

SENATE BILL 580

Unofficial Copy
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1998 Regular Session
(8lr2488)

ENROLLED BILL
-- Finance/Ways and Means --

Introduced by **Senators Bromwell, Hogan, and Hafer**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **The Maryland School for the Blind - Board of ~~Trustees~~ Directors, Funding,**
3 **and Services**

4 FOR the purpose of providing that ~~the~~ The Maryland School for the Blind shall be
5 governed by a certain Board of ~~Trustees~~ Directors; providing for the membership
6 of the Board of ~~Trustees~~ Directors; providing for the term of a member of the
7 Board of ~~Trustees~~ Directors; providing for the manner in which certain
8 vacancies on the Board of Directors shall be filled; requiring ~~the~~ The Maryland
9 School for the Blind to establish and operate a program of enhanced services for
10 blind students who have other severe disabilities; providing for the placement of
11 students in the enhanced program; requiring the State and certain counties
12 under certain circumstances to share in paying the costs of the program;
13 requiring ~~the School~~ The Maryland School for the Blind and the Department of
14 Education to enter into a written agreement regarding certain monitoring of ~~the~~
15 ~~School~~ The Maryland School for the Blind by the Department and certain
16 assistance from the Department to ~~the School~~ The Maryland School for the
17 Blind; authorizing certain agreements between ~~the School~~ The Maryland School

1 for the Blind and certain other agencies; defining certain terms; establishing a
 2 formula to calculate certain mandatory annual funding obligations for the State;
 3 requiring the Governor to include certain details in the Budget; including ~~the~~
 4 The Maryland School for the Blind among entities for which the Governor may
 5 not reduce appropriations; providing that The Maryland School for the Blind is
 6 a public body for certain purposes; requiring the Department of Education to
 7 submit certain reports to ~~the budget~~ *certain* committees; and generally relating
 8 to ~~the~~ The Maryland School for the Blind.

9 BY adding to
 10 Article - Education
 11 Section 8-314 through ~~8-317~~ 8-318
 12 Annotated Code of Maryland
 13 (1997 Replacement Volume and 1997 Supplement)

14 BY repealing and reenacting, without amendments,
 15 Article - Education
 16 Section 8-415(d)(1)
 17 Annotated Code of Maryland
 18 (1997 Replacement Volume and 1997 Supplement)

19 BY repealing and reenacting, with amendments,
 20 Article - State Finance and Procurement
 21 Section 7-213(b)
 22 Annotated Code of Maryland
 23 (1995 Replacement Volume and 1997 Supplement)

24 BY repealing and reenacting, with amendments,
 25 Article - State Government
 26 Section 10-502(h)
 27 Annotated Code of Maryland
 28 (1995 Replacement Volume and 1997 Supplement)

29 Preamble

30 WHEREAS, The Maryland School for the Blind provides an essential service for
 31 some blind children in the State; and

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

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

1 WHEREAS, There is a need to expand the educational options in Maryland for
2 students who have other severe disabilities; and

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

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

7 **Article - Education**

8 8-314.

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (2) "BOARD" MEANS THE BOARD OF ~~TRUSTEES~~ DIRECTORS OF THE
12 MARYLAND SCHOOL FOR THE BLIND.

13 (3) "SUPERINTENDENT" MEANS THE STATE SUPERINTENDENT OF
14 SCHOOLS.

15 (B) THE MARYLAND SCHOOL FOR THE BLIND, A BODY CORPORATE OF THE
16 STATE THE CHARTER OF WHICH WAS ESTABLISHED ON MAY 19, 1853, SHALL BE
17 GOVERNED BY THE BOARD.

18 (C) (1) THE BOARD CONSISTS OF 25 MEMBERS.

19 (2) ~~(A)~~ OF THE 25 MEMBERS OF THE BOARD:

20 ~~1.~~ (I) 5- SUBJECT TO CONFIRMATION BY THE SENATE OF
21 MARYLAND, FIVE MEMBERS, INCLUDING ONE MEMBER OF THE SENATE OF
22 MARYLAND AND ONE MEMBER OF THE MARYLAND HOUSE OF DELEGATES, SHALL BE
23 APPOINTED JOINTLY BY THE GOVERNOR AND THE SUPERINTENDENT, WITH
24 RECOMMENDATIONS FROM THE CHAIRMAN OF THE BOARD; AND

25 ~~2.~~ (II) 20 MEMBERS SHALL BE APPOINTED BY THE
26 MEMBERS OF THE BOARD APPOINTED UNDER ITEM 1 OF THIS SUBPARAGRAPH,
27 SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH ELECTED ACCORDING TO THE
28 CHARTER AND BYLAWS OF THE MARYLAND SCHOOL FOR THE BLIND.

29 ~~(II) 1.~~ THE 5 MEMBERS APPOINTED JOINTLY BY THE GOVERNOR
30 AND THE SUPERINTENDENT SHALL DEVELOP WRITTEN CRITERIA FOR THE
31 APPOINTMENT OF THE OTHER 20 BOARD MEMBERS AND ENSURE THAT THE WRITTEN
32 CRITERIA IS APPROVED BY THE SUPERINTENDENT.

33 ~~2.~~ THE SELECTION OF THE 20 BOARD MEMBERS BY THE 5
34 MEMBERS SHALL BE GOVERNED BY THE WRITTEN CRITERIA REQUIRED UNDER ITEM
35 1 OF THIS SUBPARAGRAPH BY THE SUPERINTENDENT.

1 (3) (I) THE TERM OF A MEMBER IS 3 YEARS.

2 (II) ~~AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE~~
3 ~~UNTIL A SUCCESSOR IS SELECTED.~~

4 ~~(III)~~ (III) NO MEMBER OF THE BOARD APPOINTED AFTER JUNE 1, 1999,
5 EXCEPT THE CHAIRMAN, MAY BE REAPPOINTED FOR MORE THAN + 2 ADDITIONAL
6 ~~TERM TERMS.~~

7 ~~(IV)~~ (III) A MEMBER WHO IS APPOINTED AFTER A TERM HAS
8 BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
9 APPOINTED.

10 ~~(V)~~ (IV) ANY VACANCY SHALL BE FILLED IN THE SAME MANNER
11 IN WHICH THE VACATING MEMBER WAS APPOINTED.

12 8-315.

13 (A) THE MARYLAND SCHOOL FOR THE BLIND SHALL ESTABLISH AND
14 OPERATE A PROGRAM OF ENHANCED SERVICES FOR BLIND STUDENTS WHO HAVE
15 OTHER SEVERE DISABILITIES.

16 (B) THE MARYLAND SCHOOL FOR THE BLIND SHALL INCLUDE A DESCRIPTION
17 OF THE PROGRAM IN THE WRITTEN AGREEMENT WITH THE DEPARTMENT OF
18 EDUCATION REQUIRED UNDER § 8-316 OF THIS SUBTITLE.

19 (C) THE COSTS OF PROVIDING ENHANCED SERVICES TO A CHILD UNDER THE
20 PROGRAM SHALL BE ~~PAID TO THE SCHOOL AND BE PROVIDED JOINTLY SHARED~~ BY
21 THE STATE AND BY THE COUNTY IN WHICH THE CHILD IS DOMICILED AS PROVIDED
22 IN SUBSECTION (D) OF THIS SECTION.

23 (D) (1) ~~THE CHILD SHALL BE JOINTLY PLACED IN THE ENHANCED~~
24 ~~PROGRAM, IN ACCORDANCE WITH PROCEDURES FOR STUDENTS WITH DISABILITIES,~~
25 ~~BY THE LOCAL SCHOOL SYSTEM AND THE MARYLAND SCHOOL FOR THE BLIND.~~

26 (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS
27 PARAGRAPH, THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND SCHOOL
28 FOR THE BLIND, SHALL DETERMINE ON AN INDIVIDUAL BASIS THOSE STUDENTS
29 WHO ARE ELIGIBLE FOR THE ENHANCED PROGRAM DESCRIBED IN THIS SECTION.

30 (II) STUDENTS SERVED IN THE ENHANCED PROGRAM SHALL BE
31 STUDENTS WHO ARE AT RISK OF REQUIRING NONPUBLIC PLACEMENT IN AN
32 OUT-OF-STATE SPECIAL EDUCATION FACILITY, INCLUDING STUDENTS WHO ARE
33 BLIND/DEAF OR STUDENTS WITH OTHER SEVERE AND MULTIPLE DISABILITIES.

34 (III) FOR FISCAL YEAR 1999, THE NUMBER OF STUDENTS ENROLLED
35 IN THE ENHANCED PROGRAM SHALL NOT EXCEED 20 MARYLAND STUDENTS.

1 (2) (I) THE COUNTY IN WHICH A CHILD PLACED IN THE ENHANCED
2 PROGRAM IS DOMICILED SHALL PAY THE LOCAL SHARE OF THE "BASIC COST", AS
3 DEFINED IN § 8-415(D)(1) OF THIS TITLE, OF THE EDUCATION FOR THAT CHILD.

4 (II) A COUNTY WHICH PAYS THE LOCAL SHARE OF THE "BASIC
5 COST" AS PROVIDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL NOT PAY THE
6 TUITION REQUIRED IN § 8-310 OF THIS TITLE.

7 (3) ~~THE STATE SHALL PAY THE REMAINING COST OF PROVIDING~~
8 ~~SERVICES UNDER THE PROGRAM TO THE CHILD~~

9 (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
10 STATE SHALL PAY THE COST OF SERVING A STUDENT IN THE ENHANCED PROGRAM
11 BASED ON AN INDIVIDUAL COST SHEET COMPLETED BY THE DEPARTMENT FOR
12 EACH STUDENT ENROLLED IN THE PROGRAM.

13 (II) FOR FISCAL YEAR 1999, THE STATE'S SHARE OF THE TOTAL
14 COST OF THE ENHANCED PROGRAM SHALL NOT EXCEED \$750,000.

15 8-316.

16 (A) THE DEPARTMENT OF EDUCATION AND THE MARYLAND SCHOOL FOR THE
17 BLIND SHALL ENTER INTO A WRITTEN AGREEMENT.

18 (B) THE AGREEMENT SHALL PROVIDE FOR MONITORING AND REVIEW BY THE
19 DEPARTMENT OF THE MARYLAND SCHOOL FOR THE BLIND, INCLUDING:

20 (1) REVIEW BY THE DEPARTMENT OF THE ANNUAL BUDGET APPROVED
21 BY THE BOARD OF THE MARYLAND SCHOOL FOR THE BLIND;

22 (2) MONITORING BY THE DEPARTMENT OF THE MARYLAND SCHOOL FOR
23 THE BLIND'S PROGRAM OF ENHANCED SERVICES FOR BLIND STUDENTS WHO HAVE
24 SEVERE DISABILITIES, INCLUDING THE CRITERIA APPROVED BY THE BOARD OF THE
25 MARYLAND SCHOOL FOR THE BLIND FOR THE ADMISSION OF STUDENTS TO THE
26 PROGRAM;

27 (3) CONSULTATION BETWEEN THE DEPARTMENT AND THE MARYLAND
28 SCHOOL FOR THE BLIND ON ISSUES OF BLIND EDUCATION;

29 (4) ASSISTANCE FROM THE DEPARTMENT IN DEVELOPING
30 AGREEMENTS BETWEEN THE MARYLAND SCHOOL FOR THE BLIND AND LOCAL
31 SCHOOL SYSTEMS AND OTHER STATE AND LOCAL AGENCIES FOR PROVISION OF
32 SERVICES TO BLIND CHILDREN; AND

33 (5) MONITORING BY AND ASSISTANCE FROM THE DEPARTMENT
34 REGARDING OTHER ASPECTS OF THE MARYLAND SCHOOL FOR THE BLIND'S
35 EDUCATIONAL PROGRAM AND SERVICES TO BLIND CHILDREN AS REQUIRED BY
36 FEDERAL OR STATE LAW.

1 (C) (1) THE MARYLAND SCHOOL FOR THE BLIND MAY ENTER INTO WRITTEN
2 AGREEMENTS WITH STATE AND LOCAL AGENCIES, INCLUDING LOCAL SCHOOL
3 SYSTEMS, FOR THE PURPOSE OF PROVIDING SERVICES TO BLIND CHILDREN.

4 (2) THIS SUBSECTION IN NO WAY ABROGATES THE OBLIGATION OF THE
5 LOCAL SCHOOL SYSTEMS TO PROVIDE ALTERNATIVE PROGRAMS FOR BLIND
6 STUDENTS.

7 8-317.

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (2) "4-YEAR AVERAGE ANNUAL FULL-TIME EQUIVALENT ENROLLMENT"
11 MEANS:

12 (I) THE AVERAGE NUMBER OF STUDENTS ENROLLED ANNUALLY
13 IN GRADES PREKINDERGARTEN THROUGH GRADE 12 AT THE MARYLAND SCHOOL
14 FOR THE BLIND DURING 4 CONSECUTIVE SCHOOL YEARS AS DETERMINED BY
15 DIVIDING THE AGGREGATE MONTHLY ENROLLMENT DURING THE 4-YEAR PERIOD BY
16 THE NUMBER OF MONTHS SCHOOL IS IN SESSION DURING THE 4-YEAR PERIOD; AND

17 (II) ONE-HALF THE AVERAGE NUMBER OF CHILDREN SERVED
18 ANNUALLY BY THE MARYLAND SCHOOL FOR THE BLIND'S EARLY INTERVENTION
19 PROGRAM DURING 4 CONSECUTIVE SCHOOL YEARS AS DETERMINED BY DIVIDING
20 THE PROGRAM'S AGGREGATE MONTHLY ENROLLMENT DURING THE 4-YEAR PERIOD
21 BY THE NUMBER OF MONTHS SCHOOL IS IN SESSION DURING THE 4-YEAR PERIOD.

22 (3) "GROWTH IN THE PER PUPIL BASIC CURRENT EXPENSE FIGURE"
23 MEANS THE CHANGE IN THE PER PUPIL BASIC CURRENT EXPENSE FIGURE FROM
24 THE PRIOR FISCAL YEAR TO THE CURRENT FISCAL YEAR DIVIDED BY THE PER PUPIL
25 BASIC CURRENT EXPENSE FIGURE FROM THE PRIOR FISCAL YEAR.

26 (4) "PER PUPIL BASIC CURRENT EXPENSE FIGURE" MEANS THE FIGURE
27 CALCULATED FOR EACH FISCAL YEAR BY THE DEPARTMENT IN ACCORDANCE WITH §
28 5-202 OF THIS ARTICLE.

29 (5) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, "PRIOR
30 YEAR APPROPRIATION" MEANS THE STATE APPROPRIATION TO THE MARYLAND
31 SCHOOL FOR THE BLIND IN THE PRIOR FISCAL YEAR LESS ANY FUNDING PROVIDED
32 UNDER § 8-315 OF THIS SUBTITLE IN THE PRIOR FISCAL YEAR.

33 (5) (6) "WEIGHTED ENROLLMENT GROWTH" MEANS THE PRODUCT OF
34 0.2 TIMES THE CHANGE IN THE 4-YEAR AVERAGE ANNUAL FULL-TIME EQUIVALENT
35 ENROLLMENT FROM THE 3RD THROUGH THE 6TH PRIOR SCHOOL YEARS TO THE 2ND
36 THROUGH THE 5TH PRIOR SCHOOL YEARS DIVIDED BY THE 4-YEAR AVERAGE
37 ANNUAL FULL-TIME EQUIVALENT ENROLLMENT FROM THE 3RD THROUGH THE 6TH
38 PRIOR SCHOOL YEARS.

1 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE
2 MARYLAND SCHOOL FOR THE BLIND SHALL RECEIVE AN APPROPRIATION EQUAL TO
3 OR GREATER THAN THE SUM OF:

4 (1) 75% OF THE PRIOR YEAR APPROPRIATION MULTIPLIED BY THE
5 PRODUCT OF:

6 (I) THE SUM OF THE WEIGHTED ENROLLMENT GROWTH PLUS
7 ONE; AND

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

10 (2) 25% OF THE PRIOR YEAR APPROPRIATION MULTIPLIED BY THE SUM
11 OF THE WEIGHTED ENROLLMENT GROWTH PLUS ONE.

12 (C) ~~PRIOR BASE YEAR SHALL BE THE APPROPRIATION FOR FISCAL YEAR 1999~~
13 ~~PLUS \$1,300,000 THE "PRIOR YEAR APPROPRIATION" USED TO CALCULATE THE FISCAL~~
14 ~~YEAR 2000 APPROPRIATION TO THE MARYLAND SCHOOL FOR THE BLIND SHALL BE~~
15 ~~\$11,585,436.~~

16 8-318.

17 ~~(A)~~ FOR INFORMATION PURPOSES, THE BUDGET SUBMITTED BY THE
18 GOVERNOR TO THE GENERAL ASSEMBLY SHALL INCLUDE A DETAILED ACCOUNT OF
19 THE OPERATING AND ADMINISTRATIVE BUDGET FOR THE MARYLAND SCHOOL FOR
20 THE BLIND, WHICH SHALL INCLUDE A COMPLETE LIST OF REVENUE SOURCES AND
21 EXPENDITURES FOR:

22 (1) SALARIES, WAGES, AND FRINGE BENEFITS;

23 (2) TECHNICAL AND SPECIAL FEES;

24 (3) COMMUNICATIONS;

25 (4) TRAVEL;

26 (5) CONTRACTUAL SERVICES;

27 (6) SUPPLIES AND MATERIALS;

28 (7) EQUIPMENT;

29 (8) FIXED CHARGES; AND

30 (9) OTHER EXPENSES.

31 8-415.

32 (d) (1) In this subsection, "basic cost" as to each county, means the average
33 amount spent by the county from county, State, and federal sources for the public

1 education of a nonhandicapped child. "Basic cost" does not include amounts
 2 specifically allocated and spent for identifiable compensatory programs for
 3 disadvantaged children.

4 **Article - State Finance and Procurement**

5 7-213.

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

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

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

10 (ii) public schools, including the Maryland School for the Deaf

11 ~~AND;~~

12 ~~(iii)~~ (III) THE MARYLAND SCHOOL FOR THE BLIND; or

13 ~~(iii)~~ (IV) the salary of a public officer, during the term of office.

14 (3) Except as provided in § 8-109 of the State Personnel and Pensions
 15 Article, the Governor may not reduce an appropriation for the salary of any
 16 nontemporary employee in the State Personnel Management System.

17 **Article - State Government**

18 10-502.

19 (h) (1) "Public body" means an entity that:

20 (i) consists of at least 2 individuals; and

21 (ii) is created by:

22 1. the Maryland Constitution;

23 2. a State statute;

24 3. a county charter;

25 4. an ordinance;

26 5. a rule, resolution, or bylaw;

27 6. an executive order of the Governor; or

28 7. an executive order of the chief executive authority of a
 29 political subdivision of the State.

1 (2) "Public body" includes:

2 (I) any multimember board, commission, or committee appointed
3 by the Governor or the chief executive authority of a political subdivision of the State,
4 if the entity includes in its membership at least 2 individuals not employed by the
5 State or a political subdivision of the State; AND

6 (II) THE MARYLAND SCHOOL FOR THE BLIND.

7 (3) "Public body" does not include:

8 (i) any single member entity;

9 (ii) any judicial nominating commission;

10 (iii) any grand jury;

11 (iv) any petit jury;

12 (v) the Appalachian States Low Level Radioactive Waste
13 Commission established in § 7-302 of the Environment Article;

14 (vi) except when a court is exercising rulemaking power, any court
15 established in accordance with Article IV of the Maryland Constitution;

16 (vii) the Governor's cabinet, the Governor's Executive Council as
17 provided in Title 8, Subtitle 1 of the State Government Article, or any committee of
18 the Executive Council;

19 (viii) a local government's counterpart to the Governor's cabinet,
20 Executive Council, or any committee of the counterpart of the Executive Council;

21 (ix) the governing body of a hospital as defined in § 19-301(f) of the
22 Health - General Article; and

23 (x) a self-insurance pool that is established in accordance with
24 Title 19, Subtitle 6 of the Insurance Article or § 9-404 of the Labor and Employment
25 Article by:

26 1. a public entity, as defined in § 19-602 of the Insurance
27 Article; or

28 2. a county or municipal corporation, as defined in § 9-404 of
29 the Labor and Employment Article.

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

31 (a) The provisions of this Act relating to the formula for determining annual
32 appropriations for ~~the~~ The Maryland School for the Blind may not be implemented
33 until the fiscal year beginning on July 1, 1999.

1 (b) The provisions of this Act created in § 8-315 of the Education Article
2 relating to funding for the program of enhanced services for blind students who have
3 severe disabilities shall be implemented for the fiscal year beginning on July 1, 1998.

4 SECTION 3. AND BE IT FURTHER ENACTED, That:

5 (a) ~~Any person who is a member of the Board of Trustees when this Act~~
6 ~~becomes effective shall continue to serve on the Board of Trustees until the end of the~~
7 ~~person's term.~~

8 (b) ~~Each~~ Subject to subsection (b) of this section, each vacancy occurring after
9 the effective date of this Act shall be filled by a member appointed by the Governor
10 and the Superintendent until the total number of members appointed by the
11 Governor and Superintendent is five.

12 (b) The Governor and the Superintendent shall appoint any member of the
13 Senate of Maryland or any member of the Maryland House of Delegates who serves
14 on the Board of Directors on the effective date of this Act to fill any vacancy on the
15 Board occurring after the effective date of this Act.

16 SECTION 4. AND BE IT FURTHER ENACTED, That the State Department of
17 Education shall report to the budget committees, the House Ways and Means
18 Committee, and the Senate Finance Committee on or before September 1 of each year
19 on the number of students enrolled in the enhanced program described in § 8-315 of
20 the Education Article and the annual costs of the program. In addition, the
21 Department shall report on any anticipated enrollment growth and future costs
22 related to the enhanced program.

23 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take
24 effect July 1, 1998.