYLAND SCHOOL
2 FOR THE DEAF'S PROGRAM OF ENHANCED SERVICES FOR DEAF STUDENTS WHO
3 HAVE OTHER MODERATE TO SEVERE DISABILITIES, INCLUDING THE CRITERIA
4 APPROVED BY THE BOARD OF THE MARYLAND SCHOOL FOR THE DEAF FOR THE
5 ADMISSION OF STUDENTS TO THE PROGRAM;

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

8 (4) ASSISTANCE FROM THE DEPARTMENT IN DEVELOPING
9 AGREEMENTS BETWEEN THE MARYLAND SCHOOL FOR THE DEAF AND LOCAL
10 SCHOOL SYSTEMS AND OTHER STATE AND LOCAL AGENCIES FOR PROVISION OF
11 SERVICES TO DEAF CHILDREN; AND

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

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

19 8-310.3.

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (2) "FOUR-YEAR AVERAGE ANNUAL FULL-TIME EQUIVALENT
23 ENROLLMENT" MEANS:

24 (I) THE AVERAGE NUMBER OF STUDENTS ENROLLED ANNUALLY
25 IN GRADES PREKINDERGARTEN THROUGH GRADE 12 AT THE MARYLAND SCHOOL
26 FOR THE DEAF DURING 4 CONSECUTIVE SCHOOL YEARS AS DETERMINED BY
27 DIVIDING THE AGGREGATE MONTHLY ENROLLMENT DURING THE 4-YEAR PERIOD
28 BY THE NUMBER OF MONTHS SCHOOL IS IN SESSION DURING THE 4-YEAR PERIOD;
29 AND

30 (II) ONE-HALF THE AVERAGE NUMBER OF CHILDREN SERVED
31 ANNUALLY BY THE MARYLAND SCHOOL FOR THE DEAF'S EARLY INTERVENTION
32 PROGRAM DURING 4 CONSECUTIVE SCHOOL YEARS AS DETERMINED BY DIVIDING
33 THE PROGRAM'S AGGREGATE MONTHLY ENROLLMENT DURING THE 4-YEAR
34 PERIOD BY THE NUMBER OF MONTHS SCHOOL IS IN SESSION DURING THE 4-YEAR
35 PERIOD.

36 (3) "GROWTH IN THE PER PUPIL BASIC CURRENT EXPENSE FIGURE"
37 MEANS THE CHANGE IN THE PER PUPIL BASIC CURRENT EXPENSE FIGURE FROM
38 THE PRIOR FISCAL YEAR TO THE CURRENT FISCAL YEAR DIVIDED BY THE PER
39 PUPIL BASIC CURRENT EXPENSE FIGURE FROM THE PRIOR FISCAL YEAR.

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1 (4) "PER PUPIL BASIC CURRENT EXPENSE FIGURE" MEANS THE FIGURE
2 CALCULATED FOR EACH FISCAL YEAR BY THE DEPARTMENT IN ACCORDANCE WITH
3 § 5-202 OF THIS ARTICLE.

4 (5) "WEIGHTED ENROLLMENT GROWTH" MEANS THE PRODUCT OF 0.2
5 TIMES THE CHANGE IN THE 4-YEAR AVERAGE ANNUAL FULL-TIME EQUIVALENT
6 ENROLLMENT FROM THE 3RD THROUGH THE 6TH PRIOR SCHOOL YEARS TO THE
7 2ND THROUGH THE 5TH PRIOR SCHOOL YEARS DIVIDED BY THE 4-YEAR AVERAGE
8 ANNUAL FULL-TIME EQUIVALENT ENROLLMENT FROM THE 3RD THROUGH THE 6TH
9 PRIOR SCHOOL YEARS.

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

13 (1) 75% OF THE PRIOR YEAR APPROPRIATION MULTIPLIED BY THE
14 PRODUCT OF:

15 (I) THE SUM OF THE WEIGHTED ENROLLMENT GROWTH PLUS
16 ONE; AND

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

19 (2) 25% OF THE PRIOR YEAR APPROPRIATION MULTIPLIED BY THE SUM
20 OF THE WEIGHTED ENROLLMENT GROWTH PLUS ONE.

21 8-415.

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

26 **Article - State Finance and Procurement**

27 7-213.

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

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

31 (i) payment of the principal of or interest on the State debt;

32 (ii) public schools, INCLUDING THE MARYLAND SCHOOL FOR THE
33 DEAF; or

34 (iii) the salary of a public officer, during the term of office.

35 (3) Except as provided in § 8-109 of the State Personnel and Pensions
36 Article, the Governor may not reduce an appropriation for the salary of any employee in
37 the classified service or unclassified service.

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

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1 (a) The provisions of this Act relating to the formula for determining annual
2 appropriations for the Maryland School for the Deaf may not be implemented until the
3 fiscal year beginning on July 1, 1998.

4 (b) The provisions of this Act relating to funding for the program of enhanced
5 services for deaf students who have other moderate to severe disabilities created in §
6 8-310.1 of the Education Article shall be implemented for the fiscal year beginning on
7 July 1, 1997.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 1997.