

SENATE BILL 580  
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1998 Regular Session  
8lr2488  
CF 8lr2580

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By: **Senators Bromwell, Hogan, and Hafer**  
Introduced and read first time: February 6, 1998  
Assigned to: Finance

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Committee Report: Favorable with amendments  
Senate action: Adopted  
March 10, 1998  
Returned to second reading: March 20, 1998  
Senate action: Adopted with floor amendments  
Read second time: Read second time: March 20, 1998

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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  
18 for the Blind and certain other agencies; defining certain terms; establishing a  
19 formula to calculate certain mandatory annual funding obligations for the State;  
20 requiring the Governor to include certain details in the Budget; including ~~the~~  
21 The Maryland School for the Blind among entities for which the Governor may  
22 not reduce appropriations; providing that The Maryland School for the Blind is  
23 a public body for certain purposes; requiring the Department of Education to  
24 submit certain reports to the budget committees; and generally relating to ~~the~~  
25 The Maryland School for the Blind.

1 BY adding to  
2 Article - Education  
3 Section 8-314 through ~~8-317~~ 8-318  
4 Annotated Code of Maryland  
5 (1997 Replacement Volume and 1997 Supplement)

6 BY repealing and reenacting, without amendments,  
7 Article - Education  
8 Section 8-415(d)(1)  
9 Annotated Code of Maryland  
10 (1997 Replacement Volume and 1997 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article - State Finance and Procurement  
13 Section 7-213(b)  
14 Annotated Code of Maryland  
15 (1995 Replacement Volume and 1997 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - State Government  
18 Section 10-502(h)  
19 Annotated Code of Maryland  
20 (1995 Replacement Volume and 1997 Supplement)

21 Preamble

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

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

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

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

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

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

1 **Article - Education**

2 8-314.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.

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

7 (3) "SUPERINTENDENT" MEANS THE STATE SUPERINTENDENT OF  
8 SCHOOLS.

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

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

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

14 ~~1.~~ (I) 5- SUBJECT TO CONFIRMATION BY THE SENATE OF  
15 MARYLAND, FIVE MEMBERS, INCLUDING ONE MEMBER OF THE SENATE OF  
16 MARYLAND AND ONE MEMBER OF THE MARYLAND HOUSE OF DELEGATES, SHALL BE  
17 APPOINTED JOINTLY BY THE GOVERNOR AND THE SUPERINTENDENT, WITH  
18 RECOMMENDATIONS FROM THE CHAIRMAN OF THE BOARD; AND

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

23 ~~(H) 1.~~ THE 5 MEMBERS APPOINTED JOINTLY BY THE GOVERNOR  
24 AND THE SUPERINTENDENT SHALL DEVELOP WRITTEN CRITERIA FOR THE  
25 APPOINTMENT OF THE OTHER 20 BOARD MEMBERS AND ENSURE THAT THE WRITTEN  
26 CRITERIA IS APPROVED BY THE SUPERINTENDENT.

27 ~~2.~~ THE SELECTION OF THE 20 BOARD MEMBERS BY THE 5  
28 MEMBERS SHALL BE GOVERNED BY THE WRITTEN CRITERIA REQUIRED UNDER ITEM  
29 1 OF THIS SUBPARAGRAPH BY THE SUPERINTENDENT.

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

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

33 ~~(H)~~ NO MEMBER OF THE BOARD APPOINTED AFTER JUNE 1, 1999,  
34 EXCEPT THE CHAIRMAN, MAY BE REAPPOINTED FOR MORE THAN 4 2 ADDITIONAL  
35 TERM TERMS.

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

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

6 8-315.

7       (A)     THE MARYLAND SCHOOL FOR THE BLIND SHALL ESTABLISH AND  
8 OPERATE A PROGRAM OF ENHANCED SERVICES FOR BLIND STUDENTS WHO HAVE  
9 OTHER SEVERE DISABILITIES.

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

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

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

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

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

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

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

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

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

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

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

7 8-316.

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

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

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

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

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

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

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

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

32               (2)     THIS SUBSECTION IN NO WAY ABROGATES THE OBLIGATION OF THE  
33 LOCAL SCHOOL SYSTEMS TO PROVIDE ALTERNATIVE PROGRAMS FOR BLIND  
34 STUDENTS.

35 8-317.

36       (A)     (1)     IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
37 INDICATED.

1 (2) "4-YEAR AVERAGE ANNUAL FULL-TIME EQUIVALENT ENROLLMENT"  
2 MEANS:

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

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

13 (3) "GROWTH IN THE PER PUPIL BASIC CURRENT EXPENSE FIGURE"  
14 MEANS THE CHANGE IN THE PER PUPIL BASIC CURRENT EXPENSE FIGURE FROM  
15 THE PRIOR FISCAL YEAR TO THE CURRENT FISCAL YEAR DIVIDED BY THE PER PUPIL  
16 BASIC CURRENT EXPENSE FIGURE FROM THE PRIOR FISCAL YEAR.

17 (4) "PER PUPIL BASIC CURRENT EXPENSE FIGURE" MEANS THE FIGURE  
18 CALCULATED FOR EACH FISCAL YEAR BY THE DEPARTMENT IN ACCORDANCE WITH §  
19 5-202 OF THIS ARTICLE.

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

24 ~~(5)~~ (6) "WEIGHTED ENROLLMENT GROWTH" MEANS THE PRODUCT OF  
25 0.2 TIMES THE CHANGE IN THE 4-YEAR AVERAGE ANNUAL FULL-TIME EQUIVALENT  
26 ENROLLMENT FROM THE 3RD THROUGH THE 6TH PRIOR SCHOOL YEARS TO THE 2ND  
27 THROUGH THE 5TH PRIOR SCHOOL YEARS DIVIDED BY THE 4-YEAR AVERAGE  
28 ANNUAL FULL-TIME EQUIVALENT ENROLLMENT FROM THE 3RD THROUGH THE 6TH  
29 PRIOR SCHOOL YEARS.

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

33 (1) 75% OF THE PRIOR YEAR APPROPRIATION MULTIPLIED BY THE  
34 PRODUCT OF:

35 (I) THE SUM OF THE WEIGHTED ENROLLMENT GROWTH PLUS  
36 ONE; AND

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

1 (2) 25% OF THE PRIOR YEAR APPROPRIATION MULTIPLIED BY THE SUM  
2 OF THE WEIGHTED ENROLLMENT GROWTH PLUS ONE.

3 (C) ~~PRIOR BASE YEAR SHALL BE THE APPROPRIATION FOR FISCAL YEAR 1999~~  
4 ~~PLUS \$1,300,000 THE "PRIOR YEAR APPROPRIATION" USED TO CALCULATE THE FISCAL~~  
5 ~~YEAR 2000 APPROPRIATION TO THE MARYLAND SCHOOL FOR THE BLIND SHALL BE~~  
6 ~~\$11,585,436.~~

7 8-318.

8 (A) FOR INFORMATION PURPOSES, THE BUDGET SUBMITTED BY THE  
9 GOVERNOR TO THE GENERAL ASSEMBLY SHALL INCLUDE A DETAILED ACCOUNT OF  
10 THE OPERATING AND ADMINISTRATIVE BUDGET FOR THE MARYLAND SCHOOL FOR  
11 THE BLIND, WHICH SHALL INCLUDE A COMPLETE LIST OF REVENUE SOURCES AND  
12 EXPENDITURES FOR:

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

14 (2) TECHNICAL AND SPECIAL FEES;

15 (3) COMMUNICATIONS;

16 (4) TRAVEL;

17 (5) CONTRACTUAL SERVICES;

18 (6) SUPPLIES AND MATERIALS;

19 (7) EQUIPMENT;

20 (8) FIXED CHARGES; AND

21 (9) OTHER EXPENSES.

22 8-415.

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

28 **Article - State Finance and Procurement**

29 7-213.

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

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

- 1 (i) payment of the principal of or interest on the State debt;
- 2 (ii) public schools, including the Maryland School for the Deaf
- 3 ~~AND;~~
- 4 (III) THE MARYLAND SCHOOL FOR THE BLIND; or
- 5 ~~(iii)~~ (IV) the salary of a public officer, during the term of office.
- 6 (3) Except as provided in § 8-109 of the State Personnel and Pensions
- 7 Article, the Governor may not reduce an appropriation for the salary of any
- 8 nontemporary employee in the State Personnel Management System.

9 **Article - State Government**

10 10-502.

- 11 (h) (1) "Public body" means an entity that:
- 12 (i) consists of at least 2 individuals; and
- 13 (ii) is created by:
- 14 1. the Maryland Constitution;
- 15 2. a State statute;
- 16 3. a county charter;
- 17 4. an ordinance;
- 18 5. a rule, resolution, or bylaw;
- 19 6. an executive order of the Governor; or
- 20 7. an executive order of the chief executive authority of a
- 21 political subdivision of the State.
- 22 (2) "Public body" includes:
- 23 (I) any multimember board, commission, or committee appointed
- 24 by the Governor or the chief executive authority of a political subdivision of the State,
- 25 if the entity includes in its membership at least 2 individuals not employed by the
- 26 State or a political subdivision of the State; AND
- 27 (II) THE MARYLAND SCHOOL FOR THE BLIND.
- 28 (3) "Public body" does not include:
- 29 (i) any single member entity;



- 1                   (ii)     any judicial nominating commission;
- 2                   (iii)    any grand jury;
- 3                   (iv)     any petit jury;
- 4                   (v)     the Appalachian States Low Level Radioactive Waste  
5 Commission established in § 7-302 of the Environment Article;
- 6                   (vi)     except when a court is exercising rulemaking power, any court  
7 established in accordance with Article IV of the Maryland Constitution;
- 8                   (vii)    the Governor's cabinet, the Governor's Executive Council as  
9 provided in Title 8, Subtitle 1 of the State Government Article, or any committee of  
10 the Executive Council;
- 11                  (viii)   a local government's counterpart to the Governor's cabinet,  
12 Executive Council, or any committee of the counterpart of the Executive Council;
- 13                  (ix)     the governing body of a hospital as defined in § 19-301(f) of the  
14 Health - General Article; and
- 15                  (x)     a self-insurance pool that is established in accordance with  
16 Title 19, Subtitle 6 of the Insurance Article or § 9-404 of the Labor and Employment  
17 Article by:
- 18                                 1.     a public entity, as defined in § 19-602 of the Insurance  
19 Article; or
- 20                                 2.     a county or municipal corporation, as defined in § 9-404 of  
21 the Labor and Employment Article.

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

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

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

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

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

33     ~~(b)~~    Each Subject to subsection (b) of this section, each vacancy occurring after  
34 the effective date of this Act shall be filled by a member appointed by the Governor

1 and the Superintendent until the total number of members appointed by the  
2 Governor and Superintendent is five.

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

7 SECTION 4. AND BE IT FURTHER ENACTED, That the State Department of  
8 Education shall report to the budget committees on or before September 1 of each  
9 year on the number of students enrolled in the enhanced program described in §  
10 8-315 of the Education Article and the annual costs of the program. In addition, the  
11 Department shall report on any anticipated enrollment growth and future costs  
12 related to the enhanced program.

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