

SENATE BILL 621

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2002 Regular Session
2lr2033

By: **Senator Hoffman**

Introduced and read first time: February 1, 2002

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Education - State Board of Education - Rezoning of County School Districts**

3 FOR the purpose of requiring the State Board of Education to require each county
4 board of education to review the student capacity of certain schools in certain
5 school districts to determine if there is an imbalance of students among certain
6 school districts within a certain time frame; requiring the State Board to require
7 the county board to rezone county school districts if certain information is found
8 by a certain date; requiring the State Board to adopt regulations to define a
9 certain term and to implement certain provisions; and generally relating to the
10 State Board of Education requiring the rezoning of county school districts.

11 BY repealing and reenacting, with amendments,
12 Article - Education
13 Section 2-205
14 Annotated Code of Maryland
15 (2001 Replacement Volume)

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

18 **Article - Education**

19 2-205.

20 (a) In addition to the other powers granted and duties imposed under this
21 article, the State Board has the powers and duties set forth in this section.

22 (b) The State Board shall:

23 (1) Determine the elementary and secondary educational policies of this
24 State; and

25 (2) Cause to be carried out those provisions of this article that are within
26 its jurisdiction.

1 (c) (1) The State Board shall adopt bylaws, rules, and regulations for the
2 administration of the public schools.

3 (2) These bylaws, rules, and regulations have the force of law when
4 adopted and published.

5 (3) The bylaws, rules, and regulations apply to each county. However,
6 they do not apply to Baltimore City to the extent that they relate to matters that are
7 the subject of other provisions of this article that do not apply to Baltimore City.

8 (d) The State Board may institute legal proceedings to enforce:

9 (1) The provisions of this article that are within its jurisdiction; and

10 (2) The bylaws, rules, and regulations adopted by the Board.

11 (e) (1) Without charge and with the advice of the Attorney General, the
12 State Board shall explain the true intent and meaning of the provisions of:

13 (i) This article that are within its jurisdiction; and

14 (ii) The bylaws, rules, and regulations adopted by the Board.

15 (2) The Board shall decide all controversies and disputes under these
16 provisions.

17 (3) The decision of the Board is final.

18 (f) As Secretary to the State Board, the State Superintendent may administer
19 oaths to witnesses in any matter before the Board.

20 (g) (1) This subsection does not apply to Baltimore City to the extent that it
21 relates to matters that are the subject of other provisions of this article that do not
22 apply to Baltimore City.

23 (2) Through the State Superintendent, the State Board shall exercise
24 general control and supervision over the public schools and educational interests of
25 this State.

26 (3) Through the State Superintendent, the Board shall consult with and
27 advise county boards, county superintendents and their staffs, principals, teachers,
28 and interested citizens.

29 (4) The Board shall seek in every way to direct and develop public
30 sentiment in support of public education.

31 (h) (1) With the advice of the State Superintendent, the State Board shall
32 establish basic policy and guidelines for the program of instruction for the public
33 schools.

1 (2) The policy and guidelines shall be printed in sufficient quantities to
2 provide copies to:

3 (i) Public school officials and teachers;

4 (ii) Private schools; and

5 (iii) Interested citizens of this State.

6 (3) The State Board of Education shall require the establishment of
7 criteria in each county for the selection of applicants for enrollment in public
8 secondary school career and technology education programs. Enrollment criteria
9 developed for this purpose shall ensure equal access to programs.

10 (i) (1) With the advice of the State Superintendent, the State Board shall
11 investigate:

12 (i) The educational needs of this State; and

13 (ii) Methods to improve educational conditions.

14 (2) If necessary, the Board may employ additional expert assistance for
15 these investigations.

16 (j) (1) The State Board shall send the Governor an annual State public
17 school budget including, subject to the State Constitution and existing laws, the
18 appropriation for:

19 (i) The Department; and

20 (ii) State aid to the counties for current expenses, for student
21 transportation and for the construction of school buildings.

22 (2) The budget shall be certified by the State Superintendent before it is
23 sent to the Governor.

24 (k) The State Board shall:

25 (1) Consider the educational needs of this State; and

26 (2) With the advice of the State Superintendent, recommend to the
27 Governor and the General Assembly any legislation that it considers necessary.

28 (l) (1) On the recommendation of the State Superintendent, the State Board
29 shall establish standards and guides for planning and constructing school building
30 projects.

31 (2) These standards and guides shall be used as the basis for reviewing
32 plans and specifications submitted to the State Superintendent for approval.

1 (3) The State Board shall maintain a school construction planning
2 service to:

3 (i) Assist in the development and review of preliminary and final
4 plans and specifications for any public school building project and the educational
5 program that it is designed to house; and

6 (ii) Advise county boards as to the suitability of these construction
7 plans on the basis of educational effectiveness, construction, and reasonable economy
8 of costs.

9 (4) The State Board shall collect, publish, and distribute to the county
10 boards information on school construction procedures, methods, and materials.

11 (m) (1) In this subsection, "professional employee" means an employee:

12 (i) For whom a certificate has been issued by the State
13 Superintendent; and

14 (ii) For whom a salary scale has been established by law for the
15 position or who meets or exceeds the qualifications required for an established salary
16 scale.

17 (2) From time to time, the State Board shall adopt bylaws, rules, and
18 regulations that establish a minimum ratio of professional employees to students
19 enrolled in the public schools or any combination of grades in these schools.

20 (3) The ratio established by the State Board for the total number of
21 professional employees for each county, calculated to the nearest whole position on a
22 pro rata basis, may not be more than:

23 (i) 46 for each 1,000 of the first 5,000 students enrolled as of
24 September 30 of each year; and

25 (ii) 45 for each additional 1,000 students.

26 (4) A county may employ more professional employees than the number
27 permitted in this subsection as it considers necessary.

28 (5) At least 95 percent of the permitted number of professional
29 employees shall be assigned to public schools.

30 (n) (1) EVERY 4 YEARS, THE STATE BOARD SHALL REQUIRE EACH COUNTY
31 BOARD TO REVIEW THE STUDENT CAPACITY OF EACH SCHOOL IN EACH SCHOOL
32 DISTRICT IN THE COUNTY TO DETERMINE IF THERE IS AN IMBALANCE IN THE
33 NUMBER OF STUDENTS AMONG THE SCHOOL DISTRICTS.

34 (2) IF THE COUNTY BOARD FINDS THAT AN IMBALANCE IN THE NUMBER
35 OF STUDENTS EXISTS AMONG THE COUNTY SCHOOL DISTRICTS, THE STATE BOARD
36 SHALL REQUIRE THE COUNTY BOARD, WITH THE ADVICE OF THE COUNTY

1 SUPERINTENDENT, TO REZONE THE COUNTY SCHOOL DISTRICTS BY THE BEGINNING
2 OF THE NEXT SCHOOL YEAR.

3 (3) THE STATE BOARD SHALL ADOPT REGULATIONS TO SPECIFY WHAT
4 AN IMBALANCE IN THE NUMBER OF STUDENTS AMONG SCHOOL DISTRICTS MEANS
5 AND TO IMPLEMENT THESE PROVISIONS.

6 (O) With the advice of the State Superintendent, the State Board shall require
7 each private educational association, corporation, and institution to report annually,
8 on or before August 31, its enrollment and courses of study on the forms that the
9 Board provides.

10 [(o)] (P) (1) With the advice of the State Superintendent, the State Board
11 shall specify the information each county board, school official, and teacher is to
12 record and shall require the following information to be recorded:

13 (i) All financial accounts, including the annual budget; and

14 (ii) All educational records.

15 (2) The reports containing this information shall be made on the form
16 that the State Board, with the advice of the State Superintendent, requires.

17 (3) If the State Superintendent agrees, the required information may be
18 sent in automatic data processing, machine-usable form.

19 [(p)] (Q) (1) The State Board shall submit an annual report to the Governor
20 on:

21 (i) All operations of the Department;

22 (ii) The support, conditions, progress, and needs of elementary and
23 secondary education in this State; and

24 (iii) The overall plan for elementary and secondary education in this
25 State.

26 (2) This annual report shall be printed in sufficient quantities for
27 general distribution in this State.

28 [(q)] (R) (1) The State Board shall coordinate the overall growth and
29 development of elementary and secondary education in this State.

30 (2) In consultation with the State Superintendent, the State Board shall
31 develop and periodically update an overall plan consistent with the bylaws that shall
32 identify:

33 (i) The present and future needs of elementary and secondary
34 education throughout the State, including a discussion of the demographic
35 composition of the elementary and secondary population;

- 1 (ii) The present and future capabilities of the public elementary
2 and secondary education system in this State;
- 3 (iii) The short-range and long-range objectives and priorities for
4 elementary and secondary education and methods and timelines for achieving and
5 maintaining them;
- 6 (iv) Whether current programs adequately prepare graduates for
7 employment opportunities in this State, or postsecondary education opportunities;
- 8 (v) The status and needs of the career and technology education
9 program, the vocational rehabilitation program, and the library system of these
10 programs;
- 11 (vi) The technological advancements that would enhance
12 elementary and secondary education throughout the State;
- 13 (vii) Methods to upgrade and improve teacher education and teacher
14 certification programs;
- 15 (viii) The school systems that have dropped below the statewide test
16 averages and shall assess the options available to improve the test averages of these
17 school systems;
- 18 (ix) The methods to improve the diagnosis of basic reading skill
19 deficiencies of elementary and secondary school students and to improve the literacy
20 rates of these students;
- 21 (x) The methods to increase the rate of retention and graduation of
22 secondary school students;
- 23 (xi) The short-range and long-range objectives for the resolution of
24 the problem of substance abuse by elementary and secondary school students; and
- 25 (xii) The short-range and long-range objectives for the resolution of
26 the problems of youth and teenage pregnancy.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2002.